

FILED
9/12/2006
MAR 08 2007
3 writs issued
to Atty. m. g. m.
William A. Shaw
Prothonotary/Clerk of Courts

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

DONALD J. UBERTI, II,
Plaintiff

-vs-

EVA HAASE, individually,
55 Marbury Crescent
North York
ONTARIO, CANADA M3A263

and

KEVIN DUNSTAN, individually,
30 Upper Canada Drive
North York
ONTARIO, CANADA M2P15,

and

KEVIN DUNSTAN, as agent on
behalf of EVA HASSE
30 Upper Canada Drive
North York
ONTARIO, CANADA M2P15,
Defendants

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No. JURY TRIAL DEMANDED

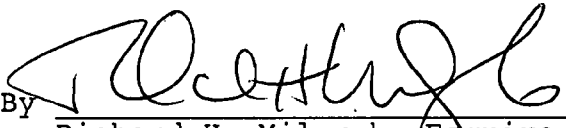
PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue a Writ of Summons upon the Defendants,
Eva Haase, individually, 55 Marbury Crescent, North York Ontario,
Canada M3A263, and Kevin Dunstan, individually, 30 Upper Canada
Drive, North York, Ontario, Canada M2P15 and Kevin Dunstan, as
agent on behalf of Eva Haase, 30 Upper Canada Drive, North York,
Ontario, Canada North York, Ontario, Canada M2P15.

Date: 3/7/07

BY


Richard H. Milgrub, Esquire
Attorney for Plaintiff

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

109 NORTH BRADY STREET
DUBOIS, PA 15801

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

COPY

SUMMONS

Donald J. Uberti II

Vs.

NO.: 2007-00355-CD

**Eva Haase, individually;
Kevin Dunstan, individually and
Kevin Dunstan, as agent on behalf of
Eva Hasse**

TO: EVA HAASE, individually
KEVIN DUNSTAN, individually and Kevin Dunstan, as
agent on behalf of Eva Haase

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

Date: 3/8/2007



William A. Shaw
Prothonotary

Issuing Attorney:

Richard H. Milgrub
211 North Second Street
Clearfield, PA 16830
814-765-1717

RAWLE & HENDERSON LLP

By: Erin F. Henderson, Esquire

Identification No. 66494

ehenderson@rawle.com

The Widener Building

One South Penn Square

Philadelphia, PA 19107

Telephone: (215) 575-4200

Facsimile: (215) 563-2583

Attorneys for Defendants,

Eva Haase and Kevin Dunstan

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

DONALD J. UBERTI, II,

Plaintiff

vs.

EVA HAASE, individually

and

KEVIN DUNSTAN, individually

and

KEVIN DUNSTAN, as agent on behalf of

EVA HAASE,

Defendants

NO. 07-355-CD

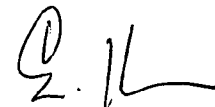
JURY TRIAL DEMANDED

ORDER TO ENTER APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our appearance on behalf of defendants, Eva Haase and Kevin Dunstan in
the above-referenced matter.

RAWLE & HENDERSON LLP

BY: 

Erin F. Henderson, Esquire

Attorneys for Defendants,

Eva Haase and Kevin Dunstan

DATE: April 5, 2007

FILED

APR 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

RAWLE & HENDERSON LLP

By: Erin F. Henderson, Esquire

Identification No. 66494

ehenderson@rawle.com

The Widener Building

One South Penn Square

Philadelphia, PA 19107

Telephone: (215) 575-4200

Facsimile: (215) 563-2583

Attorneys for Defendants,

Eva Haase and Kevin Dunstan

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

DONALD J. UBERTI, II,

Plaintiff

vs.

EVA HAASE, individually

and

KEVIN DUNSTAN, individually

and

KEVIN DUNSTAN, as agent on behalf of

EVA HAASE,

Defendants

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NO. 07-355-CD

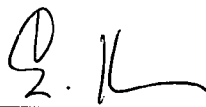
JURY TRIAL DEMANDED

DEMAND FOR JURY TRIAL

TO THE PROTHONOTARY:

Defendants, Eva Haase and Kevin Dunstan hereby demand a jury trial in the above matter.

