

07-496-CD

Dennis Pierce vs John Pazderski

2007-496-CD

Dennis Pierce vs John Pazderski et al

Date: 7/9/2008  
Time: 12:24 PM  
Page 1 of 2

Clearfield County Court of Common Pleas  
ROA Report  
Case: 2007-00496-CD  
Current Judge: Paul E. Cherry

User: LMILLER

Dennis S. Piercevs.John J. Pazderski Jr.

Civil Other-COUNT

Date	Judge
3/29/2007 ✓ Filing: Civil Complaint Paid by: Edgar Snyder & Associates Receipt number: 1918308 Dated: 3/29/2007 Amount: \$85.00 (Check) 1 Cert. to Atty. for service by Cert. Mail.	No Judge
4/26/2007 ✓ Praeclipe For Entry of Appearance, enter appearance of Mary Ann C. Acton, Esquire, on behalf of John J. Pazderski. Filed by s/ Mary Ann C. Acton, Esquire. No CC	No Judge
5/10/2007 ✓ Stipulation to Amend Pleadings: 1. The parties stipulate that John J. Pazderski, Jr. is substituted as party defendant and all pleadings previously filed in this action identifying defendant as John J. Pazderski, are amended by this stipulation, as though said John J. Pazderski, Jr. had been so named in the original pleadings filed in this action, 2. It is stipulated by the parties that John J. Pazderski is dismissed from this proceeding as a party defendant. Signed, Gregory S. Olsavick, Esquire, and Mary Ann C. Acton, Esquire. No CC	No Judge
5/18/2007 ✓ Answer and New Matter filed by s/ Mary Ann C. Acton, Esquire. No CC	No Judge
6/8/2007 ✓ Reply to New Matter, filed by s/ Gregory S. Olsavick, Esquire. no CC	No Judge
7/16/2007 ✓ Notice of Service of Request for Production of Documents and Interrogatories, filed by s/ Gregory S. Olsavick Esq. No CC.	No Judge
7/20/2007 ✓ Notice of Service, filed. That the original Notice of Service of Defendant's First Set of Interrogatories and First Request for Production of Documents and Materials Directed to Plaintiff were served upon Gregory Olsavick Esq., on this 18th day of July 2007, filed by s/ Mary Ann C. Acton Esq. No CC.	No Judge
8/15/2007 ✓ Notice of Service, filed. That on this 14th day of August 2007, the original Plaintiff's Answers to Defendant's Interrogatories Directed to Plaintiff and Plaintiff's Response to Defendant's Request for Production of Documents and one (1) copy of Notice of Service were mailed to Mary Ann Acton Esq., filed by s/ Gregory S. Olsavick Esq. NO CC.	No Judge
9/24/2007 ✓ Notice of Deposition of John J. Pazderski, filed by s/ Gregory S. Olsavick Esq. No CC.	No Judge
2/19/2008 ✓ Certificate of Readiness for Trial, filed by Gregory S. Olsavick Esq. (JURY TRIAL)	No Judge
2/25/2008 ✓ Order, this 22nd day of Feb., 2008, it is Ordered that a pre-trial conference is scheduled for March 27, 2008 at 11:00 a.m. in Judges Chambers. Jury Selection will be held on April 4, 2008 at 9:00 a.m. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty: Olsavick, Acton	Paul E. Cherry
3/6/2008 ✓ Motion for Telephone Status Conference, filed by Atty. Olsavick, 2 Cert. to Atty.	Paul E. Cherry
3/7/2008 ✓ Proposed Order, AND NOW, this 6th day of March 2008, in consideration of the within Motion for Telephone Status Conference, it is hereby ORDERED that a telephone status conference will take place on March 10, 2008 at 10:30 a.m. Counsel for Plaintiff will be responsible for the initiation of the telephone status conference with the Court and Attorney Mary Ann Acton. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC Atty Olsavick	Paul E. Cherry
3/10/2008 ✓ Order, filed cert. to Atty. Olsavick & Acton NOW, this 10th day of March, 2008, Pre-Trial Conference is hereby continued until July 17, 2008, Jury selection is continued until July 24, 2008.	Paul E. Cherry

writing, respecting performance of duties and to carry out and perform orders, directions, and policies stated by the Corporation, from time to time, either orally or in writing, as uniformly applied to all employees of the Corporation. Employee specifically understands that the Corporation shall have final authority over acceptance or refusal of any customer and over the amounts to be charged any customer for materials and/or services.

8. Employee recognizes and acknowledges that the list of the Corporation's customers, as it may exist from time to time, is a valuable, special, and unique asset of the Corporation's business. Employee will not, during or after the term of employment, disclose the list of the Corporation's customers or any part of it to any person, firm, corporation, association, or other entity for any reason or purpose whatsoever. In the event of a breach or threatened breach by Employee of the provisions of this paragraph, the Corporation shall be entitled to an injunction restraining Employee from disclosing, in whole or in part, the list of the Corporation's customers, or for rendering any services to any person, firm, corporation, association, or other entity to whom this list, in whole or in part, has been disclosed or threatened to be disclosed. Nothing in this Agreement shall be construed as prohibiting the Corporation from pursuing any other remedies available to the Corporation for such disclosure, including the recovery of damages from Employee.

9. During the period of employment, Employee will be reimbursed for reasonable expenses incurred on behalf of the Corporation in an amount not to exceed \$300 per month. In addition, Employee shall be entitled to use an automobile owned and insured by the Corporation as set forth on Schedule A in the conduct of business on behalf of the Corporation, and shall receive a credit card in the name of the Corporation for gasoline purchases. The Employee agrees to utilize the benefits set forth above only in accordance with the general policy of the Corporation as adopted by the Corporation's Board of Directors, from time to time and as uniformly applied to all employees of the Corporation. Corporation shall pay all of Employee's continuing education requirements and licensing fees, together with ancillary expenses, and such other expenses as are necessary to allow Employee to maintain his license to sell and broker insurance in the Commonwealth of Pennsylvania.

10. In addition to reimbursable expenses, the Employee may incur and pay in the course of employment by the Corporation certain other necessary expenses, which he will be required personally to pay and which the Corporation shall be under no obligation to reimburse, including, but not limited to the following: professional, entertainment, and promotional expenses; home telephone bills; educational expenses incurred for the purpose of maintaining or improving the Employee's skills other than continuing education requirements; club dues and the expenses of membership in civic groups, societies, and fraternal organizations; and all other items of reasonable and necessary expenses incurred by the Employee in the interests of the business of the Corporation. Nothing in this paragraph will prevent the Corporation from agreeing to pay or reimburse Employee, in whole or in part, for any expenses in any of the categories enumerated above.

