

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS
Plaintiff,

No. 07-259-CD

vs.

CASH GRAY, JR., and
MONA JEAN GRAY,
Defendants

Filed on behalf of: Plaintiff

Defendant.

Counsel of record for this party:

TODD BERKEY, ESQUIRE
PA I.D. No. 43689

GREGORY S. OLSAVICK, ESQUIRE
PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED *Any pd.*
m/2:40/301 85.00
FEB 20 2007
US *2 CC Sheriff*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

NO.:

Vs.

CASH GRAY, JR., and
MONA JEAN GRAY,
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 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]. 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.

LAWYER REFERRAL SERVICE -

Court Administrator's Office
1 North Second Street
Clearfield, PA 16830

Telephone (814) 765-2641, Ext: 50

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

NO.:

Vs.

CASH GRAY, JR., and
MONA JEAN GRAY,
Defendants

COMPLAINT IN CIVIL ACTION

AND NOW comes the Plaintiff Joan K. Weymers, by and through her attorneys Edgar Snyder & Associates, LLC, Todd Berkey, Esquire, and Gregory S. Olsavick, Esquire, and files the within Complaint in Civil Action and in support thereof avers as follows:

1. Plaintiff Joan K. Weymers is an adult individual who currently resides at 929 Forest Street, Coalport, Clearfield County, Pennsylvania 16627.
2. Defendants Cash Gray Jr., and Mona Jean Gray, husband and wife, are adult individuals whose address is R.D. 1, Box 218, Fallentimber, Cambria County, Pennsylvania 16639.
3. Defendants Cash Gray, Jr. and Mona Jean Gray, are co-owners of real estate, consisting of various apartments located therein, at 719 Main Street, Coalport, Clearfield County, Pennsylvania; and said parcel of real estate can be found at Clearfield County Deed Book Volume 516, page 411.
4. At all times relevant hereto, Defendants Cash Gray, Jr. and Mona Jean Gray (hereafter Defendants Gray), owned, operated, and maintained the aforesaid apartment building located at 719 Main Street, Coalport, PA.
5. At all times relevant hereto, Defendants Gray were solely responsible for the care, custody, control, operation, maintenance, and supervision of said real estate and apartment

building, including the removal of ice and snow from the sidewalks and walkways adjacent to the premises, including the sidewalk at the front of the premises bordering on Main Street.

6. The events hereinafter complained of occurred on or about January 20, 2007, at approximately 11:00 a.m., at 719 Main Street, Coalport, Clearfield County, Pennsylvania.

7. On or about the date and time as aforesaid, there existed on the sidewalk in the front of Defendants Gray premises, at 719 Main Street, a dangerous, unsafe, slippery, and hazardous condition created by an accumulation of ice and snow on the sidewalk.

8. At approximately 11:00 a.m. on January 20, 2007, Plaintiff Joan K. Weymers was proceeding with a friend and proceeding lawfully on the sidewalk in front of the Defendants Gray's premises at 719 Main Street.

9. At or about the time and place as aforementioned, Plaintiff Joan K. Weymers slipped and fell to the ground as she attempted to walk on the sidewalk in front of 719 Main Street, which existed in a dangerous, slippery, unsafe, and hazardous condition, due to the accumulation of ice and snow which had not been shoveled and/or cleared for a period of time.

10. Plaintiff Joan K. Weymer fell and sustained injuries as a direct consequence of encountering the dangerous, unsafe, and hazardous condition of the ice and snow accumulation/formation which was caused, allowed and permitted to exist on the sidewalk in front of Defendants' premises.

11. The Defendants Gray, caused, allowed, or permitted the aforesaid dangerous, unsafe, and hazardous condition to exist on the sidewalk in front of their premises, by failing to shovel or otherwise clear or remedy the condition for an unreasonable period of time.

12. The Defendants Gray knew or should have known of the dangerous, unsafe, and hazardous condition prior to the time of the incident.

13. The Defendants Gray had actual notice of this dangerous, unsafe, and hazardous condition as aforesaid, and/or Defendants had constructive notice of this condition under the circumstances herein.

14. The Defendants Gray knew or should have known that the said dangerous, unsafe, and hazardous condition which existed on the sidewalk in front of their premises presented an unreasonable risk of harm and injury to individuals – pedestrians who were traversing and walking on the sidewalk at the time.

15. The injuries and damages sustained by Plaintiff Joan K. Weymers were caused solely by and were a direct and proximate result of the negligence, carelessness, and recklessness of the Defendants Gray, is hereinafter set forth in detail.

16. The aforesaid incident and resulting injuries and damages, sustained by Joan K. Weymers were caused solely by and were a direct and proximate result of the negligence, carelessness, and recklessness of Defendants Gray, generally and in the following particulars:

- a. In causing and/or permitting a dangerous, hazardous, unsafe, and slippery condition to exist on the sidewalk in front of its premises;
- b. In failing to shovel, clear or take other steps and precautions to remove the ice and snow accumulation and formation on the subject sidewalk;
- c. In failing to provide a safe and non-hazardous condition of the subject sidewalk for use by pedestrians and Borough residents;
- d. In failing to promptly and properly remove and remedy the ice and snow accumulation from the surface of the subject sidewalk which had come into existence some time prior to the described incident and had accumulated in ridges or elevations;

e. In causing, allowing and permitting the ice and snow accumulation to exist on the subject sidewalk for such a period of time that it caused and created a dangerous, hazardous and slippery walking surface;

f. In failing to promptly shovel and/or otherwise remove the ice and snow in order to prevent the creation of a dangerous, hazardous, and slippery walking surface specifically, the unreasonable accumulation in ridges and elevations of ice and snow;

g. In failing to salt and/or chemically treat the sidewalk so as to prevent the existence of the dangerous and hazardous ice and snow accumulation on the subject sidewalk;

h. In failing to promptly shovel and/or otherwise remove the ice and snow accumulation from the subject sidewalk when they knew that pedestrians and Borough residents would be traversing the sidewalk at the time of the accident;

i. In failing to promptly salt and/or chemically treat the subject sidewalk when they knew that pedestrians and Borough residence would be traversing the sidewalk at the time of the accident;

j. In failing to take any steps, methods or adequate precaution to prevent the dangerous and hazardous accumulation of ice and snow on the subject sidewalk;

k. In failing to take any steps, methods or adequate measures to remove the dangerous and hazardous accumulation of ice and snow from the subject sidewalk, or in the alternative, to place ice and snow removal agents, and/or chemicals including salt, sand, ashes, cinders or any other type of ice and snow removal agent on the subject sidewalk to either remove the ice and snow accumulation and/or to make the sidewalks slip resistant;

l. In failing to adequately inspect the subject sidewalk when Defendants knew, reasonably should have known that the sidewalk would likely have dangerous, hazardous, and slippery accumulations of ice and snow given the weather conditions;

m. In failing to inspect the premises and/or in failing to perform regular or routine inspections which would have allowed Defendants to discover any hazardous and dangerous conditions which existed as a consequence of the existing weather conditions, including ice and snow accumulations;

n. In failing to adequately keep and maintain the subject sidewalk in a safe condition free and clear of ice and snow accumulations and build-up over time, which created unnatural ridges and elevations;

o. In failing to recognize that individuals and pedestrians were at substantial risk to fall and injure themselves, given the dangerous, unsafe, and hazardous condition created by the ice and snow accumulation on the subject sidewalk;

p. In permitting the subject sidewalk to remain in an unsafe, dangerous, and hazardous condition in violation of the statutes and ordinances of the Borough of Coalport, Clearfield County, Pennsylvania; and

q. Such other acts of negligence, carelessness, and/or recklessness, which may be revealed during the course of discovery and/or at the time of trial of this matter.

17. As a direct and proximate result of the negligence, carelessness, and recklessness of Defendants Gray, the Plaintiff Joan K. Weymer sustained the following serious and severe injuries, some or all of which may be permanent in nature:

- a. Fractured left arm;
- b. Dislocation of left shoulder;

- c. Laceration to left eye;
- d. Multiple contusions, abrasions and bruising to her entire left side;
- e. Severe shock, strain and sprain of the nerves, muscles, tissues, ligaments, and vessels of the musculoskeletal system.

18. As a direct and proximate result of the negligence, carelessness, and recklessness of Defendants Gray, as aforesaid, the Plaintiff Joan K. Weymers has been damaged as follows:

- a. She has suffered and will suffer great physical pain, suffering, inconvenience, embarrassment and humiliation;
- b. She has been and will be deprived of her health, strength, and vitality;
- c. She has in the past and may in the future suffer from a loss of enjoyment of life's pleasures;
- d. She has in the past and may in the future, suffer from mental and emotional anguish, stress, depression and anxiety as a result of her injuries;
- e. She has in the past and may in the future be limited in her normal and daily activities;
- f. She has in the past and may in the future undergo numerous medical procedures, resulting in large and substantial expenses for medical treatment and care because of her injuries; and
- g. She has suffered scarring and disfigurement;

19. As a direct and proximate result of the negligence, carelessness, and recklessness of the Defendants Gray, as aforesaid, the Plaintiff Joan K. Weymer has incurred in the past and may incur in the future, large and substantial expenses for medical treatment and care because of the injuries sustained by her.

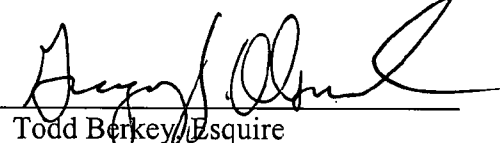
WHEREFORE, the Plaintiff Joan K. Weymers demands judgment in her favor and against Defendants Cash Gray Jr. and Mona Jean Gray, in an amount in excess of the jurisdictional limits in Clearfield County, Pennsylvania.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

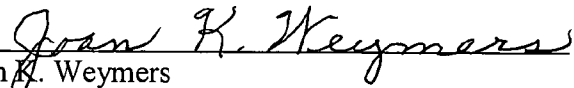
By: _____



Todd Berkey, Esquire
Gregory S. Olsavick, Esquire
Attorney for Plaintiffs

VERIFICATION

I hereby verify that the foregoing averments of fact are true and correct and based upon my personal knowledge, information or belief. I understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.


Joan K. Weymers

Date: 2/14/09

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff,

VS.

CASH GRAY, JR. AND MONA JEAN GRAY,

Defendant.

CIVIL DIVISION

No.: 07-259 CD

CODE:

**PRAECIPE FOR APPEARANCE
JURY TRIAL DEMANDED**

Filed on behalf of Defendants,

**CASH GRAY, JR. AND MONA JEAN
GRAY**

Counsel of Record for this
Party:

PAUL E. PONGRACE, III, ESQUIRE
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED *no cc*
m/11/04/07
APR 05 2007 *CR*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

CIVIL DIVISION

Plaintiff,

No.: 07-259 CD

vs.

CASH GRAY, JR. AND MONA JEAN GRAY,

Defendant.

PRAECIPE FOR APPEARANCE

Kindly enter my appearance on behalf of the defendants, Cash Gray, Jr. and Mona Jean Gray, in the above-captioned matter.

REDMAN & PONGRACE

By: 

PAUL E. PONGRACE, III, ESQUIRE
Attorney for Defendants, Cash Gray, Jr. and
Mona Jean Gray

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the *Praecipe for Appearance* has been served upon all counsel and parties of record this 3 day of April, 2007, by First Class Mail, postage prepaid as follows:

Todd Berkey, Esquire
Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square, Suite 201
2900 Old Route 220
Altoona, PA 16601
(Attorneys for Plaintiff)



PAUL E. PONGRACE, III, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JOAN K. WEYMERS,

No.: 07-259 CD

Plaintiff,

CODE:

VS.

CASH GRAY, JR. AND MONA JEAN GRAY,

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF**

Defendant.

Filed on behalf of Defendants,

**CASH GRAY, JR. AND MONA JEAN
GRAY**

Counsel of Record for this
Party:

PAUL E. PONGRACE, III, ESQUIRE
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED *NO CC*
mtw/ab
APR 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

CIVIL DIVISION

Plaintiff,

No.: 07-259 CD

VS.

CASH GRAY, JR. AND MONA JEAN GRAY,

Defendant.

