

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI :
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY,
husband and wife, and GLEASON,
CHERRY AND CHERRY, L.L.P.,

Plaintiffs : No. 07 - 1055 - C.D.

vs.

MONIQUE S. MURPHY and ROBERT
R. MURPHY,

Defendants

PRAECIPE FOR WRIT OF SUMMONS

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Please enter our appearance on behalf of Plaintiffs, P. JOSEPH VALIGORSKY, II, and TONI M. CHERRY, husband and wife, and MARK A. PIASIO and PAULA M. CHERRY, husband and wife, and GLEASON, CHERRY AND CHERRY, L.L.P., and issue a Writ of Summons in the above-captioned action against Defendants, MONIQUE S. MURPHY and ROBERT R. MURPHY, whose last known address is 420 Bliss Road, Reynoldsville, PA 15851.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attnys for Plaintiffs

One North Franklin Street

P. O. Box 505

DuBois, PA 15801

Supreme Court No.: 30205

1000 Writs
03/00/01 to Atty
JUL 03 2007
4m Atty pd. \$5.00
William A. Shaw
Prothonotary/Clerk of Courts

Dated: July 3, 2007

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

COPY

SUMMONS

**P. Joseph Valigorsky II and Toni M. Cherry,
husband and wife, and Mark A. Piasio and
Paula M. Cherry, husband and wife, and
Gleason, Cherry and Cherry, LLP**

Vs.

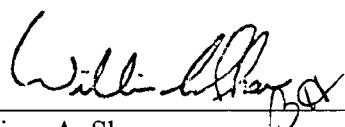
NO.: 2007-01055-CD

Monique S. Murphy and Robert R. Murphy

TO: MONIQUE S. MURPHY
ROBERT R. MURPHY

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: 07/03/2007



William A. Shaw
Prothonotary

Issuing Attorney:
Toni M. Cherry
P. O. Box 505
DuBois, PA 15801

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and) **PRAECIPE FOR APPEARANCE**
GLEASON, CHERRY AND CHERRY,)
LLP,)
Plaintiffs,)
vs.) Filed on Behalf of Defendants,
MONIQUE S. MURPHY and ROBERT R.) **Monique S. Murphy and Robert R.**
MURPHY,) **Murphy**
Defendants.)
Counsel of Record for This Party:
SHARON L. BLISS, ESQUIRE
PA I.D.# 52668
SNYDER & ANDREWS
Suite 400
11269 Perry Highway
Wexford PA 15090
(724) 934-0388

JURY TRIAL DEMANDED

FILED NO
11/13/07
JUL 30 2007
copy to
William A. Shaw
Prothonotary/Clerk of Courts
C/A
6K

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

P. JOSEPH VALIGORSKY II and TONI
M. CHERRY, husband and wife, and
MARK A. PIASIO and PAULA M.
CHERRY, husband and wife, and
GLEASON, CHERRY AND CHERRY,
LLP,

No. 2007-01055-CD

Plaintiffs,

vs.

MONIQUE S. MURPHY and ROBERT R.
MURPHY,

Defendants.

PRAECIPE FOR APPEARANCE

TO: WILLIAM SHAW, PROTHONOTARY

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

JURY TRIAL DEMANDED

SNYDER & ANDREWS

BY: _____

Sharon L. Bliss, Esquire
Suite 400, 11269 Perry Highway
Wexford PA 15090

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe for Appearance was served upon the following by U.S. First Class Mail this 26th day of July, 2007:

Toni M. Cherry, Esquire
P.O. Box 505
DuBois, PA 15801

BY: _____

Sharon L. Bliss, Esquire
Suite 400, 11269 Perry Highway
Wexford PA 15090

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
Plaintiffs,)
vs.) Filed on Behalf of Defendants,
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
Defendants.)
Counsel of Record for This Party:
SHARON L. BLISS, ESQUIRE
PA I.D.# 52668
SNYDER & ANDREWS
Suite 400
11269 Perry Highway
Wexford PA 15090
(724) 934-0388
JURY TRIAL DEMANDED

NO CC
112:34 AM
SEP 13 2007 5 Rules to
William A. Shaw
Prothonotary/Clerk of Courts
Atty Bliss
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
Plaintiffs,)
vs.)
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
Defendants.)

PRAECLPICE TO ENTER RULE TO FILE COMPLAINT

TO: WILLIAM A. SHAW, PROTHONOTARY

Enter Rule upon Plaintiffs to file a Complaint in the above matter within twenty (20) days.

SNYDER & ANDREWS

By:

Sharon L. Bliss, Esquire
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeclipe to Enter Rule to File Complaint was served upon the following counsel of record on the 11th day of September 2007, by First Class U.S. Mail, postage prepaid:

Toni M. Cherry, Esquire
P.O. Box 505
DuBois, PA 15801

BY: 

Sharon L. Bliss, Esquire
Attorney for Defendants

COPY

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

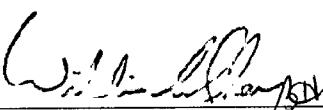
P. Joseph Valigorsky II and Toni M. Cherry,
husband and wife, and Mark A. Piasio and
Paula M. Cherry, husband and wife, and
Gleason, Cherry and Cherry, LLP

Vs. Case No. 2007-01055-CD
Monique S. Murphy and
Robert R. Murphy

RULE TO FILE COMPLAINT

TO: P. Joseph Valigorsky II and Toni M. Cherry, husband and wife, and Mark A. Piasio and
Paula M. Cherry, husband and wife, and Gleason, Cherry, and Cherry, LLP

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: September 13, 2007

FILED

OCT 12 2007

W 10:25 AM

William A. Shaw

Prothonotary/Clerk of Courts

2 CENTS TO ATTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI : No. 07 - 1055 C.D.

M. CHERRY, husband and wife, and MARK:

A. PIASIO and PAULA M. CHERRY, : Type of Case: CIVIL

husband and wife, and GLEASON,

CHERRY AND CHERRY, L.L.P., : Type of Pleading: COMPLAINT

Plaintiffs

: Filed on Behalf of: P. JOSEPH VALIGORSKY,

: II, and TONI M. CHERRY, husband and wife;

: and MARK A. PIASIO and PAULA M.

