

Date: 3/26/2009

Clearfield County Court of Common Pleas

User: LMILLER

Time: 09:43 AM

ROA Report

Page 1 of 2

Case: 2007-00126-CD

Current Judge: Fredric Joseph Ammerman

Mary Jo Royvs. Harvey F. Murray, et al

Civil Other-COUNT

Date		Judge
1/25/2007	New Case Filed.	No Judge
	✓ Filing: Praeipe to issue Writ of Summons Paid by: Friday Porta Cox & Ward, LLP Receipt number: 1917376 Dated: 1/25/2007 Amount: \$85.00 (Check) No Cert. Copies. Issued writ to Atty.	No Judge
2/26/2007	✓ Sheriff Return, February 8, 2007 at 3:15 pm Served the within Summons on Murrays Ford Inc. February 8, 2007 at 3:15 pm Served the within Summons on Northern Moto Inc. February 8, 2007 at 3:15 pm Served the within Summons on Northern Moto Inc. t/d/b/a Murrays Honda. February 8, 2007 at 3:15 pm Served the within Summons on Northern Moto Inc. t/d/b/a Murrays Honda. February 8, 2007 at 3:15 pm Served the within Summons on Murray Ford Inc. t/d/b/a Murray's Honda Nissan. February 8, 2007 at 3:15 pm Served the within Summons on Murrays Ford Lincoln Mercury Inc. February 8, 2007 at 3:15 pm Served the within Summons on Murray's Ford Lincoln Mercury. February 8, 2007 at 3:15 pm Served the within Summons on Murray's Famil of Dealerships. February 8, 2007 at 3:15 pm Served the within Summons on Murray's at the Mall. February 8, 2007 at 3:15 pm Served the within Summons on Harvey F. Murray. February 8, 2007 at 3:15 pm Served the within Summons on Genevieve Murray. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Friday \$190.43	No Judge
4/30/2007	✓ Complaint, filed by s/ Peter D. Friday, Esquire. No CC	No Judge
5/10/2007	✓ Praeipe For Entry of Appearance, enter appearance of John T. Pion, Esquire, and Ashley A. Totedo, Esquire, on behalf of Defendant Murrays Ford, Inc. Filed by s/ John T. Pion, Esquire. No CC	No Judge
6/18/2007	✓ Defendants' Preliminary Objections to Plaintiff's Complaint, Supporting Brief And Proposed Order of Court, filed by s/ Ashley A. Totedo, Esquire. No CC	No Judge
	✓ Petition For Hearing Pursuant to Clearfield County Local Rule 211, filed by s Ashley A. Totedo, Esquire. No CC	No Judge
6/28/2007	✓ Stipulation for Dismissal, filed. It is herby stipulated by and between the parties that: Murrays Ford Lincoln Murray and Murrays Family of Dealership are dismissed from the above-captioned action with prejudice, filed by s/ Peter D. Friday Esq. and s/ Ashley A. Totedo Esq. 1CC Atty Totedo.	No Judge
7/10/2007	✓ Order, this 9th day of July, 2007, upon receipt of the Praeipe for Hearing filed on behalf of the Defendants, it is Ordered that argument on the Defendants' Preliminary Objections is scheduled for the 10th day of August, 2007 at 2:00 p.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Pion	Fredric Joseph Ammerman
8/7/2007	✓ Praeipe for Withdrawal of Preliminary Objections, filed by s/Ashley A. Totedo, Esq. No CC	Fredric Joseph Ammerman
11/19/2007	✓ Motion to Dismiss and Amend Caption, filed by s/ Ashley A. Totedo, Esquire. 1CC Atty.	Fredric Joseph Ammerman
	✓ Certification Pursuant to Clfd. Co. R.C.P. 208.2(e), filed by s/ Ashley A. Totedo, Esquire. 1CC Atty	Fredric Joseph Ammerman

ARBITRATION CASES – JANUARY 15, 2004

9:00

S. REED JOHNSON

vs.

DAVID J. COLLETT

No. 01-1920-CD

Frederick M. Neiswender, Esquire

George A. Baillie, Esquire

Arbitrators:

Michael P. Yeager, Esquire, Chairman

Richard H. Milgrub, Esquire

Warren B. Mikesell, II, Esquire

1:00

CITIBANK (SOUTH DAKOTA) N.A.

vs.

LEO D. BUSH

No. 01-1785-CD

Valerie Rosenbluth Park, Esquire

Chris A. Pentz, Esquire

Arbitrators:

Michael P. Yeager, Esquire, Chairman

Richard H. Milgrub, Esquire

Mark A. Falvo, Esquire

Civil Other-COUNT

Date		Judge
11/20/2007	✓ Order, this 20th day of Nov., 2007, it is Ordered that Defendants' Motion to Dismiss is granted and Defendants, Northern Motors, Inc., Northern Motors, Inc. t/d/b/a Murrays Honda, Murray Ford, Inc. t/d/b/a Murray's Honda Nissan Murrays Ford Lincoln Mercury, Murrays Family of Dealerships and Murrays at the Mall are dismissed from this action with prejudice. It is ordered that the caption be amended to reflect the dismissal of these parties. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Totedo	Fredric Joseph Ammerman
12/10/2007	✓ Motion to Compel Discovery Resposnes, filed by Atty. Totedo 1 Cert. to Atty. Certification in Accordance with Clfd. Co. R.C.P. 208.2(E), filed by Atty. Totedo 1 Cert. to Atty.	Fredric Joseph Ammerman
12/11/2007	✓ Order, this 11th day of Dec., 2007, upon consideration of Motion, it is Ordered that Plaintiff shall provide full and complete responses within the next 20 days to Defendants' Interrogatories and Request for Production of Documents. By The Court /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Totedo	Fredric Joseph Ammerman
1/23/2008	✓ Motion for Sanctions, filed by s/Ashley A. Totedo, Esq. No CC	Fredric Joseph Ammerman
1/28/2008	✓ Order, this 24th day of Jan., 2008, it is Ordered that argument on the Motion for Sanctions filed on behalf of the Defendants shall be held on the 5th day of March, 2008 at 10:00 a.m. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Totedo	Fredric Joseph Ammerman
2/6/2008	✓ Certificate of Service, filed. That on February 4, 2008 a true and correct copy of Plaintiff's Answers to Interrogatories and Responses to Request for Production of Documents was served by first class mail to Ashley A. Totedo Esq., filed by s/ Friday Porta Cox and Ward LLC.	Fredric Joseph Ammerman
3/5/2008	✓ Praeipe to Withdraw Motion for Sanctions, filed by s/Ashley A. Totedo, Esq. No CC	Fredric Joseph Ammerman
7/7/2008	✓ Praeipe For Substitution of Appearance, substitute appearance of Michele L. Zerr, Esquire for Peter D. Friday, Esquire. filed by s/ Michele L. Zerr, Esquire. No CC	Fredric Joseph Ammerman
11/20/2008	✓ Praeipe For Substitution of Appearance, filed. by Atty. Porta-Clark no cert. copies. Substitute appearance Porta-Clark for Michele L. Zerr.	Fredric Joseph Ammerman
2/12/2009	✓ Motion For Summary Judgment, filed by s/ Ashley T. Swanson, Esquire. No CC	Fredric Joseph Ammerman
	✓ Certification: Counsel for the moving party certifies that concurrence in the motion has been sought from opposing counsel and that concurrence has been denied. filed by s/ Ashley T. Swanson, Esquire. No CC	Fredric Joseph Ammerman
2/17/2009	✓ Order, this 13th day of Feb., 2009, upon consideration of the foregoing motion, it is Ordered that: a rule is issued upon the respondent. Argument shall be held on March 30, 2009, in Courtroom 1 at 10:00 a.m. Notice of the entry of this Order shall be provided to all parties by the moving party. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Pion	Fredric Joseph Ammerman



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

November 3, 2003

Valerie Rosenbluth Park, Esquire
Attorney at Law
25 East State Street
Doylestown, PA 18901

Chris A. Pentz, Esquire
Attorney at Law
Post Office Box 552
Clearfield, PA 16830

RE: CITIBANK (SOUTH DAKOTA) N.A.

vs.

LEO D. BUSH
No. 01-1785-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Thursday, January 15, 2004.** The following have been appointed to the Board of Arbitrators:

Michael P. Yeager, Esquire
Richard H. Milgrub, Esquire
Mark A. Falvo, Esquire
Warren B. Mikesell, II, Esquire
David R. Thompson, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

You will be notified at a later date the exact time of the Arbitration Hearing.

Very truly yours,

Marcy Kelley
Marcy Kelley
Deputy Court Administrator

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-126-CP

vs.

Code No.:

MURRAY'S FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation t/d/b/a MURRAY'S HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAY FORD LINCOLN MERCURY, INC; MURRAY'S FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAY'S AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

PRAECIPE TO ISSUE WRIT OF SUMMONS

Filed on behalf of Plaintiff:

Mary Jo Roy

Counsel of Record for this Party:

Peter D. Friday, Esquire

Pa I.D. # 48746

Friday Porta Cox & Ward LLC

3220 West Liberty Avenue, Suite 200

Pittsburgh, PA 15216-2320

Tele # (412) 561-4290

Fax # (412) 561-4291

JURY TRIAL DEMANDED

FILED 

JAN 25 2007

m/3-00/5
William A. Shaw

Prothonotary/Clerk of Courts

No. 2007-126-CP COPIES

ISSUED WRIT TO ATT

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.:

vs.

Code No.:

MURRAY'S FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation t/d/b/a MURRAY'S HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAY FORD LINCOLN MERCURY, INC; MURRAY'S FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAY'S AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

PRAECIPE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons in Civil Action against the above-named defendant.

Respectfully submitted January 23, 2007.

Friday Porta Cox & Ward LLC



Peter D. Friday, Esquire

Pa I.D. # 48746

Attorney for Plaintiff

Friday Porta Cox & Ward LLP

3220 West Liberty Avenue, Suite 200

Pittsburgh, PA 15216-2320

(412) 561-4290

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION**

SUMMONS

Mary Jo Roy

Plaintiff,

Vs.

NO.: 2007-00126-CD

**Murrays Ford Inc., a Pennsylvania Corporation;
Northern Motors, Inc., a Pennsylvania Corporation;
Northern Motors, Inc., a Pennsylvania Corporation t/d/b/a Murrays Honda;
Murray Ford, Inc., t/d/b/a Murray's Honda Nissan;
Murrays Ford Lincoln Mercury, Inc.; Murray's Ford Lincoln Mercury;
Murray's Family of Dealerships; Murray's At The Mall;
Harvey F. Murray, an adult individual and Genevieve Murray, an adult individual,
Defendants,**

TO: MURRAYS FORD INC., a Pennsylvania Corporation;
NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN
MOTORS, INC. a Pennsylvania Corporation t/d/b/a MURRAYS HONDA;
MURRAYS FORD INC. t/d/b/a MURRAY'S HONDA NISSAN;
MURRAYS FORD LINCOLN MERCURY, INC.
MURRAY'S FORD LINCOLN MERCURY; MURRAY'S FAMILY OF
DEALERSHIPS; MURRAY'S AT THE MALL; HARVEY F. MURRAY, an adult
individual and GENEVIEVE MURRAY, an adult individual.

To the above named Defendant(s) you are hereby notified that the above named
Plaintiff(s) has/have commenced a Civil Action against you.

Date: 1/25/2007

William A. Shaw
Prothonotary

Issuing Attorney:

Peter D. Friday, Esq.
3220 West Liberty Ave.
Pittsburgh, PA 15216-2320

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 1 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

VS.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON MURRAYS FORD INC. A Pennsylvania Corporation DEFENDANT AT 3007 BLINKER PARKWAY (RT. 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

FILED
013:47/BDL
FEB 26 2007
(LSP)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 2 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, ^{February 8, 2007 (mkn)} ~~August 20, 2007~~ AT 3:15 PM SERVED THE WITHIN SUMMONS ON NORHERN MOTORS, INC. A
Pennsylvania Corporation DEFENDANT AT 3007 BLINKER PARKWAY (RT. 119), DUBOIS, CLEARFIELD COUNTY,
PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED
COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 3 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON NORTHERN MOTORS INC. A Pennsylvania Corporation t/d/b/a MURRAYS HONDA DEFENDANT AT 3007 BLINKER PARKWAY (RT. 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 4 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON MURRAY FORD INC. t/d/b/a MURRAY'S HONDA NISSAN DEFENDANT AT 3007 BLINKER PARKWAY (RT 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 5 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON MURRAYS FORD LINCOLN MERCURY, INC. DEFENDANT AT 3007 BLINKER PARKWAY (RT. 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 6 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON MURRAY'S FORD LINCOLN MERCURY DEFENDANT AT 3007 BLINKER PARKWAY (RT 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 7 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON MURRAY'S FAMILY OF DEALERSHIPS DEFENDANT AT 3007 BLINKER PARKWAY (RT 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 8 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON MURRAY'S AT THE MALL
DEFENDANT AT 3007 BLINKER PARKWAY (RT 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY
HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL
SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 9 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON HARVEY F. MURRAY An adult individual DEFENDANT AT 3007 BLINKER PARKWAY (RT 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICE # 10 OF 10
SUMMONS

PLAINTIFF: MARY JO ROY

vs.

DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

NOW, February 08, 2007 AT 3:15 PM SERVED THE WITHIN SUMMONS ON GENEVIEVE MURRAY An adult individual DEFENDANT AT 3007 BLINKER PARKWAY (RT 119), DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WALLY IVOSKA, GENERAL SALES MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102399
NO: 07-126-CD
SERVICES 10
SUMMONS

PLAINTIFF: MARY JO ROY
vs.
DEFENDANT: MURRAYS FORD INC. a Pennsylvania Corp. al

SHERIFF RETURN

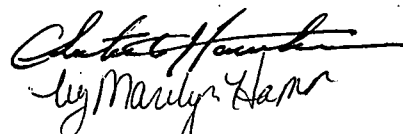
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	FRIDAY	1096	100.00
SHERIFF HAWKINS	"	1406	90.43

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-00126-CD

vs.

COMPLAINT IN CIVIL ACTION

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Filed on Behalf of:

Plaintiff, Mary Jo Roy

Counsel of Record for this Party:

Peter D. Friday, Esquire
Pa I.D. #48746

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue Suite 200
Pittsburgh, PA 15216
(412) 561-4290

Defendants.

JURY TRIAL DEMANDED

FILED NO cc
m 112:3860
APR 30 2007 (612)

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-00126-CD

vs.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE
ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY
OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO
FEE.

David S. Meholick

Clearfield County Courthouse

230 East Market Street

Clearfield, PA 16830

(814) 765-2641 ext. 5982

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-00126-CD

vs.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

COMPLAINT IN CIVIL ACTION

Plaintiff Mary Jo Roy, by and through her attorneys, Peter D. Friday, Esquire and Friday

Porta Cox & Ward LLC, complains and alleges as follows:

1. Plaintiff Mary Jo Roy is an adult individual residing at 1699 Spruce Street Punxsutawney, Clearfield County, Pennsylvania 15767.

2. Defendant Murrays Ford, Inc. is a Pennsylvania corporation with a principal business address at RD 1 Box 12 Blinker Parkway (RT 119), Dubois, Clearfield County, Pennsylvania 15801.

3. Defendant Northern Motor's Inc., is a Pennsylvania Corporation trading and doing business as Murray Honda and has a principal business address at RD 1 Box 12 Route 119, Dubois, Clearfield County, Pennsylvania 15801.

4. Defendant Murrays Ford Inc is a Pennsylvania corporation trading and doing business as Murrays Honda Nissan with a principal business address at RD 1 Box 12 Blinker Parkway (RT 119), Dubois, Clearfield County, Pennsylvania 15801.

5. Defendant Murray Ford Lincoln Mercury Inc, is a Pennsylvania company with a principal business address at RD 1 Box 12 Blinker Parkway (Rt 119), Dubois, Clearfield County, Pennsylvania 15801.

6. Defendant Murrays Ford Lincoln Mercury is a Pennsylvania entity with a principal business address at Rd 1 Box 12 Blinker Parkway (RT 119), Dubois, Clearfield County, Pennsylvania 15801.

7. Defendant Murray's Family of Dealerships is a Pennsylvania company with a principal business address at RD1 Box 12 Blinker Parkway (RT 119), Dubois, Clearfield County, Pennsylvania 15801.

8. Defendant Murray's at the Mall is a Pennsylvania company with a principal business address at Rd1 Box 12 Blinker Parkway (RT 119), Dubois, Clearfield County, Pennsylvania 15801.

9. Defendant Harvey F. Murray is an adult individual with a principal business address at RD1 Box 12 Blinker Parkway (RT 119), Dubois, Clearfield County, Pennsylvania 15801.

10. Defendant Genevieve Murray is an adult individual with a principal business address at RD 1 Box 12 Blinker Parkway (Rt 119), Dubois, Clearfield County, Pennsylvania 15801.

11. At all times relevant to this matter, the defendants owned, possessed, maintained and controlled the real estate and improvements on Rte. 119 including but not limited to the buildings sidewalks, stairs and common areas (hereinafter the "premises").

12. At all relevant times, defendants had a duty to maintain, inspect and repair the premises.

13. On or about 02/03/2005 the plaintiff was an invitee, lawfully on the aforementioned premises of the defendant.

14. At all relevant times there existed a dangerous, defective, hazardous and unsafe condition on the premises characterized by accumulated ice and snow and hills and ridges of ice and snow.

15. Plaintiff was caused to trip, slip and/or otherwise lose her balance as a result of coming into contact with the aforementioned defective condition.

16. As a direct and proximate result of the aforementioned fall, plaintiff sustained the following injuries, some or all of which are or may be permanent:

- a. Fractured coccyx;
- b. Vertebral Herniation at C4-5;
- c. Aggravation of a lower back condition;
- d. Pain and spasm in right arm;
- e. Bruises, contusions and other injuries in or about nerves, muscles, bones, tendons, ligaments, tissues and vessels of the body;
- f. Nervousness, emotional tension, anxiety and depression;

- g. Sleep interruption due to persistent pain; and
- h. Other injuries to be proven at trial.

17. As a direct and proximate result of the aforementioned fall, plaintiff sustained the following damages, some or all of which are or may be continuing or on-going:

- a. she has endured, and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish, monetary expenditures for the care of her injury, and emotional and psychological trauma;
- b. she has been, and will be required to, expend large sums of money for medical treatment and care, medical supplies, rehabilitation and therapeutic treatment, medicines and other attendant services;
- c. She has undergone surgery and may, in the future, have to face at least one, and possibly numerous, more surgeries;
- d. She has sustained and will continue to sustain lost earnings and her earning capacity has been and may be permanently impaired;
- e. her general health, strength and vitality have been impaired; and
- f. she has been and will in the future be unable to enjoy various pleasures of life that she previously enjoyed.

18. At all relevant times defendants knew or should have known of the dangerous, hazardous, unsafe and defective condition of the premises. Defendants failed to take any steps to eliminate the hazard, reduce its danger to invitees, or otherwise warn users, including plaintiff, of its dangerous, hazardous, unsafe and defective condition.

19. Plaintiff's injuries and damages were a direct and proximate result of defendants' negligence in the following particulars:

- a. Causing and permitting the dangerous, hazardous, unsafe and defective condition to exist on the premises for an unreasonable period of time;
- b. In providing a premises that was unsafe for use;
- c. In designing, constructing, and maintaining the premises in such a manner that invitees were at risk of injury;

- d. In failing to warn users, including plaintiff, regarding the dangerous, hazardous, unsafe and defective condition of the premises;
- e. In failing to altogether eliminate the dangerous, hazardous, unsafe and defective condition from the premises;
- f. In failing to cordon off the dangerous condition or otherwise prevent invitees of the premises from transversing through the dangerous, hazardous, unsafe and defective condition;
- g. In negligently designing, constructing, maintaining and operating the premises such that plaintiff was caused to fall;
- h. In failing to timely, properly, or regularly inspect the premises for defects;
- i. In failing to remove, repair or cordon off the unsafe condition on the premises;
- j. In failing to properly hire, train and supervise employees and contractors for snow and ice removal; and
- k. In failing to properly or adequately design build and maintain drainage systems for snow and ice.

WHEREFORE, plaintiff demands for judgment against defendants in an amount in excess of the jurisdictional limits for compulsory arbitration, together with court costs, interest and all other relief permitted by the Court.

A JURY TRIAL IS DEMANDED.

Friday Porta Cox & Ward LLC



Peter D. Friday, Esq.
Pa I.D. # 48746
Attorney for Plaintiff

pfriday@fridaylaw.com

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Ste. 200
Pittsburgh, PA 15216-2320
(412)561-4290

VERIFICATION

I, Mary Jo Roy, being duly sworn according to law, depose and say that the facts contained in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Mary Jo Roy
Mary Jo Roy

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 26th, 2007, a true and correct copy of Complaint in Civil Action was served by first class U.S. mail, postage prepaid, upon Defendant's counsel, to-wit:

Murrays Ford, Inc., a Pennsylvania Corporation
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

Northern Motor's Inc., a Pennsylvania Corporation
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

Northern Motor's Inc.
a Pennsylvania Corporation t/d/b/a Murrays Honda
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

Murray Ford, Inc., t/d/b/a Murray's Honda Nissan
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

Murrays Ford Lincoln Mercury
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

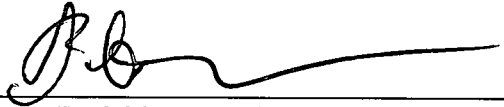
Murray's Family of Dealerships
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

Murrays at the Mall
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

Harvey F. Murray
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

Genevieve Murray
RD 1, Box 12 Blinker Parkway
DuBois, PA 15801

Friday Porta Cox & Ward LLC

A handwritten signature in black ink, appearing to read 'P. Friday', written over a horizontal line.

Peter D. Friday, Esquire
Pa I.D. # 48746
Attorney for Plaintiff

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)561-4290

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

CIVIL DIVISION

Docket No.: 2007-00126-CD

Issue No.

PRAECIPE FOR APPEARANCE

Code:

Filed on behalf of Defendant
MURRAYS FORD, INC.

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NPCC
m10.59/84
MAY 10 2007 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; NORTHERN MOTORS, INC.,)	
a Pennsylvania Corporation; NORTHERN)	
MOTORS, INC., a Pennsylvania corporation,)	
t/d/b/a MURRAYS HONDA; MURRAY)	
FORD, INC., t/d/b/a MURRAY'S HONDA)	
NISSAN; MURRAYS FORD LINCOLN)	
MERCURY; MURRAY'S FAMILY OF)	
DEALERSHIPS; MURRAYS AT THE)	
MALL; HARVEY F. MURRAY, an adult)	
individual; and GENEVIEVE MURRAY,)	
an adult individual,)	
)	
Defendants.)	

PRAECIPE FOR APPEARANCE

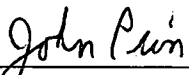
TO THE PROTHONOTARY:

Kindly enter our appearance on behalf of the defendant, MURRAYS FORD, INC.,
regarding the above-referenced matter.

A JURY TRIAL IS DEMANDED.

DICKIE, McCAMEY & CHILCOTE, P.C.

By


John T. Pion, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendant
MURRAYS FORD, INC.

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Praecipe for Appearance was served upon counsel of record by U.S. mail, postage prepaid, this
8th day of May, 2007, , as follow:

Peter D. Friday, Esq.
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By John Pion
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendant
MURRAYS FORD, INC.

FILED

JUN 18 2007

William A. Shaw
Prothonotary/Clerk of Courts
No. 6/L

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-00126-CD

v.

Issue No.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

**DEFENDANTS' PRELIMINARY
OBJECTIONS TO PLAINTIFF'S
COMPLAINT, SUPPORTING BRIEF
AND PROPOSED ORDER OF COURT**

Code:

Filed on behalf of Defendants,
MURRAYS FORD, INC., NORTHERN
MOTORS, INC., NORTHERN MOTORS,
INC., t/d/b/a MURRAYS HONDA;
MURRAY FORD, INC., t/d/b/a MURRAY'S
HONDA NISSAN; MURRAYS AT THE
MALL; HARVEY F. MURRAY, and
GENEVIEVE MURRAY

NOTICE TO PLEAD

TO: Plaintiff

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

You are hereby notified to file a written response to the enclosed Preliminary Objections within twenty (20) days from the date of service hereof or a judgment may be entered against you.

