

07-161-CD

Wade Bunker vs Kurt Wallin

Wade Bunker vs Kurt Wallin
2007-161-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WADE S. BUNKER, : CIVIL ACTION - LAW
Plaintiff : No. 07-1601-CD
v. : Type of Case: Personal Injury
KURT WALLIN, : Type of Pleading: Civil Complaint
Defendant : Filed on Behalf of: Plaintiff
: Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT, SMITH, KOEHLER &
: WALL, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

Dated: 1/30/07

3-12-2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Willie A. Shaw Deputy Prothonotary

FILED Atty pd. 85.00
FEB 01 2007
100 Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No.

v.

KURT WALLIN,

CIVIL ACTION - LAW

Defendant :

NOTICE

TO: Kurt Wallin, 1486 Old North Creek Road, Emporium, PA 15834

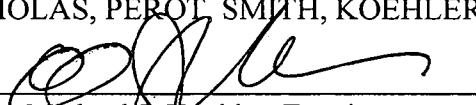
YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES 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.

Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, Pennsylvania 16830
(814) 765-2641, Ext. (5982)

NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.

BY 

Michael J. Koehler, Esquire
PA I.D. No. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No.

v.

: CIVIL ACTION - LAW

KURT WALLIN,

Defendant :

CIVIL COMPLAINT

AND NOW, comes the Plaintiff, Wade S. Bunker, by and through his attorneys, **Nicholas, Perot, Smith, Koehler & Wall, P.C.**, and files the following Complaint as follows:

1. That Plaintiff Wade S. Bunker is an adult individual currently residing at 24 West 6th Street, Apartment 4, Emporium, Cameron County, Pennsylvania 15834.
2. That Defendant Kurt Wallin is an adult individual presently residing at 1486 Old North Creek Road, Emporium, Cameron County, Pennsylvania 15834.
3. On or about June 27, 2005 at approximately 2:55 p.m., Defendant Kurt Wallin was operating a pickup 1998 Dodge Pickup truck on State Route 255, in Huston Township, Clearfield County, Pennsylvania, in a southerly direction approximately 100 yards north of Pennfield.
4. That Plaintiff Wade S. Bunker was a front-seat passenger in the above motor vehicle.
5. That at the above time and place, the above vehicle operated by the Defendant Kurt Wallin left the west side of the roadway and struck a utility pole located off the western berm.
6. That as a result of the violent impact of the above motor vehicle with the utility pole, Plaintiff Wade S. Bunker was violently shaken and suffered severe, serious and permanent injuries and permanent impairment of bodily functions including:

- a. Herniated nucleus pulposus C5-C6, C6-C7;
- b. Left knee internal derangement, including tear of the medial meniscus;
- c. Injury to left eye, including posterior vitreous detachment and corneal erosion;
- d. Laceration and permanent scar right face;
- e. Severe blunt force trauma to head, trunk, abdomen and upper and lower extremities; and
- f. Shock to nerves and nervous system.

7. That as a direct and proximate result of the aforementioned injuries suffered by Plaintiff Wade S. Bunker, he has suffered the following damages:

- a. Plaintiff has suffered and will suffer great pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life's pleasures;
- b. Plaintiff has been and will be required to expend large sums of money for surgical and medical attention, including physical therapy, hospitalization, medical supplies, surgical appliances, medicines and attendant's services;
- c. Plaintiff will suffer a loss of wages and earning capacity; and
- d. Plaintiff's general health, strength, and vitality have been impaired.

8. The above-captioned accident was caused solely by the negligence, recklessness, and carelessness of Defendant Kurt Wallin in that:

- a. He operated his vehicle at an excessive rate of speed under the circumstances;
- b. He failed to have his vehicle under proper and reasonable control by

attempting to retrieve his cell phone from the floor;

- c. He failed to pay proper and reasonable attention to road hazards, traffic signs and road configuration;
- d. He operated his vehicle without due regard for the rights and safety of his passengers in striking the utility pole; and
- e. He failed to comply with the laws, rules and regulations of the Pennsylvania Motor Vehicle Code, specifically 75 Pa.C.S.A. Section 3719 (Careless Driving) and 75 Pa.C.S.A. Section 3361 (Driving Vehicle at Safe Speed).

WHEREFORE, Plaintiff Wade S. Bunker demands judgment against Defendant Kurt Wallin in an amount in excess of \$30,000.00, plus interest and costs of suit.

A JURY TRIAL OF TWELVE (12) IS DEMANDED

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.

BY



Michael J. Koehler, Esquire
PA I.D. No. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

DATE: 1/30/07

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No.

v.

