

07-355-CD

Donald Uberti vs Eva Haase et al

Donald Uberti vs Eva Haase et al  
2007-355-CD



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

|                              |                     |
|------------------------------|---------------------|
| DONALD J. UBERTI, II,        | *                   |
| Plaintiff                    | *                   |
|                              | *                   |
| -vs-                         | *                   |
| EVA HAASE, individually,     | No.                 |
| 55 Marbury Crescent          | JURY TRIAL DEMANDED |
| 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                   | *                   |

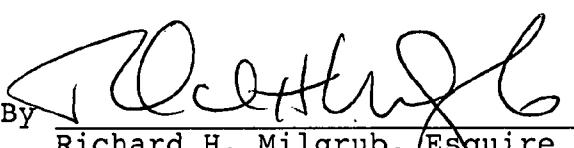
PRAECIPE FOR WRIT OF SUMMONS

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*

*im*

---

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. :  
: 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 :

**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: E. H.  
Erin F. Henderson, Esquire  
Attorneys for Defendants,  
Eva Haase and Kevin Dunstan

DATE: April 5, 2007

**FILED**  
m 12:58 AM  
APR 09 2007  
cc  
JW

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

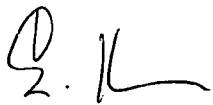
|                                      |            |                     |
|--------------------------------------|------------|---------------------|
| DONALD J. UBERTI, II,                | :          |                     |
|                                      | Plaintiff  | :                   |
| vs.                                  | :          |                     |
|                                      | :          | 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 | :                   |

**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**  
M 12 5 8 PM  
APR 09 2007  
Rule to  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty

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

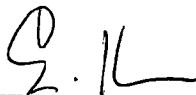
|                                      |            |                     |
|--------------------------------------|------------|---------------------|
| DONALD J. UBERTI, II,                | :          |                     |
|                                      | Plaintiff  | :                   |
| 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:

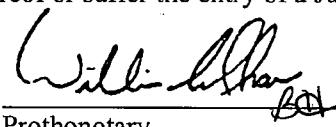
In accordance with Rule 1037(a) of the Pennsylvania Rules of Civil Procedure, kindly enter rule upon plaintiff to file a Complaint in connection with the above-captioned matter within twenty (20) days or suffer Judgment of *Non Pros*.

RAWLE & HENDERSON LLP

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

**RULE TO FILE COMPLAINT**

AND NOW, this 9<sup>th</sup> 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*.

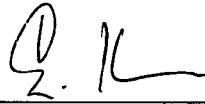
  
Prothonotary

**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

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

DONALD J. UBERTI, II, \*  
Plaintiff \*  
\*  
-vs- \* No. 07-355-CD  
\* JURY TRIAL DEMANDED  
\*  
EVA HAASE, individually, \*  
55 Marbury Crescent \*  
North York \*  
ONTARIO, CANADA M3A263 \*  
and \*  
KEVIN DUNSTAN, individually, \* Type of Pleading:  
30 Upper Canada Drive \* Affidavit of Service  
North York \*  
ONTARIO, CANADA M2P15, \*  
and \*  
KEVIN DUNSTAN, as agent on \*  
behalf of EVA HAASE \*  
30 Upper Canada Drive \*  
North York \*  
ONTARIO, CANADA M2P15, \*  
Defendants \*

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. 6K  
APR 17 2007 NO CC  
WM 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 *μ3A263*

#### \*\*\* 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 21, 2007 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 Eric Kovacs

Eric Kovacs, a Commissioner, etc.,  
Province of Ontario, for Borg Process  
Servers Inc., and for Process Serving  
and Tenant Protection Act, 1997, matters  
only. Sworn to and subscribed before me this  
3 day of April 2007  
Expires February 28, 2008 Notary Public

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

Serve By 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- \* No. 07-355-CD  
\* JURY TRIAL DEMANDED  
\*  
EVA HAASE, individually, \*  
55 Marbury Crescent \*  
North York \*  
ONTARIO, CANADA M3A263 \*  
and \*  
KEVIN DUNSTAN, individually, \* Type of Pleading:  
30 Upper Canada Drive \* Affidavit of Service  
North York \*  
ONTARIO, CANADA M2P15, \*  
and \*  
KEVIN DUNSTAN, as agent on \*  
behalf of EVA HAASE \*  
30 Upper Canada Drive \*  
North York \*  
ONTARIO, CANADA M2P15, \*  
Defendants \*