NOTICE OF SERVICE OF INTERROGATORIES
DIRECTED TO PLAINTIFF and REQUEST
FOR PRODUCTION OF DOCUMENTS

The undersigned, Paul E. Pongrace, III, Esquire, avers and says that Interrogatories and Request for Production of Documents were served on counsel for plaintiff addressed below on the 3 day of April, 2007, by First-Class Mail, Postage Pre-Paid, and that said Interrogatories and Request for Production of Documents contained a notice to said counsel to answer same within thirty (30) days of the date of service.

Todd Berkey, Esquire
Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square, Suite 201
2900 Old Route 220
Altoona, PA 16601

By: 

PAUL E. PONGRACE, III, ESQUIRE
Attorney for Defendants, Cash Gray, Jr. and
Mona Jean Gray

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff,

VS.

CASH GRAY, JR. AND MONA JEAN GRAY,

Defendant.

CIVIL DIVISION

No.: 07-259 CD

CODE:

ANSWER AND NEW MATTER

Filed on behalf of Defendants,

**CASH GRAY, JR. AND MONA JEAN
GRAY**

TO THE WITHIN PARTIES:

***YOU ARE HEREBY NOTIFIED TO FILE A
WRITTEN RESPONSE TO THE ENCLOSED NEW
MATTER WITHIN TWENTY (20) DAYS OF
SERVICE HEREOF OR A JUDGMENT MAY BE
ENTERED AGAINST YOU.***


PAUL E. PONGRACE, III, ESQUIRE

Counsel of Record for this
Party:

PAUL E. PONGRACE, III, ESQUIRE
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED *no cc*
m/10:5/07
APR 16 2007 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

CIVIL DIVISION

Plaintiff,

No.: 07-259 CD

VS.

CASH GRAY, JR. AND MONA JEAN GRAY,

Defendant.

ANSWER

AND NOW, come the defendants, Cash Gray, Jr. and Mona Jean Gray, by and through their undersigned counsel, and file the within Answer and New Matter to plaintiff's Complaint.

1. After reasonable investigation, these answering defendants are without information sufficient to form a belief as to the truth of the averments of Paragraph 1 and as such, deny the same. Strict proof is demanded at the time of trial.

2. Denied. The defendants reside at 156 Pine Street, Fallentimber, Pennsylvania 16639.

3. It is admitted that defendants are co-owners of real estate located at 719 Main Street, Coalport, Clearfield County, Pennsylvania. The remaining allegations of Paragraph 3 are denied pursuant to Pa.R.C.P. 1029(e). Strict proof is demanded at the time of trial.

4. The allegations of Paragraph 4 of plaintiff's Complaint contain conclusions of law, no response is required and said allegations are deemed to be denied by operation of law. To the extent that a response is deemed to be required, it is specifically denied that these defendants owned, operated and maintained the apartment building at 719 Main Street, By way of further response, these defendants after reasonable investigation, are without information sufficient to form a belief as to the truth of the averments of Paragraph 4 and as such, deny the same. Strict proof is demanded at the time of trial.

5. The allegations of Paragraph 5 of plaintiff's Complaint contain conclusions of law, no response is required and said allegations are deemed to be denied by operation of law. To the extent that a response is deemed to be required, it is specifically denied that these defendants were solely responsible for the care, custody, control, operation, maintenance, and supervision of said real estate and apartment building, including the removal of ice and snow from the sidewalks and walkways adjacent to the premises, including the sidewalk at the front of the premises bordering on Main Street, since those terms are vague and ambiguous and subject to varying interpretations. By way of further response, these defendants after reasonable investigation, are without information sufficient to form a belief as to the truth of the averments of Paragraph 5 and as such, deny the same. Strict proof is demanded at the time of trial.

6. The allegations of Paragraph 6 are denied pursuant to Pa.R.C.P. 1029(e) and strict proof is demanded at the time of trial.

7. - 15. To the extent the allegations contained in Paragraphs 7 through 15 of plaintiff's Complaint constitute conclusions of law, no response is required and said allegations are deemed to be denied by operation of law. To the extent that a response is deemed to be required, said allegations are denied.

16. To the extent that the allegations contained in Paragraph 16 of plaintiff's Complaint, including sub-paragraphs (a) through (q), constitute conclusions of law, no response is required and said allegations are deemed to be denied by operation of law. To the extent that a response is deemed to be required, said allegations are denied and strict proof is demanded as to both the medical and legal causation of plaintiff's alleged injury. By way of further response, it is averred to the contrary that defendants were no negligent, careless, and/or reckless in any manner whatsoever both generally and in the particulars as outlined in sub-paragraphs (a) through (q). By way of further response, sub-paragraph (q) is extremely general and vague to which these defendants are unable to prepare a coherent response.

17. To the extent that the allegations contained in Paragraph 17 of plaintiff's Complaint, including sub-paragraphs (a) through (e), constitute conclusions of law, no response is required and said allegations are deemed to be denied by operation of law. To the extent that a response is deemed to be required, said allegations are denied and

strict proof is demanded as to both the medical and legal causation of plaintiff's alleged injuries.

18. To the extent that the allegations contained in Paragraph 18 of plaintiff's Complaint, including sub-paragraphs (a) through (g), constitute conclusions of law, no response is required and said allegations are deemed to be denied by operation of law. To the extent that a response is deemed to be required, said allegations are denied and strict proof is demanded as to both the medical and legal causation of plaintiff's alleged injuries.

19. To the extent the allegations contained in Paragraph 19 of plaintiff's Complaint constitute conclusions of law, no response is required and said allegations are deemed to be denied by operation of law. To the extent that a response is deemed to be required, said allegations are denied.

WHEREFORE, these defendants deny they are liable to the plaintiff in any sum or sums whatsoever and demand judgment in their favor with cost of suit.

NEW MATTER

20. If it is found through discovery that plaintiff did in fact fall as described in her Complaint, which is specifically denied, then this defendant avers that plaintiff fell on a property that was not owned, nor under the control or custody of these defendants.

21. To the extent justified by the facts developed in discovery and the evidence introduced at trial, any injuries, damages, and/or losses suffered by plaintiff

were proximately caused and/or contributed to by a superceding and/or intervening cause or causes other than any alleged act or omission on the part of these defendants, and, accordingly, recovery against these defendants is barred.

22. To the extent justified by the facts developed in discovery and/or the evidence introduced at the time of trial, plaintiff's own negligence proximately caused and/or proximately contributed to the alleged injuries and damages of which plaintiff complains, the existence and extent of which are expressly denied and such negligence exceeds the negligence, if any, of these defendants.

23. Plaintiff's action is barred, in whole or in part, by the doctrines of contributory and comparative negligence, and these defendants plead the provisions of the Pennsylvania Comparative Negligence Act as a complete or partial bar.

24. To the extent justified by the facts developed in discovery and/or evidence introduced at trial, the alleged injuries and damages of which plaintiff complains were proximately caused and/or proximately contributed to by the acts and/or omissions of parties, persons and/or entities other than, and not under the control of, these defendants.

25. No acts and/or omissions of these defendants were the legal, factual, and/or proximate cause of the alleged injuries and damages claimed by plaintiff.

26. Plaintiff's claims are barred in whole or in part by the applicable statute or statutes of limitations under Pennsylvania law or the law of any applicable jurisdiction.

27. To the extent that discovery should so reveal, plaintiff's injuries and damages resulted from events, conditions or injuries which pre-existed the incident identified in the Complaint.

28. To the extent that discovery should so reveal, plaintiff's injuries and damages resulted from events, conditions or injuries which occurred or originated subsequent to the incident identified in the Complaint.

29. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

30. To the extent that discovery should so reveal, these defendants plead the doctrine of payment, waiver, set off and estoppel, as a bar and/or set-off to plaintiff's recovery in this matter.

31. Plaintiff's claims are barred by the doctrine of assumption of the risk.

32. Plaintiff's claims are or may be barred, in whole or in part, by plaintiff's failure to mitigate damages and/or losses, as may be shown by the facts developed or the evidence introduced at trial.

33. It is believed and averred that these answering defendants had neither actual nor constructive knowledge of any alleged hazardous and/or dangerous condition existing at or about the area where this incident occurred, said condition being expressly and specifically denied, and it is averred that plaintiff cannot recover against these answering defendants absent such actual or constructive notice of an alleged hazardous condition.

34. It is believed and therefore averred that discovery will show that the alleged condition that plaintiff claims to have encountered on defendants' property, the same being specifically and unequivocally denied, was open and obvious to the plaintiff.

35. Defendants, their agents, servants, and/or employees took all precautions necessary to protect business invitees on the premises from any and all dangers on the property, the existence of said dangers being specifically and unequivocally denied.

36. To the extent that discovery should so reveal, these defendants were not responsible for the maintenance or control over the area which the plaintiff claims to have allegedly slipped, tripped and/or fell.

37. The harm sustained by the plaintiff, if any, was not foreseeable by these defendants.

38. Defendants exercised all reasonable care necessary to discover the existence of any and all dangerous conditions on the premises, said conditions being specifically and unequivocally denied.

WHEREFORE, these defendants deny they are liable to the plaintiff in any sum or sums whatsoever and demands judgment in their favor with costs of suit.

REDMAN & PONGRACE

By: 

PAUL E. PONGRACE, III, ESQUIRE
Attorney for Defendants, Cash Gray, Jr. and
Mona Jean Gray

VERIFICATION

I, Mona Jean Gray, have read the foregoing Answer and New Matter. Although the language contained in the foregoing document may have been composed by counsel, the factual 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. §4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

x Mona Jean Gray
MONA JEAN GRAY

VERIFICATION

I, Cash Gray, Jr., have read the foregoing Answer and New Matter. Although the language contained in the foregoing document may have been composed by counsel, the factual 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. §4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

X 
CASH GRAY, JR.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the *Answer and New Matter* has been served upon all counsel and parties of record this 12 day of April, 2007, by First Class Mail, postage prepaid as follows:

Todd Berkey, Esquire
Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square, Suite 201
2900 Old Route 220
Altoona, PA 16601
(*Attorneys for Plaintiff*)

A handwritten signature in black ink, appearing to read 'Paul E. Pongrace, III', written over a horizontal line.

PAUL E. PONGRACE, III, ESQUIRE

Date: 3/28/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 02:29 PM

ROA Report

Page 1 of 2

Case: 2007-00259-CD

Current Judge: Paul E. Cherry

Joan K. Weymersvs.Cash Gray Jr., Mona Jean Gray

Civil Other-COUNT

Date		Judge
2/20/2007	New Case Filed.	No Judge
	✓ X Filing: Complaint in Civil Action Paid by: Edgar Snyder & Associates Receipt number: 1917709 Dated: 02/20/2007 Amount: \$85.00 (Check) 2CC shff.	No Judge
4/5/2007	✓ X Praeipce For Entry of Appearance, filed, enter appearance of Paul E. Pongrance, III, Esquire, on behalf of defendants, Cash Gray, Jr. and Mona Jean Gray. Filed by s/ Paul E. Pongrace, III, Esquire. No CC	No Judge
	✓ X Notice of Interrogatories and Request for Production of Documants Directed to Plaintiff, filed by s/ Paul E. Pongrace III Esq. No CC.	Paul E. Cherry
4/16/2007	✓ X Answer and New Matter filed. By s/ Paul E. Pongrace, III, Esquire. No CC	No Judge
5/11/2007	✓ X Reply To New Matter, filed by s/ Gregory S. Olsavick, Esquire. No CC	No Judge
5/14/2007	Miscellaneous Payment: Subpoena Paid by: Gregory S. Olsavick, Edgar Snyder & Assoc. Receipt number: 1918994 Dated: 5/14/2007 Amount: \$18.00 (Check)	No Judge
5/22/2007	✓ X Sheriff Return, February 22, 2007, Sheriff of Cambria County was deputized. March 1, 2007 at 2:10 pm Served the within Complaint on Cash Gray Jr. March 1, 2007 at 2:10 pm Served the within Complaint on Mona Jean Gray. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Snyder \$41.00 Cambria Co. costs pd by Snyder \$56.10	No Judge
5/24/2007	✓ X Notice of Deposition of Delores Ginter, filed by s/ Gregory S. Olsavick Esq. No CC.	No Judge
	✓ X Notice of Deposition of Jack Laing, filed by s/ Gregory S. Olsavick Esq. NO CC.	No Judge
	✓ X Notice of Deposition of Vanessa Krestar, filed by s/ Gregory S. Olsavick Esq. No CC.	No Judge
6/6/2007	✓ X Notice of Service of Interrogatories Directed to Defendant(s), filed. This 4th day of June 2007, the original Plaintiff's Responses to Interrogatories and Request for Production of Documents directed to Plaintiff and one (1) copy of Notice of Service of Responses to Interrogatories and Request for Production of Documents were mailed to Paul E. Pongrace Esq., filed by Gregory S. Olsavick Esq. NO CC.	No Judge
6/18/2007	✓ X Notice of Service, filed. That on this 13th day of June 2007, the original Interrogatories Directed to Defendants and Request for Production of Documents Directed to Defendants and one (1) copy of Notice of Service of Interrogatories and Request for Production of Documents were mailed to Paul Pongrace III Esq., filed by s/ Gregory Olsavick Esq. NO CC.	No Judge
7/23/2007	✓ X Notice of Deposition of Cash Gray Jr., filed by s/ Gregory S. Olsavick Esq. No CC.	No Judge
	✓ X Notice of Deposition of Joe Adams, filed by s/ Gregory S. Olsavick Esq. No CC.	No Judge
	✓ X Notice of Deposition of Joan L. Weymers, filed by s/ Paul E. Pongrace III Esq. No CC.	No Judge
9/7/2007	✓ X Notice of Service of Response to Interrogatories and Response to Request for Production of Documents were served on Gregory S. Olsavich Esq., filed by s/ Paul E. Pongrace III Esq. No CC.	No Judge

