

07-221-CD

Nancy Smith al vs LJF Inc, et al

Nancy Smith al vs LJF Inc, et al

2007-221-CD

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

NANCY J. SMITH *
127 DEER HAVEN ROAD *
FRENCHVILLE, PA 16836 *

AND *

THOMAS O. SMITH *
127 DEER HAVEN ROAD *
FRENCHVILLE, PA 16836 *

H/W *
Plaintiffs *

-vs- *

No. 07-221-CD
JURY TRIAL DEMANDED

L J F, INC. *
1233 PARKS ROAD *
IRVONA, PA 16656 *

AND *

NATHAN BUCK *
7899 GILLINGHAM ROAD *
FRENCHVILLE, PA 16836 *

Defendants *

Type of Pleading:
Praecipe to Issue
Writ of Summons

Filed on Behalf of:
Nancy & Thomas Smith,
husband & wife

Counsels of Record for this
Party:

Samuel Cohen, Esquire
Supreme Court I.D. 27544
Katz, Cohen & Price
1420 Walnut St., Ste. 1500
Philadelphia, PA 19102
(215) 545-2201

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865
211 North Second Street
Clearfield, PA 16830
(814) 765-1717

FILED 4th Milgrub
Old 50804 pd. 85.00
FEB 12 2007

William A. Shaw 1CC Sheriff 22wnts
Prothonotary/Clerk of Courts
1CC Atty 1 wnt

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

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

NANCY J. SMITH
127 DEER HAVEN ROAD
FRENCHVILLE, PA 16836

AND

THOMAS O. SMITH
127 DEER HAVEN ROAD
FRENCHVILLE, PA 16836

H/W
Plaintiffs

-vs-

L J F, INC.
1233 PARKS ROAD
IRVONA, PA 16656

AND

NATHAN BUCK
7899 GILLINGHAM ROAD
FRENCHVILLE, PA 16836

Defendants

No.
JURY TRIAL DEMANDED

PRAECIPE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue a Writ of Summons upon the above captioned Defendants, L J F, Inc. at 1233 Parks Road, Irvona, Pennsylvania 16656 and Nathan Buck at 7899 Gillingham Road, Pennsylvania 15836. A jury trial is demanded.

Date: 2/12/07

Samuel Cohen

Samuel Cohen, Esquire
Attorney for Plaintiffs

Richard H. Milgrub

Richard H. Milgrub, Esquire
Attorney for Plaintiffs

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

FEB 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

COPY

SUMMONS

Nancy J. Smith and Thomas O. Smith

Vs.

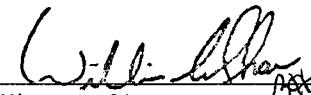
NO.: 2007-00221-CD

**L. J. F., Inc. and
Nathan Buck**

**TO: L. J. F., INC. and
NATHAN BUCK**

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: 02/12/2007



William A. Shaw
Prothonotary

Issuing Attorney:
Samuel Cohen
Suite 2010
Philadelphia, PA 19103-5020

Richard H. Milgrub, Esq.
211 North Second Street
Clearfield, PA 16830

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),
VS.

Type of Pleading:
PRAECIPE FOR APPEARANCE

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

Filed on behalf of the Defendant(s),
L.J.F. INC. and NATHAN BUCK

Counsel of Record for this Party:

Christopher M. Fleming
PA I.D. #29300

Snyder & Fleming
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

FILED
MAR 16 2007
12:34 PM
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),

vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Defendants L.J.F. Inc. and Nathan Buck in reference to the above-captioned matter.

JURY TRIAL DEMANDED.

SNYDER & FLEMING

BY:


CHRISTOPHER M. FLEMING, ESQUIRE
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

FILED

MAR 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),
vs.

