

07-1013-CD  
Sherry Wallace et al vs Agatha Kennedy

2007-1013-CD  
Sherry Wallace et al vs Agatha Kennedy

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

\*  
SHERRY WALLACE and  
FERDIN E. WALLACE,  
Plaintiffs

vs

\*  
AGATHA M. KENNEDY,  
Defendant

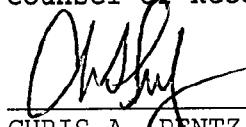
\* No. 2007-1013 -CD

\* Type of Case: Personal Injury

\* Type of Pleading: Praeclipe for  
\* Writ of Summons

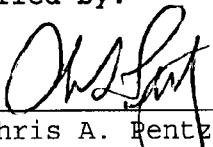
\* Filed on Behalf of: Plaintiff

\* Counsel of Record for this Party:

\*   
\* CHRIS A. PENTZ, Esquire  
\* Supreme Court I.D. # 39232  
\* 207 East Market Street  
\* P. O. Box 552  
\* Clearfield PA 16830  
\* 814 765-4000

PA 385.00  
1CC + 1 Writ  
0/2.50cm issued to  
JUN 27 2007 Shff.  
WM

\* Filed by:

\*   
William A. Shaw  
Prothonotary/Clerk of Courts

\* Chris A. Pentz, Esquire  
\* 207 East Market Street  
\* P. O. Box 552  
\* Clearfield, PA 16830  
\* 814 765-4000

Date: 6/27/07

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

SHERRY WALLACE and \*  
FERDIN E. WALLACE,  
Plaintiffs \*

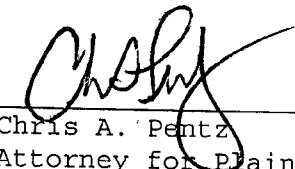
vs. \* No. 2007-  
- CD

AGATHA M. KENNEDY,  
Defendant \*

PRAECIPE FOR WRIT OF SUMMONS

Please issue a Writ of Summons against the following  
individual:

Agatha M. Kennedy  
106 Second Street  
Oscola Mills PA 16666

  
\_\_\_\_\_  
Chris A. Pentz  
Attorney for Plaintiffs

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



**SUMMONS**

**Sherry Wallace**  
**Ferdin E. Wallace**

Vs.

**NO.: 2007-01013-CD**

**Agatha M. Kennedy**

TO: AGATHA M. KENNEDY

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

Date: 6/27/2007

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

Issuing Attorney:

Chris A. Pentz  
P.O. Box 552  
Clearfield, PA 16830  
814-765-4000

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, : No. 2007-01013-CD  
Plaintiffs :  
vs. : Type of Pleading:  
AGATHA M. KENNEDY, : Praeclipe for Rule to  
Defendant : File Complaint  
: Filed on Behalf of:  
: Defendant  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 3 S. Brady Street, Suite 300  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: 07/18/07

File 1153 No CC  
JUL 19 2007 Rule issued  
to Atty Talad  
William A. Shaw  
Prothonotary/Clerk of Courts  
GK

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

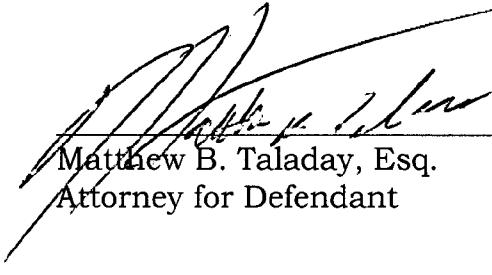
SHERRY WALLACE and	:	
FERDIN E. WALLACE,	:	
Plaintiff	:	
	:	
vs.	:	No. 2007-01013-CD
	:	
AGATHA KENNEDY,	:	
Defendant	:	

**PRAECIPE FOR RULE TO FILE COMPLAINT**

TO THE PROTHONOTARY:

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

Dated: July 18, 2007

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

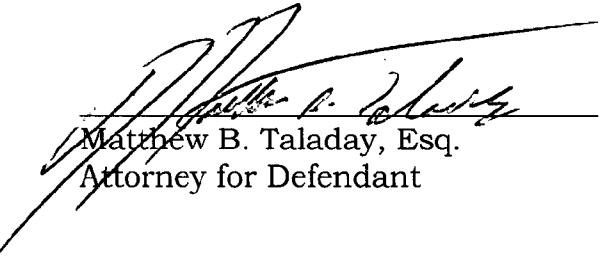
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

SHERRY WALLACE and	:	
FERDIN E. WALLACE,	:	
Plaintiff	:	
	:	
vs.	:	No. 2007-01013-CD
	:	
AGATHA KENNEDY,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 18th day of July, 2007, a true and correct copy of Defendant's Praeclipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiffs  
P.O. Box 552  
Clearfield, PA 16830