Date: 7/9/2008

**Clearfield County Court of Common Pleas**

User: LMILLER

Time: 12:24 PM

Page 2 of 2

ROA Report

Case: 2007-00496-CD

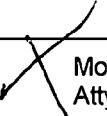
Current Judge: Paul E. Cherry

Dennis S. Piercevs.John J. Pazderski Jr.

**Civil Other-COUNT**

Date

Judge

5/16/2008  Motion for Alternative Jury Selection Date/Motion to Continue Case, filed by Paul E. Cherry  
Atty. Olsavick 2 Cert. to Atty.

11. On termination of this agreement, Employee shall not be entitled to keep or preserve records or files that the Corporation has to any customers.

12. Employee shall be entitled to an annual vacation without loss of compensation, as specified in Schedule A attached to this Agreement. Employee shall be entitled to additional time without loss of compensation for attendance at meetings, conventions, and educational courses as the Board of Directors shall, from time to time, approve.

13. All notices required under this Agreement shall be in writing shall be deemed to have given at the time they are mailed in any general or branch United States Post Office, enclosed in a registered or certified postage paid envelope addressed to the respective parties as stated below, or to such changed address the party may have fixed by notice:

If to Corporation: Swift-Kennedy & Associates, Inc..  
c/o Helpmates, Inc.  
225 South Street  
Ridgway, PA 15853  
Attn: Mr. G. Scott Carlson, President

If to Employee: Mr. Stephen R. Volpe  
1017 Green Glen Drive  
DuBois, PA 15801

Provided, however, that any notice of change of address shall be effective only upon receipt.

14. Failure to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement shall not be deemed a waiver of the term, covenant, or condition, nor shall any waiver or relinquishment of any rights or powers at anytime or times be deemed a waiver or relinquishment of the right or power for all or any other times.

15. Both parties recognize that the services to be rendered under this Agreement to the Corporation are special, and unique, and of extraordinary character. In the event of the breach by Employee of the terms and conditions of this Agreement, or in the event Employee shall without the written consent of the Corporation leave such employment and perform, in the future, services for any person, firm, or Corporation engaged in a competing business with the Corporation, then the Corporation shall be entitled to institute and prosecute proceedings in any court of competent jurisdiction, either in law or in equity, to obtain damages for any breach of this Agreement, to enforce the specific performance by Employee, or to enjoin Employee from performing services for any other person, firm, or Corporation, during the period contracted for in this Agreement, without the need of posting any bond or other security during the pendency of such action.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff,

vs.

JOHN J. PAZDERSKI  
Defendant

No. 2007-496-C9

COMPLAINT IN CIVIL ACTION

Filed on behalf of: Plaintiffs

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

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

(814) 942-3699

FILED

MAR 29 2007  
11:40 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

I CERT TO       

Katty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

CIVIL ACTION - LAW  
No.:

Vs.

JOHN J. PAZDERSKI,  
Defendant

**NOTICE TO DEFEND**

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

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

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

LAWYER REFERRAL SERVICE -

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

Telephone (814) 765-2641, Ext: 50

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

CIVIL ACTION - LAW

No.:

Vs.

JOHN J. PAZDERSKI,  
Defendant

**COMPLAINT IN CIVIL ACTION**

AND NOW comes the Plaintiff, Dennis S. Pierce, by and through his attorneys, Todd Berkey, Esquire, Gregory S. Olsavick, Esquire and Edgar Snyder & Associates LLC., to make Complaint against the Defendant John J. Pazderski, and in support thereof avers as follows:

1. Plaintiff Dennis S. Pierce, is an adult individual who resides at 18 Wilson Avenue, DuBois, Clearfield County, Pennsylvania 15801.
2. Defendant, John J. Pazderski, is an adult individual whose last known address was 4864 West Main Road, Fredonia, New York 14063.
3. The events hereinafter complained of occurred on or about September 2, 2005 at or about 6:30 p.m., on State Route 219, at the intersection with the entry ramp to Interstate 80 westbound, Sandy Township, Clearfield County, Pennsylvania.
4. At said time and place, the said State Route 219 extends in a general north/south direction.
5. At the aforesaid time and place, Dennis S. Pierce, was operating his 1984 Yamaha Virago 700 Motorcycle, and proceeding northbound on State Route 219 in Sandy Township. In doing so, Dennis S. Pierce was operating said vehicle in a proper, careful and lawful manner.
6. At the aforementioned time and place, Defendant John J. Pazderski was operating his vehicle, a 1993 Ford Mustang southbound on State Route 219.

7. At the aforementioned time and place, Defendant John J. Pazderski was negligent when suddenly and without warning, he operated his vehicle by attempting to make a left hand turn from southbound State Route 219 in an effort to proceed onto the entry ramp to Interstate 80 westbound, directly in front of the path of Dennis S. Pierce, thereby causing a severe impact between the vehicles which resulted in serious, severe and permanent injuries being sustained by Plaintiff Dennis S. Pierce.

8. As a direct and proximate result of the Defendant John J. Pazderski's inattentiveness, disregard, failure to yield and/or failure to operate his vehicle in a safe and careful manner, the collision occurred by and between Defendant's vehicle and the Plaintiff's vehicle, which caused Plaintiff to suffer and sustain the injuries and damages hereinafter more fully set forth.

9. The negligence, carelessness, and recklessness of Defendant John J. Pazderski caused severe, serious and possibly permanent injuries to Plaintiff Dennis S. Pierce.

10. The involved collision occurred as a direct and proximate result of the negligence, carelessness, and recklessness of Defendant John J. Pazderski, generally and in the following particulars:

- a. In failing to keep a proper lookout;
- b. In being inattentive;
- c. In failing to yield the right-of-way;
- d. In failing to maintain a sharp lookout for vehicles operating in an northerly direction on S.R. 219 such as the vehicle operated by Plaintiff, Dennis S. Pierce;
- e. In failing to yield the right-of-way to vehicular traffic traveling northbound on S.R. 219 such as the vehicle operated by Plaintiff, Dennis S. Pierce.

