

07-798-CD

Shawn Good et al vs Patrick J. McGill et al

2007-798-CD

Shawn Good et al vs Patrick McGill et al

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

SHAWN GOOD, AND,
LARI GOOD

PLAINTIFFS

VS

PATRICK J. MCGILL, AND
MONICA MCGILL

DEFENDANTS

: NO: 07-798-CD

:

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:

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: JURY TRIAL DEMANDED

:

NOTICE TO DEFEND

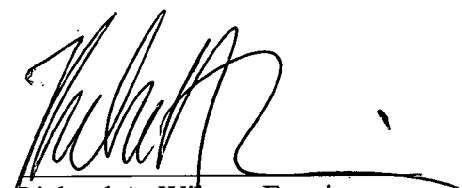
TO: Patrick J. McGill, Defendant

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

David S. Meholic, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 Ext. 5982


Richard A. Wilson, Esquire
Attorneys for Plaintiff

DATE: 5/17/07

FILED
MAY 11 2007 4CC.AHg
MAY 21 2007 Atty pd.
85.00
William A. Shaw
Prothonotary/Clerk of Courts

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

SHAWN GOOD, AND, : NO:
LARI GOOD :
PLAINTIFFS :
VS :
PATRICK J. MCGILL, AND :
MONICA MCGILL : JURY TRIAL DEMANDED
DEFENDANTS :

NOTICE TO DEFEND

TO: Monica McGill, Defendant

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

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David S. Meholic, Court Administrator
Clearfield County Courthouse
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(814) 765-2641 Ext. 5982



Richard A. Wilson, Esquire
Attorneys for Plaintiff

DATE: 5/17/07

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

SHAWN GOOD, AND, :
LARI GOOD : NO.:
PLAINTIFFS :
VS :
PATRICK J. MCGILL, AND :
MONICA MCGILL : JURY TRIAL DEMANDED
DEFENDANTS :

COMPLAINT

COMES NOW, Shawn Good and Lari Good, Plaintiffs in the above captioned and titled matter, by and through their attorneys at the law firm of Ody & Wilson, P.C., and files this instant complaint against Defendants and aver as follows:

1. Plaintiff Shawn Good is an adult individual, and resides with his wife, Lari Good, at 132 Bucketline Road, Houtzdale, Pennsylvania 16651.
2. Plaintiff Lari Good is an adult individual, and resides with her husband, Shawn Good, at 132 Bucketline Road, Houtzdale, Pennsylvania 16651.
3. Defendant Patrick McGill is an adult individual and the husband of Monica McGill and resides at 1416 Tunnel Hill Road, Cornersville, Tennessee 37047.
4. Defendant Monica McGill is an adult individual and the wife of Patrick McGill and resides at 1416 Tunnel Hill Road, Cornersville, Tennessee 37047.
5. On or around August 20, 2005, Plaintiffs and Defendants were neighbors of properties located in Clearfield County, Pennsylvania. Plaintiffs resided at 64 Mease Road,

Oscela Mills, Pennsylvania 16666 and Defendants resided at Parcel 7 on the Mease Road Subdivision of Dennis A. Storm, et ux., et al., as done by George Cree, Registered Surveyor.

6. In the early morning of August 20, 2005, Defendant Patrick McGill requested that Plaintiff Shawn Good assist him in building a storage shed on the McGill property.

7. Thereafter, Plaintiff Shawn Good, accompanied by his wife and two young children went to the McGill property. Plaintiff Shawn Good at the request of the McGill Defendants attempted to give assistance to Defendant Patrick McGill and Defendant Monica McGill who were setting poles for the shed.

8. Neither Defendant Patrick McGill nor Defendant Monica McGill gave warnings or instructions to Plaintiff Shawn Good as to how to set the poles or advised him of the possibility that a pole may break free and injure him.

9. The poles, which consisted of large heavy tree trunks, were provided by the McGill Defendants.

10. The McGill Defendants attempted to raise the poles to an upright position, perpendicular to the ground, by a rope which was attached to one end of the pole and the other end of the rope was attached to a vehicle owned by the McGill Defendants and operated by Defendant Monica McGill.

11. Defendant Monica McGill operated the vehicle to which the poles were tied, thereby causing the rope to tighten and raise the pole so that it was perpendicular to the ground.

12. Defendant Patrick McGill told Plaintiff Shawn Good to guide the pole and balance it once it was perpendicular to the ground.

