

07-491-CD
Bricen Towing al vs Viral B. Patel

Bricen Towing et al vs Viral Patel et al
2007-491-CD

District Justice Appeal

Date		Judge
3/28/2007	New Case Filed.	No Judge
	✓ X Filing: District Justice Appeals Paid by: Harper, Troy J. (attorney for Patel, Viral B.) Receipt number: 1918291 Dated: 03/28/2007 Amount: \$85.00 (Check) Copies to Atty Harper, MDJ Ireland and Plff.	No Judge
4/3/2007	✓ X District Justice Transcript, filed.	No Judge
4/12/2007	✓ X Complaint, filed by s/ David J. Hopkins Esq. 2CC Atty Hopkins.	No Judge
5/7/2007	✓ X Answer and New Matter filed by s/ Troy J. Harper Esq. No CC.	No Judge
	✓ X Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252 (b), filed by s/ Troy J. Harper Esq. 7CC to Atty.	No Judge
5/18/2007	✓ X Affidavit of Service filed. Served a certified copy of the Complaint to Join Additional Defendants pursuant to Pa.R.C.P. 2252 (b) in regard to the above entitled matter, endorsed with a Notice to Defend, on additional defendant, William Emerson, filed by s/ Troy J. Harper Esq. NO CC.	No Judge
5/22/2007	✓ X Answer to New Matter, filed by s/ David J. Hopkins Esq. No CC.	No Judge
5/23/2007	✓ X Affidavit of Service filed. Served a certified copy of the Complaint to Join Additional Defendants pursuant to PA.R.C.P. 2252 (b) in regard to the above entitled matter, endorsed with a Notice to Defendant, on the Additional Defendant, Vadim Seletskiy on May 15, 2007, filed by s/ Troy J. Harper Esq. NO CC.	No Judge
	✓ X Affidavit of Service filed. Served a certified copy of the Complaint to Join Additional Defendants pursuant to Pa.R.C.P. 2252 (b) in regard to the above entitled matter, endorsed with a Notice to Defend, on the Additional Defendant, Orient Express on May 15, 2007, filed by s/ Troy J. Harper Esq. No CC.	No Judge
	✓ X Affidavit of Service filed. Served a certified copy of the Complaint to Join Additional Defendants Pursuant to PA.R.C.P. 2252 (b) in regard to the above entitled matter, endorsed with a Notice to Defend, on Additional Defendant, Dos Transportation Inc., filed by s/ Troy J. Harper Esq. No CC.	No Judge
5/25/2007	✓ X Petition to Amend Complaint, filed by s/ David J. Hopkins, Esquire. No CC	No Judge
5/30/2007	✓ X Consent Order, NOW, this matter having come before the Court on the Petition of the Plaintiffs, and for good cause shown, it is this 29th day of May, 2007 Ordered that Plaintiffs may file an Amended Complaint with fifteen days of the date of this Order. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Hopkins	Fredric Joseph Ammerman
	I consent to the form and entry of the within Order. Signed, David J. Hopkins, Esquire, Atty. for Plaintiffs, and Troy J. Harper, Esquire, Atty. for Defendant	
6/4/2007	✓ X Affidavit of Service filed. Served a certified copy of the Complaint to Join Additional Defendants pursuant to PA.R.C.P. 2252(b) in regard to the above entitled matter, endorsed with a Notice to Defend, on Additional Defendant, London Transport, filed by s/ Troy J. Harper Esq. No CC.	No Judge
	✓ X Affidavit of Service filed. Served a certified copy of the Complaint to Join Additional Defendants Pursuant to PA.R.C.P. 2252(b) in regard to the above entitled matter, endorsed with a Notice to Defend, on Additional Defendant, Antonio Garcia, filed by s/ Troy J. Harper Esq. No CC.	No Judge
6/5/2007	✓ X Additional Defendants, Vadim Seletskiy And Orient Express' Preliminary Objections to Defendant, Viral B. Patel's Joinder Complaint, filed by s/ Zachary S. Davis, Esquire. 1CC Atty. Davis	No Judge

District Justice Appeal

Date		Judge
6/5/2007	✓ X Entry of Appearance, on behalf of additional Defendant, Vadim Seletskiy and Orient Express, enter appearance of Zachary S. Davis, Esquire, and Joseph R. Fowler, Esquire. No CC	No Judge
6/13/2007	✓ X Order, this 13th day of June, 2007, it is Ordered that argument on the Additional Defendants, Vadim Seletskiy and Orient Expresses' Preliminary Objections to Defendant, Viral B. Patel's Joinder Complaint is scheduled for the 10th day of July, 2007 at 2:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Hopkins, Harper, Z. Davis, J. Fowler. 1CC Defendants: DOS Transportation, Rt. Box 94, Seaford DE 19973; W. Emerson, 9803 Magnolia Dr., Laurel DE 19956; J. Rokriguez, 66 Sasser Ln, Clinton, NC 28326; A. Garcia, PO Box 3142, Bakersfield, CA 93385; London Transport, PO Box 3142, Bakersfield, CA 93385	Fredric Joseph Ammerman
6/15/2007	✓ X Amended Complaint, filed by s/ David J. Hopkins, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
6/19/2007	✓ X Certificate of Service, copy of the Amended Complaint was forwarded on the 18th day of June, 2007 by U.S. Mail, certified mail, to: Jaime Rodriguez and Antonio Garcia. No CC. Filed by s/ David J. Hopkins, Esquire.	Fredric Joseph Ammerman
	✓ X Certificate of Service, copy of the Amended Complaint was forwarded on the 18th day of June, 2007, by first class mail, to Zachary S. Davis, Esquire. Filed by s/ David J. Hopkins, Esquire. No CC	Fredric Joseph Ammerman
6/20/2007	✓ X Mail Returned, Order dated the 13th day of June, 2007 scheduling argument on Preliminary Objections, addressed to Jamie Rodriguez, 66 Sasser Lane Clinton, NC 28326. No Mail Receptacle, Unable to Forward	Fredric Joseph Ammerman
	✓ X Mail Returned, Order dated the 13th day of June, 2007 scheduling argument on Preliminary Objections, addressed to DOS Transportation, Rt 4 Box 94, Seaford, DE 19973. not deliverable as addressed, unable to forward.	Fredric Joseph Ammerman
6/25/2007	✓ X "Additional" Entry of Appearance And Demand For Trial By Twelve Jurors, enter appearance of Andrew J. Haas, Esquire, on behalf of Additional Defendants, Vadim Seletskiy and Orient Express. Filed by s/ Andrew J. Haas, Esquire. No CC	Fredric Joseph Ammerman
7/10/2007	✓ X Order, this 10th day of July, 2007, it is Ordered that Preliminary Objections filed by Vadim Seletskiy and Orient Express are withdrawn and the Oral Argument is canceled. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Harper (will serve)	Fredric Joseph Ammerman
7/24/2007	✓ X Stipulation on Preliminary Objections, filed by s/ Troy J. Harper Esq. and s/ Andrew Haas Esq. No CC.	Fredric Joseph Ammerman
7/27/2007	✓ X Answer, New Matter, And New Matter Pursuant to Rule 2252(d) And/OR 1031.1, filed by s/ Edward M. Vavro, Jr., Esquire. No CC	Fredric Joseph Ammerman
7/30/2007	✓ X Entry of Appearance, on behalf of Defendant, Antonio Garcia, enter appearance of Erik B. Jensen, Esquire. No CC	Fredric Joseph Ammerman
8/9/2007	✓ X Answer, New Matter, And New Matter Pursuant to Rule 2252(d) And/OR 1031.1 Filed In Response to Defendant's Complaint to Join. Filed by s/ Edward M. Vavro, Jr., Esquire. No CC	Fredric Joseph Ammerman
9/19/2007	✓ X Petition to Amend Complaint, filed by s/ David J. Hopkins Esq. No CC.	Fredric Joseph Ammerman

Date: 11/8/2007

Time: 10:20 AM

Page 3 of 3

Clearfield County Court of Common Pleas

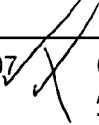
ROA Report

Case: 2007-00491-CD

Current Judge: Fredric Joseph Ammerman

User: LMILLER

District Justice Appeal

Date		Judge
9/24/2007	 Order, this 24th day of Sept., 2007, upon consideraion of the Petition to Amend Complaint, it is Ordered that: A Rule is issued upon Respondent. The Respondents shall file an Answer to the Petition within 20 days of this date. Argument shall be held on the 15th day of Nov. 2007 at 1:30 p.m. in Courtroom No. 1. Notice of the entry of this Order shall be provided to all parties by the moving party. By The court, /s/ Fredric J. Ammerman, Pres. Judge.	Fredric Joseph Ammerman

District Justice Appeal

Date	Selected Items	Judge
11/15/2007	✓ Consent to Plaintiff's Petition to Amend Complaint, filed by s/Andrew J. Haas, Esq. No CC	Fredric Joseph Ammerman
	✓ Order, this 15th day of Nov., 2007, plaintiffs may amend their first Amended Complaint to increase the claim for damages to \$10,255.57. Plaintiffs shall file said Second Amended Complaint within 10 days from the date of this Order. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Hopkins (will serve).	Fredric Joseph Ammerman
11/16/2007	✓ Consent to Plaintiff's Petition to Amend complaint, filed by Atty. Harper on behalf of Viral B. Patel No CC	Fredric Joseph Ammerman
	✓ Filing: Praeipce to Reinstate Complaint to Join Additional Defendants Paid by: Harper, Troy J. (attorney for Patel, Viral B.) Receipt number: 1921503 Dated: 11/16/2007 Amount: \$7.00 (Check) Filed by s/ Troy J. Harper, Esquire. 1 Complaint to Join Reinstated to Atty.	Fredric Joseph Ammerman
11/19/2007	✓ Second Amended Complaint, filed by s/ David J. Hopkins, Esquire. No CC	Fredric Joseph Ammerman
12/10/2007	✓ Praeipce for Withdrawal, filed by Atty. Fowler	Fredric Joseph Ammerman
	✓ Withdrawal of Appearance on behalf of Vadim Seletskiy and Orient Express. s/Joseph R. Fowler. 1 Cert. to Atty G. Stewart.	
	✓ Praeipce For Entry of Appearance, filed by Atty. G. Stewart	Fredric Joseph Ammerman
	✓ Enter my appearance on behalf of Vadim Seletskiy and Orient Express. s/ Gary Stewart. 1 Cert. Atty. G. Stewart.	
12/12/2007	✓ Answer to Second Amended Complaint, New Matter, and New Matter Pursuant to Rule 2252(d) and/or 1031.1, filed by s/ Edward M Vavro, Jr., Esquire. No CC	Fredric Joseph Ammerman
12/13/2007	✓ Withdrawal of Appearances, filed. Kindly withdraw our appearance on behalf of Defendants, Vadim Seletskiy and Orient Express in connection with the above-captioned matter, filed by s/ Andrew J. Haas Esq. No CC., copy to C/A.	Fredric Joseph Ammerman
1/22/2008	✓ Answer to New Matte of Defendants William Emerson and DOS Transportation, Inc. filed by Atty. Hopkins no cert. copies.	Fredric Joseph Ammerman
2/4/2008	✓ Filing: Praeipce/List For Arbitration Paid by: Hopkins, David J. (attorney for Bricen Towing & Recovery) Receipt number: 1922519 Dated: 02/04/2008 Amount: \$20.00 (Check)	Fredric Joseph Ammerman
	✓ Certificate of Readiness for Arbitration, filed by s/ David J. Hopkins, Esquire. 1CC Atty. Hopkins	Fredric Joseph Ammerman
2/5/2008	✓ Motion to Strike Case From Trial/Arbitration List Pursuant to 46 J.D.R.C.P. 212.2(b), filed by Atty. Harper 1 Cert. to Atty.	Fredric Joseph Ammerman
2/7/2008	✓ Answer, New Matter and Crossclaims Pursuant to Pa.R.C.P. 1031.1, filed by s/ Troy j. Harper, Esquire. No CC	Fredric Joseph Ammerman
	✓ Reply to Additional Defendants, William Emerson and DOS	Fredric Joseph Ammerman
	✓ Transportations's New Matter Pursuant to Pa.R.C.P. 2252(d) and/or 1031.1, filed by s/ Troy J. Harper, Esquire. No CC	
	✓ Reply to Additional Defendants, William Emerson and DOS	Fredric Joseph Ammerman
	✓ Transportations's New Matter, filed by s/ Troy J. Harper, Esquire. no cc	
2/11/2008	✓ Order, this 11th day of Feb., 2008, it is Ordered that Argument on the Defendant's Motion to Strike from the Arbitration List has been scheduled for March 5, 2008 at 2:15 P.M. in Courtroom 1. By The Court, /s/Fredric J. Ammerman, Pres. Judge. 4CC Atty. Harper	Fredric Joseph Ammerman

Date: 2/27/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 02:29 PM

ROA Report

Page 2 of 2

Case: 2007-00491-CD

Current Judge: Fredric Joseph Ammerman

District Justice Appeal

Date	Selected Items	Judge
2/13/2008	✓ Reply to Crossclaim Filed By Defendant Viral B. Patel, filed by s/ Edward M. Vavro, Jr., Esquire. No CC	Fredric Joseph Ammerman
2/21/2008	✓ Certificate of Service, filed. That a certified copy of the Court Order dated February 11, 2008, scheduling a hearing for Wednesday, March 5, 2008 at 2:15 pm on the Defendant's Motion to Strike from the Arbitration List was served on the 20th day of February 2008 by first class mail to David J. Hopkins Esq., Erik B. Jensen Esq., Edward M. Vavro Jr Esq., Andrew J. Haas Esq., London Transport and Jamie Rodriguez filed by s/ Troy J. Harper Esq. NO CC.	Fredric Joseph Ammerman
2/26/2008	✓ Answer to New Matter of Defendant Viral B. Patel, filed by s/ David J. Hopkins, Esquire. No CC	Fredric Joseph Ammerman

COURT OF COMMON PLEAS
Clearfield County
JUDICIAL DISTRICT
46-3-02

FROM

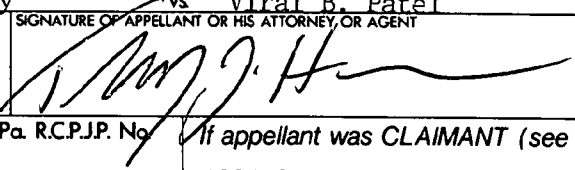
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

07-491-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Viral B. Patel		MAG. DIST. NO. OR NAME OF D.J. Richard A. Ireland	
ADDRESS OF APPELLANT 1102 E. Erie Ave., Apt. 7	CITY Lorain	STATE Oh	ZIP CODE 44052
DATE OF JUDGMENT 3/5/2007	IN THE CASE OF (Plaintiff) Bricen Towing & Recovery		
CLAIM NO. CV 19 0000028-07 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	
vs. Viral B. Patel		(Defendant)	

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

Signature of Prothonotary or Deputy

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Bricen Towing & Recovery, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 07-491-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To Bricen Towing & Recovery, appellee(s).

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: March 28, 2007

Signature of Prothonotary or Deputy

FILED *Atty Harper pd.*
m/b: 5287
MAR 28 2007
Copies to:
Atty Harper
William A. Shaw mds Ireland
Prothonotary/Clerk of Courts
Plaintiff

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; ss

AFFIDAVIT: I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, 19____ ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, 19____, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
MDJ Name: Hon. **RICHARD A. IRELAND**
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS
BRICKEN TOWING & RECOVERY
256 HOOVERTOWN RD
PENFIELD, PA 15849
VS.
DEFENDANT: NAME and ADDRESS
PATEL, VIRAL B.
1102 E. ERIE AVE. APT/STE 7
LORAIN, OH 44052

VIRAL B. PATEL
1102 E. ERIE AVE. APT/STE 7
LORAIN, OH 44052

Docket No.: **CV-0000028-07**
Date Filed: **1/22/07**



THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) - **3/05/07**

☒ Judgment was entered for: (Name) **BRICKEN TOWING & RECO, VERY**

☒ Judgment was entered against: (Name) **PATEL, VIRAL B.**
in the amount of \$ **5,327.50**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time _____

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

☐ Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$ 5,200.00
Judgment Costs	\$ 127.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 5,327.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

MAR 05 2007

Date **Richard Ireland**, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-08

DATE PRINTED: **3/05/07 4:09:00 PM**

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
MDJ Name: Hon.
RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

RICHARD A. IRELAND
650 LEONARD ST
STE 113
CLEARFIELD, PA 16830

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: **BRICEN TOWING & RECOVERY**
256 HOOVERTOWN RD
PENFIELD, PA 15849
VS.
DEFENDANT: **PATEL, VIRAL B.**
1102 E. ERIE AVE. APT/STE 7
LORAIN, OH 44052

Docket No.: **CV-0000028-07**
Date Filed: **1/22/07**



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in the amount of \$ **5,327.50**

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☐ Damages will be assessed on Date & Time

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
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☐ Portion of Judgment for physical damages arising out of
residential lease \$

Amount of Judgment	\$ 5,200.00
Judgment Costs	\$ 127.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 5,327.50
Post Judgment Credits	\$
Post Judgment Costs	\$
Certified Judgment Total	\$

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE. UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

FILED

APR 03 2007

William A. Shaw
Prothonotary/Clerk of Courts

MAR 05 2007 Date *Richard Ireland*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

MAR 30 2007 Date *Richard Ireland*, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-06

DATE PRINTED: 3/05/07 4:09:00 PM

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

Type of Pleading: Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED ace AAG
0/2:05 um Hopkins
APR 12 2007
um

William A. Shaw
Prothonotary/Clerk of Courts

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007- 491 C.D

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Complaint against Defendant, Viral B. Patel, and in support thereof says as follows:

COUNT I – UNJUST ENRICHMENT

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

4. In or about 2007, Plaintiffs were called to an accident along Interstate 80, Clearfield County, Pennsylvania.

5. Defendant's motor vehicle was crushed underneath a tractor trailer.

6. Plaintiffs removed the tractor trailer from Defendant's motor vehicle.

7. Plaintiffs incurred costs of \$5,200.00.

8. Defendant was enriched by having his motor vehicle freed from the tractor trailer and if Defendant did not pay Plaintiffs, then Defendant would be unjustly enriched to the detriment of Plaintiffs.

9. Under the theory of Unjust Enrichment, Defendant is indebted to Plaintiffs in the amount of \$5,200.00 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

10. Plaintiffs repeat the allegations of Count I as if set forth at length herein.

11. Plaintiffs are entitled to recover from Defendant under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 

David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant


No. 2007

C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Complaint, filed on behalf of Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 12th day of April, 2007 by U.S. Mail, first class, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter


Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED No CC.
m/11:15 am
MAY 07 2007 

William A. Shaw
Prothonotary/Clerk of Courts

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
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* Civil Action - Law
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*
* Number 2007 - 491 C.D.

NOTICE TO PLEAD

TO: THE PLAINTIFFS:

You are hereby notified to plead to the enclosed New Matter within twenty (20) days
from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
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* Civil Action - Law
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* Number 2007 - 491 C.D.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, VIRAL B. PATEL, by and through his attorneys,
Dennison, Dennison & Harper, who file the following Answer and New Matter in response to the
Plaintiffs' Amended Complaint:

COUNT I - UNJUST ENRICHMENT

1. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient
knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the
Plaintiffs' Complaint, and said averments are therefore denied.

2. Admitted.

3. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient
knowledge and information to form a belief as to the truth of the averments of Paragraph 2 of the
Plaintiffs' Complaint, and said averments are therefore denied.

4. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient
knowledge and information to form a belief as to the truth of the averments of Paragraph 4 of the
Plaintiffs' Complaint, and said averments are therefore denied.

5. Denied as stated. On the contrary, on or about October 20, 2006, the Defendant's vehicle was struck by a tractor trailer from behind on Interstate 80. After the collision, the Defendant's vehicle was dragged under the trailer and pulled down the highway and was pinned under the trailer. By way of further response, the underlying accident which caused the Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Defendant, Viral Patel.

6. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 6 of the Plaintiffs' Complaint, and said averments are therefore denied.

7. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 7 of the Plaintiffs' Complaint, and said averments are therefore denied.

8. The averments of Paragraph 8 of the Plaintiffs' Complaint constitute conclusions of law, and no further response is required.

9. The averments of Paragraph 9 of the Plaintiffs' Complaint constitute conclusions of law, and no further response is required.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

COUNT II - QUANTUM MERUIT

10. Paragraph 10 of the Plaintiffs' Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response

is deemed required, the averments of Paragraphs 1 through 9 of this Answer are incorporated herein by reference thereto.

11. The averments of Paragraph 11 of the Plaintiffs' Complaint constitute conclusions of law, and no further response is required.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

NEW MATTER

12. Any services rendered by the Plaintiffs, without admission of the same, were not requested by, contracted for, authorized or consented to by the Defendant, Viral B. Patel.

13. No unjust benefit has been rendered to the Defendant, Viral B. Patel, by any actions of the Plaintiffs, without admission of the same.

14. Any services rendered by the Plaintiffs, without admission of the same were rendered to and for the benefit of other persons who are not parties to the within action.

15. Any services rendered by the Plaintiffs, without admission, of the same were necessitated or caused by in whole or in part by the negligent acts of persons or entities other than the Defendant, Viral B. Patel, and over whom the Defendant, Viral B. Patel, had no control, and for whose actions the Defendant, Viral Patel, is not liable.

16. To the extent the Plaintiffs have been paid for any services or entered to any settlement or executed any type of release concerning the same by and with any other person or entity, said payment, settlement and/or release are pleaded as a defense to any of the Plaintiffs'

claims or causes of action as fully as the same bar and/or diminish any claim or cause of action of the Plaintiffs.

17. All of the Plaintiffs' claims are or may be barred by the applicable statute of limitations.

18. The Plaintiffs have failed to state a cause of action against the Defendant, Viral B. Patel, upon which relief can be granted.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

DENNISON DENNISON & HARPER

By


Troy J. Harper

Attorneys for Defendant

VERIFICATION

I verify that the averments made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.


Viral B. Patel

CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Answer and New Matter was served on the

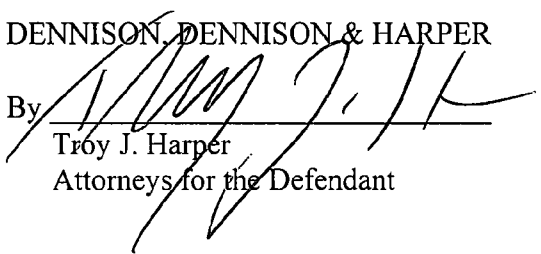
3rd day of May, 2007, by United States Mail, First Class,

Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Complaint to Join
Additional Defendants Pursuant to
Pa.R.C.P. 2252(b)

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED 7 cc to AAG
m/11:15am
MAY 07 2007
UN

William A. Shaw
Prothonotary/Clerk of Courts

Nov 14, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
GK
Deputy Prothonotary

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

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* Civil Action - Law

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* Number 2007 - 491 C.D.

**COMPLAINT TO JOIN ADDITIONAL DEFENDANTS
PURSUANT TO PA.R.C.P. 2252(b)**

AND NOW, comes the Original Defendant, VIRAL B. PATEL, by and through his attorneys, Dennison, Dennison & Harper, who file the following Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(b):

IDENTIFICATION OF PARTIES AND PROCEDURAL HISTORY

1. The Original Defendant, Viral B. Patel, is an adult individual of sui juris who resides at 1102 East Erie Avenue, Apartment #7, Lorain, Ohio 44052.

2. It is believed and therefore averred that the Additional Defendant, Jaime Rodriguez, is an adult individual of sui juris who resides at 66 Sasser Lane, Clinton, North Carolina 28326.

3. It is believed and therefore averred that the Additional Defendant, Antonio Garcia, is

an adult individual of sui juris with a mailing address of P.O. Box 3142, Bakersfield, California 93385.

4. It is believed and therefore averred that the Additional Defendant, London Transport, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership or an unincorporated association with a mailing address of P.O. Box 3142, Bakersfield, California 93385.

5. It is believed and therefore averred that the Additional Defendant, William Emerson, is an adult individual of sui juris who resides at 9803 Magnolia Drive, Laurel, Delaware 19956.

6. It is believed and therefore averred that the Additional Defendant, Dos Transportation, Inc. is a corporation with offices located at Route 4, Box 94, Seaford, Delaware 19973.

7. It is believed and therefore averred that the Additional Defendant, Vadim Seletskiy, is an adult individual of sui juris who resides or otherwise maintains a business office at 750 126th Avenue NE, Blaine, Minnesota 55434.

8. It is believed and therefore averred that the Additional Defendant, Orient Express, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership or an unincorporated association with offices located at 750 126th Avenue NE, Blaine Minnesota 55434.

9. On or about January 22, 2007, the Plaintiffs filed a Civil Complaint against the Original Defendant, Viral B. Patel, with Magisterial District Number 46-3-02 in Clearfield County, Pennsylvania. A copy of the Civil Complaint is attached hereto as Exhibit "A".

10. On or about March 5, 2007, a Notice of Judgment was entered by the District Magistrate. A copy of the Notice of Judgment is attached hereto as Exhibit "B".

11. On or about March 28, 2007, the Original Defendant, Viral B. Patel, filed a Notice of Appeal from a District Justice Judgment with this Honorable Court at the above-captioned term and number. A copy of said Notice of Appeal is attached hereto as Exhibit "C".

12. On or about April 12, 2007, the Plaintiffs filed a Complaint against the Original Defendant, Viral B. Patel, at the above term and number. A true copy of the Complaint is attached hereto as Exhibit "D" and made part hereof.

13. The Plaintiffs' Complaint alleges that the Plaintiffs are in the business of providing towing services along Interstate 80.

14. The Plaintiffs' Complaint alleges that in and around 2007, which is an incorrect identification of the date by the Plaintiffs as the actual date of the loss was October 20, 2006, the Original Defendant, Viral B. Patel's car, was crushed underneath a tractor trailer on Interstate 80.

15. The Plaintiffs' Complaint alleges that as a result of the collision, the Plaintiffs removed the tractor trailer from on top of the Original Defendant, Viral B. Patel's, vehicle.

16. The Plaintiffs' Complaint alleges that the Original Defendant, Viral B. Patel, is responsible for the costs of removing the tractor trailer in the sum of \$5,200.00.

17. The Original Defendant, Viral B. Patel, denies and disclaims any responsibility or liability for the Plaintiffs' claims. A true copy of the Answer and New Matter filed in response to the Plaintiffs' Complaint is attached hereto as Exhibit "E" and made part hereof.

**AVERMENTS AS TO THE ACCIDENT DIRECTED TO ALL ADDITIONAL
DEFENDANTS**

18. The averments of Paragraphs 1 through 17 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

19. On or about October 20, 2006, at approximately 12:17 a.m., the Additional Defendant, Jaime Rodriguez, was operating a 2002 Freightliner, with vehicle identification number of 1FUJA6AV72LJ49577, semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

20. At the aforementioned time and location, the Additional Defendant, Jaime Rodriguez, lost control of the vehicle which he was operating and caused it to crash and come to a rest along the northern berm of the eastbound lanes of Interstate 80.

21. At the same time and location, the Additional Defendant, William Emerson, was operating a 2005 Freightliner Classic XL, with vehicle identification number of 1FUJAPCK65DU45651, semi-tractor trailer combination in an easterly direction in Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

22. At the aforementioned time and location, the Defendant, William Emerson, brought his vehicle to a stop and parked his vehicle in the left-hand eastbound lane of Interstate 80 completely blocking said lane.

23. At the aforementioned time and location, the Original Defendant, Viral B. Patel, was operating his 2003 Nissan Sentra in an easterly direction on Interstate 80 when his vehicle collided with Additional Defendant, William Emerson's, vehicle which was parked in the left-

hand eastbound lane of Interstate 80.

24. After the collision identified in Paragraph 23, the Additional Defendant, Vadim Seletskiy, was operating a 2006 Volvo DSVVN, with vehicle identification number of 4V4NC9GH06N412240, semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

25. At the aforementioned time and location, the Additional Defendant, Vadim Seletskiy, lost control of the vehicle which he was operating and caused the trailer portion to strike the Original Defendant, Viral B. Patel's, vehicle.

26. The impact between by the vehicle operated by the Additional Defendant, Vadim Seletskiy, caused the Original Defendant's vehicle to be dragged down Interstate 80 and become trapped under the trailer portion of the vehicle operated by Additional Defendant, Vadim Seletskiy.

27. The Original Defendant, Viral B. Patel's, vehicle then became engulfed in flames and was destroyed.

COUNT I DIRECTED TO ADDITIONAL DEFENDANT, JAIME RODRIGUEZ

28. The averments of Paragraph 1 through 27 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

29. The accident described above was caused in whole or in part by the negligence and carelessness of the Additional Defendant, Jaime Rodriguez, which consisted of the following:

- a) driving his vehicle too fast for the conditions then and there existing;
- b) failing to have his vehicle under proper and adequate control;

c) operating his vehicle without due regard to the rights, safety, position and location of other vehicles on the roadway;

d) failing to properly steer the vehicle he was operating;

e) being inattentive;

f) failing to operate the vehicle in a single lane on a roadway laned for traffic;

g) creating a sudden emergency on the roadway;

h) failing to take proper evasive maneuvers; and

i) failing to follow the laws, rules and regulations of the Commonwealth of Pennsylvania as set forth in the Pennsylvania Motor Vehicle Code.

30. As a result of the Additional Defendant, Jaime Rodriguez's, above-described negligence and carelessness, the Original Defendant, Viral B. Patel's, vehicle was involved in a subsequent accident which caused the Patel vehicle to become trapped under a trailer and, subsequently, the trailer had to be removed from on top of the Original Defendant, Viral B. Patel's, vehicle, for which services the Plaintiffs are seeking payment.

31. As a result of the foregoing negligent and careless conduct, the Additional Defendant, Jaime Rodriguez, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Jaime Rodriguez, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Jaime Rodriguez as an Additional Defendant and demands judgment against the Additional Defendant, Jaime Rodriguez, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

COUNT II DIRECTED TO ADDITIONAL DEFENDANT, ANTONIO GARCIA

32. The averments of Paragraphs 1 through 31 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

33. At the time of the accident described above, the Additional Defendant, Jaime Rodriguez, was acting as an employee, agent, representative, workman or servant of the Additional Defendant, Antonio Garcia, and at all times material hereto was acting within the scope of said employment or agency.