RAWLE & HENDERSON LLP

BY: 

Erin F. Henderson, Esquire

Attorneys for Defendants,

Eva Haase and Kevin Dunstan

DATE: April 5, 2007

RAWLE & HENDERSON LLP
By: Erin F. Henderson, Esquire
Identification No. 66494
ehenderson@rawle.com
The Widener Building
One South Penn Square
Philadelphia, PA 19107
Telephone: (215) 575-4200
Facsimile: (215) 563-2583

Attorneys for Defendants,
Eva Haase and Kevin Dunstan

FILED 1CC 81
m/12:58 PM Rule to
APR 09 2007 Amy
William A. Shaw
Prothonotary/Clerk of Courts

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

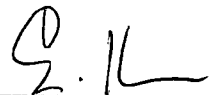
DONALD J. UBERTI, II,	:	
	:	
Plaintiff	:	
	:	
vs.	:	
	:	NO. 07-355-CD
	:	
EVA HAASE, individually	:	
and	:	JURY TRIAL DEMANDED
KEVIN DUNSTAN, individually	:	
and	:	
KEVIN DUNSTAN, as agent on behalf of	:	
EVA HAASE,	:	
Defendants	:	

PRAECIPE TO FILE COMPLAINT

TO THE PROTHONOTARY:

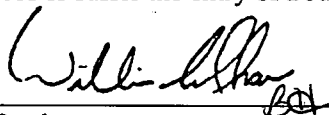
In accordance with Rule 1037(a) of the Pennsylvania Rules of Civil Procedure, kindly enter rule upon plaintiff to file a Complaint in connection with the above-captioned matter within twenty (20) days or suffer Judgment of *Non Pros*.

RAWLE & HENDERSON LLP

BY: 
Erin F. Henderson, Esquire
Attorneys for Defendants,
Eva Haase and Kevin Dunstan

RULE TO FILE COMPLAINT

AND NOW, this 9th day of April, 2007, a Rule is hereby granted upon plaintiff to file a Complaint herein within 20 days after service hereof or suffer the entry of a Judgment of *Non Pros*.


Prothonotary

CERTIFICATE OF SERVICE

I, Erin F. Henderson, Esquire, counsel for defendants, Eva Haase and Kevin Dunstan, do hereby certify that a copy of the foregoing Rule to File Complaint has been mailed to the following counsel of record by United States first-class mail, postage pre-paid.

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

RAWLE & HENDERSON[®] LLP

BY: 
Erin F. Henderson, Esquire

DATE: April 5, 2007

FILED
02:47 P.M. GK
APR 17 2007 No CC
William A. Shaw
Prothonotary/Clerk of Courts



235 SOUTH 13TH STREET
PHILADELPHIA, PA 19107
PHONE: (215) 546-7400
FAX: (215) 985-0169



National Association of
Professional Process Servers



Philadelphia Association
of Professional Process Servers

Donald J. Unberti, II : COURT Court of Common Pleas of Pennsylvania
-VS- : COUNTY Clearfield County
Eva Haase, et al : CASE NUMBER 07-355-CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF PHILADELPHIA:

B&R Control # CS037316 - 1
Reference Number

SERVICE INFORMATION

On 13 day of March, 2007 we received the
Summons
for service upon Eva Haase, Individually
at 55 Marbury Crescent North York, Ontario Canada U3A263

*** Special Instructions ***

☐ Served Date _____ Time _____ Accepted By: _____

In the manner described below.

- ☐ Personally served.
☐ Adult family member. Relationship is _____
☐ Adult in charge of residence who refused to give name and/or relationship. _____
☐ Manager/Clerk of place of residence lodging _____
☐ Agent or person in charge of office or usual place of business _____
☐ Other _____

Description of Person Age _____ Height _____ Weight _____ Race _____ Sex _____
Other _____

☒ Not Served Date MARCH 27, 07 Time 12:11 PM

Not Served Information

☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☒ Other _____

ORIENTAL FEMALE OCCUPANT HAS NEVER HEARD OF EVA HAASE. I WAS UNABLE TO LOCATE EVA HAASE THROUGH DIRECTORY ASSISTANCE FOR THE NORTH YORK/TORONTO AREA

The Process Server, being duly sworn,
deposes and says that the facts set forth
herein are true and correct to the best of their
knowledge, information and belief.