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

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

COPY

Sherry Wallace and  
Ferdin E. Wallace

Vs.  
Agatha M. Kennedy

Case No. 2007-01013-CD

RULE TO FILE COMPLAINT

TO: Sherry Wallace and Ferdin E. Wallace

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



William A. Shaw, Prothonotary

Dated: July 19, 2007

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, :  
Plaintiffs : No. 2007-01013-CD  
:  
vs. : Type of Pleading:  
AGATHA M. KENNEDY, : Praeclipe for Entry of  
Defendant : 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: 07/18/07

FILED NO CC  
M 11.5 BPL  
JUL 19 2007 GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

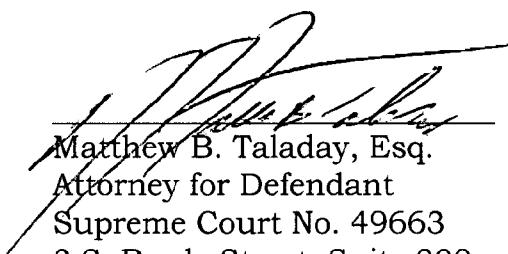
SHERRY WALLACE and :  
FERDIN E. WALLACE, :  
Plaintiff :  
vs. : No. 2007-01013-CD  
AGATHA KENNEDY, :  
Defendant :  
.

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendant,  
Agatha Kennedy, in the above captioned matter.

Dated: 07/18/06

  
Matthew B. Taladay, Esq.  
Attorney for Defendant  
Supreme Court No. 49663  
3 S. Brady Street, Suite 300  
P. O. Box 487  
DuBois, PA 15801  
(814) 371-7768

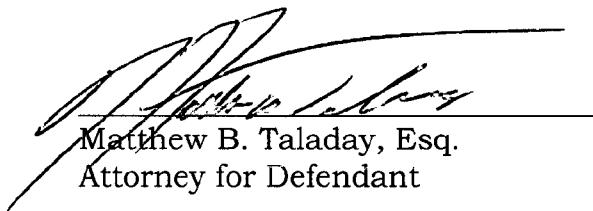
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

SHERRY WALLACE and	:	
FERDIN E. WALLACE,	:	
Plaintiff	:	
	:	
vs.	:	No. 2007-01013-CD
	:	
AGATHA KENNEDY,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 18th day of July, 2007, a true and correct copy of Defendant's Praeclipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiffs  
P.O. Box 552  
Clearfield, PA 16830



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, :  
Plaintiffs : No. 2007-01013-CD  
vs. :  
Type of Pleading:  
AGATHA M. KENNEDY, : Certificate of  
Defendant : Service  
: 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: 07/24/07

No CC.  
mto: 50um  
JUL 25 2007  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

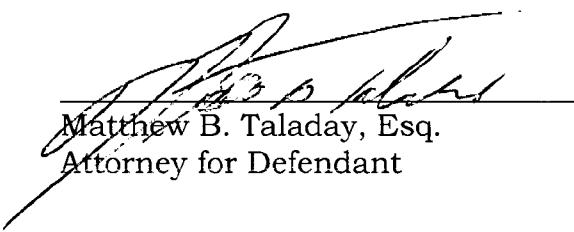
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

SHERRY WALLACE and :  
FERDIN E. WALLACE, :  
Plaintiff :  
: :  
vs. : No. 2007-01013-CD  
: :  
AGATHA KENNEDY, :  
Defendant :  
:

**CERTIFICATE OF SERVICE**

I certify that on the 24th day of July, 2007, a Court certified copy of Rule to File Complaint was sent via first class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiffs  
P.O. Box 552  
Clearfield, PA 16830

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

11/10/48 (60) Atty Pentz  
2001 (GK)

William A. Shaw  
Prothonotary/Clerk of Courts

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

SHERRY WALLACE and  
FERDIN E. WALLACE,  
Plaintiffs

VS \* No. 2007-1013-CD

AGATHA M. KENNEDY,  
Defendant

\* \* Type of Case: Personal Injury

\* Type of Pleading: Complaint

\* Filed on Behalf of: Plaintiffs

\* Counsel of Record for this Party:

\* CHRIS A. PENTZ, Esquire  
\* Supreme Court I.D. # 39232  
\* 207 East Market Street  
\* P. O. Box 552  
\* Clearfield PA 16830  
\* 814 765-4000

\* Filed by:

\* Chris A. Pentz, Esquire  
\* 207 East Market Street  
\* P. O. Box 552  
\* Clearfield, PA 16830  
\* 814 765-4000

Date: Sept 20, 2007

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

SHERRY WALLACE and \*  
FERDIN E. WALLACE, her husband,  
Plaintiffs \*  
  
vs \* No. 07-1013-C.D.  
  