Type of Pleading:
**PRAEICE FOR RULE TO FILE
COMPLAINT**

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

Filed on behalf of the Defendant(s),
L.J.F. INC. and NATHAN BUCK

Counsel of Record for this Party:

Christopher M. Fleming
PA I.D. #29300

Snyder & Fleming
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

FILED 1CC@1writ
M 12:34 PM MAR 16 2007 to Atty Fleming
60
William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),

vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

**PRAECIPE FOR RULE ON THE PLAINTIFF
TO FILE A COMPLAINT AGAINST THE DEFENDANT**

TO THE PROTHONOTARY:

Enter Rule upon the Plaintiff to file a Complaint in the above matter within twenty (20) days.

Respectfully submitted,

By: 
CHRISTOPHER M. FLEMING, ESQUIRE
35 N. Main Street, Second Floor
Greensburg, PA 15601
(724) 837-8484

FILED

MAR 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

COPY

Nancy J. Smith and
Thomas O. Smith

VS.
L. J. F., Inc. and
Nathan Buck

Case No. 2007-00221-CD

RULE TO FILE COMPLAINT

TO: Nancy J. Smith and Thomas O. Smith

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William A. Shaw, Prothonotary

Dated: March 16, 2007

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),

Type of Pleading:
NOTICE OF SERVICE

vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

Filed on behalf of the Defendant(s),
L.J.F. INC. and NATHAN BUCK

Counsel of Record for this Party:

Christopher M. Fleming
PA I.D. #29300

Snyder & Fleming
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

FILED
m12:29764 NOcc
MAR 26 2007
(u)

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),

vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

NOTICE OF SERVICE

TO THE PROTHONOTARY:

COMES NOW, the Defendant, L.J.F. Inc., by and through their counsel, Christopher M. Fleming, Esquire, and certify that Interrogatories and Request for Production of Documents directed to Plaintiff were served upon all counsel in accordance with the Pennsylvania Rules of Civil Procedure, by United States mail, postage prepaid on this 19th day of March, 2007.

Dated: March 19, 2007

By: 
Christopher M. Fleming, Esquire
SNYDER & FLEMING
35 N. Main Street
Greensburg, PA 15601
(724) 837-8484

FILED

MAR 26 2007

William A. Shaw
Prothonotary/Clerk of Courts



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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),
vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

Type of Pleading:
TEN DAY NOTICE

Filed on behalf of the Defendant(s),
L.J.F. INC. and NATHAN BUCK

Counsel of Record for this Party:

Christopher M. Fleming
PA I.D. #29300

Snyder & Fleming
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

FILED NO CC
MAY 04 2007
GR

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),
vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

IMPORTANT NOTICE

TO: Nancy J. Smith and Thomas O. Smith
c/o Samuel Cohen
Katz, Cohen & Price, P.C.
Suite 1500
1420 Walnut Street
Philadelphia, PA 19102

DATE: April 27, 2007

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANT AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

WESTMORELAND COUNTY BAR ASSOCIATION
129 NORTH PENNSYLVANIA AVENUE
GREENSBURG, PA 15601
(724) 834-8490

SNYDER & FLEMING



CHRISTOPHER M. FLEMING, ESQUIRE
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

CERTIFICATE OF SERVICE

I, Christopher M. Fleming, Esquire, hereby certify that a true and correct copy of the foregoing Ten Day Notice was served on the following via First-Class, U.S. mail, on this 30th day of April, 2007:

Richard H. Milgrub, Esquire
211 North Second Street
Clearfield, PA 16830

Samuel Cohen, Esquire
1420 Walnut Street
Suite 1500
Philadelphia, Pa 19102


Christopher M. Fleming, Esquire

FILED

MAY 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH
127 DEER HAVEN ROAD
FRENCHVILLE, PA 16836