: CHERRY, husband and wife, and GLEASON,

: CHERRY AND CHERRY, L.L.P., Plaintiffs

:

: Counsel of Record for these Parties:

:

: TONI M. CHERRY, ESQ.

: Supreme Court No.: 30205

:

: GLEASON, CHERRY AND

: CHERRY, L.L.P.

: Attorneys at Law

: P. O. Box 505

: One North Franklin Street

: DuBois, PA 15801

:

: (814) 371-5800

vs.

MONIQUE S. MURPHY and ROBERT
R. MURPHY,

Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

| | |
|--|----------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : |
| M. CHERRY, husband and wife, and MARK: | |
| A. PIASIO and PAULA M. CHERRY, | : |
| husband and wife, and GLEASON, | : |
| CHERRY AND CHERRY, L.L.P., | : |
| Plaintiffs | : No. 07 - 1055 C.D. |
| | : |
| vs. | : |
| | : |
| MONIQUE S. MURPHY and ROBERT | : |
| R. MURPHY, | : |
| Defendants | : |

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 Notice and Complaint 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 claims or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

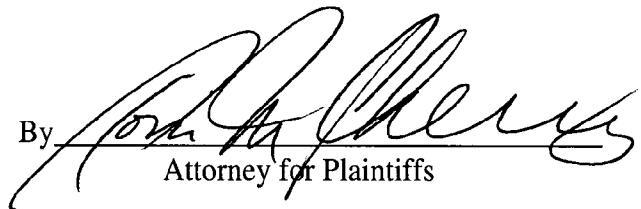
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 Ext. 1300

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attorney for Plaintiffs



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

| | |
|--|----------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : |
| M. CHERRY, husband and wife, and MARK: | |
| A. PIASIO and PAULA M. CHERRY, | : |
| husband and wife, and GLEASON, | : |
| CHERRY AND CHERRY, L.L.P., | : |
| Plaintiffs | : No. 07 - 1055 C.D. |
| | : |
| vs. | : |
| | : |
| MONIQUE S. MURPHY and ROBERT | : |
| R. MURPHY, | : |
| Defendants | : |

C O M P L A I N T

AND NOW, come P. JOSEPH VALIGORSKY, II, and TONI M. CHERRY, husband and wife, and MARK A. PIASIO and PAULA M. CHERRY, husband and wife, and GLEASON, CHERRY AND CHERRY, L.L.P., Plaintiffs, by their attorneys, GLEASON CHERRY AND CHERRY, L.L.P., and bring this action against MONIQUE S. MURPHY and ROBERT R. MURPHY, Defendants, to recover damages upon causes of action whereof the following are statements:

1. Plaintiffs, P. JOSEPH VALIGORSKY, II, and TONI M. CHERRY, are husband and wife, adult individuals, residing at 902 Chestnut Avenue, DuBois, Clearfield County, Pennsylvania.
2. Plaintiffs, MARK A. PIASIO and PAULA M. CHERRY, are husband and wife, adult individuals, residing in Acorn Hills, Treasure Lake, having a mailing address of 705 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.

3. Plaintiffs, P. JOSEPH VALIGORSKY, II, and TONI M. CHERRY, are the owners, as tenants by the entireties, of an undivided one-half interest in premises located at One North Franklin Street, in the City of DuBois, Clearfield County, Pennsylvania, conveyed to them by deed dated January 4, 2000, and recorded as Instrument No. 200001309 in the Offices of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, on January 28, 2000.

4. Plaintiffs, MARK A. PIASIO and PAULA M. CHERRY, are the owners, as tenants by the entireties, of the remaining undivided one-half interest in the premises situate at One North Franklin Street, DuBois, Pennsylvania, which interest was conveyed to them by deed dated January 4, 2000, and recorded in the Offices of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200001309 on January 28, 2000.

5. That Plaintiff, GLEASON, CHERRY AND CHERRY, L.L.P., is a Limited Liability Partnership organized and existing under the laws of the Commonwealth of Pennsylvania for the general purpose of the practice of law and all other lawful partnership purposes, with its principal place of business at One North Franklin Street, DuBois, Clearfield County, Pennsylvania, which premises it leases from the above-named Plaintiffs.

6. Defendant, ROBERT R. MURPHY, is an adult individual, residing at 420 Bliss Road, Reynoldsville, Pennsylvania 15851.

7. Defendant, MONIQUE S. MURPHY, was at all times material to the events from which this Complaint arises, the minor child of Defendant, ROBERT R. MURPHY, residing with him at 420 Bliss Road, Reynoldsville, Pennsylvania 15851.

8. The events hereinafter complained of occurred on or about July 6, 2005, at approximately 6:24 p.m. in the City of DuBois, Clearfield County, Pennsylvania.

9. On that date, time and place aforesaid, the Minor Defendant, MONIQUE S. MURPHY, was operating a 1990 Mazda Van, VIN: JM3LV523XL0234693, License Plate GCA0030, owned by Defendant, ROBERT R. MURPHY, in a generally southerly direction along North Franklin Street in the City of DuBois, between the area of the five-way intersection and the intersection of North Franklin Street and West Long Avenue.

10. At said time and general location, Minor Defendant was operating Defendant, ROBERT R. MURPHY'S automobile pursuant to Defendant, ROBERT R. MURPHY'S request and on business of Defendant, ROBERT R. MURPHY, and Defendant, ROBERT R. MURPHY'S family such that Defendant, ROBERT R. MURPHY, is liable for the negligent conduct of Minor Defendant under the laws of agency.

11. At the same time and location, the Minor Defendant, MONIQUE S. MURPHY, was traveling along North Franklin Street in a southerly direction toward the intersection of North Franklin Street and West Long Avenue and did operate her vehicle in a negligent, careless, and reckless manner when she did take her eyes off the road to reach for her cell phone.

12. At the same time and location, the Minor Defendant, MONIQUE S. MURPHY, caused her vehicle to veer off the southbound lane of North Franklin Street and jump the curb onto Plaintiffs' premises at One North Franklin Street and break through the metal link fences, bend over a concrete pole and shear off a 12-foot light pole and then to travel across and damage the brick sidewalk in front of the premises of the Plaintiffs coming to rest only after breaking through two additional sets of chain link fencing .