\*  
  
AGATHA M. KENNEDY, \*  
Defendant \*  
\*

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

Prothonotary Office  
Clearfield County Courthouse  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

SHERRY WALLACE and \*  
FERDIN E. WALLACE, her husband,  
Plaintiffs \*  
  
vs \* No. 07-1013-C.D.  
  
\*  
  
AGATHA M. KENNEDY,  
Defendant \*  
\*  
\*

COMPLAINT

1. The Plaintiffs are Sherry Wallace and Ferdinand E. Wallace, her husband, *sui juris*, who reside at 250 Open Sky Lane, Clearfield, Pennsylvania 16830.
2. The Defendant is Agatha M. Kennedy, *sui juris*, of 106 Second Street, Osceola Mills, Pennsylvania 16666.
3. On July 6, 2005, the Defendant, Agatha M. Kennedy did own a certain vehicle being a 2004 Buick LeSabre bearing Pennsylvania registration # DCH 9753.
4. On July 6, 2005, the Plaintiffs did own a certain vehicle being a 1996 Chrysler Town and Country bearing Pennsylvania registration # ETW 0093.
5. On the date aforesaid at approximately 3:00 P. M. the Defendant, Agatha M. Kennedy, was operating the 2004 Buick LeSabre vehicle on Pine Street in a westerly direction in the Township of Rush, Centre County, Pennsylvania at the intersection of SR 322.
6. On the date and the time aforesaid, the Plaintiff, Sherry Wallace, was lawfully operating her vehicle on Pennsylvania State Route 322 in a northly direction in the Township of Rush, Centre County, Pennsylvania at the intersection of Pine Street.
7. When the vehicle being operated by Defendant, Agatha M. Kennedy, approached the intersection as referred in Paragraphs 5 and 6 above, at the place and date and time aforesaid, she failed to obey a

traffic control device and collided with the vehicle being operated by Plaintiff Sherry Wallace.

8. The above referred collision was the direct and proximate result of the negligence and carelessness of the Defendant, Agatha M. Kennedy, and consisted of:

- a. Failing to maintain a proper lookout for other vehicles.
- b. Failing to maintain a vehicle under proper control.
- c. Failing to obey traffic control devices.

9. As a result of the referred to collision, Plaintiff, Sherry Wallace, suffered injuries to her back, neck, shoulders, arms, and hands.

10. Plaintiff, Sherry Wallace, suffered permanent physical impairment in the nature of chronic back, neck, shoulders, arms, and hands pain resulting of aforesaid injuries.

11. The Plaintiff, Sherry Wallace, as a direct and proximate result of the aforesaid injuries was unable to perform her regular employment duties from July 6, 2007 to and including present.

12. The Plaintiff, Sherry Wallace, claims a reasonable amount for the following:

- a. Pain and suffering
- b. Privation and inconvenience
- c. Permanent physical impairment
- d. Loss of income
- e. Medical expenses
- f. All other damages allowable by law

WHEREFORE, the Plaintiff, Sherry Wallace, claims damages from the Defendants in excess of \$ 25,000.00. Jury Trial Demanded.

Count II  
Loss of Consortium

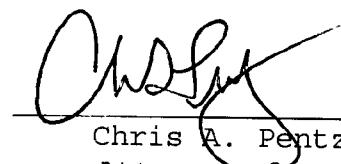
13. The paragraphs 1 through 12 above of this Complaint are incorporated herein by reference.

14. The Plaintiffs were husband and wife at all times relevant to this cause of action.

15. The Plaintiffs as a result of the injuries to Plaintiff, Sherry Wallace, were denied the full consort, society, companionship, and affection of their spouse.

WHEREFORE, Plaintiffs demand judgment in excess of \$25,000.00 together with costs and such other relief as the Court deems appropriate. Jury trial demanded.

Respectfully submitted this 20th day of September, 2007.



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Chris A. Pentz, Esquire  
Attorney for Plaintiffs

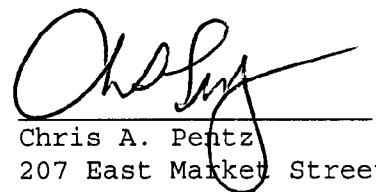
VERIFICATION

I, Chris A. Pentz, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

I am authorized to make this verification on behalf of Plaintiffs because of my position as counsel of record.