Ashley A. Totodo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

By



John T. Pion, Esquire
Ashley A. Totodo, Esquire

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; NORTHERN MOTORS, INC.,)	
a Pennsylvania Corporation; NORTHERN)	
MOTORS, INC., a Pennsylvania corporation,)	
t/d/b/a MURRAYS HONDA; MURRAY)	
FORD, INC., t/d/b/a MURRAY'S HONDA)	
NISSAN; MURRAYS FORD LINCOLN)	
MERCURY; MURRAY'S FAMILY OF)	
DEALERSHIPS; MURRAYS AT THE)	
MALL; HARVEY F. MURRAY, an adult)	
individual; and GENEVIEVE MURRAY,)	
an adult individual,)	
)	
Defendants.)	

PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

AND NOW, come the Defendants, MURRAY'S FORD, INC., NORTHERN MOTORS, INC., NORTHERN MOTORS, INC., t/d/b/a MURRAY'S HONDA, MURRAY'S FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAY'S AT THE MALL; HARVEY F. MURRAY, and GENEVIEVE MURRAY, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C., JOHN T. PION, ESQUIRE and ASHLEY A. TOTEDO, ESQUIRE and file these Preliminary Objections to Plaintiff's Complaint and in support thereof avers as follows:

1. Plaintiff commenced the underlying litigation in an attempt to recover damages for injuries purportedly sustained as the result of a February 3, 2005 slip and fall on the property upon which Defendant Murray's Ford, Inc. is located.

2. Plaintiff alleges that she was on the property of Murray Ford, Inc., as a business invitee. Murray's Ford, Inc. is located on Route 119 in Dubois, Clearfield County, Pennsylvania 15801.

3. Plaintiff initiated this cause of action by filing a Writ of Summons on January 25, 2007. Thereafter, a Complaint was filed on April 30, 2007.

4. Plaintiff's Complaint sounds in negligence and Plaintiff has named numerous Defendants.

5. Via correspondence dated June 4, 2007, Plaintiff's counsel agreed to the voluntary dismissal of two of these Defendants, Murray's Ford Lincoln Mercury and Murray's Family of Dealerships. (See a true and correct copy of the June 4, 2007 correspondence attached hereto as Exhibit "A").

6. Plaintiff has also named Harvey F. Murray and Genevieve Murray, part owners of Murrays Ford, Inc., as defendants.

7. In addition, Plaintiff has named Northern Motors, Inc. and Northern Motors, Inc. t/d/b/a Murray's Honda, both subsidiaries of Murray's Ford, Inc., as defendants.

8. Plaintiff has also named Murray's Ford, Inc. t/d/b/a Murray's Honda Nissan as a Defendant. Murray's Ford, Inc. t/d/b/a Murray's Honda Nissan is not in existence. Although Murray's Ford, Inc. anticipated obtaining a Nissan franchise, it in fact never did and Murray's Ford, Inc. t/d/b/a Murray's Honda Nissan was never formed. (See a true and correct copy of the affidavit of Greg Murray attached hereto as Ex. "B").

9. Plaintiff has also named Murray's at the Mall as a Defendant. Murray's at the Mall is a used car store that is located on a different property from where Mary Jo Roy allegedly fell. At no time did Murray's at the Mall operate out of the location where Mary Jo Roy allegedly fell. Murray's at the Mall is wholly owned by Murray's Ford, Inc. Ex. "B."

10. Plaintiff has attempted to "muddy the waters" in this action by naming a variety of Defendants.

I. MOTION TO DISMISS PLAINTIFF'S COMPLAINT AGAINST NORTHERN MOTORS, INC., NORTHERN MOTORS, INC. t/d/b/a MURRAY'S HONDA, MURRAY'S FORD, INC. t/d/b/a MURRAY'S HONDA NISSAN AND MURRAY'S AT THE MALL

11. Objecting Defendants incorporate the averments of Paragraphs 1 through 10 above as though the same were set forth fully herein.
12. Pa. R.C.P. 1028(a)(4) permits the filing of Preliminary Objections to a Complaint in the nature of a demurrer whenever the pleading is legally insufficient.
13. Here, Plaintiff has failed to make out a claim to pierce the corporate veil of Murray's Ford, Inc. to reach Northern Motors, Inc., Northern Motors, Inc. t/d/b/a Murray's Honda, Murray's Ford, Inc. t/d/b/a Murray's Honda Nissan and/or Murray's at the Mall.
14. "There is a strong presumption in Pennsylvania against piercing the corporate veil." Miners, Inc. v. Alpine Equipment Corporation, 722 A.2d 691, 694 (Pa. Super. 1999), *citing* Lumax Industries, Inc. v. Aultman, 543 Pa. 38, 41-43, 669 A.2d 893, 895 (1995), *citing* Wedner v. Unemployment Bd., 449 Pa. 460, 464, 296 A.2d 792, 794 (1972).
15. When determining whether to pierce the corporate veil, a court "must start from the general rule that the corporate entity should be recognized and upheld, unless specific, unusual, circumstances call for an exception." Id., *citing* Lumax Industries, *supra*.
16. Pennsylvania law allows the corporate form to be disregarded in situations where there is "gross undercapitalization, failure to adhere to corporate formalities, substantial intermingling of corporate and personal affairs, and the use of the corporate form to perpetrate a fraud." Saint Joseph Hospital v. Berks County Board of Assessment Appeals, 709 A.2d 928, 936 (Pa. Cmwlth. 1998), *citing* Longenecker v. Commonwealth, 142 Pa. Cmwlth. 130, 596 A.2d 1261 (1991), *Petition for Allowance of Appeal Denied*, 531 Pa. 656, 613 A.2d 561 (1992).
17. "Further, where a parent corporation dominates a subsidiary corporation to the degree that it is a mere instrumentality or sham corporation, the corporate existence of the

subsidiary may be disregarded.” Id. at 936-937, citing Botwinick v. Credit Exchange, Inc., 419 Pa. 65, 213 A.2d 349 (1965).

18. In the present case, the Plaintiff has named several business entities which are related to and/or subsidiaries of Murray’s Ford, Inc. as defendants.

19. However, the alleged slip and fall giving rise to Plaintiff’s injuries occurred at Murray’s Ford, Inc.

20. As Plaintiff has failed to make allegations that the corporate veil of Murray’s Ford, Inc. should be pierced, the Defendants respectfully request that all parties except for Murray’s Ford, Inc. be dismissed with prejudice.

WHEREFORE, Defendants, NORTHERN MOTORS, INC., NORTHERN MOTORS, INC., t/d/b/a MURRAY’S HONDA, MURRAY’S FORD, INC., t/d/b/a MURRAY’S HONDA NISSAN, and MURRAY’S AT THE MALL respectfully request that they be dismissed from this action with prejudice.

II. MOTION TO DISMISS PLAINTIFF’S SUIT AGAINST DEFENDANTS, HARVEY F. MURRAY AND GENEVIEVE MURRAY

21. Objecting Defendants incorporate the averments of Paragraphs 1 through 20 above as though the same were set forth fully herein.

22. In Pennsylvania, it has been found that:

[a] corporation is to be treated as a separate and independent entity even if its stock is owned entirely by one person. This creates a strong presumption against piercing the corporate veil. Indeed a Pennsylvania court will pierce the corporate veil only in limited circumstances when [the corporation] is used to defeat public convenience, justify wrong, protect fraud or defend crime, and only after considering such factors as undercapitalization, failure to adhere to corporate formalities, substantial intermingling of corporate and personal affairs and use of the corporate form to perpetrate a fraud.

First Union National Bank v. Quality Carriers, Inc., 48 Pa. D. and C. 4th 1, 50 (Phila. Co. 2000).

23. “The alter-ego theory [of piercing the corporate veil] is applicable where the individual or corporate owner controls the corporation to be pierced and the controlling owner is to be held liable.” Miners, Inc. v. Alpine Equipment Corp., 722 A.2d 691, 695 (Pa. Super. 1998).

24. Here, Plaintiff has failed to state a valid basis for imposing individual liability against Mr. and Mrs. Murray. Plaintiff has also failed to state a valid claim against the Murray’s under a theory of alter-ego liability.

25. In the Complaint, Mr. and Mrs. Murray are defined as adult individuals with principal places of business located at R.D. 1, Box 12, Blinker Parkway (Route 119), Dubois, Clearfield County, Pennsylvania 15801. However, Plaintiff fails to make any averments alleging that the corporate veil of Murray’s Ford, Inc. should be pierced in order to reach the Murray’s and hold them personally liable.

26. As previously mentioned, under Pennsylvania law, the following factors are to be considered in determining whether to pierce the corporate veil: 1) undercapitalization; 2) failure to adhere to corporate formality; 3) substantial intermingling of corporate and personal affairs; and 4) use of the corporate form to perpetrate a fraud. Lumax, supra.

27. The Complaint, as pled, fails to satisfy this burden. Specifically, Plaintiff has failed to set forth any allegations that the conduct which the Murray’s engaged in would bring their actions within the parameters of a cause of action based on the theory of piercing the corporate veil.

28. Accordingly, Defendants request that Harvey F. and Genevieve Murray be dismissed from this action with prejudice.

WHEREFORE, Defendants, HARVEY F. MURRAY and GENEVIEVE MURRAY, respectfully request that they be dismissed from this action with prejudice.

III. INSUFFICIENT SPECIFICITY IN A PLEADING

29. Objecting Defendants incorporate the averments of Paragraphs 1 through 28 above as though the same were set forth fully herein.

30. Pa. R.C.P. 1028(a)(3) permits the filing of Preliminary Objections to a Complaint, whenever the pleading is insufficiently specific.

31. The instant Complaint is insufficiently specific as it names seven Defendants but fails to allege how each of these Defendants contributed to the Plaintiff's injuries.

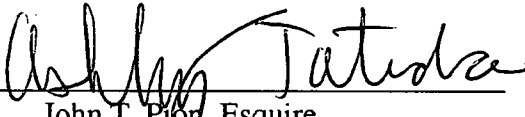
32. Specifically, Plaintiff has failed to set forth different counts against each Defendant, but rather makes generalized statements regarding the alleged conduct of the Defendants.

33. As pled, it cannot be discerned from the Complaint what conduct is being attributed to which Defendants.

34. This is especially disconcerting in the matter at hand as some of the named Defendants are not even located upon the property where the Plaintiff claims to have fallen and one of the Defendants is not in existence.

WHEREFORE, Defendants, Murray's Ford, Inc., Northern Motors, Inc., Northern Motors, Inc. t/d/b/a Murray's Honda, Murray's Ford, Inc. t/d/b/a Murray's Honda Nissan, Murray's at the Mall, Harvey F. Murray and Genevieve Murray respectfully request that this Honorable Court direct the Plaintiff to file an Amended Complaint specifically setting forth the manners in which the separate Defendants were negligent, under separate counts.

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Ashley A. Totodo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants, MURRAY'S
FORD, INC., NORTHERN MOTORS,
INC., NORTHERN MOTORS, INC., t/d/b/a
MURRAY'S HONDA; MURRAY FORD,
INC., t/d/b/a MURRAY'S HONDA
NISSAN; MURRAY'S AT THE MALL;
HARVEY F. MURRAY, and GENEVIEVE
MURRAY



Peter D. Friday*

Cynthia M. Porta-Clark*

Brian D. Cox

James C. Ward

Michele L. Zerr

*Admitted in West Virginia

Friday Porta Cox & Ward LLC

3220 West Liberty Avenue, Suite 200 • Pittsburgh, PA 15216

T 412.561.4290 • F 412.561.4291 • Toll Free 1.800.482.0032

June 4, 2007

Ashley A. Totedo, Esquire
Dickie McCamey & Chilcote
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Re: Mary Jo Roy vs. Murrays Ford, Inc., et al.
Case No. 2007-00126-CD

Dear Ms. Totedo:

Thank you for sending the Affidavit of Greg Murray.

At this time, plaintiff consents to dismissal of Murray's Ford Lincoln Mercury and Murray's Family of Dealerships. Please forward a proposed stipulation.

In order to protect my client, we must decline to voluntarily dismiss the other defendants without further discovery.

Thank you.

