

07-571-CD

Area Trans. AI vs L. Aughenbaugh

2007-571-CD
Area Transportation vs Lewis Aughenbaugh

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

07-571-CD

NOTICE OF APPEAL

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

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.	
LEWIS W. AUGHENBAUGH		46-3-02	
ADDRESS OF APPELLANT		CITY	STATE
BOX 2026 OLD VALLEY ROAD		WEST DECATUR	PA
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)	AREA TRANSPORTATION	(Defendant)
04/03/07	AUTHORITY OF NORTH CENTRAL PA	vs	LEWIS W. AUGHENBAUGH
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV	0000405-06	<i>✓</i> Matthew B. Taladay, Esq.	
LT			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>			
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PA, appellee(s), to file a complaint in this appeal
 Name of appellee(s)

(Common Pleas No. 07-571-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PA, appellee(s).
 Name of appellee(s)

Signature of appellant or his attorney or agent

✓ Matthew B. Taladay, Esq.

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

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

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

Date: April 13, 2007

Signature of Prothonotary or Deputy

FILED Atty Taladay
 APR 13 2007 pd. 85.00
 APR 13 2007 Copies to:
 William A. Shaw
 Prothonotary/Clerk of Courts PA
UN Atty Taladay

MDJ Ireland

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____,

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

NOTICE OF APPEAL

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

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)			
CLAIM NO.	VS SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
CV LT				

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.
This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

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

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

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

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s).
Name of appellee(s)

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

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

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

Date: _____

Signature of Prothonotary or Deputy

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____. by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____ by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, _____. by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____,

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____,

FILED
APR 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

RECEIVED
04-10-07

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

Mag. Dist. No.:

46-3-02

MDJ Name: Hon

RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA

Telephone: **(814) 765-5335** **16830**

PLAINTIFF:

AREA TRANSP AUTH OF N CTRL PA
44 TRANSPORTATION CENTER
JOHNSONBURG, PA 15845

NAME and ADDRESS

VS.

DEFENDANT:
AUGHENBAUGH, LEWIS W
PO BOX 2026
OLD VALLEY ROAD
WEST DECATUR, PA 16878

NAME and ADDRESS

Docket No.: **CV-0000405-06**
Date Filed: **12/14/06**



LEWIS W. AUGHENBAUGH
PO BOX 2026
OLD VALLEY ROAD
WEST DECATUR, PA 16878

THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **4/03/07**

Judgment was entered for: (Name) **AREA TRANSP AUTH OF N CTRL PA**

Judgment was entered against: (Name) **AUGHENBAUGH, LEWIS W**
in the amount of \$ **7,527.19**

Defendants are jointly and severally liable.

Amount of Judgment	\$ 7,374.19
Judgment Costs	\$ 153.00
Interest on Judgment	\$.00
Attorney Fees	\$.00

Damages will be assessed on Date & Time _____

Total \$ **7,527.19**

This case dismissed without prejudice.

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____

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

Certified Judgment Total \$ _____

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

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

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

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

APR 03 2007 Date Rutha Goleo, Magisterial District Judge

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

Date _____, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: **4/03/07 2:18:00 PM**

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

MDJ Name: Hon.

RICHARD A. IRELAND
Address: **650 LEONARD ST**
STE 113
CLEARFIELD, PA

Telephone: **(814) 765-5335**

16830

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

07-571-C0
**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

AREA TRANSP AUTH OF N CTRL PA
44 TRANSPORTATION CENTER
JOHNSONBURG, PA 15845

NAME and ADDRESS

DEFENDANT:

AUGHENBAUGH, LEWIS W
PO BOX 2026
OLD VALLEY ROAD
WEST DECATUR, PA 16878

NAME and ADDRESS

FILED

APR 18 2007

11:00 AM

William A. Shaw

Prothonotary/Clerk of Courts

Docket No.: **CV-0000405-06**

Date Filed: **12/14/06**



THIS IS TO NOTIFY YOU THAT:

Judgment: **DEFAULT JUDGMENT PLTF** (Date of Judgment) **4/03/07**

Judgment was entered for: (Name) **AREA TRANSP AUTH OF N CTRL PA**

Judgment was entered against: (Name) **AUGHENBAUGH, LEWIS W**
in the amount of \$ **7,527.19**

Defendants are jointly and severally liable.

Damages will be assessed on Date & Time _____

This case dismissed without prejudice.

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

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

Amount of Judgment	\$ 7,374.19
Judgment Costs	\$ 153.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 7,527.19
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<hr/>	
Certified Judgment Total \$ _____	

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APR 03 2007

Date Richard Ireland, Magisterial District Judge

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

APR 16 2007

Date Subell Ireland, Magisterial District Judge

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

SEAL

AOPC 315-06

DATE PRINTED: **4/03/07 2:18:00 PM**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

AREA TRANSPORTATION AUTHORITY
OF NORTH CENTRAL PENNSYLVANIA CIVIL ACTION
(Plaintiff)

44 Transportation Center
(Street Address)

No. 07-571-CD

Johnsonburg, PA 15845
(City, State ZIP)

Type of Case: Civil

Type of Pleading: Complaint

VS.

Filed on Behalf of:

Lewis W. Aughenbaugh
(Defendant)
Old Valley Road
P. O. Box #2026
(Street Address)
West Decatur, PA 16878
(City, State ZIP)

Area Transportation Authority
(Plaintiff/Defendant)

Richard L. Orwig, Esq.

(Filed by)

1940 North 13th Street

(Address)

Reading, PA 19604

(610) 939-9866

(Phone)

Richard L. Orwig
(Signature)

FILED NO CC
MAY 10 2001
MAY 02 2001
GK

William A. Shaw
Prothonotary/Clerk of Courts

AREA TRANSPORTATION : COURT OF COMMON PLEAS
AUTHORITY OF NORTH CENTRAL : CLEARFIELD COUNTY, PENNSYLVANIA
PENNSYLVANIA : CIVIL ACTION
Plaintiff :
v. : No. 07-571-CD
LEWIS W. AUGHENBAUGH :
Defendant : Arbitration

NOTICE TO DEFEND

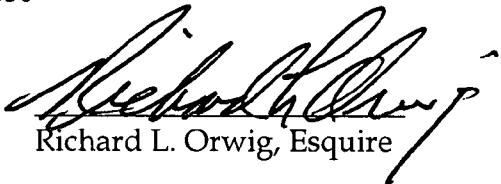
You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses 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 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

Court Administrator's Office
Clearfield County Courthouse
230 E. Market, Clearfield, PA 16830
(814) 765-2641

Dated: 4/30/07



Richard L. Orwig, Esquire

AREA TRANSPORTATION : COURT OF COMMON PLEAS
AUTHORITY OF NORTH CENTRAL : CLEARFIELD COUNTY, PENNSYLVANIA
PENNSYLVANIA : CIVIL ACTION

Plaintiff :
v. : No. 07-571-CD

LEWIS W. AUGHENBAUGH :
Defendant : Arbitration

AVISO

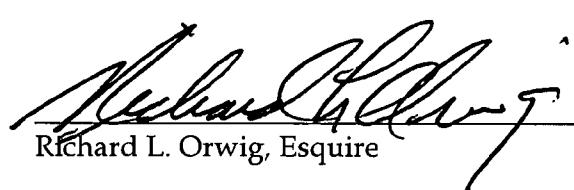
Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas a sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso a notificación. Además, la corte pueda decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO. ESTA OFICINA PUEDE DARLE INFORMACIÓN SOBRE CÓMO SE PUEDE CONTRATAR UN ABOGADO.