34. The Additional Defendant, Antonio Garcia, is liable for the actions of Additional Defendant, Jaime Rodriguez, based on the claim of respondeat superior and, therefore, the Additional Defendant, Antonio Garcia, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Antonio Garcia, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Antonio Garcia as an Additional Defendant and demands judgment against the Additional Defendant, Antonio Garcia, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT III DIRECTED TO ADDITIONAL DEFENDANT,
LONDON TRANSPORT**

35. The averments of Paragraphs 1 through 31 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

36. At the time of the accident described above, the Additional Defendant, Jaime Rodriguez, was acting as an employee, agent, representative, workman or servant of the Additional Defendant, London Transport, and at all times material hereto was acting within the scope of said employment or agency.

37. The Additional Defendant, London Transport, is liable for the actions of Additional Defendant, Jaime Rodriguez, based on the claim of respondeat superior and therefore, the Additional Defendant, London Transport, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, London Transport, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins London Transport as an Additional Defendant and demands judgment against the Additional Defendant, London Transport, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT IV DIRECTED TO ADDITIONAL DEFENDANT,
WILLIAM EMERSON**

38. The averments of Paragraphs 1 through 27 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

39. The accident described above was caused in whole or in part by the negligence and carelessness of the Additional Defendant, William Emerson, which consisted of the following:

- a) failing to have his vehicle under proper and adequate control;
- b) operating his vehicle without due regard to the rights, safety, position and location of other vehicles on the roadway;
- c) being inattentive;
- d) parking his vehicle on the traveled portion of Interstate 80;
- e) creating a sudden emergency on the roadway;
- f) failing to take proper evasive maneuvers; and
- g) failing to follow the laws, rules and regulations of the Commonwealth of Pennsylvania as set forth in the Pennsylvania Motor Vehicle Code.

40. As a result of the Additional Defendant, William Emerson's, above-described negligence and carelessness, the Original Defendant, Viral B. Patel's, vehicle was involved in a subsequent accident which caused the Patel vehicle to become trapped under a trailer and, subsequently, the trailer had to be removed from on top of the Original Defendant, Viral B. Patel's, vehicle, for which services the Plaintiffs are seeking payment.

41. As a result of the foregoing negligent and careless conduct, the Additional Defendant, William Emerson, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, William Emerson, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins William Emerson as an Additional Defendant and demands judgment against the Additional Defendant, William Emerson, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT V DIRECTED TO ADDITIONAL DEFENDANT,
DOS TRANSPORTATION, INC.**

42. The averments of Paragraphs 1 through 27 and Paragraphs 38 through 41 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

43. At the time of the accident described above, the Additional Defendant, William Emerson, was acting as an employee, agent, representative, workman or servant of the Additional Defendant, Dos Transportation, Inc., and at all times material hereto was acting within the scope of said employment or agency.

44. The Additional Defendant, Dos Transportation, Inc., is liable for the actions of Additional Defendant, William Emerson, based on the claim of respondeat superior and, therefore, the Additional Defendant, Dos Transportation, Inc., is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Dos Transportation, Inc., is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Dos Transportation, Inc., as an Additional Defendant and demands judgment against the Additional Defendant, Dos Transportation, Inc., as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT VI DIRECTED TO ADDITIONAL DEFENDANT,
VADIM SELETSKIY**

45. The averments of Paragraph 1 through 27 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

46. The accident described above was caused in whole or in part by the negligence and carelessness of the Additional Defendant, Vadim Seletskiy, which consisted of the following:

- a) driving his vehicle too fast for the conditions then and there existing;
- b) failing to have his vehicle under proper and adequate control;
- c) violating the assured clear distance ahead rule;
- d) operating his vehicle without due regard to the rights, safety, position and location of other vehicles on the roadway;
- e) failing to properly steer the vehicle he was operating;
- f) failing to properly apply his brakes;
- g) failing to prevent the vehicle he was operating from striking the Original Defendant, Viral B. Patel's, vehicle;
- h) being inattentive;
- i) failing to operate the vehicle in a single lane on a roadway laned for traffic;
- j) failing to take proper evasive maneuvers; and
- k) failing to follow the laws, rules and regulations of the Commonwealth of Pennsylvania as set forth in the Pennsylvania Motor Vehicle Code.

47. As a result of the Additional Defendant, Vadim Seletskiy's, above-described negligence and carelessness, the Original Defendant, Viral B. Patel's, vehicle was struck by the vehicle operated by Additional Defendant, Vadim Seletskiy, which caused the Patel vehicle to become trapped under the Seletskiy trailer and, subsequently, the trailer had to be removed from

on top of the Original Defendant, Viral B. Patel's, vehicle, for which services the Plaintiffs are seeking payment.

48. As a result of the foregoing negligent and careless conduct, the Additional Defendant, Vadim Seletskiy, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Vadim Seletskiy, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Vadim Seletskiy as an Additional Defendant and demands judgment against the Additional Defendant, Vadim Seletskiy, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

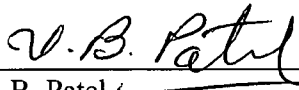
**COUNT VII DIRECTED TO ADDITIONAL DEFENDANT,
ORIENT EXPRESS**

49. The averments of Paragraphs 1 through 27 and Paragraphs 45 through 48 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

50. At the time of the accident described above, the Additional Defendant, Vadim Seletskiy, was acting as an employee, agent, representative, workman or servant of the Additional Defendant, Orient Express, and at all times material hereto was acting within the

VERIFICATION

I verify that the averments in the foregoing Complaint to Join Additional Defendants are true and correct to the best my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.


Viral B. Patel

01/29/2007 15:32

3305622743

RIC ELLIS

PAGE 02

35-1754-541

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: Clearfield

Mag. Dist. No.:

Plaintiff's Name:

Richard Ireland

Address:

650 Leonard Street

Clearfield, PA 16830

Telephone: (814) 765-5335

CIVIL COMPLAINT

PLAINTIFF:

NAME AND ADDRESS

Marilyn Bricen

Deborah Bricen

r/d/b/a Bricen Towing & Recovery

256 Hooversown Road

Penfield, PA 15849 VR

DEFENDANT:

NAME AND ADDRESS

Vital Pace1

1102 E. Erie Avenue, Apt. 7

Lorain, OH 44052

Docket No.: C-2-07

Date Filed: 1-22-07

	AMOUNT	DATE PAID
FILED COSTS \$	127.50	/ /
SERVING COSTS \$		/ /
TOTAL \$		/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 5,200.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Defendant's motor vehicle was run over by tractor trailer. Plaintiff removed trailer from Defendant's motor vehicle and has not been paid.

I, David J. Hopkins verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney:

David J. Hopkins, Esquire

Address:

100 Meadow Lane, Suite 1

Telephone:

(814) 375-0300

DuBois, PA 15801

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

EXHIBIT A

01/29/2007 15:32 3305622743

RIC ELLIS

PAGE 03

35-4759-591

DEFENDANT INSTRUCTIONS

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT YOU MUST NOTIFY THIS COURT IMMEDIATELY.

YOUR NOTICE TO DEFEND MUST BE GIVEN TO THIS COURT AT LEAST FIVE (5) DAYS PRIOR TO THE SCHEDULED HEARING.

IF YOU FAIL TO APPEAR AT THE HEARING, THE HEARING WILL PROCEED WITHOUT YOU AND A DEFAULT JUDGEMENT MAY BE ENTERED AGAINST YOU.

IF YOU SETTLE YOUR CLAIM BEFORE THE HEARING THE PLAINTIFF MUST NOTIFY THIS COURT IN WRITING.

WHEN YOU APPEAR FOR THE HEARING BRING EVERYTHING NECESSARY TO ESTABLISH YOUR DEFENSE, SUCH AS BOOKS, PAPERS, REPAIR BILLS, WITNESSES OR OTHER EXHIBITS. YOU MUST BRING SUFFICIENT EVIDENCE TO PROVE YOUR DEFENSE AS TO BOTH LIABILITY AND DAMAGES.

IT IS IMPORTANT THAT YOU ARRIVE ON TIME FOR YOUR SCHEDULED HEARING.

IF THE DEFENDANT IS GOING TO PAY THE CLAIM IN FULL, PAYMENT MUST BE MADE DIRECTLY TO THE PLAINTIFF.

IF A JUDGMENT IS ENTERED AGAINST YOU, YOU HAVE 30 DAYS TO ARRANGE PAYMENT WITH THE PLAINTIFF OR TO FILE AN APPEAL AT THE PROTHONOTARY'S OFFICE IN THE CLEARFIELD COUNTY COURTHOUSE.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
MDJ Name: Hon.
RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS
BRICEN TOWING & RECOVERY
256 HOOVERTOWN RD
PENFIELD, PA 15849

L VS.
DEFENDANT: NAME and ADDRESS
PATEL, VIRAL B.
1102 E. ERIE AVE. APT/STE 7
LORAIN, OH 44052

VIRAL B. PATEL
1102 E. ERIE AVE. APT/STE 7
LORAIN, OH 44052

Docket No.: **CV-0000028-07**
Date Filed: **1/22/07**



THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **3/05/07**

☒ Judgment was entered for: (Name) **BRICEN TOWING & RECO, VERY**

☒ Judgment was entered against: (Name) **PATEL, VIRAL B.**
in the amount of \$ **5,327.50**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time _____

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

☐ Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$ 5,200.00
Judgment Costs	\$ 127.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 5,327.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE. UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

EXHIBIT B

MAR 05 2007

Date *Richard Ireland*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

COURT OF COMMON PLEAS
Clearfield County
JUDICIAL DISTRICT
46-3-02

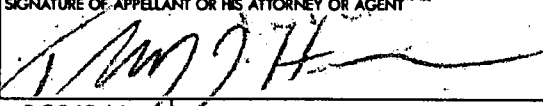
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

07-491-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Viral B. Patel		MAG. DIST. NO. OR NAME OF D.J. Richard A. Ireland	
ADDRESS OF APPELLANT 1102 E. Erie Ave., Apt. 7		CITY Lorain	STATE Oh
DATE OF JUDGMENT 3/5/2007		ZIP CODE 44052	
IN THE CASE OF (Plaintiff) Bricen Towing & Recovery		(Defendant) Viral B. Patel	
CLAIM NO. CV 194 0000028-07 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Bricen Towing & Recovery, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 07-491-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To Bricen Towing & Recovery, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: March 28, 2007


Signature of Prothonotary or Deputy

EXHIBIT C

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

Type of Pleading: Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

EXHIBIT D

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

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No. 2007- 491 C.D

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

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No. 2007-491 C.D.

COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Complaint against Defendant, Viral B. Patel, and in support thereof says as follows:

COUNT I – UNJUST ENRICHMENT

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

4. In or about 2007, Plaintiffs were called to an accident along Interstate 80, Clearfield County, Pennsylvania.

5. Defendant's motor vehicle was crushed underneath a tractor trailer.

6. Plaintiffs removed the tractor trailer from Defendant's motor vehicle.
7. Plaintiffs incurred costs of \$5,200.00.
8. Defendant was enriched by having his motor vehicle freed from the tractor trailer and if Defendant did not pay Plaintiffs, then Defendant would be unjustly enriched to the detriment of Plaintiffs.
9. Under the theory of Unjust Enrichment, Defendant is indebted to Plaintiffs in the amount of \$5,200.00 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

10. Plaintiffs repeat the allegations of Count I as if set forth at length herein.
11. Plaintiffs are entitled to recover from Defendant under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 

David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

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No. 2007

C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Complaint, filed on behalf of Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 12th day of April, 2007 by U.S. Mail, first class, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on behalf of: Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

EXHIBIT E

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
*
* Civil Action - Law
*
*
*
* Number 2007 - 491 C.D.

NOTICE TO PLEAD

TO: THE PLAINTIFFS:

You are hereby notified to plead to the enclosed New Matter within twenty (20) days
from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
*
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* Civil Action - Law
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* Number 2007 - 491 C.D.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, VIRAL B. PATEL, by and through his attorneys,
Dennison, Dennison & Harper, who file the following Answer and New Matter in response to the
Plaintiffs' Amended Complaint:

COUNT I - UNJUST ENRICHMENT

1. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient
knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the
Plaintiffs' Complaint, and said averments are therefore denied.

2. Admitted.

3. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient
knowledge and information to form a belief as to the truth of the averments of Paragraph 2 of the
Plaintiffs' Complaint, and said averments are therefore denied.

4. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient
knowledge and information to form a belief as to the truth of the averments of Paragraph 4 of the
Plaintiffs' Complaint, and said averments are therefore denied.

5. Denied as stated. On the contrary, on or about October 20, 2006, the Defendant's vehicle was struck by a tractor trailer from behind on Interstate 80. After the collision, the Defendant's vehicle was dragged under the trailer and pulled down the highway and was pinned under the trailer. By way of further response, the underlying accident which caused the Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Defendant, Viral Patel.

6. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 6 of the Plaintiffs' Complaint, and said averments are therefore denied.

7. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 7 of the Plaintiffs' Complaint, and said averments are therefore denied.

8. The averments of Paragraph 8 of the Plaintiffs' Complaint constitute conclusions of law, and no further response is required.

9. The averments of Paragraph 9 of the Plaintiffs' Complaint constitute conclusions of law, and no further response is required.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

COUNT II - QUANTUM MERUIT

10. Paragraph 10 of the Plaintiffs' Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response

is deemed required, the averments of Paragraphs 1 through 9 of this Answer are incorporated herein by reference thereto.

11. The averments of Paragraph 11 of the Plaintiffs' Complaint constitute conclusions of law, and no further response is required.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

NEW MATTER

12. Any services rendered by the Plaintiffs, without admission of the same, were not requested by, contracted for, authorized or consented to by the Defendant, Viral B. Patel.

13. No unjust benefit has been rendered to the Defendant, Viral B. Patel, by any actions of the Plaintiffs, without admission of the same.

14. Any services rendered by the Plaintiffs, without admission of the same were rendered to and for the benefit of other persons who are not parties to the within action.

15. Any services rendered by the Plaintiffs, without admission, of the same were necessitated or caused by in whole or in part by the negligent acts of persons or entities other than the Defendant, Viral B. Patel, and over whom the Defendant, Viral B. Patel, had no control, and for whose actions the Defendant, Viral Patel, is not liable.

16. To the extent the Plaintiffs have been paid for any services or entered to any settlement or executed any type of release concerning the same by and with any other person or entity, said payment, settlement and/or release are pleaded as a defense to any of the Plaintiffs'

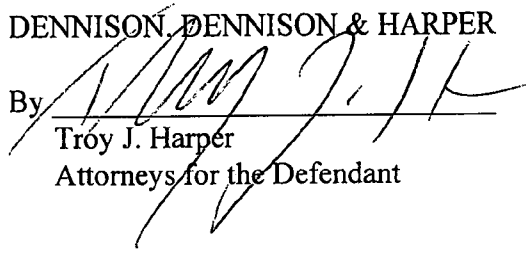
CERTIFICATE OF SERVICE

I certify that a certified copy of the foregoing Answer and New Matter was served on the
3rd day of May, 2007, by United States Mail, First Class,
Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Complaint to Join Additional Defendant was served on the 3rd day of may, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Affidavit of Service

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED *no cc*
m 10:44 AM
MAY 18 2007
UM

William A. Shaw
Prothonotary/Clerk of Courts

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

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* Civil Action - Law

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* Number 2007 - 491 C.D.

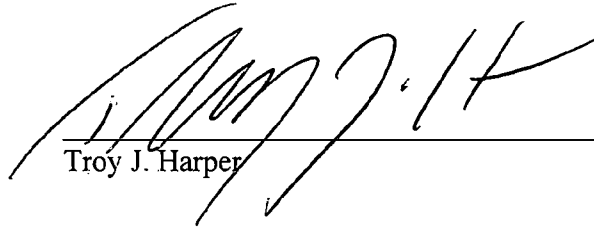
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

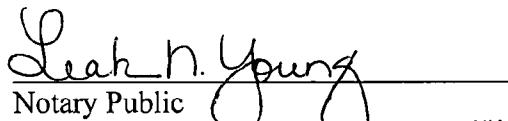
COUNTY OF JEFFERSON, ss:

Troy J. Harper, being duly sworn according to law, deposes and says that he is the attorney for the Defendant, Viral B. Patel, in the above entitled matter; that he is unrelated by blood or marriage to any of the parties in the above captioned matter; and that he served a certified copy of the Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(b) in regard to the above entitled matter, endorsed with a Notice to Defend, on the Additional Defendant, William Emerson, by sending the same by certified mail, return receipt requested,

addressed to the Additional Defendant at his home as follows: William Emerson, 9803 Magnolia Drive, Laurel, DE 19956, which was delivered on May 14, 2007, as set forth in the return receipt card which is attached hereto and made a part hereof.


Troy J. Harper

Sworn to and subscribed before me this 17th day of May, 2007.


Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Leah N. Young, Notary Public
Brookville Boro, Jefferson County
My Commission Expires Aug. 5, 2010

Member, Pennsylvania Association of Notaries

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

* Civil Action - Law

* Number 2007 - 491 C.D.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <u>X Diane R. Emerson</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>DIANE EMERSON</u> C. Date of Delivery <u>5/14/07</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to: <u>William Emerson</u> <u>9803 Magnolia Drive</u> <u>Laurel, DE 19956</u>			
2. Article Number (Transfer from service label) <u>7005 1160 0001 5147 2246</u>			
PS Form 3811, February 2004		Domestic Return Receipt	
		<u>TJH Bricen</u> 102595-02-M-1540	

CERTIFICATE OF SERVICE

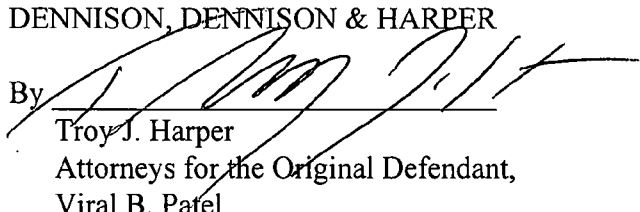
I certify that a true and correct copy of the foregoing Affidavit of Service was served on the 17th day of may, 2007, by United States Mail, First Class,

Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

Type of Pleading: Answer to New
Matter

Filed on behalf of: Merlyn Bricen
and Deborah Bricen t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED
m/1053/BN
MAY 22 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

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No. 2007-491 C.D.

ANSWER TO NEW MATTER

AND NOW, comes the Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and answers Defendant's New Matter as follows:

12. Denied. Services rendered by Plaintiffs as described in Plaintiffs' Complaint were consented to and acquiesced to by the Defendant.

13. Denied. Defendant received the benefit of having the tractor trailer removed from his motor vehicle.

14. Denied. Plaintiffs rendered services for the benefit of the Defendant.

15. Neither admitted nor denied. Plaintiffs are without sufficient knowledge to admit or deny the allegations set forth in paragraph 15.

16. Plaintiffs have not been paid for the work performed on behalf of the Defendant.

17. Denied. Plaintiffs' claims are not barred by the applicable statute of limitation.

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

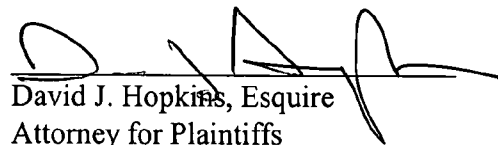
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No. 2007-491 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Answer to New Matter, filed on behalf of Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 21st day of May, 2007, by U.S. Mail, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Affidavit of Service

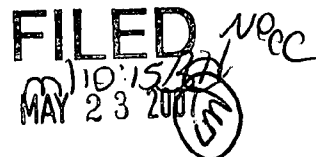
Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316



William A. Shaw
Prothonotary/Clerk of Courts

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

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* Civil Action - Law

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* Number 2007 - 491 C.D.

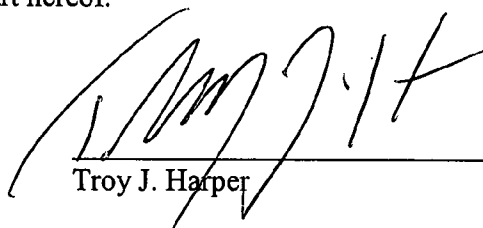
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF JEFFERSON, ss:

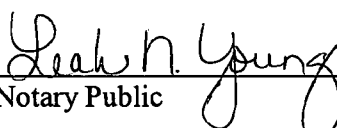
Troy J. Harper, being duly sworn according to law, deposes and says that he is the attorney for the Defendant, Viral B. Patel, in the above entitled matter; that he is unrelated by blood or marriage to any of the parties in the above captioned matter; and that he served a certified copy of the Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(b) in regard to the above entitled matter, endorsed with a Notice to Defend, on the Additional Defendant, Vadim Seletski, by sending the same by certified mail, return receipt requested,

addressed to the Additional Defendant as follows: Vadim Seletskiy, 750 126th Avenue, NE,
Blaine, MN 55434, which was delivered on May 15, 2007, as set forth in the return receipt card
which is attached hereto and made a part hereof.



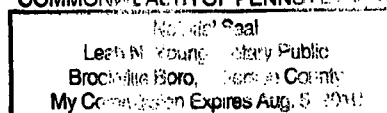
Troy J. Harper

Sworn to and subscribed before me this 22nd day of May, 2007.



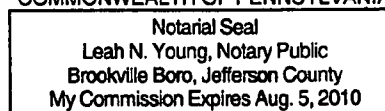
Notary Public

COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Affidavit of Service was served on the 22nd day of May, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,
Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Affidavit of Service

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED *no cc*
MAY 23 2007
William A. Shaw
Prothonotary/Clerk of Courts

VS.

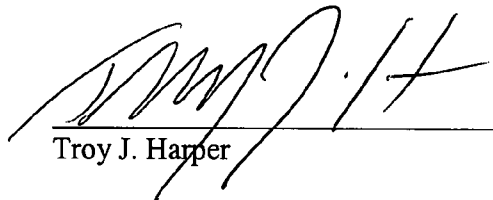
Defendant,

VS.

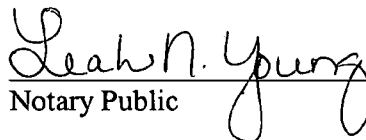
Additional Defendants.

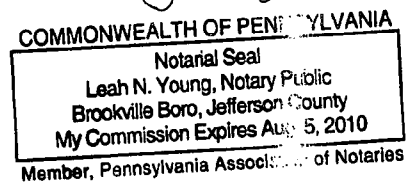
* Number 2007 - 491 C.D.

addressed to the Additional Defendant as follows: Orient Express, Attn: Legal Dept., 750 126th Avenue, NE, Blaine, MN 55434, which was delivered on May 15, 2007, as set forth in the return receipt card which is attached hereto and made a part hereof.


Troy J. Harper

Sworn to and subscribed before me this 22nd day of May, 2007.


Notary Public



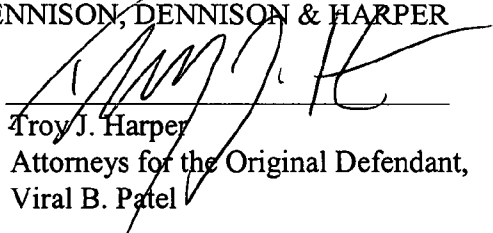
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Affidavit of Service was served on the 21st day of May, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Affidavit of Service

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED
MAY 23 2007
William A. Shaw
Prothonotary/Clerk of Courts

**MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,**

VS.

VIRAL B. PATEL,

Defendant,

VS.

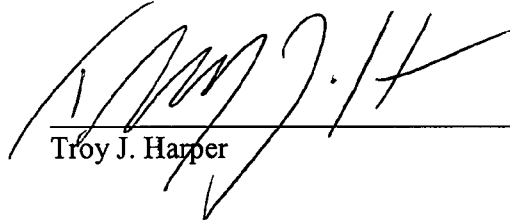
JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

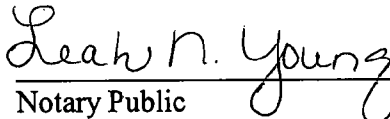
COMMONWEALTH OF PENNSYLVANIA:

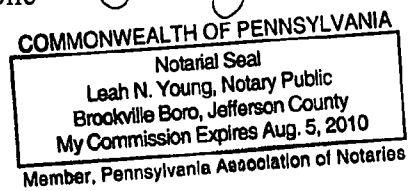
COUNTY OF JEFFERSON, ss:

requested, addressed to the Additional Defendant as follows: Dos Transportation, Inc., Attn: Legal Dept., Route 4, Box 94, Seaford, DE 19973, which was forwarded by the United States Postal Service to the Defendant at the following address: 9101 Elm Street, Seaford, DE 19973, as set forth in the return receipt card which is attached hereto and made a part hereof.


Troy J. Harper

Sworn to and subscribed before me this 22nd day of May, 2007.


Notary Public



CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Affidavit of Service was served on the 2nd day of May, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 

Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

Type of Pleading: Petition to Amend
Complaint

Filed on behalf of: Merlyn Bricen
and Deborah Bricen t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED NO CC
MAY 25 2007 12:35 PM
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William A. Shaw
Prothonotary/Clerk of Courts

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

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No. 2007-491 C.D.

PETITION TO AMEND COMPLAINT

AND NOW, comes the Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and states as follows:

1. On April 12, 2007, Plaintiffs filed a Complaint against Defendant, Viral B. Patel, at the above term and number. A true and correct copy of Plaintiffs' Complaint is attached hereto as Exhibit "A."

2. Plaintiffs have come to learn that additional Defendants exist from whom Plaintiffs' may seek relief. Said Defendants are liable to Plaintiffs based upon their actions during the series of events for which Plaintiffs' original Complaint was based.

3. The series of events leading to Plaintiffs' original Complaint was a multi-vehicle accident on Interstate 80 near mile-marker 119.5 in Lawrence County, Clearfield County, Pennsylvania.

4. As a result of said accident, Plaintiffs' services were employed to remove a trailer portion of a semi-tractor trailer combination from the top of Defendant, Viral B. Patel's, 2003 Nissan Sentra.

5. Plaintiffs seek to amend their complaint to name Jamie Rodriguez, Antonio Garcia, London Transfer, William Emerson, DOS Transportation, Inc., Vadim Seletskiy, and Orient Express as Defendants.

6. A copy of the proposed Amended Complaint is attached hereto as Exhibit "B."

WHEREFORE, Plaintiffs respectfully requests this Honorable Court grant Plaintiffs the opportunity to amend their Complaint.

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 

David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

Type of Pleading: Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

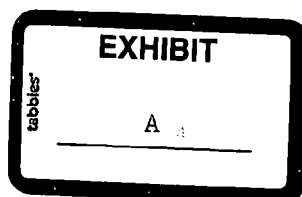
(814) 375-0300

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 12 2007

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts



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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007- 491 C.D

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Complaint against Defendant, Viral B. Patel, and in support thereof says as follows:

COUNT I – UNJUST ENRICHMENT

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

4. In or about 2007, Plaintiffs were called to an accident along Interstate 80, Clearfield County, Pennsylvania.

5. Defendant's motor vehicle was crushed underneath a tractor trailer.

6. Plaintiffs removed the tractor trailer from Defendant's motor vehicle.
7. Plaintiffs incurred costs of \$5,200.00.
8. Defendant was enriched by having his motor vehicle freed from the tractor trailer and if Defendant did not pay Plaintiffs, then Defendant would be unjustly enriched to the detriment of Plaintiffs.
9. Under the theory of Unjust Enrichment, Defendant is indebted to Plaintiffs in the amount of \$5,200.00 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

10. Plaintiffs repeat the allegations of Count I as if set forth at length herein.
11. Plaintiffs are entitled to recover from Defendant under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 

David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

No. 2007-491 C.D.

Type of Pleading: Amended Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

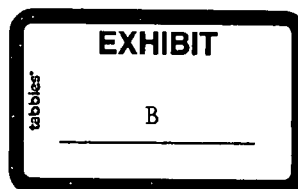
HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300



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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

NOTICE

TO DEFENDANTS:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

AMENDED COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Amended Complaint against Defendants, Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, William Emerson, DOS Transportation, Inc., Vadim Seletskiy, and Orient Express and in support thereof says as follows:

PARTIES

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. It is believed that Defendant, Antonio Garcia, is an adult individual whose mailing address is P.O. Box 3142, Bakersfield, California 93385.

4. It is believed that Defendant, London Transport, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association whose mailing address is P.O. Box 3142, Bakersfield, California 93385

5. It is believed that Defendant, William Emerson, is an adult individual who resides at 9803 Magnolia Drive, Laurel, Delaware 19956.

6. It is believed that Defendant, DOS Transportation, Inc., is a corporation with offices located at Route 4, Box 94, Seaford, Delaware, 19973.

7. It is believed that Defendant, Vadim Seletskiy, is an adult individual who resides or otherwise maintains a business office at 750 126th Avenue NE, Blaine, Minnesota 55434.

8. It is believed that Defendant, Orient Express, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association with offices located at 750 126th Avenue, NE, Blaine, Minnesota 55434.

FACTS

9. The Plaintiffs incorporate paragraphs 1 through 8 of this Amended Complaint by reference and make it a part hereof.

10. On or about October 20, 2006, Defendant, Jamie Rodriguez, was operating a 2002 Freightliner semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

11. At the above stated date and location, Defendant, Jamie Rodriguez, lost control of the semi-tractor trailer combination and caused it to crash and come to a rest along the northern berm of the eastbound lanes on Interstate 80.

12. At the same date and location, Defendant, William Emerson, was operating a 2005 Freightliner Classic XL semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

13. At the same date and location, Defendant, William Emerson, brought his vehicle to a stop and parked his vehicle in the left-hand eastbound lane of Interstate 80.

14. At the same date and location, Defendant, Viral B. Patel, was operating a 2003 Nissan Sentra in an easterly direction on Interstate 80 when his vehicle collided with Defendant, William Emerson's, vehicle in the left-hand eastbound lane of Interstate 80.