13. The negligence, carelessness and recklessness of the Minor Defendant consisted of the following:

- (a) in operating her vehicle into and through the property of the Plaintiffs, breaking through chain link fencing, cement poles and in shearing off a light pole, all of which were custom built for the premises of the Plaintiffs which is a train station restored with historically correct materials;
- (b) in operating her vehicle at a rate of speed which was excessive under the circumstances;
- (c) in failing to maintain her vehicle under proper and adequate control at the time;
- (d) in failing to have proper and adequate brakes in said vehicle so as to permit the said MONIQUE S. MURPHY to stop before jumping the curb and colliding into the property of the Plaintiffs;
- (e) in failing to stop her vehicle before jumping the curb and/or before colliding with the various fencing of the Plaintiffs and the light pole;
- (f) in failing to take evasive action when she realized that she had hit the curb in time to avoid the collision with the remainder of Plaintiffs' property;
- (g) in failing to maintain the proper lookout while her vehicle was moving forward on the roadway;
- (h) in failing to have her vehicle under proper and adequate control so that she could have steered it safely off of the curb so as to avoid her vehicle shearing through Plaintiffs' fencing and poles and light pole;
- (i) in failing to keep her eyes on the road in front of her instead of reaching for her cell phone; and

(j) in failing to apply her brakes when she hit the curb so as to avoid traveling over the full distance of Plaintiffs' property.

14. As a direct and proximate result of the Minor Defendant's negligent and reckless conduct, Plaintiffs suffered the loss and damage of a custom-made pole, chain link fencing and a 12-foot cast aluminum pole with 2-foot acorn globe as well as scrapes and gouges to the brick sidewalk to their detriment and financial loss in a total amount that has not yet been ascertained because of the custom nature of the items of property and the inability to match the property damaged to the remaining fencing, poles and lights.

Count I - Plaintiffs vs. Minor Defendant, MONIQUE S. MURPHY

15. The allegations contained in Paragraphs 1 through 14 inclusive are incorporated herein by reference as though set forth at length herein.

16. Minor Defendant, MONIQUE S. MURPHY, is liable for the damages described herein, inasmuch as the destruction and loss to Plaintiffs' real property is the direct and proximate result of Defendant's negligence and recklessness as set forth herein.

WHEREFORE, Plaintiffs demand damages from Minor Defendant in an amount not in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), exclusive of interest and costs.

Count II - Plaintiffs vs. Defendant, ROBERT R. MURPHY

17. The allegations contained in Paragraphs 1 through 14 inclusive are incorporated herein by reference as though set forth at length herein.

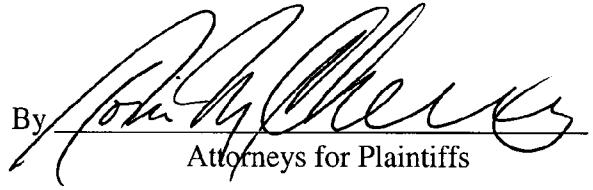
18. Defendant, ROBERT R. MURPHY, is liable for the damages to Plaintiffs' real property resulting from the negligent and reckless conduct of Minor Defendant, MONIQUE S. MURPHY, inasmuch as Minor Defendant was acting as the agent of Defendant, ROBERT R. MURPHY, at the time and place of the accident.

WHEREFORE, Plaintiffs demand damages from Defendant, ROBERT R. MURPHY, in an amount not in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), exclusive of interest and costs.

Respectfully submitted,

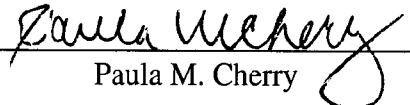
GLEASON, CHERRY AND CHERRY, L.L.P.

By


John M. Gleason
Attorneys for Plaintiffs

VERIFICATION

I, PAULA M. CHERRY, one of the Plaintiffs named herein, verify that I am authorized to sign this Verification on behalf of all of the above-named Plaintiffs and that the information provided in the foregoing Complaint is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A §4904, relating to unsworn falsification to authorities.



Paula M. Cherry

DATED: October 11, 2007

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

| | |
|--|----------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : |
| M. CHERRY, husband and wife, and MARK: | |
| A. PIASIO and PAULA M. CHERRY, | : |
| husband and wife, and GLEASON, | : |
| CHERRY AND CHERRY, L.L.P., | : |
| Plaintiffs | : No. 07 - 1055 C.D. |
| | : |
| vs. | : |
| | : |
| MONIQUE S. MURPHY and ROBERT | : |
| R. MURPHY, | : |
| Defendants | : |

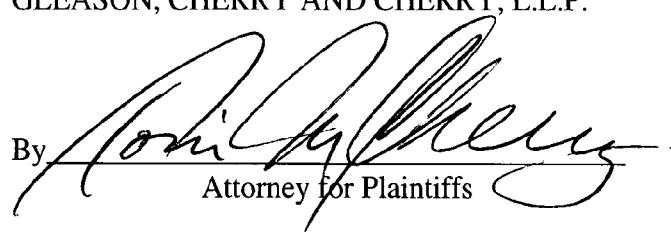
CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October, 2007, a true and correct copy of the Complaint filed by Plaintiffs was served upon SHARON L. BLISS, ESQ., counsel for Defendants, by mailing the same to her by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

SHARON L. BLISS, ESQ.
Snyder & Andrews
Attorneys at Law
Suite 400
11269 Perry Highway
Wexford, PA 15090

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Toni J. Cherry
Attorney for Plaintiffs

Dated: October 11, 2007

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

P. JOSEPH VALIGORSKY II and TONI)
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
Plaintiffs,)
vs.)
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
Defendants.)
No. 2007-01055-CD
ANSWER AND NEW MATTER
Filed on Behalf of Defendants,
Monique S. Murphy and Robert R. Murphy
Counsel of Record for This Party:
SHARON L. BLISS, ESQUIRE
PA I.D.# 52668
SNYDER & ANDREWS
Suite 400
11269 Perry Highway
Wexford PA 15090
(724) 934-0388
JURY TRIAL DEMANDED
YOU ARE HEREBY NOTIFIED TO FILE WRITTEN
RESPONSE TO THE ENCLOSED ANSWER AND NEW
MATTER WITHIN 20 DAYS FROM SERVICE HEREOF
OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