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. 6K No CC  
APR 17 2007  
WAS  
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 - 2  
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 M2P 1S5

#### \*\*\* 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, Clarke

Sworn to and subscribed before me this  
3 day of  
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.  
ServeBy 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

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

DONALD J. UBERTI, II, \*  
Plaintiff \*  
\*  
-vs- \*  
\* No. 07-355-CD  
\* JURY TRIAL DEMANDED  
\*  
EVA HAASE, individually, \*  
55 Marbury Crescent \*  
North York \*  
ONTARIO, CANADA M3A263 \*  
and \*  
KEVIN DUNSTAN, individually, \* Type of Pleading:  
30 Upper Canada Drive \* Affidavit of Service  
North York \*  
ONTARIO, CANADA M2P15, \*  
and \*  
KEVIN DUNSTAN, as agent on \*  
behalf of EVA HAASE \*  
30 Upper Canada Drive \*  
North York \*  
ONTARIO, CANADA M2P15, \*  
Defendants \*

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  
0 2:47 P.M. 6/6  
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 - 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 *u2/15*

#### \*\*\* 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 Slake

Sworn to and subscribed before me this  
Eric Kovacs, a Commissioner, etc.,  
Province of Ontario, for Borg Process \_\_\_\_\_ day of  
Servers Inc., and for Process Serving \_\_\_\_\_  
and Tenant Protection Act, 1997 matters  
only. Expires February 28, 2009. *2007*

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-                         | *             |
|                              | No. 07-355-CD |
|                              | *             |
| 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 M2P15,       | *             |
| Defendants                   | *             |

NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

109 NORTH BRADY STREET  
DUBOIS, PA 15801

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

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

DONALD J. UBERTI, II, \*  
Plaintiff \*  
\*  
-vs- \* No. 07-355-CD  
\* JURY TRIAL DEMANDED  
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 M2P15, \*  
Defendants \*

COMPLAINT

AND NOW, comes the Plaintiff, Donald J. Uberti, II, by  
and through his attorney, Richard H. Milgrub, Esquire, who files  
the following Complaint:

1. Plaintiff, Donald J. Uberti, II, is an adult  
individual and citizen of the Commonwealth of Pennsylvania who  
resides at 15519 Bennets Valley Highway, Penfield, Pennsylvania  
15849.

2. Defendant, Kevin Dunstan, is an adult individual  
and citizen of Canada, who resides at 30 Upper Canada Drive,  
North York, Ontario, Canada.

3. Defendant, Eva Haase, is an adult individual and  
citizen of Canada, who resides at 55 Marbury Crescent, North  
York, Ontario, Canada.

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;

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

109 NORTH BRADY STREET  
DUBOIS, PA 15801

- 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

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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

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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.

By   
Richard H. Milgrub, Esquire  
Attorney for Plaintiff

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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

Donald J. Uberti

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DUBOIS, PA 15801

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

DONALD J. UBERTI, II,  
Plaintiff

\*

\*

\*

-vs-

\* No. 07-355-CD

\* JURY TRIAL DEMANDED

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 M2P15,  
Defendants

\*

\*

\*

Type of Action:  
Personal Injury

Type of Pleading:  
Praecipe to Settle  
and Discontinue

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

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—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

FILED 10041 Cert.  
01/15/08 of Disc. to  
JAN 28 2008 Atty  
GK

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,     | *             |
| 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 M2P15,       | *             |
| Defendants                   | *             |

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned action settled and discontinued.

Date: 1/26/04

By

  
Richard H. Milgrub, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

**Donald J. Uberti II**

**Vs.**

**No. 2007-00355-CD**

**Eva Haase**

**Kevin Dunstan**

**CERTIFICATE OF DISCONTINUATION**

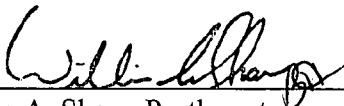
Commonwealth of PA  
County of Clearfield

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