KURT WELLEN,

CIVIL ACTION - LAW

Defendant :

VERIFICATION

I, Wade S. Bunker, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Wade Bunker
Wade S. Bunker

Date: 1-19-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No. 07-161-CD

v.

KURT WALLIN,

CIVIL ACTION - LAW

Defendant :

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Please Reinstate the Complaint against the Defendant, Kurt Wallin with regard to the above-captioned matter.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY

Michael J. Koehler, Esquire
Pa. ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

FILED *at \$7.00*
3/12/2007 *I reinstated*
complaint to
Shaw
MAR 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No. 07-161-CD

v.

KURT WALLIN,

Defendant :

CIVIL ACTION - LAW

FILED NO
MARCH 19 2007
S

William A. Shaw
Prothonotary/Clerk of Courts

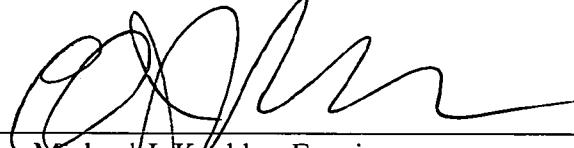
CERTIFICATION OF SERVICE BY CERTIFIED MAIL

I, Michael J. Koehler, Esquire, hereby certify that Defendant, Kurt Wallin, was served a copy of the Complaint in the above-captioned matter by U.S. Certified Mail on March 12, 2007, as evidenced by the attached Certified Mail Domestic Return Receipt.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <i>X Kurt Wallin</i></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Kurt Wallin</i></p> <p>C. Date of Delivery <i>3-12-07</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>1486 Old North Creek Rd Emporium, Pa 15834</i></p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to: <i>Kurt Wallin 5411 Cane Creek Road Cross, South Carolina 29436</i>		7004 1350 0004 4755 4559 (MJK)	
2. Article Number (Transfer from service label)		PS Form 3811, February 2004 Domestic Return Receipt	
		Wade Bunker 102595-02-M-1540	

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY 

Michael J. Keehler, Esquire
Pa. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for the Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE S. BUNKER,
Plaintiff

vs.

KURT WALLIN,
Defendant

Type of Case: Civil Action

No. 07-161-CD

Type of Pleading:
Praecipe for Entry of
Appearance

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
3 S. Brady Street, Suite 300
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 03/20/2007

FILED

MAR 21 2007

m/11:20/07

William A. Shaw
Prothonotary/Clerk of Courts

copy to C/R

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

WADE S. BUNKER,

Plaintiff

vs.

No. 07-161-CD

KURT WALLIN,

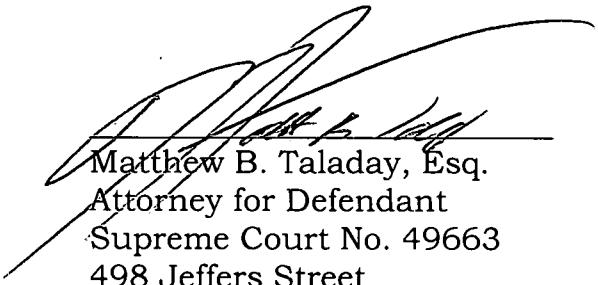
Defendant

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendant, Kurt Wallin, in the above captioned matter.

Dated: 03/20/07


Matthew B. Taladay, Esq.
Attorney for Defendant
Supreme Court No. 49663
498 Jeffers Street
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

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

WADE S. BUNKER,

Plaintiff

vs.

No. 07-161-CD

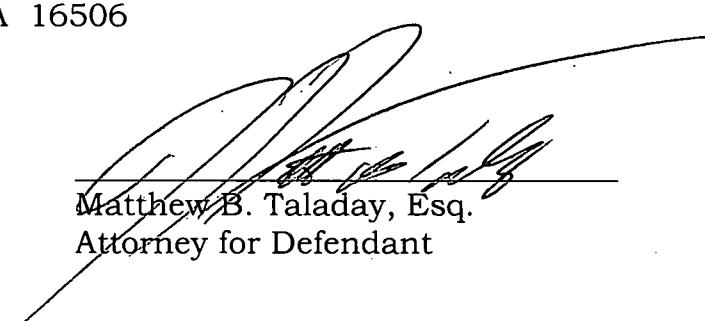
KURT WALLIN,

Defendant

CERTIFICATE OF SERVICE

I certify that on the 20th day of March, 2007, a true and correct copy of Defendant's Praeclipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

Michael J. Koehler, Esq.
Attorney for Plaintiff
NICHOLAS, PEROT, SMITH, KOEHLER &
WALL, P.C.
2527 West 26th Street
Erie, PA 16506