15. After the aforesaid collision occurred, Defendant, Vadim Seletskiy, was operating a 2006 Volvo DSVVN semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

16. Still after the aforesaid collision occurred, Defendant, Vadim Seletskiy, lost control of the vehicle he was operating and the trailer portion of said vehicle struck the Defendant, Viral B. Patel's, vehicle.

17. The impact between the vehicle operated by Defendant, Vadim Seletskiy, and the vehicle operated by Defendant, Viral B. Patel, caused Defendant, Viral B. Patel's, vehicle to become trapped under the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy.

18. The vehicle operated by Defendant, Viral B. Patel, became engulfed in flames and was destroyed.

COUNT I – UNJUST ENRICHMENT

19. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

20. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

21. On or about October 20, 2006, Plaintiffs were called to an accident along the east bound lanes of Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania..

22. In said accident, Defendant, Viral B. Patel's, motor vehicle was crushed underneath the trailer portion of a vehicle operated by Defendant, Vadim Seletskiy.

23. Plaintiffs removed the Defendant, Viral B. Patel's, motor vehicle from underneath the trailer portion of Defendant, Viral B. Patel's, vehicle.

24. Plaintiffs incurred costs of \$5,200.00.

25. Defendants were enriched by having Viral B. Patel's motor vehicle freed from the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy, and if Defendants did not pay Plaintiffs for the same; therefore, Defendants were unjustly enriched to the detriment of Plaintiffs.

26. Under the theory of Unjust Enrichment, Defendants are indebted to Plaintiffs in the amount of \$5,200.00 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

27. The Plaintiffs incorporate paragraphs 1 through 26 of this Amended Complaint by reference and make it a part hereof.

28. In alternative to Plaintiffs' recovery under the theory of Unjust Enrichment, Plaintiffs are entitled to recover from Defendants, under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT III **Defendant, Jamie Rodriguez**

29. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

30. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Jamie Rodriguez.

31. As a result of Defendant, Jamie Rodriguez's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Jamie Rodriguez, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT IV
Defendant, Antonio Garcia

32. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 29 through 31 of this Amended Complaint by reference and make it a part hereof.

33. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, Antonio Garcia, and at all times material hereto was acting within the scope of said employment or agency.

34. Therefore, Defendant, Antonio Garcia, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, Antonio Garcia, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT V
Defendant, London Transport

35. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 29 through 31 of this Amended Complaint by reference and make it a part hereof.

36. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, London Transport, and at all times material hereto was acting within the scope of said employment or agency.

37. Therefore, Defendant, London Transport, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, London Transport; as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VI
Defendant, William Emerson

38. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

39. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, William Emerson.

40. As a result of Defendant, William Emerson's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, William Emerson, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VII
Defendant, DOS Transportation, Inc.

41. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 38 through 40 of this Amended Complaint by reference and make it a part hereof.

42. At the time of the accident described above, Defendant, William Emerson, was acting as an employee, agent, representative, workman or servant of the Defendant, DOS

Transportation, Inc., and at all times material hereto was acting within the scope of said employment or agency.

43. Therefore, Defendant, DOS Transportation, Inc., is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VIII
Defendant, Vadim Seletskiy

44. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

45. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Vadim Seletskiy.

46. As a result of Defendant, Vadim Seletskiy's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Vadim Seletskiy, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT IX
Defendant, Orient Express

47. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 44 through 46 of this Amended Complaint by reference and make it a part hereof.

48. At the time of the accident described above, Defendant, Vadim Seletskiy, was acting as an employee, agent, representative, workman or servant of the Defendant, Orient Express, and at all times material hereto was acting within the scope of said employment or agency.

49. Therefore, Defendant, Orient Express, is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT X
Defendant, Viral B. Patel

50. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

51. The accident described above was cause in whole or in part by Defendant, Viral B. Patel.

52. As a result of Defendant, Viral B. Patel's, negligent and careless conduct as described in paragraph 10 through paragraph 18, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Viral B. Patel, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

Respectfully submitted,

HOPKINS HELTZEL LLP

By: _____
David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

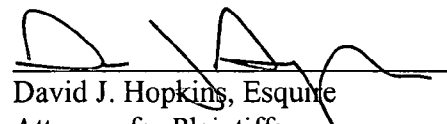
VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Petition to Amend Complaint, filed on behalf of Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 23rd day of May, 2007, by U.S. Mail, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

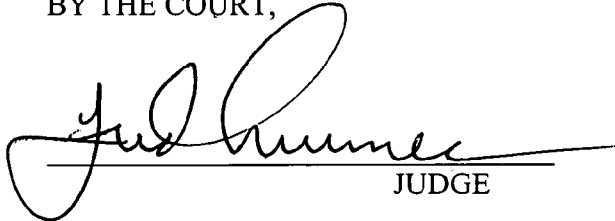
FILED
MAY 30 2007

William A. Shaw
Prothonotary/Clerk of Courts
2 cc Atty Hopkins

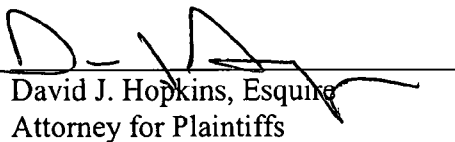
CONSENT ORDER

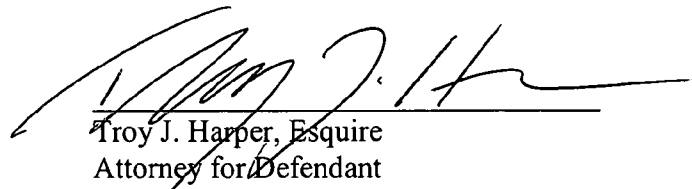
AND NOW, this matter having come before the Court on the Petition of the Plaintiffs,
and for good cause shown, it is this 29 day of May, 2007 ORDERED and ADJUDGED
that Plaintiffs may file an Amended Complaint with fifteen (15) days of the date of this Order.

BY THE COURT,


JUDGE

I consent to the form and entry of the within Order.


David J. Hopkins, Esquire
Attorney for Plaintiffs


Troy J. Harper, Esquire
Attorney for Defendant

FILED

MAY 30 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/30/07

☒ 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:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Affidavit of Service

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED *no cc*
JUN 04 2007

William A. Shaw
Prothonotary/Clerk of Courts

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

*
* Civil Action - Law

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* Number 2007 - 491 C.D.

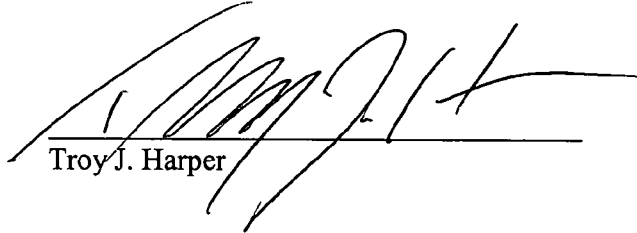
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

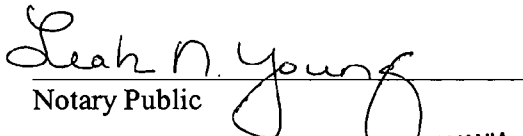
COUNTY OF JEFFERSON, ss:

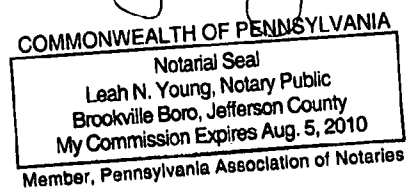
Troy J. Harper, being duly sworn according to law, deposes and says that he is the attorney for the Defendant, Viral B. Patel, in the above entitled matter; that he is unrelated by blood or marriage to any of the parties in the above captioned matter; and that he served a certified copy of the Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(b) in regard to the above entitled matter, endorsed with a Notice to Defend, on the Additional Defendant, London Transport, by sending the same by certified mail, return receipt requested,

addressed to the Additional Defendant as follows: London Transport, Attn: Legal Dept., PO Box 3142, Bakersfield, CA 93385, as set forth in the return receipt card which is attached hereto and made a part hereof.


Troy J. Harper

Sworn to and subscribed before me this 30th day of May, 2007.


Notary Public



CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Affidavit of Service was served on the 30th day of May, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 

Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Affidavit of Service

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED *no cc*
m/11/28/07
JUN 04 2007
Wm
William A. Shaw
Prothonotary/Clerk of Courts

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

* Civil Action - Law

* Number 2007 - 491 C.D.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <i>X Alberto</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>Antonio Garcia PO Box 3142 Bakersfield, CA 93385</i>		B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540			

2005 1160 0001 5147 2222

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Affidavit of Service was served on the 30th day of May, 2007, by United States Mail, First Class, Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

DENNISON, DENNISON & HARPER

By 

Troy J. Harper

Attorneys for the Original Defendant,

Viral B. Patel

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Merlyn Bricen and Deborah Bricen
t/d/b/a Bricen Towing & Recovery

CIVIL ACTION

(Plaintiff)

256 Hoovertown Road

(Street Address)

Penfield, PA 15849

(City, State ZIP)

No. 2007-491 C.D.

Type of Case: MVA

Type of Pleading: P.O.'s

VS.

Filed on Behalf of:

Viral B. Patel

(Defendant)

Vadim Seletskiy and Orient Express

(Plaintiff/Defendant)

Add'l Defendants

1102 East Erie Ave., Apt. #7

(Street Address)

Lorain, Ohio 44052

(City, State ZIP)

Zachary S. Davis, Esquire

(Filed by)

Post & Schell, P.C.

1600 John F. Kennedy Blvd.

(Address)

Philadelphia, PA 19103

(215) 587-1182

(Phone)

(Signature)

FILED

JUN 05 2007

ICC
Atty Davis
(48)

Merlyn Bricen and Deborah Bricen, t/d/b/a
Bricen Towing & Recovery

Plaintiffs,

v.

Viral B. Patel

Defendant,

v.

Jaime Rodriguez, Antonio Garcia, London
Transport, William Emerson, DOS
Transportation, Inc., Vadim Seletskiy and
Orient Express

Additional
Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 2007-491 C.D.

ORDER

AND NOW, this ____ day of _____, 2007, upon consideration of
Additional Defendants, Vadim Seletskiy and Orient Express' Preliminary Objections to
Defendant, Viral B. Patel's Joinder Complaint and any response thereto, it is hereby **ORDERED**
and **DECREED** that said Preliminary Objections are **SUSTAINED** and subparagraphs 46(b)
and (k) are hereby **STRICKEN** from the Joinder Complaint with **PREJUDICE**.

BY THE COURT:

J.

POST & SCHELL, P.C.
BY: ZACHARY S. DAVIS
I.D. #: 93290
BY: JOSEPH R. FOWLER
I.D. #: 55661
13TH FLOOR
FOUR PENN CENTER
1600 JOHN F KENNEDY BLVD.
PHILADELPHIA, PA 19103
215-587-1000

ATTORNEYS FOR ADDITIONAL
DEFENDANT
Vadim Seletskiy and Orient Express

Merlyn Bricen and Deborah Bricen, t/d/b/a
Bricen Towing & Recovery

Plaintiffs,

v.

Viral B. Patel

Defendant,

v.

Jaime Rodriguez, Antonio Garcia, London
Transport, William Emerson, DOS
Transportation, Inc., Vadim Seletskiy and
Orient Express

Additional
Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 2007-491 C.D.

**ADDITIONAL DEFENDANTS, VADIM SELETSKIY AND ORIENT EXPRESS'
PRELIMINARY OBJECTIONS TO DEFENDANT, VIRAL B. PATEL'S JOINDER
COMPLAINT**

Additional Defendants, Vadim Seletskiy ("Additional Defendant Seletskiy") and Orient Express ("Additional Defendant Orient Express") (Moving Additional Defendants'), by and through their attorneys, Post & Schell, P.C., hereby file the within Preliminary Objections to Defendant, Viral B. Patel's ("Defendant Patel") Joinder Complaint and, in support thereof, aver as follows:

1. This matter arises out of a motor vehicle accident that occurred on October 20, 2006 on I-80 in Clearfield County, PA. See Plaintiffs' Complaint, a copy of which is attached hereto as Exhibit "A."

2. Plaintiffs operate a towing facility located at 256 Hovertown Road in Pennfield, PA. See Exhibit A.

3. Plaintiffs responded to the accident scene in order to remove Defendant Patel's vehicle from the roadway, which was rendered inoperable as a result of the accident. See Exhibit A.

4. Plaintiffs claim that they incurred costs of \$5,200.00 as a result of services rendered in conjunction with the removal and towing of Defendant Patel's vehicle. See Exhibit A.

5. Plaintiffs filed their claim in the Clearfield County District Court on January 22, 2007, seeking recovery of the \$5,200.00 plus the filing fee of \$127.50, for a total claim of \$5,327.50. See Clearfield County Civil Complaint, a copy of which is attached hereto as Exhibit "B."

6. A default judgment was entered against Defendant Patel by the Clearfield County District Court on March 5, 2007. See Notice of Judgment, a copy of which is attached hereto as Exhibit "C." The total amount of the judgment was \$5,327.50. See Exhibit C.

7. Defendant Patel filed a Notice of Appeal on March 28, 2007 and the Clearfield County Prothonotary ruled upon Plaintiffs to file a Complaint. See Notice of Appeal, a copy of which is attached hereto as Exhibit "D."

8. Plaintiffs then filed their Complaint and Defendant Patel filed his Joinder Complaint on May 7, 2007. See Defendant Patel's Joinder Complaint, a copy of which is attached hereto as Exhibit "E."

**MOTION TO STRIKE FOR INSUFFICIENT SPECIFICITY IN PLAINTIFFS'
COMPLAINT PURSUANT TO PA.R.C.P. 1028(A)(3) (CONNOR OBJECTIONS)**

9. Moving Additional Defendant hereby incorporates the preceding paragraphs of their Preliminary Objections as though fully set forth at length herein.

10. Rule 1019 of the Pennsylvania Rules of Civil Procedure requires that a party attempting to make out a cause of action state the material facts upon which the claim is based in a concise and summary form, and that the statement of these material facts forms a sufficient basis from which the defendant can prepare a defense. Pa.R.C.P. No. 1019.

11. In Connor v. Allegheny Hosp., 461 A.2d 600 (Pa. 1983), the Pennsylvania Supreme Court held that "general" and "catchall" allegations in a Complaint are unacceptable. Pennsylvania courts consistently apply the Connor rule to strike allegations which are overly broad and unduly vague. See Hamilton v. American Casualty Co., 24 Phila. 354 (1992); Reed v. University Hosp., 112 Dauphin 394 (1992).

12. Defendant Patel's claims against Additional Defendants Seletskiy are set forth in Counts VI. See Exhibit E.

13. Defendant Patel sets forth his specific allegations of negligence and carelessness in paragraph 46. See Exhibit E.

14. Subparagraphs 46(b) and (k) violate the fact specific pleading rules mandated by the Pennsylvania Rules of Civil Procedure. Subparagraphs 46(b) and (k) state that Additional Defendant Seletskiy's negligence and carelessness consisted of:

...

(b) failing to have his vehicle under proper and adequate control;

...

(k) failing to follow the laws, rules, and regulations of the Commonwealth of Pennsylvania as set forth in the Pennsylvania Motor Vehicle code.

Exhibit E.

15. Subparagraphs 46(b) and (k) both violate the fact specific pleading requirements of the Pennsylvania Rules of Civil Procedure and the Connor progeny of case law, in that they fail to place Moving Additional Defendants on notice of the nature of their claim.

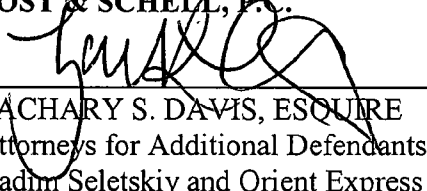
16. In particular, subparagraph 46(b) does not identify how Additional Defendant Seletskiy failed to keep his vehicle under proper control. Moving Additional Defendants are not able to properly prepare a defense to this overly broad allegation which is virtually limitless in scope.

17. Subparagraph 46(k) is even more violative of the Connor rule in that it alleges that Additional Defendant Seletskiy violated the provisions of the Motor Vehicle Code without specifically identifying which provision or provisions. It is impossible for Moving Additional Defendants to prepare a defense to such a potentially broad allegation.

18. Accordingly, subparagraphs 46(b) and (k) should be dismissed from Defendant Patel's Joinder Complaint with prejudice.

WHEREFORE, Additional Defendants, Vadim Seletskiy and Orient Express respectfully request that this Honorable Court enter an Order striking subparagraphs 46(b) and (k) from Plaintiffs' Complaint with prejudice.

POST & SCHELL, P.C.



ZACHARY S. DAVIS, ESQUIRE
Attorneys for Additional Defendants,
Vadim Seletskiy and Orient Express

POST & SCHELL, P.C.
BY: ZACHARY S. DAVIS
I.D. #: 93290
BY: JOSEPH R. FOWLER
I.D. #: 55661
13TH FLOOR
FOUR PENN CENTER
1600 JOHN F KENNEDY BLVD.
PHILADELPHIA, PA 19103
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Merlyn Bricen and Deborah Bricen, t/d/b/a
Bricen Towing & Recovery

Plaintiffs,

v.

Viral B. Patel

Defendant,

v.

Jaime Rodriguez, Antonio Garcia, London
Transport, William Emerson, DOS
Transportation, Inc., Vadim Seletskiy and
Orient Express

Additional
Defendants

ATTORNEYS FOR ADDITIONAL
DEFENDANT
Vadim Seletskiy and Orient Express

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 2007-491 C.D.

**ADDITIONAL DEFENDANTS, VADIM SELETSKIY AND ORIENT EXPRESS'
MEMORANDUM OF LAW IN SUPPORT OF THEIR PRELIMINARY OBJECTIONS
TO DEFENDANT, VIRAL PATEL'S JOINDER COMPLAINT**

Additional Defendants, Vadim Seletskiy and Orient Express' Preliminary Objections to Defendant Viral B. Patel's Joinder Complaint should be sustained because subparagraphs 46(b) and (k) are not pled with the requisite specificity demanded by the Pennsylvania Rules of Civil Procedure and the Connor progeny of cases. Accordingly, both subparagraphs 46(b) and (k) should be dismissed with prejudice.

I. FACTS

This matter arises out of a motor vehicle accident that occurred on October 20, 2006 on I-80 in Clearfield County, PA. See Plaintiffs' Complaint, a copy of which is attached hereto as Exhibit "A." Plaintiffs operate a towing facility located at 256 Hoovertown Road in Pennfield, PA. See Exhibit A. Plaintiffs responded to the accident scene in order to remove Defendant Patel's vehicle from the roadway, which was rendered inoperable as a result of the accident. See Exhibit A. Plaintiffs claim that they incurred costs of \$5,200.00 as a result of services rendered in conjunction with the removal and towing of Defendant Patel's vehicle. See Exhibit A.

Plaintiffs filed their claim in the Clearfield County District Court on January 22, 2007, seeking recovery of the \$5,200.00 plus the filing fee of \$127.50, for a total claim of \$5,327.50. See Clearfield County Civil Complaint, a copy of which is attached hereto as Exhibit "B." A default judgment was entered against Defendant Patel by the Clearfield County District Court on March 5, 2007. See Notice of Judgment, a copy of which is attached hereto as Exhibit "C." The total amount of the judgment was \$5,327.50. See Exhibit C. Defendant Patel filed a Notice of Appeal on March 28, 2007 and the Clearfield County Prothonotary ruled upon Plaintiffs to file a Complaint. See Notice of Appeal, a copy of which is attached hereto as Exhibit "D." Plaintiffs then filed their Complaint and Defendant Patel filed his Joinder Complaint on May 7, 2007. See Defendant Patel's Joinder Complaint, a copy of which is attached hereto as Exhibit "E."

II. LEGAL ARGUMENT

Moving Additional Defendants' Preliminary Objections to the Joinder Complaint should be sustained because subparagraphs 46(b) and (k) are not pled with the specificity required by

the Pennsylvania Rules of Civil Procedure. Accordingly, subparagraphs 46(b) and (k) should be stricken with prejudice.

A. Preliminary Objections Standard

In reviewing Moving Defendants' Preliminary Objections to Plaintiff's Complaint, this Court should accept as true all material facts pled in the Complaint, as well as all reasonable inferences deducible from those facts. Wilkinson v. The Housing Authority of the County of Cumberland, 854 A.2d 533 (Pa. Super. 2004). Further, the demurrer should be granted only where it is apparent Plaintiff is not entitled to relief as a matter of law. Id. at 536. The Court's review for the purposes of preliminary objections is limited to the contents of the Complaint.

B. Subparagraphs 46(b) and (k) of the Joinder Complaint Fail to Adhere to the Fact Specific Pleading Requirements of the Pennsylvania Rules of Civil Procedure and the Connor Progeny of Cases

Rule 1019 of the Pennsylvania Rules of Civil Procedure requires that a party attempting to make out a cause of action state the material facts upon which the claim is based in a concise and summary form, and that the statement of these material facts forms a sufficient basis from which the defendant can prepare a defense. Pa.R.C.P. No. 1019. In Connor v. Allegheny Hosp., 461 A.2d 600 (Pa. 1983), the Pennsylvania Supreme Court held that "general" and "catchall" allegations in a Complaint are unacceptable. Pennsylvania courts consistently apply the Connor rule to strike allegations which are overly broad and unduly vague. See Hamilton v. American Casualty Co., 24 Phila. 354 (1992); Reed v. University Hosp., 112 Dauphin 394 (1992).

Defendant Patel's claims against Additional Defendants Seletskiy are set forth in Counts VI. See Exhibit E. Defendant Patel sets forth his specific allegations of negligence and carelessness in paragraph 46. See Exhibit E. Subparagraphs 46(b) and (k) violate the fact specific pleading rules mandated by the Pennsylvania Rules of Civil Procedure. Subparagraphs

46(b) and (k) state that Additional Defendant Seletskiy's negligence and carelessness consisted of:

...

(b) failing to have his vehicle under proper and adequate control;

...

(k) failing to follow the laws, rules, and regulations of the Commonwealth of Pennsylvania as set forth in the Pennsylvania Motor Vehicle code.

Exhibit E.

Subparagraphs 46(b) and (k) both violate the fact specific pleading requirements of the Pennsylvania Rules of Civil Procedure and the Connor progeny of case law, in that they fail to place Moving Additional Defendants on notice of the nature of their claim. In particular, subparagraph 46(b) does not identify how Additional Defendant Seletskiy failed to keep his vehicle under proper control. Moving Additional Defendants are not able to properly prepare a defense to this overly broad allegation which is virtually limitless in scope.

Subparagraph 46(k) is even more violative of the Connor rule in that it alleges that Additional Defendant Seletskiy violated the provisions of the Motor Vehicle Code without specifically identifying which provision or provisions. It is impossible for Moving Additional Defendants to prepare a defense to such a potentially broad allegation.


Accordingly, subparagraphs 46(b) and (k) should be dismissed from Defendant Patel's Joinder Complaint with prejudice.

III. CONCLUSION

This Honorable Court should enter an Order striking subparagraphs 46(b) and (k) from Defendant Patel's Joinder Complaint. Subparagraphs 46(b) and (k) both violate Pennsylvania's

Fact Specific pleading requirements because they fail to place Moving Additional Defendants on notice of the specific nature of Defendant Patel's claims.

POST & SCHELL, P.C.



ZACHARY S. DAVIS, ESQUIRE
Attorneys for Additional Defendants,
Vadim Seletskiy and Orient Express

CERTIFICATE OF SERVICE

ZACHARY S. DAVIS, ESQUIRE certifies that a true and correct copy of Additional Defendants, Vadim Seletskiy and Orient Express' Preliminary Objections to Defendant, Viral B. Patel's Joinder Complaint was served on June 4, 2007 via first class mail on the below listed individuals:

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main St.
Brookville, PA 15825

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

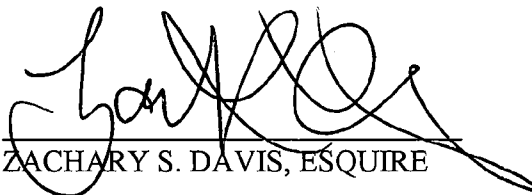
Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

Antonio Garcia/London Transport
P.O. Box 3142
Bakersfield, CA 93385

DOS Transport, Inc.
Route 4, Box 94
Seaford, DE 19973

Erik B. Jensen
Law Offices of Erik B. Jensen
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102

John T. Pion
Dickie McCamey
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402



ZACHARY S. DAVIS, ESQUIRE

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

Type of Pleading: Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

EXHIBIT D

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

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No. 2007- 491 C.D

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Complaint against Defendant, Viral B. Patel, and in support thereof says as follows:

COUNT I – UNJUST ENRICHMENT

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

4. In or about 2007, Plaintiffs were called to an accident along Interstate 80, Clearfield County, Pennsylvania.

5. Defendant's motor vehicle was crushed underneath a tractor trailer.

6. Plaintiffs removed the tractor trailer from Defendant's motor vehicle.

7. Plaintiffs incurred costs of \$5,200.00.

8. Defendant was enriched by having his motor vehicle freed from the tractor trailer and if Defendant did not pay Plaintiffs, then Defendant would be unjustly enriched to the detriment of Plaintiffs.

9. Under the theory of Unjust Enrichment, Defendant is indebted to Plaintiffs in the amount of \$5,200.00 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

10. Plaintiffs repeat the allegations of Count I as if set forth at length herein.

11. Plaintiffs are entitled to recover from Defendant under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 

David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

:
:
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No. 2007

C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Complaint, filed on behalf of Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 12th day of April, 2007 by U.S. Mail, first class, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

#35-1754-541

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: Clearfield

Mag. Dist. No.:

Defendant's Name:

Richard Ireland

Address:

650 Leonard Street

Clearfield, PA 16830

Telephone: (814) 765-5335

CIVIL COMPLAINT

PLAINTIFFS

NAME AND ADDRESS

Merlyn Eriksen

Deborah Eriksen

c/d/b/a Eriksen Towing & Recovery

256 Hoovertown Road

Penfield, PA 15849

VS.

DEFENDANT:

NAME AND ADDRESS

Viral Patel

1107 E. Erie Avenue, Apt. 7

Lorain, OH 44052

Docket No.: C-2-07

Date Filed: 1-22-07

	AMOUNT	DATE PAID
FLING COSTS \$	127.50	1/1
SERVING COSTS \$		1/1
TOTAL \$		1/1

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 5,200.00 together costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Defendant's motor vehicle was run over by tractor trailer. Plaintiff removed trailer from Defendant's motor vehicle and has not been paid.

I, David J. Hopkins verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

Signature of Plaintiff or Authorized Agent

Plaintiff's
Attorney:

David J. Hopkins, Esquire

Address:

100 Meadow Lane, Suite

Telephone:

(814) 375-0300

DuBois, PA 15801

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-02**
MDJ Name: Hon.
RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA
Telephone: **(814) 765-5335** **16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS
BRICEN TOWING & RECOVERY
256 HOOVERTOWN RD
PENFIELD, PA 15849

L
VS.
DEFENDANT: NAME and ADDRESS
PATEL, VIRAL B.
1102 E. ERIE AVE. APT/STE 7
LORAIN, OH 44052

VIRAL B. PATEL
1102 E. ERIE AVE. APT/STE 7
LORAIN, OH 44052

Docket No.: **CV-0000028-07**
Date Filed: **1/22/07**



THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **3/05/07**

☒ Judgment was entered for: (Name) **BRICEN TOWING & RECO, VERY**

☒ Judgment was entered against: (Name) **PATEL, VIRAL B.**
in the amount of \$ **5,327.50**

☐ Defendants are jointly and severally liable.

☐ Damages will be assessed on Date & Time _____

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____

☐ Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$ 5,200.00
Judgment Costs	\$ 127.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 5,327.50
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGEMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

EXHIBIT B

MAR 05 2007

Date Richard Ireland, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

EXHIBIT D

COURT OF COMMON PLEAS

Clearfield County

JUDICIAL DISTRICT

49-0-00

FROM

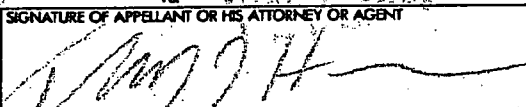
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

07-491-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT Viral A. Patel		MAG. DIST. NO. OR NAME OF D.J. Richard A. Ireland	
ADDRESS OF APPELLANT 1102 E. Erie Ave., Apt. 7		CITY Lorain	STATE OH
DATE OF JUDGMENT 3/5/2007		ZIP CODE 44052	
IN THE CASE OF (Plaintiff) Bricen Towing & Recovery		(Defendant) Viral A. Patel	
CLAIM NO. CV 191 0000028-07 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon Bricen Towing & Recovery, appellee(s), to file a complaint in this appeal
Name of appellee(s)

Common Pleas No. 07-491-CD within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent


RULE: To Bricen Towing & Recovery, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: March 28, 2007

Signature of Prothonotary or Deputy


EXHIBIT C

APPELLANT'S COPY

EXHIBIT E

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

vs.

Type of Case: Civil Division

VIRAL B. PATEL,

Defendant,

Type of Pleading: Complaint to Join
Additional Defendants Pursuant to
Pa.R.C.P. 2252(b)

vs.

Filed on behalf of: Defendant, Viral B. Patel

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,
Additional Defendants.

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAY 07 2007

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

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.

David S. Meholick
Court Administrator of Clearfield County
Clearfield County Courthouse
230 E. market Street
Clearfield, Pennsylvania 16830
(814) 765-2641 Ext. 5982

**MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,**

VS.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS.

Additional Defendants.

* Number 2007 - 491 C.D.

**COMPLAINT TO JOIN ADDITIONAL DEFENDANTS
PURSUANT TO P.A.R.C.P. 2252(b)**

AND NOW, comes the Original Defendant, VIRAL B. PATEL, by and through his attorneys, Dennison, Dennison & Harper, who file the following Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(b):

IDENTIFICATION OF PARTIES AND PROCEDURAL HISTORY

1. The Original Defendant, Viral B. Patel, is an adult individual of sui juris who resides at 1102 East Erie Avenue, Apartment #7, Lorain, Ohio 44052.