SI NO TIENE EL DINERO SUFICIENTE DE PAGAR A UN ABOGADO, ESTA OFICINA PUEDE DARLE INFORMACIÓN SOBRE AGENCIAS QUE PUEDE OFRECER ASISTENCIA LEGAL A PERSONAS ELEGIBLES POR POCO DINERO O GRATIS.

Servicio de Referencia e Informacion Legal

Court Administrator's Office
Clearfield County Courthouse
230 E. Market
Clearfield, PA 16830
(814) 765-2641


Richard L. Orwig, Esquire

DATED: 4/30/07

COMPLAINT - CIVIL ACTION

AND NOW the Plaintiff, Area Transportation Authority of North Central Pennsylvania, by and through its attorneys, Orwig Law Offices, claims of the Defendant Lewis W. Aughenbaugh, a sum of less than Fifty Thousand Dollars (\$50,000.00) in property damages, upon causes of action whereof the following are true statements:

PARTIES

1. The Plaintiff, AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PENNSYLVANIA, is a Municipal Authority and local government agency established under its enabling legislation, the Municipality Authorities Act of 1945, (hereinafter referred to as "MAA"), 43 P.S. §301 et.seq. Plaintiff incorporates the aforementioned Act as though the same were set forth herein at length.

2. The Plaintiff, AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PENNSYLVANIA, operates a public transportation authority in Clearfield County, Pennsylvania.

3. At the time and place described below, the Plaintiff was the owner and operator, through its designated driver, of a 2005 Gillig transit bus, VIN #156GE291651090109, license plate number MT-39093.

4. The Defendant, LEWIS W. AUGHENBAUGH, is an adult individual residing at Box #2026 Old Valley Road, West Decatur, Clearfield County, Pennsylvania, 16878.

5. At the time and place described below, the Defendant was the owner and

operator of a 1997 Ford F-150 pickup truck, VIN#1FTDF18W9YLB04555, license plate number Y6P4918.

STATEMENT OF FACTS

3. On or about June 23, 2005, at approximately 7:15 A.M. the Plaintiff, by and through its designated driver, was operating an ATA transit bus in the City of Clearfield, at or about the intersection of Market Street and North Second Street, Clearfield, Pennsylvania.

4. At the time and place aforesaid, the Plaintiff's vehicle was properly and legally parked at a designated bus stop on North Second Street, specifically at the Northeast corner of the intersection of Market Street and North Second Street, awaiting to pick up passengers.

5. North Second Street, at the intersection aforementioned, consists of two lanes of traffic both Northbound in direction, and two additional outside lanes for parking.

6. At the time and place aforesaid, the Plaintiff's vehicle was parked on the Western side of North Second Street in the parking area which is also designated as a transit bus stop, and while so parked the two Northbound lanes of North Second Street remained open and unimpeded.

7. At the time and place aforesaid, the Western parking lane of North Second Street immediately across from the area in which the ATA bus was parked, was also open and unimpeded.

8. At the time and place aforesaid, the Defendant's vehicle was traveling on South Second Street approaching the intersection of South Second Street and Market

Street and stopped at said intersection as a result of a red signal traffic light.

9. At the time and place aforesaid, the Defendant's vehicle, after said traffic light turned green, proceeded through said intersection and onto North Second Street in the right hand lane of travel.

10. At the time and place aforesaid, the Defendant so negligently and carelessly operated his vehicle that he caused the same to crash into the left rear portion of the Plaintiff's bus causing damages as more fully set forth herein.

11. At the time and place of the aforesaid, the Defendant Aughenbaugh so carelessly and negligently operated his motor vehicle, as aforesaid, causing it to crash into Plaintiff's transit bus and causing physical damages to Plaintiff's transit bus, due to his carelessness and negligence as more fully described below:

(a) Operating his motor vehicle at an excessive rate of speed under the circumstances;

(b) Failing to maintain proper and safe control of his said motor vehicle;

(c) Failing to maintain such control of his motor vehicle so as to have it in a position to bring it to a stop without crashing into Plaintiff's transit bus, or in operating his vehicle to avoid striking Plaintiff's transit bus;

(d) Failing to maintain and proper and safe lookout for traffic and road conditions then and there existing;

(e) Failing to observe traffic and vehicular conditions then and there existing;

(f) Failing to observe safe driving precautions and procedures under all of the circumstances;

(g) Operating his motor vehicle in violation of the Ordinances, Laws and Statutes of the Commonwealth of Pennsylvania, including, but not limited to § 3361 of the Pennsylvania Motor Vehicle Code;

(h) Operating his motor vehicle in a careless and negligent manner;

(i) Failing to exercise reasonable care under all of the circumstances;

(j) In failing to safely operate his vehicle in the traveled portion of said highway in violation of the Pennsylvania Motor Vehicle Code.

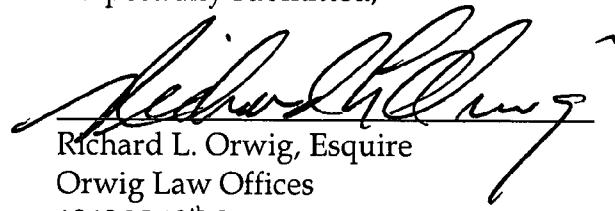
12. At the time and place aforesaid, the Plaintiff, through its designated driver, operated its transit vehicle in a proper manner and was safely and correctly parked at the designated bus stop aforementioned in full compliance with the Pennsylvania Motor Vehicle Code.

DAMAGES

13. By reason of the carelessness and negligence of the Defendant Aughenbaugh, the Plaintiff's transit bus sustained damages to the rear of said vehicle in the amount of Seven Thousand Three Hundred Seventy-four Dollars and Nineteen Cents (\$7,374.19).

WHEREFORE, the Plaintiff, Area Transportation Authority of North Central Pennsylvania, claims of the Defendant, Lewis W. Aughenbaugh, the sum of Seven Thousand Three Hundred Seventy-four Dollars and Nineteen Cents (\$7,374.19), expenses, costs of suit and interest.