AND

THOMAS O. SMITH
127 DEER HAVEN ROAD
FRENCHVILLE, PA 16836

W/H

Plaintiffs

-vs-

L J F, INC.
1233 PARKS ROAD
IRVONA, PA 16656

AND

NATHAN BUCK
7899 GILLINHAM ROAD
FRENCHVILLE, PA 16836

Jury Trial Demanded
No. 07-221-CD
Type of Pleading:
CIVIL ACTION COMPLAINT
Filed on Behalf of : Plaintiffs
Nancy & Thomas Smith,
Wife and Husband
Counsels of Record for this Party
Samuel Cohen, Esquire
Supreme Court I.D. 27544
Katz, Cohen & Price
1420 Walnut St. Suite 1500
Philadelphia, PA 19102
(215) 545-2201
Richard H. Milgrub, Esquire
Supreme Court I.D. 19865
211 North Second Street
Clearfield, PA 16830
(814) 765-1717

FILED
MAY 07 2001
NO CC
670

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH :
AND :
THOMAS O. SMITH :
W/H : No. 2007-00221-CD
Plaintiffs :
JURY TRIAL DEMANDED
-vs- :
L J. F., INC. :
AND :
NATHAN BUCK :
Defendants :

CIVIL ACTION COMPLAINT

NOTICE

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 or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleva esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

LAWYER REFERRAL SERVICE
Pennsylvania Bar Association
P. O. Box 186
Harrisburg, Pennsylvania 17108
(800) 692 7375

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

NANCY J. SMITH :
:
AND :
:
THOMAS O. SMITH :
W/H : No. 2007-00221-CD
Plaintiffs :
: JURY TRIAL DEMANDED
-vs- :
:
L J. F., INC. :
:
AND :
:
NATHAN BUCK :
Defendants :

CIVIL ACTION COMPLAINT

COME NOW Plaintiffs **NANCY J. SMITH** and **THOMAS O. SMITH**, wife and husband, by their counsel, Richard H. Milgrub, Esquire and Katz, Cohen & Price, P.C. and desiring to recover compensation for injuries, losses and damages sustained by them as a result of the negligence and carelessness of Defendants avers in support thereof the following:

1. Plaintiffs **NANCY J. SMITH** and **THOMAS O. SMITH** are adult individuals who are wife and husband and who are citizens and residents of the Commonwealth of Pennsylvania residing therein at 127 Deer Haven Road, Frenchville, Clearfield County Pennsylvania.

2. Defendant L J. F., Inc. is a corporation which, upon information and belief, has a regular place of business at 1233 Parks Road, Irvona, Clearfield County and which regularly conducts business in the Commonwealth of Pennsylvania.

3. Defendant Nathan Buck is an adult individual who is a citizen and resident of the Commonwealth of Pennsylvania residing therein at 7899 Gillingham Road, Frenchville, Clearfield County.

4. At all times material hereto, Defendant L J. F. Inc., acted by and through its authorized agents, servants, workmen and/or employees including, but not limited to, Defendant Nathan Buck, each of whom was acting within the course and scope of his/her agency and/or employment with said Defendant.

5. On or about February 22, 2005 at or about 4:45p.m., Plaintiff Nancy J. Smith was driving an automobile owned by her in an eastwardly direction on SR 879 in Girard Township, Clearfield County.

6. On or about the aforementioned date, at or about the aforementioned time, Defendant Nathan Buck acting within the course and scope of his agency and/or employment with Defendant L.J.F., Inc., was driving his vehicle in the left lane of SR 879 heading east.

7. On or about the aforementioned date, at or about the aforementioned time, suddenly and without warning Defendant attempted to make a right turn on to Girard Circle.

8. When Plaintiff Nancy Smith observed Defendant attempting to make the right turn from the left lane, she turned her vehicle to the right in an effort to avoid an accident which caused her vehicle to leave the roadway and strike an embankment and, as a result, Plaintiff sustained serious and painful personal injuries, losses and damages.

9. No act or failure to act on the parts of Plaintiffs caused or contributed to the happening of the incident described herein and Plaintiffs injuries, losses and damages were caused solely as a result of the conduct of Defendants as set forth herein.