Very truly yours,

Peter D. Friday

pfriday@fridaylaw.com

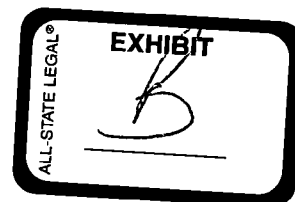
PDF/jyh



AFFIDAVIT

I, Greg Murray, being duly sworn and according to oath, depose and state as follows:

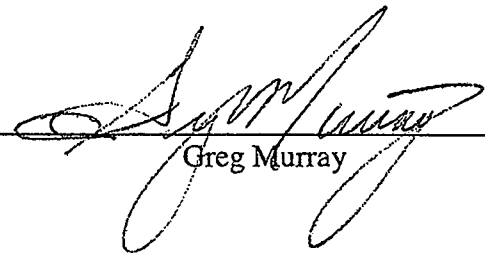
1. I am the President of Murray Ford, Inc.
2. Murray Ford, Inc. was located at 3007 Blinker Parkway (Route 119), Dubois, Clearfield County, Pennsylvania 15801 on February 3, 2005.
3. Murray Ford, Inc. is a Pennsylvania corporation licensed to do business in the State of Pennsylvania.
4. Murray Ford, Inc. is insured through a policy with Sentry Insurance and such policy would cover any damages allegedly suffered by Mary Jo Roy.
5. Northern Motors, Inc. and Northern Motors, Inc. t/d/b/a Murray's Honda are the same entity. Both of these entities are divisions of Murray Ford, Inc.
6. Murray Ford, Inc. t/d/b/a Murray's Honda Nissan is not in existence. Although Murray Ford, Inc. anticipated obtaining a Nissan franchise, it in fact never did and Murray Ford, Inc. t/d/b/a Murray's Honda Nissan was never formed.
7. Murray's Ford Lincoln Mercury is not an actual business entity. This name is used for advertising purposes only.
8. Murray's Family of Dealerships is not an actual business entity. This name is used on the Murray Ford, Inc. website only.
9. Murray's at the Mall is a used car store which is at a separate location from Murray Ford, Inc. At no time did Murray's at the Mall operate out of the location where Mary Jo Roy allegedly fell. Murray's at the Mall is located on Route 322, B-Line Highway and is wholly owned by Murray Ford, Inc.



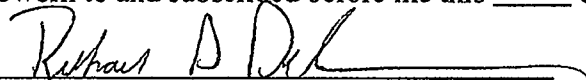
10. Harvey F. Murray and Genevieve Murray are adult individuals who have ownership interests in Murray Ford, Inc.

11. Northern Motors, Inc., Northern Motors, Inc. t/d/b/a Murray's Honda, Murray Ford, Inc. t/d/b/a Murray's Honda Nissan, Murray's Ford Lincoln Murray, Murray's Family of Dealerships, Murray's at the Mall, Harvey F. Murray and Genevieve Murray were not involved in the loss which is the subject of the cause of this action.

FURTHER, AFFIANT SAYETH NOT.

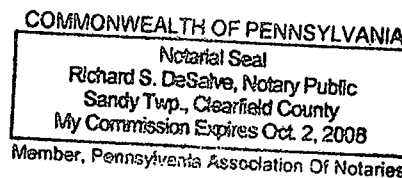

Greg Murray

Sworn to and subscribed before me this 22 day of MAY, 2007.


Notary Public

My commission expires:

OCT. 2, 2008



FILED

JUN 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-00126-CD

v.

Issue No.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

PRAECIPE FOR HEARING PURSUANT TO CLEARFIELD COUNTY LOCAL RULE 211

Code:

Filed on behalf of Defendants,
MURRAYS FORD, INC., NORTHERN MOTORS, INC., NORTHERN MOTORS, INC., t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS AT THE MALL; HARVEY F. MURRAY, and GENEVIEVE MURRAY

Defendants.

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totodo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

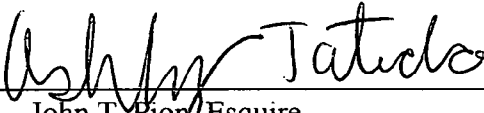
MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; NORTHERN MOTORS, INC.,)	
a Pennsylvania Corporation; NORTHERN)	
MOTORS, INC., a Pennsylvania corporation,)	
t/d/b/a MURRAYS HONDA; MURRAY)	
FORD, INC., t/d/b/a MURRAY'S HONDA)	
NISSAN; MURRAYS FORD LINCOLN)	
MERCURY; MURRAY'S FAMILY OF)	
DEALERSHIPS; MURRAYS AT THE)	
MALL; HARVEY F. MURRAY, an adult)	
individual; and GENEVIEVE MURRAY,)	
an adult individual,)	
)	
Defendants.)	

PRAECIPE FOR HEARING PURSUANT TO RULE 211

TO: COURT ADMINISTRATOR

According to Clearfield County Local Rule 211, the Defendants request that the Court Administrator schedule an argument date for consideration of the Defendants' Preliminary Objections.

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Ashley A. Totodo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants, MURRAYS
FORD, INC., NORTHERN MOTORS,
INC., NORTHERN MOTORS, INC., t/d/b/a
MURRAYS HONDA; MURRAY FORD,
INC., t/d/b/a MURRAY'S HONDA
NISSAN; MURRAYS AT THE MALL;
HARVEY F. MURRAY, and GENEVIEVE
MURRAY

CERTIFICATE OF SERVICE

I, Ashley A. Totedo, Esquire, hereby certify that a true and correct copy of the foregoing Praecipe for Hearing Pursuant to Rule 211 was served upon counsel of record by U.S. mail, postage prepaid, this 14th day of June, 2007, as follow:

Peter D. Friday, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(Counsel for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Ashley A. Totedo
John T. Pign, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants, MURRAYS
FORD, INC., NORTHERN MOTORS,
INC., NORTHERN MOTORS, INC., t/d/b/a
MURRAYS HONDA; MURRAY FORD,
INC., t/d/b/a MURRAY'S HONDA
NISSAN; MURRAYS AT THE MALL;
HARVEY F. MURRAY, and GENEVIEVE
MURRAY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-00126-CD

v.

Issue No.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

STIPULATION FOR DISMISSAL

Code:

Filed on behalf of Defendants,
MURRAYS FORD, INC., NORTHERN MOTORS, INC., NORTHERN MOTORS, INC., t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS AT THE MALL; HARVEY F. MURRAY, and GENEVIEVE MURRAY

Defendants.

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED *ICC Atty Totedo*
m/11:20am
JUN 28 2007
(LST)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; NORTHERN MOTORS, INC.,)	
a Pennsylvania Corporation; NORTHERN)	
MOTORS, INC., a Pennsylvania corporation,)	
t/d/b/a MURRAYS HONDA; MURRAY)	
FORD, INC., t/d/b/a MURRAY'S HONDA)	
NISSAN; MURRAYS FORD LINCOLN)	
MERCURY; MURRAY'S FAMILY OF)	
DEALERSHIPS; MURRAYS AT THE)	
MALL; HARVEY F. MURRAY, an adult)	
individual; and GENEVIEVE MURRAY,)	
an adult individual,)	
)	
Defendants.)	


STIPULATION FOR DISMISSAL


It is hereby stipulated by and between the parties that:

1. Murrays Ford Lincoln Murray and Murrays Family of Dealerships are dismissed from the above-captioned action with prejudice.

FRIDAY PORTA COX & WARD, LLC

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Peter D. Friday, Esquire

By 
John T. Pign, Esquire
Ashley A. Totedo, Esquire

3220 West Liberty Avenue
Suite 200
Pittsburgh, PA 15216
(412) 561-4290

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Plaintiff

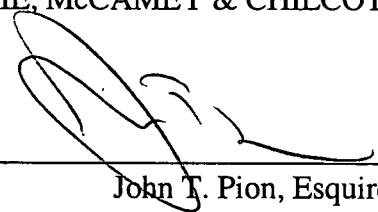
Counsel for Defendants, Murrays Ford, Inc.,
Northern Motors, Inc., Northern Motors,
Inc., t/d/b/a Murrays Honda; Murray Ford,
Inc., t/d/b/a Murray's Honda Nissan;
Murrays At The Mall; Harvey F. Murray,
And Genevieve Murray

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Stipulation for Dismissal was served upon counsel of record by U.S. mail, postage prepaid, this
25th day of June, 2007, as follow:

Peter D. Friday, Esq.
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(Counsel for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By  _____
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendant
MURRAYS FORD, INC.

CH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARY JO ROY,
Plaintiff

vs.

MURRAYS FORD, INC., a Pennsylvania
Corporation; NORTHERN MOTORS, INC.,
a Pennsylvania Corporation; NORTHERN MOTORS
INC., a Pennsylvania Corporation, t/d/b/a MURRAYS
HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S
HONDA NISSAN; MURRAYS FORD LINCOLN
MERCURY; MURRAY'S FAMILY OF DEALERSHIPS;
MURRAYS AT THE MALL; HARVEY F. MURRAY, an
adult individual; and GENEVIEVE MURRAY, an adult
individual,

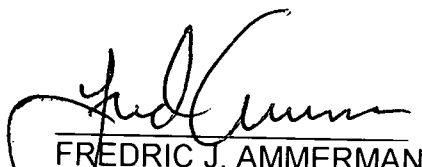
Defendants

NO. 07-126-CD

ORDER

NOW, this 9 day of July, 2007, upon receipt of the Praecept for Hearing
Pursuant to Clearfield County Local Rule 211 filed on behalf of the Defendants by
Attorney John T. Pion, it is the ORDER of this Court that argument on the Defendants'
Preliminary Objections is scheduled for the 10th day of August, 2007 at 2:00 p.m.
in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, PA 16830.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 3cc
012:24/301 Atty Pion
JUL 10 2007
CR

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/10/07

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

CIVIL DIVISION

Docket No.: 2007-00126-CD

Issue No.

**PRAECIPE FOR WITHDRAWAL OF
PRELIMINARY OBJECTIONS**

Code:

Filed on behalf of Defendants

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED
m/12:5234
AUG 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

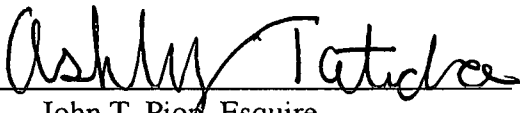
MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; NORTHERN MOTORS, INC.,)	
a Pennsylvania Corporation; NORTHERN)	
MOTORS, INC., a Pennsylvania corporation,)	
t/d/b/a MURRAYS HONDA; MURRAY)	
FORD, INC., t/d/b/a MURRAY'S HONDA)	
NISSAN; MURRAYS FORD LINCOLN)	
MERCURY; MURRAY'S FAMILY OF)	
DEALERSHIPS; MURRAYS AT THE)	
MALL; HARVEY F. MURRAY, an adult)	
individual; and GENEVIEVE MURRAY,)	
an adult individual,)	
)	
Defendants.)	

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Kindly withdraw the preliminary objections filed by the Defendants in the above-captioned action on June 18, 2007.

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Ashley A. Totodo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Praecipe for Withdrawal of Preliminary Objections was served upon counsel of record by U.S.
mail, postage prepaid, this 2 day of August, 2007, as follows:

Peter D. Friday, Esq.
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(Counsel for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By John T. Pion / att
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

CIVIL DIVISION

Docket No.: 2007-00126-CD

Issue No.

**CERTIFICATION PURSUANT TO CLFD.
CO. R.C.P. 208.2(e)**

Code:

Filed on behalf of Defendants

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED
NOV 19 2007
12:55 PM
1cc
Att
6K

William A. Shaw
Prothonotary/Clerk of Courts


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; NORTHERN MOTORS, INC.,)	
a Pennsylvania Corporation; NORTHERN)	
MOTORS, INC., a Pennsylvania corporation,)	
t/d/b/a MURRAYS HONDA; MURRAY)	
FORD, INC., t/d/b/a MURRAY'S HONDA)	
NISSAN; MURRAYS FORD LINCOLN)	
MERCURY; MURRAY'S FAMILY OF)	
DEALERSHIPS; MURRAYS AT THE)	
MALL; HARVEY F. MURRAY, an adult)	
individual; and GENEVIEVE MURRAY,)	
an adult individual,)	
)	
Defendants.)	

CERTIFICATION PURSUANT TO CLFD. CO. R.C.P. 208.2(e)

Concurrence in the Defendants' Motion to Dismiss and Amend Caption has been sought from opposing counsel and such concurrence has been granted. Please see the executed Stipulation for Voluntary Dismissal attached to the Motion to Dismiss and Amend Caption as Ex. "A".

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

CIVIL DIVISION

Docket No.: 2007-00126-CD

Issue No.