Respectfully submitted,

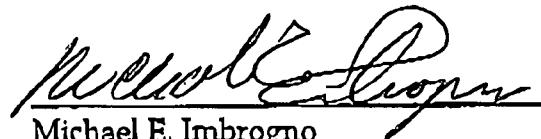


Richard L. Orwig, Esquire
Orwig Law Offices
1940 N 13th Street, Suite 215
Reading, PA 19604
610.939.9866
Attorney I.D. # 22371
Attorney for Area Transportation
Authority of North Central Pennsylvania

AREA TRANSPORTATION : COURT OF COMMON PLEAS
AUTHORITY OF NORTH CENTRAL : CLEARFIELD COUNTY, PENNSYLVANIA
PENNSYLVANIA : CIVIL ACTION
Plaintiff :
v. : No. 07-571-CD
LEWIS W. AUGHENBAUGH :
Defendant : Arbitration

VERIFICATION

I, MICHAEL E. IMBROGNO, as Executive Director of Area Transportation Authority of North Central Pennsylvania in the within action, verify that the statements made in this Complaint are true and correct. I further understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.



Michael E. Imbrogno
Michael E. Imbrogno

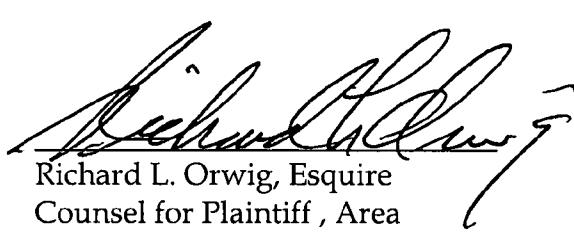
Dated: 4/30/07

AREA TRANSPORTATION : COURT OF COMMON PLEAS
AUTHORITY OF NORTH CENTRAL : CLEARFIELD COUNTY, PENNSYLVANIA
PENNSYLVANIA : CIVIL ACTION
Plaintiff :
v. : No. 07-571-CD
LEWIS W. AUGHENBAUGH :
Defendant : Arbitration

CERTIFICATE OF SERVICE

I, Richard L. Orwig, Esq., on this 1st day of MAY, 2007 hereby
certify that a true and correct copy of Plaintiff's Complaint was served upon the
following party, via first class mail, postage prepaid:

Matthew B. Taladay, Esq.
498 Jeffers Street
P. O. Box 487
Dubois, PA 15801



Richard L. Orwig, Esquire
Counsel for Plaintiff, Area
Transportation Authority of
North Central Pennsylvania

FILED

MAY 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED
MAY 14 2007
NO CC
MAY 11 0207
GK

William A. Shaw
Prothonotary/Clerk of Courts

RICHARD L. ORWIG, ESQ.
I.D. NO. 22371
1940 North 13th St.
Reading, PA 19604

ATTORNEY FOR PLAINTIFF ATA

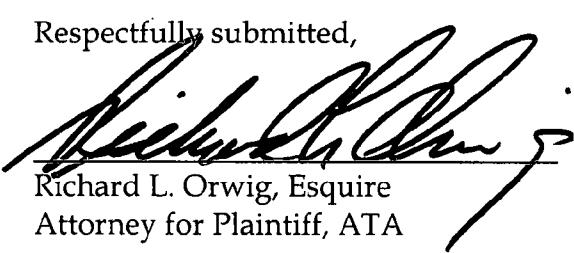
AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:	
v.	:	No. 07-571-CD
	:	
LEWIS W. AUGHENBAUGH.	:	
Defendant	:	JURY TRIAL DEMANDED
	:	

PRAECLYPE TO SUBSTITUTE VERIFICATION

TO THE PROTHONOTARY:

Kindly substitute the faxed Verification of Michael E. Imbrogno which was filed with Plaintiff's Complaint on May 1, 2007 with the attached original Verification with actual signature of Michael E. Imbrogno to said Plaintiff's Complaint.

Respectfully submitted,


Richard L. Orwig, Esquire
Attorney for Plaintiff, ATA

RECEIVED MAY 04 2007

AREA TRANSPORTATION : COURT OF COMMON PLEAS
AUTHORITY OF NORTH CENTRAL : CLEARFIELD COUNTY, PENNSYLVANIA
PENNSYLVANIA : CIVIL ACTION
Plaintiff :
v. : No. 07-571-CD
LEWIS W. AUGHENBAUGH :
Defendant : Arbitration

VERIFICATION

I, MICHAEL E. IMBROGNO, as Executive Director of Area Transportation Authority of North Central Pennsylvania in the within action, verify that the statements made in this Complaint are true and correct. I further understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.


Michael E. Imbrogno

Dated: 5/4/07

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AREA TRANSPORTATION : Type of Case: Civil Action
AUTHORITY OF NORTH CENTRAL : No. 2007-571-CD
PENNSYLVANIA, :
Plaintiff :
vs. :
LEWIS W. AUGHENBAUGH, : Type of Pleading:
Defendant : Praecepice 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
: 3 S. Brady Street, Suite 300
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

Dated: May 31, 2007

FILED NO
M 10:40 AM
JUN 01 2007
©

William A. Shaw
Prothonotary/Clerk of Courts

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

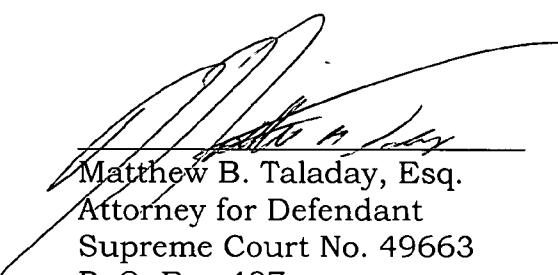
AREA TRANSPORTATION :
AUTHORITY OF NORTH CENTRAL :
PENNSYLVANIA, :
Plaintiff :
vs. : No. 2007-571-CD
LEWIS W. AUGHENBAUGH, :
Defendant :
:

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendant,
Lewis W. Aughenbaugh, in the above captioned matter.

Dated: 05/31/07


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

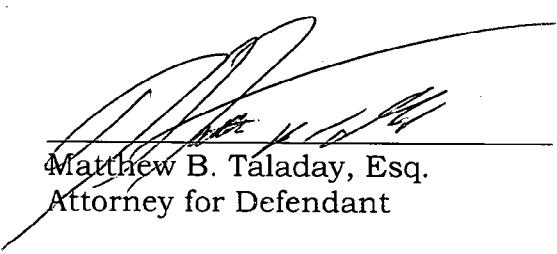
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

AREA TRANSPORTATION :
AUTHORITY OF NORTH CENTRAL :
PENNSYLVANIA, :
Plaintiff :
vs. : No. 2007-571-CD
LEWIS W. AUGHENBAUGH, :
Defendant :
vs. :

CERTIFICATE OF SERVICE

I certify that on the 31st day of May, 2007, a true and correct copy of the foregoing Praeclipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

Richard L. Orwig, Esq.
Attorney for Plaintiff
Orwig Law Offices
Suite 215
1940 North 13th Street
Reading, PA 19604


Matthew B. Taladay, Esq.
Attorney for Defendant

FILED

JUN 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AREA TRANSPORTATION
AUTHORITY OF NORTH CENTRAL
PENNSYLVANIA,

Plaintiff

vs.