- f. In failing to maintain a sharp lookout of the road and the conditions of traffic surrounding him;
- g. In failing to have his vehicle under proper control;
- h. In failing to activate his left turn signal as he approached the area where he intended to turn left and proceed on the entry ramp to Interstate 80;
- i. In making an improper, careless and illegal left turn under the circumstances then and there existing;
- j. In making a left turn directly into the course, path, and travel of Plaintiff's moving motorcycle causing the severe collision;
- k. In driving his vehicle at an excessive rate of speed;
- l. In traveling too fast for conditions;
- m. In failing to decrease his speed and/or otherwise exercise caution as he approached the intersection with the entry ramp to Interstate 80;
- n. In failing to decrease his speed and/or otherwise exercise caution as he approached the intersection with the entry ramp to Interstate 80 knowing that he would be making a left-hand turn across the northbound lane;
- o. In failing to take proper notice and precaution as he approached the intersection with the entry ramp to Interstate 80 under the circumstances;
- p. In failing to slow down and/or stop completely knowing that at the intersection with the entry ramp to Interstate 80 he would be making a left hand turn across the northbound State Route 219 approaching lane of travel;
- q. In continuing to operate his vehicle when he saw, or in the exercise of reasonable diligence should have seen the approaching Plaintiff's vehicle;

r. In continuing to operate his vehicle when he saw, or in the exercise of reasonable diligence should have seen that further operation would result in the collision with Plaintiff's vehicle;

s. In traveling at a rate of speed and in such a manner that his vehicle could not be stopped prior to colliding with Plaintiff's vehicle, as he made a left turn directly in front of Plaintiff's vehicle;

t. In failing to stop, turn and/or otherwise take action in order to avoid striking Plaintiff's vehicle and as he proceeded to make a left turn directly in front of Plaintiff's vehicle;

u. In violating the laws and statute of the Commonwealth of Pennsylvania, including but not limited to Section 3322 of the Pennsylvania Motor Vehicle Code, pertaining a vehicle turning left; and

v. In operating his vehicle in a dangerous, unsafe, and reckless manner under the circumstances then and there existing.

11. As a direct and proximate result of the negligence, carelessness and recklessness of the Defendant John J. Pazderski, in causing the above collision, the Plaintiff Dennis S. Pierce, suffered the following injuries:

a. Fractured left clavicle;

b. Fractured ribs;

c. Multiple lacerations to his left arm, hand and fingers (left hand dominant);

d. Blunt force trauma to the chest;

e. Numerous abrasions, contusions and road rash;

f. Left shoulder deformity;

g. Residual axillary nerve injury as a direct result of the clavicular fracture;

- h. Left deltoid muscle atrophy;
- i. Continued discomfort in the shoulders and left arm/hand and fingers;
- j. Severe shock, strain or sprain of the nerves, muscles, tissue, ligaments and vessels of the musculoskeletal system; and
- k. Other injuries and damages, the exact nature of which are not known at this time.

12. As a direct and proximate result of the negligence, carelessness and recklessness of the Defendant John J. Pazderski, in causing the above collision and resulting injuries to the Plaintiff, the Plaintiff Dennis S. Pierce has been damaged as follows:

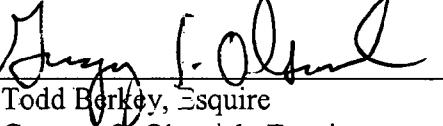
- a. He has suffered and will suffer great pain, inconvenience, embarrassment, humiliation, mental anguish and loss of enjoyment of life's pleasures;
- b. His general health, strength, and vitality have been impaired;
- c. He has suffered physical disability which may be permanent in nature;
- d. He has suffered scarring and disfigurement;
- e. He has suffered a loss of wages and earnings;
- f. His earning power and capacity may be detrimentally affected;
- g. He has in the past, and may in the future, suffer from mental and emotional stress, tension and anxieties as a result of his injuries;
- h. He has incurred medical expenses which exceed the sums recoverable under the limits of the Pennsylvania Motor Vehicle Financial Responsibility Law; and
- i. He may, in the future, undergo numerous medical procedures resulting in large and substantial expenses for medical treatment and care because of his injuries.

WHEREFORE, Plaintiff Dennis S. Pierce, demands judgment against John J. Pazderski, in an amount in excess of the jurisdictional limits of the Court of Common Pleas of Clearfield County.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By: 

Todd Berkley, Esquire  
Gregory S. Olsavick, Esquire  
Attorney for Plaintiff

**VERIFICATION**

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

Dennis S. Pierce  
Dennis S. Pierce

Date: 3-23-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

Dennis S. Pierce,

CIVIL DIVISION

Plaintiff,

*469*  
No. 2007-469 CD

vs.

John J. Pazderski,

PRAE CIPE FOR APPEARANCE

Defendant.

Filed on Behalf of Defendant, John J.  
Pazderski

Counsel of Record for this Party:

MARY ANN C. ACTON  
PA I.D. No. 33293  
Maryann.Acton@LibertyMutual.com

BASHLINE & HUTTON  
Suite 3500 One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222  
(412) 434-0201

JURY TRIAL DEMANDED

FILED *NO cc*  
*MTO:SA/CD*  
APR 26 2007 *GK*

William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing PRAECIPE FOR APPEARANCE was served via U.S. First Class Mail, postage pre-paid, on this 24<sup>th</sup> day of April, 2007, upon the following counsel of record:

Gregory S. Olsavick, Esquire  
Edgar Snyder & Associates, LLC  
Regency Square  
2900 Old Route 220  
Suite 201  
Altoona, PA 16601

*(Attorney for Plaintiff)*

BASHLINE AND HUTTON

BY: Mary Ann C. Acton  
Mary Ann C. Acton, Esquire  
Attorney for Defendant,  
John J. Pazderski

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

Dennis S. Pierce,

CIVIL DIVISION

Plaintiff,

No. 2007-496 CD

vs.

ISSUE NO.:

John J. Pazderski,

STIPULATION TO AMEND  
PLEADINGS

Defendant.

Filed on Behalf of Defendant:  
John J. Pazderski, Jr.

Counsel of Record for this Party:

MARY ANN C. ACTON  
PA I.D. No. 33293  
Maryann.Acton@LibertyMutual.com

BASHLINE & HUTTON  
Suite 3500 One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222  
(412) 434.0201

Firm I.D. No.: 150

JURY TRIAL DEMANDED

FILED NO CC  
MAY 10 2007  
2007-496 CD  
MAY 10 2007  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DENNIS S. PIERCE,

No.:

Plaintiff,

vs.