**MOTION TO DISMISS AND AMEND
CAPTION**

Code:

Filed on behalf of Defendants

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED 1cc
m/12:55/01 Atty
NOV 19 2007 (GK)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; NORTHERN MOTORS, INC.,)	
a Pennsylvania Corporation; NORTHERN)	
MOTORS, INC., a Pennsylvania corporation,)	
t/d/b/a MURRAYS HONDA; MURRAY)	
FORD, INC., t/d/b/a MURRAY'S HONDA)	
NISSAN; MURRAYS FORD LINCOLN)	
MERCURY; MURRAY'S FAMILY OF)	
DEALERSHIPS; MURRAYS AT THE)	
MALL; HARVEY F. MURRAY, an adult)	
individual; and GENEVIEVE MURRAY,)	
an adult individual,)	
)	
Defendants.)	

MOTION TO DISMISS AND AMEND CAPTION

AND NOW, come the Defendants, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C., JOHN T. PION, ESQUIRE and ASHLEY A. TOTEDO, ESQUIRE and file the following Motion to Dismiss and Amend Caption and in support of which they aver as follows:

1. Plaintiff commenced the underlying litigation in an attempt to recover damages for injuries purportedly sustained as a result of a February 3, 2005 slip and fall on the property upon which Defendant, Murrays Ford, Inc. is located.
2. In connection with this suit, Plaintiff has named several entities, some of which are related to Defendant, Murray Ford, Inc. and others of which are not even in existence.
3. The subject property is owned by Harvey F. Murray and Genevieve Murray.

4. Murray's Ford, Inc. is the only entity that operates out of the location where the subject accident allegedly took place.

5. Therefore, Plaintiff has agreed to voluntarily dismiss all parties except for Murray's Ford, Inc., Harvey F. Murray and Genevieve Murray. (Please see a true and correct copy of the Stipulation for Voluntary Dismissal attached hereto as Ex. "A").

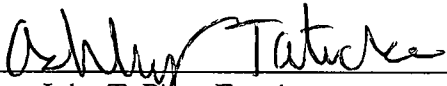
6. Defendants respectfully request that this Honorable Court dismiss Northern Motors, Inc., Northern Motors, Inc. t/d/b/a Murrays Honda, Murray's Ford, Inc. t/d/b/a Murray's Honda Nissan, Murray's Ford Lincoln Mercury, Murray's Family of Dealerships and Murrays at the Mall from this action with prejudice.

7. Further, Defendants request that the caption be amended to reflect the dismissal of these parties.

8. Accordingly, Defendants request this Honorable Court enter the attached Order.

WHEREFORE, Defendants, MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY and GENEVIEVE MURRAY be dismissed from this action with prejudice.

DICKIE, McCAMEY & CHILCOTE, P.C.

By  _____
John T. Pipn, Esquire
Ashley A. Totodo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAY'S FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAY'S HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAY'S FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAY'S AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

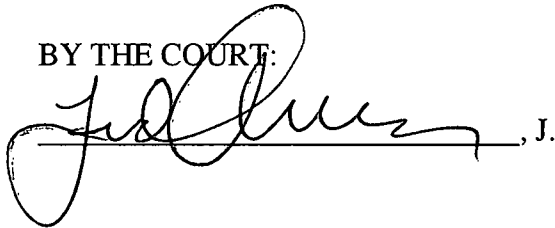
CIVIL DIVISION

Docket No.: 2007-00126-CD

ORDER OF COURTAND NOW, to wit, this 20 day of November, 2007, it is hereby

ORDERED, ADJUDGED and DECREED that Defendants' Motion to Dismiss is granted and Defendants, Northern Motors, Inc., Northern Motors, Inc. t/d/b/a Murrays Honda, Murray Ford, Inc. t/d/b/a Murray's Honda Nissan, Murrays Ford Lincoln Mercury, Murrays Family of Dealerships and Murrays at the Mall are dismissed from this action with prejudice. It is further ordered that the caption be amended to reflect the dismissal of these parties.

BY THE COURT:



FILED ^{icc}
 01/13:45/61 Atty Tote do
 NOV 20 2007 (GK)

William A. Shaw
 Prothonotary/Clerk of Courts

DATE: 11/20/07

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

FILED

NOV 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

CIVIL DIVISION

Docket No.: 2007-00126-CD

Issue No.

STIPULATION FOR DISMISSAL

Code:

Filed on behalf of Defendants,
MURRAYS FORD, INC., NORTHERN MOTORS, INC., NORTHERN MOTORS, INC., t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS AT THE MALL; HARVEY F. MURRAY, and GENEVIEVE MURRAY

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; NORTHERN MOTORS, INC.,)	
a Pennsylvania Corporation; NORTHERN)	
MOTORS, INC., a Pennsylvania corporation,)	
t/d/b/a MURRAYS HONDA; MURRAY)	
FORD, INC., t/d/b/a MURRAY'S HONDA)	
NISSAN; MURRAYS FORD LINCOLN)	
MERCURY; MURRAY'S FAMILY OF)	
DEALERSHIPS; MURRAYS AT THE)	
MALL; HARVEY F. MURRAY, an adult)	
individual; and GENEVIEVE MURRAY,)	
an adult individual,)	
)	
Defendants.)	


STIPULATION FOR DISMISSAL

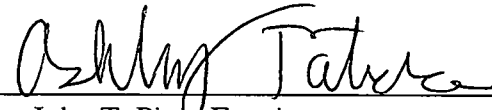
It is hereby stipulated by and between the parties that:

1. Murrays Ford Lincoln Mercury, Northern Motors, Inc., Northern Motors, Inc. t/d/b/a Murrays Honda, Murray Ford, Inc. t/d/b/a Murray's Honda Nissan, Murrays at the Mall and Murrays Family of Dealerships are dismissed from the above-captioned action with prejudice.

FRIDAY PORTA COX & WARD, LLC

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Peter D. Friday, Esquire

By 
John T. Pion, Esquire
Ashley A. Totodo, Esquire

3220 West Liberty Avenue
Suite 200
Pittsburgh, PA 15216
(412) 561-4290

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Plaintiff

Counsel for Defendants

CERTIFICATE OF SERVICE

I, Ashley A. Totedo, Esquire, hereby certify that a true and correct copy of the foregoing Motion to Dismiss and Amend Caption was served upon counsel of record by U.S. mail, postage prepaid, this 16 day of November, 2007, as follow:

Peter D. Friday, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(Counsel for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Ashley Totedo
John T. Pion, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

FILED

DEC 10 2007

m/11:30/

William A. Shaw
Prothonotary/Clerk of Courts

145th to 146th

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-00126-CD

y.

Issue No.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an adult
individual; and GENEVIEVE MURRAY,
an adult individual,

**MOTION TO COMPEL DISCOVERY
RESPONSES**

Code:

Defendants.

Filed on behalf of Defendants

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; HARVEY F. MURRAY, an)	
adult individual; and GENEVIEVE)	
MURRAY, an adult individual,)	
)	
Defendants.)	
)	

MOTION TO COMPEL DISCOVERY RESPONSES

AND NOW, come the Defendants, MURRAYS FORD, INC., HARVEY F. MURRAY and GENEVIEVE MURRAY, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C., JOHN T. PION, ESQUIRE and ASHLEY A. TOTEDO, ESQUIRE and file this Motion to Compel Discovery Responses and in support of which they aver as follows:

1. This civil action stems from an alleged slip and fall, which Plaintiff maintains occurred on February 3, 2005.
2. On or about June 7, 2007, the Defendants served upon the Plaintiff Interrogatories and Request for Production of Documents. (See a true and correct copy of the June 7, 2007 correspondence attached hereto as Ex. "A").
3. These discovery requests inquire into matters relevant to Plaintiff's injuries, treatment for the alleged injuries and other damages.
4. On November 15, 2007, Defendants inquired into the status of Plaintiff's responses to their discovery requests and requested that the Plaintiff provide discovery responses

within the next 14 days. (See a true and correct copy of the November 15, 2007 correspondence attached hereto as Ex. "B").

5. To date, Plaintiff has failed to respond in any manner to the Defendants' discovery requests.

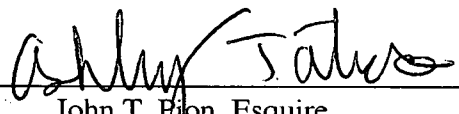
6. Pursuant to Pa. R.C.P. 4006(a)(2), Plaintiff's answers and/or objections to said discovery requests were due on or about July 9, 2007.

7. Absent full and complete discovery responses, the Defendants will be prejudiced in their ability to prepare this case for trial.

8. Therefore, Defendants request that this Honorable Court enter the attached Order compelling the Plaintiff to respond to the Defendants' discovery requests.

WHEREFORE, Defendants, MURRAYS FORD, INC., HARVEY F. MURRAY and GENEVIEVE MURRAY, respectfully request that this Honorable Court enter an Order compelling Plaintiff to file full and complete discovery responses within the next 20 days or suffer sanctions as this Court may deem appropriate.

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Hon, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

Ashley A. Totedo
Attorney-at-Law
Admitted in PA

Direct Dial: 412-392-5528
Direct Fax: 412-392-5367
atotedo@dmclaw.com

June 7, 2007

Peter D. Friday, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216

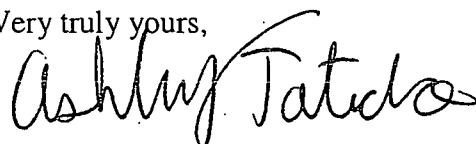
RE: Mary Jo Roy v. Murray Ford, Inc., et al.
Our File No.: 20466.304419

Dear Mr. Friday:

Enclosed please find Interrogatories Directed to Mary Jo Roy and Request for Production of Documents Directed to Plaintiff, Mary Jo Roy.

I look forward to your timely responses.

Very truly yours,


Ashley A. Totedo

AAT:bd
Enclosures
cc: John T. Pion, Esquire (w/o enc.)



Ashley A. Totedo
Attorney-at-Law
Admitted in PA

Direct Dial: 412-392-5528
Direct Fax: 412-392-5367
atotedo@dmclaw.com

November 15, 2007

Peter D. Friday, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216

RE: Mary Jo Roy v. Murray Ford, Inc., et al.
Our File No.: 20466.304419

Dear Mr. Friday:

Enclosed please find the following:

- 1) Answers to Plaintiff's First Set of Interrogatories and Request for Production of Documents Directed to Murray Ford, Inc.;
- 2) Answers to Plaintiff's First Set of Interrogatories and Request for Production of Documents Directed to Harvey Murray; and
- 3) Answers to Plaintiff's First Set of Interrogatories and Request for Production of Documents Directed to Genevieve Murray.

Also, on June 7, 2007 we propounded written discovery requests directed to Mary Jo Roy. To date we have yet to receive plaintiff's responses to our requests. Kindly forward your clients responses within the next two weeks. If I do not have the responses within that time frame, I will proceed with a motion to compel.

Lastly, please advise of dates on which your client is available to sit for her deposition.

Thank you for your attention to this correspondence.

Very truly yours,



Ashley A. Totedo

Enclosure

cc: John T. Pion, Esquire (w/o enc.)



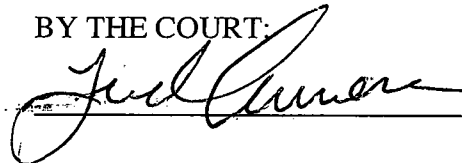
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; HARVEY F. MURRAY, an)	
adult individual; and GENEVIEVE)	
MURRAY, an adult individual,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, to wit, this 11 day of December, 2007, upon consideration of the within Motion, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff shall provide full and complete responses within the next 20 days to Defendants' Interrogatories and Request for Production of Documents, ~~or be subject to sanctions as this Court may impose, including the possibility of a judgment in favor of the Defendants and for the payment of reasonable expenses including attorneys' fees incurred in obtaining this Order as the Court may direct.~~ FSA

BY THE COURT:

 J.

FILED
DEC 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 11 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 12/11/07

☒ You are responsible for serving all appropriate parties.

___ The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney


___ Special Instructions:

CERTIFICATE OF SERVICE

I, Ashley A. Totedo, Esquire, hereby certify that a true and correct copy of the foregoing Motion to Compel Discovery Responses was served upon counsel of record by U.S. mail, postage prepaid, this 5th day of December, 2007, as follows:

Peter D. Friday, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC., a Pennsylvania corporation, t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

CIVIL DIVISION

Docket No.: 2007-00126-CD

FILED

DEC 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

1 case to Amy

CERTIFICATION IN ACCORDANCE WITH CLFD. CO. R. C. P. 208.2(E)

Counsel for the Defendants certify that an attempt has been made to resolve this matter without Court action. Defendants' written discovery requests were propounded on June 7, 2007. On November 15, 2007, Defendants' counsel requested that Plaintiff's counsel forward the discovery responses within the next two weeks. To date, Plaintiff's counsel has yet to provide any type of response to Defendants' request.