10. The injuries, losses and damages sustained by Plaintiffs were caused as a result of the negligence and carelessness of Defendants in some or all of the following respects:

- a. Attempting to make a right turn from the left hand lane;
- b. Attempting to make a turn when it was unsafe to do so;
- c. Failure to make proper observation of Plaintiff's vehicle;
- d. Failing to properly signal the intention to make a right turn;
- e. Failure to take into account the rights, safety and position of

Plaintiff;

- f. Failing to make proper observation;
- g. In failing to take into account the physical characteristics of

Defendant's vehicle while attempting to make a right turn.

h. Violation of applicable statutes of the Commonwealth of Pennsylvania including Pennsylvania Motor Vehicle Law and ordinances of Clearfield County and Girard Township.

COUNT I - PLAINTIFF NANCY SMITH VS DEFENDANTS

11. Plaintiff, Nancy Smith, incorporates herein by reference each and every averment contained in paragraphs 1 through 10 as though same were fully set forth herein at length.

12. By reason of the said wrongful acts of Defendants, the Plaintiff has suffered various injuries, including, but not limited to, fracture of the left tibial plateau together with torn medial meniscus and pes anserinus bursitis, sprain of the right ankle together with a severe shock to her nerves and nervous system, an aggravation and activation of her nerves and nervous system, an aggravation and activation of preexisting and dormant conditions and she was otherwise injured some or all of which injuries are or may be serious and permanent in nature.

13. As a further result of the aforementioned negligence and carelessness of Defendants, the Plaintiff has sustained great physical pain, mental suffering and humiliation and will continue to endure said pain, suffering, mental anguish and humiliation for an indefinite time in the future.

14. As a further result of the aforementioned negligence and carelessness of Defendants, the Plaintiff has been obliged and will in the future be obliged to expend various sums of money for medicine and medical expenses in and above endeavoring to treat and cure her injuries much to her financial damage and loss.

15. As a further result of the aforementioned negligence and carelessness of Defendants, the Plaintiff has been unable to follow her usual occupation and will be unable to follow same for an indefinite time in the future, has lost the emoluments which would have come to her through her employment and has suffered an impairment of her earning capacity and power, all of which losses are or may be serious and permanent in nature.

16. As a further result of the aforementioned negligence and carelessness of Defendants, the Plaintiff has suffered a loss of the enjoyment of her usual duties, life's pleasures and activities, all to her great detriment and loss and will continue to do so for an indefinite time in the future.

17. As a further result of the aforementioned negligence and carelessness of Defendants, the Plaintiff has suffered damage to her personal property including, but not limited to her motor vehicle.

18. As a further result of the aforementioned negligence and carelessness of Defendants, the Plaintiff has or may hereinafter incur various other expenses

or losses and may continue to incur same for an indefinite time in the future.

WHEREFORE Plaintiff demands judgement in her favor and against Defendant for a sum **in excess of \$20,000.00.**

COUNT II- PLAINTIFF THOMAS O. SMITH VS DEFENDANTS

19. Plaintiff, Thomas O. Smith incorporates herein by reference each and every averment contained in paragraphs 1 through 18 as though same were fully set forth herein at length.

20. As a result of the aforesaid occurrence, Plaintiff Thomas O. Smith has been deprived of the aid, society, care and consortium of his wife, Nancy J. Smith much to his great detriment and loss.

21. As a result of the aforesaid occurrence, the Plaintiff has been obliged and will in the future be obliged to expend various sums of money for medicine and medical expenses in and above endeavoring to treat and cure the injuries to his wife, Nancy J. Smith much to his financial damage and loss.

22. As a further result of the aforesaid occurrence, Plaintiff, Thomas O. Smith, has or may incur various other damages and incur other expenses or losses for his wife and may continue to incur same for an indefinite time in the future much to his great financial damage and loss.

WHEREFORE, Plaintiff demands judgement in his/her favor and against Defendant/s for a sum in excess of \$20,000.00.

KATZ, COHEN & PRICE, P.C.