Process Server/Sheriff [Signature]

Sworn to and subscribed before me this
Eric Kovacs, a Commissioner, etc.,
Province of Ontario, for Borg Process 3 day of APRIL
Servers Inc., and for Process Serving 2007
and Tenant Protection Act, 1997 matters
only. Expires February 28, 2009 Notary Public [Signature]

Law Firm Phone (814)765-1717 For
Richard H. Milgrub, Esquire
Richard H. Milgrub, Esquire
211 North Second Street
Clearfield, PA 16830

ServeBy Date 4/6/2007

Filed Date 3/8/2007

ORIGINAL

072VC

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

DONALD J. UBERTI, II,
Plaintiff

-vs-

EVA HAASE, individually,
55 Marbury Crescent
North York
ONTARIO, CANADA M3A2G3

and

KEVIN DUNSTAN, individually,
30 Upper Canada Drive
North York
ONTARIO, CANADA M2P1G,

and

KEVIN DUNSTAN, as agent on
behalf of EVA HAASE
30 Upper Canada Drive
North York
ONTARIO, CANADA M2P1G,
Defendants

No. 07-355-CD
JURY TRIAL DEMANDED

Type of Pleading:
Affidavit of Service

Filed on Behalf of:
Plaintiff

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

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

FILED
02:47 P.M. GK No CC
APR 17 2007
William A. Shaw
Prothonotary/Clerk of Courts



235 SOUTH 13TH STREET
PHILADELPHIA, PA 19107
PHONE: (215) 546-7400
FAX: (215) 985-0169



National Association of
Professional Process Servers



Philadelphia Association
of Professional Process Servers

Donald J. Unberti, II

COURT

Court of Common Pleas of Pennsylvania

-VS-

COUNTY

Clearfield County

Eva Haase, et al

CASE NUMBER 07-355-CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

B&R Control #

CS037316 - 2

COUNTY OF PHILADELPHIA:

Reference Number

SERVICE INFORMATION

On 13 day of March, 2007 we received the
Summons
for service upon Kevin Dunstan, Individually
at 30 Upper Canada Drive North York, Ontario Canada u2p15

*** Special Instructions ***

☒ Served Date MARCH 24, 07 Time 1:20 PM Accepted By: KEVIN DUNSTAN

In the manner described below.

- ☒ Personally served.
☐ Adult family member. Relationship is _____
☐ Adult in charge of residence who refused to give name and/or relationship. _____
☐ Manager/Clerk of place of residence lodging _____
☐ Agent or person in charge of office or usual place of business _____
☐ Other _____

Description of Person Age _____ Height _____ Weight _____ Race _____ Sex _____
Other _____

☐ Not Served Date _____ Time _____

Not Served Information

☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

The Process Server, being duly sworn,
deposes and says that the facts set forth
herein are true and correct to the best of their
knowledge, information and belief.

Process Server/Sheriff [Signature]

Sworn to and subscribed before me this

Eric Kovacs, a Commissioner, etc.,
Province of Ontario, for Borg Process
Servers Inc., and for Process Serving
and Tenant Protection Act, 1997 matters

only. Expires February 28, 2009.
Serve By Date 4/6/2007
Filed Date 3/8/2007

Law Firm Phone (814)765-1717 For
Richard H. Milgrub, Esquire
Richard H. Milgrub, Esquire
211 North Second Street
Clearfield, PA 16830

ORIGINAL

072VC

William A. Shaw
Prothonotary/Clerk of Courts



235 SOUTH 13TH STREET
PHILADELPHIA, PA 19107
PHONE: (215) 546-7400
FAX: (215) 985-0169



National Association of
Professional Process Servers



Philadelphia Association
of Professional Process Servers

Donald J. Unberti, II : COURT Court of Common Pleas of Pennsylvania
-VS- : COUNTY Clearfield County
Eva Haase, et al : CASE NUMBER 07-355-CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF PHILADELPHIA:

B&R Control # CS037316 - 3
Reference Number

SERVICE INFORMATION

On 13 day of March, 2007 we received the
Summons
for service upon Kevin Dunstan, as agent on behalf of Eva Haase
at 30 Upper Canada Drive North York, Ontario Canada u2 P15

*** Special Instructions ***

☒ Served Date MARCH 24, 07 Time 1:20 PM Accepted By: KEVIN DUNSTAN

In the manner described below.