JOHN J. PAZDERSKI,

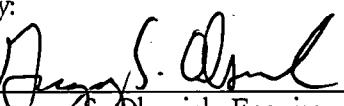
Defendant.

**STIPULATION TO AMEND PLEADINGS**

AND NOW, come the parties, by their attorneys and sets forth the following stipulation to amend the caption and the pleadings and substitute John J. Pazderski, Jr. as the defendant, and set forth the following stipulation:

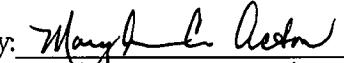
1. The parties stipulate that John J. Pazderski, Jr. is substituted as party defendant and all pleadings previously filed in this action identifying defendant as John J. Pazderski, are amended by this stipulation, as though said John J. Pazderski, Jr. had been so named in the original pleadings filed in this action,
2. It is stipulated by the parties that John J. Pazderski is dismissed from this proceeding as a party defendant.

By:

  
\_\_\_\_\_  
Gregory S. Olsavick, Esquire,  
Attorney for plaintiff, Dennis S. Pierce

Date: 4-17-07

By:

  
\_\_\_\_\_  
Mary Ann C. Acton, Esquire  
Attorney for defendant,  
John J. Pazderski, Jr.

Date: 4/13/2007

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing STIPULATION TO AMEND PLEADINGS was served via U.S. First Class Mail, postage pre-paid, on this 8<sup>th</sup> day of May, 2007, upon the following counsel of record:

Gregory Olsavick, Esq.  
EDGAR SNYDER & ASSOCIATES  
Regency Square  
2900 Old Route 220, Suite 201  
Altoona, PA 16601

*(Attorney for Plaintiff)*

BASHINE AND HUTTON

BY: Mary Ann C. Acton  
Mary Ann C. Acton, Esquire  
Attorney for Defendant  
John J. Pazderski, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

Dennis S. Pierce,

Plaintiff,

vs.

John J. Pazderski,

Defendant.

CIVIL DIVISION

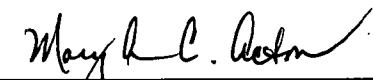
No. 2007-496 CD

ISSUE NO.:

**ANSWER AND NEW MATTER**

TO: All Counsel/Parties

You are hereby noticed to file a written response to the enclosed ANSWER AND NEW MATTER within twenty (20) days from service hereof or a judgment may be entered against you.



Mary Ann C. Acton, Esquire

Filed on Behalf of Defendant:  
John J. Pazderski, Jr.

Counsel of Record for this Party:

MARY ANN C. ACTON  
PA I.D. No. 33293  
Maryann.Acton@LibertyMutual.com

BASHLINE & HUTTON  
Suite 3500 One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222  
(412) 434.0201

Firm I.D. No.: 150

**JURY TRIAL DEMANDED**

FILED  
MAY 18 2007  
NOCC  
6K

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DENNIS S. PIERCE,

No.:

Plaintiff,

vs.

JOHN J. PAZDERSKI, JR.,

Defendant.

ANSWER AND NEW MATTER

AND NOW, comes the Defendant, JOHN J. PAZDERSKI, JR., by his attorneys, MARY ANN C. ACTON, ESQUIRE and BASHLINE & HUTTON, and states that he has a full, just, complete and legal defense to the allegations contained in the Plaintiff's Complaint, and in support thereof sets forth the following:

1. The allegations of paragraphs 2 and 6 of Plaintiff's Complaint are admitted. Defendant admits that at the time of the subject accident he resided at 4864 West Main Road, Fredonia, New York, 14063. However, Defendant's current address is 94 Slate Creek Drive, Apartment 5, Cheektowga, New York, 14227. Defendant further admits that he was the operator of the 1993 Ford Mustang involved in the subject accident however, by making these admissions, Defendant makes no admission as to the truth of the allegations of negligence, carelessness and recklessness contained in Plaintiff's Complaint, which allegations of negligence and liability are denied in general for the reasons set forth in paragraph 2 of this Answer.

2. Defendant has been advised by counsel that he may make a general denial to the allegations contained in Plaintiff's Complaint, including those allegations at paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10, 10 (a) through 10 (v), 11 and 12 and accordingly, the allegations which have not been specifically admitted in the preceding paragraphs of this Answer, are denied in general in accordance

with Rule 1029 of the Pennsylvania Rules of Civil Procedure and strict proof thereof is demanded at trial.

3. Defendant has been advised by counsel that he need not set forth any further answer to the allegations of the Plaintiff's Complaint, as those allegations of liability and damages which have not been expressly admitted in paragraphs 1 and 2, are denied in general in accordance with Rule 1029 of the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendant, JOHN J. PAZDERSKI, JR., demands that judgment be entered in his favor with costs in his behalf sustained.

#### **NEW MATTER**

By way of further and more complete answer to the allegations contained in the Plaintiff's Complaint, Defendant sets forth the following new matter:

4. Plaintiff's Complaint fails to set forth a cause of action recognized at law.

5. Defendant, while continuing to deny any negligence or liability on his part, avers that in the event that an accident occurred as alleged, then in that event, said accident was due to the contributory/comparative negligence of the Plaintiff, which allegations of negligence are pled in general in accordance with amended Rule 1030 of the Pennsylvania Rules of Civil Procedure

6. Defendant is advised by counsel that Plaintiff has received compensation in accordance with the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Act and plaintiff's claim for damages is barred by or limited by of said Act.

7. In the event the accident occurred as alleged in Plaintiff's Complaint, which has been denied in general in the preceding paragraphs of this Answer, then in that event, the accident may have been due to a sudden emergency.

8. In the event the accident occurred as alleged in Plaintiff's Complaint, which has been denied in general in the preceding paragraphs of this Answer, then in that event, the accident was due to the independent, superseding and intervening actions of third persons or parties other than the defendant, and for which the defendant is not liable or responsible.

9. In the event that it is established at the time of trial that Plaintiff suffered injuries or disability as alleged, which has been denied in general in the preceding paragraphs this Answer, then in that event, said injuries and/or disability is the result of a pre-existing and/or unrelated medical condition, as may be revealed in discovery, and for which Defendant is not liable or responsible.