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE S. BUNKER, : Type of Case: Civil Action
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, : Type of Pleading:
Defendant : Notice of
Service
: Filed on Behalf of:
: Defendant
: Counsel of Record for This
: Party:
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 3 S. Brady Street, Suite 300
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

Dated: 03/28/2007

FILED No CC.
in 11:50 am
MAR 29 2007
(JM)

William A. Shaw
Prothonotary/Clerk of Courts

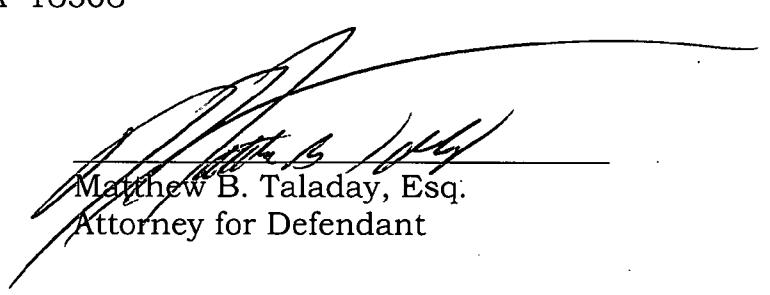
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

WADE S. BUNKER, :
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, :
Defendant :
:

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being
counsel of record for Defendant, do hereby certify that I propounded on
Plaintiffs, via United States mail, first class, postage pre-paid, this 28th
day of March, 2007, Defendant's FIRST SET OF DISCOVERY
MATERIALS to the below indicated person, at said address, being
counsel of record for the Plaintiff:

Michael J. Koehler, Esq.
Attorney for Plaintiff
NICHOLAS, PEROT, SMITH, KOEHLER &
WALL, P.C.
2527 West 26th Street
Erie, PA 16506

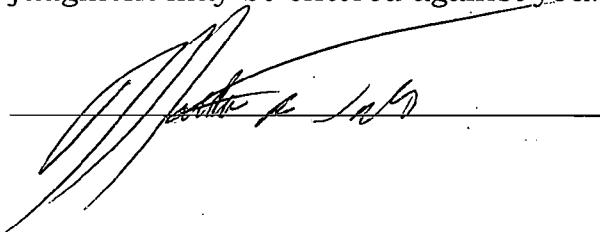

Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE S. BUNKER, : Type of Case: Civil Action
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, : Type of Pleading:
Defendant : Answer and
: New Matter
: Filed on Behalf of:
: Defendant
: Counsel of Record for This
: Party:
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 3 S. Brady Street, Suite 300
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

Dated: 04/03/07

You are hereby notified to plead
to the within pleading within twenty
(20) days of service thereof or default
judgment may be entered against you.



FILED *no cc*
M10:4584
APR 04 2007
GW

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE S. BUNKER, :
Plaintiff :
: vs. : No. 07-161-CD
: :
KURT WALLIN, :
Defendant :
:

ANSWER

AND NOW, comes the Defendant, Kurt Wallin, by and through his attorneys, Hanak, Guido and Taladay, and hereby submits the within response to Plaintiff's Complaint:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments contained in paragraph 6 of Plaintiff's Complaint, therefore, they are denied and strict proof is demanded at the time of trial.

7. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the averments contained in paragraph 7 of Plaintiff's Complaint, therefore, they are denied and strict proof is demanded at the time of trial.

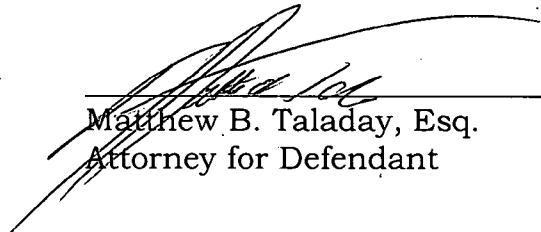
8. Denied as stated pursuant to PaR.C.P. Rule 1029(c).
However, it is admitted that Kurt Wallin is responsible for the subject
accident. Liability is admitted.

NEW MATTER

9. Plaintiff's claims are barred or limited by application of
the Pennsylvania Motor Vehicle Financial Responsibility Law.

10. Plaintiff's claims are barred or limited by application of
the Worker's Compensation Laws of Pennsylvania.

WHEREFORE, Defendant, Kurt Wallin, demands judgment
in his favor.