Date: Sept 20, 2007



Chris A. Pentz  
207 East Market Street  
Clearfield PA 16830  
814 765-4000  
I. D. # 39232

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, :  
Plaintiffs : No. 2007-01013-CD  
vs. :  
Type of Pleading:  
AGATHA M. KENNEDY, : Motion to Compel  
Defendant : Discovery  
: 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: 02/19/08

100-100-100  
m10:42 AM Atty Taladay  
FEB 21 2008  
66  
William A. Shaw  
Prothonotary/Clerk of Courts

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

SHERRY WALLACE and :  
FERDIN E. WALLACE, :  
Plaintiff :  
: :  
vs. : No. 2007-01013-CD  
: :  
AGATHA KENNEDY, :  
Defendant :  
:

**MOTION TO COMPEL DISCOVERY**

AND NOW comes Defendant, Agatha Kennedy, by her attorneys, Hanak, Guido and Taladay and hereby petition this Honorable Court to compel discovery averring as follows:

1. Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiffs were served on Plaintiffs' counsel on November 5, 2007.
2. A Notice of Service evidencing the service of discovery requests is attached hereto as Exhibit "A".
3. By correspondence dated January 7, 2008, your undersigned counsel for Defendants advised counsel for Plaintiffs that discovery responses were more than thirty days overdue. A copy of that correspondence is attached as Exhibit "B".
4. Undersigned counsel for Defendant has attempted to contact Plaintiffs' counsel by telephone on several occasions regarding the status of discovery responses. To date, no reply has been received.

5. As of the date of this Motion, the Defendant's Interrogatories and Request for Production of Documents remain unanswered.

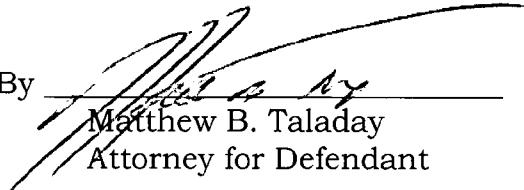
6. Defendant requests this Honorable Court to issue an Order compelling Counsel for Plaintiff to provide full and complete discovery responses within thirty days of the date of this Order, upon failure of which the Court may impose sanctions.

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

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By

  
Matthew B. Taladay  
Attorney for Defendant

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

SHERRY WALLACE and :  
FERDIN E. WALLACE, :  
Plaintiff :  
vs. : No. 2007-01013-CD  
: :  
AGATHA KENNEDY, :  
Defendant :  
:

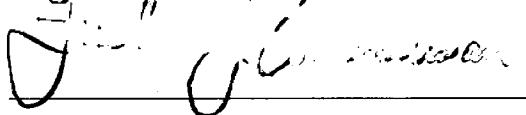
**ORDER OF COURT**

AND NOW, this 21<sup>st</sup> day of February, 2008, upon  
consideration of Defendant's Motion to Compel Discovery,

IT IS HEREBY ORDERED that the Motion is granted.

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

BY THE COURT,



100  
0133234 Atty  
J. Tall day  
william A. Shaw  
Prothonotary/Clerk of Courts

DATE: 2/21/08

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney  Other

Willard A. Shaw  
Prothonotary/Clerk of Courts  
Special Instructions:

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, :  
Plaintiffs : No. 2007-01013-CD  
vs. :  
Type of Pleading:  
AGATHA M. KENNEDY, : Notice of  
Defendant : Service  
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: 11/05/07

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

SHERRY WALLACE and  
FERDIN E. WALLACE,  
Plaintiff

vs.

No. 2007-01013-CD

AGATHA KENNEDY,  
Defendant

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being  
counsel of record for Defendant, do hereby certify that I propounded on  
Plaintiffs, via United States mail, first class, postage pre-paid, this 5th  
day of November, 2007, Defendant's FIRST SET OF DISCOVERY  
MATERIALS to the below indicated person, at said address, being  
counsel of record for the Plaintiff Sherry Wallace:

Chris A. Pentz, Esq.  
Attorney for Plaintiffs  
P.O. Box 552  
Clearfield, PA 16830

Matthew B. Taladay, Esq.  
Attorney for Defendant

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

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

Nicole Hanak Bankovich

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

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

[mbtaladay@verizon.net](mailto:mbtaladay@verizon.net)

January 7, 2008

Chris A. Pentz, Esq.  
P.O. Box 552  
Clearfield, PA 16830

**Re: Sherry Wallace and Ferdin E. Wallace vs.  
Agatha Kennedy**

Dear Chris:

Plaintiffs' responses to Interrogatories and Request for Production of Documents are now more than thirty days overdue. My client has requested that I file a Motion to Compel. However, I will allow an additional twenty days before doing so to permit you better opportunity to provide the requested information. If there is a problem with responding within this time period, I would ask that you promptly let me know.

I look forward to hearing from you.