Date: 3/28/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 02:29 PM

ROA Report

Page 2 of 2

Case: 2007-00259-CD

Current Judge: Paul E. Cherry

Joan K. Weymersvs.Cash Gray Jr., Mona Jean Gray

Civil Other-COUNT

Date		Judge
10/1/2007	✓ X Certificate of Readiness for Jury Trial, filed by s/ Gregory S. Olsavick, Esquire. No CC	No Judge
10/9/2007	✓ X Notice of Deposition of Mona Jean Gray, filed by s/ Gregory S. Olsavick, Esquire. No CC	No Judge
10/15/2007	✓ X Notice of Deposition of Gerald W. Spaid, Sr., filed by s/ Paul E. Pongrace, III, Esquire. no CC	No Judge
	✓ X Notice of Deposition of James Hamilton, filed by s/ Paul E. Pongrace, III, Esquire. no CC	No Judge
	✓ X Order, this 15th day of Oct., 2007, it is Ordered that a pre-trial conference has been scheduled for Dec. 11, 2007 at 9:30 a.m. in Judges Chambers. Jury Selection in this matter will be held on Jan. 3, 2008. By The Court, /s/ Paul e. Cherry, Judge. 1CC Attys: Olsavick, Pongrace	Paul E. Cherry
12/11/2007	✓ X Order, Jury Selection is scheduled for April 3, 2008 at 9:00 a.m. in Courtroom 2. Trial is scheduled for April 14, 15, 16, 2008 at 9:00 a.m. in Courtroom 2. (see original). By the Court, /s/ Paul E. Cherry, Judge. 1CC Attys: Olsavick, Pongrace	Paul E. Cherry
2/8/2008	✓ X Notice of Videotape Deposition of Dr. Jack F. Rocco, filed by s/ Gregory S. Olsavick, Esquire. No CC	Paul E. Cherry

3-31-08 ✓ First motion in Limine
3-31-08 ✓ Second motion in Limine
3-31-08 ✓ Third motion in Limine
3-31-08 ✓ Fourth motion in Limine
3-31-08 ✓ Fifth motion in Limine
3-31-08 ✓ Order, dated 3-31-08

Date: 4/11/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:28 AM

ROA Report

Page 1 of 1

Case: 2007-00259-CD

Current Judge: Paul E. Cherry

Joan K. Weymersvs.Cash Gray Jr., Mona Jean Gray

Civil Other-COUNT

Date	Selected Items	Judge
4/9/2008	✓ Motion For Recusal of Judge Fred Anthony, filed by s/ Paul E. Pongrace, III, Esquire. No CC	Paul E. Cherry
4/10/2008	✓ Entry of Appearance, on behalf of Plaintiff, enter appearance of Christopher M. Miller, Esquire. 3CC Atty. Olsavick	Paul E. Cherry
	✓ Plaintiff's Response to First Motion in Limine, filed by s/ Gregory S. Olsavick, Esquire. 1CC Atty. Olsavick	Paul E. Cherry
	✓ Plaintiff's Response to Second Motion In Limine, filed by s/ Gregory S. Olsavick, Esquire. 1CC Atty. Olsavick	Paul E. Cherry
	✓ Plaintiff's Response to Third Motion in Limine, filed by s/ Gregory S. Olsavick, Esquire. 1CC Atty. Olsavick	Paul E. Cherry
	✓ Plaintiff's Response to Fourth Motion in Limine, filed by s/ Gregory S. Olsavick, Esquire. 1CC Atty. Olsavick	Paul E. Cherry
	✓ Plaintiff's Resonse to Fifth Motion in Limine, filed by s/ Gregory S. Olsavick. 1CC Atty. Olsavick	Paul E. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS

Plaintiff,

vs.

CASH GRAY JR. and MONA JEAN GRAY,
Defendant.

No. 07-259 CD

REPLY TO NEW MATTER

Filed on behalf of: Plaintiffs

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED *no cc*
07/11/07
MAY 11 2007 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

No.: 07-259 CD

CIVIL DIVISION

Vs.

CASH GRAY JR. and MONA
JEAN GRAY,
Defendants

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff Joan K. Weymers, by and through her attorneys Edgar Snyder & Associates, LLC, Todd Berkey, Esquire and Gregory S. Olsavick, Esquire, and sets forth the following Reply to New Matter filed on behalf of Defendants, and in support thereof avers as follows:

1. Plaintiff incorporates by reference each and every allegation of her Complaint in Civil Action as if the same were fully set forth herein at length.

2. The averments of paragraph 20 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, Plaintiff Joan K. Weymers slipped and fell on the sidewalk directly in front of the premises at 719 Main Street, Coalport, Clearfield County, Pennsylvania; and Defendants have admitted that they are co-owners of the subject premises in their Answer.

3. The averments of paragraph 21 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that Plaintiff's injuries and damages were proximately caused, and or contributed to by superseding and/or intervening causes other than the acts or omissions of the Defendants.

4. The averments of paragraph 22 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that the Plaintiffs own negligence proximately caused, and/or proximately contributed to her injuries and damages, and that Plaintiff's negligence exceeded the negligence of the Defendants.

5. The averments of paragraph 23 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that Plaintiff's claims are completely or partially barred by the Pennsylvania Comparative Negligence Act.

6. The averments of paragraph 24 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that the Plaintiff's injuries and damages were proximately caused and/or proximately contributed to by the acts and/or omissions of persons and/or entities other than the Defendants and/or subject to the control of Defendants.

7. The averments of paragraph 25 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that no acts and/or omissions of Defendants were the legal, factual and/or proximate cause of the Plaintiffs' injuries and damages.

8. The averments of paragraph 26 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that Plaintiff's claims are barred in whole or in part by the applicable statute of limitations under Pennsylvania law.

9. The averments of paragraph 27 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is denied that Plaintiff's injuries and damages resulted from events, conditions, or injuries which pre-dated the incident herein.

10. The averments of paragraph 28 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is denied that Plaintiff's injuries and damages resulted from events, conditions, or injuries which occurred or originated subsequent to the incident identified in the Complaint.

11. The averments of paragraph 29 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that the Complaint fails to state a claim upon which relief may be granted.

12. The averments of paragraph 30 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is denied that the doctrines of payment, waiver, set off and/or estoppel are applicable and constitute a bar and/or set off to the Plaintiff's recovery.

13. The averments of paragraph 31 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that Plaintiff's claims are barred by the doctrine of Assumption of the Risk.

14. The averments of paragraph 32 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is

deemed necessary, it is specifically denied that Plaintiff's claims are barred in whole or in part by Plaintiff's failure to mitigate damages and/or losses.

15. The averments of paragraph 33 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that Defendants had no actual and/or constructive knowledge of the hazardous and/or dangerous condition existing at or about the area where the incident occurred. By way of further response, it is averred that Defendant's were solely responsible for the condition, maintenance and repair of the subject premises, and specifically including the subject sidewalk. Further, for a substantial time prior to the incident, the subject premises including the subject sidewalk existed in a dangerous, unsafe and hazardous condition.

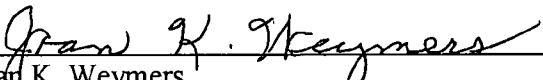
16. The averments of paragraph 34 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is denied that the alleged condition which Plaintiff encountered on Defendant's property was open and obvious to the Plaintiff. Further, under the circumstances, Plaintiff did not have the opportunity to proceed in an alternate route around this sidewalk.

17. The averments of paragraph 35 of Defendants' New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that Defendants took all precautions necessary to protect business invitees on the premises from all dangers on the property. Further, for a substantial time prior to the incident, the subject premises including the subject sidewalk existed in a dangerous, unsafe and hazardous condition.

18. The averments of paragraph 36 of Defendant's New Matter are specifically denied as the same contain conclusions of law for which no response is required. To the extent that a

VERIFICATION

I hereby verify that the foregoing averments of fact are true and correct and based upon my personal knowledge, information or belief. I understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904, relating to unsworn falsification to authorities.


Joan K. Weymers

Date: 5/9/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102465
NO: 07-259-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: JOAN K. WEYMERS

vs.

DEFENDANT: CASH GRAY, JR. and MONA JEAN GRAY

SHERIFF RETURN

NOW, February 22, 2007, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON CASH GRAY JR..

NOW, March 01, 2007 AT 2:10 PM SERVED THE WITHIN COMPLAINT ON CASH GRAY JR., DEFENDANT. THE RETURN OF CAMBRIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED

012:55/201
MAY 22 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102465
NO: 07-259-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: JOAN K. WEYMERS

vs.

DEFENDANT: CASH GRAY, JR. and MONA JEAN GRAY

SHERIFF RETURN

NOW, February 22, 2007, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON MONA JEAN GRAY.

NOW, March 01, 2007 AT 2:10 PM SERVED THE WITHIN COMPLAINT ON MONA JEAN GRAY, DEFENDANT. THE RETURN OF CAMBRIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102465
NO: 07-259-CD
SERVICES 2
COMPLAINT

PLAINTIFF: JOAN K. WEYMERS

vs.

DEFENDANT: CASH GRAY, JR. and MONA JEAN GRAY

SHERIFF RETURN

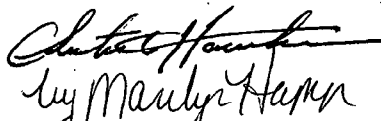
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	SNYDER	2989	20.00
SHERIFF HAWKINS	SNYDER	2989	21.00
CAMBRIA CO	SNYDER	2990	56.10

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

CASE # PLAINTIFF
90042-07 WEYMERS, JOAN K 07-259
DATE 3/01/07

DEFENDANT
GRAY, CASH AND MONA JEAN

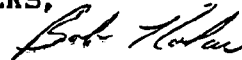
AT 2:10PM - SERVED THE COMPLAINT WITH NOTICE TO DEFEND UPON CASH GRAY JR. BY HANDING A TRUE AND ATTESTED COPY THEREOF TO HIM PERSONALLY AT 156 PINE STREET, FALLENTIMBER PA 16639 AND MAKING CONTENTS THEREOF KNOWN TO HIM.

AT 2:10PM - SERVED THE COMPLAINT WITH NOTICE TO DEFEND UPON MONA GRAY BY HANDING A TRUE AND ATTESTED COPY THEREOF TO CASH GRAY JR., HER HUSBAND, HE BEING THE PERSON IN CHARGE AT 156 PINE STREET, FALLENTIMBER, PA 16639 AND MAKING CONTENTS THEREOF KNOWN TO HIM.

MY COSTS PAID BY PLAINTIFF'S ATTORNEY.