Matthew B. Taladay, Esq.
Attorney for Defendant

VERIFICATION

I, **Kurt Wallin**, do hereby verify that I have read the foregoing Answer and New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 3-28-07

Kurt Wallin
Kurt Wallin

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

WADE S. BUNKER,
Plaintiff

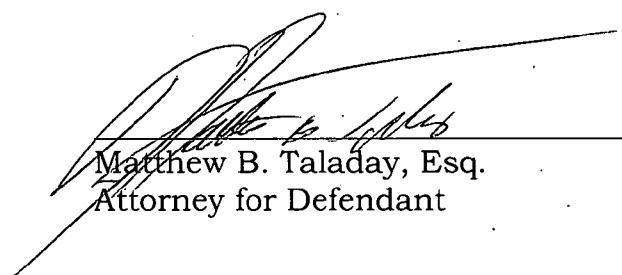
vs. No. 07-161-CD

KURT WALLIN,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 3rd day of April, 2007, a true and correct copy of Defendant's Answer and New Matter was sent via first class mail, postage prepaid, to the following:

Michael J. Koehler, Esq.
Attorney for Plaintiff
NICHOLAS, PEROT, SMITH, KOEHLER &
WALL, P.C.
2527 West 26th Street
Erie, PA 16506


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No. 07-161-CD

v.

KURT WALLIN,

Defendant :

CIVIL ACTION - LAW

FILED

APR 13 2007 (G)
m (10:30 AM)
William A. Shaw
Prothonotary/Clerk of Courts
1 Clerk to Atty

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, Wade S. Bunker, by and through his attorneys, NICHOLAS, PEROT, SMITH, KOEHLER & WALL, and files this Reply to New Matter, the content of which is as follows:

8. Plaintiff hereby incorporates by reference each and every allegation contained in paragraphs 1 through 8 in the original Complaint as though set forth herein under in their entirety.

NEW MATTER

9. The allegations set forth in paragraph 9 of Defendant's New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary it is denied that Plaintiff's claims are limited and/or barred by the Application of the Pennsylvania Motor Vehicle Financial Responsibility Law and strict proof of the same is demanded at time of trial.

10. The allegations set forth in paragraph 10 of Defendant's New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary it is denied that Plaintiff's claims are limited and/or barred by the Application

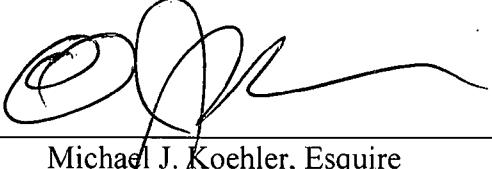
of the Pennsylvania Workers' Compensation Act and strict proof of the same is demanded at time of trial.

WHEREFORE, Plaintiff Wade S. Bunker demands judgment in his favor against Defendant Kurt Wallin in an amount in excess of \$30,000.00, plus interest and costs.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA. I.D. 86195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER, :
Plaintiff : No. 07-161-CD
v. :
: CIVIL ACTION - LAW
KURT WALLIN, :
Defendant :
:

VERIFICATION

On this 10 day of April, 2007, Michael J. Koehler, Esquire, the undersigned, hereby states that he is the attorney for the Plaintiff, Wade S. Bunker, and that he is authorized to make this verification on behalf of the plaintiff, that the facts set forth in the foregoing Reply to New Matter are true and correct, not of his own knowledge, but from information supplied to him by the plaintiff, that the purpose of this verification is to expedite the litigation, that a verification of the plaintiff will be supplied if demanded, all subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

BY


Michael J. Koehler, Esquire
PA. I.D. 56195
2529 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No. 07-161-CD

v.

KURT WALLIN,

Defendant :
CIVIL ACTION - LAW

CERTIFICATE OF SERVICE

I hereby certify that on the 9 day of April, 2007, the foregoing Reply to New Matter was served upon the following individual in accordance with all applicable rules of court:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
3 S. Brady Street, Suite 300
P.O. Box 487
DuBois, PA 15801

BY


Michael J. Koehler, Esquire
PA ID. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No. 07-161-CD

v.