BY: 
SAMUEL COHEN

DATED: 8/2/07

VERIFICATION

I, SAMUEL COHEN, verify that I am the attorney for Plaintiffs **NANCY J. SMITH and THOMAS O. SMITH** named herein, and that the averments of fact set forth in the foregoing **CIVIL ACTION COMPLAINT** are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



~~Samuel Cohen~~
SAMUEL COHEN

Dated 8/2/07

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

NANCY J. SMITH :
:
AND :
:
THOMAS O. SMITH :
 H/W : No. 2007-00221-CD
 Plaintiffs :
 : **JURY TRIAL DEMANDED**
 -**vs-** :
:
L J. F., INC. :
:
AND :
:
NATHAN BUCK :
 Defendants :

CERTIFICATION OF SERVICE

I, Samuel Cohen, certify that a true and correct copy of the within Plaintiffs' **CIVIL ACTION COMPLAINT** was forwarded via facsimile on May 2, 2007 to:

Christopher M. Fleming, Esquire
Snyder & Fleming
35 North Main Street
Greensburg, Pennsylvania 15601
Fax: (724) 837-8312

KATZ, COHEN & PRICE, P.C.



By: SAMUEL COHEN

FILED

MAY 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102442
NO: 07-221-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: NANCY J. SMITH and THOMAS O. SMITH
vs.
DEFENDANT: L.J.F. INC. and NATHAN BUCK

SHERIFF RETURN

NOW, February 23, 2007 AT 2:11 PM SERVED THE WITHIN SUMMONS ON L.J.F., INC. DEFENDANT AT 1233 PARKS ROAD, IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LEO FRAILEY, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
013-13501
MAY 09 2007
LM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102442
NO: 07-221-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: NANCY J. SMITH and THOMAS O. SMITH
VS.
DEFENDANT: L.J.F. INC. and NATHAN BUCK

SHERIFF RETURN

NOW, February 23, 2007 AT 9:31 AM SERVED THE WITHIN SUMMONS ON NATHAN BUCK DEFENDANT AT 7899 GILLINGHAM ROAD, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO COLLEEN BUCK, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102442
NO: 07-221-CD
SERVICES 2
SUMMONS

PLAINTIFF: NANCY J. SMITH and THOMAS O. SMITH

vs.

DEFENDANT: L.J.F. INC. and NATHAN BUCK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MILGRUB	1779	20.00
SHERIFF HAWKINS	MILGRUB	1779	80.00

Sworn to Before Me This

So Answers,

Day of 2007


Chester A. Hawkins
Sheriff

FILED

MAY 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH :

AND :

THOMAS O. SMITH :

W/H :

Plaintiffs :

No. 2007-00221-CD

FILED NOCC
JUN 11 2007 39304
SUN 04 2007 62

William A. Shaw
Prothonotary/Clerk of Courts

JURY TRIAL DEMANDED

-vs- :

L J. F., INC. :

AND :

NATHAN BUCK :

Defendants :

PRAECIPE TO SUBSTITUTE VERIFICATION

TO THE PROTHONOTARY:

Kindly substitute Plaintiff Nancy J. Smith's Verification for Samuel Cohen's Verification, which was attached to Plaintiff's Civil Action Complaint which was filed on May 7, 2007.

SAMUEL COHEN



SAMUEL COHEN
Attorney for Plaintiff

Dated:

5/31/07

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

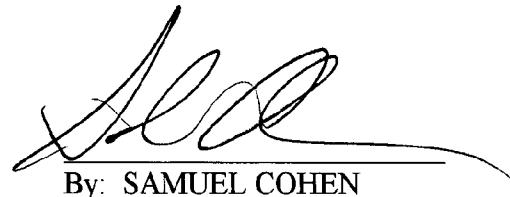
NANCY J. SMITH :
:
AND :
:
THOMAS O. SMITH :
 H/W : **No. 2007-00221-CD**
 Plaintiffs :
 : **JURY TRIAL DEMANDED**
 -vs- :
:
L J. F., INC. :
:
AND :
:
NATHAN BUCK :
 Defendants :

CERTIFICATION OF SERVICE

I, Samuel Cohen, certify that a true and correct copy of the within **PRAECIPE TO**
SUBSTITUTE VERIFICATION was forwarded via First Class United States Mail on
May 31, 2007 to:

**Christopher M. Fleming, Esquire
Snyder & Andrews
11269 Perry Highway, Suite 400
Wexford, Pennsylvania 15090**

KATZ, COHEN & PRICE, P.C.