**YOU ARE HEREBY NOTIFIED TO FILE WRITTEN
RESPONSE TO THE ENCLOSED ANSWER AND NEW
MATTER WITHIN 20 DAYS FROM SERVICE HEREOF
OR A JUDGMENT MAY BE ENTERED AGAINST YOU.**

BY: SHARON L. BLISS, ESQUIRE
ATTORNEY FOR DEFENDANT

ENR 511 NOV 15 2007 NOCC (GK)

William A. Shaw
"Notary/Clerk of Courts"

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
)
Plaintiffs,)
)
vs.)
)
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
)
Defendants.)

ANSWER AND NEW MATTER

AND NOW come the Defendant, Monique S. Murphy and Robert R. Murphy, by and through their attorneys, Snyder & Andrews and Sharon L. Bliss, Esquire, and files the within Answer and New Matter to Plaintiffs' Complaint:

ANSWER

1. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 1 of Plaintiffs' Complaint.
2. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 2 of Plaintiffs' Complaint.

3. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 3 of Plaintiffs' Complaint.

4. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 4 of Plaintiffs' Complaint.

5. Defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 5 of Plaintiffs' Complaint.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Denied. It is denied that at any time material hereto, did Defendant Monique S. Murphy operate the vehicle for a business purpose or as agent, servant and/or employee of Robert R. Murphy, therefore, it is denied that any alleged negligence on the part of Defendant Monique S. Murphy can be attributed to Defendant Robert R. Murphy.

11. Denied. It is denied that at any time material hereto, did Defendant, Monique S. Murphy, operate her vehicle in a negligent, careless and/or reckless manner and further, it is denied that any actions or inactions on the part of this Defendant were the sole or proximate cause of any alleged damages suffered by Plaintiff.

12. Denied. It is denied that at any time material hereto, Defendant Monique S. Murphy operated her vehicle in a careless, negligent and/or reckless manner. Further, it is denied that any actions or inactions on the part of this Defendant were the sole or proximate cause of any alleged damages suffered by Plaintiff.

13. Denied. It is denied that at any time material hereto, Defendant Monique S. Murphy operated her vehicle in a careless, negligent and/or reckless manner. Further, it is denied that any actions or inactions on the part of this Defendant were the sole or proximate cause of any alleged damages suffered by Plaintiff.

14. Denied. It is denied that at any time material hereto, Defendant Monique S. Murphy operated her vehicle in a careless, negligent and/or reckless manner. Further, it is denied that any actions or inactions on the part of this Defendant were the sole or proximate cause of any alleged damages suffered by Plaintiff.

COUNT I
Plaintiff v. Minor Defendant, Monique S. Murphy

15. Paragraphs 1 through 14 inclusive of this Answer are incorporated herein by reference as though same were set forth at length.

16. Denied. By way of further answer, Paragraphs 1 through 15 inclusive of this Answer are incorporated herein by reference as though same were set forth at length.

WHEREFORE, Defendant requests judgment in her favor and against Plaintiffs on Plaintiffs' Complaint.

COUNT II
Plaintiff v. Defendant, Robert R. Murphy

17. Paragraphs 1 through 16 inclusive of this Answer are incorporated herein by reference as though same were set forth at length.

18. Denied. By way of further answer, Paragraphs 1 through 17 inclusive of this Answer are incorporated herein by reference as though same were set forth at length.

WHEREFORE, Defendant requests judgment in her favor and against Plaintiffs on Plaintiffs' Complaint.

NEW MATTER

19. Paragraphs 1 through 18 inclusive of this Answer are incorporated herein by reference as though same were set forth at length.

20. Plaintiffs' claims are barred, limited or restricted by the Provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

21. Plaintiffs' claims are barred, limited or restricted by the Doctrines of Contributory Negligence, Comparative Negligence, Last Clear Chance and/or Assumption of Risk.

22. Plaintiffs' claims are barred, limited or restricted by the Provisions of the Pennsylvania Comparative Negligence Law.

23. Plaintiff has failed to mitigate damages.

24. The injuries and damages complained of by the Plaintiffs were preexisting to the date of the alleged accident and as such, said injuries and damages are hereby denied.

25. Plaintiffs' claims as alleged are excessive and unreasonable.

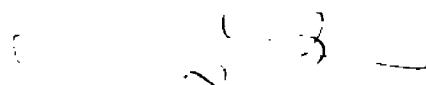
26. Plaintiffs' claims are barred by the applicable Statute of Limitations governing the timely bringing of their claim.

28. The Defendant was not negligent in the operation of her vehicle but rather, the within collision was the result of an unexpected sudden emergency.

29. The Defendants hereby asserts any and all defenses available to them under the Pennsylvania Motor Vehicle Financial Responsibility Act as amended including but not limited to all defenses available to the Defendant under circumstances of any election by the Plaintiff for limited tort option in Plaintiff's own automobile insurance policy.

WHEREFORE, Defendant requests judgment in their favor and against Plaintiffs on Plaintiffs' Complaint.

SNYDER & ANDREWS



Sharon L. Bliss, Esquire
Attorney for Defendants

VERIFICATION

I, Monique S. Murphy, Defendant herein, verify that the averments of fact made in the foregoing Answer and New Matter are true and correct based upon information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. Section 4904 to unsworn falsifications to authorities.

DATE: 10-28-07

Monique S. Murphy
Monique S. Murphy

VERIFICATION

I, Robert R. Murphy, Defendant herein, verify that the averments of fact made in the foregoing Answer and New Matter are true and correct based upon information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. Section 4904 to unsworn falsifications to authorities.