13. Plaintiff Shawn Good assisted Defendant Patrick McGill in guiding the pole as it was raised in the air by Defendant Monica McGill.

14. While Defendant Monica McGill was causing the pole to be raised, the pole became unbalanced and began to swing.

15. The Defendants McGill did not warn Plaintiff Shawn Good that the pole was falling.

16. Defendant Patrick McGill ran from the falling pole without warning Plaintiff Shawn Good that the pole was falling.

17. While his wife watched from the McGill residence, the 12 inch pole fell approximately 15 feet and struck Plaintiff Shawn Good in the head and left chest causing him severe and permanent injuries.

COUNT I – Negligence
Plaintiff Shawn Good
v.
Defendants Patrick and Monica McGill

18. Plaintiffs hereby incorporate all the above paragraphs as if fully set forth herein.

19. Plaintiff Shawn Good was an invitee of Defendants Patrick and Monica McGill having been invited by Defendants Patrick and Monica McGill on their property to assist them in building a shed.

20. Defendants Patrick and Monica McGill's duty of care to Plaintiff Shawn Good and other invitees is established under Pennsylvania law and by Sections 302(b), 318, 323 and 324A and other sections of the Restatement (Second) of Torts.

21. Defendants Patrick and Monica McGill breached their duty of care to Plaintiff Shawn Good when, they enlisted his assistance in setting the poles which they knew or should have known was dangerous to the Plaintiff Shawn Good and could cause him injuries.

22. Defendants Patrick and Monica McGill breached their duty of care to Plaintiff Shawn Good by failing to provide a safe means to raise the large wooden poles on their property to prevent possible injury to invitees on their property.

23. Defendants Patrick and Monica McGill failed to exercise reasonable care and were negligent by failing to warn of the dangerous nature of their shed construction in order to protect their invitees, such as Plaintiff Shawn Good.

24. Defendants Patrick and Monica McGill failed to exercise reasonable care as said Defendants knew or should have known that the method they used in constructing the shed was dangerous to persons such as Plaintiff Shawn Good.

25. Defendants Patrick and Monica McGill failed to exercise reasonable care as Defendants knew or should have known that Plaintiff Shawn Good would not realize the dangerous condition and would therefore fail to protect himself against it.

26. As a direct and proximate cause of Defendants' breaches of duty, Plaintiff Shawn Good suffered severe and serious injuries, some or all of which may be permanent as discussed below.

27. Defendants Patrick and Monica McGill's failure to carry out their duties to protect their invitee, particularly Plaintiff Shawn Good, and exposed him to an increased risk of harm.

28. Defendants' negligence consists, inter alia, of the following acts and omissions:

- a. Failure to maintain their property in a proper and adequate condition;
- b. Failure to test or properly test the rope used to raise the poles to ensure that it would be kept in proper working order;

- c. Failure to determine the strength and weight bearing capacities of the rope used to raise the poles to ensure that the rope would not break or fail;
- d. Failure to provide Plaintiff Shawn Good with safety equipment;
- e. Failure to provide instruction or warnings to Plaintiff Shawn Good regarding the dangerous activity of setting the poles;
- f. Failure to exercise due care under the circumstances;
- g. Failure to warn Plaintiff Shawn Good of the falling pole;
- h. Failure to protect Plaintiff Shawn Good from a pole falling on his person;
- i. Failure to advise Plaintiff Shawn Good of the danger of raising wooden poles using a vehicle and rope;
- j. Failure to adequately or properly intervene to prevent the injuries of Plaintiff Shawn Good;
- k. Failure to adequately support the pole while raising the pole; and,
- l. Such other acts or omissions constituting the failure to exercise reasonable care under the circumstances as shall be discovered during discovery or at trial;

29. Defendants Patrick and Monica McGill's acts and omissions set forth above constituted a failure to exercise reasonable and ordinary care under the circumstances presented.