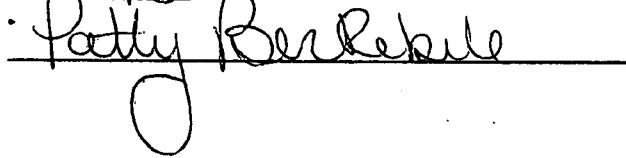
SHERIFF COSTS \$53.10
PROTHONOTARY 3.00
TOTAL \$56.10

SO ANSWERS,



BOB KOLAR, SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME
THIS 13 DAY OF MARCH 2007



S H E R I F F

EDGAR SNYDER & ASSOCIATES
GULF TOWER 16TH FLOOR
707 GRANT STREET
PITTSBURGH PA

PA 15219-0000

[illegible]

100.00	.....	TOTAL RECEIPTS
100.00	.....	TOTAL COSTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff,

vs.

CASH GRAY, JR. and MONA JEAN GRAY,
Defendants

No. 07-259 CD

NOTICE OF DEPOSITION OF DELORES
GINTER

Filed on behalf of: Plaintiff

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE
PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED
MAY 11 2007
MAY 24 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

CIVIL ACTION - LAW

Vs.

No.: 07-259 CD

CASH GRAY, JR. and
MONA JEAN GRAY,
Defendants

NOTICE OF DEPOSITION

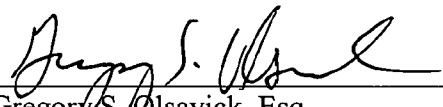
To: Delores Ginter
616 Hagerty Street
Coalport, PA 16627

PLEASE TAKE NOTICE that the Plaintiff(s) Joan K. Weymers, by her Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Delores Ginter, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on Monday, July 9, 2007, at 10:00 a.m., at the offices of Sargent's Court Reporting, 106 N. Second Street, Clearfield, PA, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting Services.

EDGAR SNYDER & ASSOCIATES, LLC

By



Gregory S. Olsavick, Esq.
Attorney for Plaintiff

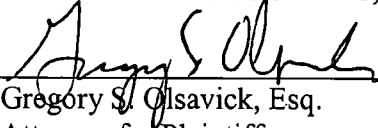
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 23 day of May, 2007.

Paul E. Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By


Gregory S. Olsavick, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff,

vs.

CASH GRAY, JR. and MONA JEAN GRAY,
Defendants

No. 07-259 CD

NOTICE OF DEPOSITION OF JACK LAING

Filed on behalf of: Plaintiff

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE
PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED *no cc*
M/11/2020
MAY 24 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

CIVIL ACTION - LAW

Vs.

No.: 07-259 CD

CASH GRAY, JR. and
MONA JEAN GRAY,
Defendants

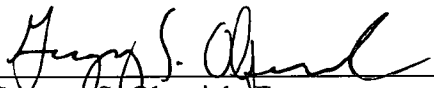
NOTICE OF DEPOSITION

To: Jack Laing
90 Liberty Street
Coalport, PA 16627

PLEASE TAKE NOTICE that the Plaintiff Joan K. Weymers, by her Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Delores Ginter, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on Monday, July 9, 2007, at 11:00 a.m., at the offices of Sargent's Court Reporting, 106 N. Second Street, Clearfield, PA, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting Services.

EDGAR SNYDER & ASSOCIATES, LLC

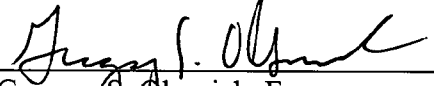
By 
Gregory S. Olsavick, Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 23 day of May, 2007.

Paul E. Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By 
Gregory S. Olsavick, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff,

vs.

CASH GRAY, JR. and MONA JEAN GRAY,
Defendants

No. 07-259 CD

NOTICE OF DEPOSITION OF VANESSA
KRESTAR

Filed on behalf of: Plaintiff

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE
PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED No CC
MAY 24 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

CIVIL ACTION - LAW

Vs.

No.: 07-259 CD

CASH GRAY, JR. and
MONA JEAN GRAY,
Defendants

NOTICE OF DEPOSITION

To: Vanessa Krestar
1870 Dorsey Avenue
Irvona, PA 16656

PLEASE TAKE NOTICE that the Plaintiff Joan K. Weymers, by her Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Vanessa Krestar, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on Monday, July 9, 2007, at 12:00 p.m., at the offices of Sargent's Court Reporting, 106 N. Second Street, Clearfield, PA, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting Services.

EDGAR SNYDER & ASSOCIATES, LLC

By



Gregory S. Olsavick, Esq.
Attorney for Plaintiff

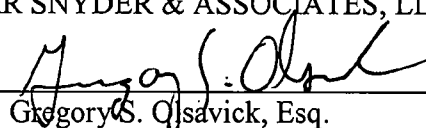
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 23 day of May, 2007.

Paul E. Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By


Gregory S. Olsavick, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff,

VS.

CIVIL DIVISION

No.: 07-259 CD

CODE:

NOTICE OF SERVICE
OF PLAINTIFF'S RESPONSES TO
DEFENDANTS'

CASH GRAY, JR. AND MONA JEAN GRAY,

Defendant.

INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF

Filed on behalf of Plaintiff,

JOAN K. WEYMERS

Counsel of Record for this
Party:

GREGORY S. OLSAVICK, ESQUIRE
Pa. I.D. No. 34620

EDGAR SNYDER &
ASSOCIATES
2900 Old Route 220
Suite 201
Altoona, PA 16601-9909

Telephone: (814) 942-3699
Facsimile: (814)942-9337

FILED *no cc*
m/10:52/30
JUN 06 2007
um

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JOAN K. WEYMERS,

No.: 07-259 CD

Plaintiff,

CODE:

VS.

NOTICE OF SERVICE OF
PLAINTIFF'S RESPONSES TO
DEFENDANTS'

CASH GRAY, JR. AND MONA JEAN GRAY, INTERROGATORIES AND REQUESTS
PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF

Defendant.

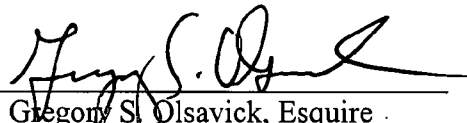
NOTICE OF SERVICE OF INTERROGATORIES
DIRECTED TO DEFENDANT[S]

I hereby certify that on this 4th day of June, 2007, the original PLAINTIFF'S RESPONSES TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF and one (1) copy of NOTICE OF SERVICE OF RESPONSES TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS were mailed by First Class Mail, postage prepaid, to counsel for Defendant[s] at the following address[es]:

Paul E. Pongrace, III, Esquire
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By



Gregory S. Olsavick, Esquire
Attorney for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS

Plaintiff,

vs.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

No. 07-259 CD

NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS

Filed on behalf of: Plaintiff, Joan K. Weymers

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED No CC.
10/11:47 am
JUN 18 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

No.: 07-259 CD

Vs.

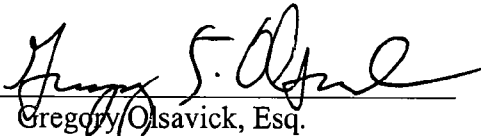
CASH GRAY, JR. and
MONA JEAN GRAY,
Defendants

NOTICE OF SERVICE OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANTS

I hereby certify that on this 13th day of June, 2007, the original INTERROGATORIES DIRECTED TO DEFENDANTS and REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANTS, and one (1) copy of NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS were mailed by First Class Mail, postage prepaid, to counsel for Defendant[s] at the following address[es]:

Paul Pongrace, III, Esq.
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By 
Gregory Olsavick, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS
Plaintiff,

vs.

CASH GRAY, JR. and MONA JEAN GRAY,
Defendants

No. 07-259 CD

NOTICE OF DEPOSITION OF CASH
GRAY, JR.

Filed on behalf of: Plaintiff, Joan K. Weymers

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED No CC
m/11:47 am
JUL 23 2007
UM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

No.: 07-259 CD

Vs.

CIVIL ACTION - LAW

CASH GRAY, JR. and
MONA JEAN GRAY,
Defendants

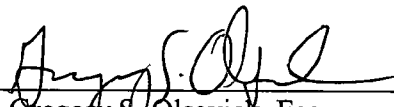
NOTICE OF DEPOSITION

To: Cash Gray, Jr.
c/o Paul E. Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the Plaintiff Joan K. Weymers, by her Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Cash Gray, Jr., pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on Monday, August 27, 2007, at 11:00 a.m., at the offices of Sargent's Court Reporting, 106 N. Second Street, Clearfield, PA, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting.

EDGAR SNYDER & ASSOCIATES, LLC

By 
Gregory S. Olsavick, Esq.
Attorney for Plaintiff

cc: Sargent's Court Reporting

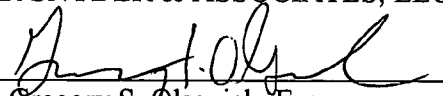
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 19th day of July, 2007.

Paul Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By



Gregory S. Olsavick, Esq.
Attorney for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS

Plaintiff,

vs.

CASH GRAY, JR. and MONA JEAN GRAY,
Defendants

No. 07-259 CD

NOTICE OF DEPOSITION OF JOE ADAMS

Filed on behalf of: Plaintiff, Joan K. Weymers

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED No. CC.
m/11:47am
JUL 23 2007 (m)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

No.: 07-259 CD

Vs.

CIVIL ACTION - LAW

CASH GRAY, JR. and
MONA JEAN GRAY,
Defendants

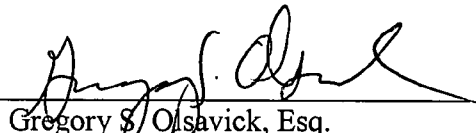
NOTICE OF DEPOSITION

To: Joe Adams
421 Forest Street
Coalport, PA 16627

PLEASE TAKE NOTICE that the Plaintiff Joan K. Weymers, by her Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Joe Adams, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on Monday, August 27, 2007, at 12:00 o'clock p.m., at the offices of Sargent's Court Reporting, 106 N. Second Street, Clearfield, PA, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting.

EDGAR SNYDER & ASSOCIATES, LLC

By 
Gregory S. Olsavick, Esq.
Attorney for Plaintiff

cc: Sargent's Court Reporting

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 19th day of July, 2007.

Paul Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By


Gregory S. Olsavick, Esq.
Attorney for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

CIVIL DIVISION

No. 07 - 259 CD

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

FILED No CC.
m/11:45 am
JUL 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

TYPE OF PLEADING:

**NOTICE OF DEPOSITION OF
JOAN K. WEYMERS**

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

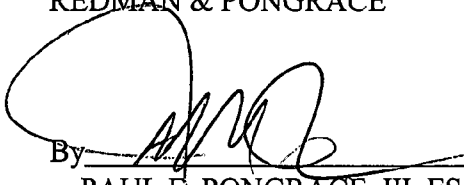
NOTICE OF DEPOSITION OF JOAN K. WEYMERS

TO: **JOAN K. WEYMERS**
c/o Gregory S. Olsavick, Esquire
Edgar Snyder & Associates
2900 Old Route 220, Suite 201
Altoona, PA 16601-9909

TAKE NOTICE that the deposition of **Joan K. Weymers** shall be taken for use at trial pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized to administer oaths on **Monday, August 27, 2007**, commencing at **10:00 a.m.** at the offices of **Sargent's Court Reporting, 106 N. Second Street, Clearfield, Pennsylvania**, and at any adjournments thereof, at which time and place you are invited to appear and take such part as shall be fitting and proper.

Respectfully submitted,

REDMAN & PONGRACE

By 
PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

CERTIFICATE OF SERVICE

I, Paul E. Pongrace, Esquire, counsel for Defendants, hereby certify that I served a true and correct copy of the foregoing Notice of Deposition by first-class mail, postage pre-paid on July 19, 2007, upon the following counsel of record:

Gregory S. Olsavick, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220, Suite 201
Altoona, Pennsylvania 16601
(Counsel for Plaintiff)

A handwritten signature in black ink, appearing to read 'PEP III', is written over a horizontal line.