KURT WALLIN,

Defendant :

CIVIL ACTION - LAW

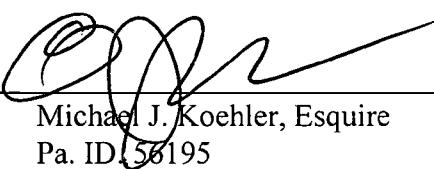
NOTICE OF SERVICE OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS

I, Michael J. Koehler, Esquire, do hereby certify that on the 10 day of April, 2007, the original First Set of Interrogatories and Requests for Production of Documents directed to Defendant, Kurt Wallin, was served upon Defendant's counsel, Matthew B. Taladay, Esquire, Hanak, Guido and Taladay, 3 S. Brady Street, Suite 300, P.O. Box 487, DuBois, PA 15801, by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY


Michael J. Koehler, Esquire
Pa. ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiffs

FILED
MAY 24 2007
APR 23 2007
NOCC
W.A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE S. BUNKER, : Type of Case: Civil Action
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, : Type of Pleading:
Defendant : Notice of
Service :
: Filed on Behalf of:
: Defendant :
: Counsel of Record for This
: Party:
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 3 S. Brady Street, Suite 300
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

Dated: 05/25/2007

FILED

MAY 29 2007

m 8:30 AM
William A. Shaw
Prothonotary/Clerk of Courts
No 4/2

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

WADE S. BUNKER,

Plaintiff

vs.

No. 07-161-CD

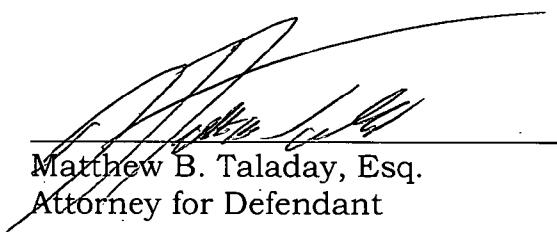
KURT WALLIN,

Defendant

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiffs, via United States mail, first class, postage pre-paid, this 25th day of May, 2007, Defendant's RESPONSE TO PLAINTIFF'S FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

Michael J. Koehler, Esq.
Attorney for Plaintiff
NICHOLAS, PEROT, SMITH, KOEHLER &
WALL, P.C.
2527 West 26th Street
Erie, PA 16506


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102411
NO: 07-161-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: WADE S. BUNKER
vs.
DEFENDANT: KURT WALLIN

SHERIFF RETURN

NOW, February 05, 2007, SHERIFF OF CAMERON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON KURT WALLIN.

NOW, February 07, 2007 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ON KURT WALLIN, DEFENDANT. THE RETURN OF CAMERON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED
01/13/2007
JUN 13 2007
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102411
NO: 07-161-CD
SERVICES 1
COMPLAINT

PLAINTIFF: WADE S. BUNKER
vs.
DEFENDANT: KURT WALLIN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NICHOLAS	10967	10.00
SHERIFF HAWKINS	NICHOLAS	10967	21.00
CAMERON CO.	NICHOLAS	10968	20.39

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

*Chester A. Hawkins
by Marlyn Harris*
Chester A. Hawkins
Sheriff



C A M E R O N C O U N T Y
S H E R I F F ' S O F F I C E

AFFIDAVIT OF SERVICE / RETURN OF SERVICE

DATE RECEIVED: 02/07/07 LAST DAY TO SERVE: 03/07/07 DATE CLOSED: 02/07/07

PLAINTIFF(S): Wade S. Bunker

CASE NO. 07-161-CD

-VS-

COURT OF COMMON PLEAS
OF Clearfield COUNTY PA.
TYPE: Complaint

DEFENDANT(S): Kurt Wallin

PLAINTIFF'S ATTORNEY
Nicholas, Perot, Smith, Koehler
& WALL - 814-833-8851

NOW / / AT THE UNDERSIGNED SERVED THE WITHIN

AT

LEAVING WITH

BY PERSONALLY HANDING TO AND/OR

ABOVE NAMED DOCUMENT AND MADE KNOWN THE CONTENTS THEREOF.

ADVANCED FUNDS RECEIVED: \$75.00 CHK/MO NUMBER 10968

Arrest---	Service---	Postage-----: \$.39
D.S.T.A.-:	Mileage---: \$6.00	Deputization----:
Docketing: \$9.00	Commitment:	*Other/See Below: \$5.00

D.J. Warrant Service-:	TOTAL COSTS----: \$20.39
Bench Warrant Service:	REFUND AMOUNT---: \$54.61
	REFUND CHECK #

ADDITIONAL COMMENTS: *Unable to Locate - No longer lives at 1486 Old West Creek Road, Emporium PA 15834

ANTICIPATED ACTION: New Address Obtained for Defendant - 541 Cane Creek Road Cross, South Carolina 29436 - Phone (843) 753-4007.