30. As a direct and proximate cause of Defendants' wrongful conduct and negligence set forth above, Plaintiff Shawn Good suffered the following injuries and damages:

- a. Traumatic brain injury;

- b. Complex basilar skull fracture extending from the right temporal bone through to skull base in the left petrous bone involving the left mastoid air cells, left middle and external auditory canal;
- c. Left-sided pneumothorax;
- d. Posterior left 8th rib fracture;
- e. Subcutaneous emphysema along the left chest wall;
- f. Pleural effusion pulmonary contusion;
- g. Liver lacerations and intraparenchymal hepatic contusion;
- h. Subarachnoid hemorrhage of the right temporal lobe;
- i. Right lateral ventricular hemorrhage;
- j. Subarachnoid hemorrhage;
- k. Duplicated inferior vena cava with the left inferior vena cava draining into the left renal vein;
- l. Left 6th cranial nerve palsy (diplopia);
- m. Carotid canal fracture;
- n. Cerebrospinal fluid otorrhea and rhinorrhea;
- o. Anemia;
- p. Hypokalemia;
- q. Damage to the nerves, tissues and muscles of his eyes;
- r. Ruptured left ear drum;
- s. Loss of hearing in left ear;
- t. Fractures of the facial bones;
- u. Depression;

- v. Psychological disorder;
- w. great physical pain, suffering and inconvenience;
- x. contusions and abrasions of his body; and,
- y. loss of income.

31. As a result of the negligence of the Defendants Patrick and Monica McGill's resulting in the injuries described above, Plaintiff Shawn Good has sustained the following serious and possibly permanent injuries:

- a. he has in the past, and may in the future, suffer great physical pain and suffering;
- b. he has in the past, and may in the future, require surgery;
- c. he has in the past, and may in the future, suffer from compromised motor functions;
- d. he has in the past, and may in the future, suffer from compromised dexterity of his arms and legs;
- e. he has in the past, and may in the future, suffer from impaired auditory attention;
- f. he has in the past, and may in the future, suffer from impaired vision;
- g. he has in the past, and may in the future, suffer from impaired speech;
- h. he has in the past, and may in the future, suffer from impaired learning ability;
- i. he has in the past, and may in the future, suffer from a complete traumatic left abducens palsy;

- j. he has in the past, and may in the future, suffer from cognitive dysfunction;
- k. he has in the past, and may in the future, suffer from memory loss;
- l. he has in the past, and may in the future, suffer from confusion;
- m. he has in the past, and may in the future, suffer from dizziness and headaches;
- n. he has in the past, and may in the future, suffer from psychological disorder and depression;
- o. he has in the past, and may in the future require hospitalization;
- p. he has in the past, and may in the future, require physical therapy;
- q. he has in the past, and may in the future, require medications;
- r. he has in the past, and may in the future, be required to spend money for his medical care, therapy and prescriptions;
- s. he has suffered from loss of wages;
- t. he has suffered a loss of earning capacity;
- u. he has suffered loss of strength and mobility;
- v. he has lost the ability to perform his daily routine functions and activities;
- w. he has lost the enjoyment of his normal activities and life;
- x. he has in the past, and may in the future, be required to use and/or wear orthopedic devices;
- y. he has suffered a great deal of inconvenience and embarrassment; and,
- z. his general health and vitality have been impaired.

WHEREFORE, Plaintiff Shawn Good, demands judgment against Defendants Patrick and Monica McGill in an amount in excess of the mandatory arbitration limits, exclusive of costs and interest, delay damages, attorney's fees and other further relief and all other damages to which Plaintiff Shawn Good is entitled and will forever pray.

COUNT II – Loss of Consortium
Plaintiff Lari Good
v.
Defendants Patrick and Monica McGill

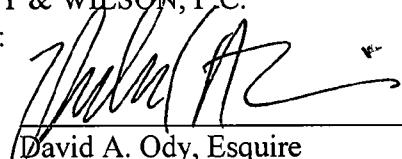
32. Plaintiffs hereby incorporate the above paragraphs as if fully set forth herein.
33. At all times relevant hereto, Plaintiff Lari Good was and is the wife of Plaintiff Shawn Good.
34. As a result the negligent conduct of Defendants Patrick and Monica McGill as described hereinabove and due to the resultant injuries sustained by her husband, Plaintiff Lari Good has been and may continue to be deprived of the assistance, contributions, companionship, consortium and society of her husband, all of which have been and will be to her great damage and loss.

WHEREFORE, Plaintiff Lari Good, demands judgment against Defendants Patrick and Monica McGill in an amount in excess of the mandatory arbitration limits, exclusive of costs and interest, delay damages, attorney's fees and other further relief and all other damages to which Plaintiff Lari Good is entitled and will forever pray.

Respectfully submitted,

ODY & WILSON, P.C.

