

07-393-CD

M. Bennett vs K. Harnish et al

Marylee Bennett vs Keith Harnish et al  
2007-393-CD

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

MARYLEE BENNETT, an  
individual,  
Plaintiff,

v.

KEITH HARNISH, an  
Individual and BRINK TRUCKING  
COMPANY, a Pennsylvania  
Corporation,  
Defendant.

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\* No. 07-393 CD

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\* Type of Pleading:

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**COMPLAINT**

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\* Filed on behalf of:  
\* Plaintiff

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\* Counsel of Record for  
\* this party:

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\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

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&  
\* Trudy G. Lumadue, Esq.  
\* Pa I.D. 202049

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NADDEO & LEWIS, LLC.  
207 E. Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

\*

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Dated: March 13, 2007

11-11  
03/13/07 200 Sheriff  
MAR 13 2007 Atty pd 85.00  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MARYLEE BENNETT, an \*  
individual, \*  
Plaintiff, \*  
\*  
v. \* No. 07- - CD  
\*  
KEITH HARNISH, an \*  
Individual and BRINK TRUCKING \*  
COMPANY, a Pennsylvania \*  
Corporation, \*  
Defendant. \*

NOTICE

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

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

Court Administrator  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

MARYLEE BENNETT, an \*  
individual, \*  
Plaintiff, \*  
\*  
v. \* No. 07- - CD  
\*  
KEITH HARNISH, an \*  
Individual and BRINK TRUCKING \*  
COMPANY, a Pennsylvania \*  
Corporation, \*  
Defendant. \*

COMPLAINT

NOW COMES the Plaintiff, Marylee Bennett and by her attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff, Marylee Bennett, is a sui-juris, adult individual who resides at 21 Bradford Street, Curwensville, Pennsylvania 16833.
2. That the Defendant, Keith Harnish, is a sui-juris, adult individual who resides at 1622 Robinson Avenue, Hyde, Pennsylvania 16843.
3. That Defendant, Brink Trucking Company is a Pennsylvania corporation located at RD 1 (3 miles West of Route 53), Irvona, Pennsylvania 16656.

COUNT I - Plaintiff vs. Keith Harnish

4. That on or about November 25, 2005 the Plaintiff, Marylee Bennett, was the owner of a 1994, Pontiac, Grand Prix automobile which was involved in the accident described herein.

That said automobile bears a Pennsylvania registration number DHED734.

5. On the aforesaid date, defendant was the operator of a 1999, Freightliner vehicle which was involved in the accident described herein. That said vehicle was bearing Pennsylvania registration number YSB6234.

6. On the aforesaid date, at approximately 1:00 p.m., Plaintiff, Marylee Bennett, was operating her vehicle in a southerly direction on State Route 219 in Greenwood Township, Clearfield County, Pennsylvania, and proceeding to make a left-hand turn onto McCracken Lane, she was crossing and in the northbound lane when her vehicle was struck from behind and at an angle on the side panel by the motor vehicle operated by defendant, which was also being operated in a southerly direction on State Route 219. Defendant was traveling south in the northbound lane when this incident occurred.

7. That on or about the said day and at or about the said time, it was daylight; there were no adverse weather conditions; and the roadway was wet.

8. At the time of the accident herein described, plaintiff was lawfully traveling on Route 219 in the appropriate lane for southerly traffic.

9. That the defendant, traveling southerly on Route 219, proceeded into the northbound lane of traffic before striking the plaintiff's vehicle.

10. That the defendant was carelessly passing the plaintiff when this accident occurred and that he failed to operate his vehicle providing for an assured clear distance from the plaintiff's vehicle.

11. The accident was directly and proximately caused by the negligence and carelessness of defendant, which consisted, among other things, of the following:

(a) operating a motor vehicle in a careless, reckless and negligent manner;

(b) operating a motor vehicle without assuring a clear distance from the vehicle traveling in front of him;

(c) operating a motor vehicle with no warning of approach or intended direction;

(d) operating a motor vehicle without due regard to the rights, safety, and position of the plaintiff;

(e) operating a motor vehicle in a careless manner;

(f) passing another vehicle in a careless manner;

(g) entering a lane of traffic without clearance;

(h) entering into a lane of traffic when it was not safe to do so;

(i) driving to fast for conditions;

(j) failing to keep a proper lookout;

(k) not yielding the vehicle he was operating to a vehicle traveling in front of him;

(l) failing to use due care under the circumstances;

(m) failing to notice the motor vehicle of the plaintiff;

(n) upon noticing the motor vehicle of the plaintiff, failing to yield the right-of-way to the plaintiff's vehicle;

(o) failing to take evasive action in order to avoid impacting with plaintiff's vehicle;

(p) failing to apply the brakes of the vehicle he operated in sufficient time to avoid striking plaintiff's vehicle;

(q) operating a motor vehicle in disregard of the rules of the road, the ordinance of Greenwood Township, and the laws of the Commonwealth of Pennsylvania, including but not limited to Motor Vehicle Code 75 Pa.C.S. § 3303, 3310, 3361, 3362, 3714, 3307.