DICKIE, McCAMEY & CHILCOTE, P.C.

By Ashley A. Totodo
John T. Dion, Esquire
Ashley A. Totodo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272
Counsel for Defendants

CERTIFICATE OF SERVICE

I, Ashley A. Totedo, Esquire, hereby certify that a true and correct copy of the foregoing Motion to Compel Discovery Responses was served upon counsel of record by U.S. mail, postage prepaid, this 5 day of December, 2007, as follow:

Peter D. Friday, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Ashley A. Totedo
John T. Lion, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No.: 2007-00126-CD

v.

Issue No.

MURRAYS FORD, INC., a Pennsylvania Corporation; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

MOTION FOR SANCTIONS

Code:

Defendants.

Filed on behalf of Defendants

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

NO
1/10/08
JAN 23 2008

WAS
William A. Shaw
Prothonotary/Clerk of Courts

MARY JO ROY,

V.

Defendants.

Docket No.: 2007-00126-CD

By Ashley A. Totedo
Ashley A. Totedo, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; HARVEY F. MURRAY, an)	
adult individual; and GENEVIEVE)	
MURRAY, an adult individual,)	
)	
Defendants.)	
)	

MOTION FOR SANCTIONS

AND NOW, come the Defendants, MURRAYS FORD, INC., HARVEY F. MURRAY and GENEVIEVE MURRAY, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C., JOHN T. PION, ESQUIRE and ASHLEY A. TOTEDO, ESQUIRE and file this Motion for Sanctions and in support of which they aver as follows:

1. On or about June 7, 2007, Defendants served Interrogatories and Request for Production of Documents upon the Plaintiff.
2. The Plaintiff failed to provide timely responses to the Interrogatories and Request for Production of Documents, and therefore, via Court Order dated December 11, 2007, she was instructed to provide full and complete responses to the Interrogatories and Request for Production of Documents within twenty (20) days. (A true and correct copy of the December 11, 2007 Order is attached hereto as Exhibit "A").
3. Accordingly, the Plaintiffs responses were due on December 31, 2007.


4. However, to date, Plaintiff has failed to provide the responses, has completely ignored this Honorable Court's Order and, therefore, is in contempt of Court.

5. Therefore, in accordance with Pa. R. Civ. P. 4019, the Defendants move that the following sanctions be imposed against the Plaintiff:

- (a) Plaintiff must reimburse counsel for the Defendants for all costs, fees and expenses which were and may be incurred as a result of Plaintiff's failure to provide timely responses to Defendants' discovery requests including, but not limited to, the preparation of Defendants' Motion to Compel and the within Motion for Sanctions;
- (b) Any objections filed by the Plaintiff to Defendant's Interrogatories and Request for Production are untimely and should not be considered; and
- (c) Plaintiff should be precluded from entering into evidence at trial any discovery which she has failed to produce in a timely fashion;
- (d) Plaintiff must produce the responses within five (5) days or judgment should be entered in favor of the Defendants.

WHEREFORE, Defendants, MURRAYS FORD, INC., HARVEY F. MURRAY and GENEVIEVE MURRAY, respectfully request that this Honorable Court enter the attached Order.

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pich, Esquire
Ashley A. Totodo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

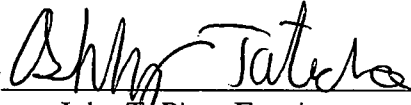
Counsel for Defendants

CERTIFICATE OF SERVICE

I, Ashley A. Totedo, Esquire, hereby certify that a true and correct copy of the foregoing Motion for Sanctions was served upon counsel of record by U.S. mail, postage prepaid, this 01 day of January, 2008, as follows:

Peter D. Friday, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; HARVEY F. MURRAY, an)	
adult individual; and GENEVIEVE)	
MURRAY, an adult individual,)	
)	
Defendants.)	
)	

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 2008, after consideration of Defendants' Motion for Sanctions, it is hereby ORDERED, ADJUDGED and DECREED that said Motion is hereby GRANTED and the following sanctions are imposed:

- (a) Plaintiff's counsel must reimburse counsel for the Defendant for all costs, fees, and expenses which were and may be incurred as a result of the enforcement of the discovery requests and this Court's Order;
- (b) Any objections filed by the Plaintiff to Defendants' Interrogatories and Request for Production are untimely and will not be considered;
- (c) Plaintiff is precluded from entering into evidence at trial any discovery which she has failed to produce in a timely fashion; and
- (d) If the Plaintiff fails to provide responses within five (5) days, the Court will enter judgment in favor of the Defendants.

BY THE COURT:

_____, J.

1A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MARY JO ROY

Plaintiff

vs.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an
adult individual; and GENEVIEVE MURRAY,
an adult individual,


Defendants

NO. 07-126-CD

ORDER

NOW, this 24th day of January, 2008, upon review of the Motion for Sanctions
filed on behalf of the Defendants; it is the ORDER of this Court that argument on said
Motion shall be held on the 5th day of March, 2008 at 10:00 A m. in
Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 300
01/28/2008
JAN 28 2008
Any Toledo
(60)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/28/08

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No. : 2007-00126-CD

vs.

Code No.:

MURRAYS FORD, INC., a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation; NORTHERN MOTORS, INC, a Pennsylvania Corporation t/d/b/a MURRAYS HONDA; MURRAY FORD, INC., t/d/b/a MURRAY'S HONDA NISSAN; MURRAYS FORD LINCOLN MERCURY; MURRAY'S FAMILY OF DEALERSHIPS; MURRAYS AT THE MALL; HARVEY F. MURRAY, an adult individual; and GENEVIEVE MURRAY, an adult individual,

Defendants.

**CERTIFICATE OF SERVICE OF
PLAINTIFF'S ANSWERS TO
INTERROGATORIES AND RESPONSES
TO REQUEST FOR PRODUCTION OF
DOCUMENTS**

Filed on behalf of Plaintiff:
Mary Jo Roy

Counsel of Record for this Party:
Peter D. Friday, Esquire
Pa I.D. # 48746

e-mail: pfriday@fridaylaw.com

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Tele # (412) 561-4290
Fax # (412) 561-4291

JURY TRIAL DEMANDED

FILED

m/12:45pm
FEB 06 2008

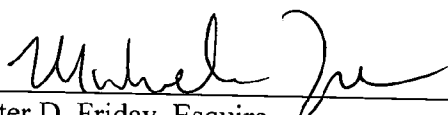
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on February 4, 2008 a true and correct copy of Plaintiff's Answers to Interrogatories and Responses to Request for Production of Documents was served by first class U.S. mail, postage prepaid, upon Defendant's counsel, to-wit:

Ashley A. Totodo, Esquire
Dickie McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222

Friday Porta Cox & Ward LLC


Peter D. Friday, Esquire
Pa I.D. # 48746 # 201655
Attorney for Plaintiff

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412) 561-4290

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an adult
individual; and GENEVIEVE MURRAY,
an adult individual,

Defendants.

CIVIL DIVISION

Docket No.: 2007-00126-CD

Issue No.

**PRAECIPE TO WITHDRAW MOTION
FOR SANCTIONS**

Code:

Filed on behalf of Defendants

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley A. Totedo, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED
MAR 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

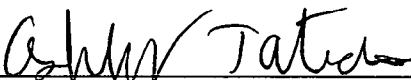
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; HARVEY F. MURRAY, an)	
adult individual; and GENEVIEVE)	
MURRAY, an adult individual,)	
)	
Defendants.)	
)	

PRAECIPE TO WITHDRAW MOTION FOR SANCTIONS

AND NOW, come the Defendants, MURRAYS FORD, INC., HARVEY F. MURRAY and GENEVIEVE MURRAY, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C., JOHN T. PION, ESQUIRE and ASHLEY A. TOTEDO, ESQUIRE and hereby files this Praecipe to Withdraw their Motion for Sanctions which was to be presented on Wednesday, March 5, 2008 at 10:00 a.m. before the Honorable Judge Ammerman

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
 John T. Pion, Esquire
 Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
 Pittsburgh, PA 15222-5402
 (412) 281-7272

Counsel for Defendants

CERTIFICATE OF SERVICE

I, Ashley A. Totedo, Esquire, hereby certify that a true and correct copy of the foregoing Praecipe to Withdraw Motion for Sanctions was served upon counsel of record by U.S. mail, postage prepaid, this 3 day of March, 2008, as follows:

Peter D. Friday, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Ashley A. Totedo
John T. Don, Esquire
Ashley A. Totedo, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No. : 2007-00126-CD

vs.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an adult
individual; and GENEVIEVE MURRAY, an
adult individual,

**PRAECIPE FOR SUBSTITUTION OF
APPEARANCE**

Defendants.

Filed on behalf of Plaintiff:
Mary Jo Roy

Counsel of Record for this Party:
Michele L. Zerr, Esquire
Pa I.D. # 201655

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Phone: (412) 561-4290
Fax: (412) 561-4291

JURY TRIAL DEMANDED

FILED
m18:5701
JUL 07 2008

no cc
Copy to
CIA

William A. Shaw
Prothonotary/Clerk of Courts

(64)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY JO ROY,

Plaintiff,

vs.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an
adult individual; and GENEVIEVE
MURRAY, an adult individual,

Defendants.

) CIVIL DIVISION
)
) Docket No. : 2007-00126-CD
)
) Code No.:
)
)
)

PRAECIPE FOR SUBSTITUTION OF APPEARANCE

TO THE PROTHONOTARY:

Kindly substitute my appearance in the place and stead of Peter D. Friday, Esquire on
behalf of the Plaintiff, Mary Jo Roy, in the above-captioned matter.

Respectfully submitted July 2, 2008.

Friday Porta Cox & Ward LLC

Friday Porta Cox & Ward LLC



Michele L. Zerr, Esquire
PA I.D. No.: 201655
Attorneys for Plaintiff



Peter D. Friday
Pa I.D. #48746
Withdrawing Attorney

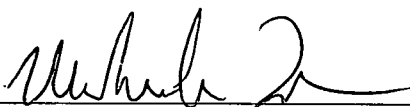
CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2008, a true and correct copy of the foregoing ***Praecipe for Substitution of Appearance*** was served by First Class U.S. Mail, postage prepaid, upon the following:

Ashley A. Totedo, Esquire
Dickie McCamey & Chilcote P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222

Friday Porta Cox & Ward LLC

By:



Michele L. Zerr, Esquire
Attorney for Plaintiff

Friday, Porta, Cox, Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Phone:(412) 561-4290

FILED

2007-00126-CD

NOV 20 2008

M/12:15/

William A. Shaw
Prothonotary/Clerk of Courts

5 no c/l

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No. : 2007-00126-CD

vs.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an adult
individual; and GENEVIEVE MURRAY, an
adult individual,

Defendants.

**PRAECIPE FOR SUBSTITUTION OF
APPEARANCE**

Filed on behalf of Plaintiff:
MARY JO ROY

Counsel of Record for this Party:
Cynthia M. Porta-Clark, Esquire
Pa I.D. # 82111

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Phone: (412) 561-4290
Fax: (412) 561-4291

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No. : 2007-00126-CD
)	
vs.	)	Code No.:
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; HARVEY F. MURRAY, an)	
adult individual; and GENEVIEVE)	
MURRAY, an adult individual,)	
Defendant.		

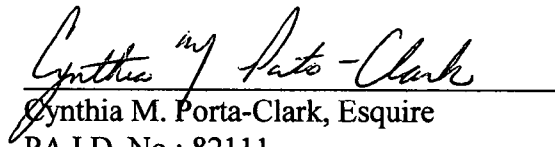
PRAECIPE FOR SUBSTITUTION OF APPEARANCE

TO THE PROTHONOTARY:

Kindly substitute my appearance in the place and stead of Michele L. Zerr, Esquire on
behalf of the Plaintiff Mary Jo Roy, in the above-captioned matter.

Respectfully submitted November 18, 2008.

Friday Porta Cox & Ward LLC


Cynthia M. Porta-Clark, Esquire
PA I.D. No.: 82111
Attorneys for Plaintiff


CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2008, a true and correct copy of the foregoing *Praeceptum for Substitution of Appearance* was served by First Class U.S. Mail, postage prepaid, upon the following:

Ashley T. Swanson, Esquire
Dickie McCamey & Chilcote P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222

Friday Porta Cox & Ward LLC

By:


Cynthia M. Porta Clark, Esquire
Attorney for Plaintiff

Friday, Porta, Cox, Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Phone: (412) 561-4290

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an adult
individual; and GENEVIEVE MURRAY,
an adult individual,

Defendants.