BY:



David A. Ody, Esquire
Richard A. Wilson, Esquire
Attorneys for Plaintiff
222 Penn Street
Huntingdon, PA 16652
(814) 643-1700

VERIFICATION

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

Shawn Good

Shawn Good

Lari Good

Lari Good

DATE: 5/17/07

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DEFENDANTS

: NO.: 2007-798-CD

: JURY TRIAL DEMANDED

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

: SS

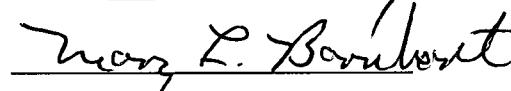
COUNTY OF HUNTINGDON

Richard A. Wilson, being duly sworn according to law, deposes and says that Richard A. Wilson, Esquire, represents the Plaintiffs in the above-captioned action, and that a true and correct copy of a Civil Complaint and Notice to Defend was served on Defendant, Patrick McGill, by First Class Mail and by Certified Mail, Return Receipt Requested, Restricted Delivery, mailed May 22, 2007, at Huntingdon, Pennsylvania, and sent to Patrick McGill at 1416 Tunnel Hill Road, Cornersville, Tennessee 37047. Patrick McGill having received and signed for the Civil Complaint and Notice to Defend on May 25, 2007 as evidenced by a copy of the Certificate of Mailing and the Return Receipt attached hereto, being Certified No. 7005 3110 0003 6756 9838.



Richard A. Wilson, Esquire
Attorneys for Plaintiffs

Sworn to and subscribed before
me this 31st day of McCoy, 2007.



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal	
Mary L. Barnhart, Notary Public	
Huntingdon Boro, Huntingdon County	
My Commission Expires Sept. 19, 2009	

FILED
NOV 10 2007
JUN 01 2007
5pm
10:57 AM
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

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CERTIFIED MAIL USE

Postage	\$ 1.14	 HUNTINGTON PA 16652
Certified Fee	2.40	
Return Receipt Fee (Endorsement Required)	1.85	
Restricted Delivery Fee (Endorsement Required)	3.70	
Total Postage & Fees	\$ 9.00	

Sent To
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP Code
 Patrick McGill
 1416 Tunnel Hill Rd.
 Cornersville, TN 37047

PS Form 3800, June 2002 See Reverse for Instructions

CERTIFICATE OF MAILING

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER

Received From:
 Richard A. Wilson, Esq.
 222 Penn St.
 Huntington, PA 16605-2

Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.

One piece of ordinary mail addressed to:
 Patrick McGill
 1416 Tunnel Hill Rd.
 Cornersville, TN 37047

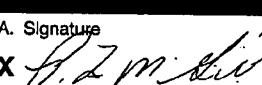
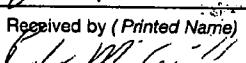
PS Form 3817, January 2001



HUNTINGTON PA 16652



American Revolution

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Patrick McGill 1416 Tunnel Hill Rd. Cornersville, TN 37047		B. Received by (Printed Name)  C. Date of Delivery 2/21/01	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	
2. Article Number (Transfer from service label) 7005 3310 0003 6756 9838			

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

SHAWN GOOD, AND,
LARI GOOD

PLAINTIFFS

VS

PATRICK J. MCGILL, AND
MONICA MCGILL

DEFENDANTS

: NO.: 2007-798-CD

: JURY TRIAL DEMANDED

AFFIDAVIT OF SERVICE

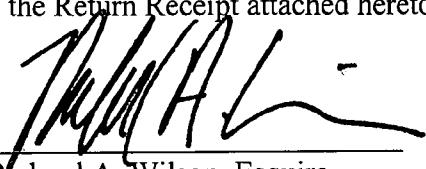
COMMONWEALTH OF PENNSYLVANIA

: SS

COUNTY OF HUNTINGDON

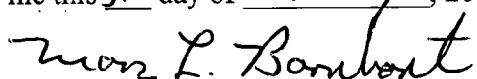
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Richard A. Wilson, being duly sworn according to law, deposes and says that Richard A. Wilson, Esquire, represents the Plaintiffs in the above-captioned action, and that a true and correct copy of a Civil Complaint and Notice to Defend was served on Defendant, Monica McGill, by First Class Mail and by Certified Mail, Return Receipt Requested, Restricted Delivery, mailed May 22, 2007, at Huntingdon, Pennsylvania, and sent to Monica McGill at 1416 Tunnel Hill Road, Cornersville, Tennessee 37047. Monica McGill having received and signed for the Civil Complaint and Notice to Defend on May 25, 2007 as evidenced by a copy of the Certificate of Mailing and the Return Receipt attached hereto, being Certified No. 7005 3110 0003 6756 9845.