DATE: 10-25-07


Robert R. Murphy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Answer and New Matter was served upon the following counsel of record on the 2nd day of January 2007, by First Class U.S. Mail, postage prepaid:

Toni M. Cherry, Esquire
P.O. Box 505
DuBois, PA 15801

BY: 
Sharon L. Bliss, Esquire
Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102971
NO: 07-1055-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: P. JOSEPH VALIGORSKY II and TONI M. CHERRY, al
vs.

DEFENDANT: MONIQUE S. MURPHY and ROBERT R. MURPHY

SHERIFF RETURN

NOW, July 10, 2007 AT 3:35 PM SERVED THE WITHIN SUMMONS ON MONIQUE S. MURPHY DEFENDANT AT 420 BLISS ROAD, REYNOLDSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBERT MURPHY, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: JEFFERSON /

0/2.30 cm
NOV 28 2007
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102971
NO: 07-1055-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: P. JOSEPH VALIGORSKY II and TONI M. CHERRY, al
vs.
DEFENDANT: MONIQUE S. MURPHY and ROBERT R. MURPHY

SHERIFF RETURN

NOW, July 10, 2007 AT 3:35 PM SERVED THE WITHIN SUMMONS ON ROBERT R. MURPHY DEFENDANT AT 420 BLISS ROAD, REYNOLDSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBERT MURPHY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: JEFFERSON /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102971
NO: 07-1055-CD
SERVICES 2
SUMMONS

PLAINTIFF: P. JOSEPH VALIGORSKY II and TONI M. CHERRY, al
vs.

DEFENDANT: MONIQUE S. MURPHY and ROBERT R. MURPHY

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | GLEASON | 12173 | 20.00 |
| SHERIFF HAWKINS | GLEASON | 12173 | 21.00 |
| JEFFERSON CO. | GLEASON | 12174 | 38.61 |

Sworn to Before Me This

So Answers,

____ Day of _____ 2007



Chester A. Hawkins
Sheriff

No. 07-1055 C.D.

Personally appeared before me, Harry Dunkle, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on July 10, 2007 at 3:35 o'clock P.M. served the Summons upon ROBERT R. MURPHY and MONIQUE S. MURPHY, Defendants, at the address of 420 Bliss Road, Reynoldsville, Township of Winslow, County of Jefferson, State of Pennsylvania, by handing to Robert personally, two true copies of the Summons and by making known to him the contents thereof.

| | | |
|-------------------------|----------|------|
| Advance Costs Received: | \$125.00 | |
| My Costs: | 36.61 | Paid |
| Prothy: | 2.00 | |
| Total Costs: | 38.61 | |
| REFUNDED: | \$ 86.39 | |

Sworn and subscribed
to before me this 13th
day of July 2007
By Daunda Siuris Deputy Prothonotary
My Commission Expires the
1st Monday, January 2010

So Answers,

Harry Dunkle Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI : No. 07 - 1055 C.D.
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, : Type of Case: CIVIL
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., : Type of Pleading: STATEMENT OF
Plaintiffs : INTENTION TO PROCEED
vs. : Filed on Behalf of: P. JOSEPH
MONIQUE S. MURPHY and ROBERT : VALIGORSKY, II, and TONI M. CHERRY,
R. MURPHY, : husband and wife, and MARK A. PIASIO
Defendants : and PAULA M. CHERRY, husband and wife,
 : and GLEASON, CHERRY AND CHERRY,
 : L.L.P.
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

5

01/03/07
24/07/07

William A. Shan
Clerk of Courts

100 Atty

T. Cherry

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

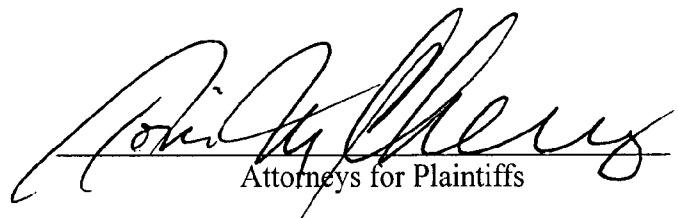
| | | |
|--|---|--------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : | |
| M. CHERRY, husband and wife, and MARK: | | |
| A. PIASIO and PAULA M. CHERRY, | : | |
| husband and wife, and GLEASON, | : | |
| CHERRY AND CHERRY, L.L.P., | : | |
| Plaintiffs | : | No. 07 - 1055 C.D. |
| vs. | : | |
| MONIQUE S. MURPHY and ROBERT | : | |
| R. MURPHY, | : | |
| Defendants | : | |

STATEMENT OF INTENTION TO PROCEED

To the Court:

Plaintiffs intend to proceed with the above-captioned matter. The parties are attempting to reach a settlement in this case, failing which, they will proceed to schedule this matter for an arbitration.

Date: March 19, 2010



Attorneys for Plaintiffs

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and) **MOTION TO DISMISS FOR**
GLEASON, CHERRY AND CHERRY,) **INACTIVITY**
LLP,)
)
Plaintiffs,)
) Filed on Behalf of Defendants,
vs.) **Monique S. Murphy and Robert R.**
) **Murphy**
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
)
Defendants.) Counsel of Record for This Party:
)
) SHARON L. BLISS, ESQUIRE
) PA I.D.# 52668
)
) SNYDER & ANDREWS
) Suite 400
) 11269 Perry Highway
) Wexford PA 15090
)
) (724) 934-0388
)
)
) **JURY TRIAL DEMANDED**
)
)
)

FILED NOV 2 2010
S 10/11/2010 6
MURPHY 02 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
)
Plaintiffs,)
)
vs.)
)
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
)
Defendants.)

MOTION TO DISMISS FOR INACTIVITY

AND NOW, come the Defendants by and through their attorneys Snyder & Andrews and Sharon L. Bliss, Esquire and files the within Motion to Dismiss for Inactivity:

1. The within lawsuit was initiated by Writ of Summons naming these parties as Defendants.
2. Immediately after the filing of the Writ, Defendants filed a Praecept to Enter Rule to File a Complaint which was in September of 2007.
3. Subsequently, a Complaint was filed which was responded to in October 2007.