Sincerely,

Matthew B. Taladay

MBT:kam

cc: Jennifer Reichert  
Claim No. 010110557457

**EXHIBIT "B"**

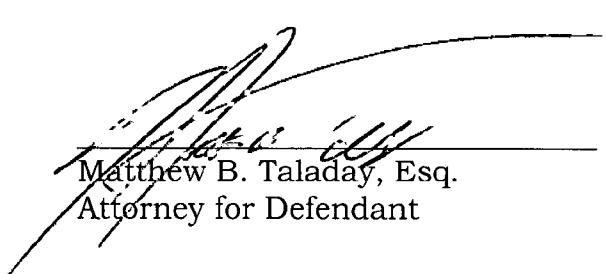
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

SHERRY WALLACE and	:	
FERDIN E. WALLACE,	:	
Plaintiff	:	
	:	
vs.	:	No. 2007-01013-CD
	:	
AGATHA KENNEDY,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 19th day of February, 2008, a true and correct copy of the foregoing Motion to Compel Discovery was sent via first class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiffs  
P.O. Box 552  
Clearfield, PA 16830

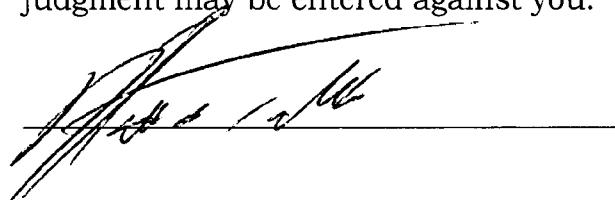
  
Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, : No. 2007-01013-CD  
Plaintiffs :  
vs. : Type of Pleading:  
: Answer and  
AGATHA M. KENNEDY, : New Matter  
Defendant : Filed on Behalf of:  
: Defendant :  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

Dated: October 1, 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  
OCT 25 2007  
DCT 02 2007  
NO CC  
GHD

William A. Shaw  
Prothonotary/Clerk of Courts

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

SHERRY WALLACE and	:	
FERDIN E. WALLACE,	:	
Plaintiff	:	
	:	
vs.	:	No. 2007-01013-CD
	:	
AGATHA M. KENNEDY,	:	
Defendant	:	

**ANSWER**

AND NOW, comes the Defendant, Agatha M. Kennedy, by her attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiffs' Complaint as follows:

1. Upon information and belief, admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted in part. It is admitted that Plaintiff Sherry

Wallace at the time and date referenced in Plaintiffs' Complaint was operating her vehicle in a northerly direction on State Route 322 near its intersection with Pine Street, Rush Township, Centre County, Pennsylvania.

7. Admitted in part and denied in part. It is admitted that the vehicle operated by Agatha M. Kennedy collided with the Plaintiffs' vehicle. The remaining allegations of paragraph No. 7 are denied.

8. Defendant, Agatha M. Kennedy, denies all allegations of negligence pursuant to Pa.R.C.P. Rule 1029(e). By way of further answer, however, Defendant, Agatha M. Kennedy, admits responsibility for the collision.

9. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 9 of Plaintiffs' Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

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

11. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 11 of Plaintiffs' Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

12. Defendant demands strict proof of all elements of damage claimed by Plaintiffs in accordance with applicable law.

WHEREFORE, Defendant demands judgment in her favor.

**Count II**

**Loss of Consortium**

13. Defendant incorporates paragraphs 1 through 12 above as if set forth in full.

14. Upon information and belief, admitted.

15. After reasonable investigation, the Defendant is without information sufficient to form a belief as to the truth of the matters set forth in paragraph 15 of Plaintiffs' Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in her favor.

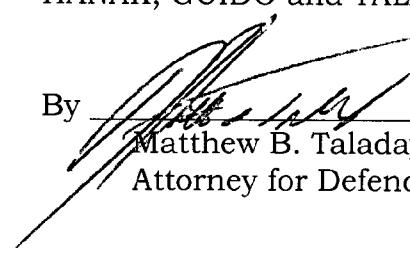
**NEW MATTER**

16. Plaintiffs' claims are barred or limited by application of the Pennsylvania Motor Vehicle Financial Responsibility Law relating to limited tort coverage and first party preclusion.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

**VERIFICATION**

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

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

Date: 9/25/07

Agatha Kennedy  
Agatha Kennedy

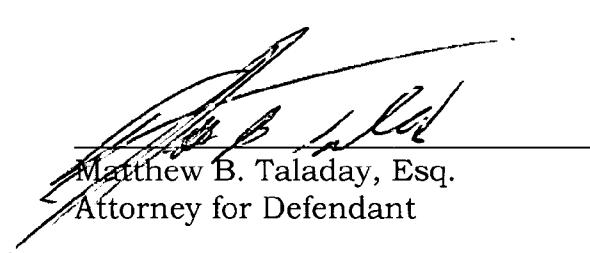
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