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

CIVIL DIVISION

No. 07 - 259 CD

TYPE OF PLEADING:

**NOTICE OF SERVICE
OF RESPONSE TO
INTERROGATORIES AND
RESPONSE TO REQUEST FOR
PRODUCTION OF DOCUMENTS**

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED No CC
SEP 07 2007
(m)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

**NOTICE OF SERVICE OF RESPONSE TO INTERROGATORIES AND
RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

The undersigned, Paul E. Pongrace, III, Esquire, avers and says that a Response to Plaintiffs' Interrogatories and Request for Production of Documents were served on counsel for Plaintiff, Gregory S. Olsavick, Esquire, at Edgar Snyder & Associates, Regency Square, 2900 Old Route 220, Suite 201, Altoona, PA 16601, by first-class mail, postage pre-paid on September 4, 2007.

Respectfully submitted,

REDMAN & PONGRACE

By 

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the Notice of Service of Response to Interrogatories and Request for Production of Documents has been served upon all counsel and parties of record this 4th day of September, 2007, by first-class mail, postage pre-paid as follows:

Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square
2900 Old Route 220, Suite 201
Altoona, PA 16601
(Attorneys for Plaintiff)

A handwritten signature in black ink, appearing to read 'Paul E. Pongrace, III', is written over a horizontal line.

PAUL E. PONGRACE, III, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiffs

No.: 07-259 CD

Vs.

CIVIL ACTION - LAW

CASH GRAY JR. and MONA JEAN
GRAY,
Defendants

FILED No cc
m 12:35 PM
OCT 01 2007 (OK)

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF READINESS

Filed on behalf of Joan K. Weymers
(Name of Party)

1. Type of Case: Simple ☒ Complex ☐ Companion Case ☐
2. Type of Trial: Jury ☒ Nonjury ☐ Arbitration ☐

3. Estimated Trial Time 2 ½ - 3 ½ day(s) hours minutes

Estimated Arbitration day(s) hours minutes

4. Trial Counsel: (List name, address and telephone number for each party and name, address and telephone number of person responsible for each unrepresented party.)

Counsel for Plaintiff: Gregory S. Olsavick, Esq., Edgar Snyder & Associates, 2900
Old Route 220, Suite 201, Altoona, PA 16601 (814) 942-3699

Counsel for Defendants: Paul E. Pongrace, Esq. Redman & Pongrace, 610 Two
Chatham Center, 112 Washington Place, Pittsburgh, PA 15219 (412) 804-3355

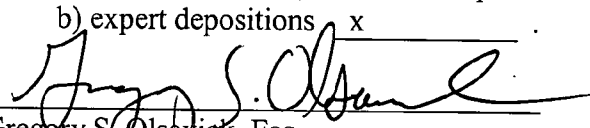
I Certify on behalf of Joan Weymers

That the pleadings are complete, that all preliminary motions have been resolved, that all discovery has been completed and that the case is in all respects ready for trial except:

a) motions in limine ;

b) expert depositions x

DATE: September 28, 2007

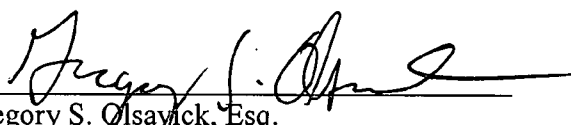

Gregory S. Olsavick, Esq.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Certificate of Readiness was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 28 day of Sept. 2007:

Paul Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Gregory S. Olsayick, Esq.
Attorney for Plaintiff

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

OCT 09 2007

11/23/07
William A. Shaw

Prothonotary/Clerk of Courts

no cert copy/

JOAN K. WEYMERS

Plaintiff,

No. 07-259 CD

vs.

NOTICE OF DEPOSITION OF MONA JEAN
GRAY

CASH GRAY JR. and MONA JEAN
GRAY

Defendants

Filed on behalf of: Plaintiff, Joan K. Weymers

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC

Regency Square

2900 Old Route 220

Suite 201

Altoona, PA 16601

(814) 942-3699

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiffs

No.: 07-259 CD

CIVIL ACTION - LAW

Vs.

CASH GRAY JR. and MONA JEAN
GRAY,
Defendants

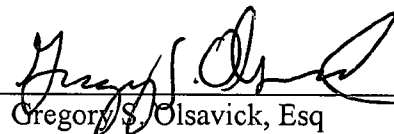
NOTICE OF DEPOSITION

To: Mona Jean Gray
c/o Paul E. Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

PLEASE TAKE NOTICE that the Plaintiff Joan Weymers, by her Attorneys, EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition of Mona Jean Gray, pursuant to Rule 4007, et seq., of the Pennsylvania Rules of Civil Procedure, as amended, before a court reporter duly authorized to administer oaths, on December 6, 2007, at 10:00 a.m., at the offices of Sargent's Court Reporting, 106 N. Second Street, Clearfield PA 16830, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The deposition shall be taken before a Notary Public employed by Sargent's Court Reporting.

EDGAR SNYDER & ASSOCIATES, LLC

By 
Gregory S. Olsavick, Esq
Attorney for Plaintiff

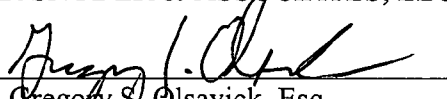
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 5 day of October 2007.

Paul E. Pongrace, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By



Gregory S. Olsavick, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

CIVIL DIVISION

No. 07 - 259 CD

TYPE OF PLEADING:

**NOTICE OF DEPOSITION OF
GERALD W. SPAID, SR.**

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED

10:58 AM
OCT 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

NOTICE OF DEPOSITION OF GERALD W. SPAID, SR.

TO: **GERALD W. SPAID, SR.**
712 Main Street
Coalport, Pennsylvania 16627

TAKE NOTICE that the deposition of **Gerald W. Spaid, Sr.** shall be taken for use at trial pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized to administer oaths, on **Thursday, December 6, 2007**, commencing at **11:00 a.m.** at the offices of **Sargent's Court Reporting, 106 N. Second Street, Clearfield, Pennsylvania 16830**, and at any adjournments thereof, at which time and place you are invited to appear and take such part as shall be fitting and proper.

Respectfully submitted,

REDMAN & PONGRACE



By

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

CERTIFICATE OF SERVICE

I, Paul E. Pongrace, Esquire, counsel for Defendants, hereby certify that I served a true and correct copy of the foregoing Notice of Deposition by first-class mail, postage pre-paid on October 11, 2007, upon the following counsel of record:

Gregory S. Olsavick, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220, Suite 201
Altoona, Pennsylvania 16601
(Counsel for Plaintiff)

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

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

CIVIL DIVISION

No. 07 - 259 CD

TYPE OF PLEADING:

**NOTICE OF DEPOSITION OF
JAMES HAMILTON**

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED

OCT 15 2007

NO
CC
(610)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

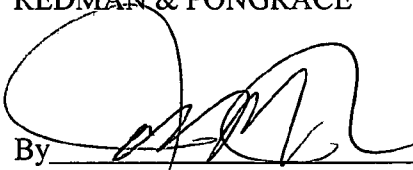
NOTICE OF DEPOSITION OF JAMES HAMILTON

TO: **JAMES HAMILTON**
262 Market Street
Coalport, Pennsylvania 16627

TAKE NOTICE that the deposition of **James Hamilton** shall be taken for use at trial pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized to administer oaths, on **Thursday, December 6, 2007**, commencing at **12:00 noon** at the offices of **Sargent's Court Reporting, 106 N. Second Street, Clearfield, Pennsylvania 16830**, and at any adjournments thereof, at which time and place you are invited to appear and take such part as shall be fitting and proper.

Respectfully submitted,

REDMAN & PONGRACE

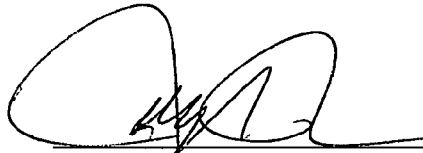
By 

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

CERTIFICATE OF SERVICE

I, Paul E. Pongrace, Esquire, counsel for Defendants, hereby certify that I served a true and correct copy of the foregoing Notice of Deposition by first-class mail, postage pre-paid on October 11, 2007, upon the following counsel of record:

Gregory S. Olsavick, Esquire
Edgar Snyder & Associates
Regency Square
2900 Old Route 220, Suite 201
Altoona, Pennsylvania 16601
(Counsel for Plaintiff)

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

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

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

JOAN K. WEYMERS

vs.

CASH GRAY JR., and MONA JEAN
GRAY

:
:
: No. 07-259-CD
:
:

ORDER

AND NOW, this 15th day of October, 2007, it is the Order of
the Court that a pre-trial conference in the above-captioned matter has been
scheduled for **Tuesday, December 11, 2007 at 9:30 A.M.** in Judges Chambers,
Clearfield County Courthouse, Clearfield, PA. Additionally, Jury Selection in this
matter will be held on January 3, 2008.

BY THE COURT:


PAUL E. CHERRY
Judge

FILED ^{ICC}
OCT 15 2007
William A. Shaw
Prothonotary/Clerk of Courts
Atty's
Osawick
Pongrace
(GW)

FILED

OCT 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/5/07

____ 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:

CA

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

JOAN K. WEYMERS

: NO. 07-259-CD

V.

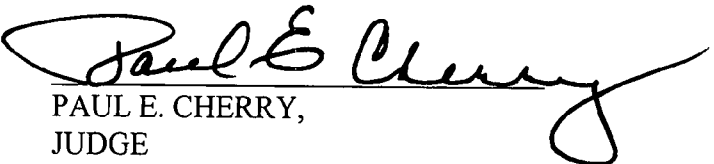
CASH GRAY, JR. and
MONA JEAN GRAY

:
:
:
:
:
:

ORDER

1. Jury Selection in this matter is scheduled for April 3, 2008, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for April 14, 15, 16, 2008, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
4. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days prior to the commencement of trial.
5. Points for Charge shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
6. Proposed Verdict Slip shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
7. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED
DEC 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

CC Atty's:
Asavick
Pongrace
(6K)

FILED

DEC 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/11/07

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS
Plaintiff,

No. 07-259-CD

vs.

CASH GRAY, JR. and MONA JEAN GRAY
Defendants

NOTICE OF VIDEOTAPE DEPOSITION OF
DR. JACK F. ROCCO

Filed on behalf of: Plaintiff, Joan K. Weymers

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA. I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED NOCC
m/12:31/08
FEB 08 2008 (60)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS	)	CIVIL DIVISION
)	
Plaintiff,	)	No. 07-259-CD
)	
vs.)	
)	
CASH GRAY, JR. and MONA JEAN GRAY,)	
)	
Defendants)	


NOTICE OF VIDEOTAPE DEPOSITION

To: Dr. Jack F. Rocco
University Orthopedics
1505 9th Avenue
Altoona, PA 16602

PLEASE TAKE NOTICE that Plaintiff Joan Weymers, by her Attorneys, GREGORY S. OLSAVICK, ESQUIRE and EDGAR SNYDER & ASSOCIATES, LLC, will take the deposition by videotape of Dr. Jack F. Rocco on March 20, 2008, at 1:30 p.m., at the offices of University Orthopedics, 1505 9th Avenue, Altoona, PA for use at trial pursuant to the Pennsylvania Rules of Civil Procedure before a court reporter duly authorized to administer oaths on at the offices of at which time you are invited to appear and take such part as shall be fitting and proper.

The videotape deposition shall be taken before a Notary Public employed by Sargent's Court Reporting, and the videotape operator shall be Sargent's Court Reporting.

EDGAR SNYDER & ASSOCIATES, LLC

By 
Gregory S. Olsavick, Esq.
Attorney for Plaintiff

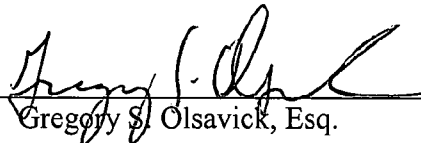
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above **NOTICE OF VIDEOTAPE DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 6th day of February, 2008.

Paul E. Pongrace, III, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES, LLC

By



Gregory S. Olsavick, Esq.
Attorney for Plaintiff

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

CIVIL DIVISION

No. 07 - 259 CD

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

TYPE OF PLEADING:

FIRST MOTION IN LIMINE

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED ^{np} ^{cc}
01/31/5/64
MAR 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

FIRST MOTION IN LIMINE


AND NOW, come the Defendants, Cash Gray, Jr. and Mona Jean Gray, by their attorney, Paul E. Pongrace, III, and file the within First Motion in Limine, averring as follows:

1. Plaintiff testified at her deposition that it was “common knowledge” that Defendants did not clear the snow and ice from their sidewalk.
2. Such statements amount to hearsay.
3. Plaintiff could not provide the names or the identity of any persons that would make up the “common knowledge” at the time of her deposition.
4. She eventually admitted that she was not sure if the statement “common knowledge” was even true.
5. Allowing Plaintiff to make such statements at the time of trial would be unduly prejudicial to Defendants.