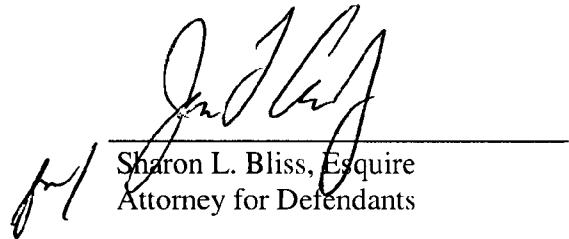
4. Despite numerous requests by defense counsel to move this case forward or attempt resolution, no response has been received from Plaintiffs' counsel.

5. There has been no activity on the docket since October 2007.

6. Since there has been no activity, pursuant to local rule 319, Defendants request this Honorable Court dismiss this case for inactivity.

WHEREFORE, Defendants request this Honorable Court dismiss the above lawsuit with prejudice.

SNYDER & ANDREWS

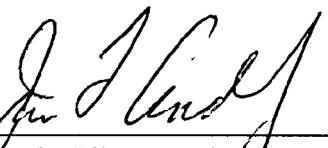


Sharon L. Bliss, Esquire
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion to Dismiss for Inactivity was served upon the following counsel of record on the 29th day of July 2010, by First Class U.S. Mail, postage prepaid:

Toni M. Cherry, Esquire
P.O. Box 505
DuBois, PA 15801

BY: 
Sharon L. Bliss, Esquire
Attorney for Defendants
fml

FILED

FJS 02 2010

P. A. Conroy/Clerk of Courts
William A. Shaw

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
)
Plaintiffs,)
)
vs.)
)
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
)
Defendants.)

ORDER OF COURT

AND NOW, this ____ day of _____, 2010, upon
consideration of Defendants' Motion to Dismiss for Inactivity, said Motion is hereby Granted
and this case is dismissed with prejudice.

BY THE COURT,

J.

CA

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
Plaintiffs,)
vs.)
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
Defendants.)

FILED

AUG 06 2010

William A. Shaw
Prothonotary/Clerk of Courts

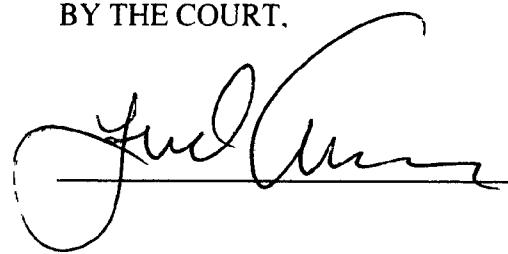
60
1 Ctrm to Am

PRAECIPE FOR ARGUMENT

NOTICE is hereby given that the Motion to Dismiss for Inactivity in the above-captioned case has been scheduled for argument on August 27, 2010, at 2:30 p.m. prevailing time, in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

DATE: 8/6/10

BY THE COURT,



1041

There is no specific site for serving an appropriate party.

112 Pre-arranged service of process provided service to the following parties:

Plaintiff(s) — Plaintiff's Attorney — Other

Defendant(s) — Defendant's Attorney

Special instructions:

Private William A. Smith

115 1/2 9th

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and) **PRAECIPE FOR ARGUMENT**
GLEASON, CHERRY AND CHERRY,)
LLP,)
Plaintiffs,) Filed on Behalf of Defendants,
vs.) **Monique S. Murphy and Robert R.**
) **Murphy**
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
Defendants.) Counsel of Record for This Party:
) SHARON L. BLISS, ESQUIRE
) PA I.D.# 52668
) SNYDER & ANDREWS
) Suite 400
) 11269 Perry Highway
) Wexford PA 15090
) (724) 934-0388
)
) **JURY TRIAL DEMANDED**
)
)
)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI : No. 07 - 1055 C.D.
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, : Type of Case: CIVIL
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., : Type of Pleading: MOTION FOR
Plaintiffs : CONTINUANCE
:
: Filed on Behalf of: P. JOSEPH VALIGORSKY,
vs. : II, and TONI M. CHERRY, husband and wife;
: and MARK A. PIASIO and PAULA M.
MONIQUE S. MURPHY and ROBERT : CHERRY, husband and wife, and GLEASON,
R. MURPHY, : CHERRY AND CHERRY, L.L.P., Plaintiffs
Defendants :
: Counsel of Record for these Parties:
:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
:
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
:
: (814) 371-5800

7/1/11
S 19/06/2010
S 06/16/2010
S
William A. Shaw
Notary Clerk of Courts
JCC Atty
T. Cherry

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

| | | |
|---------------------------------------|---|--------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : | |
| M. CHERRY, husband and wife, and MARK | : | |
| A. PIASIO and PAULA M. CHERRY, | : | |
| husband and wife, and GLEASON, | : | |
| CHERRY AND CHERRY, L.L.P., | : | |
| Plaintiffs | : | No. 07 - 1055 C.D. |
| vs. | : | |
| MONIQUE S. MURPHY and ROBERT | : | |
| R. MURPHY, | : | |
| Defendants | : | |

MOTION FOR CONTINUANCE

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF SAID
COURT:

AND NOW, come the Plaintiffs, P. JOSEPH VALIGORSKY, II, and TONI M.
CHERRY, husband and wife, and MARK A. PIASIO and PAULA M. CHERRY, husband and
wife, and GLEASON, CHERRY AND CHERRY, L.L.P., by and through their attorneys,
GLEASON, CHERRY AND CHERRY, L.L.P., and move Your Honorable Court for a
continuance of the argument on the Motion to Dismiss for Inactivity scheduled for August 27,
2010, at 2:30 p.m. and, in support of which, aver the following:

1. The undersigned represents the Plaintiffs in the above-captioned action.
2. That Defendants filed a Motion to Dismiss for Inactivity in the above-captioned
matter.
3. That Your Honorable Court has issued a Precept for Argument entered on
August 6, 2010, scheduling an argument on said Motion for August 27, 2010, at 2:30 p. m.

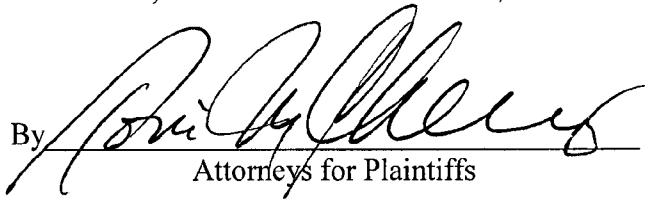
4. That counsel for Plaintiffs cannot appear at the time scheduled for said argument because she will be out of that that day.