2. It is believed and therefore averred that the Additional Defendant, Jaime Rodriguez, is an adult individual of sui juris who resides at 66 Sasser Lane, Clinton, North Carolina 28326.

3. It is believed and therefore averred that the Additional Defendant, Antonio Garcia, is

an adult individual of sui juris with a mailing address of P.O. Box 3142, Bakersfield, California 93385.

4. It is believed and therefore averred that the Additional Defendant, London Transport, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership or an unincorporated association with a mailing address of P.O. Box 3142, Bakersfield, California 93385.

5. It is believed and therefore averred that the Additional Defendant, William Emerson, is an adult individual of sui juris who resides at 9803 Magnolia Drive, Laurel, Delaware 19956.

6. It is believed and therefore averred that the Additional Defendant, Dos Transportation, Inc. is a corporation with offices located at Route 4, Box 94, Seaford, Delaware 19973.

7. It is believed and therefore averred that the Additional Defendant, Vadim Seletskiy, is an adult individual of sui juris who resides or otherwise maintains a business office at 750 126th Avenue NE, Blaine, Minnesota 55434.

8. It is believed and therefore averred that the Additional Defendant, Orient Express, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership or an unincorporated association with offices located at 750 126th Avenue NE, Blaine Minnesota 55434.

9. On or about January 22, 2007, the Plaintiffs filed a Civil Complaint against the Original Defendant, Viral B. Patel, with Magisterial District Number 46-3-02 in Clearfield County, Pennsylvania. A copy of the Civil Complaint is attached hereto as Exhibit "A".

10. On or about March 5, 2007, a Notice of Judgment was entered by the District Magistrate. A copy of the Notice of Judgment is attached hereto as Exhibit "B".

11. On or about March 28, 2007, the Original Defendant, Viral B. Patel, filed a Notice of Appeal from a District Justice Judgment with this Honorable Court at the above-captioned term and number. A copy of said Notice of Appeal is attached hereto as Exhibit "C".

12. On or about April 12, 2007, the Plaintiffs filed a Complaint against the Original Defendant, Viral B. Patel, at the above term and number. A true copy of the Complaint is attached hereto as Exhibit "D" and made part hereof.

13. The Plaintiffs' Complaint alleges that the Plaintiffs are in the business of providing towing services along Interstate 80.

14. The Plaintiffs' Complaint alleges that in and around 2007, which is an incorrect identification of the date by the Plaintiffs as the actual date of the loss was October 20, 2006, the Original Defendant, Viral B. Patel's car, was crushed underneath a tractor trailer on Interstate 80.

15. The Plaintiffs' Complaint alleges that as a result of the collision, the Plaintiffs removed the tractor trailer from on top of the Original Defendant, Viral B. Patel's, vehicle.

16. The Plaintiffs' Complaint alleges that the Original Defendant, Viral B. Patel, is responsible for the costs of removing the tractor trailer in the sum of \$5,200.00.

17. The Original Defendant, Viral B. Patel, denies and disclaims any responsibility or liability for the Plaintiffs' claims. A true copy of the Answer and New Matter filed in response to the Plaintiffs' Complaint is attached hereto as Exhibit "E" and made part hereof.

**AVERMENTS AS TO THE ACCIDENT DIRECTED TO ALL ADDITIONAL
DEFENDANTS**

18. The averments of Paragraphs 1 through 17 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

19. On or about October 20, 2006, at approximately 12:17 a.m., the Additional Defendant, Jaime Rodriguez, was operating a 2002 Freightliner, with vehicle identification number of 1FUJA6AV72LJ49577, semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

20. At the aforementioned time and location, the Additional Defendant, Jaime Rodriguez, lost control of the vehicle which he was operating and caused it to crash and come to a rest along the northern berm of the eastbound lanes of Interstate 80.

21. At the same time and location, the Additional Defendant, William Emerson, was operating a 2005 Freightliner Classic XL, with vehicle identification number of 1FUJAPCK65DU45651, semi-tractor trailer combination in an easterly direction in Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

22. At the aforementioned time and location, the Defendant, William Emerson, brought his vehicle to a stop and parked his vehicle in the left-hand eastbound lane of Interstate 80 completely blocking said lane.

23. At the aforementioned time and location, the Original Defendant, Viral B. Patel, was operating his 2003 Nissan Sentra in an easterly direction on Interstate 80 when his vehicle collided with Additional Defendant, William Emerson's, vehicle which was parked in the left-

hand eastbound lane of Interstate 80.

24. After the collision identified in Paragraph 23, the Additional Defendant, Vadim Seletskiy, was operating a 2006 Volvo DSVVN, with vehicle identification number of 4V4NC9GH06N412240, semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

25. At the aforementioned time and location, the Additional Defendant, Vadim Seletskiy, lost control of the vehicle which he was operating and caused the trailer portion to strike the Original Defendant, Viral B. Patel's, vehicle.

26. The impact between by the vehicle operated by the Additional Defendant, Vadim Seletskiy, caused the Original Defendant's vehicle to be dragged down Interstate 80 and become trapped under the trailer portion of the vehicle operated by Additional Defendant, Vadim Seletskiy.

27. The Original Defendant, Viral B. Patel's, vehicle then became engulfed in flames and was destroyed.

COUNT I DIRECTED TO ADDITIONAL DEFENDANT, JAIME RODRIGUEZ

28. The averments of Paragraph 1 through 27 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

29. The accident described above was caused in whole or in part by the negligence and carelessness of the Additional Defendant, Jaime Rodriguez, which consisted of the following:

- a) driving his vehicle too fast for the conditions then and there existing;
- b) failing to have his vehicle under proper and adequate control;

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

Prothonotary/Clerk of Courts
William A. Shaw
2/11/2007
JUN 20 2007

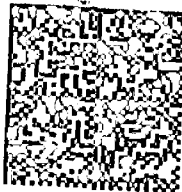
FILED

NOT DELIVERABLE
UNDELIVERABLE

DOS Transportation
Rt 4 Box 94
Seaford, DE 19973

☐ A ☐ INSUFFICIENT ADDRESS
☐ C ☐ ATTEMPTED NOT KNOWN
☐ S ☐ NO SUCH NUMBER/STREET
☐ UNABLE TO FORWARD
☐ OTHER

RTS
RETURN TO SENDER



Hasler

016H16505405
\$00.410
06/14/2007
Mailed From 16830
US POSTAGE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

c) operating his vehicle without due regard to the rights, safety, position and location of other vehicles on the roadway;

d) failing to properly steer the vehicle he was operating;

e) being inattentive;

f) failing to operate the vehicle in a single lane on a roadway laned for traffic;

g) creating a sudden emergency on the roadway;

h) failing to take proper evasive maneuvers; and

i) failing to follow the laws, rules and regulations of the Commonwealth of Pennsylvania as set forth in the Pennsylvania Motor Vehicle Code.

30. As a result of the Additional Defendant, Jaime Rodriguez's, above-described negligence and carelessness, the Original Defendant, Viral B. Patel's, vehicle was involved in a subsequent accident which caused the Patel vehicle to become trapped under a trailer and, subsequently, the trailer had to be removed from on top of the Original Defendant, Viral B. Patel's, vehicle, for which services the Plaintiffs are seeking payment.

31. As a result of the foregoing negligent and careless conduct, the Additional Defendant, Jaime Rodriguez, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Jaime Rodriguez, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Jaime Rodriguez as an Additional Defendant and demands judgment against the Additional Defendant, Jaime Rodriguez, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

COUNT II DIRECTED TO ADDITIONAL DEFENDANT, ANTONIO GARCIA

32. The averments of Paragraphs 1 through 31 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

33. At the time of the accident described above, the Additional Defendant, Jaime Rodriguez, was acting as an employee, agent, representative, workman or servant of the Additional Defendant, Antonio Garcia, and at all times material hereto was acting within the scope of said employment or agency.

34. The Additional Defendant, Antonio Garcia, is liable for the actions of Additional Defendant, Jaime Rodriguez, based on the claim of respondeat superior and, therefore, the Additional Defendant, Antonio Garcia, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Antonio Garcia, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Antonio Garcia as an Additional Defendant and demands judgment against the Additional Defendant, Antonio Garcia, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT III DIRECTED TO ADDITIONAL DEFENDANT,
LONDON TRANSPORT**

35. The averments of Paragraphs 1 through 31 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

36. At the time of the accident described above, the Additional Defendant, Jaime Rodriguez, was acting as an employee, agent, representative, workman or servant of the Additional Defendant, London Transport, and at all times material hereto was acting within the scope of said employment or agency.

37. The Additional Defendant, London Transport, is liable for the actions of Additional Defendant, Jaime Rodriguez, based on the claim of respondeat superior and therefore, the Additional Defendant, London Transport, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, London Transport, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins London Transport as an Additional Defendant and demands judgment against the Additional Defendant, London Transport, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT IV DIRECTED TO ADDITIONAL DEFENDANT,
WILLIAM EMERSON**

38. The averments of Paragraphs 1 through 27 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

39. The accident described above was caused in whole or in part by the negligence and carelessness of the Additional Defendant, William Emerson, which consisted of the following:

- a) failing to have his vehicle under proper and adequate control;
- b) operating his vehicle without due regard to the rights, safety, position and location of other vehicles on the roadway;
- c) being inattentive;
- d) parking his vehicle on the traveled portion of Interstate 80;
- e) creating a sudden emergency on the roadway;
- f) failing to take proper evasive maneuvers; and
- g) failing to follow the laws, rules and regulations of the Commonwealth of Pennsylvania as set forth in the Pennsylvania Motor Vehicle Code.

40. As a result of the Additional Defendant, William Emerson's, above-described negligence and carelessness, the Original Defendant, Viral B. Patel's, vehicle was involved in a subsequent accident which caused the Patel vehicle to become trapped under a trailer and, subsequently, the trailer had to be removed from on top of the Original Defendant, Viral B. Patel's, vehicle, for which services the Plaintiffs are seeking payment.

41. As a result of the foregoing negligent and careless conduct, the Additional Defendant, William Emerson, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, William Emerson, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins William Emerson as an Additional Defendant and demands judgment against the Additional Defendant, William Emerson, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT V DIRECTED TO ADDITIONAL DEFENDANT,
DOS TRANSPORTATION, INC.**

42. The averments of Paragraphs 1 through 27 and Paragraphs 38 through 41 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

43. At the time of the accident described above, the Additional Defendant, William Emerson, was acting as an employee, agent, representative, workman or servant of the Additional Defendant, Dos Transportation, Inc., and at all times material hereto was acting within the scope of said employment or agency.

44. The Additional Defendant, Dos Transportation, Inc., is liable for the actions of Additional Defendant, William Emerson, based on the claim of respondeat superior and, therefore, the Additional Defendant, Dos Transportation, Inc., is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Dos Transportation, Inc., is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Dos Transportation, Inc., as an Additional Defendant and demands judgment against the Additional Defendant, Dos Transportation, Inc., as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT VI DIRECTED TO ADDITIONAL DEFENDANT,
VADIM SELETSKIY**

45. The averments of Paragraph 1 through 27 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

46. The accident described above was caused in whole or in part by the negligence and carelessness of the Additional Defendant, Vadim Seletskiy, which consisted of the following:

- a) driving his vehicle too fast for the conditions then and there existing;
- b) failing to have his vehicle under proper and adequate control;
- c) violating the assured clear distance ahead rule;
- d) operating his vehicle without due regard to the rights, safety, position and location of other vehicles on the roadway;

- e) failing to properly steer the vehicle he was operating;
- f) failing to properly apply his brakes;
- g) failing to prevent the vehicle he was operating from striking the Original Defendant, Viral B. Patel's, vehicle;

- h) being inattentive;
- i) failing to operate the vehicle in a single lane on a roadway laned for traffic;
- j) failing to take proper evasive maneuvers; and
- k) failing to follow the laws, rules and regulations of the Commonwealth of Pennsylvania as set forth in the Pennsylvania Motor Vehicle Code.

47. As a result of the Additional Defendant, Vadim Seletskiy's, above-described negligence and carelessness, the Original Defendant, Viral B. Patel's, vehicle was struck by the vehicle operated by Additional Defendant, Vadim Seletskiy, which caused the Patel vehicle to become trapped under the Seletskiy trailer and, subsequently, the trailer had to be removed from

on top of the Original Defendant, Viral B. Patel's, vehicle, for which services the Plaintiffs are seeking payment.

48. As a result of the foregoing negligent and careless conduct, the Additional Defendant, Vadim Seletskiy, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Vadim Seletskiy, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Vadim Seletskiy as an Additional Defendant and demands judgment against the Additional Defendant, Vadim Seletskiy, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

**COUNT VII DIRECTED TO ADDITIONAL DEFENDANT,
ORIENT EXPRESS**

49. The averments of Paragraphs 1 through 27 and Paragraphs 45 through 48 of this Complaint to Join Additional Defendants Pursuant to Pa.R.C.P. 2252(d) are incorporated herein by reference thereto.

50. At the time of the accident described above, the Additional Defendant, Vadim Seletskiy, was acting as an employee, agent, representative, workman or servant of the Additional Defendant, Orient Express, and at all times material hereto was acting within the

scope of said employment or agency.

51. The Additional Defendant, Orient Express, is liable for the actions of Additional Defendant, Vadim Seletskiy, based on the claim of respondeat superior and therefore, the Additional Defendant, Orient Express, is solely or jointly and severally liable for all damages claimed by the Plaintiffs, without admission of the same, or in the alternative, if the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Complaint, such liability being expressly denied, the Additional Defendant, Orient Express, is liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnification.

WHEREFORE, the Original Defendant, Viral B. Patel, joins Orient Express as an Additional Defendant and demands judgment against the Additional Defendant, Orient Express, as being solely liable or jointly and severally liable for the damages claimed by the Plaintiffs, or in the alternative, liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution.

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Attorneys for the Original Defendant,
Viral B. Patel

VERIFICATION

I verify that the averments in the foregoing Complaint to Join Additional Defendants are true and correct to the best my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.



Viral B. Patel

POST & SCHELL, P.C.
BY: ZACHARY S. DAVIS
I.D. #: 93290
BY: JOSEPH R. FOWLER
I.D. #: 55661
13TH FLOOR
FOUR PENN CENTER
1600 JOHN F KENNEDY BLVD.
PHILADELPHIA, PA 19103
215-587-1000

ATTORNEYS FOR ADD'L DEFT,
Vadim Seletskiy and Orient Express

MERLYN BRICEN and DEBORAH BRICEN,
t/d/b/a BRICEN TOWING & RECOVERY

Plaintiffs,

v.

VIRAL B. PATEL

Defendant.

and
JAIME RODRIQUEZ, ANTONIO GARCIA,
LONDON TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY and ORIENT EXPRESS

Add'l Defts.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 2007-491 C.D.

**ENTRY OF APPEARANCE
AND DEMAND FOR TRIAL BY TWELVE JURORS**

TO THE PROTHONOTARY:

Kindly enter our appearance and demand of a jury trial of twelve (12) jurors on behalf of Additional Defendant, Vadim Seletskiy and Orient Express in the above-captioned matter.

Dated: 6/4/07

POST & SCHELL, P.C.

By:

Zachary S. Davis, Esquire
Joseph R. Fowler, Esquire
Attorneys For Defendant

FILED NO CC
M/10:56/07
JUN 05 2007 @

William A. Shaw
Prothonotary/Clerk of Courts

(A)

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

MERLYN BRICEN and DEBORAH BRICEN,
t/d/b/a BRICEN TOWING and RECOVERY,
Plaintiffs

vs

VIRAL B. PATEL,

Defendant

vs.

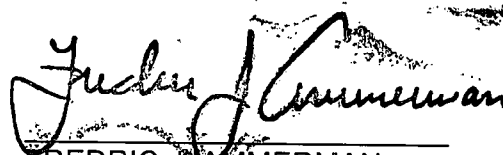
JAIME RODRIGUEZ, ANTONIO GARCIA,
LONDON TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY and ORIENT EXPRESS,
Additional Defendants

NO. 07-491-CD

ORDER

NOW, this 13th day of June, 2007, it is the ORDER of this Court that argument on the Additional Defendants, Vadim Seletskiy and Orient Expresses' Preliminary Objections to Defendant, Viral B. Patel's Joinder Complaint be and is hereby scheduled for the 10th day of July, 2007 at 2:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

(60)

FILED

9/2:30 am
JUN 13 2007

Dos Transportation
Rt 4 Box 94
Seaford DE 19973

William A. Shaw
Prothonotary/Clerk of Courts

ICC Attys:

Hopkins
Harper
Z. Davis
J. Fowler

ICC depts:

W. Emerson
9803 Magnolia
Dr.
Laurel DE
19956

J. Rodriguez
66 Sasser Ln
Clinton NC 28324

A. Garcia
PO Box 3142
Bakersfield CA
93385

London Transport
PO Box 3142
Bakersfield CA
93385

DATE: 6-13-07

☐ 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:

FILED

JUN 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

No. 2007-491 C.D.

FILED

JUN 15 2007 (GK)
11:50
William A. Shaw
Prothonotary/Clerk of Courts
1 Cent to Army

Type of Pleading: Amended Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

NOTICE

TO DEFENDANTS:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

3. It is believed that Defendant, Antonio Garcia, is an adult individual whose mailing address is P.O. Box 3142, Bakersfield, California 93385.

4. It is believed that Defendant, London Transport, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association whose mailing address is P.O. Box 3142, Bakersfield, California 93385

5. It is believed that Defendant, William Emerson, is an adult individual who resides at 9803 Magnolia Drive, Laurel, Delaware 19956.

6. It is believed that Defendant, DOS Transportation, Inc., is a corporation with offices located at Route 4, Box 94, Seaford, Delaware, 19973.

7. It is believed that Defendant, Vadim Seletskiy, is an adult individual who resides or otherwise maintains a business office at 750 126th Avenue NE, Blaine, Minnesota 55434.

8. It is believed that Defendant, Orient Express, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association with offices located at 750 126th Avenue, NE, Blaine, Minnesota 55434.

FACTS

9. The Plaintiffs incorporate paragraphs 1 through 8 of this Amended Complaint by reference and make it a part hereof.

10. On or about October 20, 2006, Defendant, Jamie Rodriguez, was operating a 2002 Freightliner semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

11. At the above stated date and location, Defendant, Jamie Rodriguez, lost control of the semi-tractor trailer combination and caused it to crash and come to a rest along the northern berm of the eastbound lanes on Interstate 80.

12. At the same date and location, Defendant, William Emerson, was operating a 2005 Freightliner Classic XL semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

13. At the same date and location, Defendant, William Emerson, brought his vehicle to a stop and parked his vehicle in the left-hand eastbound lane of Interstate 80.

14. At the same date and location, Defendant, Viral B. Patel, was operating a 2003 Nissan Sentra in an easterly direction on Interstate 80 when his vehicle collided with Defendant, William Emerson's, vehicle in the left-hand eastbound lane of Interstate 80.

15. After the aforesaid collision occurred, Defendant, Vadim Seletskiy, was operating a 2006 Volvo DSVVN semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

16. Still after the aforesaid collision occurred, Defendant, Vadim Seletskiy, lost control of the vehicle he was operating and the trailer portion of said vehicle struck the Defendant, Viral B. Patel's, vehicle.

17. The impact between the vehicle operated by Defendant, Vadim Seletskiy, and the vehicle operated by Defendant, Viral B. Patel, caused Defendant, Viral B. Patel's, vehicle to become trapped under the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy.

18. The vehicle operated by Defendant, Viral B. Patel, became engulfed in flames and was destroyed.

COUNT I – UNJUST ENRICHMENT

19. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

20. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

21. On or about October 20, 2006, Plaintiffs were called to an accident along the east bound lanes of Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania..

22. In said accident, Defendant, Viral B. Patel's, motor vehicle was crushed underneath the trailer portion of a vehicle operated by Defendant, Vadim Seletskiy.

23. Plaintiffs removed the Defendant, Viral B. Patel's, motor vehicle from underneath the trailer portion of Defendant, Viral B. Patel's, vehicle.

24. Plaintiffs incurred costs of \$5,200.00.

25. Defendants were enriched by having Viral B. Patel's motor vehicle freed from the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy, and if Defendants did not pay Plaintiffs for the same; therefore, Defendants were unjustly enriched to the detriment of Plaintiffs.

26. Under the theory of Unjust Enrichment, Defendants are indebted to Plaintiffs in the amount of \$5,200.00 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

27. The Plaintiffs incorporate paragraphs 1 through 26 of this Amended Complaint by reference and make it a part hereof.

28. In alternative to Plaintiffs' recovery under the theory of Unjust Enrichment, Plaintiffs are entitled to recover from Defendants, under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT III **Defendant, Jamie Rodriguez**

29. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

30. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Jamie Rodriguez.

31. As a result of Defendant, Jamie Rodriguez's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Jamie Rodriguez, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT IV
Defendant, Antonio Garcia

32. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 29 through 31 of this Amended Complaint by reference and make it a part hereof.

33. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, Antonio Garcia, and at all times material hereto was acting within the scope of said employment or agency.

34. Therefore, Defendant, Antonio Garcia, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, Antonio Garcia, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT V
Defendant, London Transport

35. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 29 through 31 of this Amended Complaint by reference and make it a part hereof.

36. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, London Transport, and at all times material hereto was acting within the scope of said employment or agency.

37. Therefore, Defendant, London Transport, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, London Transport, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VI
Defendant, William Emerson

38. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

39. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, William Emerson.

40. As a result of Defendant, William Emerson's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, William Emerson, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VII
Defendant, DOS Transportation, Inc.

41. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 38 through 40 of this Amended Complaint by reference and make it a part hereof.

42. At the time of the accident described above, Defendant, William Emerson, was acting as an employee, agent, representative, workman or servant of the Defendant, DOS

Transportation, Inc., and at all times material hereto was acting within the scope of said employment or agency.

43. Therefore, Defendant, DOS Transportation, Inc., is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VIII
Defendant, Vadim Seletskiy

44. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

45. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Vadim Seletskiy.

46. As a result of Defendant, Vadim Seletskiy's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Vadim Seletskiy, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT IX
Defendant, Orient Express

47. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 44 through 46 of this Amended Complaint by reference and make it a part hereof.

48. At the time of the accident described above, Defendant, Vadim Seletskiy, was acting as an employee, agent, representative, workman or servant of the Defendant, Orient Express, and at all times material hereto was acting within the scope of said employment or agency.

49. Therefore, Defendant, Orient Express, is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT X
Defendant, Viral B. Patel

50. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

51. The accident described above was cause in whole or in part by Defendant, Viral B. Patel.

52. As a result of Defendant, Viral B. Patel's, negligent and careless conduct as described in paragraph 10 through paragraph 18, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

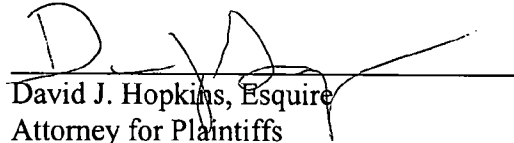
No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Amended Complaint, filed on behalf of Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 14th day of June, 2007 by U.S. Mail, first class, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Amended Complaint, filed on behalf of Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 18th day of June, 2007 by U.S. Mail, certified mail, to:

BY CERTIFIED MAIL TO:

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

Antonio Garcia
P.O. Box 3142
Bakersfield, CA 93385

FILED

JUN 19 2007

0/21/07

William A. Shaw (6K)
Prothonotary/Clerk of Courts

NO C/C

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

FILED

JUN 19 2007

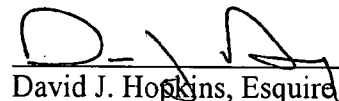
William A. Shaw
Prothonotary/Clerk of Courts

h u c/c (GK)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Amended Complaint, filed on behalf of Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 18th day of June, 2007 by U.S. Mail, first class, postage prepaid, to:

Zachary S. Davis, Esquire
Post & Schell, P.C.
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

MERLYN BRICEN and DEBORAH BRICEN,
t/d/b/a BRICEN TOWING and RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,

Defendant

vs.

JAIME RODRIGUEZ, ANTONIO GARCIA,
LONDON TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY and ORIENT EXPRESS,
Additional Defendants

NO. 07-491-CD

ORDER

NOW, this 13th day of June, 2007, it is the ORDER of this Court that argument on the Additional Defendants, Vadim Seletskiy and Orient Expresses' Preliminary Objections to Defendant, Viral B. Patel's Joinder Complaint be and is hereby scheduled for the 10th day of July, 2007 at 2:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

/s/ Fredric J Ammerman

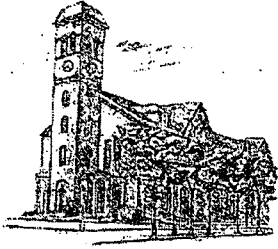
FREDRIC J. AMMERMAN
President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 13 2007

Attest.

William D. Shaw
Prothonotary/
Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 6-13-07

_____ 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

X Defendant(s) X Defendant(s) Attorney

_____ Special Instructions:

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

FILED
JUN 20 2007
William A. Shaw
Prothonotary/Clerk of Courts

NMR
Jamie Rodriguez
66 Sasser Lane
Clinton, NC 28326



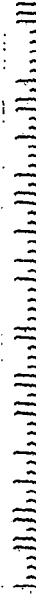
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RETURN TO SENDER
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BC: 1583005493 *2343-17274-14-38

25325+5321
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MERLYN BRICEN and DEBORAH BRICEN, *
t/d/b/a BRICEN TOWING and RECOVERY, *
Plaintiffs *

vs. *

VIRAL B. PATEL, *

Defendant *

vs. *

JAIME RODRIGUEZ, ANTONIO GARCIA, *
LONDON TRANSPORT, WILLIAM EMERSON, *
DOS TRANSPORTATION, INC., VADIM *
SELETSKIY and ORIENT EXPRESS, *
Additional Defendants *

NO. 07-491-CD

ORDER

NOW, this 13th day of June, 2007, it is the ORDER of this Court that argument on the Additional Defendants, Vadim Seletskiy and Orient Expresses' Preliminary Objections to Defendant, Viral B. Patel's Joinder Complaint be and is hereby scheduled for the 16th day of July, 2007 at 2:30pm in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

/s/ Fredric J Ammerman

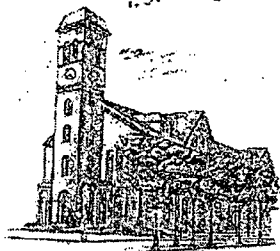
FREDRIC J. AMMERMAN
President Judge

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 13 2007

Attest.

William L. Shuman
Prothonotary/
Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 6-13-07

_____ 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

X Defendant(s) X Defendant(s) Attorney

_____ Special Instructions:

POST & SCHELL, P.C.
BY: ANDREW J. HAAS
I.D. #: 200895
13TH FLOOR
FOUR PENN CENTER
1600 JOHN F KENNEDY BLVD.
PHILADELPHIA, PA 19103
215-587-1000

ATTORNEYS FOR ADD'L DEFT,
Vadim Seletskiy and Orient Express

MERLYN BRICEN and DEBORAH BRICEN,
t/d/b/a BRICEN TOWING & RECOVERY

Plaintiffs,

v.

VIRAL B. PATEL

Defendant.

and

JAIME RODRIQUEZ, ANTONIO GARCIA,
LONDON TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY and ORIENT EXPRESS

Add'l Defts.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 2007-491 C.D.

"ADDITIONAL"
ENTRY OF APPEARANCE
AND DEMAND FOR TRIAL BY TWELVE JURORS

TO THE PROTHONOTARY:

Kindly enter my appearance and demand of a jury trial of twelve (12) jurors on behalf of Additional Defendants, Vadim Seletskiy and Orient Express in the above-captioned matter.

Dated: 6/24/07

POST & SCHELL, P.C.

By: 

Andrew J. Haas, Esquire
Attorney For Defendant

FILED *no cc*
m11:2361
JUN 25 2007 *CR*

William A. Shaw
Prothonotary/Clerk of Courts



Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103
215-587-1000 Main
215-587-1444 Fax
www.postschell.com

Joseph R. Fowler

jfowler@postschell.com
215-587-1003 Direct
215-320-4170 Fax

June 20, 2007

Judge Frederic J. Ammerman
President Judge
Clearfield County Court of Common Pleas
Civil Division
P.O. Box 549
Clearfield, PA 16830

RE: Bricen v. Patel v. Orient Express, et al.
CCP, Clearfield County, No. 07-491-CD

Dear Judge Ammerman:

Enclosed please find the Entry of Appearance of Andrew Haas, who will serve as co-counsel in the above-captioned matter. Please note that Mr. Haas will attend the Oral Argument that is currently scheduled for July 10, 2007 at 2:30 p.m.

Very truly yours,



Joseph R. Fowler

JRF:ejs
Enclosure

vs.

Defendant.

VS.

Additional Defendants.

* Civil Action - Law

* Number 2007 - 491 C.D.

FILED 2cc/Harper
9/11/07 (will serve)
JUL 10 2007 (GL)

William A. Shaw
Prothonotary/Clerk of Courts

AND NOW, this 10th day of July, 2007, the Additional Defendants,

Vadim Seletskiy and Orient Express, having filed Preliminary Objections to the Defendant, Viral B. Patel's, Complaint to Join Additional Defendants, and the Court having scheduled an Oral Argument on said Preliminary Objections for July 10, 2007, at 2:30 p.m.; and the parties having reached a Stipulation filed with the Court disposing of said Preliminary Objections,

IT IS HEREBY ORDERED THAT said Preliminary Objections are withdrawn and the Oral Argument is canceled.

BY THE COURT.

Fredric J. Ammerman, P.J.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

Does not need sent upstairs -
order attached was already
signed separately.