By: SAMUEL COHEN

VERIFICATION

I, **NANCY J. SMITH** verify that I am the **PLAINTIFF** in this matter and that the averments of fact set forth in the foregoing **CIVIL ACTION COMPLAINT** are true and correct to the best of my personal knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



Nancy J. Smith
NANCY J. SMITH

DATED: 5/11/07

FILED

JUN 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),

Type of Pleading:
ANSWER AND NEW MATTER

vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

Filed on behalf of the Defendant(s),
L.J.F. INC. and NATHAN BUCK

Counsel of Record for this Party:

Christopher M. Fleming
PA I.D. #29300

Snyder & Fleming
35 N. Main Street, Second Floor
Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

You are hereby notified to file written
response to the enclosed NEW MATTER
within 20 days from service hereof or a
judgement may be entered against you.

By: Christopher M. Fleming, Esquire

FILED

AUG 10 2007

112:50

William A. Shaw
Prothonotary/Clerk of Courts

no 4/

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
)
 COUNTY OF WESTMORELAND) SS:

I verify that the statements made in this ANSWER AND NEW MATTER are true and correct; that the attached ANSWER AND NEW MATTER are based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the ANSWER AND NEW MATTER are that of counsel and not of Defendant. I have read the ANSWER AND NEW MATTER and to the extent that the ANSWER AND NEW MATTER are based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the ANSWER AND NEW MATTER are that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities

Date: 5.10.07

Leo Frailey
Leo Frailey
Representative of L.J.F. Inc.

William A. Shaw
Prothonotary/Clerk of Courts

AUG 10 2007

FILED

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),

Type of Pleading:
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Filed on behalf of the Defendant(s),
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Counsel of Record for this Party:

Christopher M. Fleming
PA I.D. #29300

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Greensburg, PA 15601-2401
(724) 837-8484

JURY TRIAL DEMANDED

You are hereby notified to file written
response to the enclosed NEW MATTER
within 20 days from service hereof or a
judgement may be entered against you.

By: Christopher M. Fleming, Esquire

2
FILED

12:50
AUG 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

no 4/

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

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

Plaintiff(s),

vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

ANSWER AND NEW MATTER

AND NOW, Comes the Defendant, L.J.F INC. and NATHAN BUCK, by and through their attorneys, Snyder & Fleming, per Christopher M. Fleming, Esquire, and files the following Answer and New Matter and states as follows:

1. Paragraphs 1 through 5 of Plaintiff's Complaint is admitted.
2. In accordance with amended Pa. R.C.P. 1029, effective September 1, 1994, the Defendant, L.J.F. Inc and Nathan Buck, denies the factual averments contained in Paragraphs 6 through 20 and all of their subparagraphs of the Plaintiff's Complaint. It is further stated that Nathan Buck operated his vehicle in a careful and prudent manner under all of the circumstances existing at the time of the accident.

WHEREFORE, Defendant, L.J.F INC. and NATHAN BUCK , demands judgment in their favor and against the Plaintiff.

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
)
 COUNTY OF WESTMORELAND) SS:

I verify that the statements made in this ANSWER AND NEW MATTER are true and correct; that the attached ANSWER AND NEW MATTER are based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the ANSWER AND NEW MATTER are that of counsel and not of Defendant. I have read the ANSWER AND NEW MATTER and to the extent that the ANSWER AND NEW MATTER are based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the ANSWER AND NEW MATTER are that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsifications to authorities.

Date: 5.10.07

Leo Frailey
Leo Frailey
Representative of L.J.F. Inc.