CIVIL DIVISION

Docket No.: 2007-00126-CD

Issue No.

MOTION FOR SUMMARY JUDGMENT

Code:

Filed on behalf of Defendants

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Ashley T. Swanson, Esquire
PA I.D. # 89757

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED *NO CC*
3/11/2009
FEB 12 2009 *(610)*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,	)	CIVIL DIVISION
)	
Plaintiff,	)	Docket No.: 2007-00126-CD
)	
v.)	
)	
MURRAYS FORD, INC., a Pennsylvania)	
Corporation; HARVEY F. MURRAY, an)	
adult individual; and GENEVIEVE)	
MURRAY, an adult individual,)	
)	
Defendants.)	
)	

MOTION FOR SUMMARY JUDGMENT

AND NOW, come the Defendants, MURRAYS FORD, INC., HARVEY F. MURRAY and GENEVIEVE MURRAY, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C., JOHN T. PION, ESQUIRE and ASHLEY A. TOTEDO, ESQUIRE and hereby file this Motion for Summary Judgment as follows:

1. Plaintiffs initiated this action by filing a Praecipe to Issue Writ of Summons on January 25, 2007 in the Court of Common Pleas of Clearfield County.
2. Plaintiff eventually filed a Complaint on April 30, 2007.
3. Plaintiff's Complaint sounds in negligence and arises from an alleged slip and fall on Defendants' property.
4. Specifically, Plaintiff maintains that on or about February 3, 2005, she was on the property of the Defendants as a business invitee, with the intention to look at used motor vehicles with her son. She alleges that she was caused to slip and fall on the Defendants'

property as a result of stepping on “accumulated ice and snow and hills and ridges of ice and snow.”

5. As a result of this alleged slip and fall, Plaintiff maintains that she sustained a fractured coccyx and herniated her vertebra at C4-5, among other bodily injuries.

6. The Plaintiff has brought this cause of action averring that the Defendant: caused and permitted the dangerous, hazardous, unsafe and defective condition to exist on the premises for an unreasonable period of time; provided a premise that was unsafe for use; designed, constructed, and maintained the premises in such a manner that invitees were at risk of injury; failed to warn users, including Plaintiff, regarding the dangerous, hazardous, unsafe and defective condition of the property; failed to altogether eliminate the dangerous, hazardous, unsafe and defective condition on the premises; failed to cordon off the dangerous condition or otherwise prevent invitees of the premises from traversing through the dangerous, hazardous, unsafe and defective condition; negligently designed, constructed, maintained and operated the premises such that Plaintiff was caused to fall; failed to timely, properly or regularly inspect the premises for defects; failed to remove, repair or cordon off the unsafe condition; failed to properly hire, train and supervise employees and contractors for snow and ice removal; and failed to properly or adequately design build, and maintain drainage systems for snow and ice.

7. Under Pennsylvania law, in order to recover for a fall on ice or snow, a Plaintiff must establish the following: “(1) that the snow or ice had accumulated on the surface of such size and character as to unreasonably obstruct travel and constitute a danger to pedestrians; (2) that the owners had notice, either actual or constructive, of the existence of such conditions; (3) that it was this dangerous accumulation of snow or ice in the ridges or elevations which actually caused the Plaintiff to fall.” Harmotta v. Bender, 411 Pa. Super. 371, 380, 601

A.2d 837, 841 (1992); Gilligan v. Villanova University, 401 Pa. Supra. 113, 117, 584 A.2d 1005, 1007 (1991); Rinaldi v. Levine, 406 Pa. 74, 78, 176 A.2d 623, 625 (1962).

8. During Plaintiff's deposition, she testified that the area in which she allegedly was caused to slip and fall was a roadway in front of a building on the Defendants' property. (*See* p. 36, l. 19-25 and p. 37, l. 1-3 of a true and correct copy of the pertinent portions of the transcript of the deposition of Mary Joy Roy, attached hereto as Exhibit "A").

9. "It is only logical that the doctrine [of hills and ridges] applies to areas such as sidewalks, parking lots and other paved areas where pedestrians would be expected to travel." Wilson v. Meadowbrook Apartments, 1998 WL 663272 at *2 (Pa. Com. P. L. 1998), citing Gilligan v. Villanova University, *supra*. "if this doctrine were to apply to all areas of a landowners property, including grass areas, then a landowner would be responsible for clearing snow and ice from the entire property to avoid liability." *Id.*

10. In the present case, Plaintiff admitted during her deposition that she slipped and fell on a roadway in front of a building upon the Defendants' property. Accordingly, under the reasoning of Gilligan and Wilson, the hills and ridges doctrine is not applicable, as it only applies to areas where pedestrians are expected to travel.

11. Thus, where the doctrine of hills and ridges does not apply, Plaintiff must provide evidence which would establish that the defendant owed her a duty. Wilson, 1998 WL 663272 at *2.

12. Discovery to date is completely devoid of any evidence that the Defendants owed a duty to the Plaintiff to keep the roadway on their property completely free of snow and ice. Rather, Plaintiff has merely established that she voluntarily chose to walk on an allegedly snow covered roadway, that was not intended to be transversed by pedestrians.

13. Further, Ms. Roy's son, Jesse Huey who accompanied her to the Defendants' property testified that the area where Ms. Roy fell "was just where the plows couldn't touch." (See p. 23, l. 13-20 of a true and correct copy of the transcript of Jesse Huey attached hereto as Exhibit "B").

14. Mr. Huey further testified as follows:

Q. Ok, so you thought the road was plowed?

A. Yeah. I assumed that part of it, I mean.

Q. What made you assume that?

A. Because it all wasn't as bad as where we were.

Q. Ok.

A. I mean, I didn't slip when I got out of my side of the vehicle. It wasn't as bad as what her side was that. That's for sure.

(See p. 24, l. 3-14 of Exhibit "B").

15. Therefore, the evidence to date establishes that Plaintiff parked her vehicle on a roadway on the Defendants' property rather than locating a parking spot. Further, her son testified that the roadway had been plowed, but the area where Ms. Roy slipped was simply where the plow could not reach.

16. Based upon these facts, Plaintiff has failed to state a cause of action in negligence.

17. In addition, Ms. Roy testified during her deposition that she did not look to see if there were any other areas of the Defendants' property that did not have ice because she "wasn't paying any attention." (See p. 41, l. 3-6 of Exhibit "A").

18. Further, Ms. Roy testified that she did not look at the ground before alighting from her vehicle , but rather just stepped on the ground without looking at the roadway. (See p. 38, l. 9-16 of Exhibit "A").

19. "It is hornbook book law in Pennsylvania that a person must look where he is going." Villano v. Security Savings Association, 268 Pa. Super. 67, 407 A.2d 440, 441 (Pa. Super. 1979). In Lewis v. Duquesne Incline Plane Co., 346 Pa. 43, 44, 28 A.2d 925, 926 (1942), the Court held as follows:

"...if there is anything settled in the law of negligence in Pennsylvania, it is the duty of a person to look where he is walking and see that which is obvious."

Villano, supra., citing Lewis.

20. After a careful review of the record in this matter, it is apparent that Plaintiff was contributorily negligent as a matter of law. The law requires that a person exercise reasonable care and diligence when walking upon the property of another. Here it is clear that the Plaintiff did not do so as she failed to look at the ground before stepping out of her vehicle and subsequently stepped into an area covered with snow and ice. In addition, Plaintiff did not take any steps to ascertain if there was a more suitable area on the Defendants' property to park her vehicle because she admittedly, "wasn't paying any attention."

21. Under Pennsylvania law, a Court may enter summary judgment when the pleadings, depositions, answers to interrogatories, admissions of records, and affidavits on file support the conclusion that no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. Banks v. Trustees of the University of Pennsylvania, 446 Pa. Super. 99, 666 A.2d 329 (1995); Pa. R. C. P. 1035.2.

22. In this matter, discovery is devoid of any evidence establishing that the Defendants either owed a duty of care to the Plaintiff and/or breached a duty of care owed to the Plaintiff.

23. Accordingly, Defendants request that this Honorable Court grant their Motion for Summary Judgment, and dismiss Plaintiff's Complaint with prejudice.

WHEREFORE, Defendants, MURRAYS FORD, INC., HARVEY F. MURRAY and GENEVIEVE MURRAY, respectfully request that this Honorable Court enter the attached Order dismissing Plaintiff's Complaint with prejudice.

DICKIE, McCAMEY & CHILCOTE, P.C.

By _____
John T. Pion, Esquire
Ashley T. Swanson, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

Deposition of Mary Jo Roy

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,) CIVIL DIVISION
Plaintiff,) Docket No.:
vs.) 2007-00126-CD
MURRAYS FORD, INC., a) Deposition of
Pennsylvania) MARY JO ROY
Corporation; NORTHERN) Filed on behalf of
MOTORS, INC., a) the Defendants
Pennsylvania)
Corporation; NORTHERN) Counsel of Record for
MOTORS, INC., a) this Party:
Pennsylvania)
Corporation, t/d/b/a) Ashley A. Totodo, Esq.
MURRAYS HONDA; MURRAY)
FORD, INC., t/d/b/a) Dickie, McCamey &
MURRAY'S HONDA NISSAN;) Chilcote
MURRAYS FORD LINCOLN) 400 Two PPG Place
MERCURY; MURRAY'S) Pittsburgh, PA 15222
FAMILY OF DEALERSHIPS;)
MURRAYS AT THE MALL;)
HARVEY F. MURRAY, an)
adult individual; and)
GENEVIEVE MURRAY, an)
adult individual,)
Defendants.)

June 25, 2008

REPRODUCTION OF THIS TRANSCRIPT IS PROHIBITED
WITHOUT AUTHORIZATION FROM THE CERTIFYING
AGENCY

ORIGINAL

Deposition of Mary Jo Roy

1 M. Roy - by Ms. Totedo

2 A. Well, I had gotten all my other
3 kids' a car, and it was his turn and he wanted
4 to go up there and look.

5 Q. So you were taking your son Jesse
6 because he was interested -- you were going to
7 purchase him a vehicle, potentially?

8 A. I was going to try to help him get
9 one, right.

10 Q. Describe for me what happened when
11 you got to Murrays Ford.

12 A. Well, I had their flier with me. I
13 knew they opened at eight. It was around ten.
14 We went to the -- you know, there's Murrays
15 Ford and then there is a little place on top of
16 the knoll where there is a little building for
17 cars where they finance them themselves right
18 there, cheaper cars or something, so we went to
19 that section.

20 I noticed a light on in the
21 building. I could see there was a light on.
22 But I couldn't see any people in it. I noticed
23 a note on the door. So -- could I use
24 something? Could I use that as a car, maybe,
25 this card? Say here is the building.

Deposition of Mary Jo Roy

1 M. Roy - by Ms. Totedo
2 stopped at the -- you pulled past the building,
3 you pulled almost completely past the building
4 and stopped on the other side of the building
5 from where you pulled in?

6 A. My door was about equal with this
7 corner.

8 Q. You're indicating the corner of the
9 building?

10 A. Um-hum. And because the vehicle he
11 wanted to look at was right about here.

12 Q. So the cars that were parked there
13 were cars that were for sale?

14 A. Right. He would have exited and
15 went this way, and then I was going to exit and
16 cross him to go see what the note said.

17 Q. Cross behind the back of your
18 vehicle?

19 A. Yes. When I opened the door, I put
20 one foot out and away I went. I got one foot
21 on the ground and one foot in the car.

22 Q. It was a roadway that -- was this
23 the roadway here?

24 A. Yes. This was a road, yes.

25 Q. This is not actually part of the

Deposition of Mary Jo Roy

1 M. Roy - by Ms. Totedo

2 parking lot?

3 A. No. It is the road. These are
4 where the cars were parked. This corner of the
5 building, it was slanting, and it seemed like
6 there was a build-up of ice. The reason I am
7 saying that is because it wasn't smooth. It
8 was like jagged ice. You know what I mean?

9 Q. Yes. Was the ice just in the area
10 of your vehicle?

11 A. Well, when my -- I immediately fell.
12 Okay?

13 Q. Yes.

14 A. I couldn't get up because there was
15 so much ice. I am laying flat on my back. I
16 am trying to use my feet to push myself back
17 upright again, and they kept slipping.