LEWIS W. AUGHENBAUGH,
Defendant

Type of Case: Civil Action

No. 2007-571-CD

Type of Pleading:

Answer, New Matter
and Counterclaim

Filed on Behalf of:

Defendant

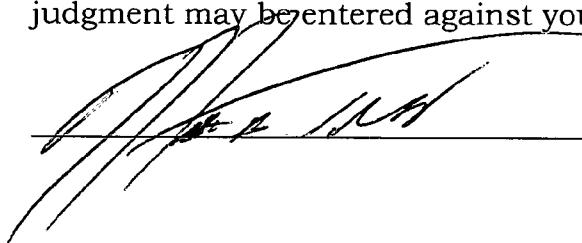
Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
3 S. Brady Street, Suite 300
P.O. Box 487
DuBois, PA 15801

(814) 371-7768

Dated: May 31, 2007

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 NO
M 10:40 AM CC
JUN 01 2007
WAS
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

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

AREA TRANSPORTATION :
AUTHORITY OF NORTH CENTRAL :
PENNSYLVANIA, :
Plaintiff :
vs. : No. 2007-571-CD
LEWIS W. AUGHENBAUGH, :
Defendant :

ANSWER

AND NOW, comes the Defendant, Lewis W. Aughenbaugh, by his attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiff's Complaint by the following Answer and New Matter:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

Statement of Facts

3. [sic] Admitted.
4. [sic] After reasonable investigation, Defendant is without sufficient information to form a belief as to the truth of the averments of paragraph 4 of Plaintiff's Complaint, and, therefore, the same are denied and strict proof thereof is demanded at the time of trial.
5. [sic] Admitted.

6. After reasonable investigation, Defendant is without sufficient information to form a belief as to the truth of the averments of paragraph 6 of Plaintiff's Complaint, and, therefore, the same are denied and strict proof thereof is demanded at the time of trial.

7. After reasonable investigation, Defendant is without sufficient information to form a belief as to the truth of the averments of paragraph 7 of Plaintiff's Complaint, and, therefore, the same are denied and strict proof thereof is demanded at the time of trial. By way of further answer, it is averred that the averments of paragraph 7 are irrelevant to the subject cause of action.

8. Admitted.

9. Admitted.

10. Denied. To the contrary, Defendant at all times carefully and prudently operated his vehicle in its proper lane of travel. By way of further answer, it is averred that the collision is solely the result of the negligence Plaintiff's agent/employee which is described more fully in New Matter herein.

11. The specific allegations of negligence set forth in paragraph (a) through (j) are specifically denied pursuant to Pa.R.C.P. Rule 1029(e).

12. Denied as more fully set forth in New Matter hereto, which is incorporated by reference.

13. Defendant Aughenbaugh denies all allegations of negligence and further denies any liability for damages to Plaintiff.

WHEREFORE, Defendant demands judgment in its favor.

NEW MATTER

14. Defendant's responses to paragraphs 1 through 13 are incorporated by reference as if set forth in full.

15. At the time and place set forth in Plaintiff's Complaint, the Defendant, Lewis W. Aughenbaugh, was lawfully and prudently operating his vehicle in a northerly direction in the right hand lane of travel of North Second Street in Clearfield, Pennsylvania. The subject collision occurred when Plaintiff, by its agent or employee driver, suddenly, unexpectedly, and without signal or warning pulled Plaintiff's bus directly into the path of travel of Defendant Aughenbaugh's vehicle.

16. The collision which is the subject matter of this litigation is solely and proximately the result of the negligence of Plaintiff, Area Transportation Authority of North Central Pennsylvania, by its employee/agent driver which is as follows:

- (a) In maneuvering its bus from the designated bus stop at the northeast corner of Market Street and North Second Street without first ascertaining that it is safe to do so;
- (b) In failing to yield the right-of-way to approaching traffic when entering the travel lane from the bus stop;
- (c) In failing to keep a proper lookout for approaching traffic when pulling from a bus stop into the travel portion of the roadway; and
- (d) In failing to properly signal turning movements from the bus stop into the lane of travel.

17. Plaintiff's claims are barred or limited by the Doctrine of Comparative Negligence.

WHEREFORE, Defendant, Lewis W. Aughenbaugh, demands judgment in his favor.

COUNTERCLAIM

18. Defendant and Plaintiff in Counterclaim, Lewis W. Aughenbaugh, incorporates by reference paragraphs 1 through 17 as if set forth in full.

19. On or about June 23, 2005 at approximately 7:15 a.m., Lewis W. Aughenbaugh was operating his 1997 Ford F150 pickup in a northerly direction on North Second Street, Clearfield, Clearfield County, Pennsylvania.

20. Mr. Aughenbaugh was lawfully and carefully operating his vehicle in the right hand north bound lane of travel when a 2005 Gillig transit bus operated by an employee, agent or servant of Area Transportation Authority of North Central Pennsylvania suddenly, unexpectedly and without warning pulled into the path of travel of the Aughenbaugh vehicle resulting in a collision.

21. The collision as issue was solely and proximately the result of the negligence of the servant, agent or employee of Plaintiff/Defendant in Counterclaim as set forth more fully in paragraph 16 above which is incorporated herein by reference.

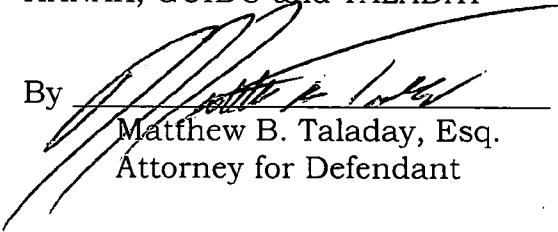
22. As a direct and proximate result of the negligence of the agent, servant or employee of Plaintiff/Defendant in Counterclaim, Lewis W. Aughenbaugh has sustained property damage to his 1997 Ford F150 pick up truck in the amount of \$15,000.00.

WHEREFORE, Defendant/Plaintiff in Counterclaim demands judgment against Area Transportation Authority of North Central Pennsylvania in an amount of \$15,000.00 plus interest, costs of suit and such other relief as may be deemed appropriate.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Defendant

VERIFICATION

I, **Lewis W. Aughenbaugh**, do hereby verify that I have read the foregoing Answer, New Matter and Counterclaim. 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: 5-22-07


Lewis W. Aughenbaugh

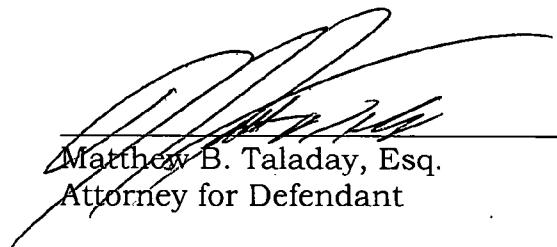
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

AREA TRANSPORTATION :
AUTHORITY OF NORTH CENTRAL :
PENNSYLVANIA, :
Plaintiff :
vs. : No. 2007-571-CD
LEWIS W. AUGHENBAUGH, :
Defendant :
.