Sworn to and subscribed before me this
7th day of February A.D. 2007

PROTHONOTARY

Kathleen G. Lewis
Deputy

PUTY/SHERIFF:

Allen H. Neyman

PROTHONOTARY

*My Commission Expires
1st Monday, Jan. 2010*

CLERK OF COURTS & CLERK OF THE TRUSTEE

RECEIVED AND FILED IN THE CLERK'S OFFICE TO GO TO THE CLERK'S OFFICE
OF THE CLERK OF COURTS AND CLERK OF THE TRUSTEE

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IN THE CLERK'S OFFICE
OF THE CLERK OF COURTS AND CLERK OF THE TRUSTEE

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OF THE CLERK OF COURTS AND CLERK OF THE TRUSTEE

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IN THE CLERK'S OFFICE
OF THE CLERK OF COURTS AND CLERK OF THE TRUSTEE

FILED
JUN 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No. 07-161-CD

v.

CIVIL ACTION - LAW

KURT WALLIN,

Defendant :

**NOTICE OF SERVING PLAINTIFF'S RESPONSE TO INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS (FIRST SET) FILED BY THE
DEFENDANT**

I, Michael J. Koehler, Esquire, do hereby certify that on the 26th day of July, 2007, Plaintiff's Response to Interrogatories and Request for Production of Documents was served upon Defendant's counsel, Matthew B. Taladay, Esquire, Hanak, Guido and Taladay, 3 S. Brady Street, Suite 300, P.O. Box 487, DuBois, PA 15801, by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.

BY


Michael J. Koehler, Esquire
Pa. ID# 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

FILED
310:53 AM
JUL 30 2007
NO CC
GR

William A. Shew
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE S. BUNKER,
Plaintiff
vs.
KURT WALLIN,
Defendant

Type of Case: Civil Action
No. 07-161-CD
Type of Pleading:
Motion to Compel
Discovery
Filed on Behalf of:
Defendant
Counsel of Record for This
Party:
Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
3 S. Brady Street, Suite 300
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 08/08/2007

FILED *ICC*
M 10:40 AM Atty Taladay
AUG 09 2007
CK

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE S. BUNKER, :
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, :
Defendant :

MOTION TO COMPEL DISCOVERY

AND NOW comes Defendant, Kurt Wallin, by his attorneys, Hanak, Guido and Taladay and hereby petition this Honorable Court to compel discovery averring as follows:

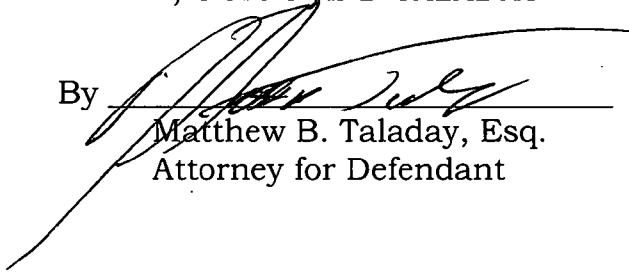
1. On March 28, 2007 Interrogatories and Request for Production of Documents were served by Defendant upon Plaintiff. A Notice of Service was filed with the Office of Prothonotary by first class mail on that date. A copy of the Notice of Service is attached hereto as Exhibit "A".
2. To date, no responses to these discovery requests have been provided.
3. Defendant requests this Honorable Court to issue an Order compelling Counsel for Plaintiff to provide full and complete discovery responses within thirty days of the date of this Order, upon failure of which the Court may impose sanctions.

WHEREFORE, it is respectfully requested that this Motion to
Compel Discovery be granted.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Defendant

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

WADE S. BUNKER, :
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, :
Defendant :

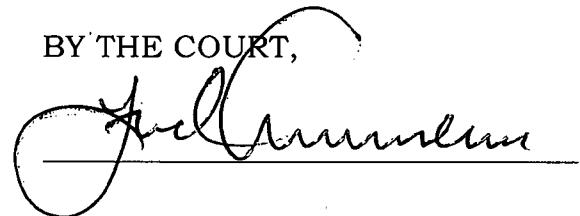
ORDER OF COURT

AND NOW, this 10 day of August, 2007, upon
consideration of Defendant's Motion to Compel Discovery,

IT IS HEREBY ORDERED that the Motion is granted.

Plaintiff shall forthwith produce and supply full and complete discovery
responses within thirty (30) days from the date of this Order. In the
event that Plaintiff fails to abide by this Order, this Court may, upon
further Petition of Defendant, impose appropriate sanctions.

BY THE COURT,



FILED
02/14/07
AUG 10 2007

William A. Shaw
Prothonotary/Clerk of Courts
PCC Atty Taladay
GW

FILED
AUG 10 2007

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

DATE 8/10/07

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

WADE S. BUNKER,
Plaintiff
vs.
KURT WALLIN,
Defendant

Type of Case: Civil Action

No. 07-161-CD

Type of Pleading:

Praecipe to Withdraw
Motion to Compel
Discovery

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
3 S. Brady Street, Suite 300
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: August 22, 2007

place in file
NO ACTION
REQUIRED.
F

FILED NO CC
M 11/11/07
AUG 23 2007
GW

William A. Shaw
Prothonotary/Clerk of Courts

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

WADE S. BUNKER, :
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, :
Defendant :
.