WHEREFORE, Defendants request that Plaintiff be precluded from testifying about what she believes to be “common knowledge” regarding Defendants’ ability or practice to clear ice and snow from their sidewalk.

Respectfully submitted,

REDMAN & PONGRACE

By  _____
PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

ORDER

AND NOW, this _____ day of _____, 2008, it is hereby

ORDERED that Defendants' First Motion in Limine is GRANTED, and Plaintiff is precluded from testifying about what she believes to be "common knowledge" regarding Defendants' ability or practice to clear ice and snow from their sidewalk.

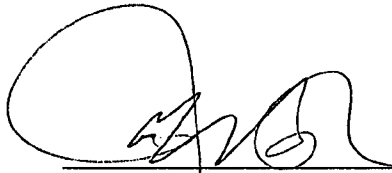
BY THE COURT:

_____/J.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the First Motion in Limine has been served upon all counsel and parties of record, this 27th day of March, 2007, by first-class mail, postage pre-paid as follows:

Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square
2900 Old Route 220, Suite 201
Altoona, PA 16601
(Attorneys for Plaintiff)

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

PAUL E. PONGRACE, III, ESQUIRE

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

CIVIL DIVISION

Plaintiff

No. 07 - 259 CD

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

TYPE OF PLEADING:

SECOND MOTION IN LIMINE

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED ^{NO}
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MAR 31 2008
(S)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

SECOND MOTION IN LIMINE

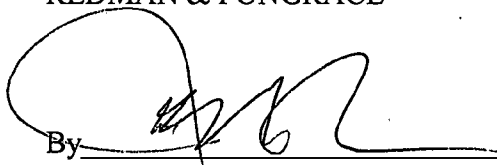
AND NOW, come the Defendants, Cash Gray, Jr. and Mona Jean Gray, by their attorney, Paul E. Pongrace, III, and file the within Second Motion in Limine, averring as follows:

1. Plaintiff testified at her deposition regarding other incidents where Defendants failed to remove ice and snow from their sidewalk.
2. Any other incidents of snow removal, or the lack of snow removal, is not relevant to the conditions that were present on the day of Plaintiff's fall.
3. Allowing testimony regarding other incidents where Defendants may or may not have removed ice and snow from their sidewalk would be unduly prejudicial to the Defendants.

WHEREFORE, Defendants request this Court to preclude Plaintiff from
testifying about any other incidents pertaining to Defendants' failing to remove ice and
snow from their sidewalk.

Respectfully submitted,

REDMAN & PONGRACE

By 
PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

ORDER

AND NOW, this _____ day of _____, 2008, it is hereby
ORDERED that Defendants' Second Motion in Limine is GRANTED, and Plaintiff is
precluded from testifying about any other incidents pertaining to Defendants' failing to
remove ice and snow from their sidewalk.

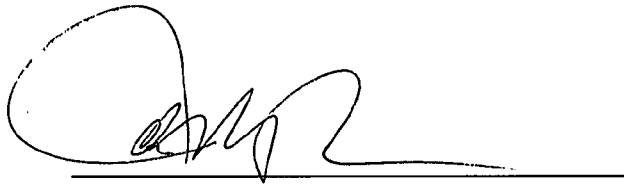
BY THE COURT:

_____/J.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the Second Motion in Limine has been served upon all counsel and parties of record, this 27th day of March, 2007, by first-class mail, postage pre-paid as follows:

Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square
2900 Old Route 220, Suite 201
Altoona, PA 16601
(Attorneys for Plaintiff)



PAUL E. PONGRACE, III, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

CIVIL DIVISION

No. 07 - 259 CD

TYPE OF PLEADING:

THIRD MOTION IN LIMINE

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED
03/15/07
MAR 31 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

THIRD MOTION IN LIMINE

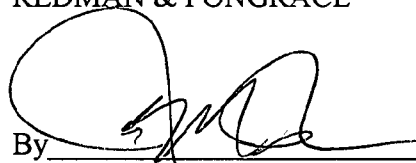
AND NOW, come the Defendants, Cash Gray, Jr. and Mona Jean Gray, by their attorney, Paul E. Pongrace, III, and file the within Third Motion in Limine, averring as follows:

1. Discovery revealed that a tenant on Defendants' property, James Peacock, had a fall that occurred on the subject sidewalk subsequent to Plaintiff's fall.
2. There has been no evidence presented of the date of Mr. Peacock's fall.
3. There has been no evidence presented of the cause of Mr. Peacock's fall.
4. There has been no evidence presented of whether Mr. Peacock was injured or that the Defendants were a contributory factor of Mr. Peacock's fall.
5. Allowing testimony or evidence of Mr. Peacock's subsequent fall would be unduly prejudicial to the Defendants.

WHEREFORE, Defendants request this Court to preclude any evidence of Mr. Peacock's subsequent fall on the subject sidewalk.

Respectfully submitted,

REDMAN & PONGRACE

A handwritten signature in black ink, appearing to read 'P. Pongrace, III', is written over a horizontal line. The signature is stylized with a large, circular initial 'P'.

By

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

ORDER

AND NOW, this _____ day of _____, 2008, it is hereby
ORDERED that Defendants' Third Motion in Limine is GRANTED, and Plaintiff is
precluded from presenting evidence and/or testimony of Mr. Peacock's subsequent fall on
the subject sidewalk.

BY THE COURT:

_____/J.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the Third Motion in Limine has been served upon all counsel and parties of record, this 27th day of March, 2007, by first-class mail, postage pre-paid as follows:

Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square
2900 Old Route 220, Suite 201
Altoona, PA 16601
(Attorneys for Plaintiff)

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

PAUL E. PONGRACE, III, ESQUIRE

CR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

CIVIL DIVISION

No. 07 - 259 CD

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

TYPE OF PLEADING:

FOURTH MOTION IN LIMINE

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED
01/31/15/BN/NO CC
MAR 31 2011
LS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

FOURTH MOTION IN LIMINE

AND NOW, come the Defendants, Cash Gray, Jr. and Mona Jean Gray, by their attorney, Paul E. Pongrace, III, and file the within Fourth Motion in Limine, averring as follows:


1. Reverend Gerald Spaid has provided testimony in this case as an independent witness.
2. Hearsay testimony has been offered from other witnesses that Mr. Spaid has been involved in “questionable” business practices through his computer repair business and printing business.
3. It is believed Plaintiff will attempt to use these hearsay statements to impugn the credibility of Mr. Spaid.
4. Defendants request this Court to prevent Plaintiff from offering any testimony or evidence regarding Mr. Spaid’s prior business practices as there is no evidence that he was ever charged or convicted of any *crimen falsi* acts.

5. To allow such hearsay statements of Mr. Spaid's "questionable" business practices would be to confuse the jury and unduly prejudice the Defendants.

WHEREFORE, Defendants request this Court to prevent Plaintiff from offering any evidence or testimony of the business practices of Mr. Spaid.

Respectfully submitted,

REDMAN & PONGRACE

By 
PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

ORDER

AND NOW, this _____ day of _____, 2008, it is hereby
ORDERED that Defendants' Fourth Motion in Limine is GRANTED, and Plaintiff is
precluded from offering evidence or testimony of the business practices of Mr. Spaid.

BY THE COURT:

_____/J.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the Fourth Motion in Limine has been served upon all counsel and parties of record, this 27th day of March, 2007, by first-class mail, postage pre-paid as follows:

Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square
2900 Old Route 220, Suite 201
Altoona, PA 16601
(Attorneys for Plaintiff)

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

PAUL E. PONGRACE, III, ESQUIRE

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

CIVIL DIVISION

No. 07 - 259 CD

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

TYPE OF PLEADING:

FIFTH MOTION IN LIMINE

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED No
03:15:01 cc
MAR 31 2008
William A. Sha...
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

FIFTH MOTION IN LIMINE

AND NOW, come the Defendants, Cash Gray, Jr. and Mona Jean Gray, by their attorney, Paul E. Pongrace, III, and file the within Fifth Motion in Limine, averring as follows:

1. Plaintiff has recently provided photographs of the Defendants' property that were taken March 3, 2008.
2. The photographs show the sidewalk area along the front of Defendants' property, and some have orange cones at various places on the sidewalk.
3. Defendants object to the use of the photographs since they were taken 14 months after the Plaintiff fell and therefore, the photographs do not accurately represent the condition of the Defendants' property at the time of Plaintiff's fall.
4. Using the photographs generally would prejudice the jury into thinking that the sidewalk looked in the same condition on the day of Plaintiff's fall as it does in the photographs.

5. Defendants object to the photographs because there are orange cones set at various places and the jury could become confused and believe that the orange cones mark the area where Plaintiff fell.

6. Using the photographs and the orange cones as representative of where Plaintiff fell would be prejudicial to the Defendants.

7. Defendants also object to these photographs as they show puddles, or pooling of water, on the sidewalk.

8. Using the photographs that show the puddles and pooling of water would be prejudicial to the Defendants because the jury could infer that the Plaintiff fell at, near, or on those depressions when there is no evidence that is what happened here.

9. Using the photographs would allow the jury to infer that the depressions and the puddles caused Plaintiff to fall, which would be significantly prejudicial to the Defendants.

10. Defendants further object to the photographs as they show piles of snow at various places along the sidewalk when there is no evidence that the snow was piled in such a manner at the time of Plaintiff's fall, 14 months earlier.

11. Using the photographs that show the snow piled at various places would be prejudicial to the Defendants as there is no indication that the sidewalk was in that condition when Plaintiff fell.

12. Defendants further object to these photographs to the extent they purport to show the property lines on the opposite end of the Defendants' property from where Plaintiff fell, i.e., Plaintiff fell on the left side of the property and the photographs are showing the right side of the property.

13. Those photographs showing the opposite property line do not represent the area where Plaintiff fell.

14. Using those photographs would be irrelevant and immaterial to where and how Plaintiff fell.

15. Using the photographs showing the opposite property line would be prejudicial to the Defendants.

16. Defendants object to the photographs that show footprints in the snow as there is no indication that such a condition existed at the time of Plaintiff's fall, 14 months prior.

17. The photographs showing the footprints are depicting the area located at the opposite end of Defendants' property from where Plaintiff fell and are therefore irrelevant and immaterial to how and where Plaintiff fell.

18. Using the photographs showing the footprints in the snow would be prejudicial to the Defendants.

WHEREFORE, Defendants request this Court to preclude Plaintiff from entering into evidence the photographs taken on March 3, 2008.

Respectfully submitted,

REDMAN & PONGRACE

By 

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

ORDER

AND NOW, this _____ day of _____, 2008, it is hereby

ORDERED that Defendants' Fifth Motion in Limine is GRANTED, and Plaintiff is precluded from entering into evidence the photographs taken on March 3, 2008.

BY THE COURT:

_____/J.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the Fifth Motion in Limine has been served upon all counsel and parties of record, this 27th day of March, 2007, by first-class mail, postage pre-paid as follows:

Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square
2900 Old Route 220, Suite 201
Altoona, PA 16601
(Attorneys for Plaintiff)

A handwritten signature in black ink, appearing to read 'Paul E. Pongrace, III', is written over a horizontal line.

PAUL E. PONGRACE, III, ESQUIRE

LA

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

JOAN K. WEYMERS

vs.

No. 07-259-CD

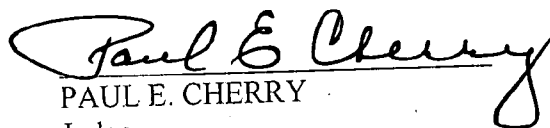
CASH GRAY, JR. and MONA JEAN
GRAY

ORDER

AND NOW, this 31st day of March, 2008, it is the ORDER of the
Court that argument on Defendants Motions in Limine in the above captioned matter
have been scheduled for Thursday, April 10, 2008 at 2:30 P.M., in Courtroom No. 2,
Clearfield County Courthouse, Clearfield, PA.