Richard A. Wilson, Esquire
Attorneys for Plaintiffs

Sworn to and subscribed before
me this 31st day of May, 2007.



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Mary L. Barnhart, Notary Public
Huntingdon Boro, Huntingdon County
My Commission Expires Sept. 19, 2009

FILED NOCC
M 10:57 AM JUN 01 2007
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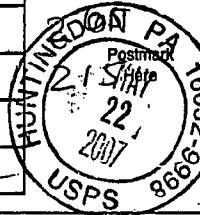
William A. Shaw
Prothonotary/Clerk of Courts

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Restricted Delivery Fee (Endorsement Required)	3.70
Total Postage & Fees	\$ 9.09



Sent To: **Monica McGill**
Street, Apt. No.,
or PO Box No. **1416 Tunnel Hill Rd.**
City, State, ZIP-4 **Cornersville, TN 37047**

PS Form 3800, June 2002

See Reverse for Instructions

Good #15641

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER		
Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.		
Received From:		
Richard A. Wilson, Esq. 222 Penn St. Huntington, PA 1161052		
One piece of ordinary mail addressed to:		
Monica McGill 1416 Tunnel Hill Rd. Cornersville, TN 37047		

PS Form 3817, January 2001



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <input type="checkbox"/> Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) Monica A. McGill C. Date of Delivery 5-25-07 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: _____	
1. Article Addressed to: Monica McGill 1416 Tunnel Hill Rd. Cornersville, TN 37047		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	
2. Article Number (Transfer from service label) 2005 3110 0003 6756 9845111			

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

SHAWN GOOD and LARI GOOD, Plaintiffs, Number 798 of 2007, C. D.
vs. Type of Case: Civil Division
PATRICK J. MCGILL and MONICA MCGILL, Type of Pleading: Appearance
Defendants. Filed on Behalf of: Defendants
Counsel of Record for this Party:
John C. Dennison, II
Supreme Court Number: 29408
DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED No CC.
m/10:45am
JUN 22 2007

William A. Shaw
Prothonotary/Clerk of Courts

SHAWN GOOD and LARI GOOD,
Plaintiffs,

vs.

PATRICK J. McGILL and MONICA
McGILL,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law
*
*
*
*
* Number 07 - 798 - C. D.

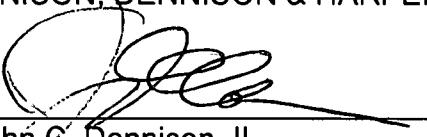
APPEARANCE

TO THE PROTHONOTARY:

Enter our Appearance on behalf of Patrick J. McGill and Monica McGill, the
Defendants in the above captioned matter.

DENNISON, DENNISON & HARPER

By


John C. Dennison, II
Attorneys for Defendants

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

SHAWN GOOD and
LARI GOOD,

Plaintiffs,

CIVIL ACTION - LAW

Number 798 of 2007 C.D.

vs.

PATRICK J. MCGILL and
MONICA MCGILL,

Defendants.

Type of Case: Civil Division

Type of Pleading: Answer and New Matter

Filed on behalf of: Defendants

Counsel of Record for this Party:
John C. Dennison, II

Supreme Court Number: 29408

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

FILED NO
JUL 11 2007 cc
2007
W.A. Shaw
Prothonotary/Clerk of Courts
GK

William A. Shaw
Prothonotary/Clerk of Courts

SHAWN GOOD and
LARI GOOD,
Plaintiffs,

vs.

PATRICK J. MCGILL and
MONICA MCGILL
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law
*
*
*
*
* Number 798 of 2007 C.D.

NOTICE TO PLEAD

TO: Shawn Good and Lari Good

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

DENNISON, DENNISON & HARPER

By

John C. Dennison, II
Attorneys for Defendants

SHAWN GOOD and * In the Court of Common Pleas of
LARI GOOD, * Clearfield County, Pennsylvania
Plaintiffs, * Civil Action - Law
*
* vs. *
*
PATRICK J. MCGILL and *
MONICA MCGILL *
Defendants. * Number 798 of 2007 C.D.

ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW, come the Defendants, PATRICK J. MCGILL and MONICA MCGILL, by their attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter to the Plaintiffs' Complaint:

1. The averments of Paragraph 1 of Plaintiffs' Complaint are admitted.
2. The averments of Paragraph 2 of Plaintiffs' Complaint are admitted.
3. The averments of Paragraph 3 of Plaintiffs' Complaint are admitted.
4. The averments of Paragraph 4 of Plaintiffs' Complaint are admitted.
5. The averments of Paragraph 5 of Plaintiffs' Complaint are admitted.
6. The averments of Paragraph 6 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.
7. The averments of Paragraph 7 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

8. The averments of Paragraph 8 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.
9. The averments of Paragraph 9 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto, except that it is admitted that the poles were provided by the Defendants.
10. The averments of Paragraph 10 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto, except that it is admitted that the vehicle was owned by the Defendants and was operated by Monica McGill, Defendant.
11. The averments of Paragraph 11 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto, except that it is admitted that the vehicle was operated by Monica McGill, Defendant.
12. The averments of Paragraph 12 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.
13. The averments of Paragraph 13 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.
14. The averments of Paragraph 14 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

15. The averments of Paragraph 15 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

16. The averments of Paragraph 16 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

17. The averments of Paragraph 17 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

COUNT I - Negligence

Shawn Good, Plaintiff
vs.
Patrick J. McGill and Monica McGill

18. The averments of Paragraphs 1 through 17 of this Answer are incorporated herein by reference thereto as fully as the same are set forth therein.

19. The averments of Paragraph 19 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 19 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

20. The averments of Paragraph 20 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 20 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

21. The averments of Paragraph 21 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 21 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

22. The averments of Paragraph 22 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 22 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

23. The averments of Paragraph 23 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 23 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

24. The averments of Paragraph 24 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 24 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

25. The averments of Paragraph 25 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The

averments of Paragraph 25 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

26. The averments of Paragraph 26 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

27. The averments of Paragraph 27 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 27 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

28. The averments of Paragraph 28 of Plaintiffs' Complaint, including subparts a. through l., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 28 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

29. The averments of Paragraph 29 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 29 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

30. The averments of Paragraph 30 of Plaintiffs' Complaint, including subparts a. through y., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

31. The averments of Paragraph 31 of Plaintiffs' Complaint, including subparts a. through z., are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto.

WHEREFORE, Patrick J. McGill and Monica McGill demand judgment against the Plaintiffs, Shawn Good and Lari Good.

COUNT II - Loss of Consortium

Lari Good, Plaintiff

vs.

Patrick J. McGill and Monica McGill, Defendants

32. The averments of Paragraphs 1 through 31 of this Answer are incorporated herein by reference thereto as fully as the same are set forth therein.

33. After reasonable investigation, the Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 33 of said Complaint and said averments are therefore denied.

34. The averments of Paragraph 34 of Plaintiffs' Complaint are denied pursuant to Pennsylvania Rule of Civil Procedure 1029(e) and no further answer is required thereto. The averments of Paragraph 34 are otherwise conclusions of law and are deemed to be denied and no answer is required thereto.

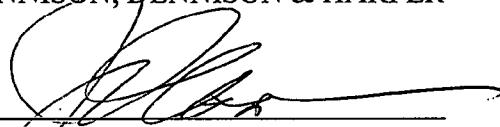
WHEREFORE, Patrick J. McGill and Monica McGill demand judgment against the Plaintiffs, Shawn Good and Lari Good.

NEW MATTER

In further answer to the averments of Plaintiffs' Complaint, the Defendants aver the following New Matter:

35. The provisions of the Motor Vehicular Financial Responsibility Act, as amended, are incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of Plaintiffs.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II
Attorneys for Defendants

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

Patrick's name
is Patrick L. McGill

Patrick J. McGill

Patrick J. McGill

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

SHAWN GOOD, AND,
LARI GOOD

PLAINTIFFS

VS

PATRICK J. MCGILL, AND
MONICA MCGILL

DEFENDANTS

: NO.: 2007-798-CD

: JURY TRIAL DEMANDED

PLAINTIFF'S ANSWER TO THE NEW MATTER OF DEFENDANTS

COMES NOW, Shawn Good and Lari Good, Plaintiffs in the above-captioned and titled matter, by and through his attorneys at the law firm of Ody & Wilson, P.C., and files this instant answer to New Matter of Defendants and avers as follows:

35. Denied as a conclusion of law to which no response is required in accordance with the Pennsylvania Rules of Civil Procedure.