FILED

JUL 24 2007

William A. Shaw
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Stipulation on Preliminary
Objections

Filed on behalf of: Defendant, Viral B.
Patel, and Additional Defendants, Vadim
Seletskiy and Orient Express

Counsel of Record for Defendant, Viral B.
Patel:

Troy J. Harper
Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

Counsel of Record for Additional
Defendants, Vadim Seletskiy and Orient
Express:

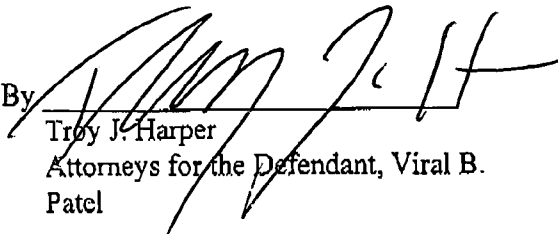
Andrew Haas, Esq.
Supreme Court Number: 200895

POST & SHELL, P.C.
13th Floor
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

3. An Amended Complaint to Join Additional Defendants does not need to be filed to reflect the above-mentioned changes.
4. The Additional Defendants, Vadim Seletskiy and Orient Express, hereby withdraw the Preliminary Objections to the Complaint to Join Additional Defendant.
5. The parties consent to the entry of the Order attached hereto as "Exhibit A".

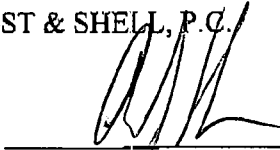
DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant, Viral B.
Patel

POST & SHELL, P.C.

By


Andrew Haas, Esq.
Attorneys for the Additional Defendants,
Vadim Seletskiy and Orient Express

A

DENNISON, DENNISON & HARPER

Attorneys at Law

Donald J. Dennison (1917 - 2002)
John C. Dennison, II
Troy J. Harper

293 Main Street
Brookville, PA 15825-1291
Telephone (814) 849-8316
Fax (814) 849-4656
E-Mail: ddhtroy@usachoice.net

July 23, 2007

William Shaw
Prothonotary of Clearfield County
Clearfield County Courthouse
230 E. Market Street
Clearfield, Pennsylvania 16830

RE: Bricen v. Patel v. Rodriguez, et al.
No. 2007 - 491 C.D.

Dear Mr. Shaw:

Enclosed is an original Stipulation to be filed in the above-captioned matter on behalf of the original Defendant, Viral B. Patel. Kindly file the same. There is no need to forward the Stipulation to the Court inasmuch as Judge Ammerman has previously entered an Order dated July 10, 2007, pursuant to the Stipulation.

Thank you for your cooperation. Please contact me if you have any questions.

Very truly yours,

DENNISON, DENNISON & HARPER



Troy J. Harper

cc: Andrew J. Haas, Esq.
David J. Hopkins, Esq.
(All w/enc: and copy of July 10, 2007 Order)

FILED *mp cc*
m 10:27/20
JUL 27 2007 *@*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH BRICEN
t/d/b/a BRICEN TOWING & RECOVERY,

Plaintiffs,

v.

VIRAL B. PATEL; JAMIE RODRIGUEZ;
ANTONIO GARCIA; LONDON
TRANSPORT; WILLIAM EMMERSON; DOS
TRANSPORTATION, INC.; VADIM
SELETSKIY; and ORIENT EXPRESS,

Defendants.

CIVIL DIVISION

No. 2007-491 C.D.

Issue No.

**ANSWER, NEW MATTER, AND NEW
MATTER PURSUANT TO RULE 2252(d)
AND/OR 1031.1**

Code:

Filed on behalf of Defendants, William
Emerson and DOS Transportation, Inc.

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

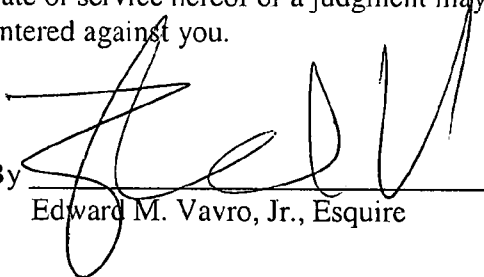
(412) 281-7272

NOTICE TO PLEAD

TO: All Parties

You are hereby notified to file a written
response to the enclosed Answer, New Matter,
and New Matter Pursuant to Rule 2252(d)
and/or 1031.1 within twenty (20) days from the
date of service hereof or a judgment may be
entered against you.

By


Edward M. Vavro, Jr., Esquire

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH)	CIVIL DIVISION
BRICEN t/d/b/a BRICEN TOWING &)	
RECOVERY,)	No. 2007-491 C.D.
)	
Plaintiffs,)	
)	
v.)	
)	
VIRAL B. PATEL; JAMIE RODRIGUEZ;)	
ANTONIO GARCIA; LONDON)	
TRANSPORT; WILLIAM EMMERSON;)	
DOS TRANSPORTATION, INC.; VADIM)	
SELETSKIY; and ORIENT EXPRESS,)	
)	
Defendants.)	

**ANSWER, NEW MATTER, AND NEW MATTER
PURSUANT TO RULE 2252(D) AND/OR 1031.1**

AND NOW, come the Defendants, William Emerson and DOS Transportation, by and through their attorneys, Dickie, McCamey & Chilcote, P.C. and Edward M. Vavro, Jr., Esquire, and hereby file the within Answer, New Matter, and New Matter Pursuant to Rule 2252(d) and/or 1031.1 and in response to Plaintiffs' Complaint avers as follows:

1. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 1 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

2. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 2 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

3. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 3 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

4. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 4 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

5. Admitted.

6. Admitted.

7. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 7 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

8. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 8 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

9. With regard to Paragraph 9 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 8 above, as if the same were set forth herein at length.

10. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in

Paragraph 10 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 11 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

12. Admitted.

13. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 13 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

14. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 14 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

15. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 15 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

16. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 16 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

17. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 17 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

18. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 18 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT I – UNJUST ENRICHMENT

19. With regard to Paragraph 19 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 18 above, as if the same were set forth herein at length.

20. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 20 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

21. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 21 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

22. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 22 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

23. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 23 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

24. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 24 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

25. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 25 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

26. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 26 of Plaintiffs' Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT II – QUANTUM MERUIT

27. With regard to Paragraph 27 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 26 above, as if the same were set forth herein at length.

28. The allegations set forth in Paragraph 28 of Plaintiffs' Amended Complaint attempt to set forth conclusions of law to which no response is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT III
Defendant, Jamie Rodriguez

29. With regard to Paragraph 29 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 28 above, as if the same were set forth herein at length.

30. The allegations set forth in Paragraph 30 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 30 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

31. The allegations set forth in Paragraph 31 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 31 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT IV
Defendant, Antonio Garcia

32. With regard to Paragraph 32 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 31 above, as if the same were set forth herein at length.

33. The allegations set forth in Paragraph 33 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 33 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

34. The allegations set forth in Paragraph 34 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 34 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT V
Defendant, London Transport

35. With regard to Paragraph 35 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 34 above, as if the same were set forth herein at length.

36. The allegations set forth in Paragraph 36 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 36 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

37. The allegations set forth in Paragraph 37 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 37 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT VI
Defendant, William Emerson

38. With regard to Paragraph 38 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 37 above, as if the same were set forth herein at length.

39. The allegations set forth in Paragraph 39 of Plaintiffs' Amended Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

40. The allegations set forth in Paragraph 40 of Plaintiffs' Amended Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT VII
Defendant, DOS Transportation, Inc.

41. With regard to Paragraph 41 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 40 above, as if the same were set forth herein at length.

42. At the time of the subject accident, Defendant William Emerson was an employee of DOS Transportation and Defendant Emerson was in the course and scope of his employment with DOS Transportation.

43. The allegations set forth in Paragraph 43 of Plaintiffs' Amended Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT VIII
Defendant, Vadim Seletskiy

44. With regard to Paragraph 44 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 43 above, as if the same were set forth herein at length.

45. The allegations set forth in Paragraph 45 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 45 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

46. The allegations set forth in Paragraph 46 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 46 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT IX
Defendant, Orient Express

47. With regard to Paragraph 47 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 46 above, as if the same were set forth herein at length.

48. The allegations set forth in Paragraph 48 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 48 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

49. The allegations set forth in Paragraph 49 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 49 of Plaintiffs' Amended Complaint attempt to

impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT X
Defendant, Viral B. Patel

50. With regard to Paragraph 50 of Plaintiffs' Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 49 above, as if the same were set forth herein at length.

51. The allegations set forth in Paragraph 51 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 51 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

52. The allegations set forth in Paragraph 52 of Plaintiffs' Amended Complaint are not directed to these Defendants; and, therefore, no response is required. To the extent that the allegations set forth in Paragraph 52 of Plaintiffs' Amended Complaint attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

NEW MATTER

By way of further response, to the entirety of Plaintiffs' Amended Complaint, Defendants William Emerson and DOS Transportation, Inc. set forth the following New Matter on advice of counsel so as not to waive any defenses later available to these Defendants notwithstanding these Defendants' present lack of knowledge of the circumstances complained of in Plaintiffs' Amended Complaint.

53. Plaintiffs' Amended Complaint fails to state a claim upon which relief can be granted.

54. To the extent justified by the evidence developed through discovery or introduced at the time of trial, all claims alleged in Plaintiffs' Amended Complaint are barred by the applicable statute of limitations.

55. To the extent justified by the evidence developed through discovery or introduced at the time of trial, Defendants raise Plaintiffs' negligence as a complete and/or partial bar to any recovery. To the extent that it is established by competent evidence that Plaintiffs' damages were caused and contributed to by persons or entities or circumstances beyond the control of these Defendants, then these Defendants plead that Plaintiffs' claims are barred in whole or in part by theories of intervening cause or superseding cause.

56. To the extent that it is established by competent evidence that Plaintiffs have failed to mitigate their damages, that affirmative defense is hereby asserted as a complete and/or partial bar to any recovery.

57. The Defendants raise the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. § 1701, *et. seq.*, as a complete and/or partial bar to any of Plaintiffs' recovery.

58. To the extent justified by the evidence developed through discovery or introduced at the time of trial, the Defendants raise all defenses set forth in Pa. R. Civ. Pro. 1030(a).

59. To the extent that it is established by competent evidence that the Defendant, William Emerson, was confronted with a set of circumstances constituting a sudden

emergency not of his own making, that affirmative defense is hereby asserted as a complete and/or partial bar to any recovery.

60. The acts or omissions giving rise to the damages or occurrences alleged in Plaintiffs' Amended Complaint are those of a third party or parties or entities for which these Defendants are not liable or responsible. Additionally, Plaintiffs' damages were caused in whole or in part by parties and/or entities other than these Defendants.

NEW MATTER PURSUANT TO RULE 2252(d) AND/OR 1031.1

By way of New Matter Pursuant to Rule 2252(d) and/or 1031.1 these Defendants aver as follows:

61. The averments set forth in Paragraphs 1 through 60 of the foregoing Answer and New Matter are incorporated herein by reference as if the same were more fully set forth herein at length.

62. If the Plaintiffs have been injured and damaged as alleged, which injuries and damages are again specifically denied, then these Defendants aver that Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express are directly liable to the Plaintiffs or liable over to these Defendants for contribution and/or indemnity in the event that these Defendants are found to be liable, which liability is expressly denied for reasons set forth in Plaintiffs' Amended Complaint. These Defendants preserve their rights to either contribution and/or indemnity from Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express.

63. To the extent justified by the evidence developed through discovery or introduced at the time of trial, these Defendants have paid all of their towing expenses in connection with the subject accident.

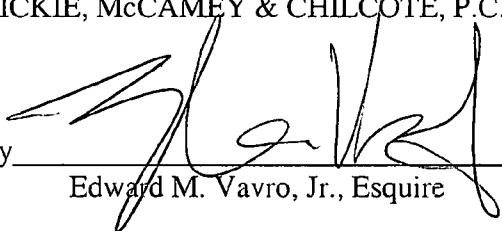
WHEREFORE, by this New Matter, Defendants William Emerson and DOS Transportation, Inc. assert that Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express are solely liable to the Plaintiffs or, in the alternative, liable to these Defendants for their contribution and/or indemnification.

JURY TRIAL DEMANDED.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By



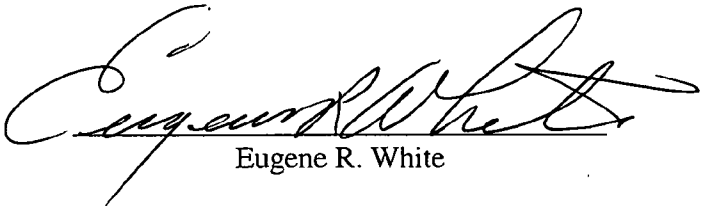
Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William Emerson and
DOS Transportation, Inc.

VERIFICATION

I, Eugene R. White, Safety Director, of DOS Transportation, have read the foregoing Answer, New Matter, and New Matter Pursuant to Rule 2252(d) and/or 1031.1. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.


Eugene R. White

DATED 7-11-07

CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing Answer, New Matter and New Matter Pursuant to Rule 2252(d) and/or 103.1 have been served this 25 day of July, 2007, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801
(Attorney for Plaintiffs)

Eric B. Jenkins, Esquire
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102

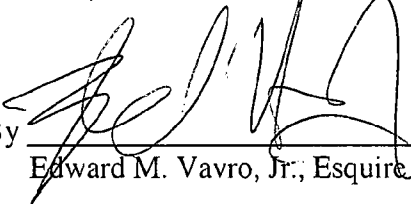
Troy J. Harper, Esquire
John C. Dennison, II, Esquire
Dennison Dennison & Harper
293 Main Street
Brookville, PA 15825

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

Zachary S. Davis, Esquire
Joseph R. Fowler, Esquire
13th Floor
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

Antonio Garcia/London Transport
P.O. Box 3142
Bakersfield, CA 93385

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Edward M. Vavro, Jr., Esquire

Attorneys for Defendants,
William Emerson and DOS
Transportation, Inc.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiff,

vs.

VIRAL B. PATEL,
Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,
Additional Defendants.

CIVIL ACTION - LAW

NUMBER 2007 - 491 C.D.

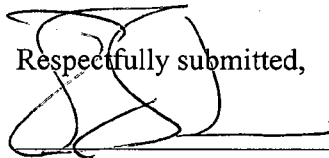
CIVIL DIVISION

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Defendant, Antonio Garcia in regards to the
above-captioned matter.

Respectfully submitted,



Erik B. Jensen, Esquire
Attorney I.D. #40330
1528 Walnut Street, Suite 1401
Philadelphia, PA 19102
(215) 546-4700

FILED
JUL 30 2007

William A. Shaw
Prothonotary/Clerk of Courts

copy to CIA
(EK)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH BRICEN
t/d/b/a BRICEN TOWING & RECOVERY,

Plaintiffs,

v.

VIRAL B. PATEL;

Defendant,

v.

JAMIE RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMMERSON; DOS TRANSPORTATION,
INC.; VADIM SELETSKIY; and ORIENT
EXPRESS,

Additional Defendants.

NOTICE TO PLEAD

TO: All Parties

You are hereby notified to file a written
response to the enclosed Answer, New Matter,
and New Matter Pursuant to Rule 2252(d)
and/or 1031.1 within twenty (20) days from the
date of service hereof or a judgment may be
entered against you.

By


Edward M. Vavro, Jr., Esquire

CIVIL DIVISION

No. 2007-491 C.D.

Issue No.

**ANSWER, NEW MATTER, AND NEW
MATTER PURSUANT TO RULE 2252(d)
AND/OR 1031.1 FILED IN RESPONSE
TO DEFENDANT'S COMPLAINT TO
JOIN**

Code:

Filed on behalf of Additional Defendants,
William Emerson and DOS Transportation,
Inc.

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED ^{NP} ^{CC}
10/11/08
AUG 09 2007 (64)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH)	CIVIL DIVISION
BRICEN t/d/b/a BRICEN TOWING &)	
RECOVERY,)	No. 2007-491 C.D.
)	
Plaintiffs,)	
)	
v.)	
)	
VIRAL B. PATEL;)	
)	
Defendant,)	
)	
v.)	
)	
JAMIE RODRIGUEZ; ANTONIO GARCIA;)	
LONDON TRANSPORT; WILLIAM)	
EMMERSON; DOS TRANSPORTATION,)	
INC.; VADIM SELETSKIY; and ORIENT)	
EXPRESS,)	
)	
Additional Defendants.)	

ANSWER, NEW MATTER, AND NEW MATTER
PURSUANT TO RULE 2252(D) AND/OR 1031.1 FILED IN RESPONSE
TO DEFENDANT'S COMPLAINT TO JOIN

AND NOW, comes the Additional Defendants, William Emerson and DOS Transportation, by and through their attorneys, Dickie, McCamey & Chilcote, P.C. and Edward M. Vavro, Jr., Esquire, and hereby files the following Answer, New Matter, and New Matter Pursuant to Rule 2252(d) and/or 1031.1 and in response to Defendant's Complaint to Join and avers as follows:

1. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 1 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

2. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 2 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

3. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 3 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

4. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 4 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

5. Admitted.

6. Admitted.

7. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 7 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

8. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 8 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

9. A copy of the Complaint referenced in Defendant's Complaint to Join is attached to Defendant's Complaint to Join and therefore Exhibit A speaks for itself.

10. A copy of the Notice of Judgment referenced in Defendant's Complaint to Join is attached to Defendant's Complaint to Join as Exhibit B, and therefore Exhibit B speaks for itself.

11. A copy of the Notice of Appeal from District Justice Judgment is attached to Defendant's Complaint to Join as Exhibit C, and therefore, Exhibit C speaks for itself.

12. A copy of Plaintiff's Original Complaint is attached to Defendant's Complaint to Join as Exhibit D, and therefore, Exhibit D speaks for itself.

13. Plaintiff's Complaint is attached to Defendant's Complaint to Join, and therefore speaks for itself. To the extent that the allegations in Paragraph 13 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

14. Plaintiff's Complaint is attached to Defendant's Complaint to Join, and therefore speaks for itself. To the extent that the allegations in Paragraph 14 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

15. Plaintiff's Complaint is attached to Defendant's Complaint to Join, and therefore speaks for itself. To the extent that the allegations in Paragraph 15 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

16. Plaintiff's Complaint is attached to Defendant's Complaint to Join, and therefore speaks for itself. To the extent that the allegations in Paragraph 16 of Defendant's

Complaint to Join attempt to impose any liability upon these Defendants, the same are denied and strict proof thereof is demanded at the time of trial.

17. A copy of Defendant's Answer referenced in Paragraph 17 of Defendant's Complaint to Join is attached to Defendant's Complaint to Join as Exhibit E, and therefore, speaks for itself. To the extent that the allegations in Paragraph 17 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

**AVERMENTS AS TO THE ACCIDENT
DIRECTED TO ALL ADDITIONAL DEFENDANTS**

18. With regard to Paragraphs 1 through 17 of Defendant's Complaint to Join, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 17 above, as if the same were set forth herein at length.

19. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 19 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

20. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 20 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

21. It is admitted at the time of the subject accident that Additional Defendant William Emerson was operating a 2005 Freightliner Classic XL with vehicle identification number of 1FUJAPCK65DU45651, a semi-tractor trailer combination in an easterly direction on Interstate 80 in Lawrence Township, Clearfield County, Pennsylvania.

22. The allegations set forth in Paragraph 22 of Defendant's Complaint to Join attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

23. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 23 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

24. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 24 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

25. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 25 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

26. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 26 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

27. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in

Paragraph 27 of Defendant's Complaint to Join. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT I
DIRECTED TO ADDITIONAL DEFENDANT, JAIME RODRIGUEZ

28. With regard to Paragraphs 1 through 27 of Defendant's Complaint to Join, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 27 above, as if the same were set forth herein at length.

29. The allegations set forth in Paragraph 29, including subparagraphs (a) through (i) of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 29 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

30. The allegations set forth in Paragraph 30 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 30 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

31. The allegations set forth in Paragraph 31 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 31 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT II
DIRECTED TO ADDITIONAL DEFENDANT, ANTONIO GARCIA

32. With regard to Paragraphs 1 through 31 of Defendant's Complaint to Join, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 31 above, as if the same were set forth herein at length.

33. The allegations set forth in Paragraph 33 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 33 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

34. The allegations set forth in Paragraph 34 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 34 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT III
DIRECTED TO ADDITIONAL DEFENDANT, LONDON TRANSPORT

35. With regard to Paragraphs 1 through 34 of Defendant's Complaint to Join, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 34 above, as if the same were set forth herein at length.

36. The allegations set forth in Paragraph 36 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 36 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

37. The allegations set forth in Paragraph 37 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 37 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT IV
DIRECTED TO ADDITIONAL DEFENDANT, WILLIAM EMERSON

38. With regard to Paragraphs 1 through 37 of Defendant's Complaint to Join, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 37 above, as if the same were set forth herein at length.

39. The allegations set forth in Paragraph 39, including subparagraphs (a) through (g) of Defendant's Complaint to Join attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

40. The allegations set forth in Paragraph 40 of Defendant's Complaint to Join attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

41. The allegations set forth in Paragraph 41 of Defendant's Complaint to Join attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT V
DIRECTED TO ADDITIONAL DEFENDANT, DOS TRANSPORTATION, INC.

42. With regard to Paragraphs 1 through 41 of Defendant's Complaint to Join, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 41 above, as if the same were set forth herein at length.

43. It is admitted at the time of the subject accident, Defendant William Emerson was an employee working for his employer, Defendant DOS Transportation, and he was acting in the course and scope of his employment at the time of the subject accident.

44. The allegations set forth in Paragraph 44 of Defendant's Complaint to Join attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT VI
DIRECTED TO ADDITIONAL DEFENDANT, VADIM SELETSKIY

45. With regard to Paragraphs 1 through 44 of Defendant's Complaint to Join, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 44 above, as if the same were set forth herein at length.

46. The allegations set forth in Paragraph 46, including subparagraphs (a) through (k) of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 46 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

47. The allegations set forth in Paragraph 47 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 47 of Defendant's Complaint to Join attempt to impose any

liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

48. The allegations set forth in Paragraph 48 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 48 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT VII
DIRECTED TO ADDITIONAL DEFENDANT, ORIENT EXPRESS

49. With regard to Paragraphs 1 through 48 of Defendant's Complaint to Join, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 48 above, as if the same were set forth herein at length.

50. The allegations set forth in Paragraph 50 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 50 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

51. The allegations set forth in Paragraph 51 of Defendant's Complaint to Join are not directed to these Defendants, and therefore, no response is required. To the extent that the allegations set forth in Paragraph 51 of Defendant's Complaint to Join attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

NEW MATTER

By way of further response, to the entirety of Defendant's Complaint to Join, Defendants William Emerson and DOS Transportation, Inc. set forth the following New Matter on advice of counsel so as not to waive any defenses later available to these Defendants notwithstanding these Defendants' present lack of knowledge of the circumstances complained of in Defendant's Complaint to Join.

52. Defendant's Complaint to Join fails to state a claim upon which relief can be granted.

53. To the extent justified by the evidence developed through discovery or introduced at the time of trial, all claims alleged in Defendant's Complaint to Join are barred by the applicable statute of limitations.

54. To the extent justified by the evidence developed through discovery or introduced at the time of trial, Defendants raise Plaintiffs' negligence as a complete and/or partial bar to any recovery.

55. To the extent that it is established by competent evidence that Plaintiffs' damages were caused and contributed to by persons or entities or circumstances beyond the control of these Defendants, then these Defendants plead that Plaintiffs' claims are barred in whole or in part by theories of intervening cause or superseding cause.

56. To the extent that it is established by competent evidence that Plaintiffs have failed to mitigate their damages, that affirmative defense is hereby asserted as a complete and/or partial bar to any recovery.

57. The Defendants raise the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. § 1701, *et. seq.*, as a complete and/or partial bar to any of Plaintiffs' recovery.

58. To the extent justified by the evidence developed through discovery or introduced at the time of trial, the Defendants raise all defenses set forth in Pa. R. Civ. Pro. 1030(a).

59. To the extent that it is established by competent evidence that the Defendant, William Emerson, was confronted with a set of circumstances constituting a sudden emergency not of his own making, that affirmative defense is hereby asserted as a complete and/or partial bar to any recovery.

60. The acts or omissions giving rise to the damages or occurrences alleged in Defendant's Complaint to Join are those of a third party or parties or entities for which these Defendants are not liable or responsible.

61. Additionally, Plaintiffs' damages were caused in whole or in part by parties and/or entities other than these Defendants.

62. To the extent justified by the evidence developed through discovery or introduced at the time of trial, these Defendants have paid all of their towing expenses in connection with the subject accident.

NEW MATTER PURSUANT TO RULE 2252(d) AND/OR 1031.1

By way of New Matter Pursuant to Rule 2252(d) and/or 1031.1 these Defendants aver as follows:

63. The averments set forth in Paragraphs 1 through 62 of the foregoing Answer and New Matter are incorporated herein by reference as if the same were more fully set forth herein at length.

64. If the Plaintiffs have been injured and damaged as alleged, which injuries and damages are again specifically denied, then these Defendants aver that Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express

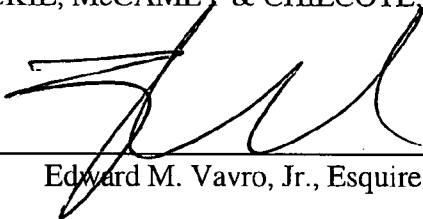
are directly liable to the Plaintiffs or liable over to these Defendants for contribution and/or indemnity in the event that these Defendants are found to be liable, which liability is expressly denied for reasons set forth in Defendant's Complaint to Join. These Defendants preserve their rights to either contribution and/or indemnity from Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express.

WHEREFORE, by this New Matter, Defendants William Emerson and DOS Transportation, Inc. assert that Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express are solely liable to the Plaintiffs or, in the alternative, liable to these Defendants for their contribution and/or indemnification.

JURY TRIAL DEMANDED.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

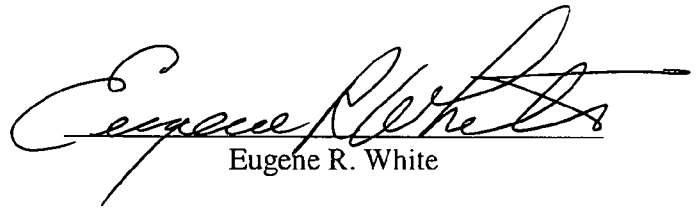
By  _____
Edward M. Vavro, Jr., Esquire

Attorneys for Additional Defendants,
William Emerson and DOS Transportation, Inc.

VERIFICATION

I, Eugene R. White, Safety Director, of DOS Transportation, have read the foregoing Answer, New Matter, and New Matter Pursuant to Rule 2252(d) and/or 1031.1 to Defendant's Complaint to Join. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.


Eugene R. White

DATED 7-25-07

CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing Answer, New Matter and New Matter Pursuant to Rule 2252(d) and/or 103.1 filed in response to Defendant's Complaint to Join have been served this 7 day of August, 2007, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801
(Attorney for Plaintiffs)

Eric B. Jenkins, Esquire
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102

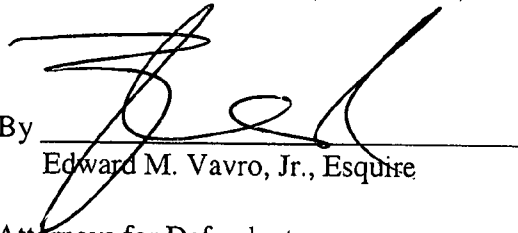
Troy J. Harper, Esquire
John C. Dennison, II, Esquire
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293 Main Street
Brookville, PA 15825

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

Zachary S. Davis, Esquire
Joseph R. Fowler, Esquire
13th Floor
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

Antonio Garcia/London Transport
P.O. Box 3142
Bakersfield, CA 93385

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Edward M. Vavro, Jr., Esquire

Attorneys for Defendants,
William Emerson and DOS
Transportation, Inc.

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

No. 2007-491 C.D.

FILED No CC.
9/2:55 LM
SEP 19 2007
(S)

William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading: Petition to Amend
Complaint

Filed on behalf of: Merlyn Bricen
and Deborah Bricen t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(814) 375-0300

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

PETITION TO AMEND COMPLAINT

AND NOW, comes the Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and states as follows:

1. On April 12, 2007, Plaintiffs filed a Complaint against Defendant, Viral B. Patel, at the above term and number. A true and correct copy of Plaintiffs' Complaint is attached hereto as Exhibit "A."

2. On June 15, 2007, Plaintiffs filed its first Amended Complaint naming additional Defendants. A true and correct copy of Plaintiffs' Amended Complaint is attached hereto as Exhibit "B".

3. In conversations between Plaintiffs and their attorney, it appears Plaintiffs' damages exceed the amount set forth in the original Complaint and the amount Plaintiffs are due total \$10,255.57.

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

Type of Pleading: Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

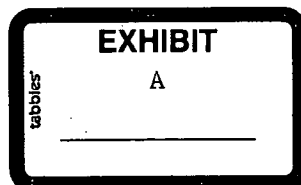
(814) 375-0300

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 12 2007

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts



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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007- 491 C.D

NOTICE

TO DEFENDANT:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant

No. 2007-491 C.D.

COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Complaint against Defendant, Viral B. Patel, and in support thereof says as follows:

COUNT I – UNJUST ENRICHMENT

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

4. In or about 2007, Plaintiffs were called to an accident along Interstate 80, Clearfield County, Pennsylvania.

5. Defendant's motor vehicle was crushed underneath a tractor trailer.

6. Plaintiffs removed the tractor trailer from Defendant's motor vehicle.
7. Plaintiffs incurred costs of \$5,200.00.
8. Defendant was enriched by having his motor vehicle freed from the tractor trailer and if Defendant did not pay Plaintiffs, then Defendant would be unjustly enriched to the detriment of Plaintiffs.
9. Under the theory of Unjust Enrichment, Defendant is indebted to Plaintiffs in the amount of \$5,200.00 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

10. Plaintiffs repeat the allegations of Count I as if set forth at length herein.
11. Plaintiffs are entitled to recover from Defendant under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendant in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 

David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL,
Defendant


No. 2007

C.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Complaint, filed on behalf of Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 12th day of April, 2007 by U.S. Mail, first class, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

No. 2007-491 C.D.

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUN 15 2007

Attest.

William A. Breen
Prothonotary/
Clerk of Courts

Type of Pleading: Amended Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

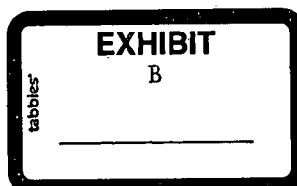
HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300



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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

NOTICE

TO DEFENDANTS:

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.