10. Plaintiff's claims are limited by his failure to mitigate damages  
WHEREFORE, Defendant, JOHN J. PAZDERSKI, JR., demands that judgment be entered in his favor with costs in his behalf sustained.

**JURY TRIAL DEMANDED**

BASHLINE & HUTTON

By: Mary Ann C. Acton  
MARY ANN C. ACTON, ESQUIRE  
Attorney for Defendant,  
John J. Pazderski, Jr.

Dennis S. Pierce vs. John J. Pazderski  
2007-496 CD

VERIFICATION

I, Mr. John Pazderski, Jr., aver that the statements of fact contained in the attached ANSWER AND NEW MATTER are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

Dated: 5/15/07 John J. Pazderski, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing ANSWER AND NEW MATTER was served via U.S. First Class Mail, postage pre-paid, on this 16<sup>th</sup> day of May, 2007, upon the following counsel of record:

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

*(Attorney for Plaintiff)*

BASHINE AND HUTTON

BY: Mary Ann C. Acton  
Mary Ann C. Acton, Esquire  
Attorney for Defendant  
John J. Pazderski, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE

Plaintiff,

No. 2007-496 CD

vs.

JOHN J. PAZDERSKI

Defendant.

REPLY TO NEW MATTER

Filed on behalf of: Plaintiff, Dennis S. Pierce

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

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

(814) 942-3699

**FILED**

JUN 08 2007

6/11/2011 w

William A. Shaw  
Prothonotary/Clerk of Courts (6K)

w- 4/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

No.: 2007-496 CD

Vs.

JOHN J. PAZDERSKI,  
Defendant

**REPLY TO NEW MATTER**

AND NOW comes the Plaintiff, Dennis S. Pierce, by and through his attorneys, EDGAR SNYDER & ASSOCIATES LLC and GREGORY S. OLSAVICK, ESQUIRE, and sets forth the following Reply to New Matter filed on behalf of Defendant, and in support thereof avers as follows:

1. Plaintiff Dennis S. Pierce, incorporates by reference each and every allegation of his Complaint in Civil Action as if the same were fully set forth herein at length.
2. The averments of paragraph 4 of Defendant's New Matter are denied as the same constitutes a conclusion of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that the Complaint fails to set forth a cause of action recognized at law.
3. The averments of paragraph 5 of Defendant's New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that said accident was due to the contributory/comparative negligence of the Plaintiff.
4. The averments of paragraph 6 of Defendant's New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is

deemed necessary, it is specifically denied that Plaintiff's claim for damages is barred in whole or limited by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Act.

5. The averments of paragraph 7 of Defendant's New Matter are denied as the same constitutes a conclusion of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that the within accident was due to a sudden emergency. Rather, the accident was due to the negligence, carelessness, and recklessness of Defendant as set forth in the Complaint.

6. The averments of paragraph 8 of Defendant's New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that the accident was due to the independent, superseding and intervening actions of third persons or parties other than the Defendant for which the Defendant is not liable or responsible.

7. The averments of paragraph 9 of Defendant's New Matter are denied as the same contain conclusions of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that Plaintiff's injuries and/or disability is the result of a pre-existing and/or unrelated medical condition for which Defendant is not liable or responsible.

8. The averments of paragraph 10 of Defendant's New Matter are denied as the same constitutes a conclusion of law for which no response is required. To the extent that a response is deemed necessary, it is specifically denied that Plaintiff's claims are limited by his failure to mitigate damages.

WHEREFORE, Plaintiff Dennis S. Pierce, demands that Defendant's New Matter be dismissed with prejudice and together with costs of suit awarded.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By: 

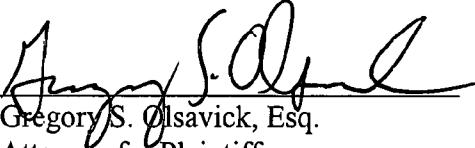
Gregory S. Olsavick, Esquire  
Attorney for Plaintiff

**VERIFICATION OF COUNSEL**

Gregory S. Olsavick, Esquire, says that he is the attorney for the Plaintiffs, that he is authorized to make this statement and that the facts contained herein are true and correct to the best of his information, knowledge and belief. The verification of counsel is being attached hereto in lieu of that of Plaintiffs because of the inability to obtain a Verification from Plaintiff in the time required to file this Reply to New Matter. A Verification of Plaintiff will be provided if requested.

This statement is made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904 relating to unsworn falsification to authorities.

EDGAR SNYDER & ASSOCIATES, LLC

By: 

Gregory S. Olsavick, Esq.  
Attorney for Plaintiff

Date: June 6, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Reply to New Matter was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 6<sup>th</sup> day of June 2007:

Mary Ann C. Acton, Esq.  
Bashline & Hutton  
Suite 3500, One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222

EDGAR SNYDER & ASSOCIATES LLC

  
\_\_\_\_\_  
Gregory S. Olsavick, Esq.

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff,  
vs.  
JOHN J. PAZDERSKI,  
Defendant

No. 2007 496 CD

NOTICE OF SERVICE OF REQUEST FOR  
PRODUCTION OF DOCUMENTS AND  
INTERROGATORIES

Filed on behalf of: Plaintiff, Dennis S. Pierce

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

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

(814) 942-3699

FILED No. cc.  
m/11/42 am  
JUL 16 2007 am

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

Dennis S. Pierce,

CIVIL DIVISION

Plaintiff,

No. 2007-496 CD

vs.

ISSUE NO.:

John J. Pazderski,

Defendant.

NOTICE OF SERVICE OF  
DEFENDANT'S FIRST SET OF  
INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF  
DOCUMENTS AND MATERIALS  
DIRECTED TO PLAINTIFF

Filed on Behalf of Defendant:  
John J. Pazderski, Jr.

Counsel of Record for this Party:

MARY ANN C. ACTON  
PA I.D. No. 33293  
Maryann.Acton@LibertyMutual.com

BASHLINE & HUTTON  
Suite 3500 One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222  
(412) 434.0201

Firm I.D. No.: 150

JURY TRIAL DEMANDED

FILED *NO CC*  
*M 11/09/01*  
*JUL 20 2001 LM*

William A. Shaw  
Prothonotary/Clerk of Courts

NOTICE OF SERVICE

I hereby certify that the original NOTICE OF SERVICE OF DEFENDANT'S FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND MATERIALS DIRECTED TO PLAINTIFF were served upon counsel set forth below, by first-class mail, postage prepaid, on 18<sup>th</sup> day of July, 2007.