Respectfully Submitted,

ODY & WILSON, P.C.

By:


Richard A. Wilson, Esquire
Attorneys for Plaintiff

FILED
m 112:41/64
JUL 24 2007
LS

William A. Shaw
Prothonotary/Clerk of Courts

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

SHAWN GOOD, AND, :
LARI GOOD : NO.: 2007-798-CD
PLAINTIFFS :
VS :
PATRICK J. MCGILL, AND :
MONICA MCGILL : JURY TRIAL DEMANDED
DEFENDANTS :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Answer to New Matter of Defendants in the above-captioned action was served on July 23, 2007, on counsel of record for the Defendants, John C. Dennison, II, Esquire, Dennison Dennison & Harper at 293 Main Street, Brookville, PA 15825.

ODY & WILSON, P.C.

By:



Richard A. Wilson, Esquire
Attorneys for Plaintiff

FILED

JUL 25 2007

11:30 AM

William A. Shaw
Prothonotary/Clerk of Courts
No. c/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

SHAWN GOOD and LARI GOOD,

CIVIL DIVISION

Plaintiffs,

NO: 07-798-CD

VS.

PATRICK J. McGILL and MONICA
McGILL,

PRAECIPE FOR APPEARANCE

Defendants.

Filed on behalf of:
Defendants

Counsel of Record for this Party:

NELSON B. GAUGLER, ESQUIRE
PA I.D. #44168

SNYDER & ANDREWS
11269 Perry Highway
Suite 400
Wexford, PA 15090-9389

(724) 934-0388

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

SHAWN GOOD and LARI GOOD,

CIVIL DIVISION

Plaintiffs,

NO: 07-798-CD

vs.

PATRICK J. McGILL and MONICA
McGILL,

Defendants.

TO: WILLIAM SHAW, PROTHONOTARY

Please enter my appearance on behalf of the defendants in the above-captioned matter.

SNYDER & ANDREWS,

By: 

Nelson B. Gaugler, Esquire
11269 Perry Highway, Suite 400
Wexford, PA 15090

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

SHAWN GOOD and LARI GOOD,

CIVIL DIVISION

Plaintiffs,

NO: 07-798-CD

vs.

PATRICK J. MCGILL and MONICA
McGILL,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within praecipe for appearance was served upon the following counsel of record on the 19th day of July, 2007, by First Class U.S. Mail, postage prepaid:

David A. Ody, Esquire
222 Penn Street
Huntingdon, PA 16652
(Counsel for Plaintiffs)

SNYDER & ANDREWS,

By: 

Nelson B. Gaugler, Esquire
Attorney for defendants

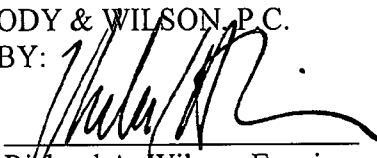
FILED
JUL 25 2007
PROBATE DIVISION
WILLIAM A SHAW CLERK OF COURTS

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

SHAWN GOOD, AND, :
LARI GOOD : NO.: 07-798-C.D.
PLAINTIFFS :
VS :
PATRICK J. MCGILL, AND :
MONICA MCGILL : JURY TRIAL DEMANDED
DEFENDANTS :
:

CERTIFICATE OF SERVICE

I hereby certify that Request for Production of Documents and Things of Plaintiffs
Addressed to Defendants in the above-captioned action were served on August 10, 2007 on
counsel of record for Defendants, John C. Dennison, II, Esquire of Dennison, Dennison &
Harper, 293 Main Street, Brookville, PA 15825 and on Nelson B. Gaugler, Esquire of the Law
Office of Snyder & Andrews, 11269 Perry Highway, Suite 400, Wexford, PA 15090 by U.S.
First Class Mail, postage prepaid, mailed from Huntingdon, Pennsylvania.