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

AMENDED COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Amended Complaint against Defendants, Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, William Emerson, DOS Transportation, Inc., Vadim Seletskiy, and Orient Express and in support thereof says as follows:

PARTIES

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. It is believed that Defendant, Antonio Garcia, is an adult individual whose mailing address is P.O. Box 3142, Bakersfield, California 93385.

4. It is believed that Defendant, London Transport, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association whose mailing address is P.O. Box 3142, Bakersfield, California 93385

5. It is believed that Defendant, William Emerson, is an adult individual who resides at 9803 Magnolia Drive, Laurel, Delaware 19956.

6. It is believed that Defendant, DOS Transportation, Inc., is a corporation with offices located at Route 4, Box 94, Seaford, Delaware, 19973.

7. It is believed that Defendant, Vadim Seletskiy, is an adult individual who resides or otherwise maintains a business office at 750 126th Avenue NE, Blaine, Minnesota 55434.

8. It is believed that Defendant, Orient Express, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association with offices located at 750 126th Avenue, NE, Blaine, Minnesota 55434.

FACTS

9. The Plaintiffs incorporate paragraphs 1 through 8 of this Amended Complaint by reference and make it a part hereof.

10. On or about October 20, 2006, Defendant, Jamie Rodriguez, was operating a 2002 Freightliner semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

11. At the above stated date and location, Defendant, Jamie Rodriguez, lost control of the semi-tractor trailer combination and caused it to crash and come to a rest along the northern berm of the eastbound lanes on Interstate 80.

12. At the same date and location, Defendant, William Emerson, was operating a 2005 Freightliner Classic XL semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

13. At the same date and location, Defendant, William Emerson, brought his vehicle to a stop and parked his vehicle in the left-hand eastbound lane of Interstate 80.

14. At the same date and location, Defendant, Viral B. Patel, was operating a 2003 Nissan Sentra in an easterly direction on Interstate 80 when his vehicle collided with Defendant, William Emerson's, vehicle in the left-hand eastbound lane of Interstate 80.

15. After the aforesaid collision occurred, Defendant, Vadim Seletskiy, was operating a 2006 Volvo DSVVN semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

16. Still after the aforesaid collision occurred, Defendant, Vadim Seletskiy, lost control of the vehicle he was operating and the trailer portion of said vehicle struck the Defendant, Viral B. Patel's, vehicle.

17. The impact between the vehicle operated by Defendant, Vadim Seletskiy, and the vehicle operated by Defendant, Viral B. Patel, caused Defendant, Viral B. Patel's, vehicle to become trapped under the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy.

18. The vehicle operated by Defendant, Viral B. Patel, became engulfed in flames and was destroyed.

COUNT I – UNJUST ENRICHMENT

19. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

20. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

21. On or about October 20, 2006, Plaintiffs were called to an accident along the east bound lanes of Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania..

22. In said accident, Defendant, Viral B. Patel's, motor vehicle was crushed underneath the trailer portion of a vehicle operated by Defendant, Vadim Seletskiy.

23. Plaintiffs removed the Defendant, Viral B. Patel's, motor vehicle from underneath the trailer portion of Defendant, Viral B. Patel's, vehicle.

24. Plaintiffs incurred costs of \$5,200.00.

25. Defendants were enriched by having Viral B. Patel's motor vehicle freed from the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy, and if Defendants did not pay Plaintiffs for the same; therefore, Defendants were unjustly enriched to the detriment of Plaintiffs.

26. Under the theory of Unjust Enrichment, Defendants are indebted to Plaintiffs in the amount of \$5,200.00 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

27. The Plaintiffs incorporate paragraphs 1 through 26 of this Amended Complaint by reference and make it a part hereof.

28. In alternative to Plaintiffs' recovery under the theory of Unjust Enrichment, Plaintiffs are entitled to recover from Defendants, under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT III **Defendant, Jamie Rodriguez**

29. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

30. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Jamie Rodriguez.

31. As a result of Defendant, Jamie Rodriguez's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Jamie Rodriguez, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT IV
Defendant, Antonio Garcia

32. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 29 through 31 of this Amended Complaint by reference and make it a part hereof.

33. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, Antonio Garcia, and at all times material hereto was acting within the scope of said employment or agency.

34. Therefore, Defendant, Antonio Garcia, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, Antonio Garcia, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT V
Defendant, London Transport

35. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 29 through 31 of this Amended Complaint by reference and make it a part hereof.

36. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, London Transport, and at all times material hereto was acting within the scope of said employment or agency.

37. Therefore, Defendant, London Transport, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, London Transport, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VI
Defendant, William Emerson

38. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

39. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, William Emerson.

40. As a result of Defendant, William Emerson's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, William Emerson, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VII
Defendant, DOS Transportation, Inc.

41. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 38 through 40 of this Amended Complaint by reference and make it a part hereof.

42. At the time of the accident described above, Defendant, William Emerson, was acting as an employee, agent, representative, workman or servant of the Defendant, DOS

Transportation, Inc., and at all times material hereto was acting within the scope of said employment or agency.

43. Therefore, Defendant, DOS Transportation, Inc., is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT VIII
Defendant, Vadim Seletskiy

44. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

45. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Vadim Seletskiy.

46. As a result of Defendant, Vadim Seletskiy's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Vadim Seletskiy, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT IX
Defendant, Orient Express

47. The Plaintiffs incorporate paragraphs 1 through 18 and paragraphs 44 through 46 of this Amended Complaint by reference and make it a part hereof.

48. At the time of the accident described above, Defendant, Vadim Seletskiy, was acting as an employee, agent, representative, workman or servant of the Defendant, Orient Express, and at all times material hereto was acting within the scope of said employment or agency.

49. Therefore, Defendant, Orient Express, is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

COUNT X
Defendant, Viral B. Patel

50. The Plaintiffs incorporate paragraphs 1 through 18 of this Amended Complaint by reference and make it a part hereof.

51. The accident described above was cause in whole or in part by Defendant, Viral B. Patel.

52. As a result of Defendant, Viral B. Patel's, negligent and careless conduct as described in paragraph 10 through paragraph 18, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Viral B. Patel, as being solely liable or jointly and severally liable for damages in amount of \$5,327.50 together with such other relief as the Court deems fair, just and equitable.

Respectfully submitted,

HOPKINS HELTZEL LLP

By: 

David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

Bricen Towing & Recovery

By: Marilyn M. Bricen

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

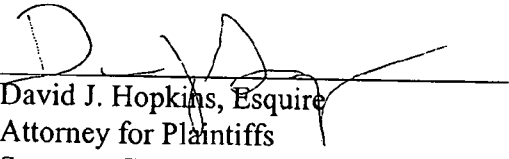
No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Amended Complaint, filed on behalf of Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 14th day of June, 2007 by U.S. Mail, first class, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

No. 2007-491 C.D.

Type of Pleading: Second
Amended Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

EXHIBIT

C

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

NOTICE

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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.

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
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No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

SECOND AMENDED COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Second Amended Complaint against Defendants, Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, William Emerson, DOS Transportation, Inc., Vadim Seletskiy, and Orient Express and in support thereof says as follows:

PARTIES

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. It is believed that Defendant, Antonio Garcia, is an adult individual whose mailing address is P.O. Box 3142, Bakersfield, California 93385.

4. It is believed that Defendant, London Transport, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association whose mailing address is P.O. Box 3142, Bakersfield, California 93385

5. It is believed that Defendant, William Emerson, is an adult individual who resides at 9803 Magnolia Drive, Laurel, Delaware 19956.

6. It is believed that Defendant, DOS Transportation, Inc., is a corporation with offices located at 9101 Elm Street, Seaford, Delaware 19973.

7. It is believed that Defendant, Vadim Seletskiy, is an adult individual who resides or otherwise maintains a business office at 750 126th Avenue NE, Blaine, Minnesota 55434.

8. It is believed that Defendant, Orient Express, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association with offices located at 750 126th Avenue, NE, Blaine, Minnesota 55434.

9. It is believe that Defendant, Jamie Rodriguez, is an adult individual who resides at 66 Sasser Lane, Clinton, North Carolina 28326.

FACTS

10. The Plaintiffs incorporate paragraphs 1 through 9 of this Amended Complaint by reference and make it a part hereof.

11. On or about October 20, 2006, Defendant, Jamie Rodriguez, was operating a 2002 Freightliner semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

12. At the above stated date and location, Defendant, Jamie Rodriguez, lost control of the semi-tractor trailer combination and caused it to crash and come to a rest along the northern berm of the eastbound lanes on Interstate 80.

13. At the same date and location, Defendant, William Emerson, was operating a 2005 Freightliner Classic XL semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

14. At the same date and location, Defendant, William Emerson, brought his vehicle to a stop and parked his vehicle in the left-hand eastbound lane of Interstate 80.

15. At the same date and location, Defendant, Viral B. Patel, was operating a 2003 Nissan Sentra in an easterly direction on Interstate 80 when his vehicle collided with Defendant, William Emerson's, vehicle in the left-hand eastbound lane of Interstate 80.

16. After the aforesaid collision occurred, Defendant, Vadim Seletskiy, was operating a 2006 Volvo DSVVN semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

17. Still after the aforesaid collision occurred, Defendant, Vadim Seletskiy, lost control of the vehicle he was operating and the trailer portion of said vehicle struck the Defendant, Viral B. Patel's, vehicle.

18. The impact between the vehicle operated by Defendant, Vadim Seletskiy, and the vehicle operated by Defendant, Viral B. Patel, caused Defendant, Viral B. Patel's, vehicle to become trapped under the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy.

19. The vehicle operated by Defendant, Viral B. Patel, became engulfed in flames and was destroyed.

COUNT I – UNJUST ENRICHMENT

20. The Plaintiffs incorporate paragraphs 1 through 19 of this Amended Complaint by reference and make it a part hereof.

21. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

22. On or about October 20, 2006, Plaintiffs were called to an accident along the east bound lanes of Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

23. In said accident, Defendant, Viral B. Patel's, motor vehicle was crushed underneath the trailer portion of a vehicle operated by Defendant, Vadim Seletskiy.

24. Plaintiffs removed the Defendant, Viral B. Patel's, motor vehicle from underneath the trailer portion of Defendant, Viral B. Patel's, vehicle.

25. Plaintiffs incurred costs of \$10,255.57.

26. Defendants were enriched by having Viral B. Patel's motor vehicle freed from the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy, and if Defendants did not pay Plaintiffs for the same; therefore, Defendants were unjustly enriched to the detriment of Plaintiffs.

27. Under the theory of Unjust Enrichment, Defendants are indebted to Plaintiffs in the amount of \$10,255.57 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$10,383.07 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

28. The Plaintiffs incorporate paragraphs 1 through 27 of this Amended Complaint by reference and make it a part hereof.

29. In alternative to Plaintiffs' recovery under the theory of Unjust Enrichment, Plaintiffs are entitled to recover from Defendants, under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT III **Defendant, Jamie Rodriguez**

30. The Plaintiffs incorporate paragraphs 1 through 29 of this Amended Complaint by reference and make it a part hereof.

31. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Jamie Rodriguez.

32. As a result of Defendant, Jamie Rodriguez's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Jamie Rodriguez, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT IV
Defendant, Antonio Garcia

33. The Plaintiffs incorporate paragraphs 1 through 32 of this Amended Complaint by reference and make it a part hereof.

34. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, Antonio Garcia, and at all times material hereto was acting within the scope of said employment or agency.

35. Therefore, Defendant, Antonio Garcia, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, Antonio Garcia, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT V
Defendant, London Transport

36. The Plaintiffs incorporate paragraphs 1 through 35 of this Amended Complaint by reference and make it a part hereof.

37. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, London Transport, and at all times material hereto was acting within the scope of said employment or agency.

38. Therefore, Defendant, London Transport, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, London Transport, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT VI
Defendant, William Emerson

39. The Plaintiffs incorporate paragraphs 1 through 38 of this Amended Complaint by reference and make it a part hereof.

40. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, William Emerson.

41. As a result of Defendant, William Emerson's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, William Emerson, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT VII
Defendant, DOS Transportation, Inc.

42. The Plaintiffs incorporate paragraphs 1 through 41 of this Amended Complaint by reference and make it a part hereof.

43. At the time of the accident described above, Defendant, William Emerson, was acting as an employee, agent, representative, workman or servant of the Defendant, DOS

Transportation, Inc., and at all times material hereto was acting within the scope of said employment or agency.

44. Therefore, Defendant, DOS Transportation, Inc., is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT VIII
Defendant, Vadim Seletskiy

45. The Plaintiffs incorporate paragraphs 1 through 44 of this Amended Complaint by reference and make it a part hereof.

46. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Vadim Seletskiy.

47. As a result of Defendant, Vadim Seletskiy's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Vadim Seletskiy, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT IX
Defendant, Orient Express

48. The Plaintiffs incorporate paragraphs 1 through 47 of this Amended Complaint by reference and make it a part hereof.

49. At the time of the accident described above, Defendant, Vadim Seletskiy, was acting as an employee, agent, representative, workman or servant of the Defendant, Orient Express, and at all times material hereto was acting within the scope of said employment or agency.

50. Therefore, Defendant, Orient Express, is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT X
Defendant, Viral B. Patel

51. The Plaintiffs incorporate paragraphs 1 through 50 of this Amended Complaint by reference and make it a part hereof.

52. The accident described above was cause in whole or in part by Defendant, Viral B. Patel.

53. As a result of Defendant, Viral B. Patel's, negligent and careless conduct as described in paragraph 10 through paragraph 18, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Petition to Amend Complaint, filed on behalf of Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 19th day of September, 2007, by U.S. Mail, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
Attorney for Defendant Viral B. Patel,
293 Main Street
Brookville, PA 15825


Andrew Haas, Esquire
Post & Shell, P.C.
Attorney for Vadim Seletskiy and Orient Express
13th Floor
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

Eric B. Jenkins, Esquire
Attorney for Antonio Garcia
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102

Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Attorneys for Defendants William Emerson
and DOS Transportation, Inc.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

London Transport
P.O. Box 3142
Bakersfield, CA 93385



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

FILED *ICC*
01/4:00/30/1 *Att*
SEP 24 2007 *Hopkins*

William A. Shaw
Prothonotary/Clerk of Courts *GA*

SCHEDULING ORDER

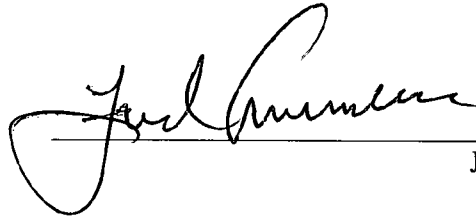
AND NOW, this 24th day of September, 2007, upon consideration of the
Petition to Amend Complaint, it is hereby ORDERED that:

1. A Rule is issued upon Respondents to show cause why the moving party is not entitled to the relief requested.
2. The Respondents shall file an Answer to the Petition within 20 days of this date;
3. The Petition shall be decided under Pa.R.C.P. §206.7;
4. Depositions and all other discovery shall be completed within _____ days of this date;
5. An Evidentiary Hearing on disputed issues of material fact shall be held on the _____ day of _____, 2007, at _____ o'clock _____ M., in Courtroom No. _____ of the Clearfield County Courthouse, Clearfield, Pennsylvania;

6. Argument shall be held on the 15th day of November,
2007 at 1:30 o'clock P.M., in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania; and

7. Notice of the entry of this Order shall be provided to all parties by the
moving party.

BY THE COURT,

A handwritten signature in black ink, appearing to read "Judith A. [unclear]", is written over a horizontal line.

JUDGE

MERLYN BRICEN and DEBORAH BRICEN,
t/d/b/a BRICEN TOWING & RECOVERY

Plaintiffs,

v.

VIRAL B. PATEL, JAIME RODRIQUEZ,
ANTONIO GARCIA, LONDON TRANSPORT,
WILLIAM EMERSON, DOS
TRANSPORTATION, INC., VADIM SELETSKIY
and ORIENT EXPRESS

Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 2007-491 C.D.

CONSENT TO PLAINTIFF'S PETITION TO AMEND COMPLAINT

AND NOW, comes Defendants, Vadim Seletskiy and Orient Express, by and through their counsel, Post & Schell, P.C., who file to following Consent to Plaintiff's Motion to Amend Complaint, scheduled for Oral Argument by Judge Ammerman for November 15, 2007, and say as follows:

1. Defendants, Vadim Seletskiy and Orient Express, by and through their counsel, Post & Schell, P.C., do hereby consent to the relief sought in Plaintiff's Motion to Amend Complaint and offer no opposition in that regard.

POST & SCHELL, P.C.

BY: _____

JOSEPH R. FOWLER ESQUIRE
ANDREW J. HAAS ESQUIRE
Attorneys for Defendants,
Vadim Seletskiy and Orient Express

FILED

NOV 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

ANDREW J. HAAS, ESQUIRE certifies that a true and correct copy of Defendants, Vadim Seletskiy and Orient Express' Consent to Plaintiff's Motion to Amend Complaint was served on November 14, 2007 via first class mail on the below listed individuals:

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main St.
Brookville, PA 15825

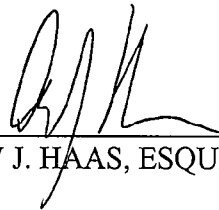
David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

Edward M. Vargo, Esquire
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

London Transport
P.O. Box 3142
Bakersfield, CA 93385

Erik B. Jensen, Esquire
Law Offices of Erik B. Jensen
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102



ANDREW J. HAAS, ESQUIRE

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

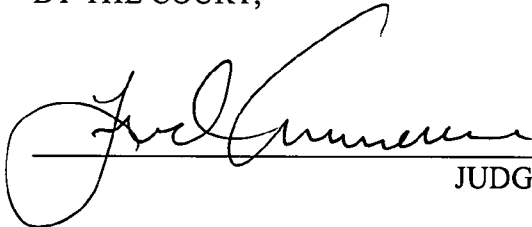
No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

ORDER


AND NOW, this 15th day of November 2007, upon consideration of the Petition to Amend Complaint, it is hereby ORDERED that Plaintiffs may amend their first Amended Complaint to increase the claim for damages to \$10,255.57. Plaintiffs shall file said Second Amended Complaint within ten (10) days from the date of this Order.

BY THE COURT,


JUDGE

FILED 2cc
11:40 AM
NOV 15 2007
Atty Hopkins
(will serve)
William A. Shaw
Prothonotary/Clerk of Courts (GR)

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FILED 
NOV 16 2007
M 12:30 PM
William A. Shaw
Prothonotary/Clerk of Courts
No 910

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

vs.

VIRAL B. PATEL,

Type of Pleading: Consent to Plaintiff's
Petition to Amend Complaint

Defendant,

Filed on behalf of: Defendant, Viral B.
Patel

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Counsel of Record for Defendant, Viral B.
Patel:

Troy J. Harper
Supreme Court Number: 74753

Additional Defendants.

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

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* Civil Action - Law

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* Number 2007 - 491 C.D.

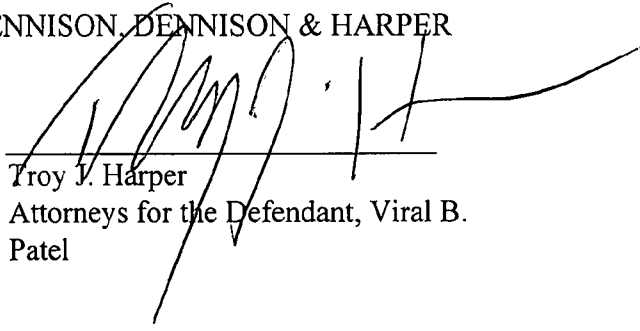
CONSENT TO PLAINTIFF'S PETITION TO AMEND COMPLAINT

AND NOW, come the Defendant, Viral B. Patel, by and through his counsel who files the
following Consent to the Plaintiff's Motion to Amend Complaint:

1. The Defendant, Viral B. Patel, by and through his counsel, Troy J. Harper, Esq.,
hereby consents to the Court granting the Plaintiff's Petition to Amend Complaint.

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Defendant, Viral B.
Patel

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent was served on the 74th
day of November, 2007, by United States Mail, First Class, Postage

Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(Counsel for the Plaintiff)

Erik B. Jensen, Esq.
Suite 1401
1528 Walnut Street
Philadelphia, Pennsylvania 19102
(Counsel for Additional Defendant, Antonio Garcia)

Edward M. Vavro, Jr., Esq.
Dickie McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222
(Counsel for Additional Defendants, William Emerson and DOS Transportation, Inc.)

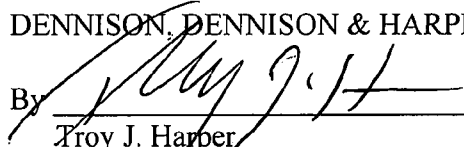
Andrew J. Haas, Esq.
Post & Schell
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
(Counsel for Additional Defendants, Vadim Seletskiy and Orient Express)

London Transport
P.O. Box 3142
Bakersfield, California 93385

Jamie Rodriguez
66 Sasser Lane
Clinton, North Carolina 28326

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, t/d/b/a BRICEN TOWING &
RECOVERY,

Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO
GARCIA; LONDON TRANSPORT;
WILLIAM EMERSON; DOS
TRANSPORTATION, INC.; VADIM
SELETSKIY; and ORIENT EXPRESS,
Additional Defendants.

CIVIL ACTION - LAW

Number 491 of 2007, C. D.

Type of Case: Civil Division

Type of Pleading: Praeipce to Reinstate
Complaint

Filed on Behalf of: Viral B. Patel, Defendant

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED 1 complaint to
M/3:21/07 Jain Reinstated
NOV 16 2007 to Atty

William A. Shaw
Prothonotary/Clerk of Courts

Atty pd. 7.00

(6K)

MERLYN BRICEN and DEBORAH
BRICEN, t/d/b/a BRICEN TOWING &
RECOVERY,
Plaintiff,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA,
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION,
INC.; VADIM SELETSKIY; and ORIENT
EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

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* Number 491 - 2007, C. D.

PRAECIPE TO REINSTATE COMPLAINT

TO WILLIAM SHAW, PROTHONOTARY:

You are requested to reinstate the Complaint filed in the above captioned matter.

DENNISON, DENNISON & HARPER

By 

Troy J. Harper

Attorneys for Defendant, Viral B. Patel

Dated: November 15, 2007

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Complaint to Join
Additional Defendants Pursuant to
Pa.R.C.P. 2252(b)

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

No. 2007-491 C.D.

Type of Pleading: Second
Amended Complaint

Filed on behalf of: Merlyn Bricen,
Deborah Bricen, t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

NOV 19 2007

m/1:00pm

William A. Shaw
Prothonotary/Clerk of Courts

no c/c

GM

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

NOTICE

TO DEFENDANTS:

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.

Office of the Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

SECOND AMENDED COMPLAINT

AND NOW, comes Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and files the within Second Amended Complaint against Defendants, Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, William Emerson, DOS Transportation, Inc., Vadim Seletskiy, and Orient Express and in support thereof says as follows:

PARTIES

1. Plaintiffs, Merlyn Bricen and Deborah Bricen, are adult individuals who operate a business known as Bricen Towing & Recovery with a mailing address of 256 Hoovertown Road, Penfield, Pennsylvania 15849.

2. Defendant, Viral B. Patel, is an adult individual who resides at 1102 E. Erie Avenue, Apt. 7, Lorain, Ohio 44052.

3. It is believed that Defendant, Antonio Garcia, is an adult individual whose mailing address is P.O. Box 3142, Bakersfield, California 93385.

4. It is believed that Defendant, London Transport, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association whose mailing address is P.O. Box 3142, Bakersfield, California 93385

5. It is believed that Defendant, William Emerson, is an adult individual who resides at 9803 Magnolia Drive, Laurel, Delaware 19956.

6. It is believed that Defendant, DOS Transportation, Inc., is a corporation with offices located at 9101 Elm Street, Seaford, Delaware 19973.

7. It is believed that Defendant, Vadim Seletskiy, is an adult individual who resides or otherwise maintains a business office at 750 126th Avenue NE, Blaine, Minnesota 55434.

8. It is believed that Defendant, Orient Express, is a corporation, or a sole proprietorship, or a limited liability company, or a partnership, or an unincorporated association with offices located at 750 126th Avenue, NE, Blaine, Minnesota 55434.

9. It is believe that Defendant, Jamie Rodriguez, is an adult individual who resides at 66 Sasser Lane, Clinton, North Carolina 28326.

FACTS

10. The Plaintiffs incorporate paragraphs 1 through 9 of this Amended Complaint by reference and make it a part hereof.

11. On or about October 20, 2006, Defendant, Jamie Rodriguez, was operating a 2002 Freightliner semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

12. At the above stated date and location, Defendant, Jamie Rodriguez, lost control of the semi-tractor trailer combination and caused it to crash and come to a rest along the northern berm of the eastbound lanes on Interstate 80.

13. At the same date and location, Defendant, William Emerson, was operating a 2005 Freightliner Classic XL semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

14. At the same date and location, Defendant, William Emerson, brought his vehicle to a stop and parked his vehicle in the left-hand eastbound lane of Interstate 80.

15. At the same date and location, Defendant, Viral B. Patel, was operating a 2003 Nissan Sentra in an easterly direction on Interstate 80 when his vehicle collided with Defendant, William Emerson's, vehicle in the left-hand eastbound lane of Interstate 80.

16. After the aforesaid collision occurred, Defendant, Vadim Seletskiy, was operating a 2006 Volvo DSVVN semi-tractor trailer combination in an easterly direction on Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

17. Still after the aforesaid collision occurred, Defendant, Vadim Seletskiy, lost control of the vehicle he was operating and the trailer portion of said vehicle struck the Defendant, Viral B. Patel's, vehicle.

18. The impact between the vehicle operated by Defendant, Vadim Seletskiy, and the vehicle operated by Defendant, Viral B. Patel, caused Defendant, Viral B. Patel's, vehicle to become trapped under the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy.

19. The vehicle operated by Defendant, Viral B. Patel, became engulfed in flames and was destroyed.

COUNT I – UNJUST ENRICHMENT

20. The Plaintiffs incorporate paragraphs 1 through 19 of this Amended Complaint by reference and make it a part hereof.

21. Plaintiffs are involved in the business of providing towing services to individuals and entities along Interstate 80.

22. On or about October 20, 2006, Plaintiffs were called to an accident along the east bound lanes of Interstate 80 near mile marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

23. In said accident, Defendant, Viral B. Patel's, motor vehicle was crushed underneath the trailer portion of a vehicle operated by Defendant, Vadim Seletskiy.

24. Plaintiffs removed the Defendant, Viral B. Patel's, motor vehicle from underneath the trailer portion of Defendant, Viral B. Patel's, vehicle.

25. Plaintiffs incurred costs of \$10,255.57.

26. Defendants were enriched by having Viral B. Patel's motor vehicle freed from the trailer portion of the vehicle operated by Defendant, Vadim Seletskiy, and if Defendants did not pay Plaintiffs for the same; therefore, Defendants were unjustly enriched to the detriment of Plaintiffs.

27. Under the theory of Unjust Enrichment, Defendants are indebted to Plaintiffs in the amount of \$10,255.57 plus District Magistrate fees of \$127.50.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$10,383.07 together with such other relief as the Court deems fair, just and equitable.

COUNT II – QUANTUM MERUIT

28. The Plaintiffs incorporate paragraphs 1 through 27 of this Amended Complaint by reference and make it a part hereof.

29. In alternative to Plaintiffs' recovery under the theory of Unjust Enrichment, Plaintiffs are entitled to recover from Defendants, under the theory of Quantum Meruit.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT III **Defendant, Jamie Rodriguez**

30. The Plaintiffs incorporate paragraphs 1 through 29 of this Amended Complaint by reference and make it a part hereof.

31. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Jamie Rodriguez.

32. As a result of Defendant, Jamie Rodriguez's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Jamie Rodriguez, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT IV
Defendant, Antonio Garcia

33. The Plaintiffs incorporate paragraphs 1 through 32 of this Amended Complaint by reference and make it a part hereof.

34. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, Antonio Garcia, and at all times material hereto was acting within the scope of said employment or agency.

35. Therefore, Defendant, Antonio Garcia, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, Antonio Garcia, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT V
Defendant, London Transport

36. The Plaintiffs incorporate paragraphs 1 through 35 of this Amended Complaint by reference and make it a part hereof.

37. At the time of the accident described above, Defendant, Jamie Rodriguez, was acting as an employee, agent, representative, workman or servant of the Defendant, London Transport, and at all times material hereto was acting within the scope of said employment or agency.

38. Therefore, Defendant, London Transport, is liable for the actions of Defendant, Jamie Rodriguez, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, London Transport, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT VI
Defendant, William Emerson

39. The Plaintiffs incorporate paragraphs 1 through 38 of this Amended Complaint by reference and make it a part hereof.

40. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, William Emerson.

41. As a result of Defendant, William Emerson's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, William Emerson, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT VII
Defendant, DOS Transportation, Inc.

42. The Plaintiffs incorporate paragraphs 1 through 41 of this Amended Complaint by reference and make it a part hereof.

43. At the time of the accident described above, Defendant, William Emerson, was acting as an employee, agent, representative, workman or servant of the Defendant, DOS

Transportation, Inc., and at all times material hereto was acting within the scope of said employment or agency.

44. Therefore, Defendant, DOS Transportation, Inc., is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT VIII
Defendant, Vadim Seletskiy

45. The Plaintiffs incorporate paragraphs 1 through 44 of this Amended Complaint by reference and make it a part hereof.

46. The accident described above was caused in whole or in part by the negligence and carelessness of the Defendant, Vadim Seletskiy.

47. As a result of Defendant, Vadim Seletskiy's, negligent and careless conduct, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Vadim Seletskiy, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT IX
Defendant, Orient Express

48. The Plaintiffs incorporate paragraphs 1 through 47 of this Amended Complaint by reference and make it a part hereof.

49. At the time of the accident described above, Defendant, Vadim Seletskiy, was acting as an employee, agent, representative, workman or servant of the Defendant, Orient Express, and at all times material hereto was acting within the scope of said employment or agency.

50. Therefore, Defendant, Orient Express, is liable for the actions of Defendant, William Emerson, based on the doctrine of respondeat superior.

WHEREFORE, Plaintiffs demand judgment against Defendant, DOS Transportation, Inc., as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

COUNT X
Defendant, Viral B. Patel

51. The Plaintiffs incorporate paragraphs 1 through 50 of this Amended Complaint by reference and make it a part hereof.

52. The accident described above was cause in whole or in part by Defendant, Viral B. Patel.


53. As a result of Defendant, Viral B. Patel's, negligent and careless conduct as described in paragraph 10 through paragraph 18, Defendant, Viral B. Patel's, vehicle became trapped under the trailer portion of a semi-tractor trailer combination and, subsequently, the trailer had to be removed from the top of Defendant, Viral B. Patel's, vehicle. The removal of said trailer is the service for which Plaintiffs are seeking payment.

WHEREFORE, Plaintiffs demand judgment against Defendant, Viral B. Patel, as being solely liable or jointly and severally liable for damages in amount of \$10,255.57 together with such other relief as the Court deems fair, just and equitable.

Respectfully submitted,

HOPKINS HELTZEL LLP

By:


David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Second Amended Complaint, filed on behalf of Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 16th day of November, 2007, by U.S. Mail, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
Attorney for Defendant Viral B. Patel,
293 Main Street
Brookville, PA 15825

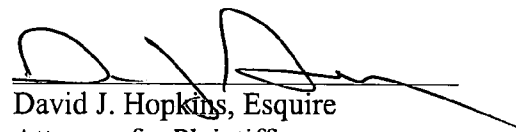
Andrew Haas, Esquire
Post & Shell, P.C.
Attorney for Vadim Seletskiy and Orient Express
13th Floor
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

Eric B. Jenkins, Esquire
Attorney for Antonio Garcia
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102

Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Attorneys for Defendants William Emerson
and DOS Transportation, Inc.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

London Transport
P.O. Box 3142
Bakersfield, CA 93385



David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

POST & SCHELL, P.C.
BY: JOSEPH R. FOWLER
I.D. #: 55661
13TH FLOOR
FOUR PENN CENTER
1600 JOHN F KENNEDY BLVD.
PHILADELPHIA, PA 19103
215-587-1000

ATTORNEYS FOR ADD'L DEFT,
Vadim Seletskiy and Orient Express

FILED

DEC 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

1 case to Mr.
G. STEWART

MERLYN BRICEN and DEBORAH BRICEN,
t/d/b/a BRICEN TOWING & RECOVERY

Plaintiffs,

v.

VIRAL B. PATEL, JAIME RODRIQUEZ,
ANTONIO GARCIA, LONDON TRANSPORT,
WILLIAM EMERSON, DOS
TRANSPORTATION, INC., VADIM SELETSKIY
and ORIENT EXPRESS

Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO: 2007-491 C.D.

WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Kindly withdraw my appearance on behalf of Defendants, Vadim Seletskiy and Orient
Express in connection with the above-captioned matter.

POST & SCHELL, P.C.

BY: 
JOSEPH R. FOWLER

Dated: December 5, 2007

CERTIFICATE OF SERVICE

I hereby certify that on today's date, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, upon all attorneys of record, addressed as follows:

David J. Hopkins, Esquire
Hopkins Heitzel LLP
100 Meadow Lane, Suite 5
DuBois PA 15801
Attorney for Plaintiffs,
Merlyn Bricen and
Deborah Bricen t/d/b/a
Bricen Towing & Recovery

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
Attorneys for Defendant,
Viral B. Patel

Eric B. Jenkins, Esquire
1528 Walnut Street, Suite 1301
Philadelphia, PA 19102
Attorneys for Defendant,
Antonio Garcia

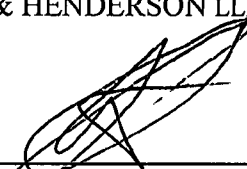
Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburg, PA 152205402
Attorneys for Defendants,
William Emerson and
DOS Transportation, Inc.

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

London Transport
P.O. Box 3142
Bakersfield, CA 93385

RAWLE & HENDERSON LLP

By: _____


Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorneys for Defendants,
Vadim Seletskiy and
Orient Express

Dated: 12/7/07

RAWLE & HENDERSON LLP

By: Gary N. Stewart

Identification No.: 67353

By: Michael T. Traxler

Identification No.: 90961

Payne Shoemaker Building

240 N. Third Street, 9th Floor

Harrisburg, PA 17101

(717) 234-7700

MERLYN BRICEN and
DEBORAH BRICEN, t/d/b/a
BRICEN TOWING & RECOVERY

Plaintiffs,

vs.

VIRAL B. PATEL, JAIME RODRIQUEZ,
ANTONIC GARCIA, LONDON TRANSPORT,
WILLIAM EMERSON,
DOS TRANSPORTATION, INC.,
VADIM SELETSKIY AND ORIENT EXPRESS

Defendants.

Attorneys for Defendants,
Vadim Seletskiy and
Orient Express

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

NO: 2007-491 C.D.

FILED

DEC 10 2007

William A. Shaw
Prothonotary/Clerk of Courts
1 Clerk to Harry
G. Steen

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our appearance on behalf of defendants, Vadim Seletskiy and Orient

Express in the above-referenced matter.

RAWLE & HENDERSON LLP

By: 

Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorneys for Defendants,
Vadim Seletskiy and
Orient Express

Dated: 12/07/07

CERTIFICATE OF SERVICE

I hereby certify that on today's date, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, upon all attorneys of record, addressed as follows:

David J. Hopkins, Esquire
Hopkins Heltzel LLP
100 Meadow Lane, Suite 5
DuBois PA 15801
Attorney for Plaintiffs,
Merlyn Bricen and
Deborah Bricen t/d/b/a
Bricen Towing & Recovery

Troy Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825
Attorneys for Defendant,
Viral B. Patel

Eric B. Jenkins, Esquire
1528 Walnut Street, Suite 1301
Philadelphia, PA 19102
Attorneys for Defendant,
Antonio Garcia

Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburg, PA 1522205402
Attorneys for Defendants,
William Emerson and
DOS Transportation, Inc.

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

London Transport
P.O. Box 3142
Bakersfield, CA 93385

RAWLE & HENDERSON LLP

By: 

Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorneys for Defendants,
Vadim Seletskiy and
Orient Express

Dated:

12/07/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH BRICEN CIVIL DIVISION
t/d/b/a BRICEN TOWING & RECOVERY,

Plaintiffs,

v.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMERSON, DOS
TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS,

Defendants.

No. 2007-491 C.D.

Issue No.

**ANSWER TO SECOND AMENDED
COMPLAINT, NEW MATTER, AND
NEW MATTER PURSUANT TO
RULE 2252(d) AND/OR 1031.1**

Code:

Filed on behalf of Defendants, William
Emerson and DOS Transportation, Inc.

NOTICE TO PLEAD

TO: All Parties

You are hereby notified to file a written
response to the enclosed Answer to Second
Amended Complaint, New Matter, and New
Matter Pursuant to Rule 2252(d) and/or 1031.1
within twenty (20) days from the date of
service hereof or a judgment may be entered
against you.

By _____
Edward M. Vavro, Jr., Esquire

John T. Pion, Esquire
PA I.D. # 43675

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NO CC
DEC 12 2007 GH

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH)	CIVIL DIVISION
BRICEN t/d/b/a BRICEN TOWING &)	
RECOVERY,)	No. 2007-491 C.D.
)	
Plaintiffs,)	
)	
v.)	
)	
VIRAL B. PATEL, JAMIE RODRIGUEZ,)	
ANTONIO GARCIA, LONDON)	
TRANSPORT, WILLIAM EMERSON,)	
DOS TRANSPORTATION, INC., VADIM)	
SELETSKIY, and ORIENT EXPRESS,)	
)	
Defendants.)	

**ANSWER TO SECOND AMENDED COMPLAINT, NEW MATTER,
AND NEW MATTER PURSUANT TO RULE 2252(D) AND/OR 1031.1**

AND NOW, come the Defendants, William Emerson and DOS Transportation, Inc., by and through their attorneys, Dickie, McCamey & Chilcote, P.C. and Edward M. Vavro, Jr., Esquire, and hereby file the within Answer, New Matter, and New Matter Pursuant to Rule 2252(d) and/or 1031.1 in response to Plaintiffs' Second Amended Complaint and avers as follows:

1. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 1 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

2. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in

Paragraph 2 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

3. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 3 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

4. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 4 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

5. Admitted.

6. Admitted.

7. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 7 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

8. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 8 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

9. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in

Paragraph 9 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

10. With regard to Paragraph 10 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 9 above as if the same were set forth herein at length.

11. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 11 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

12. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 12 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

13. Admitted.

14. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 14 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

15. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 15 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

16. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 16 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

17. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 17 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

18. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 18 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

19. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 19 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

COUNT I – UNJUST ENRICHMENT

20. With regard to Paragraph 20 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraph 1 through 19 above, as if the same were set forth herein at length.

21. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 21 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

22. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 22 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

23. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 23 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

24. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 24 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

25. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 25 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

26. After reasonable investigation, these Defendants are without sufficient information or knowledge to form a belief as to the truth or falsity of the averments set forth in Paragraph 26 of Plaintiffs' Second Amended Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

27. The allegations set forth in Paragraph 27 of Plaintiffs' Second Amended Complaint attempt to set forth conclusions of law to which no responsive pleadings is required.

To the extent a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT II – QUANTUM MERUIT

28. With regard to Paragraph 28 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 27 above as if the same were set forth herein at length.

29. The allegations set forth in Paragraph 29 of Plaintiffs' Second Amended Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT III
Defendant, Jamie Rodriguez

30. With regard to Paragraph 30 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 29 above as if the same were set forth herein at length.

31. The allegations set forth in Paragraph 31 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 31 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

32. The allegations set forth in Paragraph 32 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 32 of Plaintiffs' Second Amended Complaint

attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT IV
Defendant, Antonio Garcia

33. With regard to Paragraph 33 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 32 above, as if the same were set forth herein at length.

34. The allegations set forth in Paragraph 34 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 34 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

35. The allegations set forth in Paragraph 35 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 35 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT V
Defendant, London Transport

36. With regard to Paragraph 36 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 35 above, as if the same were set forth herein at length.

37. The allegations set forth in Paragraph 37 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 37 of Plaintiffs' Second Amended Complaint

attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

38. The allegations set forth in Paragraph 38 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 38 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT VI
Defendant, William Emerson

39. With regard to Paragraph 39 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 38 above, as if the same were set forth herein at length.

40. The allegations set forth in Paragraph 40 of Plaintiffs' Second Amended Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

41. The allegations set forth in Paragraph 41 of Plaintiffs' Second Amended Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT VII
Defendant, DOS Transportation, Inc.

42. With regard to Paragraph 42 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 41 above, as if the same were set forth herein at length.

43. At the time of the subject accident, Defendant William Emerson was an employee of DOS Transportation and Defendant Emerson was in the course and scope of his employment with DOS Transportation.

44. The allegations set forth in Paragraph 44 of Plaintiffs' Second Amended Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

COUNT VIII
Vadim Seletskiy

45. With regard to Paragraph 45 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 44 above, as if the same were set forth herein at length.

46. The allegations set forth in Paragraph 46 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 46 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

47. The allegations set forth in Paragraph 47 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 47 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT IX
Defendant, Orient Express

48. With regard to Paragraph 48 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 47 above, as if the same were set forth herein at length.

49. The allegations set forth in Paragraph 49 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 49 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

50. The allegations set forth in Paragraph 50 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 50 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

COUNT X
Defendant, Viral B. Patel

51. With regard to Paragraph 51 of Plaintiffs' Second Amended Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 50 above, as if the same were set forth herein at length.

52. The allegations set forth in Paragraph 52 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 52 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

53. The allegations set forth in Paragraph 53 of Plaintiffs' Second Amended Complaint are not directed to these Defendants; and therefore, no response is required. To the extent that the allegations set forth in Paragraph 53 of Plaintiffs' Second Amended Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

NEW MATTER

By way of further response to the entirety of Plaintiffs' Second Amended Complaint, Defendants William Emerson and DOS Transportation, Inc. set forth the following New Matter on advice of counsel so as not to waive any defenses later available to these Defendants notwithstanding these Defendants' present lack of knowledge of the circumstances complained of in Plaintiffs' Second Amended Complaint.

54. Plaintiffs' Second Amended Complaint fails to state a claim upon which relief can be granted.

55. To the extent justified by the evidence developed through discovery or introduced at the time of trial, all claims alleged in Plaintiffs' Second Amended Complaint are barred by the applicable statute of limitations.

56. To the extent justified by the evidence developed through discovery or introduced at the time of trial, Defendants raise Plaintiffs' negligence as a complete and/or partial bar to any recovery. To the extent that it is established by competent evidence that Plaintiffs' damages were caused and contributed to by persons or entities or circumstances beyond the control of these Defendants, then these Defendants plead that Plaintiffs' claims are barred in whole or in part by theories of intervening cause or superseding cause.

57. To the extent that it is established by competent evidence that Plaintiffs have failed to mitigate their damages, that affirmative defense is hereby asserted as a complete and/or partial bar to any recovery.

58. The Defendants raise the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. § 1701, *et. seq.*, as a complete and/or partial bar to any of Plaintiffs' recovery.

59. To the extent justified by the evidence developed through discovery or introduced at the time of trial, the Defendants raise all defenses set forth in Pa. R. Civ. Pro. 1030(a).

60. To the extent that it is established by competent evidence that the Defendant, William Emerson, was confronted with a set of circumstances constituting a sudden emergency not of his own making, that affirmative defense is hereby asserted as a complete and/or partial bar to any recovery.

61. The acts or omissions giving rise to the damages or occurrences alleged in Plaintiffs' Second Amended Complaint are those of a third party or parties or entities for which these Defendants are not liable or responsible. Additionally, Plaintiffs' damages were caused in whole or in part by parties and/or entities other than these Defendants.

NEW MATTER PURSUANT TO RULE 2252(d) AND/OR 1031.1

By way of New Matter Pursuant to Rule 2252(d) and/or 1031.1 these Defendants aver as follows:

62. The averments set forth in Paragraphs 1 through 61 of the foregoing Answer and New Matter are incorporated herein by reference as if the same were more fully set forth herein at length.

63. If the Plaintiffs have been injured and damaged as alleged, which injuries and damages are again specifically denied, then these Defendants aver that Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express are directly liable to the Plaintiffs or liable over to these Defendants for contribution and/or indemnity in the event that these Defendants are found to be liable, which liability is expressly denied for reasons set forth in Plaintiffs' Second Amended Complaint. These Defendants preserve their rights to either contribution and/or indemnity from Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express.

64. To the extent justified by the evidence developed through discovery or introduced at the time of trial, these Defendants have paid all of their towing expenses in connection with the subject accident.

WHEREFORE, by this New Matter, Defendants William Emerson and DOS Transportation, Inc. assert that Defendants Viral B. Patel, Jamie Rodriguez, Antonio Garcia, London Transport, Vadim Seletskiy, and Orient Express are solely liable to the Plaintiffs or, in the alternative, liable to these Defendants for their contribution and/or indemnification.

JURY TRIAL DEMANDED.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By

Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William Emerson and
DOS Transportation, Inc.

VERIFICATION

I, Edward M. Vavro, Jr., Esquire, counsel for Defendants William Emerson and DOS Transportation, Inc., have read the foregoing Answer to Second Amended Complaint, New Matter, and New Matter Pursuant to Rule 2252(d) and/or 1031.1. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

DATED

12/10/07


Edward M. Vavro, Jr.

CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing Answer to Second Amended Complaint, New Matter and New Matter Pursuant to Rule 2252(d) and/or 103.1 have been served this 10 day of December, 2007, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801
(Attorney for Plaintiffs)

Eric B. Jenkins, Esquire
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102

Troy J. Harper, Esquire
John C. Dennison, II, Esquire
Dennison Dennison & Harper
293 Main Street
Brookville, PA 15825

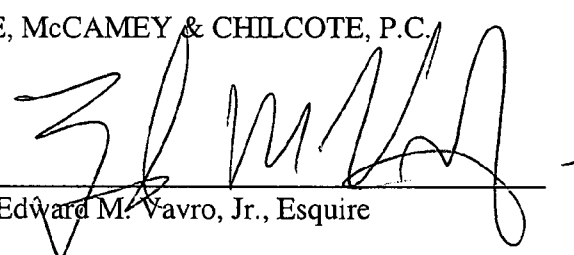
Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

Zachary S. Davis, Esquire
Joseph R. Fowler, Esquire
13th Floor
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

Antonio Garcia/London Transport
P.O. Box 3142
Bakersfield, CA 93385

DICKIE, McCAMEY & CHILCOTE, P.C.

By


Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William Emerson and
DOS Transportation, Inc.

POST & SCHELL, P.C.
BY: ANDREW J. HAAS
I.D. #: 200895
BY: ZACHARY S. DAVIS
I.D. #: 93290
13TH FLOOR
FOUR PENN CENTER
1600 JOHN F KENNEDY BLVD.
PHILADELPHIA, PA 19103
215-587-1000

ATTORNEYS FOR ADD'L DEFT,
Vadim Seletskiy and Orient Express

MERLYN BRICEN and DEBORAH BRICEN,
t/d/b/a BRICEN TOWING & RECOVERY

Plaintiffs,

v.

VIRAL B. PATEL, JAIME RODRIQUEZ,
ANTONIO GARCIA, LONDON TRANSPORT,
WILLIAM EMERSON, DOS
TRANSPORTATION, INC., VADIM SELETSKIY
and ORIENT EXPRESS

Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY


NO: 2007-491 C.D.

WITHDRAWAL OF APPEARANCES

TO THE PROTHONOTARY:

Kindly withdraw our appearances on behalf of Defendants, Vadim Seletskiy and Orient Express in connection with the above-captioned matter.

POST & SCHELL, P.C.

BY: 
ANDREW J. HAAS
ZACHARY S. DAVIS

Dated: December 11, 2007

FILED No CC
m/11:24/07
DEC 13 2007
Copy to CIA
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 22 2008

M/9:50/W
William A. Shaw
Prothonotary/Clerk of Courts
W C/C

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

Type of Pleading: Answer to New Matter
of Defendants William Emerson and DOS
Transportation, Inc.

Filed on behalf of: Merlyn Bricen
and Deborah Bricen t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(814) 375-0300

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

**ANSWER TO NEW MATTER OF DEFENDANTS, WILLIAM EMERSON
AND DOS TRANSPORTATION, INC.**

AND NOW, comes the Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and answers Defendants, William Emerson and DOS Transporation, Inc.'s New Matter as follows:

54. Denied. Plaintiffs' Complaint clearly sets forth a cause of action.

55. Denied. Plaintiffs' cause of action was commenced within the applicable statute of limitations.

56. Denied. Plaintiffs undertook no action that could reasonable be classified as negligent. Similarly, Defendants' claims that Plaintiffs' cause of action is barred by theories of intervening or superseding cause is inapplicable in this case.

57. Denied. Plaintiffs could not have mitigated their damages.

58. Denied. 75 Pa.C.S.A. §1701 et seq. is inapplicable to the action before the Court.

59. Denied. Pa.R.C.P. 1030(a) is inapplicable to the action before the Court.

60. Denied. Defendant William Emerson's circumstances are not a defense to Plaintiffs' claims in this action.

61. Denied. Plaintiffs' cause of action is correctly stated against Defendant William Emerson.

Respectfully submitted,

HOPKINS HELTZEL LLP

By:



David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Answer to New Matter of Defendants, William Emerson and DOS Transportation, Inc., filed on behalf of Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 17th day of January, 2008, by U.S. Mail, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
Attorney for Defendant Viral B. Patel,
293 Main Street
Brookville, PA 15825

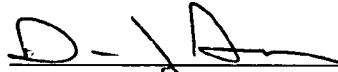
Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Rawle & Henderson LLP
Attorney for Vadim Seletskiy and Orient Express
13th Floor
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

Eric B. Jenkins, Esquire
Attorney for Antonio Garcia
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102

Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Attorneys for Defendants William Emerson
and DOS Transportation, Inc.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

London Transport
P.O. Box 3142
Bakersfield, CA 93385


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

07-491-CD

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED 1-30-08

CASE NUMBER TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME

Date Complaint () Jury () Non-Jury
Filed: (X) Arbitration

1 days/hours

4-12-2007

PLAINTIFF(S)

MERLYN BRICEN and DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY

() Check block if a Minor
is a Party to the Case

DEFENDANT(S)

VIRAL B. PATEL, JAMIE RODRIGUEZ, ANTONIO
GARCIA, LONDON TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC. VADIM SELETSKIY()
ADDITIONAL DEFENDANT(S) and ORIENT EXPRESS

FILED
01:28 PM
FEB 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

N/A

N/A

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

\$10,255.57

More than

&

() yes (X) no

N/A

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:

David J. Hopkins, Esquire

FOR THE PLAINTIFF

TELEPHONE NUMBER

David J. Hopkins, Esquire

(814) 375-0300

FOR THE DEFENDANT

TELEPHONE NUMBER

Troy Harper, Esquire (Viral B. Patel)

(814) 849-8316

Erik B. Jensen, Esquire (Antonio Garcia)

(215) 546-4700

Gary N. Stewart, Esquire (Vadim Seletskiy & Orient Express)

(717) 234-7700

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

Edward M. Vavro, Jr., Esquire (William Emerson

(412) 281-7272

London Transport

& DOS Transportation)

Jamie Rodriguez

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,
Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

*
* Civil Action - Law

*
* Number 2007 - 491 C.D.

ORDER

AND NOW, this _____ day of _____, 2008, upon

consideration of the Defendant, Viral B. Patel's, Motion to Strike this case from the

Trial/Arbitration List,

IT IS HEREBY ORDERED that said Motion is granted and the case is stricken from
the Trial/Arbitration List. Any party may Praeipce the matter back onto the Trial/Arbitration List
after the pleadings are closed and upon certification that discovery is complete in compliance
with 46 J.D.R.C.P. 212.2(a).

BY THE COURT,

J.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Motion to Strike Case
From Trial/Arbitration List Pursuant to
46 J.D.R.C.P. 212.2(b)

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

FEB 05 2008

0/11:40/12
William A. Shaw
Prothonotary/Clerk of Courts
1 CEM to Atty

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

VS.

VIRAL B. PATEL,

Defendant,

VS.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

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* Number 2007 - 491 C.D.

**MOTION TO STRIKE CASE FROM TRIAL LIST PURSUANT
TO 46 J.D.R.C.P. 212.2(b)**

AND NOW, comes the Defendant, VIRAL B. PATEL, by and through his attorneys,
Dennison, Dennison & Harper, who file the following Motion to Strike Case from Trial List
Pursuant to 46 J.D.R.C.P. 212.2(b):

1. On or about January 22, 2007, the Plaintiffs filed a Civil Complaint against the Original Defendant, Viral B. Patel, with Magisterial District Number 46-3-02 in Clearfield County, Pennsylvania.

2. On or about March 5, 2007, a Notice of Judgment was entered by the District Magistrate.

3. On or about March 28, 2007, the Original Defendant, Viral B. Patel, filed a Notice of Appeal from a District Justice Judgment with this Honorable Court at the above-captioned term and number.

4. On or about April 12, 2007, the Plaintiffs filed their first Complaint against the Original Defendant, Viral B. Patel.

5. On or about May 3, 2007, the Original Defendant, Viral B. Patel, filed a Complaint to Join Additional Defendants against, Jaime Rodriguez; Antonio Garcia; London Transport; William Emerson; Dos Transportation, Inc.; Vadim Seletskiy; and Orient Express.

6. On or about June 15, 2007, the Plaintiffs filed a first Amended Complaint.

7. On or about November 16, 2007, the Plaintiffs filed a Second Amended Complaint.

8. The Plaintiffs' Second Amended Complaint seeks damages for towing services they provided following a multi-vehicle accident which occurred on October 20, 2006, on Interstate 80.

9. On January 30, 2008, the Plaintiffs filed a Certificate of Readiness requesting that the matter be set for an Arbitration Hearing and certifying that all discovery had been completed and that the case is ready for trial.

10. The Plaintiffs' Certificate of Readiness is not in compliance with 46 J.D.R.C.P. 212.2(a) and the matter should therefore be stricken from the Trial/Arbitration List for the following reasons:

- (a) the pleadings have not yet been closed, and there are various parties who have not yet filed Answers, New Matters and/or Crossclaims in response to

the Plaintiffs' Second Amended Complaint, and various parties have not filed Replies to Crossclaims which have been filed by some of the Defendants;

- (b) because the pleadings have not been closed none of the parties have engaged in any discovery, and the Defendant, Viral B. Patel, intends to engage in discovery from the other parties after the pleadings are closed.

11. This matter has not previously been listed for trial/arbitration.

WHEREFORE, the Defendant, Viral B. Patel, requests this Honorable Court to enter an Order striking this case from the Trial/Arbitration List.

DENNISON, DENNISON & HARPER

By

Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Strike Case from Trial List was served on the 4th day of February, 2008, by United States Mail, First Class, Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(Counsel for the Plaintiff)

Erik B. Jensen, Esq.
Suite 1401
1528 Walnut Street
Philadelphia, Pennsylvania 19102
(Counsel for Additional Defendant, Antonio Garcia)

Edward M. Vavro, Jr., Esq.
Dickie McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222
(Counsel for Additional Defendants, William Emerson and DOS Transportation, Inc.)

Andrew J. Haas, Esq.
Post & Schell
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
(Counsel for Additional Defendants, Vadim Seletskiy and Orient Express)

London Transport
P.O. Box 3142
Bakersfield, California 93385

Jamie Rodriguez
66 Sasser Lane
Clinton, North Carolina 28326

DENNISON, DENNISON & HARPER

By 

Troy J. Harper

Attorneys for the Original Defendant,

Viral B. Patel

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Answer, New Matter
and Crossclaims Pursuant to
Pa.R.C.P. 1031.1

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED NO
m/11:2761
FEB 07 2008
6K

William A. Shaw
Prothonotary/Clerk of Courts

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

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* Civil Action - Law

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* Number 2007 - 491 C.D.

ANSWER, NEW MATTER AND CROSSCLAIM PURSUANT TO PA.R.C.P. 1031.1

AND NOW, comes the Original Defendant, VIRAL B. PATEL, by and through his attorneys, Dennison, Dennison & Harper, who file the following Answer, New Matter and Crossclaim Pursuant to Pa.R.C.P. 1031.1 in response to the Plaintiffs' Second Amended Complaint:

1. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

2. Admitted.

3. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 3 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

4. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 4 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

5. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 5 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

6. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 6 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

7. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of

Paragraph 7 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

8. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 8 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

9. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 9 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

10. Paragraph 10 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 9 of this Answer are incorporated herein by reference thereto.

11. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 11 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

12. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of

Paragraph 12 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

13. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 13 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

14. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 14 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

15. The averments of Paragraph 15 of the Plaintiffs' Second Amended Complaint are admitted only insofar as the Original Defendant, Viral B. Patel, was operating a 2003 Nissan Sentra in an easterly direction on Interstate 80. The remaining averments of Paragraph 15 of the Plaintiffs' Second Amended Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

16. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 16 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

17. The averments of Paragraph 17 of the Plaintiffs' Second Amended Complaint are admitted only insofar as the Original Defendant, Viral B. Patel's, vehicle was struck by a tractor trailer from behind on Interstate 80. After the collision, the Defendant's vehicle was dragged under the trailer and pulled down the highway and was pinned under the trailer. By way of further response, the underlying accident which caused the Original Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Original Defendant, Viral B. Patel. The remaining averments of Paragraph 17 of the Plaintiffs' Second Amended Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

18. Admitted. By way of further response, the underlying accident which caused the Original Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Original Defendant, Viral B. Patel.

19. Admitted.

COUNT I - UNJUST ENRICHMENT

20. Paragraph 20 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 19 of this Answer are incorporated herein by reference thereto.

21. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of

Paragraph 21 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

22. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 22 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied.

23. Admitted. By way of further response, the underlying accident which caused the Original Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Original Defendant, Viral B. Patel.

24. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 24 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied. By way of further response, the underlying accident which caused the Original Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Original Defendant, Viral B. Patel.

25. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 25 of the Plaintiffs' Second Amended Complaint, and said averments are therefore denied. By way of further response, the underlying accident which caused the Original

Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Original Defendant, Viral B. Patel.

26. The averments of Paragraph 26 of the Plaintiffs' Second Amended Complaint constitute conclusions of law. By way of further response, the underlying accident which caused the Original Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Original Defendant, Viral B. Patel.

27. The averments of Paragraph 27 of the Plaintiffs' Second Amended Complaint constitute conclusions of law. By way of further response, the underlying accident which caused the Original Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Original Defendant, Viral B. Patel.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

COUNT II - QUANTUM MERUIT

28. Paragraph 28 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 27 of this Answer are incorporated herein by reference thereto.

29. The averments of Paragraph 29 of the Plaintiffs' Second Amended Complaint constitute conclusions of law. By way of further response, the underlying accident which caused

the Original Defendant's vehicle to become pinned under a tractor trailer was not caused by nor was the fault of any action of the Original Defendant, Viral B. Patel.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

COUNT III - Defendant, Jamie Rodriguez

30. Paragraph 30 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 29 of this Answer are incorporated herein by reference thereto.

31. through 32. The averments of Paragraphs 31 through 32 of the Plaintiffs' Second Amended Complaint are directed to a party other than the answering Original Defendant, Viral B. Patel, and therefore, no response is required by the said Defendant.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

COUNT IV - Defendant, Antonio Garcia

33. Paragraph 33 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 32 of this Answer are incorporated herein by reference thereto.

34. through 35. The averments of Paragraphs 34 through 35 of the Plaintiffs' Second Amended Complaint are directed to a party other than the answering Original Defendant, Viral B. Patel, and therefore, no response is required by the said Defendant.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

COUNT V - Defendant, London Transport

36. Paragraph 36 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 35 of this Answer are incorporated herein by reference thereto.

37. through 38. The averments of Paragraphs 37 through 38 of the Plaintiffs' Second Amended Complaint are directed to a party other than the answering Original Defendant, Viral B. Patel, and therefore, no response is required by the said Defendant.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

COUNT VI - Defendant, William Emerson

39. Paragraph 39 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 38 of this Answer are incorporated herein by reference thereto.