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

*(Attorney for Plaintiff)*

BASHLINE AND HUTTON

BY: Mary Ann C. Acton  
MARY ANN C. ACTON, ESQUIRE  
Attorney for Defendant,  
John J. Pazderski, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

Dennis S. Pierce,

CIVIL DIVISION

Plaintiff,

No. 2007-496 CD

vs.

ISSUE NO.:

John J. Pazderski,

Defendant.

NOTICE OF SERVICE OF  
PLAINTIFF'S ANSWERS TO  
DEFENDANT'S FIRST SET OF  
INTERROGATORIES DIRECTED TO  
PLAINTIFF

Filed on Behalf of Plaintiff:  
Dennis S. Pierce

Counsel of Record for this Party:

Gregory S. Olsavick  
Pa. I.D. No. 34620

EDGAR SNYDER &  
ASSOCIATES, LLC.

2900 Old Route 220, Suite 201  
Altoona, PA 16601  
(814) 942-3699

JURY TRIAL DEMANDED

FILED NO  
m 10 2007 cc  
AUG 15 2007  
WAS

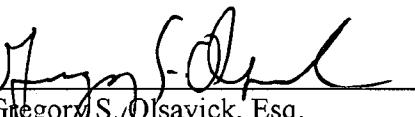
William A. Shaw  
Prothonotary/Clerk of Courts

**NOTICE OF SERVICE OF PLAINTIFF'S ANSWERS TO INTERROGATORIES**  
**AND REQUEST FOR PRODUCTION OF DOCUMENTS**  
**DIRECTED TO PLAINTIFF]**

I hereby certify that on this 14th day of August, 2007, the original PLAINTIFF'S ANSWERS TO DEFENDANT'S INTERROGATORIES DIRECTED TO PLAINTIFF and PLAINTIFF'S RESPONSES TO DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS and one (1) copy of NOTICE OF SERVICE were mailed by First Class Mail, postage prepaid, to counsel for Defendant[s] at the following address[es]:

Mary Ann Acton, Esquire  
Bashline & Hutton  
Suite 3500 One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222

EDGAR SNYDER & ASSOCIATES, LLC

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE

Plaintiff,

vs.

JOHN J. PAZDERSKI

Defendant.

No. 2007-496 CD

NOTICE OF DEPOSITION OF JOHN J.  
PAZDERSKI

Filed on behalf of: Plaintiff

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

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

(814) 942-3699

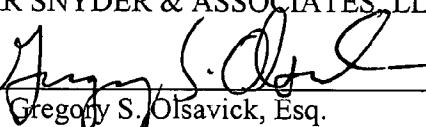
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M/2/10/2007  
SEP 24 2007  
5

William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above **NOTICE OF DEPOSITION** was served on all Counsel of Record by First Class Mail, postage prepaid, on this 20th day of September, 2007.

Mary Ann Acton  
Bashline & Hutton  
Suite 3500, One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222

EDGAR SNYDER & ASSOCIATES, LLC  
By   
Gregory S. Olsavick, Esq.  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

No.: 2007-496 CD

Vs.

CIVIL ACTION - LAW

JOHN J. PAZDERSKI,  
Defendant

FILED *No. 1*  
m 12:30 pm  
FEB 19 2008

CERTIFICATE OF READINESS

Filed on behalf of

DENNIS S. PIERCE

(Name of Party)

William A. Shaw  
Prothonotary/Clerk of Courts

1. Type of Case: Simple  Complex  Companion Case

2. Type of Trial: Jury  Nonjury  Arbitration

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

Estimated Arbitration    day(s)         hours         minutes

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

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

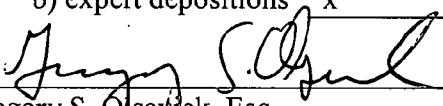
Counsel for Defendants: Mary Ann Acton, Esq., Bashline & Hutton, Suite 3500, One Oliver Plaza, 210 Sixth Avenue, Pittsburgh, PA 15222 (814) 434-0201

I Certify on behalf of Dennis Pierce

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

a) motions in limine \_\_\_\_\_ ;      b) expert depositions

DATE: February 14, 2008

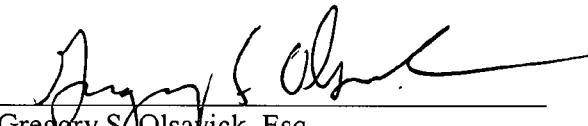
  
Gregory S. Olsavick, Esq.  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Certificate of Readiness was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 14 day of Feb. 2008:

Mary Ann C. Acton, Esq.  
Bashline & Hutton  
Suite 3500, One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222

EDGAR SNYDER & ASSOCIATES LLC

  
\_\_\_\_\_  
Gregory S. Olsavick, Esq.  
Attorney for Plaintiff

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

DENNIS S. PIERCE :  
:  
vs. : No. 07-496-CD  
:  
JOHN J. PAZDERSKI :

O R D E R

AND NOW, this 27<sup>th</sup> day of February, 2008, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for Thursday, March 27, 2008 at 11:00 A.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA. Additionally, Jury Selection in this matter will be held on April 4, 2008 at 9:00 A.M.

BY THE COURT:

  
PAUL E. CHERRY

Judge

FILED 2CC Atys:  
01/10/01 6:01  
FEB 25 2008 Olsawick  
Acton  
William A. Shaw  
Prothonotary/Clerk of Courts (68)

FILED *(Handwritten mark)*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MAN 10 2008  
m 11-451w

William A. Shaw  
Prothonotary/Clerk of Courts  
2 cent to Atty

DENNIS S. PIERCE

Plaintiff,

vs.

No. 07-496 CD

JOHN J. PAZDERSKI  
Defendant.