It is the responsibility of the Defendants Counsel to serve certified copy of
said scheduling Order on the Plaintiff's Counsel.

BY THE COURT:


PAUL E. CHERRY
Judge

FILED 400
013:1567
MAR 31 2008
William A. Shaw
Prothonotary/Clerk of Courts
1 copy faxed
to Atty Pongrace
3/31/08.

Prothonotary
PO Box 549
Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

Clearfield County Courthouse

Fax

To: Paul E. Pongrace, Esq.

From: William A. Shaw

Fax: 412-804-3356

Date: 3/31/08

Phone: 412-804-3355

Pages: 2

Re: Weymers vs. Gray

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•**Comments:**

PLEASE NOTE THE LAST PARAGRAPH OF THE ORDER INDICATES YOU
ARE RESPONSIBLE TO SERVE OPPOSING COUNSEL.

*** FAX TX REPORT ***

TRANSMISSION OK

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PSWD/SUBADDRESS	
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RESULT	OK

Prothonotary
PO Box 549
Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

**Clearfield County
Courthouse**

Fax

To: Paul E. Pongrace, Esq.

From: William A. Shaw

Fax: 412-804-3355

Date: 3/31/08

Phone: 412-804-3355

Pages: 2

Re: Weymers vs. Gray

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

PLEASE NOTE THE LAST PARAGRAPH OF THE ORDER INDICATES YOU
ARE RESPONSIBLE TO SERVE OPPOSING COUNSEL.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

CIVIL DIVISION

No. 07 - 259 CD

TYPE OF PLEADING:

**MOTION FOR RECUSAL OF
JUDGE FRED ANTHONY**

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

FILED NO CC
mho:slp/BJ
APR 09 2008 (GP)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

MOTION FOR RECUSAL OF JUDGE FRED ANTHONY

AND NOW, come the Defendants, Cash Gray, Jr. and Mona Jean Gray, by their attorney, Paul E. Pongrace, III, and file the within Motion for Recusal of Judge Fred Anthony, averring as follows:

1. This case is scheduled to be tried in Clearfield County, Pennsylvania, from April 14, 2008 until April 16, 2008.
2. On April 3, 2008, counsel selected a jury for this civil trial.
3. Judge Cherry informed counsel at that time that this case will be tried by a Senior Judge, Judge Fred Anthony from Erie County, Pennsylvania.
4. The following day, April 4, 2008, Plaintiff's counsel informed this defense counsel that the son of Judge Fred Anthony is employed by Plaintiff's counsel's firm, Edgar Snyder & Associates.
5. Due to the potential for conflict, or at a minimum, the appearance of impropriety, defense counsel is requesting that Senior Judge Fred Anthony be recused from trying this case.

6. Plaintiff's counsel has no objection to the recusal of Senior Judge Fred Anthony from this case.

WHEREFORE, it is requested that this Court recuse Senior Judge Fred Anthony from presiding over the civil jury trial of this matter and another judge be selected to try this case.

Respectfully submitted,

REDMAN & PONGRACE

By 

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,	)	CIVIL DIVISION
)	
Plaintiff	)	No. 07 - 259 CD
)	
VS.)	
)	
CASH GRAY, JR. and MONA JEAN)	
GRAY,)	
)	
Defendants)	

ORDER

AND NOW, this _____ day of _____, 2008, it is hereby

ORDERED that Senior Judge Fred Anthony is recused due to his son being employed by Plaintiff's counsel's firm and _____ will be the judge assigned to preside over the civil jury trial of this matter from April 14 through 16, 2008.

BY THE COURT:

_____/J.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the First Motion in Limine has been served upon all counsel and parties of record, this 7th day of April 2008, by first-class mail, postage pre-paid as follows:

Chris Miller, Esquire
Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square
2900 Old Route 220, Suite 201
Altoona, PA 16601
(Attorneys for Plaintiff)



PAUL E. PONGRACE, III, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS
Plaintiff,

No. 07-259 CD

vs.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

**PRAECIPE FOR APPEARANCE OF CO-
COUNSEL**

Filed on behalf of: Plaintiff, Joan K. Weymers

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE
PA I.D. No. 34620

CHRISTOPHER M. MILLER, ESQUIRE
PA I.D. No. 79533

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

JURY TRIAL DEMANDED

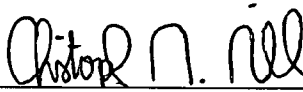
FILED 3cc
APR 10 2008 Amy Olsavick
William A. Shaw
Prothonotary/Clerk of Courts
copy to CIA
(6K)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeceptum For Appearance of Co-Counsel was served on all Counsel listed below, by hand delivery, on this 10th day of April, 2008:

Paul Pongrace, Esquire
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Christopher M. Miller, Esquire
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS

CIVIL DIVISION

Plaintiff,

No. 07-259-CD

vs.

CASH GRAY, JR. and MONA JEAN GRAY,

Defendants

FILED 1cc
0/5:38 AM
APR 10 2008
Olsavick
William A. Shaw
Prothonotary/Clerk of Courts

PLAINTIFF'S RESPONSE TO FIRST MOTION IN LIMINE

NOW, comes the Plaintiff, Joan K. Weymers, by her attorneys Edgar Snyder & Associates, LLC, Gregory S. Olsavick, Esquire and Christopher Miller, Esquire, and file the within response to First Motion in Limine as follows:

1. Admitted that Plaintiff made some reference to "common knowledge", but that testimony is taken out of context. Plaintiff testified that she had traversed the sidewalk in this area on many occasions, and she has seen herself that it is "not usually swept or shoveled". (Depo. p. 23). Plaintiff went on to testify that she had previously traversed the sidewalk also when it was specifically snow covered. (Depo. p. 24). In addition, Plaintiff testified that she believed that the people that lived in the area, including Delores Ginter, could have confirmed this situation. (Depo. p. 25).
2. See answer to number 1.
3. See answer to number 1.
4. See answer to number 1.
5. Denied. Plaintiff avers that the aforesaid references to Plaintiff's testimony are indeed relevant and probative to the issue of liability in the case at bar; and further that such testimony would not be unduly prejudicial to the Defendants. Further, Defendants would certainly have the

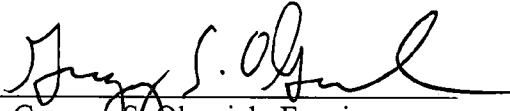
opportunity to cross examine Plaintiff regarding such testimony, including the alleged inability to identify specific individuals.

WHEREFORE, Plaintiff respectfully requests that Defendants' First Motion in Limine be denied and dismissed.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By:

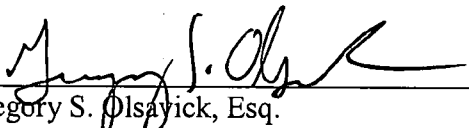

Gregory S. Olsavick, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Plaintiffs' Response to First Motion in Limine was served on all Counsel listed below, by hand delivery, on this 10th day of April 2008:

Paul Pongrace, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Gregory S. Olsayick, Esq.
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS

CIVIL DIVISION

Plaintiff,

No. 07-259-CD

vs.

CASH GRAY, JR. and MONA JEAN GRAY,

Defendants

FILED ^{ICC}
012:38 PM ^{Att'y}
APR 10 2008 ^{Olsavick}
William A. Shaw
Prothonotary/Clerk of Courts ^(GK)

PLAINTIFF'S RESPONSE TO SECOND MOTION IN LIMINE

NOW, comes the Plaintiff, Joan K. Weymers, by her attorneys Edgar Snyder & Associates, LLC, Gregory S. Olsavick, Esquire and Christopher Miller, Esquire, and file the within response to Second Motion in Limine as follows:

1. Admitted. By way of further response, Plaintiff specifically testified as to her own observations, and prior experience in seeing and observing the condition of the Defendants' sidewalk in front of the apartment building, and her prior traversing of the same. By way of further response, Plaintiff testified that she had traversed the sidewalk in this area on many occasions, and she has seen herself that it is "not usually swept or shoveled". (Depo. p. 23). Plaintiff went on to testify that she had previously traversed the sidewalk also when it was specifically snow covered. (Depo. p. 24). In addition, Plaintiff testified that she believed that the people that lived in the area, including Delores Ginter, could have confirmed this situation. (Depo. p. 25).

2. Denied. To the contrary, all such incidents relative to lack of snow removal, and condition of the subject sidewalk are indeed relevant, probative, and constitute admissible evidence for purposes of the trial of this action. In this regard, see answer to number 1 above.

Moreover, there are additional witnesses who will testify at trial regarding the condition of the sidewalk, and lack of proper snow removal on occasion.

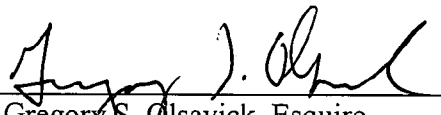
By way of further response, the issue of the prior condition of the subject sidewalk, and including lack of snow removal, is indeed relevant and probative to the issue of whether Defendants had knowledge and/or constructive knowledge of the condition of the subject sidewalk prior to this incident. This is particularly the case herein pursuant to the legal duties and responsibilities of a landowner vis-à-vis the Plaintiff, here a licensee. In this regard, see Restatement 2nd Torts, Section 342. In addition, as to the issue of knowledge and notice, see Pa. S.J.I (Civ.) 7.02, 7.04.

3. Denied. Plaintiff avers that the aforesaid references to Plaintiff's testimony are indeed relevant and probative to the issue of liability in the case at bar; and further that such testimony would not be unduly prejudicial to the Defendants. Further, Defendants would certainly have the opportunity to cross examine Plaintiff regarding such testimony, including the alleged inability to identify specific individuals.

WHEREFORE, Plaintiff respectfully requests that Defendants' First Motion in Limine be denied and dismissed.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

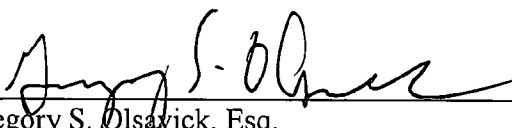
By: 
Gregory S. Olsavick, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Plaintiffs' Response to Second Motion in Limine was served on all Counsel listed below, by hand delivery, on this 10th day of April 2008:

Paul Pongrace, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Gregory S. Olsavick, Esq.
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS

CIVIL DIVISION

Plaintiff,

No. 07-259-CD

vs.

CASH GRAY, JR. and MONA JEAN GRAY,

Defendants

FILED 1cc
07/21/38/01 Amy
APR 10 2008 Olsavick
William A. Shaw
Prothonotary/Clerk of Courts (612)

PLAINTIFF'S RESPONSE TO THIRD MOTION IN LIMINE

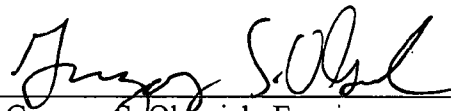
NOW, comes the Plaintiff, Joan K. Weymers, by her attorneys Edgar Snyder & Associates, LLC, Gregory S. Olsavick, Esquire and Christopher Miller, Esquire, and file the within response to Third Motion in Limine as follows:

1. Admitted.
2. Admitted. By way of further response, Mr. Peacock has not been identified and/or listed as a witness by Plaintiff. Further, no witness who testified by means of deposition in this case, has provided any testimony/evidence as to the date and circumstances surrounding Mr. Peacock's file.
3. See answer to number 2.
4. Admitted. By way of further response see Answer to number 2.
5. The averments of paragraph 5 constitute a legal conclusion for which no response is required. By way of further response see answer to number 2.

WHEREFORE, Plaintiff respectfully requests dismissal of the Third Motion in Limine.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

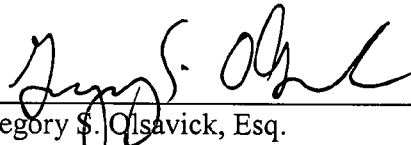
By: 
Gregory S. Olsavick, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Plaintiffs' Response to Third Motion in Limine was served on all Counsel listed below, by hand delivery, on this 10th day of April 2008:

Paul Pongrace, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Gregory S. Olsavick, Esq.
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS

CIVIL DIVISION

Plaintiff,

No. 07-259-CD

vs.