PRAECIPE TO WITHDRAW MOTION TO COMPEL DISCOVERY

TO THE PROTHONOTARY:

Kindly withdraw the Motion to Compel Discovery filed on
behalf of the Defendant in this matter.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By

Matthew B. Taladay, Esq.
Attorney for Defendant

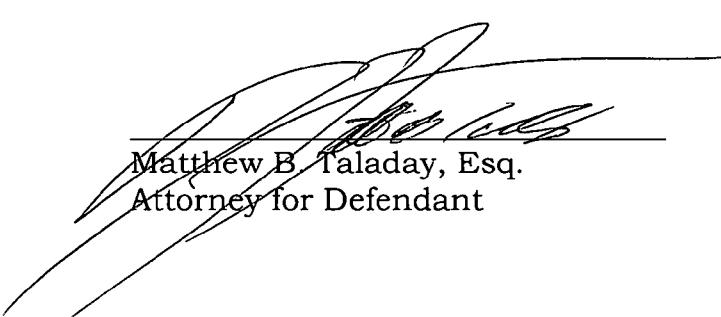
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

WADE S. BUNKER, :
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 22nd day of August, 2007, a true and correct copy of Defendant's Praeclipe to Withdraw Motion to Compel Discovery was sent via first class mail, postage prepaid, to the following:

Michael J. Koehler, Esq.
Attorney for Plaintiff
NICHOLAS, PEROT, SMITH, KOEHLER &
WALL, P.C.
2527 West 26th Street
Erie, PA 16506


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No. 07-161-CD

v.

CIVIL ACTION - LAW

KURT WALLIN,

Defendant :

NOTICE OF DEPOSITION UPON ORAL EXAMINATION

PLEASE TAKE NOTICE that the deposition upon oral examination of **Kurt Wallin** has been scheduled and will be taken on **Monday, October 1, 2007** at the law offices of Hanak, Guido and Taladay, 3 South Brady Street, Suite 300, DuBois, Pennsylvania, 15801, beginning at **12:00 p.m.** The deposition will be taken pursuant to Pa.R.C.P. 4007.1 before a notary public or other person duly qualified by law to administer an oath.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

By



Michael J. Koehler, Esquire
PA ID #56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

FILED
m 12:2007
AUG 29 2007
LAW
no cc

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER,

Plaintiff : No. 07-161-CD

v.

CIVIL ACTION - LAW

KURT WALLIN,

Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 27 day of August, 2007, a copy of the foregoing Notice of Deposition was served by First Class United States Mail, postage pre-paid to the following parties:

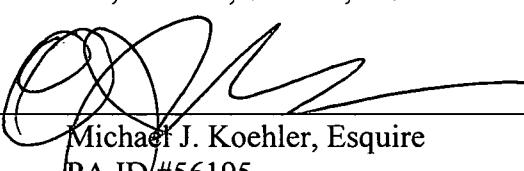
Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
3 S. Brady Street, Suite 300
P.O. Box 487
DuBois, PA 15801

Schreiber Reporting Service
P.O. Box 997
St. Marys, PA 15857

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY


Michael J. Koehler, Esquire
PA ID #56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

FILED

AUG 30 2007

10:30 AM

William A. Shaw

Prothonotary/Clerk of Courts

NO C/C

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

WADE S. BUNKER,
Plaintiff

vs.

KURT WALLIN,
Defendant

Type of Case: Civil Action

No. 07-161-CD

Type of Pleading:
Certificate of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
3 S. Brady Street, Suite 300
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 08/29/2007

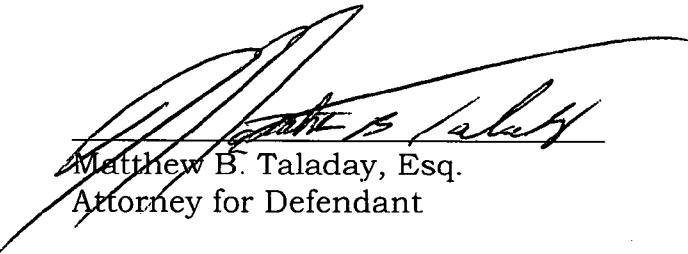
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