- ☒ Personally served.
☐ Adult family member. Relationship is _____
☐ Adult in charge of residence who refused to give name and/or relationship. _____
☐ Manager/Clerk of place of residence lodging _____
☐ Agent or person in charge of office or usual place of business _____
☐ Other _____

Description of Person Age _____ Height _____ Weight _____ Race _____ Sex _____
Other _____

☐ Not Served Date _____ Time _____

Not Served Information

☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____

The Process Server, being duly sworn,
deposes and says that the facts set forth
herein are true and correct to the best of their
knowledge, information and belief.

Process Server/Sheriff [Signature]

Sworn to and subscribed before me this

Eric Kovacs, a Commissioner, etc.,
Province of Ontario, for Borg Process Servers Inc., and for Process Serving
and Tenant Protection Act, 1997 matters
only. Expires February 28, 2009.

day of APRIL

Notary Public

Law Firm Phone (814)765-1717 For
Richard H. Milgrub, Esquire
Richard H. Milgrub, Esquire
211 North Second Street
Clearfield, PA 16830

ServeBy Date 4/6/2007
Filed Date 3/8/2007

ORIGINAL

072VC

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641

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

109 NORTH BRADY STREET
DUBOIS, PA 15801

4. At all times material hereto, Defendant, Kevin Dunstan, was an agent, servant, workman and/or employee of the Defendant, Eva Haase.

5. The facts and occurrences hereinafter related took place on or about April 16, 2005 at approximately 1:35 a.m. on Route 255, Huston Township, Clearfield County, Pennsylvania.

6. At that time and place, Plaintiff was operating his vehicle, a Dodge Ram Pickup Truck, in a southerly direction on SR 255 where it intersected with SR 153.

7. At that time and place, the Defendant, Kevin Dunstan, individually and/or acting as agent for Eva Haase, was operating a Honda Civic owned by Eva Haase in an easterly direction on SR 153 where it intersected with SR 255.

8. At that time and place, the Defendant, Kevin Dunstan, individually and/or acting as agent for Eva Haase, failed to stop for a flashing red signal and entered the intersection striking the passenger's side of Plaintiff's vehicle.

9. The foregoing accident and all of the injuries and damages set forth hereinafter sustained by Plaintiff are the direct and proximate result of the negligent, careless, wanton and reckless manner in which Defendant, Kevin Dunstan, operated his motor vehicle as follows:

- a. failure to have his vehicle under such control so as to be able to stop within the assured clear distance ahead;
- b. failure to keep alert and maintain a proper watch for the presence of other vehicles on the highway;

- c. failure to travel at a safe speed;
- d. failure to yield the right of way to Plaintiff's vehicle;
- e. failure to keep a proper watch for traffic on the highway;
- f. failure to drive his vehicle with due regard for the highway and traffic conditions which were existing and of which he was or should have been aware;
- g. failure to keep proper and adequate control over his vehicle;
- h. failure to operate his vehicle in accordance with existing traffic conditions and traffic controls;
- i. failure to properly observe traffic signals controlling Defendant's direction of travel;
- j. failure to keep a reasonable lookout for other vehicles lawfully on the road;
- k. attempting to enter an intersection when such movement could not be safely accomplished;
- l. failing to yield the right-of-way to traffic already upon the highway;
- m. failure to prudently proceed through the intersection so as to avoid creating a dangerous situation for other vehicles on the highway;
- n. proceeding through an intersection when such movement could not be made in safety; and
- o. failure to stop for flashing red light in

violation of the Motor Vehicle Code of the Commonwealth of Pennsylvania; and

o. otherwise operating said vehicle in a careless, reckless and negligent manner and in a manner violating the Motor Vehicle Code of the Commonwealth of Pennsylvania.