CASH GRAY, JR. and MONA JEAN GRAY,

Defendants

FILED
0/2:38 PM
APR 10 2008
William A. Shaw
Prothonotary/Clerk of Courts
Olsavick
GR

PLAINTIFF'S RESPONSE TO FOURTH MOTION IN LIMINE

NOW, comes the Plaintiff, Joan K. Weymers, by her attorneys Edgar Snyder & Associates, LLC, Gregory S. Olsavick, Esquire and Christopher Miller, Esquire, and file the within response to Fourth Motion in Limine as follows:

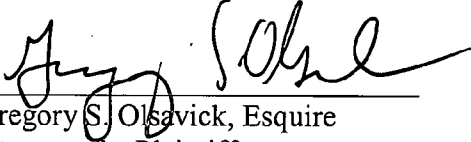
1. Admitted that Rev. Gerald Spaid has provided testimony in this case.
2. Denied. In terms of such testimony, a witness, Vanessa Krestar testified directly regarding the specific incidents involving his failure to repair a family computer even though he was paid to do so. (Krestar depo. pp. 32-33). Such testimony, and the testimony of other witnesses is certainly relevant and admissible insofar as the credibility of any witness in terms of the reputation of the witness for truthfulness or untruthfulness as always subject to examination and cross-examination. See Pa. Rule Evidence 608 – Evidence of Character and Conduct of Witness.
3. See answer to number 2.
4. Denied as a legal conclusion. By way of further response the issue is not crimen falsi acts, but rather the evidence of credibility and character in terms of truthfulness and untruthfulness of a witness. See answer to number 2 above.
5. See answer to number 4.

WHEREFORE, Plaintiff respectfully requests dismissal of the Fourth Motion in Limine.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By: _____

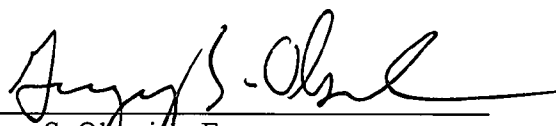

Gregory S. Olsavick, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Plaintiffs' Response to Fourth Motion in Limine was served on all Counsel listed below, by hand delivery, on this 10th day of April 2008:

Paul Pongrace, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Gregory S. Olavick, Esq.
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS

CIVIL DIVISION

Plaintiff,

No. 07-259-CD

vs.

CASH GRAY, JR. and MONA JEAN GRAY,

Defendants

FILED^{1cc}
02:38 PM
APR 10 2008
William A. Shaw
Prothonotary/Clerk of Courts
Olsavick
GP

PLAINTIFF'S RESPONSE TO FIFTH MOTION IN LIMINE

NOW, comes the Plaintiff, Joan K. Weymers, by her attorneys Edgar Snyder & Associates, LLC, Gregory S. Olsavick, Esquire and Christopher Miller, Esquire, and file the within response to Fifth Motion in Limine as follows:

1. Admitted. The subject photos were taken on March 3, 2008, at which time Plaintiff had a survey conducted of the subject Defendants' premises, in order to clearly establish the property line. By way of further response, the Plaintiff has requested a stipulation from defense counsel as to the admissibility of the subject survey report of Clark Cree, PLS, pursuant to Plaintiff's Third Supplemental Pre-Trial Memorandum.

2. Admitted.

3. Denied. The subject photographs were not taken, and/or are not intended to be utilized to show and/or represent the condition of the Defendants' property at the time of Plaintiff's fall. Any such utilization of the photographs would include an explanation as to when the photographs were taken, and the purpose, which was to show and demonstrate the survey as conducted by Clark Cree with reference to the Defendants' property lines.

4. See answer to number 3.

5. Denied. The subject orange cone in some of the photographs do not show and/or attempt to show the area where the Plaintiff fell at the time of the incident; rather they show the property line of Defendants' property. There are additional photos which have Plaintiff pictured in them and which purport to show where she fell.

6. See answer to number 5.

7. See answer to number 3 in terms of any issue of puddles or pools of water on the sidewalk.

8. See answer to number 7.

9. See answer to number 7.

10. See answer to number 3.

11. See answer to number 10.

12. Denied. The sole purpose of the photographs with respect to the right side of Defendants' property are to once again demonstrate the location of the property line on that side of Defendants' property. It is not believed that this would be confusing to the jury, nor otherwise be prejudicial to Defendants.

13. See answer to number 12.

14. See answer to number 12.

15. See answer to number 12.

16. See answer to number 3.

17. See answer to number 16.

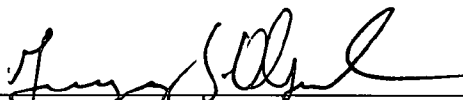
18. See answer to number 16.

WHEREFORE, Plaintiff respectfully requests dismissal of the Fifth Motion in Limine.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By:



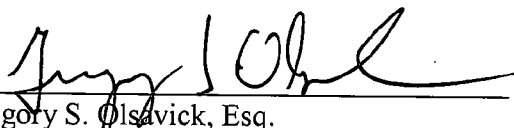
Gregory S. Olsavick, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Plaintiffs' Response to Fifth Motion in Limine was served on all Counsel listed below, by hand delivery, on this 10th day of April 2008:

Paul Pongrace, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

EDGAR SNYDER & ASSOCIATES LLC



Gregory S. Olsavick, Esq.
Attorneys for Plaintiffs

JA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

Plaintiff

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

CIVIL DIVISION

No. 07 - 259 CD

ORDERAND NOW, this 7th day of April, 2008, it is hereby

ORDERED that Senior Judge Fred Anthony is recused due to his son being employed by Plaintiff's counsel's firm and Sr. Judge Charles C. Brown will be the judge assigned to preside over the civil jury trial of this matter from April 14 through 16, 2008.

BY THE COURT:

Paul E. Cherry, Jr.**FILED**079,046
APR 08 20082cc
Amy S. Olavick
PongraceWilliam A. Shaw
Prothonotary/Clerk of Courts

(GK)

FILED

APR 08 2008

William A. Shaw
Prothonotary/Clerk of Courts
CIA verbally notified both
counsel 4/7/08

DATE: 4/8/08

____ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) X Plaintiff(s) Attorney ____ Other

____ Defendant(s) X Defendant(s) Attorney

____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOAN K. WEYMERS,

CIVIL DIVISION

Plaintiff

No. 07 - 259 CD

VS.

CASH GRAY, JR. and MONA JEAN
GRAY,

Defendants

TYPE OF PLEADING:

**MOTION FOR RECUSAL OF
JUDGE FRED ANTHONY**

Filed on behalf of Defendants:

CASH GRAY, JR. and MONA
JEAN GRAY

Counsel of Record for this Party:

PAUL E. PONGRACE, III, ESQ.
Pa. I.D. No. 72727

REDMAN & PONGRACE
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

Telephone: (412) 804-3355
Facsimile: (412) 804-3356

6. Plaintiff's counsel has no objection to the recusal of Senior Judge Fred Anthony from this case.

WHEREFORE, it is requested that this Court recuse Senior Judge Fred Anthony from presiding over the civil jury trial of this matter and another judge be selected to try this case.

Respectfully submitted,

REDMAN & PONGRACE

By 

PAUL E. PONGRACE, III, ESQUIRE
Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the First Motion in Limine has been served upon all counsel and parties of record, this 7th day of April 2008, by first-class mail, postage pre-paid as follows:

Chris Miller, Esquire
Gregory S. Olsavick, Esquire
EDGAR SNYDER & ASSOCIATES
Regency Square
2900 Old Route 220, Suite 201
Altoona, PA 16601
(Attorneys for Plaintiff)



PAUL E. PONGRACE, III, ESQUIRE

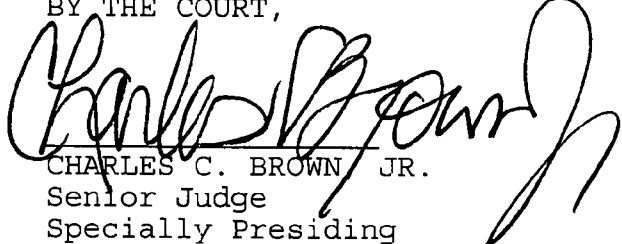
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

JOAN K. WEYMERS :
VS. : NO. 07-259-CD
CASH GRAY, JR., and :
MONA JEAN GRAY :

O R D E R

AND NOW, this 10th day of April, 2008, upon
consideration of Defendants' third Motion in Limine, it is
ORDERED that James Peacock may not testify regarding any fall at
or near the subject sidewalk subsequent to the time of
Plaintiff's fall.

BY THE COURT,


CHARLES C. BROWN JR.
Senior Judge
Specially Presiding

FILED

014:00/57
APR 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

200
Alys: Dsawick
Pergrace
(GR)

FILED

APR 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/17/08

____ 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
CIVIL DIVISION

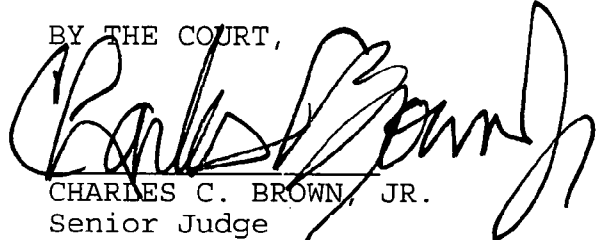
JOAN K. WEYMERS :
VS. : NO. 07-259-CD
CASH GRAY, JR., and :
MONA JEAN GRAY :

O R D E R

AND NOW, this 10th day of April, 2008, upon
consideration of Defendants' first Motion in Limine, and after
oral argument, said Motion is granted.

Plaintiff may not, during Plaintiff's case in chief,
testify that it is common knowledge that Defendants do not clear
ice and snow from their sidewalk.

BY THE COURT,



CHARLES C. BROWN, JR.
Senior Judge
Specially Presiding

FILED

APR 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

2cc Atty's:

Olson

Pengrace

GR

FILED

APR 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

Special Instructions: _____

Defendant(s) X Attorney X Defendant(s) Attorney

Plaintiff(s) X Plaintiff(s) Attorney X Other _____

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

You are responsible for serving all appropriate parties.

DATE: 8/14/17

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS,
Plaintiff

No.: 07-259-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOAN K. WEYMERS
Plaintiff,

No. 07-259-CD

vs.

CIVIL DIVISION

CASH GRAY JR. and MONA JEAN GRAY,
Defendant.

PRAECIPE TO SETTLE AND
DISCONTINUE

Filed on behalf of: Plaintiff, JOAN K.
WEYMERS

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

EDGAR SNYDER & ASSOCIATES, LLC
Regency Square
2900 Old Route 220
Suite 201
Altoona, PA 16601

(814) 942-3699

FILED No CC &
19/12.15cm 1 cert of
JUL 15 2008 discissuod
to Atty Olsavick
William A. Shaw
Prothonotary/Clerk of Courts
copy to C/A

July 2,, 2008

BY TELEFAX (412-804-3356)

Paul Pongrace, Esq.
Redman & Pongrace
610 Two Chatham Center
112 Washington Place
Pittsburgh, PA 15219

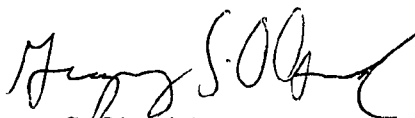
RE: Joan Weymers v. Cash Gray Jr. and Mona Jean Gray

Dear Attorney Pongrace:

I am writing to you concerning the above matter and concerning our telephone discussion this date. At this time, I am also forwarding by fax transmission the executed release from Joan Weymers. In addition, I am forwarding by fax true and correct copies of the letter to the Prothonotary, together with the executed Praecept to Settle and Discontinue this case of record. I am forwarding the original executed release by regular mail, and will of course send you the confirming settlement and discontinuance when received back from Clearfield County.

Per our discussion, this will confirm that you are going to forward the settlement draft to my office by overnight mail, in order that we can process the same. I wish to thank you for your cooperation and assistance in this matter. If anything further is required do not hesitate to contact me.

Very truly yours,


Gregory S. Olsavick

GSO:kah

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Joan K. Weymers

Vs.

No. 2007-00259-CD

Cash Gray Jr.

Mona Jean Gray

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 July 15, 2008, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by Edgar Snyder & Associates LLC.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of July A.D. 2008.



William A. Shaw, Prothonotary