SHERRY WALLACE and	:	
FERDIN E. WALLACE,	:	
Plaintiff	:	
	:	
vs.	:	No. 2007-01013-CD
	:	
AGATHA M. KENNEDY,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 1st day of October, 2007, a true and correct copy of the foregoing Answer and New Matter was sent via first class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiffs  
P.O. Box 552  
Clearfield, PA 16830

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, :  
Plaintiffs : No. 2007-01013-CD  
:  
vs. : Type of Pleading:  
AGATHA M. KENNEDY, : Notice of  
Defendant : Service  
:  
: 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: 11/05/07

11/05/07 NO CC  
NOV 06 2007  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

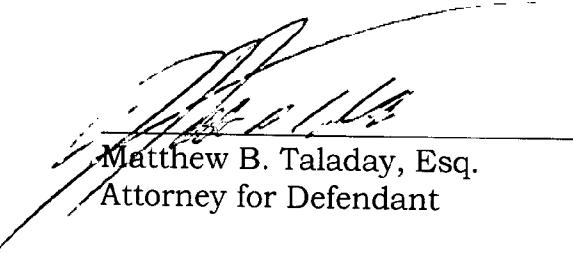
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

SHERRY WALLACE and	:	
FERDIN E. WALLACE,	:	
Plaintiff	:	
	:	
vs.	:	No. 2007-01013-CD
	:	
AGATHA KENNEDY,	:	
Defendant	:	

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiffs, via United States mail, first class, postage pre-paid, this 5th day of November, 2007, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff Sherry Wallace:

Chris A. Pentz, Esq.  
Attorney for Plaintiffs  
P.O. Box 552  
Clearfield, PA 16830

  
Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102947  
NO: 07-1013-CD  
SERVICE # 1 OF 1  
SUMMONS

PLAINTIFF: SHERRY WALLACE and FERDIN E. WALLACE  
vs.  
DEFENDANT: AGATHA M. KENNEDY

**SHERIFF RETURN**

---

NOW, July 02, 2007 AT 10:17 AM SERVED THE WITHIN SUMMONS ON AGATHA M. KENNEDY DEFENDANT AT 106 SECOND ST., OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO AGATHA M. KENNEDY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WALLACE AUTO	5427	10.00
SHERIFF HAWKINS	WALLACE AUTO	5427	37.81

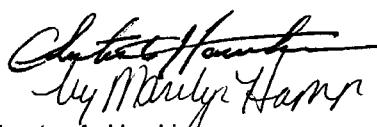
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(CH)

Sworn to Before Me This

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

So Answers, William A. Shaw  
Prothonotary/Clerk of Courts

Chester A. Hawkins  
Sheriff



FILED

NOV - 7 2001

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FEB 26 2008  
M/10-251w  
William A. Shaw  
Prothonotary/Clerk of Courts  
No. C/C

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, :  
Plaintiffs : No. 2007-01013-CD  
vs. :  
Type of Pleading:  
AGATHA M. KENNEDY, : Certificate of  
Defendant : Service  
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: 09/25/08

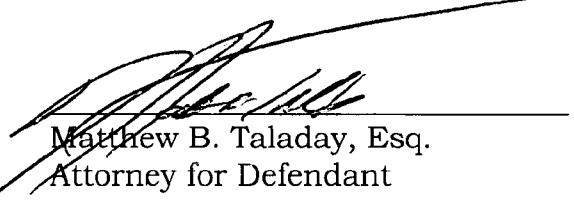
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

SHERRY WALLACE and :  
FERDIN E. WALLACE, :  
Plaintiff :  
vs. :  
No. 2007-01013-CD  
AGATHA KENNEDY, :  
Defendant :  
:

**CERTIFICATE OF SERVICE**

I certify that on the 25th day of February, 2008, a Court certified Motion to Compel and Order of Court was sent via first class mail, postage prepaid, to the following:

Chris A. Pentz, Esq.  
Attorney for Plaintiffs  
P.O. Box 552  
Clearfield, PA 16830

  
Matthew B. Taladay, Esq.  
Attorney for Defendant



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

SHERRY WALLACE and \*  
FERDIN E. WALLACE, her husband,  
Plaintiffs \*

vs \* No. 07-1013-C.D.

\*

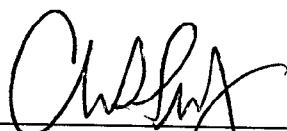
AGATHA M. KENNEDY, \*  
Defendant \*

\*

REPLY TO NEW MATTER

16. Paragraph 16 is a conclusion of law to which no response is required. To the extent that a response is required the paragraph is denied in that Plaintiffs had full tort coverage.