MOTION FOR TELEPHONE STATUS  
CONFERENCE

Filed on behalf of: Plaintiff, DENNIS S.  
PIERCE

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

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

(814) 942-3699

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

Vs. No.: 07-496 CD

JOHN J. PAZDERSKI,  
Defendant

**MOTION FOR TELEPHONE STATUS CONFERENCE**

AND NOW comes the Plaintiff, Dennis S. Pierce, by and through his attorneys, EDGAR SNYDER & ASSOCIATES LLC and GREGORY S. OLSAVICK, ESQUIRE, and files the within Motion for Telephone Status Conference, averring as follows:

1. The within matter has been certified onto the jury trial list and has been assigned to the Honorable Paul E. Cherry.
2. By Order dated February 22, 2008, Judge Cherry scheduled this matter for a pre-trial conference for Thursday, March 27, 2008 at 11:00 a.m. In addition, the Order provides for Jury Selection in this matter to be held on April 4, 2008 at 9:00 a.m.
3. By letter dated March 4, 2008, undersigned counsel directed correspondence to Your Honor (following discussion with Court Administrator's office) requesting that Jury Selection be moved to April 3, 2008 due to undersigned being scheduled for mediation on April 4, 2008 in Greensburg, PA.
4. In the interim, the case which had been scheduled for mediation on April 4, 2008 is no longer scheduled to proceed to mediation. However, undersigned counsel contacted Mary Ann Acton, Esquire, counsel for Defendant herein, who has been given authority to proceed with mediation, and is available for purposes of the same on April 4, 2008, with Attorney John Noble in Greensburg, PA.

5. Under these circumstances, undersigned counsel, and Attorney Acton, are respectfully requesting the scheduling of a brief telephone status conference with Your Honor in order to discuss the status of the case, particularly in light of the scheduling of the mediation following your scheduling of the pre-trial conference and jury selection.

WHEREFORE, it is respectfully requested that a telephone status conference be scheduled for purposes of this case by and between Your Honor, Attorney Acton, and undersigned counsel as soon as practicable.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By: \_\_\_\_\_

  
Gregory S. Olsavick, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

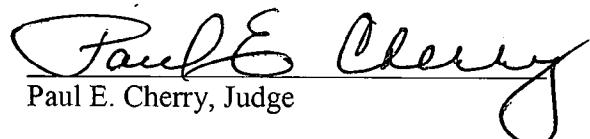
Vs. No.: 07-496 CD

JOHN J. PAZDERSKI,  
Defendant

PROPOSED ORDER

AND NOW this 6<sup>th</sup> day of March, 2008, in consideration of the within Motion for Telephone Status Conference, it is hereby ORDERED that a telephone status conference will take place on March 10, 2008 at 10:30 o'clock A m. Counsel for Plaintiff will be responsible for the initiation of the telephone status conference with the Court and Attorney Mary Ann Acton.

BY THE COURT:

  
Paul E. Cherry  
Judge

FILED <sup>2 cc</sup>  
03/13/08  
MAR 07 2008 Atty Olsavick

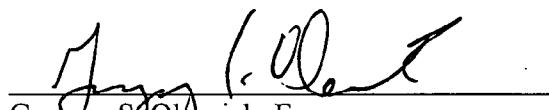
William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Motion was served on all Counsel listed below, by telefax, on this 5<sup>th</sup> day of March 2008:

Mary Ann C. Acton, Esq.  
Bashline & Hutton  
Suite 3500, One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222

EDGAR SNYDER & ASSOCIATES LLC



\_\_\_\_\_  
Gregory S. Olsavick, Esq.  
Attorney for Plaintiffs

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

DENNIS S. PIERCE

: NO. 07-496-CD

V.

JOHN J. PAZDERSKI

ORDER

FILED *(initials)*

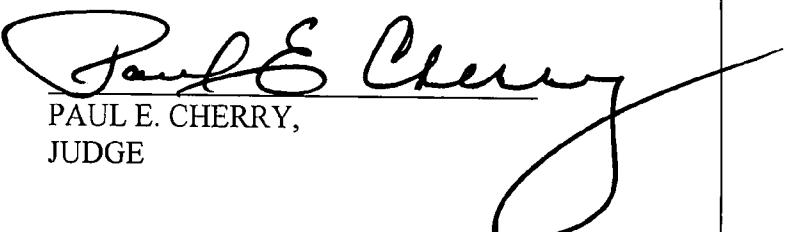
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013:25 ( )  
William A. Shaw  
Prothonotary/Clerk of Courts

CONF TO

ATTY'S  
OLSAWICK  
& CATOR

AND NOW, this 10<sup>th</sup> day of March, 2008, following Telephone Status Conference, it is the ORDER of this Court that Pre-Trial Conference shall be and is hereby continued until July 17, 2008 beginning at 1:30 P.M. Jury Selection shall be and is hereby continued until July 24, 2008, beginning at 9:00 A.M.

BY THE COURT,

  
PAUL E. CHERRY,

JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE

Plaintiff,

vs.

JOHN J. PAZDERSKI

Defendant.

No. 07-496 CD

FILED

MAY 16 2008

William A. Shaw  
Prothonotary/Clerk of Courts

2 CERT TO ATT

MOTION FOR ALTERNATIVE JURY  
SELECTION DATE/MOTION TO  
CONTINUE CASE

Filed on behalf of: Plaintiff, DENNIS S.  
PIERCE

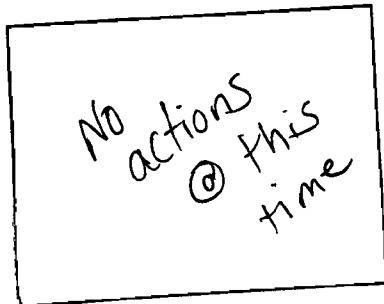
Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

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

(814) 942-3699



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

Vs. No.: 07-496 CD

JOHN J. PAZDERSKI,  
Defendant

**MOTION FOR ALTERNATIVE JURY SELECTION DATE/**  
**MOTION TO CONTINUE CASE**

AND NOW comes the Plaintiff, Dennis S. Pierce, by and through his attorneys, EDGAR SNYDER & ASSOCIATES LLC and GREGORY S. OLSAVICK, ESQUIRE, and files the within Motion for Alternative Jury Selection Date or in the alternative, Motion to Continue Case, and in support thereof, avers as follows:

1. This case is scheduled for jury selection on Thursday, July 24, 2008.
2. This case is also scheduled for a pre-trial conference for Thursday, July 17, 2008 at 1:30 p.m.
3. Undersigned counsel has already been scheduled for a jury trial in Centre County with Judge Lunsford, which is scheduled for Wednesday, July 23 and Thursday, July 24, 2008.
4. Undersigned counsel does not anticipate the Centre County case will settle prior to trial, due to the fact that there have been a number of pretrial conferences and settlement conferences, which have not proven fruitful.
5. As a consequence, undersigned counsel will be unable to attend jury selection as presently scheduled for July 24, 2008. Undersigned counsel's understanding is that the next civil jury trial term will not be until some time at the beginning of 2009.