ODY & WILSON, P.C.
BY: 

Richard A. Wilson, Esquire
Attorney for Plaintiffs

FILED NO
M 10:31 AM
AUG 13 2007
WAC
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

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

SHAWN GOOD, AND,
LARI GOOD

PLAINTIFFS

VS

PATRICK J. MCGILL, AND
MONICA MCGILL

DEFENDANTS

: NO.: 2007-798-CD

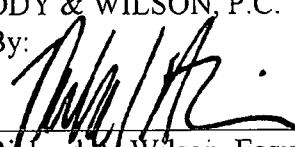
: JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' Responses to the Interrogatories and Requests for Production of Documents of Defendants (1st Set) in the above-captioned action were served on August 29, 2007 on counsel of record for Defendants, John C. Dennison, II, Esquire of Dennison, Dennison & Harper, 293 Main Street, Brookville, PA 15825 and on Nelson B. Gaugler, Esquire of the Law Office of Snyder & Andrews, 11269 Perry Highway, Suite 400, Wexford, PA 15090 by Priority Mail on August 29, 2007 from Huntingdon, Pennsylvania.

ODY & WILSON, P.C.

By:


Richard A. Wilson, Esquire
Attorneys for Plaintiffs

FILED
m 11 2007
AUG 30 2007
WCC
cm

William A. Shaw
Prothonotary/Clerk of Courts

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

SHAWN GOOD, AND,
LARI GOOD

PLAINTIFFS

VS

PATRICK J. MCGILL, AND
MONICA MCGILL

DEFENDANTS

: NO.: 2007-798-CD

: JURY TRIAL DEMANDED

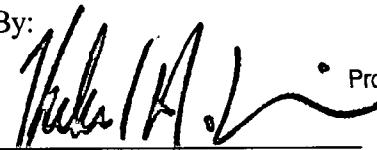
PRAECIPE TO SETTLE, DISCONTINUE AND END THE ACTION

TO: WILLIAM A. SHAW, PROTHONOTARY

Please mark the above-captioned action discontinued and satisfied of record.

ODY & WILSON, P.C.

By:


Richard A. Wilson, Esquire
Attorneys for Plaintiff

FILED *CC'd Cert of
m/1:00 pm
FEB 01 2008
to AAG*
disc issued

William A. Shaw
Prothonotary/Clerk of Courts

AND NOW, this 1st day of February, 2008, all prothonotary costs having
been paid, and the above-captioned action is hereby marked discontinued and satisfied of record.


WILLIAM A. SHAW, Prothonotary

FILED *RE*

MAR 03 2008

mr 11-401-1
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

SHAWN GOOD and LARI GOOD,

CIVIL DIVISION

Plaintiffs,

NO: 07-798-CD

vs.

PATRICK J. McGILL and MONICA
McGILL,

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Defendants.

Filed on behalf of:
Plaintiffs

Counsel of Record for this Party:

RICHARD A. WILSON, ESQUIRE
PA I.D. # 90182

222 Penn Street
Huntingdon, PA 16652
(814) 643-1700

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

SHAWN GOOD, AND,
LARI GOOD

PLAINTIFFS

VS

PATRICK J. MCGILL, AND
MONICA MCGILL

DEFENDANTS

: NO.: 2007-798-CD

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: JURY TRIAL DEMANDED

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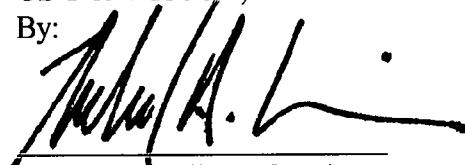
PRAECIPE TO SETTLE, DISCONTINUE AND END THE ACTION

TO: WILLIAM A. SHAW, PROTHONOTARY

Please mark the above-captioned action discontinued and satisfied of record.

ODY & WILSON, P.C.

By:



Richard A. Wilson, Esquire
Attorneys for Plaintiff

AND NOW, this 3rd day of March, 2008, all prothonotary costs having
been paid, and the above-captioned action is hereby marked discontinued and satisfied of record.



WILLIAM A. SHAW, Prothonotary

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

SHAWN GOOD and LARI GOOD, CIVIL DIVISION

Plaintiffs, NO: 07-798-CD

vs.

PATRICK J. McGILL and MONICA
McGILL,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within praecipe to settle and discontinue was served upon the following counsel of record on the 28th day of February, 2008, by First Class U.S. Mail, postage prepaid:

Richard A. Wilson, Esquire
222 Penn Street
Huntingdon, PA 16652
(Counsel for Plaintiffs)

SNYDER & ANDREWS,

By: _____

Nelson B. Gaugler, Esquire
Attorney for defendants