CERTIFICATE OF SERVICE

I certify that on the 31st day of May, 2007, a true and correct copy of the foregoing Answer, New Matter and Counterclaim was sent via first class mail, postage prepaid, to the following:

Richard L. Orwig, Esq.
Attorney for Plaintiff
Orwig Law Offices
Suite 215
1940 North 13th Street
Reading, PA 19604



Matthew B. Taladay, Esq.
Attorney for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

No. 2007-571-CD		11/02/07
CASE NUMBER	TYPE TRIAL REQUESTED	DATE PRESENTED ESTIMATED TRIAL TIME
Date Complaint Filed: 05/01/07	() Jury () Non-Jury (X) Arbitration	$\frac{1}{2}$ Days
PLAINTIFF(S) AREA TRANSPORTATION AUTHORITY OF NORTH CENTRAL PENNSYLVANIA		()
DEFENDANT(S)		()
LEWIS W. AUGHENBAUGH		Check Block if a Minor is a Party to the Case
ADDITIONAL DEFENDANT(S)		()

JURY DEMAND FILED BY: DATE JURY DEMAND FILED:

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
more than \$ 7,347.19	() yes (X) no	

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

FILED
M 10/17/07 NOCC
NOV 05 2007 (64)

Matthew B. Taladay, Esq.

William A. Shaw
Prothonotary/Clerk
Atty Taladay

FOR THE PLAINTIFF

TELEPHONE NUMBER

(814) 939-9866

Richard L. Orwig, Esq.

FOR THE DEFENDANT

TELEPHONE NUMBER

(814) 371-7768

Matthew B. Taladay, Esq.

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

5
FILED

NOV 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

AREA TRANSPORTATION AUTHORITY:
OF NORTH CENTRAL PENNSYLVANIA :

vs. : No. 07-571-CD

LEWIS W. AUGHENBAUGH :
:

O R D E R

NOW, this 7th day of January, 2008, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Tuesday, February 5, 2008 at 9:00 A.M. in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

Earle D. Lees, Esquire, Chairman

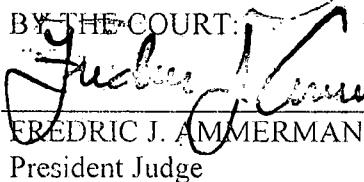
R. Denning Gearhart, Esquire

J. Richard Lhota, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

FILED
1/24/08
JAN 07 2008
CJA

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Area Transportation Authority of North Central PA
vs.
Lewis W. Aughenbaugh

No. 2007-00571-CD

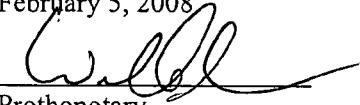
OATH OR AFFIRMATION OF ARBITRATORS

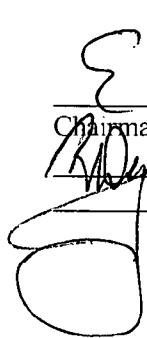
Now, this 5th day of February, 2008, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Earle D. Lees, Jr., Esq.

R. Denning Gearhart, Esq.
J. Richard Lhota, Esq.

Sworn to and subscribed before me this
February 5, 2008


Prothonotary


Chairman

William A. Shaw
Prothonotary/Clerk of Courts
notice to Atty's:
R. Orwig
M. Taladdy

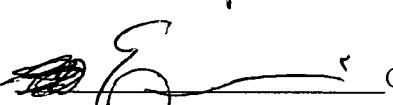
FILED

01/11/2008
FEB 05 2008

AWARD OF ARBITRATORS

Now, this 5th day of Feb, 2008, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

for the Defendant against the Plaintiff

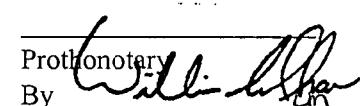

Chairman

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 5th day of February, 2008, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT


Prothonotary
By William A. Shaw

Area Transportation Authority of North
Central PA

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2007-00571-CD

Lewis W. Aughenbaugh

COPY

NOTICE OF AWARD

TO: RICHARD L. ORWIG, ESQ.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on this 5th day of February, 2008, and have awarded:

For the Defendant & against the Plaintiff.

William A. Shaw
Prothonotary
By _____

Date **February 5, 2008**

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

Area Transportation Authority of North
Central PA

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2007-00571-CD

Lewis W. Aughenbaugh

COPY

NOTICE OF AWARD

TO: MATTHEW B. TALADAY, ESQ.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on this 5th day of February, 2008, and have awarded:

For the Defendant & against the Plaintiff.

William A. Shaw
Prothonotary
By _____

Date **February 5, 2008**

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

ATTORNEYS AT LAW
ORWIG LAW OFFICES
A PROFESSIONAL CORPORATION

1940 North 13th Street
Suite 215
Reading, Pennsylvania 19604

610-939-9866
Fax: 610-939-9863
Email: rlorwig@comcast.net

January 29, 2008

Court Administrator's Office
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

Re: ATA vs. Aughenbach
No. 07-571-CD

Dear Sir/Madam:

On behalf of our client, Area Transportation Authority, I am enclosing herewith the original Plaintiff's Arbitration Memorandum.

By copy of this letter, copies of the Memorandum are being forwarded to Attorney Taladay and the Board of Arbitrators.

Thank you.

Very truly yours,

Richard L. Orwig

RLO:ces

Enclosure

cc: Matthew B. Talladay, Esq.
Earle D. Lees, Jr., Esq.
R. Denning Gearhart, Esq.
J. Richard Lhota, Esq.

AREA TRANSPORTATION	:	COURT OF COMMON PLEAS OF
AUTHORITY OF NORTH CENTRAL	:	CLEARFIELD COUNTY, PENNSYLVANIA
PENNSYLVANIA	:	CIVIL ACTION
<i>Plaintiff</i>	:	
<i>v.</i>	:	No: 07-571-CD
LEWIS W. AUGHENBAUGH,	:	
<i>Defendant</i>	:	
	:	

**ARBITRATION MEMORANDUM OF THE PLAINTIFF,
AREA TRANSPORTATION AUTHORITY OF NORTH
CENTRAL PENNSYLVANIA (ATA)**

AND NOW, this 29th day of January, 2008, comes the Plaintiff, Area Transportation Authority of North Central Pennsylvania (ATA), by and through its counsel, Orwig Law Offices and files the following Arbitration Memorandum:

I. STATEMENT OF FACTS:

On or about June 23, 2005, at approximately 7:15 A.M. the Plaintiff, by and through its designated driver, was operating ATA transit bus in the City of Clearfield, at or about the intersection of Market Street and North Second Street, Clearfield, Pennsylvania. At the time and place aforesaid, Plaintiff's bus was legally parked at a designated bus stop on North Second Street, specifically at the Northeast corner of the intersection of Market Street and North Second Street, waiting to pick up passengers. The Defendant, who was traveling on South Second Street, stopped at the traffic signal at the intersection of South Second Street and Market Street. As the traffic signal

changed, the Defendant proceeded to through the intersection and onto North Second Street. As the Defendant traveled on North Second Street, he operated his vehicle in a negligent and careless manner, causing him to strike the left rear portion of the Plaintiff's bus causing damages in the amount Seven Thousand Three Hundred Seventy-Four Dollars and Nineteen Cents (\$7,374.19).