Respectfully submitted,

  
\_\_\_\_\_  
Chris A. Pentz  
Attorney for Plaintiffs

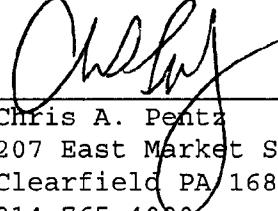
VERIFICATION

I, Chris A. Pentz, have read the foregoing  
Reply. The statements therein are correct to the best of my  
personal knowledge or information and belief.

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

I am authorized to make this verification on behalf of  
Plaintiffs because of my position as counsel of record.

Date: 3-19-08

  
Chris A. Pentz  
207 East Market Street  
Clearfield, PA 16830  
814 765-4000  
I. D. # 39232



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

SHERRY WALLACE and :  
FERDIN E. WALLACE :  
vs. :No. 2007-1013-CD  
AGATHA M. KENNEDY :  
: :  
: :

O R D E R

AND NOW, this 3<sup>rd</sup> day of May, 2010, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for Wednesday, June 2, 2010 at 9:30 P.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

*FILED 09-5130 ICC Atty: Pentz  
MAY 04 2010 Taladay*  
S William A. Shaw  
Prothonotary/Clerk of Courts

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William A. Seward  
Court Reporter/Clerk of Courts

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Given all input points  $x_i$ ,  
the problem is to find a function  $p(x)$   
of the form  $p(x) = \sum_{j=1}^n a_j \phi_j(x)$   
such that  $p(x_i) \approx y_i$ .

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

SHERRY WALLACE and  
FERDIN E. WALLACE,  
Plaintiffs.

V.

AGATHA M. KENNEDY,  
Defendant.

\* \* \*

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★  
★  
★

No. 07-1013-CD

\* Type of Case: Civil

\*  
\*

\* Type of Pleading:

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\* Counsel of Record  
\* for this Party:

2

\* CHRIS A. PENIZ, ESQUIRE  
\* Supreme Court ID No.: 39232  
\* 207 East Market Street  
\* PO Box 552  
\* Clearfield, PA 16830  
\* 814-765-4000

Date: 5/5/10

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200  
William A. Shaw  
Prothonotary Clerk of Courts

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

SHERRY WALLACE and \*  
FERDIN E. WALLACE, \*  
Plaintiffs, \*  
\*  
v. \* No. 07-1013-CD  
\*  
AGATHA M. KENNEDY, \*  
Defendant. \*

**MOTION FOR CONTINUANCE**

1. A Pretrial Conference in Judge's Chambers is scheduled for June 2, 2010, at 9:30am.

3. The reason for this requested continuance is as follows: Counsel for Plaintiffs will be attending Preliminary Hearings at the Clearfield County Prison.

5. All parties or their attorneys have been made aware of the presentation of this Motion and have responded as follows:

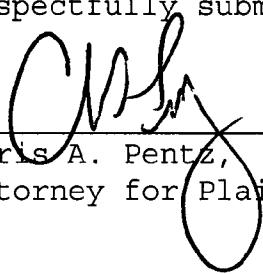
X Counsel for Defendant consents to this continuance

       Counsel for Defendant opposes this continuance

       Counsel for Defendant not previously advised

Respectfully submitted,

Date: 5/5/10

  
\_\_\_\_\_  
Chris A. Pentz,  
Attorney for Plaintiffs

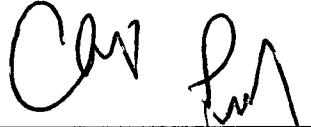
VERIFICATION

I, Chris A. Pentz, have read the foregoing Motion for Continuance. The statements therein are correct to the best of my personal knowledge or information and belief.

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

I am authorized to make this verification on behalf of the Defendant because of my position as counsel of record.

Date: 5/5/10

  
Chris A. Pentz  
207 East Market Street  
PO Box 552  
Clearfield, PA 16830  
814-765-4000  
ID#: 39232

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

SHERRY WALLACE and  
FERDIN E. WALLACE,  
Plaintiffs,

\*  
\*  
\*  
\*

v.

\* No. 07-1013-CD

\*  
\*  
\*

AGATHA M. KENNEDY,  
Defendant.

\*

**SCHEDULING ORDER**

AND NOW, this 16<sup>th</sup> day of MAY, 2010,  
upon consideration of Plaintiffs' Motion for Continuance, the  
Pretrial Conference scheduled for June 2, 2010, is hereby  
rescheduled for the 21<sup>st</sup> day of JUNE, 2010, at  
11:00 AM, in Judge's Chambers of the Clearfield County  
Courthouse, Clearfield, Pennsylvania.

By the Court,

  
\_\_\_\_\_  
Judge

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MAY 10 2010 Atty Pentz  
S William A. Shaw  
Prothonotary/Clerk of Courts

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William A. Strand  
FCCU Notary/Clerk of Courts

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

SHERRY WALLACE and  
FERDIN E. WALLACE,  
Plaintiffs,

v.