40. through 41. The averments of Paragraphs 40 through 41 of the Plaintiffs' Second Amended Complaint are directed to a party other than the answering Original Defendant, Viral B. Patel, and therefore, no response is required by the said Defendant.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

COUNT VII - Defendant, DOS Transportation

42. Paragraph 42 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 41 of this Answer are incorporated herein by reference thereto.

43. through 44. The averments of Paragraphs 43 through 44 of the Plaintiffs' Second Amended Complaint are directed to a party other than the answering Original Defendant, Viral B. Patel, and therefore, no response is required by the said Defendant.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

COUNT VIII - Defendant, Vadim Seletskiy

45. Paragraph 45 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 44 of this Answer are incorporated herein by reference thereto.

46. through 47. The averments of Paragraphs 46 through 47 of the Plaintiffs' Second Amended Complaint are directed to a party other than the answering Original Defendant, Viral B. Patel, and therefore, no response is required by the said Defendant.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

COUNT IX - Defendant, Orient Express

48. Paragraph 48 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 47 of this Answer are incorporated herein by reference thereto.

49. through 50. The averments of Paragraphs 49 through 50 of the Plaintiffs' Second Amended Complaint are directed to a party other than the answering Original Defendant, Viral B. Patel, and therefore, no response is required by the said Defendant.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

COUNT X - Defendant, Viral B. Patel

51. Paragraph 51 of the Plaintiffs' Second Amended Complaint contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of Paragraphs 1 through 50 of this Answer are incorporated herein by reference thereto.

52. The averments of Paragraph 52 of the Plaintiffs' Second Amended Complaint are denied pursuant to Pa.R.C.P. 1029(e). By way of further response, the averments of Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants are incorporated herein in response thereto.

53. The averments of Paragraph 53 of the Plaintiffs' Second Amended Complaint are denied pursuant to Pa.R.C.P. 1029(e). By way of further response, the averments of Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants are incorporated herein in response thereto.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

NEW MATTER DIRECTED TO PLAINTIFFS

54. Any services rendered by the Plaintiffs, without admission of the same, were not requested by, contracted for, authorized or consented to by the Defendant, Viral B. Patel.

55. No unjust benefit has been rendered to the Defendant, Viral B. Patel, by any actions of the Plaintiffs, without admission of the same.

56. Any services rendered by the Plaintiffs, without admission of the same, were rendered to and for the benefit of persons and/or entities other than the Original Defendant, Viral B. Patel.

57. Any services rendered by the Plaintiffs, without admission of the same, were necessitated or caused by in whole or in part by the negligent acts of persons or entities

other than the Original Defendant, Viral B. Patel, and over whom the Original Defendant, Viral B. Patel, had no control, and for whose actions the Original Defendant, Viral B. Patel, is not liable.

58. To the extent the Plaintiffs have been paid for any services or entered into any settlement or executed any type of release concerning the same by and with any other person or entity, said payment, settlement and/or release are pleaded as a defense to any of the Plaintiffs' claims or causes of action as fully as the same bar and/or diminish any claim or cause of action of the Plaintiffs.

59. All of the Plaintiffs' claims are or may be barred by the applicable statute of limitations.

60. The Plaintiffs have failed to state a cause of action against the Original Defendant, Viral B. Patel, upon which relief can be granted.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

**CROSSCLAIM PURSUANT TO P.A.R.C.P. 1031.1
DIRECTED TO ADDITIONAL DEFENDANTS, JAIME RODRIGUEZ; ANTONIO
GARCIA; LONDON TRANSPORT; WILLIAM EMERSON; DOS TRANSPORTATION,
INC.; VADIM SELETSKIY; and ORIENT EXPRESS**

61. The Additional Defendants, Jaime Rodriguez; Antonio Garcia; London Transport; William Emerson; DOS Transportation, Inc.; Vadim Seletskiy; and/or Orient Express, are solely

liable to the Plaintiffs for any alleged damages suffered by them, without admission of the same, and the averments of the Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants directed against Additional Defendants, Jaime Rodriguez; Antonio Garcia; London Transport; William Emerson; DOS Transportation, Inc.; Vadim Seletskiy; and Orient Express are incorporated herein by reference thereto solely for the purpose of establishing a claim for sole liability.

62. If the Original Defendant, Viral B. Patel, is held liable to the Plaintiffs on any cause of action as set forth in the Plaintiffs' Second Amended Complaint, such liability being expressly denied, then the Additional Defendants, Jaime Rodriguez; Antonio Garcia; London Transport; William Emerson; DOS Transportation, Inc.; Vadim Seletskiy; and Orient Express, are liable over to the Original Defendant, Viral B. Patel, for contribution and/or indemnity, and the averments of the Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants directed against Additional Defendants, Jaime Rodriguez; Antonio Garcia; London Transport; William Emerson; DOS Transportation, Inc.; Vadim Seletskiy; and Orient Express are incorporated herein by reference thereto solely for the purpose of establishing a claim against the Additional Defendants, Jaime Rodriguez; Antonio Garcia; London Transport; William Emerson; DOS Transportation, Inc.; Vadim Seletskiy; and Orient Express for indemnity and contribution.

WHEREFORE, the Original Defendant, Viral B. Patel, demands judgment against the Additional Defendants, Jaime Rodriguez; Antonio Garcia; London Transport; William Emerson; DOS Transportation, Inc.; Vadim Seletskiy; and Orient Express as being solely liable for the

damages claimed by the Plaintiffs, or in the alternative, as being liable over to the Original Defendant, Viral B. Patel, for indemnity and/or contribution. **JURY TRIAL OF TWELVE DEMANDED.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper

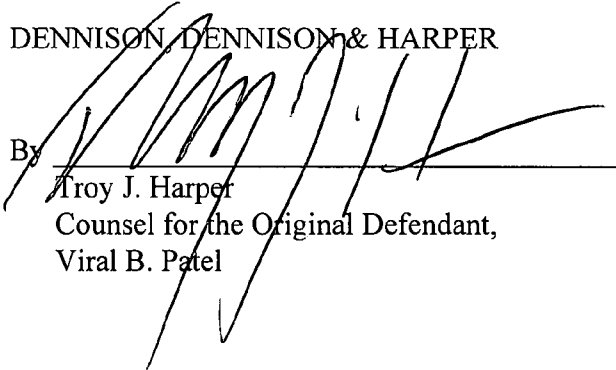
Attorneys for the Original Defendant,
Viral B. Patel

VERIFICATION

Troy J. Harper, attorney for the Original Defendant, Viral B. Patel, verifies that the averments made in the foregoing Answer, New Matter and Crossclaim are true and correct to the best of his knowledge, information and belief based on the information provided to him through his representation of the Defendant. This verification is being made by counsel for the Defendant pursuant to Pa.R.C.P. 1024(c) inasmuch as the Defendant is outside the jurisdiction of the Court and verification cannot be obtained from the Defendant within the time allowed for filing of the foregoing this pleading. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Counsel for the Original Defendant,
Viral B. Patel

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Answer, New Matter and Crossclaim was served on the 6th day of February, 2008, by United States Mail, First Class, Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(Counsel for the Plaintiff)

Erik B. Jensen, Esq.
Suite 1401
1528 Walnut Street
Philadelphia, Pennsylvania 19102
(Counsel for Additional Defendant, Antonio Garcia)

Edward M. Vavro, Jr., Esq.
Dickie McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222
(Counsel for Additional Defendants, William Emerson and DOS Transportation, Inc.)

Gary N. Stewart, Esq.
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, Pennsylvania 17101
(Counsel for Additional Defendants, Vadim Seletskiy and Orient Express)

London Transport
P.O. Box 3142
Bakersfield, California 93385

Jamie Rodriguez
66 Sasser Lane
Clinton, North Carolina 28326

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,
Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,
Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Reply to Additional
Defendants, William Emerson and DOS
Transportation's, New Matter Pursuant to
Pa.R.C.P. 2252(d) and/or 1031.1

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED *NO cc*
m/11:2761
FEB 07 2008 *@*

William A. Shaw
Prothonotary/Clerk of Courts

62. Paragraph 62 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter Pursuant to Pa.R.C.P. 2252(d) and/or 1031.1 contains no averments of fact and is merely an incorporation clause, and no response is deemed required. To the extent any response is deemed required, the averments of the Original Defendant, Viral B.

Patel's, Answer, New Matter and Crossclaim filed in response to the Plaintiffs' Second Amended Complaint are incorporated herein by reference thereto.

63. The averments of Paragraph 63 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter Pursuant to Pa.R.C.P. 2252(d) and/or 1031.1 as directed to the answering Original Defendant, Viral B. Patel, constitute conclusions of law to which no response is required. By way of additional response, the averments of the Original Defendant, Viral B. Patel's, Answer, New Matter and Crossclaim filed in response to the Plaintiffs' Second Amended Complaint and the Original Defendant's Complaint to Join Additional Defendants are incorporated herein by reference thereto.

64. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 64 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter Pursuant to Pa.R.C.P. 2252(d) and/or 1031.1, and said averments are therefore denied.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

By


Troy J. Harper

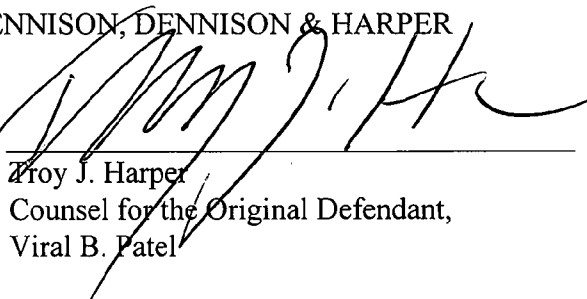
Attorneys for the Original Defendant,
Viral B. Patel

VERIFICATION

Troy J. Harper, attorney for the Original Defendant, Viral B. Patel, verifies that the averments made in the foregoing Reply to New Matter are true and correct to the best of his knowledge, information and belief based on the information provided to him through his representation of the Defendant. This verification is being made by counsel for the Defendant pursuant to Pa.R.C.P. 1024(c) inasmuch as the Defendant is outside the jurisdiction of the Court and verification cannot be obtained from the Defendant within the time allowed for filing of the foregoing this pleading. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Counsel for the Original Defendant,
Viral B. Patel

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Reply to New Matter was served on the 6th day of February, 2008, by United States Mail, First Class,

Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(Counsel for the Plaintiff)

Erik B. Jensen, Esq.
Suite 1401
1528 Walnut Street
Philadelphia, Pennsylvania 19102
(Counsel for Additional Defendant, Antonio Garcia)

Edward M. Vavro, Jr., Esq.
Dickie McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222
(Counsel for Additional Defendants, William Emerson and DOS Transportation, Inc.)

Gary N. Stewart, Esq.
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, Pennsylvania 17101
(Counsel for Additional Defendants, Vadim Seletskiy and Orient Express)

London Transport
P.O. Box 3142
Bakersfield, California 93385

Jamie Rodriguez
66 Sasser Lane
Clinton, North Carolina 28326

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Type of Case: Civil Division

Type of Pleading: Reply to Additional
Defendants, William Emerson and DOS
Transportation's, New Matter

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

John C. Dennison, II
Supreme Court Number: 29408

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED NO CC
m/ji: 2/7/08
FEB 07 2008
OK

William A. Shaw
Prothonotary/Clerk of Courts

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN
TOWING & RECOVERY,
Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION, INC.;
VADIM SELETSKIY; and ORIENT EXPRESS,

Additional Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania

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* Civil Action - Law

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* Number 2007 - 491 C.D.

**REPLY TO ADDITIONAL DEFENDANTS, WILLIAM EMERSON AND DOS
TRANSPORTATION'S, NEW MATTER**

AND NOW, comes the Original Defendant, VIRAL B. PATEL, by and through his attorneys, Dennison, Dennison & Harper, who file the following Reply to Additional Defendants, William Emerson and DOS Transportation's, New Matter as contained in said Defendants' Answer, New Matter and New Matter Pursuant to Pa.R.C.P. 2252(d) and/or 1031.1 filed in response to the Complaint to Join Additional Defendant:

52. The averments of Paragraph 52 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required. By way of additional response, the averments of the Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants are incorporated herein by reference thereto.

53. The averments of Paragraph 53 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required. By way of additional response, the averments of the Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants are incorporated herein by reference thereto.

54. The averments of Paragraph 54 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required.

55. The averments of Paragraph 55 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required.

56. The averments of Paragraph 56 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required.

57. The averments of Paragraph 57 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required.

58. The averments of Paragraph 58 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required. By way of additional response, the averments of the Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants are incorporated herein by reference thereto.

59. The averments of Paragraph 59 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required. By way of additional response, the averments of the Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants are incorporated herein by reference thereto.

60. The averments of Paragraph 60 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required. By way of additional response, the averments of the Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants are incorporated herein by reference thereto.

61. The averments of Paragraph 61 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter constitute conclusions of law to which no response is required. By way of additional response, the averments of the Original Defendant, Viral B. Patel's, Complaint to Join Additional Defendants are incorporated herein by reference thereto.

62. After reasonable investigation, the Original Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 62 of the Additional Defendants, William Emerson and DOS Transportation's, New Matter, and said averments are therefore denied.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL DEMANDED.**

DENNISON, DENNISON & HARPER

By

Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

VERIFICATION

Troy J. Harper, attorney for the Original Defendant, Viral B. Patel, verifies that the averments made in the foregoing Reply to New Matter are true and correct to the best of his knowledge, information and belief based on the information provided to him through his representation of the Defendant. This verification is being made by counsel for the Defendant pursuant to Pa.R.C.P. 1024(c) inasmuch as the Defendant is outside the jurisdiction of the Court and verification cannot be obtained from the Defendant within the time allowed for filing of the foregoing this pleading. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

DENNISON, DENNISON & HARPER

By 

Troy J. Harper
Counsel for the Original Defendant,
Viral B. Patel

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Reply to New Matter was served on the 6th day of February, 2008, by United States Mail, First Class,

Postage Prepaid, addressed to the following:

David J. Hopkins, Esq.
100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(Counsel for the Plaintiff)

Erik B. Jensen, Esq.
Suite 1401
1528 Walnut Street
Philadelphia, Pennsylvania 19102
(Counsel for Additional Defendant, Antonio Garcia)

Edward M. Vavro, Jr., Esq.
Dickie McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222
(Counsel for Additional Defendants, William Emerson and DOS Transportation, Inc.)

Gary N. Stewart, Esq.
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, Pennsylvania 17101
(Counsel for Additional Defendants, Vadim Seletskiy and Orient Express)

London Transport
P.O. Box 3142
Bakersfield, California 93385

Jamie Rodriguez
66 Sasser Lane
Clinton, North Carolina 28326

DENNISON, DENNISON & HARPER

By 

Troy J. Harper

Attorneys for the Original Defendant,
Viral B. Patel

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

MERLYN BRICEN and DEBORAH :
BRICEN, T/D/B/A BRICEN TOWING :
& RECOVERY :

vs.

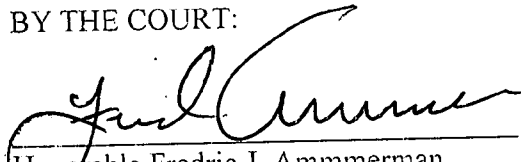
No. 07-491-CD

VIRAL B. PATEL

ORDER

AND NOW, this 11 day of February, 2008, it is the ORDER of the Court that Argument on the Defendant's Motion to Strike from the Arbitration List in the above-captioned matter has been scheduled for Wednesday, March 5, 2008 at 2:15 P.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


Honorable Fredric J. Ammerman
President Judge

FILED

01/31/08
FEB 11 2008

400
Atty. Harper

William A. Shaw
Prothonotary/Clerk of Courts

(GR)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN TOWING &
RECOVERY,

Plaintiff,

v.

VIRAL B. PATEL,

Defendant,

v.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON, DOS TRANSPORTATION,
INC.; VADIM SELETSKIY; and ORIENT
EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 C.D.

Issue No.

**REPLY TO CROSSCLAIM FILED BY
DEFENDANT VIRAL B. PATEL**

Code:

Filed on behalf of Defendants, WILLIAM
EMERSON AND DOS TRANSPORTATION,
INC.

Counsel of record for this party:

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NO
m/110:49/67 CC
FEB 13 2008 GP

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, T/D/B/A BRICEN TOWING &
RECOVERY,

CIVIL DIVISION

Number 2007 - 491 C.D.

Plaintiff,

v.

VIRAL B. PATEL, et al.

Defendant and Additional
Defendants.

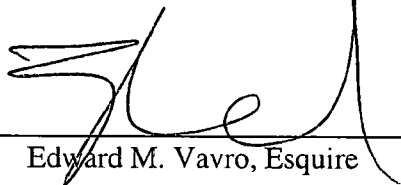
REPLY TO CROSSCLAIM FILED BY DEFENDANT VIRAL B. PATEL

AND NOW come the Additional Defendants, William Emerson and DOS Transportation, Inc., by and through their attorneys, Dickie, McCamey & Chilcote, P.C. and Edward M. Vavro, Jr., Esquire, and hereby files the following Reply to the Crossclaims asserted by Original Defendant, Viral B. Patel, pursuant to Pa. R.C.P. 1031.1 and aver as follows:

1. The allegations set forth in Paragraph 61 of Defendant Patel's Crossclaim attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

2. The allegations set forth in Paragraph 62 of Defendant's Crossclaim attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

DICKIE, MCCAMEY & CHILCOTE, P.C.



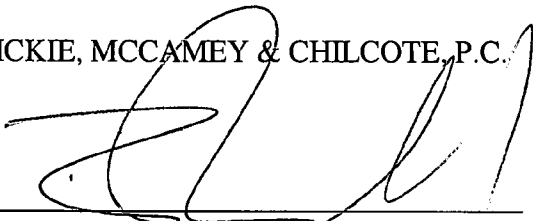
Edward M. Vavro, Esquire

Attorneys for Defendants William Emerson
and DOS Transportation, Inc.

VERIFICATION

I, Edward M. Vavro, attorney for the Additional Defendants William Emerson and DOS Transportation, Inc., verify that the averments made in the foregoing Reply to Crossclaim are true and correct to the best of my knowledge, information and belief based on the information provided to me through my representation of the Defendants. This verification is being made by counsel for the Defendants pursuant to Pa. R.C.P. 1024(c) inasmuch as the Defendants are outside the jurisdiction of the Court and verification cannot be obtained from the Defendants within the time allowed for filing of the foregoing pleading. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

DICKIE, MCCAMEY & CHILCOTE, P.C.



Edward M. Vavro, EsquireDATED: 2-8-08

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply to Crossclaim was served on all parties on the 11th day of February, 2008 by First Class United States Mail, postage prepaid, addressed to the following:

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

Erik B. Jensen, Esquire
Suite 1401
1528 Walnut Street
Philadelphia, PA 19102

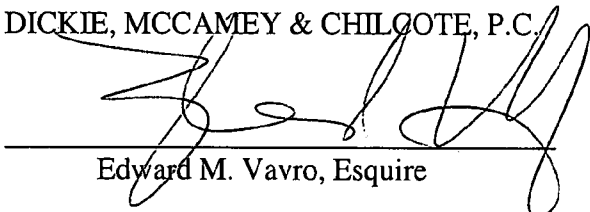
Gary N. Stewart, Esquire
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, PA 17101

London Transport
P.O. Box 3142
Bakersfield, CA 93385

Jamie Rodriguez
66 Sasser Lane
Clinton, NC 28326

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825

DICKIE, MCCAMEY & CHILCOTE, P.C.


Edward M. Vavro, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MERLYN BRICEN and DEBORAH
BRICEN, t/d/b/a BRICEN TOWING
& RECOVERY,

Plaintiffs,

vs.

VIRAL B. PATEL,

Defendant,

vs.

JAIME RODRIGUEZ; ANTONIO GARCIA;
LONDON TRANSPORT; WILLIAM
EMERSON; DOS TRANSPORTATION,
INC.; VADIM SELETSKIY; and ORIENT
EXPRESS,

Additional Defendants.

CIVIL ACTION - LAW

Number 2007 - 491 CD

Type of Case: Civil Division

Type of Pleading: Certificate of Service

Filed on behalf of: Defendant, Viral B. Patel

Counsel of Record for this Party:
Troy J. Harper

Supreme Court ID Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, PA 15825
(814)849-8316

FILED
MT 11:14 AM NO CC
FEB 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

Erik B. Jensen, Esq.
Suite 1401
1528 Walnut Street
Philadelphia, PA 19102
(Counsel for Additional Defendant, Antonio Garcia)

Edward M. Vavro, Jr., Esq.
Dickie McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222
(Counsel for Additional Defendants, William Emerson and DOS Transportation, Inc.)

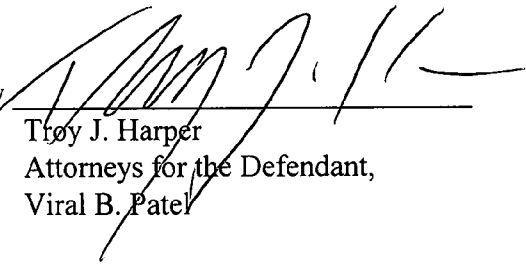
Andrew J. Haas, Esq.
Post & Schell
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103
(Counsel for Additional Defendants, Vadim Seletskiy and Orient Express)

London Transport
P.O. Box 3142
Bakersfield, CA 93385

Jamie Rodriguez
66 Sasser Lane
Clinton, NC 28326

DENNISON, DENNISON & HARPER

By


Troy J. Harper
Attorneys for the Defendant,
Viral B. Patel

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

No. 2007-491 C.D.

Type of Pleading: Answer to New Matter
of Defendant Viral B. Patel

Filed on behalf of: Merlyn Bricen
and Deborah Bricen t/d/b/a Bricen
Towing & Recovery, Plaintiffs

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801
(814) 375-0300

FILED *no cc*
m/11/26/08
FEB 26 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

ANSWER TO NEW MATTER OF DEFENDANT VIRAL B. PATEL

AND NOW, comes the Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a
Bricen Towing & Recovery, by and through their attorneys, Hopkins Heltzel LLP, and
answers Defendants, Viral B. Patel's New Matter as follows:

54. Denied. Defendant approved, authorized or consented to the removal of
his motor vehicle by Plaintiffs.

55. Denied. The removal of Plaintiffs' motor vehicle from the roadways of
the Commonwealth of Pennsylvania constitute a benefit bestowed upon Defendant, Viral
B. Patel.

56. Admitted in part and denied in part. Benefits were bestowed upon both
the original Defendant Viral B. Patel and others.

57. Neither admitted nor denied. Plaintiffs are without sufficient information
to admit or deny the negligent acts of persons or entities other than original Defendant

Patel. However, the claims in Plaintiffs' Complaint are nevertheless valid claims against Defendant Viral B. Patel.

58. Denied. Plaintiff has not been paid for any services or entered into any settlement or executed any type of release concerning the causes of action set forth in Plaintiffs' Complaint. To the extent Plaintiffs have been paid for services or entered into any settlement or executed any type of release, same does not release Defendant Patel.

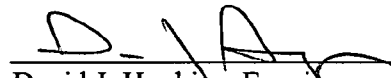
59. Denied. Plaintiffs' cause of action was commenced during the applicable statute of limitations.

60. Denied. Plaintiffs' Complaint has set forth a cause of action recognized under Pennsylvania law.

Respectfully submitted,

HOPKINS HELTZEL LLP

By:



David J. Hopkins, Esquire
Attorney for Plaintiffs
100 Meadow Lane, Suite 5
DuBois, PA 15801

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

MERLYN BRICEN and
DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY,
Plaintiffs

vs.

No. 2007-491 C.D.

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS
Defendants

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Answer to New Matter of Defendant Viral B. Patel, filed on behalf of Plaintiffs, Merlyn Bricen and Deborah Bricen t/d/b/a Bricen Towing & Recovery, was forwarded on the 25 day of February, 2008, by U.S. Mail, postage prepaid, to:

Troy Harper, Esquire
Dennison, Dennison & Harper
Attorney for Defendant Viral B. Patel,
293 Main Street
Brookville, PA 15825

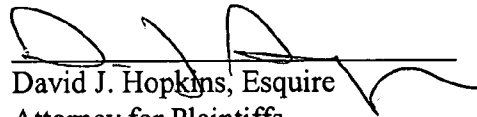
Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Rawle & Henderson LLP
Attorney for Vadim Seletskiy and Orient Express
Payne Shoemaker Building
240 N. Third Street, 9th Floor
Harrisburg, PA 17101

Erik B. Jensen, Esquire
Attorney for Antonio Garcia
1528 Walnut Street
Suite 1401
Philadelphia, PA 19102

Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, P.C.
Attorneys for Defendants William Emerson
and DOS Transportation, Inc.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

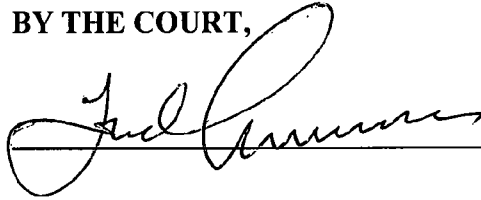
Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

London Transport
P.O. Box 3142
Bakersfield, CA 93385


David J. Hopkins, Esquire
Attorney for Plaintiffs
Supreme Court No. 42519

(3) upon expiration of the discovery period set forth in Paragraph 2, any party may list this matter for arbitration.

BY THE COURT,


J.

FILED

MAR 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/11/08

☒ 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:

FILED

(Pm)

OCT 22 2008

m/10:05/c

William A. Shaw
Prothonotary/Clerk of Courts

FILED TO ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH BRICEN CIVIL DIVISION
t/d/b/a BRICEN TOWING & RECOVERY,

No. 2007-491 C.D.

Plaintiffs,

Issue No.

v.

PRAECIPE FOR APPEARANCE

VIRAL B. PATEL, JAMIE RODRIGUEZ,
ANTONIO GARCIA, LONDON
TRANSPORT, WILLIAM EMERSON, DOS
TRANSPORTATION, INC., VADIM
SELETSKIY, and ORIENT EXPRESS,

Code:

Filed on behalf of Defendants, William
Emerson and DOS Transportation, Inc.

Defendants.

Counsel of record for this party:

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

DICKIE, McCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERLYN BRICEN and DEBORAH)	CIVIL DIVISION
BRICEN t/d/b/a BRICEN TOWING &)	
RECOVERY,)	No. 2007-491 C.D.
)	
Plaintiffs,)	
)	
v.)	
)	
VIRAL B. PATEL, JAMIE RODRIGUEZ,)	
ANTONIO GARCIA, LONDON)	
TRANSPORT, WILLIAM EMERSON,)	
DOS TRANSPORTATION, INC., VADIM)	
SELETSKIY, and ORIENT EXPRESS,)	
)	
Defendants.)	

PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

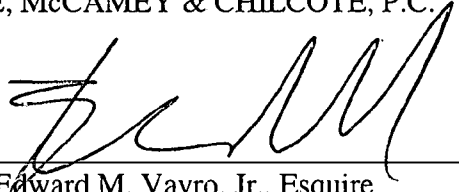
Kindly enter our appearance on behalf of the Defendants, WILLIAM EMERSON and
DOS TRANSPORTATION, INC. regarding the above-referenced matter.

JURY TRIAL DEMANDED.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By


Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William Emerson and
DOS Transportation, Inc.

CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing *Praecipe for Appearance* have been served this 20 day of October, 2008, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801
(Attorney for Plaintiffs)

Eric B. Jenkins, Esquire
1528 Walnut Street
Suite 1301
Philadelphia, PA 19102
(Attorneys for Defendant, Antonio Garcia)

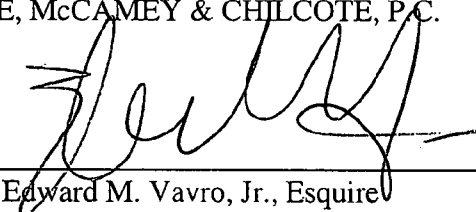
Troy J. Harper, Esquire
John C. Dennison, II, Esquire
Dennison Dennison & Harper
293 Main Street
Brookville, PA 15825
(Attorneys for Defendant, Viral B. Patel)

Jaime Rodriguez
66 Sasser Lane
Clinton, NC 28326

London Transport
P.O. Box 3142
Bakersfield, CA 93385

DICKIE, McCAMEY & CHILCOTE, P.C.

By


Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William Emerson and
DOS Transportation, Inc.

JA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED

CASE NUMBER
07-491-C.D.

TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME

Date Complaint
Filed:

() Jury () Non-Jury
(X) Arbitration

1 days/hours

4-12-2007

PLAINTIFF(S)

MERLYN BRICEN and DEBORAH BRICEN t/d/b/a
BRICEN TOWING & RECOVERY

() Check block if a Minor
is a Party to the Case

DEFENDANT(S)

VIRAL B. PATEL, JAMIE RODRIGUEZ, ANTONIO
GARCIA, LONDON TRANSPORT, WILLIAM EMERSON,
DOS TRANSPORTATION, INC. VADIM SELETSKIY
ADDITIONAL DEFENDANT(S) and ORIENT EXPRESS

FILED

0/11:09
NOV 10 2008

pd. #20.00 Att'y
ICC Att'y
Hopkins

William A. Shaw

Prothonotary/Clerk of Courts

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

N/A

N/A

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

\$10,255.57

More than

&

() yes (X) no

N/A

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:


David J. Hopkins, Esquire

FOR THE PLAINTIFF

TELEPHONE NUMBER

David J. Hopkins, Esquire

(814) 375-0300

FOR THE DEFENDANT

TELEPHONE NUMBER

Troy Harper, Esquire (Viral B. Patel)

(814) 849-8316

Erik B. Jensen, Esquire (Antonio Garcia)

(215) 546-4700

Gary N. Stewart, Esquire (Vadim Seletskiy & Orient Express)

(717) 234-7700

~~FOR ADDITIONAL DEFENDANTS~~

TELEPHONE NUMBER

Edward M. Vavro, Jr., Esquire (William Emerson

(412) 281-7272

London Transport

& DOS Transportation)

Jamie Rodriguez