WHEREFORE, the undersigned respectfully requests Your Honorable Court to continue the argument to another date and time convenient for the Court and all parties in this case.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorneys for Plaintiffs

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

P. JOSEPH VALIGORSKY, II, and TONI :
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, :
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., :
Plaintiffs : No. 07 - 1055 C.D.
:
:
vs. :
:
MONIQUE S. MURPHY and ROBERT :
R. MURPHY, :
Defendants :
:

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2010, a true and correct copy of Plaintiffs' Motion for Continuance was served upon SHARON L. BLISS, ESQ., counsel for Defendants, by mailing the same to her by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

SHARON L. BLISS, ESQ.
Snyder & Andrews
Attorneys at Law
11269 Perry Highway, Suite 400
Wexford, PA 15090

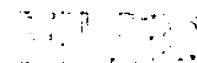
GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attorneys for Plaintiffs

Dated: August 13, 2010

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

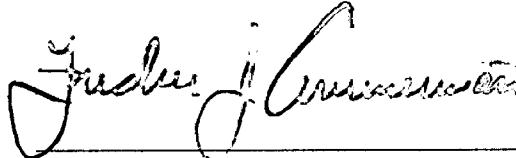
| | | |
|--|----------------------|---|
| P. JOSEPH VALIGORSKY, II, and TONI : | |  4/18/2010 William A. Sisco Prothonotary/Clerk of Courts 2 Cents to Attr |
| M. CHERRY, husband and wife, and MARK: | | |
| A. PIASIO and PAULA M. CHERRY, : | | |
| husband and wife, and GLEASON, CHERRY AND CHERRY, L.L.P., | | |
| Plaintiffs | : No. 07 - 1055 C.D. | |
| vs. | | |
| MONIQUE S. MURPHY and ROBERT | | |
| R. MURPHY, | | |
| Defendants | | |

ORDER

AND NOW, this 17th day of August, 2010, upon consideration of Plaintiffs' request for a continuance in the above-captioned matter, it is the Order of this Court that the argument on Defendants' Motion to Dismiss for Inactivity scheduled for August 27, 2010, at 2:30 p.m. is hereby continued.

Said argument shall be rescheduled for the 17th day of September, 2010, at 2:30 o'clock p.M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. 1/2 hr(s) has been reserved for this proceeding.

BY THE COURT:



President Judge

William H. S.
P. O. Box 500

1. I am not able to appropriate price.
2. I am able to appropriate price to the following parties:
 - Plaintiff
 - Plaintiff's Attorney
 - Plaintiff's Agent
 - Plaintiff's Attorney
 - Plaintiff's Agent
 - Plaintiff's Agent
 - Plaintiff's Agent
 - Plaintiff's Agent

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and) **MOTION FOR CONTINUANCE**
GLEASON, CHERRY AND CHERRY,)
LLP,)
Plaintiffs,) Filed on Behalf of Defendants,
vs.) **Monique S. Murphy and Robert R.**
MONIQUE S. MURPHY and ROBERT R.) **Murphy**
MURPHY,)
Defendants.) Counsel of Record for This Party:
) SHARON L. BLISS, ESQUIRE
) PA I.D.# 52668
)
) SNYDER & ANDREWS
) Suite 400
) 11269 Perry Highway
) Wexford PA 15090
)
) (724) 934-0388
)
)
) **JURY TRIAL DEMANDED**
)
)
)
)

7/11/2010 2:55 PM
FILED
SEP 13 2010
Atty Bliss
cc

William A. Shaw
Prothonotary/Clerk of Courts
Gle

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

P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
)
)
Plaintiffs,)
)
vs.)
)
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
)
Defendants.)

MOTION FOR CONTINUANCE

AND NOW come the Defendants Monique S. Murphy and Robert R. Murphy, by and through their attorneys Snyder & Andrews and Sharon L. Bliss, Esquire and files the within Motion for Continuance for argument scheduled for September 17 at 2:30:

1. The undersigned represents the Defendants in the above-captioned matter.
2. On behalf of the Defendants that undersigned had filed a Motion to

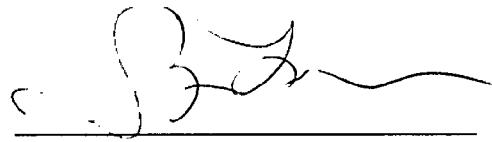
Dismiss for Inactivity in the above-captioned matter which was originally scheduled for argument on August 27, 2010.

3. Counsel for Plaintiffs requested a continuance of that argument date due to a conflict in her calendar and as such, the argument was moved to September 17, 2010 at 2:30 p.m.

4. Unfortunately, counsel for Defendant is unable to appear for argument that afternoon due to a conflict in her calendar. As such, counsel for Defendant would request that the argument either be moved to the morning of the 17th or to another date.

WHEREFORE, Defendant requests this Honorable Court change the argument to an earlier time on September 17 or in the alternative to a different date.

SNDYDER & ANDREWS



Sharon L. Bliss, Esquire
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion to Continue was served upon the following counsel of record on the 9th day of September 2010, by First Class U.S. Mail, postage prepaid:

Toni M. Cherry, Esquire
P.O. Box 505
DuBois, PA 15801

BY: Sharon L. Bliss
Sharon L. Bliss, Esquire
Attorney for Defendants

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

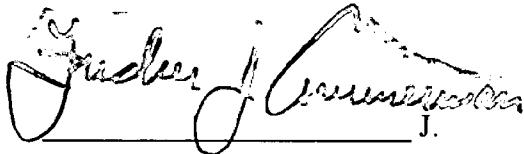
P. JOSEPH VALIGORSKY II and TONI) No. 2007-01055-CD
M. CHERRY, husband and wife, and)
MARK A. PIASIO and PAULA M.)
CHERRY, husband and wife, and)
GLEASON, CHERRY AND CHERRY,)
LLP,)
Plaintiffs,)
vs.)
MONIQUE S. MURPHY and ROBERT R.)
MURPHY,)
Defendants.)