II. LEGAL CLAIMS AND/OR DEFENSES:

A. Defendant Aughenbaugh carelessly and negligently operated his motor vehicle due to the following:

1. Operating his vehicle at an excessive rate of speed under the circumstances;
2. Failing to maintain proper and safe control of his motor vehicle;
3. Failing to maintain such control of his motor vehicle so as to have it in a position to bring it to a stop without crashing into Plaintiff's transit bus, or in operating his vehicle to avoid striking Plaintiff's transit bus;
4. Failing to maintain a proper and safe lookout for traffic and road conditions then and there existing;
5. Failing to observe traffic and vehicular conditions then and there existing;
6. Failing to observe safe driving precautions and procedures under

all of the circumstances;

7. Operating his motor vehicle in violation of the Ordinances, Laws and Statutes of the Commonwealth of Pennsylvania, including, but not limited to § 3361 of the Pennsylvania Motor Vehicle Code;
8. Operating his motor vehicle in a careless and negligent manner;
9. Failing to exercise reasonable care under all of the circumstances;
10. Failing to safely operate his vehicle in the traveled portion of said highway in violation of the Pennsylvania Motor Vehicle Code.

B. At the time and place aforesaid, the Plaintiff, through its designated driver, operated its transit vehicle in a proper manner and was safely and correctly parked at the designated bus stop in full compliance with the Pennsylvania Motor Vehicle Code.

III. SPECIAL DAMAGES:

Property damage to ATA bus in the amount of Seven Thousand Three Hundred Seventy-Four Dollars and Nineteen Cents (\$7,374.19).

IV. WITNESSES:

1. Randy Turner, ATA driver
2. Lewis W. Aughenbaugh
3. Officer Michael J. Hoskavich, Clearfield Borough Police (former)
4. Plaintiff reserves the right to call any witness listed on the Defendant's Arbitration Memorandum.

V. EXHIBITS:

1. Clearfield Borough Police Report, Incident #PO482649 (7 pages)
2. Gallagher Bassett Services, SAFTI - Vehicle Accident Report prepared by Randy Turner (2 pages).
3. Photographs of scene (14).
4. Photographs of damage to ATA bus (11)
5. Truck and Bus Collision invoice of \$7,374.19 (1 page).
6. EL Braid Claim Service, Inc. - appraisal (4 pages), attached.
7. ATA check to Mississauga Truck & Bus of \$7,374.19 (1 page), attached.

V. HOURS FOR PRESENTATION:

Total hearing: One-half (1/2) day.

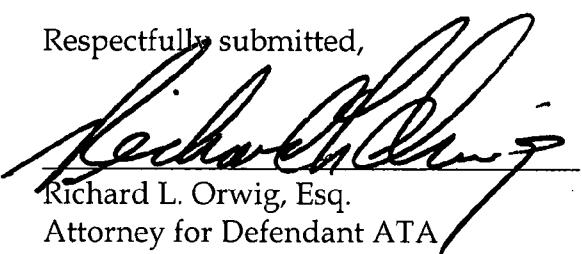
VI. SPECIAL COMMENTS:

None

VII. STIPULATIONS:

None at this time.

Respectfully submitted,


Richard L. Orwig, Esq.
Attorney for Defendant ATA

Date: 11/1/2005 08:46 AM
 Estimate ID: 48287
 Estimate Version: 0
 Preliminary
 Profile ID: CUSTOMIZED

E L BRAID CLAIM SERVICE INC

P O BOX 946 CLEARFIELD, PA 16830
 (814) 746-6747
 Fax: (814) 746-9410

Damage Assessed By: Larry Lumadue 140480

Date of Loss: 6/23/2005
 Contact Date: 10/13/2005
 Deductible: 1,000.00
 File Number: 4 5287
 Claim Number: 011457 002534 AP 01

Arrival Date: 10/13/2005
 Accident Date: 6/23/2005

Insured: [ATA] AREA TRANSPORTATION AUTHORITY
 Address: 44 TRANSPORATION CENTER JOHNSONBURG, PA 16848
 Telephone: Home Phone: (814) 945-2111

Mitchell Service: 911000

Description: 08 GILLIG BUS
 VIN: 1GGGE2P1651090109
 Mileage: 10,847
 OEM/ALT: O
 Color: WHITE

Vehicle Production Date: 3/05
 License: MI 39095 PA

Search Code: B149020

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/Part Number	Dollar Amount	Labor Units
1	900500	BDY *	REMOVE/REPLACE	BRACE SIDE LOWER	New	76.80 *	0.5*
2	900500	BDY *	REMOVE/REPLACE	ENGINE DOOR	New	2,022.70 *	8.0*
3	900500	BDY *	REMOVE/REPLACE	TAILLAMP PANEL	New	486.34 *	2.5*
4	900500	BDY *	REMOVE/REPLACE	RIVETS	New	3.00 *	INC*
5	900500	BDY *	REMOVE/REPLACE	AMBER LAMP	New	51.45 *	0.3*
6	900500	BDY *	REMOVE/REPLACE	STOP AND TURN LAMP	New	47.98 *	0.3*
7	900500	BDY *	REPAIR	BACK UP LAMP	New	12.22 *	0.3*
8	900500	BDY *	REMOVE/REPLACE	Mounting Grommet	New	1.86 *	INC*
9	900500	BDY *	REMOVE/REPLACE	RADIATOR DOOR	New	1,035.62 *	2.5*
10	900500	BDY *	REMOVE/REPLACE	LEFT BUMPER END	New	INC *	INC*
11	900500	BDY *	REMOVE/REPLACE	REAR BUMPER EXTENSION CHANNEL	New	1,686.96 *	3.0*
12	900500	BDY *	REMOVE/REPLACE	TAPE	New	5.00 *	0.2*
13	900500	BDY *	REMOVE/REPLACE	BUMPER PLASTIC FILLER	New	2.00 *	0.2*
14	900500	REP *	REFINISH/REPAIR	REFINISH DOORS	Refinish	485.00 *	INC*
15	900500	BDY *	REPAIR	REPAIR PANEL ABOVE RADIATOR DOOR	Excelling	1.0*	
16	938004	REF	REFINISH/REPAIR	REFINISH PANEL ABOVE RADIATOR DOOR	Excelling	0.5*	
17			ADD'L COST	SHIPPING		265.00 *	
18	AUTO		ADD'L COST	PAINT/MATERIALS		15.00 *	

* - Judgement Item

ESTIMATE RECALL NUMBER: 11/1/2005 08:44:11 48287

Mitchell Data Version:
 UltraMate Version:

OCT_05_A
 5.0.212

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 All Rights Reserved

Page 1 of 4

Date: 11/1/2003 08:46 AM
Estimate ID: 48287
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

Remarks

UNKNOWN IF PARTS WILL COME IN PAINTED OR NOT, THIS
WILL REMAIN AN OPEN ITEM IF PARTS COME IN UNFINISHED
A SUPPLEMENT WILL FOLLOW

Prior Damage

HIGH RISK

NO SUPPLEMENTS WITHOUT PRIOR AUTHORIZATION AND
PARTS MUST BE RETAINED UNTIL PAID

LXQ [USED- QUALITY RECYCLED PARTS] ARE SEARCHED FOR AT THESE SUPPLIERS

CRISTINI AUTO WRECKING
800 672 7160 BROCKPORT NY

SEE ANY ATTACHMENTS

RICK'S AUTO SALVAGE
800 366 1798 KERRVILLE, TX

TRIPPLETTES AUTO SALVAGE
800 822 5555 AKRON OH

ESTIMATE RECALL NUMBER: 11/1/2005 08:44:11 45287

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UltraMate Version: OCT_05_A Copyright (C) 1994 - 2003 Mitchell International
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Page 2 of 4

Date: 11/1/2008 09:46 AM
Estimate ID: 45287
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

This is a preliminary estimate.
Additional changes to the estimate may be required for the actual repair.