William A. Shaw
Prothonotary/Clerk of Courts

AUG 10 2007

FILED

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

NANCY J. SMITH :
AND :
THOMAS O. SMITH :
W/H : No. 2007-00221-CD
Plaintiffs :
: JURY TRIAL DEMANDED
-vs- :
:
L J. F., INC. :
AND :
NATHAN BUCK :
Defendants :

PLAINTIFF'S REPLY TO NEW MATTER

21.-23. Denied. The averments contained in these paragraphs constitute conclusions of law for which no response is required under and pursuant to the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Plaintiff Prays this Honorable Court deny the New Matter of Defendants and enter judgment in their favor and against Defendants.

RESPECTFULLY SUBMITTED,

KATZ, COHEN & PRICE, P.C.

BY: 
SAMUEL COHEN

DATED: 8/29/07

FILED NO CC
mha:3234
AUG 29 2007 (k)

William A. Shaw
Prothonotary/Clerk of Courts

VERIFICATION

I, SAMUEL COHEN, verify that I am the attorney for Plaintiffs **NANCY J. SMITH and THOMAS O. SMITH** named herein, and that the averments of fact set forth in the foregoing **PLAINTIFF'S REPLY TO NEW MATTER** are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



SAC
SAMUEL COHEN

Dated 8/20/07

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

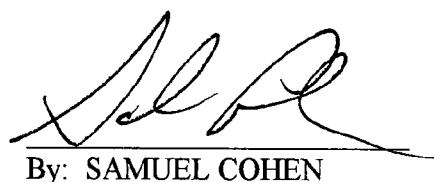
NANCY J. SMITH :
:
AND :
:
THOMAS O. SMITH :
 H/W : **No. 2007-00221-CD**
 Plaintiffs :
 : **JURY TRIAL DEMANDED**
 -**vs-** :
:
L J. F., INC. :
:
AND :
:
NATHAN BUCK :
 Defendants :

CERTIFICATION OF SERVICE

I, Samuel Cohen, certify that a true and correct copy of the within Plaintiffs'
PLAINTIFF'S REPLY TO NEW MATTER was forwarded First Class Mail on
August 23, 2007 to:

**Christopher M. Fleming, Esquire
Snyder & Andrews
11269 Perry Highway, Suite 400
Wexford, Pennsylvania 15090**

KATZ, COHEN & PRICE, P.C.



By: **SAMUEL COHEN**

FILED

AUG 29 2007

William A. Shaw
Prothonotary/Clerk of Courts

KATZ, COHEN & PRICE, P.C.
Attorney for Plaintiffs
By: Samuel Cohen, Esquire
Attorney ID No.: 27544
1420 Walnut Street
Suite 1500
Philadelphia, PA 19102
215-545-2201

Nancy J. Smith and Thomas O. Smith, wife and husband 127 Deer Haven Road Frenchville, PA 16836	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY
	:	CIVIL DIVISION
	:	
<i>Plaintiffs</i>	:	Jury Trial Demanded
	:	
VS.	:	NO.: 2007-00221-CD
	:	
LJF, Inc. 1233 Parks Road Irvington, PA 16656	:	
	:	
and	:	
	:	
Nathan Buck 7899 Gillingham Road Frenchville, PA 16836	:	
<i>Defendants</i>	:	

5
FILED ICC Atty
m/11/57cm Cohen
APR 13 2009

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATION OF SERVICE

I, Samuel Cohen, Esquire, certify that a true and correct copy of Plaintiff's Interrogatories propounded upon Defendants L.J.F. Inc. and Nathan Buck along with a Request for Production of Documents was forwarded via United States Postal Service on April 9, 2009 to:

Christopher M. Flemming, Esquire
Law office of Snyder & Andrews
11269 Perry Highway, Suite 400
Wexford, PA 15090

KATZ, COHEN & PRICE, P.C.



By: SAMUEL COHEN, ESQUIRE

FILED

APR 13 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

JUN 22 2010

FILED

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

JUN 28 2010
PA 19-2010
William A. Shaw
Prothonotary/Clerk of Courts
I came to Atty

vs.