12. At all times material hereto, plaintiff acted with due care and was not contributory negligent.

13. As a result of defendant's negligence, plaintiff sustained the following injuries, some or all of which may be permanent: concussion and mild traumatic brain injury, multiple abrasions and contusions including but not limited to bruised ribs, left hip and lower back.

14. As a result of defendant's negligence, plaintiff has suffered great bodily pain and suffering, as well as mental anxiety and nervousness, to her great detriment and loss.

15. That plaintiff continues to experience post concussive syndrome.

16. As a result of defendant's negligence, plaintiff has sustained serious and permanent injury, for the treatment of which she has incurred medical bills and expenses.

17. As a result of defendant's negligence, plaintiff has suffered a loss of earnings and or earning capacity.

18. As a result of defendant's negligence, plaintiff's vehicle and personal items sustained damage.

19. As a result of defendant's negligence, plaintiff has suffered an interruption of her daily habits and pursuits to her great and permanent detriment and loss.

20. Plaintiff has made a demand for compensation of the aforesaid injuries and losses, which defendant has failed and refused and still refuses to pay.

21. That the plaintiff claims a reasonable amount for the following:

A. Pain and suffering: past, present and future;

B. Privation and inconvenience: past, present and future;

C. Medical expenses: past, present and future;

- D. Lost wages;
- E. Impairment of earning power;
- F. All other damages allowable by law.

WHEREFORE, Plaintiff, Marylee Bennett demands judgment against defendant in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars exclusive of interest and costs. Jury Trial Demanded.

COUNT II - Plaintiff vs. Brink Trucking Company

22. That plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each and every one were individually set forth within this Count.

23. That at all times referred to herein, the Defendant, Keith Harnish, was acting within the course of his employment and under the supervision and direction of the Defendant, Brink Trucking Company.

WHEREFORE, Plaintiff, Marylee Bennett damages judgment from the Defendant, Brink Trucking Company, in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By: James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiff

V E R I F I C A T I O N

I, Marylee Bennett, petitioner, verify that the statements made in the foregoing Complaint are true and correct upon my personal knowledge or information and belief. 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.

By: Marylee Bennett  
Marylee Bennett  
Plaintiff

Dated: 8/23/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102556  
NO: 07-393-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: MARYLEE BENNETT, an Ind.

VS.

DEFENDANT: KEITH HARNISH, an indiv. and BRINK TRUCKING COMPANY, A Pennsylvania Corp.

**SHERIFF RETURN**

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NOW, March 16, 2007 AT 11:00 AM SERVED THE WITHIN COMPLAINT ON KEITH HARNISH An ind DEFENDANT AT 1622 ROBINSON AVE., HYDE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CATHY HARNISH, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED  
03.20 cm  
JUL 12 2007  
WS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102556  
NO: 07-393-CD  
SERVICE # 2 OF 2  
COMPLAINT

PLAINTIFF: MARYLEE BENNETT, an Ind.

vs.

DEFENDANT: KEITH HARNISH, an indiv. and BRINK TRUCKING COMPANY, A Pennsylvania Corp.

**SHERIFF RETURN**

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NOW, March 20, 2007 AT 10:17 AM SERVED THE WITHIN COMPLAINT ON BRINK TRUCKING COMPANY, A Pa. Corp. DEFENDANT AT WORK: RT. 53, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KEVIN BRINK, OWNER'S SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102556  
NO: 07-393-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: MARYLEE BENNETT, an Ind.

vs.

DEFENDANT: KEITH HARNISH, an indiv. and BRINK TRUCKING COMPANY, A Pennsylvania Corp.

**SHERIFF RETURN**

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RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	222	20.00
SHERIFF HAWKINS	NADDEO	222	45.73

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2007



Chester A. Hawkins  
Sheriff

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

MARYLEE BENNETT, an  
individual,  
Plaintiff,

v.

KEITH HARNISH, an  
Individual and BRINK TRUCKING  
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Corporation,  
Defendant.

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\* No. 07-393-CD

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\* Type of Pleading:

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\* **PRAECIPE TO SETTLE AND  
DISCONTINUE**

\*  
\* Filed on behalf of:  
\* Plaintiff

\*  
\* Counsel of Record for  
\* this party:

\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\* &  
\* Trudy G. Lumadue, Esq.  
\* Pa I.D. 202049

\*  
\* NADDEO & LEWIS, LLC.  
\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

\*

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Dated: September 12, 2007

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**FILED**

SEP 12 2007

certificate of  
disc. to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts

(GP)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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MARYLEE BENNETT, an  
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KEITH HARNISH, an  
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No. 07-393-CD

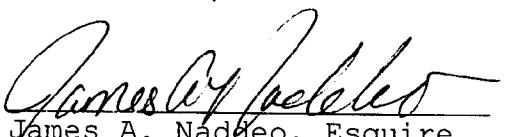
PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and discontinued.

NADDEO & LEWIS, LLC

By

  
James A. Naddeo, Esquire

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CCPY

**Marylee Bennett**

**Vs.**

**No. 2007-00393-CD**

**Keith Harnish  
Brink Trucking Company**

**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 the 12th Day of September, 2007, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by James A. Naddeo, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of September A.D. 2007.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary