

**07-561-CD**  
**Margaret Thompson vs J. Cristini**

**Margaret Thompson vs James Cristini**  
**2007-561-CD**

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

NO. 07-561 C.D.

Type of Case: Civil - Personal Injury.

Type of Pleading: Praecipe for Writ  
of Summons

Filed on behalf of: Plaintiff

Counsel of Record for this Party:

David P. King, Esquire

23 Beaver Drive

P. O. Box 1016

DuBois, PA 15801

(814) 371-3760

Supreme Court No. 22980

**FILED** pd \$85.00 Atty  
0/11.20 un Noce  
APR 10 2007 I writ issued to  
Atty King.

William A. Shaw  
Prothonotary/Clerk of Courts

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

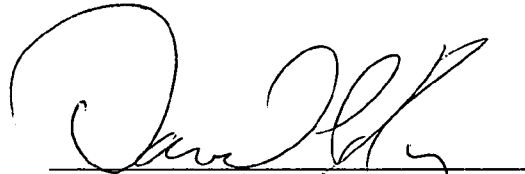
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NO. \_\_\_\_\_ C.D.

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue a Writ of Summons against the above named  
Defendant, JAMES CRISTINI, whose address is 19 Playground Road,  
Brockport, PA 15823.

  
\_\_\_\_\_  
David P. King  
Attorney for Plaintiff

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

**COPY**

**SUMMONS**

**Margaret J. Thompson**

**Vs.**

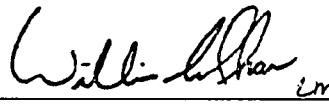
**NO.: 2007-00561-CD**

**James Cristini**

**TO: JAMES CRISTINI**

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

Date: 4/10/2007

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

Issuing Attorney:

David P. King  
P.O. Box 1016  
DuBois, PA 15801  
(814) 371-3760

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102670  
NO: 07-561-CD  
SERVICE # 1 OF 1  
SUMMONS

PLAINTIFF: MARGARET J. THOMPSON  
vs.  
DEFENDANT: JAMES CRISTINI

**SHERIFF RETURN**

---

NOW, April 19, 2007, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON JAMES CRISTINI.

NOW, April 23, 2007 AT 1:47 PM SERVED THE WITHIN SUMMONS ON JAMES CRISTINI, DEFENDANT. THE RETURN OF ELK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

**FILED**

012140/01  
SEP 12 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102670  
NO: 07-561-CD  
SERVICES 1  
SUMMONS

PLAINTIFF: MARGARET J. THOMPSON  
vs.  
DEFENDANT: JAMES CRISTINI

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	KING	12788	10.00
SHERIFF HAWKINS	KING	12788	18.78
ELK CO.	KING	12789	35.55

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

# Affidavit of Service

Margaret J. Thompson  
vs.

James Cristini

No. 561 Term, 20 07

Returnable within \_\_\_\_\_ days  
from date of service hereof.

NOW April 23, 20 07 at 1:47 o'clock P.M.

served the within Summons on James Cristini

at 19 Playground Rd., Brockport, Elk County, PA

by handing to James Cristini

a true and attested copy of the original Summons and made

known to him the contents thereof. Sheriff's Costs - \$35.55 PAID

Sworn to before me this 27<sup>th</sup>

day of April A.D. 20 07

Margaret J. Fitzgerald  
Deputy Prothonotary

My Commission Expires  
January 7, 2008

So answers,

Thomas C. Korte  
Earl C. Pontious

Sheriff

Deputy



# Sheriff's Office Clearfield County

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM

DEPT. CLERK

COURTHOUSE

CYNTHIA AUGHENBAUGH

OFFICE MANAGER

CHESTER A. HAWKINS

1 NORTH SECOND STREET, SUITE 116

KAREN BAUGHMAN

CLERK TYPIST

CLEARFIELD, PENNSYLVANIA 16830

PETER F. SMITH

SOLICITOR

## DEPUTATION

### IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 102670

TERM & NO. 07-561-CD

MARGARET J. THOMPSON

SUMMONS

vs.

JAMES CRISTINI

**SERVE BY: 05/10/07**

**HEARING:**

### MAKE REFUND PAYABLE TO DAVID P. KING, ESQ.

**SERVE:** JAMES CRISTINI

**ADDRESS:** 19 PLAYGROUND ROAD, BROCKPORT, PA 15823

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, April 19, 2007.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

Type of Case: Civil Action

No. 2007-00561- CD

Type of Pleading:  
Praecipe for Entry of  
Appearance

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: 12/17/2007

**FILED** NO CC  
m/11:10/07  
DEC 19 2007 (6K)

William A. Shaw  
Prothonotary/Clerk of Courts

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

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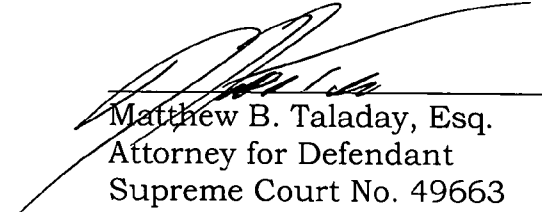
No. 2007-00561 CD

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendant,  
James Cristini, in the above captioned matter.

Dated: December 17, 2007



Matthew B. Taladay, Esq.  
Attorney for Defendant  
Supreme Court No. 49663  
528 Liberty Boulevard  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

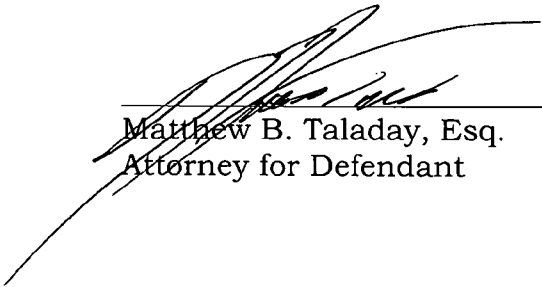
JAMES CRISTINI,  
Defendant

No. 2007-00561 CD

**CERTIFICATE OF SERVICE**

I certify that on the 17th day of December, 2007, a true and correct copy of Defendant's Praecipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

David P. King, Esq.  
Attorney for Plaintiff  
P.O. Box 1016  
DuBois, PA 15801



Matthew B. Taladay, Esq.  
Attorney for Defendant

**FILED**

**DEC 19 2007**

**William A. Shaw  
Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

Type of Case: Civil Action

No. 2007-00561- CD

Type of Pleading:  
Praecipe for Rule to  
File Complaint

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: 02/15/08

**FILED**

*m 12:45/08*  
**FEB 20 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

*No CC*

*2 Rules*

*to Atty*

*Taladay*

*@*

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

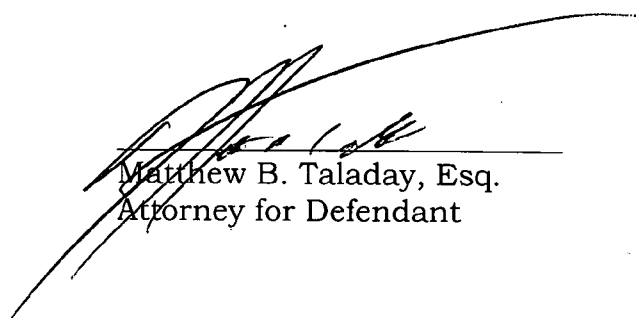
No. 2007-00561 CD

**PRAECIPE FOR RULE TO FILE COMPLAINT**

TO THE PROTHONOTARY:

Please enter a rule upon Plaintiff to file a Complaint within  
twenty (20) days of service thereof or suffer the entry of a judgment of  
non pros.

Dated: February 15, 2008



Matthew B. Taladay, Esq.  
Attorney for Defendant

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

COPY

Margaret J. Thompson

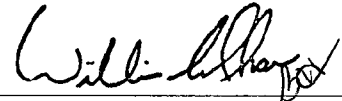
Vs.  
James Cristini

Case No. 2007-00561-CD

RULE TO FILE COMPLAINT

TO: Margaret J. Thompson

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William A. Shaw, Prothonotary

Dated: February 20, 2008

FILED

FEB 26 2008

W/ 10:20/W  
William A. Shaw  
Prothonotary/Clerk of Courts  
No C/C

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

Type of Case: Civil Action

No. 2007-00561- CD

Type of Pleading:  
Certificate of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: 02/25/08

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

No. 2007-00561 CD

**CERTIFICATE OF SERVICE**

I certify that on the 25th day of February, 2008, a Court  
certified Rule to File Complaint was sent via first class mail, postage  
prepaid, to the following:

David P. King, Esq.  
Attorney for Plaintiff  
P.O. Box 1016  
DuBois, PA 15801



Matthew B. Taladay, Esq.  
Attorney for Defendant

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

MARGARET J. THOMPSON,  
Plaintiff

VS

JAMES CRISTINI,  
Defendant

NO. 2007-00561 C.D.

Type of Case: Civil

Type of Pleading: Complaint

Filed on behalf of: Plaintiff

Counsel of Record for this Party:  
David P. King, Esquire  
23 Beaver Drive  
P. O. Box 1016  
DuBois, PA 15801  
(814) 371-3760

Supreme Court No. 22980

FILED  
9/12/34/61  
MAR 12 2008

acc  
Any King

William A. Shaw  
Prothonotary/Clerk of Courts

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

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NO. 2007-00561 C.D.

NOTICE

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

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

Court Administrator  
Clearfield County Courthouse  
230 East Market Street, Suite 228  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

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NO. 2007-00561-C.D.

COMPLAINT

AND NOW, comes the Plaintiff, MARGARET J. THOMPSON, through her Attorney, David P. King, and for her cause of action respectfully represents as follows:

1. The Plaintiff is MARGARET J. THOMPSON, and she resides at 1322 Bushley Road, Brockway, PA 15824.

2. The Defendant is JAMES CRISTINI, and he resides at 19 Playground Road, Brockport, PA 15823.

3. On or about April 28, 2005, at approximately 8:43 a.m., the Plaintiff was operating her motor vehicle in a safe and prudent manner on the public ways and highways of the Commonwealth of Pennsylvania, within the Township of Sandy, Clearfield County, PA.

4. More specifically, the Plaintiff was operating her motor vehicle and driving on Route 219 in a southerly direction just a short distance from the City limits of DuBois, PA, but still in Sandy Township, near the Glenn O. Hawbaker Construction Plant which is situated on PA Route 219 at the location known as 627 Rich Highway, DuBois, PA.

5. At said time and place, the Plaintiff operating her vehicle in said safe and prudent manner, came to a stop behind a line of cars that had also stopped for road construction which was taking place at that time and in that location.

6. At that said time and place, the Defendant, JAMES CRISTINI, was operating his automobile in the same direction on PA Route 219 and approached the Plaintiff's vehicle and the other vehicles which were at a stop at that time.

7. However, the Defendant was not attentive, looking down over the hillside, or otherwise not paying attention to traffic and the flow of traffic and also traveling at an excessive or unsafe speed and did there and then violently crash into the rear end of the vehicle which the Plaintiff was operating, but which was at a standstill at such time.

8. Such impact was in such a violent and forceful manner as to cause the Plaintiff's vehicle to travel forward from its standstill and then hit another vehicle which was stopped in the line of traffic directly in front of the Plaintiff.

9. This impact and violent collision was solely a result of the Defendant's negligence which can be summarized as follows:

- (a) Traveling at a high rate of speed approaching and traveling through a construction area which the Defendant was aware of or should have been aware of.
- (b) Traveling at an excessive rate of speed on the

roadway as described, considering the construction area, and the general overall condition and environment of the roadway known or which should have been known to the Defendant at such time.

(c) Failing to use caution and vigilance when approaching and traveling through the construction area, and the vehicle of the Plaintiff and others similarly situated.

(d) Failing to follow the rules of the road, and more specifically, to be prudent and careful, considering all factors and circumstances.

(e) Failing to have his vehicle under control and/or driving at a safe speed.

(f) Failing to have his vehicle under control, and failing to observe the Plaintiff who had been stopped with other cars, waiting for permission to proceed through the construction area.

(g) Failing to be able to stop his vehicle from violently and forceably colliding with the Plaintiff's vehicle.

(h) Failing to exercise due care under the circumstances as outlined herein.

(i) Failure to exercise in general, in this context, reasonable care under all of the circumstances.

10. Because of the negligent operation of his motor vehicle, the Defendant was the proximate cause, and has caused injuries to the Plaintiff and her vehicle as set forth herein.

COUNT I  
(Personal Injury)

11. The averments in Plaintiff's Paragraph 1 through 10 above are herein incorporated by reference.

12. As a result of the collision as described above, the Plaintiff, MARGARET J. THOMPSON, was physically injured and did undergo great pain and suffering, at said point and time, and such pain and suffering continued thereafter, in a significant manner, for a significant period of time, and she continues to this day to experience and suffer from the same regarding said collision.

13. Because of the Plaintiff's injuries it is anticipated that she will not fully recover from the personal injuries received and will continue to suffer the same for the remainder of her lifetime in some fashion and degree.

14. Further, the Plaintiff has suffered great trauma, emotional distress, pain, suffering, discomfort and inconvenience, then, thereafter and continuing and expected to continue into the future and indefinitely.

WHEREFORE, the Plaintiff, MARGARET J. THOMPSON, prays your Honorable Court to award her damages in excess of \$25,000.00.

COUNT II  
(Loss of Income)

15. The averments in Plaintiff's Paragraph 1 through 14 above are herein incorporated by reference.

16. Because of the injuries that the Plaintiff received, and although to date first party benefits have paid lost wages, because of the continuing effects of her injuries, Plaintiff may continue to have wage loss which is not covered by first party benefits which she should be compensated for.

WHEREFORE, Plaintiff prays your Honorable Court to enter judgment in her favor and against the Defendant for such sums as reasonably calculated, and she will so ever pray.

COUNT III  
(Medical Bills)

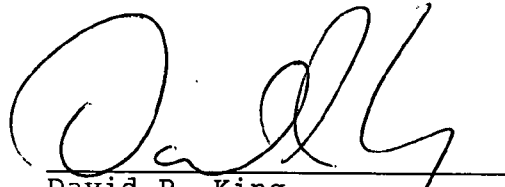
17. The averments in Plaintiff's Paragraph 1 through 16 above are herein incorporated by reference.

18. Because of her injuries, caused and proximately caused by the Defendant's negligence, the Plaintiff incurred and continues to incur medical bills and costs related thereto.

19. The Plaintiff's first party benefits have paid the maximum required, \$10,000.00, but no more.

20. Beyond such first party benefits which have been exhausted as mentioned above, the Plaintiff has incurred additional medical expenses in excess of \$85,000.00, and will continue to incur medical expenses and costs related thereto on going.

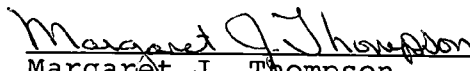
WHEREFORE, the Plaintiff prays your Honorable Court to enter a judgment in her favor and against the Defendant in an amount equal to her medical bills incurred beyond the first party benefits that have been exhausted, and she will so ever pray.



David P. King  
Attorney for Plaintiff

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

Date: March 11, 2008

  
Margaret J. Thompson  
Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

: Type of Case: Civil Action  
:  
: No. 2007-00561- CD  
:  
: Type of Pleading:  
: Notice of  
: Service  
:  
: Filed on Behalf of:  
: Defendant  
:  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: 03-17-08

FILED NO CC  
MAR 19 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

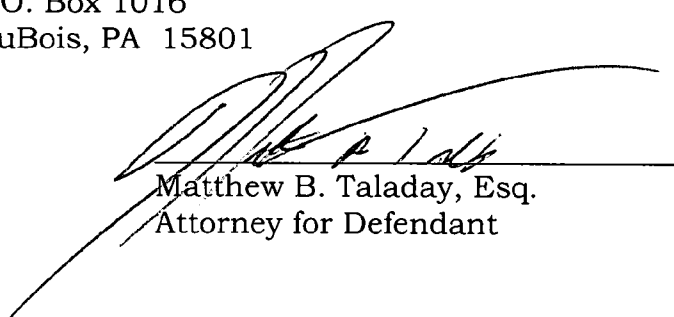
No. 2007-00561 CD

JAMES CRISTINI,  
Defendant

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 17<sup>th</sup> day of March, 2008, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

David P. King, Esq.  
Attorney for Plaintiff  
P.O. Box 1016  
DuBois, PA 15801



Matthew B. Taladay, Esq.  
Attorney for Defendant

FILED

MAR 19 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

Type of Case: Civil Action

No. 2007-00561- CD

Type of Pleading:  
Answer and  
New Matter

Filed on Behalf of:  
Defendant

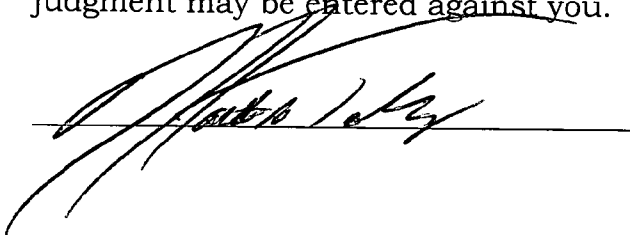
Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

JURY TRIAL DEMANDED

Dated: 04/15/08

You are hereby notified to plead  
to the within pleading within twenty  
(20) days of service thereof or default  
judgment may be entered against you.



FILED NOCC  
APR 16 2008 GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

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No. 2007-00561 CD

**ANSWER**

AND NOW, comes the Defendant, James Cristini, by his attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiff's Complaint as follows:

1. Admitted.
2. Admitted.
3. Upon information and belief, admitted.
4. Upon information and belief, admitted.
5. Upon information and belief, admitted.
6. Admitted.
7. Denied as stated. It is denied that James Cristini was traveling at excessive or unsafe speed. It is further denied that the Defendant was not attentive. With regard to the remaining allegations of paragraph 7, this Defendant is, after reasonable investigation, without information sufficient to form a belief as to the truth of the remaining matters set forth in paragraph 7 of Plaintiff's Complaint, and therefore,

these allegations are denied and strict proof thereof is demanded at the time of trial.

8. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 8 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

9. Defendant denies allegations of negligence pursuant to Pa.R.C.P. Rule 1029(e). By way of further answer, however, Defendant admits liability for the collision.

10. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 10 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

### **Count I**

#### **Personal Injury**

11. Defendant incorporates paragraphs 1 through 10 above as if set forth in full.

12. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 12 of Plaintiff's Complaint, and therefore,

these allegations are denied and strict proof thereof is demanded at the time of trial.

13. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 13 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

14. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 8 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in his favor.

## **Count II**

### **Loss of Income**

15. Defendant incorporates paragraphs 1 through 14 above as if set forth in full.

16. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 16 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in his favor.

**Count III**

**Medical Bills**

17. Defendant incorporates paragraphs 1 through 16 above as if set forth in full.

18. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 18 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

19. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 19 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

20. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 20 of Plaintiff's Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in his favor.

**NEW MATTER**

21. Plaintiff's claims for medical expenses are barred or limited by application of the Pennsylvania Motor Vehicle Financial Responsibility Law and its cost containment provisions.

22. Plaintiff's claims are barred or limited by application of the Pennsylvania Motor Vehicle Financial Responsibility Law.

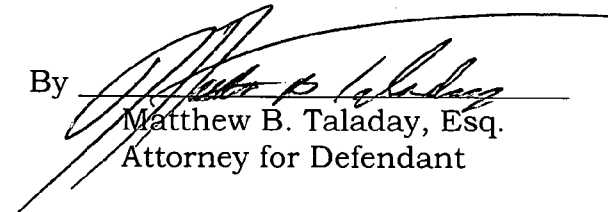
WHEREFORE, Defendant demands judgment in his favor.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

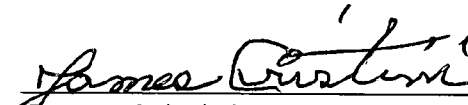
**VERIFICATION**

I, **James Cristini**, do hereby verify that I have read the foregoing Answer and New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date:

4-10-8

  
James Cristini

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

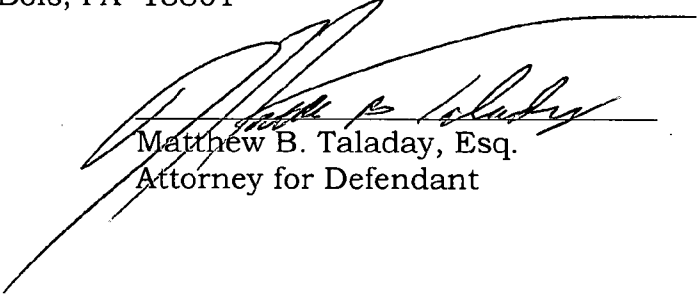
JAMES CRISTINI,  
Defendant

No. 2007-00561 CD

**CERTIFICATE OF SERVICE**

I certify that on the 15<sup>th</sup> day of April, 2008, a true  
and correct copy of the foregoing ANSWER AND NEW MATTER was sent  
via first class mail, postage prepaid, to the following:

David P. King, Esq.  
Attorney for Plaintiff  
P.O. Box 1016  
DuBois, PA 15801

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

FILED

APR 16 2008

William A. Shaw  
Prothonotary/Clerk of Courts

CA  
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

Type of Case: Civil Action

No. 2007-00561- CD

Type of Pleading:  
Motion to  
Compel Discovery

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

JURY TRIAL DEMANDED

Dated: 05/21/08

FILED

m19:31/61  
MAY 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

MARGARET J. THOMPSON, :  
Plaintiff :  
 :  
vs. : No. 2007-00561 CD  
 :  
JAMES CRISTINI, :  
Defendant : .

**MOTION TO COMPEL DISCOVERY**

AND NOW comes Defendant, James Cristini, by his attorneys, Hanak, Guido and Taladay and hereby petition this Honorable Court to compel discovery averring as follows:

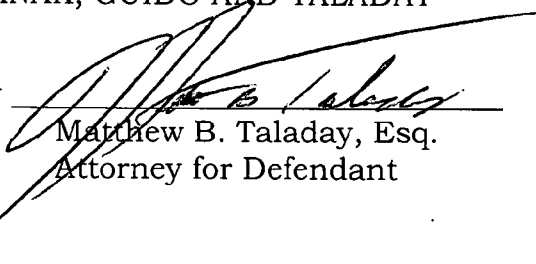
1. On March 17, 2008 Interrogatories and Request for Production of Documents were served by Defendant upon Plaintiff. A copy of the Notice of Service is attached hereto as Exhibit "A".
3. The purpose of the pending discovery requests is to determine any additional medical treatment that Plaintiff may have undergone since prior discovery responses were provided.
4. To date, no discovery responses have been provided.
5. Moving party's counsel has corresponded with Plaintiff's counsel, David King, by letter dated May 6, 2008, a copy of which is attached hereto as Exhibit "B". To date, no response has been received.
6. Defendant requests this Honorable Court to issue an Order compelling Counsel for Plaintiff to provide full and complete discovery responses within thirty days of the date of this Order, upon failure of which the Court may impose sanctions.

WHEREFORE, it is respectfully requested that this Motion to  
Compel Discovery be granted.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By

A handwritten signature in black ink, appearing to read "Matthew B. Taladay", is written over a horizontal line.

Matthew B. Taladay, Esq.  
Attorney for Defendant

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

No. 2007-00561 CD

**ORDER OF COURT**

AND NOW, this 27<sup>th</sup> day of MAY, 2008, upon  
consideration of Defendant's Motion to Compel Discovery,

IT IS HEREBY ORDERED that the Motion is granted.  
Plaintiff shall forthwith produce and supply full and complete discovery  
responses within thirty (30) days from the date of this Order. In the  
event that Plaintiff fails to abide by this Order, this Court may, upon  
further Petition of Defendant, impose appropriate sanctions.

BY THE COURT,



**FILED**

03:56 p.m. GK

MAY 27 2008

4cc. TO ATTY  
TALADAY

William A. Shaw  
Prothonotary/Clerk of Courts

(GK)

DATE: 5-27-08

☒ 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**

**MAY 27 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

Type of Case: Civil Action

No. 2007-00561- CD

Type of Pleading:  
Notice of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: 03-17-08

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

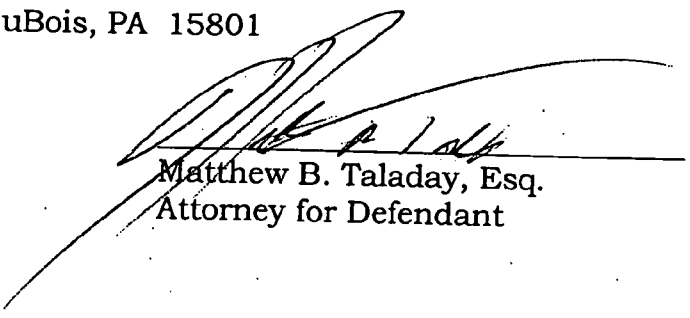
JAMES CRISTINI,  
Defendant

No. 2007-00561 CD

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 17<sup>th</sup> day of March, 2008, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

David P. King, Esq.  
Attorney for Plaintiff  
P.O. Box 1016  
DuBois, PA 15801

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

**HANAK, GUIDO and TALADAY**  
**Attorneys at Law**

Robert M. Hanak  
Anthony S. Guido  
Matthew B. Taladay

Nicole Hanak Bankovich

Telephone: (814) 371-7768  
Fax: (814) 371-1974

528 Liberty Blvd.  
P.O. Box 487  
DuBois, PA 15801

mbtaladay@verizon.net

May 6, 2008

David P. King, Esq.  
P.O. Box 1016  
DuBois, PA 15801

Re: Margaret J. Thompson vs. James Cristini  
No. 2007-00561-CD

Dear David:

I am writing to inquire as to when I may expect responses to the discovery requests which were served on March 17, 2008. Please let me know when I may expect Answers. I look forward to hearing from you.

Sincerely,

Matthew B. Taladay

MBT:kam

cc: Cindy DiMarco  
Claim No. 010110551633

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

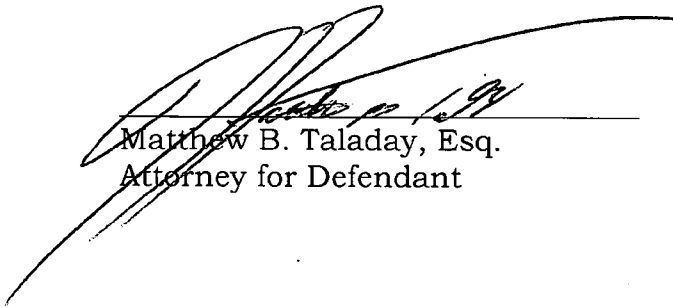
JAMES CRISTINI,  
Defendant

No. 2007-00561 CD

**CERTIFICATE OF SERVICE**

I certify that on the 21st day of May, 2008, a true and correct copy of Defendant's Motion to Compel Discovery was sent via first class mail, postage prepaid, to the following:

David P. King, Esq.  
Attorney for Plaintiff  
P.O. Box 1016  
DuBois, PA 15801



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JUN 03 2008  
ml 10:10/2  
William A. Shaw  
Prothonotary/Clerk of Courts  
NO C/C  
CR

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

Type of Case: Civil Action

No. 2007-00561- CD

Type of Pleading:  
Certificate of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: 6/2/08

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

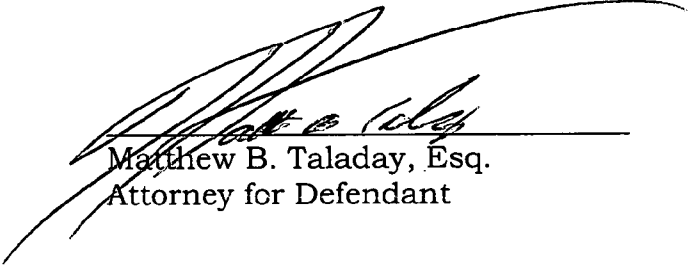
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No. 2007-00561 CD

**CERTIFICATE OF SERVICE**

I certify that on the 2nd day of June, 2008, a certified copy  
of the Order of Court dated May 27, 2008, was sent via first class mail,  
postage prepaid, to the following:

David P. King, Esq.  
Attorney for Plaintiff  
P.O. Box 1016  
DuBois, PA 15801



Matthew B. Taladay, Esq.  
Attorney for Defendant

Prothonotary/Clerk of Courts  
William A. Shaw

JUN 03 2008

FILED

FILE

JUN 03 2008

Prothonotary/Clerk of Courts  
William A. Shaw

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

: Type of Case: Civil Action  
:  
: No. 2007-00561- CD  
:  
: Type of Pleading:  
: Certificate of  
: Service  
:  
: Filed on Behalf of:  
: Defendant  
:  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: 08/04/08

FILED <sup>NO CC</sup>  
m/10:42:07  
AUG 05 2008  
LM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

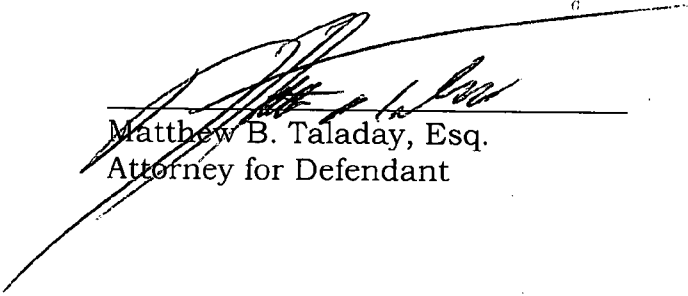
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No. 2007-00561 CD

**CERTIFICATE OF SERVICE**

I certify that on the 4<sup>th</sup> day of August, 2008, an original  
Notice of Deposition, copy of which is attached hereto, was sent via first  
class mail, postage prepaid, to the following:

David P. King, Esq.  
Attorney for Plaintiff  
P.O. Box 1016  
DuBois, PA 15801

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

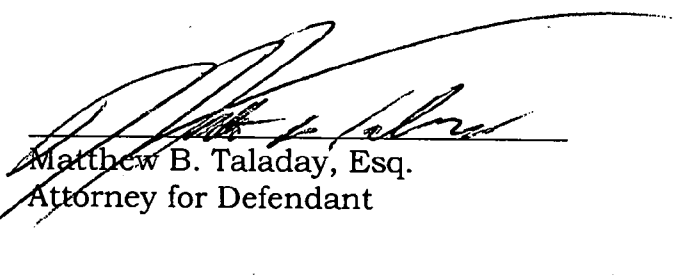
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No. 2007-00561 CD

**NOTICE OF DEPOSITION**

TO: MARGARET J. THOMPSON, Plaintiff  
c/o David P. King, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Tuesday, August 19, 2008 at 2:30 p.m.** at the law office of Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.



Matthew B. Taladay, Esq.  
Attorney for Defendant

cc: Schreiber Reporting Service

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

Type of Case: Civil Action

No. 2007-00561- CD

Type of Pleading:  
Praecipe for  
Discontinuance

Filed on Behalf of:  
Plaintiff

Counsel of Record for This  
Party:

David P. King, Esq.  
Supreme Court No. 22980  
23 Beaver Drive  
P.O. Box 1016  
DuBois, PA 15801  
(814) 371-3760

Dated:

9/28/09

**FILED**

OCT 12 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Cert. of Disc.

to Atty  
Taladay

(610)

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

MARGARET J. THOMPSON,  
Plaintiff

vs.

JAMES CRISTINI,  
Defendant

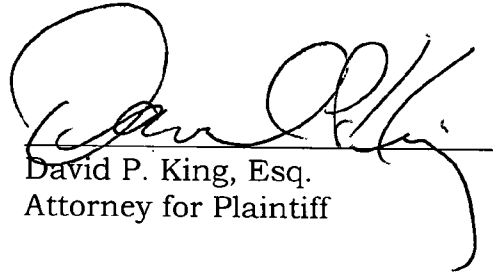
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No. 2007-00561 CD

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.



David P. King, Esq.  
Attorney for Plaintiff

**FILED**

**OCT 12 2009**

**William A. Shaw  
Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

Margaret J. Thompson

Vs.

No. 2007-00561-CD

James Cristini

CERTIFICATE OF DISCONTINUATION

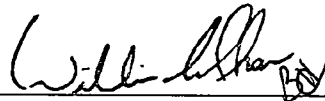
Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 12, 2009, marked:

Settled and Discontinued

Record costs in the sum of \$85.00 have been paid in full by David P. King, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of October A.D. 2009.



William A. Shaw, Prothonotary