L.J.F. INC. and
NATHAN BUCK,

Type of Pleading:

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Defendant(s).

Filed on behalf of the Defendant(s),
L.J.F. INC. and NATHAN BUCK

Counsel of Record for this Party:

Christopher M. Fleming
PA I.D. #29300

SNYDER & ANDREWS
11269 Perry Highway, Suite 400
Wexford, PA 15090

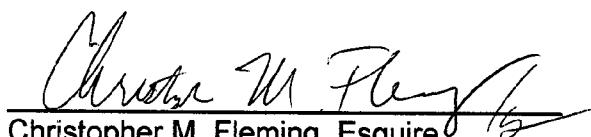
724-934-0388

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Christopher M. Fleming, Esquire, hereby certify that a true and correct copy of the foregoing **Praecipe to Settle and discontinue** was served on the following via First-Class, U.S. mail, on this 23rd day of June, 2010:

Samuel Cohen, Esquire
KATZ, COHEN & PRICE, P.C.
1420 Walnut Street
Suite 1500
Philadelphia, Pa 19102


Christopher M. Fleming, Esquire

Protective/Clear
William A. Smith

JUN 28 2011

FILED

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

JUN 22 2010

FILED ⁽²⁾

NANCY J. SMITH and
THOMAS O. SMITH,

NO. 2007-00221-CD

JUN 28 2010
MAG
William A. Shaw
Prothonotary/Clerk of Courts
1 COM to Atty

vs.

L.J.F. INC. and
NATHAN BUCK,

Type of Pleading:

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Defendant(s).

Filed on behalf of the Defendant(s),
L.J.F. INC. and NATHAN BUCK

Counsel of Record for this Party:

Christopher M. Fleming
PA I.D. #29300

SNYDER & ANDREWS
11269 Perry Highway, Suite 400
Wexford, PA 15090

724-934-0388

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

NANCY J. SMITH and
THOMAS O. SMITH,

CIVIL DIVISION

NO. 2007-00221-CD

Plaintiff(s),
vs.

L.J.F. INC. and
NATHAN BUCK,

Defendant(s).

PRAECIPE TO SETTLE AND DISCONTINUE

TO: PROTHONOTARY

Kindly mark the docket in the above-captioned matter SETTLED and DISCONTINUED.

Respectfully submitted:

KATZ, COHEN & PRICE, P.C.

By:


Samuel Cohen, Esquire
Attorney for Plaintiffs

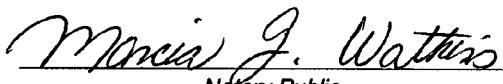
1420 Walnut Street
Suite 1500
Philadelphia, PA 19102
215-545-2201

Commonwealth of Pennsylvania)
County of Phila.)

On this 16th day of June, 2010, before me personally appeared
Samuel Cohen to me known to be the person(s) described herein, and who executed the
foregoing instrument and acknowledged that he voluntarily executed the same.

My term expires: _____

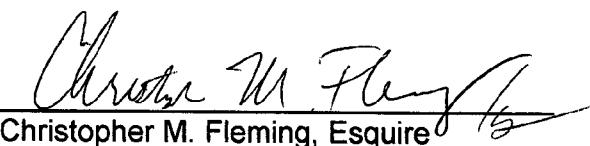
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Marcia G. Watkins, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires Nov. 13, 2013
Member, Pennsylvania Association of Notaries


Marcia G. Watkins
Notary Public

CERTIFICATE OF SERVICE

I, Christopher M. Fleming, Esquire, hereby certify that a true and correct copy of the foregoing **Praecipe to Settle and discontinue** was served on the following via First-Class, U.S. mail, on this 23rd day of June, 2010:

Samuel Cohen, Esquire
KATZ, COHEN & PRICE, P.C.
1420 Walnut Street
Suite 1500
Philadelphia, Pa 19102


Christopher M. Fleming, Esquire

Prothonotary Clergy
William A. Smith

JUN 28 2011

FILED