6. Under cover letter dated May 12, 2008, correspondence was forwarded to the Court in this regard. A true and correct copy is attached as Exhibit "1".

7 Under the circumstances, undersigned counsel is submitting the within motion in order to determine whether there might be an alternative jury selection date subsequent to July 24, 2008, for example, during the fall of 2008, such that jury selection could be scheduled, and this case proceed to trial prior to the end of 2008.

8 In the alternative, given the Court schedule, if this is not possible or conceivable, then undersigned counsel must respectfully request that this matter be continued until the next civil jury term of Court.

WHEREFORE, it is respectfully requested Motion for Alternative Jury Selection Date or in the alternative, Motion to Continue Case be granted.

Respectfully submitted,

EDGAR SNYDER & ASSOCIATES LLC

By:   
Gregory S. Olsavick, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

Vs. No.: 07-496 CD

JOHN J. PAZDERSKI,  
Defendant

**PROPOSED ORDER**

AND NOW this 14<sup>th</sup> day of May, 2008, in consideration of the within Motion for Alternative Jury Selection Date or in the alternative, Motion to Continue Case, it is hereby ORDERED that the Motion be granted and the case be rescheduled for a later date consistent with the Court's schedule.

BY THE COURT:

---

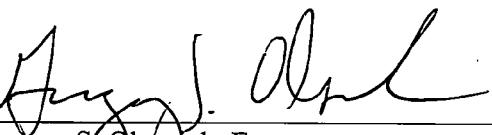
Paul E. Cherry, Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Motion was served on all Counsel listed below, by U.S. Mail, on this 14<sup>th</sup> day of May 2008:

Mary Ann C. Acton, Esq.  
Bashline & Hutton  
Suite 3500, One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222

EDGAR SNYDER & ASSOCIATES LLC



\_\_\_\_\_  
Gregory S. Olsavick, Esq.  
Attorney for Plaintiffs

Gregory S. Olsavick, Esquire  
Email: [golsavick@edgarsnyder.com](mailto:golsavick@edgarsnyder.com)

May 12, 2008

Hon. Paul E. Cherry  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

RE: Dennis Pierce v. John Pazderski  
No. 07-496 CD

Dear Judge Cherry:

I am writing to you with respect to the above matter, as a consequence of the scheduling order which was issued. Specifically, jury selection has been set in this case for Thursday, July 24, 2008 at 9:00 a.m. I am writing to advise, however, that I have been scheduled for a jury trial in Centre County, with Judge Lunsford, which is scheduled for Wednesday, July 23 and Thursday, July 24, 2008.

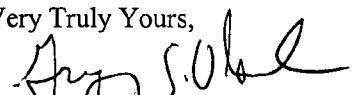
I wish to advise the Court that I do not anticipate that this case will settle prior to trial. We have had a number of pretrial conferences to date and settlement conferences with the Court, which have not proven fruitful.

I wish to advise the Court that this case is scheduled for a Pre-Trial Conference with your Honor on July 17, 2008 at 1:30 p.m.

Under the circumstances, it may be necessary to continue this case to the next term of Court. It is my understanding that there is not another jury selection date until early 2009. However, it is also my understanding that your Honor is scheduling civil cases into October, November and quite possibly even December. If this is the case, possibly depending on the size of the civil list for you and Judge Ammerman, that conceivably the Court may determine that there should be another jury selection date in September or October. If that were the case, then this case could be scheduled for jury selection at that time, looking to try the case, prior to the end of 2008. Under the circumstances and given the Rules of Practice in Clearfield County, I will be preparing a motion along these lines also. I wanted to bring this to the attention of your Honor as soon as possible. I have of course also forwarded a copy of this correspondence to counsel for the Defendant.

Thank you for your attention to this matter.

Very Truly Yours,

  
Gregory S. Olsavick

GSO/kah



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

DENNIS S. PIERCE : NO. 07-496-CD  
:  
V. :  
:  
JOHN J. PAZDERSKI :  
:

ORDER

AND NOW, this 17<sup>th</sup> day of July, 2008, following Pre-Trial Conference, it is the  
ORDER of this Court as follows:

1. Jury Selection in this matter is scheduled for January 6, 2008, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for January 21, 22, 23, 2009, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days prior to commencement of trial.
4. Points for Charge shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
5. Proposed Verdict Slip shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
6. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

FILED 100 Atty's: Olsavick  
JUL 17 2008 Action  
610

William A. Shaw  
Prothonotary/Clerk of Courts

7. Settlement Conference shall be held on Tuesday, December 2, 2008 at 1:30 P.M. in Judge's Chambers, Clearfield County Courthouse, Clearfield, Pennsylvania.

8. Jury Selection scheduled for July 24, 2008 shall be and is hereby cancelled.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

FILED *Enye*

NOV 20 2008

*m/11/08/cw*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE

Plaintiff,

vs.

No. 07-496 CD

PRAECIPE TO SETTLE AND  
DISCONTINUE

JOHN J. PAZDERSKI

Defendant.

Filed on behalf of: Plaintiff, DENNIS S.  
PIERCE

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE

PA I.D. No. 34620

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

(814) 942-3699

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DENNIS S. PIERCE,  
Plaintiff

Vs. No.: 07-496 CD

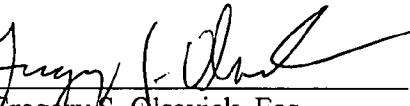
JOHN J. PAZDERSKI,  
Defendant

**PRAECIPE TO SETTLE AND DISCONTINUE**

To: Clearfield County Prothonotary

Please settle and discontinue the within matter.

EDGAR SNYDER & ASSOCIATES, LLC

By   
Gregory S. Olsavick, Esq.  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Praeclipe to Settle and Discontinue was served on all Counsel listed below, by First Class Mail, postage prepaid, on this 18th day of November 2008:

Mary Ann Acton, Esquire  
Law Offices of Terry L.M. Bashline  
Suite 3500 One Oliver Plaza  
210 Sixth Avenue  
Pittsburgh, PA 15222

EDGAR SNYDER & ASSOCIATES LLC

  
\_\_\_\_\_  
Gregory S. Olsavick, Esq.  
Attorney for Plaintiffs