WADE S. BUNKER, :
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, :
Defendant :

CERTIFICATE OF SERVICE

I certify that on the 29th day of August, 2007, an original
Notice of Deposition, copy of which is attached hereto, was sent via first
class mail, postage prepaid, to the following:

Michael J. Koehler, Esq.
Attorney for Plaintiff
NICHOLAS, PEROT, SMITH, KOEHLER &
WALL, P.C.
2527 West 26th Street
Erie, PA 16506


Matthew B. Taladay, Esq.
Attorney for Defendant

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

WADE S. BUNKER,
Plaintiff

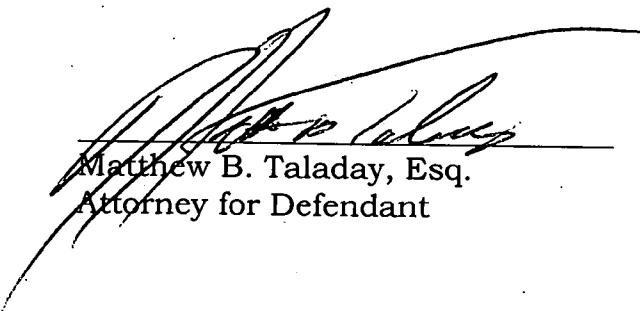
vs. : No. 07-161-CD

KURT WALLIN,
Defendant

NOTICE OF DEPOSITION

TO: WADE S. BUNKER
c/o Michael J. Koehler, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Monday, October 1, 2007 at 10:00 a.m.** at the law office of Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay, Esq.
Attorney for Defendant

cc: Schreiber Reporting Service

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER, : CIVIL ACTION - LAW
Plaintiff :
v. : No. 07-161-CD
: Type of Case: Personal Injury
: Type of Pleading: Notice of Intent to
KURT WALLIN, : Complete Discovery
Defendant : Filed by Behalf of Plaintiff
: Counsel of Record for this Party:
: **Michael J. Koehler, Esquire**
: PA I.D. No.: 56195
: NICHOLAS, PEROT, SMITH, KOEHLER
: & WALL, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

FILED
M 12 4 570
DEC 17 2007
No cc
GR

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER, :
: Plaintiff : No. 07-161-CD
: :
v. : : CIVIL ACTION - LAW
: :
KURT WALLIN, : :
: :
Defendant : :

NOTICE OF INTENT TO COMPLETE DISCOVERY

Pursuant to Clearfield County Local Rule 212.2, you are hereby notified to Complete Discovery within 75 days from the date this Notice is served.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

WADE S. BUNKER, :
Plaintiff : No. 07-161-CD
v. :
: CIVIL ACTION - LAW
KURT WALLIN, :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of December, 2007, the foregoing Notice of Intent to Complete Discovery was served upon the following individual in accordance with all applicable rules of court:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Blvd.
P.O. Box 487
DuBois, PA 15801

BY


Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

S
FILED
M 10:45 AM
FEB 09 2009
10
COPY TO
William A. Shaw
Prothonotary/Clerk of Courts
Amy Taladay
CJA

WADE S. BUNKER, : Type of Case: Civil Action
Plaintiff :
vs. : No. 07-161-CD
KURT WALLIN, : Type of Pleading:
Defendant : Praeclipe for
: Discontinuance
: Filed on Behalf of:
: Defendant
: Counsel of Record for This
: Party:
: Michael J. Koehler, Esq.
: Supreme Court No. 56195
: Nicholas, Perot, Smith,
: Koehler & Wall
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

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

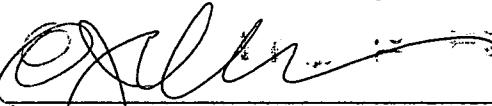
WADE S. BUNKER, :
Plaintiff :
: :
vs. : No. 07-161-CD
: :
KURT WALLIN, :
Defendant :
:

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Kindly mark the above captioned matter settled, ended and discontinued, with prejudice.

NICHOLAS, PEROT, SMITH
KOEHLER & WALL

By 
Michael J. Koehler, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CC
Copy

Wade S. Bunker

Vs.
Kurt Wallin

No. 2007-00161-CD

CERTIFICATE OF DISCONTINUATION

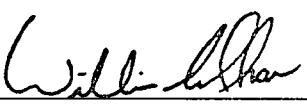
Commonwealth of PA
County of Clearfield

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 February 9, 2009, marked:

Settled, ended and discontinued, with prejudice

Record costs in the sum of \$92.00 have been paid in full by Michael J. Koehler Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of February A.D. 2009.



William A. Shaw, Prothonotary