18 Then my son was saying something to
19 me. I said, "Help." He said, "Where are you?"
20 I said, "I'm on the ground."

21 He came over this way. He had to
22 grab ahold of the truck, too. He couldn't
23 stand up, either. He had to help me up. He
24 said, "You just get in the truck." I got in.
25 I told him I had gotten hurt.

Deposition of Mary Jo Roy

1 M. Roy - by Ms. Totedo

2 He had to hold onto the truck. He
3 went to see what the sign said.

4 Q. What did the sign say?

5 A. It said to go to this building
6 (indicating).

7 Q. The main dealership building?

8 A. Yes.

9 Q. But did you look before you got out
10 of the car to see if there was any ice on the
11 ground?

12 A. Well, since I put on my brakes and I
13 stopped, and I didn't slide, I assumed there
14 wasn't. I just got out and put one foot out.
15 I mean, I didn't expect it to happen. It
16 happened fast and it happened hard.

17 Q. When you were pulling up on the
18 roadway, did you look at the road at all to see
19 if it had any ice on it?

20 A. I think I was just looking at the
21 building. I am looking -- I know I am not
22 hitting anyone, but I don't believe I am
23 looking down at the road itself.

24 Q. You previously testified that you
25 thought that there was -- and correct me if

Deposition of Mary Jo Roy

1 M. Roy - by Ms. Totedo
2 this is not what you said -- but you thought
3 there was maybe water coming from the building,
4 from the corner of the building, and there was
5 an ice build-up in that area?

6 A. I just assumed that maybe the
7 drainage was on the side (indicating). It
8 seemed like it was a slope.

9 Q. What was a slope?

10 A. From where the building was to where
11 I was. Like a slight slope. I thought maybe
12 something had just been laying in there. I
13 didn't know where it came from, because you
14 know, when I went down to the main place, it
15 wasn't down there.

16 Q. So there was no ice, is what you are
17 saying, in the area of the main dealership
18 building?

19 A. Right.

20 Q. What I am trying to find out is,
21 after you fell, did you look at the ice and see
22 where it had come from or how big of an area it
23 was?

24 A. No. At the time I was just -- I
25 just came from physical therapy for that part

1 M. Roy - by Ms. Totedo
2 application out for him because I promised.

3 Q. I will get to that part. Did you
4 ever look and see if there was ice in any area
5 other than where your car was parked?

6 A. I wasn't paying any attention.

7 Q. Why did you choose to park your car
8 where you parked it instead of in a spot
9 somewhere?

10 A. Because somebody else had actually
11 been coming this way and going that way
12 (indicating).

13 Q. Another vehicle was traveling in the
14 opposite direction?

15 A. Right. I left her enough room, but
16 this was the car he wanted to look at so that's
17 why I tried to pull by the car he wanted to
18 see.

19 Q. So you parked there because it was
20 closest to the car he wanted to look at?

21 A. Right.

22 Q. Were there other parking spots
23 available that you could have parked your car?

24 A. At that time, when we had gone
25 there, there was no designated parking area.

Deposition of Mary Jo Roy

1 M. Roy - by Ms. Totedo

2 Q. Was there other space available
3 where you could have parked your car? Another
4 area?

5 A. I don't know. Other than the
6 driveway, I don't know. I mean, over here,
7 there was like a square. I don't know if grass
8 was in there, if you were allowed to park in
9 there or not (indicating).

10 Q. You're indicating at the top of the
11 roadway where you pulled in.

12 A. I mean, have you ever been there?

13 Q. Yes.

14 A. Okay. They have cars up here, too
15 (indicating). Not much. They didn't just have
16 them here. They had them here.

17 Q. Cars for sale?

18 A. Right. Then there seemed to be like
19 an empty lot or something over here
20 (indicating). It could have just been dirt or
21 mud, for all I know. I didn't know if you were
22 allowed to go over there or not. There was no
23 sign. There was no designated parking area
24 there.

25 Q. So you didn't really look to park

Deposition of Mary Jo Roy

1 M. Roy - by Ms. Totedo

2 anywhere else; you just parked where you did
3 because it was closest to the vehicle your son
4 wanted to look at?

5 A. Right. I wanted to see what the
6 sign said.

7 Q. So you parked your car on a road?
8 Is that a road there or is it just the spot
9 where there were no other cars?

10 A. No. It is a regular road.

11 Q. When you went up to read the sign,
12 did you see anyone inside of the building?

13 A. Well, he did, then. I had to get in
14 the vehicle. He said there was no one in
15 there.

16 Q. He, your son, Jesse?

17 A. Right.

18 Q. So how far would you say it is from
19 your truck to the ground?

20 A. It is just a regular truck. It
21 doesn't have any lifts or anything on it so
22 whatever a regular truck is.

23 Q. Why don't you tell me, when -- you
24 say you put -- one foot was on the ground?

25 A. Um-hum.

1 you parked there because it was closest
2 to the truck that you were interested
3 in, but was there an actual area where
4 you could have parked your car that
5 might not have been closest to the
6 vehicle?

7 A. No, not that I had seen.

8 Q. Okay.

9 A. Like I didn't see any designated
10 like parking spots, if that's what you
11 mean.

12 Q. Okay. Yes. Now, before you got
13 out of the vehicle, did you happen to
14 look at the roadway at all and notice?

15 A. No, it was --- the day, that day
16 it was --- I don't know if it was rainy
17 or wet, but it was just kind of, I
18 mean, you wouldn't really be able to
19 tell by looking at the ground. The
20 whole ground was kind of wet everywhere
21 so you couldn't really --- you wouldn't
22 be able to tell at first by looking
23 that it was, you know, really bad
24 condition.

25 Q. Why don't you describe once you

1 got --- so once you got out of the car,
2 did you notice then the condition ---?

3 A. Yeah. I did afterwards.

4 Q. And can you ---?

5 A. I mean, we were both more
6 looking at the building when we pulled
7 up to see if anybody was around than
8 what we were driving on, but after I
9 got out, I definitely seen --- yeah. I
10 mean, it wasn't so much on my side of
11 the vehicle. When I got out, there
12 wasn't --- it wasn't that bad, but when
13 I made it to her side of the vehicle
14 over where it was closer to the parked
15 cars, it wasn't touched there. It was
16 just rough ice.

17 Q. Okay. Was there any snow in the
18 area?

19 A. I think there might have been a
20 little bit of powdery, you know, dust
21 of snow.

22 Q. Okay. Had it snowed that
23 morning?

24 A. I don't think so.

25 Q. How about do you know under the

1 truck, what was the truck --- the area
2 under the truck, if you know, did that
3 have any ice?

4 A. I wouldn't know. I would
5 imagine.

6 Q. Okay. But you didn't actually
7 see anything?

8 A. No. I didn't look underneath.

9 Q. Now, this ice that you saw, was
10 it something that --- did it look to
11 you like it had been pushed to the side
12 like that road had been paved?

13 A. It looked like, to me --- like I
14 said, it was right there where the
15 vehicles drove through. I assumed it
16 was just where the plows couldn't touch
17 maybe because it was --- you know, we
18 were probably parked seven, eight feet
19 away from the vehicle from what I
20 remember.

21 Q. The vehicle that you wanted to
22 look at?

23 A. Yeah.

24 Q. Okay.

25 A. But I just assumed that that's

1 where the edge of the plow, you know,
2 made it and that was it.

3 Q. Okay. So you thought the road
4 was plowed?

5 A. Yeah. I assumed that part of
6 it, I mean.

7 Q. What made you assume that?

8 A. Because it all wasn't as bad as
9 where we were.

10 Q. Okay.

11 A. I mean, I didn't slip when I got
12 out of my side of the vehicle. It
13 wasn't as bad as what her side was.
14 That's for sure.

15 Q. Okay. So you were going up to
16 the building to see if it was open? If
17 anyone was in there?

18 A. Well, that's what she was going
19 to do. I was going to go to the
20 vehicle. It was on the opposite side
21 of --- like the car I wanted to look at
22 was on this side of the truck and the
23 building was around this side.

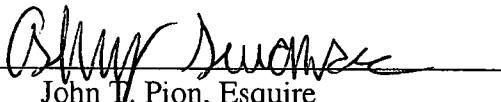
24 Q. So you were going to kind of
25 cross paths?

CERTIFICATE OF SERVICE

I, Ashley T. Swanson, Esquire, hereby certify that a true and correct copy of the foregoing Motion for Summary Judgment was served upon counsel of record by U.S. mail, postage prepaid, this 9 day of February, 2009, as follows:

Cynthia Port-Clark, Esquire
Friday Porta Cox & Ward, LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Ashley T. Swanson, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an
adult individual; and GENEVIEVE
MURRAY, an adult individual,

Defendants.

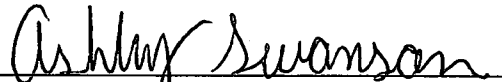
) CIVIL DIVISION
)
) Docket No.: 2007-00126-CD
)
)
)
)
)
)
)
)
)
)

CERTIFICATION

Counsel for the moving party certifies that concurrence in the motion has been
sought from opposing counsel and that concurrence has been denied.

DICKIE, McCAMEY & CHILCOTE, P.C.

By



John T. Dion, Esquire

Ashley T. Swanson, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

FILED^{NO CC}
M/11/22/09
FEB 12 2009 (60)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MARY JO ROY,

Plaintiff,

v.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an
adult individual; and GENEVIEVE
MURRAY, an adult individual,

Defendants.

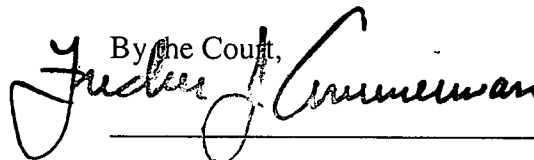
) CIVIL DIVISION
)
) Docket No.: 2007-00126-CD
)
)
)
)
)
)
)
)
)

ORDER OF COURTAND NOW, this 13th day of February, 2009, upon consideration of

the foregoing motion, it is hereby ORDERED that:

- (1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;
- (2) the respondent shall file an answer to the motion within ____ day of this date;
- (3) the motion shall be decided under Pa.R.C.P. 206.7;
- (4) depositions and all other discovery shall be completed within ____ days of this date;
- (5) an evidentiary hearing on disputed issues of material fact shall be held on _____, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. _____;
- (6) argument shall be held on March 30, 2009, in Courtroom No. 1 of the Clearfield County Courthouse; and @ 10:00 A.M.
- (7) notice of the entry of this Order shall be provided to all parties by the moving party.

By the Court,



J.

FILED
04:00 PM
FEB 17 2009

3cc
Atty P. on

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No. : 2007-00126-CD

vs.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an
adult individual; and GENEVIEVE
MURRAY, an adult individual,

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Defendants.

Filed on behalf of Plaintiff:
MARY JO ROY

Counsel of Record for this Party:
Cynthia M. Porta-Clark, Esquire
Pa I.D. # 82111

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
Tele # (412)561-4290
Fax # (412)561-4291

JURY TRIAL DEMANDED

⁵ FILED No CC,
m/j:404m 1 CeA of disc
APR 16 2009 issued to A44
Porta-Clark
William A. Shaw
Prothonotary/Clerk of Courts Copy to C/A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MARY JO ROY,

CIVIL DIVISION

Plaintiff,

Docket No. : 2007-00126-CD

vs.

MURRAYS FORD, INC., a Pennsylvania
Corporation; HARVEY F. MURRAY, an
adult individual; and GENEVIEVE
MURRAY, an adult individual,

Defendants.

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above-captioned case settled and discontinued.

Friday Porta Cox & Ward LLC



Cynthia M. Porta-Clark, Esquire
Pa I.D. # 82111
Attorney for Plaintiff

Friday Porta Cox & Ward LLC
3220 West Liberty Avenue, Suite 200
Pittsburgh, PA 15216-2320
(412)561-4290

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2009, a true and correct copy of the foregoing *Praeceptum to Settle and Discontinue* was served by First Class U.S. Mail, postage prepaid, upon the following:

Ashley T. Swanson, Esquire
Dickie McCamey & Chilcote P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222

Friday Porta Cox & Ward LLC

By: Cynthia M. Porta-Clark
Cynthia M. Porta-Clark, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Mary Jo Roy

Vs.

No. 2007-00126-CD

Harvey F. Murray
Genevieve Murray
Murrays Ford, Inc.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 16, 2009, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Friday Porta Cox & Ward LLC.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 16th day of April A.D. 2009.



Lm

William A. Shaw, Prothonotary