AGATHA M. KENNEDY,  
Defendant.

\*\*\*

No. 07-1013-CD

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\* Type of Case: Civil

2

### Type of Pleading:

2

**CERTIFICATE OF SERVICE**

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\*

\*

Filed on Behalf of:

Plaintiffs

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\*

Counsel of Record  
for this Party:

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\* 207 East Market Street  
\* PO Box 552  
\* Clearfield, PA 16830  
\* 814-765-4000

Date: 7/12/10

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William A. Shar  
Prothonotary/Clerk of Courts

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

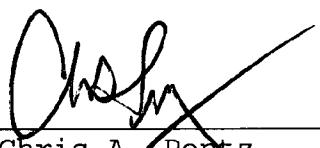
SHERRY WALLACE and \*  
FERDIN E. WALLACE, \*  
Plaintiffs, \*  
\*  
v. \* No. 07-1013-CD  
\*  
AGATHA M. KENNEDY, \*  
Defendant. \*

**CERTIFICATE OF SERVICE**

I, Chris A. Pentz, Esquire, do hereby certify that a certified copy of Plaintiffs' Motion for Continuance and Scheduling Order filed in the above-captioned action was served on the following person and in the following manner on the 12th day of May, 2010.

**FIRST-CLASS MAIL, POSTAGE PREPAID**

Matthew B. Taladay, Esquire  
Hanak, Guido & Taladay  
528 Liberty Boulevard  
PO Box 487  
DuBois, PA 15801

  
Chris A. Pentz  
Attorney for Plaintiffs

CA

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

SHERRY WALLACE \* NO. 07-1013-CD  
FERDIN E. WALLACE \*  
Plaintiffs \*  
vs \*  
AGATHA M. KENNEDY \*  
Defendant \*

FILED

JUN 24 2010  
01/8/2011 ✓  
William A. Shaw  
Prothonotary/Clerk of Courts

Entered To  
Perry L  
Tanner

ORDER

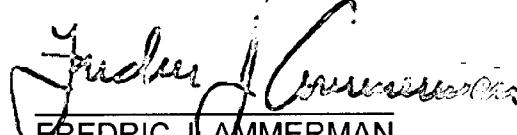
NOW, this 21<sup>st</sup> day of June, 2010, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on **January 4, 2011** commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for **January 24 and 25, 2011**, commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial for the Plaintiff which has not previously been provided to opposing counsel shall be delivered by no later than December 31, 2010. Failure to comply will result in the witness not being available for use at trial.
5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of

trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.

6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.
7. The parties hereby agree to the authenticity of any and all medical records and bills which were previously provided through the discovery process. No party shall be required to produce a Medical Records witness for purposes of authentication.
8. The Defendant has stipulated to negligence in this case, but not as to causation or damages.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

William A. Stine  
Administrator/Chair of Board

JUN 24 1991

100-310

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERRY WALLACE and : Type of Case: Civil Action  
FERDIN E. WALLACE, : No. 2007-01013-CD  
Plaintiffs :  
vs. : Type of Pleading:  
: Praeclipe for  
AGATHA M. KENNEDY, : Discontinuance  
Defendant :  
: Filed on Behalf of:  
: Plaintiffs  
: Counsel of Record for This  
: Party:  
: Chris A. Pentz, Esq.  
: Supreme Court No. 39232  
: Hanak, Guido and Taladay  
: 207 East Market Street  
: P.O. Box 552  
: Clearfield, PA 16830  
: (814) 765-4000

Dated: 16 04 2010

5  
m/ Hanak  
Chris A. Pentz  
Hanak, Guido and Taladay  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830  
Attn: Taladay

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

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

OCT 05 2010

Attest.

*William E. Bell*  
Prothonotary/  
Clerk of Courts

SHERRY WALLACE and  
FERDIN E. WALLACE,  
Plaintiff

vs. : No. 2007-01013-CD

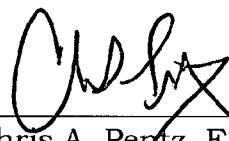
AGATHA KENNEDY,  
Defendant

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Kindly mark the above referenced matter settled and  
discontinued.

Respectfully submitted,

  
Chris A. Pertz, Esq.

Attorney for Plaintiffs

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

**CIVIL DIVISION**

**Sherry Wallace  
Ferdin E. Wallace**

**Vs.  
Agatha M. Kennedy**

**No. 2007-01013-CD**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 5, 2010, marked:

Discontinuance

Record costs in the sum of \$85.00 have been paid in full by Chris Pentz, Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of October A.D. 2010.

---

William A. Shaw, Prothonotary