Claim I

Donald J. Uberti, II v. Kevin Dunstan

10. Paragraphs One through Nine of this Complaint are incorporated herein by reference as though set forth in full.

11. Plaintiff, Donald J. Uberti, II, sustained painful and severe injuries, which include, but are not limited to:

- a. disc bulge from L3-S1;
- b. bilateral neural foraminal narrowing at L3-4;
- c. right-sided and mild-to-moderate left-sided neural foraminal narrowing at L4-5; and
- d. facet hypertrophy at L4-5, L3-S1.

12. By reason of the aforesaid injuries sustained by Plaintiff, Donald J. Uberti, II, he was forced to incur liability for medical treatment, medications, hospitalizations, and similar miscellaneous expenses in an effort to restore himself to health and claim is made therefore.

13. Because of the nature of his injuries, Plaintiff, Donald J. Uberti, II, has been advised and therefore avers that he maybe forced to incur similar expenses in the future, and claim is made therefore.

14. As a result of the aforementioned injuries, Plaintiff, Donald J. Uberti, II, has undergone and in the future

will undergo great physical and mental suffering, great inconvenience in carrying out his daily activities, loss of life's pleasures and enjoyment, and claim is made therefore.

15. As a result of the aforesaid injuries, Plaintiff, Donald J. Uberti, II, has been and in the future will be subject to great humiliation and embarrassment and claim is made therefore.

16. As a result of the aforesaid injuries, Plaintiff, Donald J. Uberti, II, has sustained work loss, loss of opportunity and a permanent diminution in his earning power and capacity and claim is made therefore.

17. Plaintiff, Donald J. Uberti, II, continues to be plagued by persistent pain and limitation and therefore, avers that his injuries may be of a permanent nature, causing residual problems the remainder of his lifetime and claim is made therefore.

WHEREFORE, Plaintiff, Donald J. Uberti, II, demands judgment against the Defendant, Kevin Dunstan, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

Claim II

Donald J. Uberti, II v. Eva Haase

18. Paragraphs One through Seventeen of this Complaint are incorporated herein by reference as though set forth in full.

19. The foregoing accident and all of the injuries and

damages set forth hereinafter sustained by Plaintiff, Donald J. Uberti, II, are the direct and proximate result of the negligent entrustment of Defendant, Eva Haase, as follows:

a. entrusting a motor vehicle to an individual she knew or should have known was incapable of operating said motor vehicle in a safe and lawful manner;

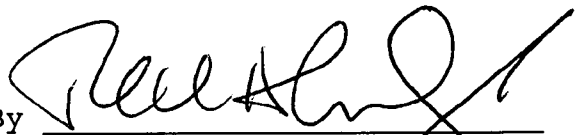
b. entrusting a motor vehicle to an individual she knew or should have known was an incompetent and unsafe driver;

c. entrusting a motor vehicle to an individual she knew or should have known was likely to use the motor vehicle in a manner that would create an unreasonable risk of harm to others; and

d. entrusting a motor vehicle to an individual without undertaking adequate measures to ensure that the driver was capable of operating said motor vehicle in a safe and lawful manner.

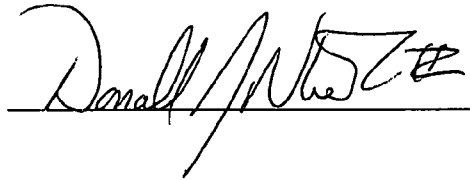
WHEREFORE, Plaintiff, Donald J. Uberti, II, demands judgment against the Defendant, Eva Haase, in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of any jurisdictional amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

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

By 
Richard H. Milgrub, Esquire
Attorney for Plaintiff

I, Donald J. Uberti, II, verify that the statements made in the Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 7-9-07

A handwritten signature in black ink, appearing to read "Donald J. Uberti, II", is written over a horizontal line.

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

109 NORTH BRADY STREET
DUBOIS, PA 15801

William A. Shaw
Prothonotary/Clerk of Courts

109 NORTH BRADY STREET
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Donald J. Uberti II

Vs.

No. 2007-00355-CD

Eva Haase

Kevin Dunstan

CERTIFICATE OF DISCONTINUATION

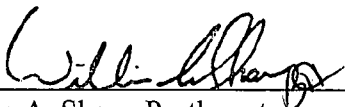
Commonwealth of PA
County of Clearfield

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 January 28, 2008, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by Richard H. Milgrub, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 28th day of January A.D. 2008.



William A. Shaw, Prothonotary