Point(s) of Impact

7 Left Rear Corner (P)

Insurance Co: GALLAGHER BASSETT SERVICES
MO

Inspection Site: ATA TERMINAL
DUBOIS, PA
Inspection Date: 10/13/2008

Body Shop: MISSISSAUGA TRUCK AND BUS

QUALITY REPLACEMENT PARTS [AFTERMARKET] PRICED AT KEYSTONE
800 438 2510 UNLESS OTHERWISE NOTED

THE FOLLOWING STATEMENTS ARE SET FORTH PURSUANT TO SECTION 62.3 OF THE MOTOR VEHICLE APPRAISERS ACT:

- > IF THIS APPRAISAL USES AFTERMARKET [QUALITY REPLACEMENT PARTS], THEY WILL BE STATED AS SUCH ON THE FACE OF THE APPRAISAL. IF AN AFTERMARKET PART WAS USED, AND IT VOIDS THE EXISTING MANUFACTURER'S WARRANTY ON THE PART BEING REPLACED, THE AFTERMARKET PART WILL HAVE A WARRANTY EQUAL TO OR BETTER THAN THE REMAINDER OF THE EXISTING WARRANTY FOR THE PART THAT WAS REPLACED.
- > AN AFTERMARKET PART IS DEFINED AS A NON-ORIGINAL EQUIPMENT MANUFACTURER [NON OEM] REPLACEMENT PART, EITHER NEW OR USED, FOR ANY OF THE NON-MECHANICAL PARTS THAT GENERALLY CONSTITUTE THE EXTERIOR OF THE MOTOR VEHICLE, INCLUDING INNER AND OUTER PANELS.
- > QUALITY RECYCLED PARTS [USED] AS STATED ON THIS ESTIMATE WILL BE SEARCHED FOR AND UTILIZED ACCORDING TO INDIVIDUAL COMPANY POLICIES AS DIRECTED BY COMPANY POLICY.. THESE PARTS WILL BE NOTED AS SUCH ON THIS ESTIMATE [NORMALLY WILL BE UTILIZED AFTER VEHICLE IS 1 YEAR OLD]

NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS AUTHORITY TO REPAIR THIS VEHICLE NOR ADMISSION OF LEGAL LIABILITY FOR THE DAMAGES INVOLVED

THE FOLLOWING STATEMENTS ARE SET FORTH PURSUANT TO SECTION 62.3 OF THE MOTOR VEHICLE APPRAISERS ACT

- > ANY COSTS ABOVE THE APPRAISAL AMOUNT AS SHOWN ON THIS DOCUMENT MAYBE THE FULL AND SOLE RESPONSIBILITY OF THE VEHICLE OWNER.
- > THE APPRAISAL DOES NOT LIMIT THE VEHICLE OWNER TO USE ANY SPECIFIED REPAIR SHOP. THE REPAIR SHOP MAY BE SELECTED BY, AND IS AT THE DISCRETION OF, THE VEHICLE OWNER.
- > UPON REQUEST FROM THE VEHICLE OWNER, THE INSURER WILL PROVIDE INFORMATION REGARDING REPAIR FACILITIES, WHICH WILL BE ABLE TO REPAIR THE VEHICLE FOR THE APPRAISED AMOUNT, HOWEVER, THE VEHICLE

ESTIMATE RECALL NUMBER: 11/1/2008 09:44:11 45287

Mitchell Data Version:

OCT_09_A
5.0.812

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Page 3 of 4

Date: 11/1/2005 08:44 AM
Estimate ID: 4912
Estimate Version: 0
Preliminary
Profile ID: CUSTOMIZED

OWNER ISNOT REQUIRED TO HAVE THE REPAIRS COMPLETED AT ANY OF THESE
REPAIRFACILITIES.

>ANY INCIDENTAL CHARGES, WHICH WERE KNOWN AT THE TIME OF
THIS APPRAISAL [SUCH AS TOWING, STORAGE, DEPRECIATION, ETC.] ARE
CONTAINED HEREIN.

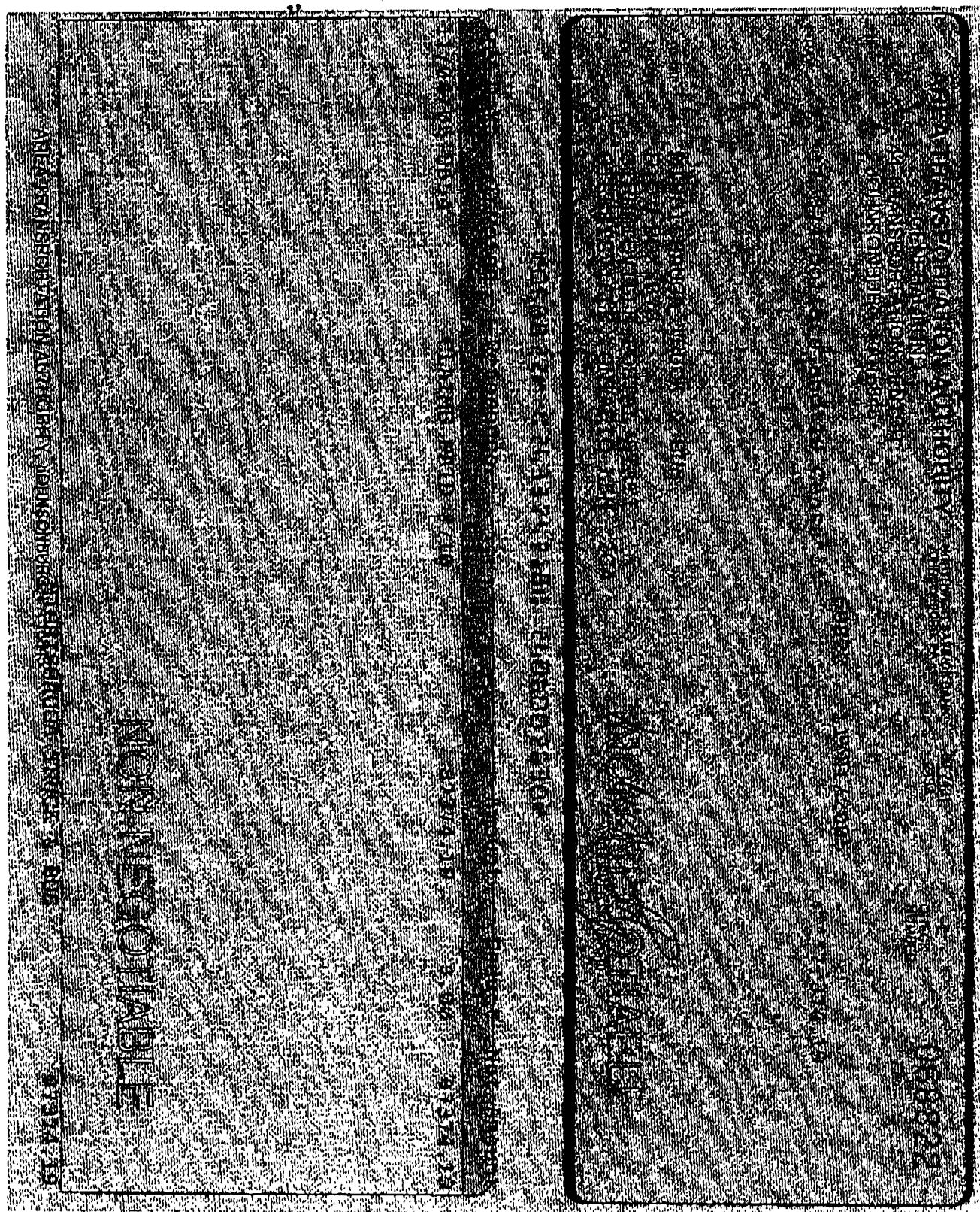
>>STATE LAW REQUIRES US TO INCLUDE THE FOLLOWING STATEMENT- ANY PERSON
WHO KNOWINLY AND WITH THE INTENT TO DEFRAUD ANY INSURANCE COMPANY OR
OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM
CONTAINING ANY MATERIALLY FALSE INFORMATION OR CONCEALS FOR THE PURPOSE
OF MISLEADING INFORMATION CONCERNING ANYFACT MATERIAL THERETO COMMITS
A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS THE PERSON TO
CRIMINAL AND CIVIL PENALTIES.

SIGNED _____ DATE _____

APR. 2. 2007 9:20AM

ATA@JOHNSONBURG

NO. 4912 P. 2



HANAK, GUIDO and TALADAY
Attorneys at Law

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Anthony S. Guido
Matthew B. Taladay

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

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

mbtaladay@verizon.net

January 29, 2008

Ronda J. Wisor
Deputy Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

Re: Area Transportation Authority of North
Central Pennsylvania vs. Aughenbaugh
2007-571-CD

Dear Ronda:

Enclosed is Defendant's Pre-Trial Statement. By copy of this letter I am forwarding a copy to Orwig, Attorney for Plaintiff, as well as the Arbitration Board members. If you have any questions regarding the enclosed, please contact me. Thank you for your cooperation in this matter.

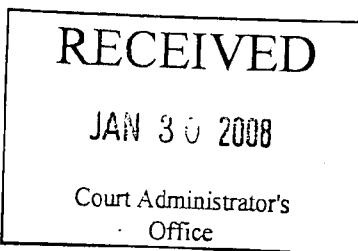
Sincerely,

Matthew B. Taladay

MBT:kam

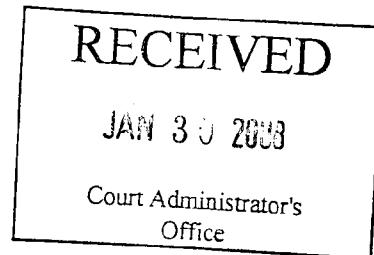
Enc.

cc: Richard L. Orwig, Esq.
Earle D. Lees, Esq.
R. Denning Gearhart, Esq.
J. Richard Lhota, Esq.
Jennifer Reichert
Claim No. 010110556351



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

AREA TRANSPORTATION : Type of Case: Civil Action
AUTHORITY OF NORTH CENTRAL : No. 2007-571-CD
PENNSYLVANIA, :
Plaintiff :
vs. :
LEWIS W. AUGHENBAUGH, : Type of Pleading:
Defendant : Pre-Trial
Statement :
: Filed on Behalf of:
: Defendant :
: Counsel of Record for This
Party: :
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 3 S. Brady Street, Suite 300
: P.O. Box 487
: DuBois, PA 15801
: :
: (814) 371-7768



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

AREA TRANSPORTATION :
AUTHORITY OF NORTH CENTRAL :
PENNSYLVANIA, :
Plaintiff :
vs. : No. 2007-571-CD
LEWIS W. AUGHENBAUGH, :
Defendant :
.

PRE-TRIAL STATEMENT

AND NOW, comes the Defendant, Lewis W. Aughenbaugh, by his attorneys, Hanak, Guido and Taladay, and hereby submits the within Pre-Trial Statement in accordance with Local Rule 1306(A):

A. Statement of the Case

On June 24, 2005, Lewis Aughenbaugh was operating his 1997 Ford F150 in an easterly direction on South Second Street in Clearfield, Pennsylvania. As Mr. Aughenbaugh was traveling through the intersection of Second Street and Market Street, an ATA bus operated by Randy Turner pulled from its position at the curb in front of the Courthouse and directly into the path of the Aughenbaugh vehicle. A collision resulted.

After the collision, the driver of the bus returned the vehicle to its location along the curb. Aughenbaugh likewise pulled his vehicle to the southern curb of Front Street.

Area Transportation Authority of North Central Pennsylvania has filed suit to recover property damages resulting from the accident. Lewis Aughenbaugh denies liability for the accident and contends that

the collision occurred because the driver of the bus pulled into traffic without ascertaining that it was safe to do so.

C. Applicable Statutes

The Pennsylvania Motor Vehicle Code provides as follows:

§ 3324 Vehicle entering or crossing a roadway. The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on the roadway to be entered or crossed.

§ 3333 Moving stopped or parked vehicle. No person shall move a vehicle which is stopped, standing or parked unless and until the movement can be made with safety.

§ 3334 Turning movements and required signals. Upon a roadway no person shall turn a vehicle or move from one traffic lane to another or enter the traffic stream from a parked position unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in this section.

D. List of Witnesses

1. Lewis W. Aughenbaugh
Box 2026 Old Valley Road
Clearfield, PA 16830
2. Frank Kirsh

3. Brian Goss
P.O. Box 201
Clearfield, PA 16830
4. Karen McCloskey

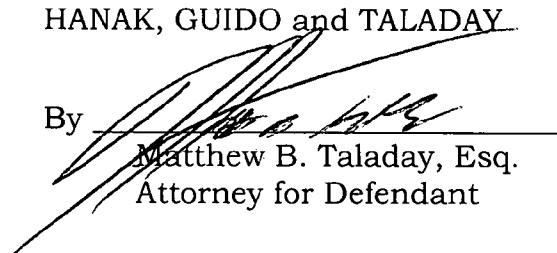
E. Statement of Damages

None

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Defendant