ORDER OF COURT

AND NOW, this 15th day of September, 2010, upon
consideration of Defendants' Motion for Continuance, said Motion is hereby granted.

Argument of Defendants' Motion to Dismiss for Inactivity is rescheduled for the
19th day of October, 2010 at 1:30 o'clock P M. in Courtroom No.
1.

BY THE COURT,



7 *Filed 10/2/2010*
SEP 15 2010 *Atty Bliss*

William A. Shaw
Prothonotary/Clerk of Courts

Sept 15 2010

William A. Sperry
Procurator/Clerk of Courts

DATE 9/15/10

You are responsible for serving all appropriate parties.

The defendant(s) to be provided with the following notice:

Plaintiff(s) _____ Plaintiff(s) Attorney _____, Clerk

Defendant(s) _____ Defendant(s) Attorney _____

Clerk _____

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI : No. 07 - 1055 C.D.
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, : Type of Case: CIVIL
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., : Type of Pleading: MOTION FOR
Plaintiffs : CONTINUANCE
vs. :
: Filed on Behalf of: P. JOSEPH VALIGORSKY,
MONIQUE S. MURPHY and ROBERT : II, and TONI M. CHERRY, husband and wife;
R. MURPHY, : and MARK A. PIASIO and PAULA M.
Defendants : CHERRY, husband and wife, and GLEASON,
: CHERRY AND CHERRY, L.L.P., Plaintiffs
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

7 FILED 3CC
B&G OCT 8 2010 4th
T. Cherry
William A. Shaw
Prothonotary, Clerk of Courts

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

| | |
|--|----------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : |
| M. CHERRY, husband and wife, and MARK: | |
| A. PIASIO and PAULA M. CHERRY, | : |
| husband and wife, and GLEASON, | : |
| CHERRY AND CHERRY, L.L.P., | : |
| Plaintiffs | : No. 07 - 1055 C.D. |
| | : |
| vs. | : |
| | : |
| MONIQUE S. MURPHY and ROBERT | : |
| R. MURPHY, | : |
| Defendants | : |

MOTION FOR CONTINUANCE

TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF SAID COURT:

AND NOW, come the Plaintiffs, P. JOSEPH VALIGORSKY, II, and TONI M. CHERRY, husband and wife, and MARK A. PIASIO and PAULA M. CHERRY, husband and wife, and GLEASON, CHERRY AND CHERRY, L.L.P., by and through their attorneys, GLEASON, CHERRY AND CHERRY, L.L.P., and move Your Honorable Court for a continuance of the argument on the Motion to Dismiss for Inactivity scheduled for October 19, 2010, at 1:30 p.m. and, in support of which, aver the following:

1. The undersigned represents the Plaintiffs in the above-captioned action.
2. That Defendants filed a Motion to Dismiss for Inactivity in the above-captioned matter.
3. That Your Honorable Court had issued a Praeclipe for Argument entered on August 6, 2010, scheduling an argument on said Motion for August 27, 2010, at 2:30 p. m.

4. That counsel for Plaintiffs could not appear at the time scheduled for the argument and requested and received a continuance of said argument that was scheduled for September 17, 2010, at 2:30 p.m.

5. That due to a conflict in counsel for Defendant's schedule, she requested and received a continuance of said argument to October 19, 2010, at 1:30 p. m.

6. That when the Order rescheduling the argument was issued, counsel for Plaintiffs immediately notified the Court Administrator that the undersigned was scheduled to be before the Court of Common Pleas of the Fifty-Ninth Judicial District, Elk County Branch, that day for various matters commencing at 9:00 a.m. and continuing throughout the day and was advised that the argument before Your Honorable Court could be moved upon the filing of a Motion for Continuance.

7. That this Motion for Continuance is filed not for the purposes of delay but because the undersigned has a legitimate conflict on the date and time of the rescheduled argument.

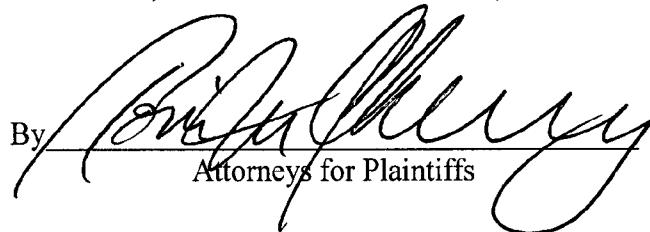
WHEREFORE, the undersigned respectfully requests Your Honorable Court to continue the argument to another date and time convenient for the Court and all parties in this case.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attorneys for Plaintiffs

A handwritten signature in black ink, appearing to read "Ron J. Cherry". The signature is fluid and cursive, with a large, stylized "R" at the beginning.

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

| | |
|--|----------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : |
| M. CHERRY, husband and wife, and MARK: | |
| A. PIASIO and PAULA M. CHERRY, | : |
| husband and wife, and GLEASON, | : |
| CHERRY AND CHERRY, L.L.P., | : |
| Plaintiffs | : No. 07 - 1055 C.D. |
| vs. | : |
| MONIQUE S. MURPHY and ROBERT | : |
| R. MURPHY, | : |
| Defendants | : |

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2010, a true and correct copy of Plaintiffs' Motion for Continuance was served upon SHARON L. BLISS, ESQ., counsel for Defendants, by mailing the same to her by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

SHARON L. BLISS, ESQ.
Snyder & Andrews
Attorneys at Law
11269 Perry Highway, Suite 400
Wexford, PA 15090

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attorneys for Plaintiffs

Dated: October 6, 2010

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

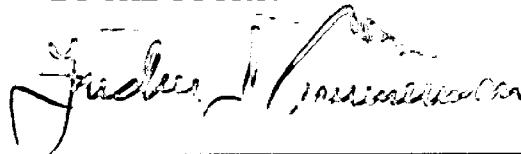
P. JOSEPH VALIGORSKY, II, and TONI : (R)
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, :
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., :
Plaintiffs : No. 07 - 1055 C.D. S 013:001
: 3 Cents to
vs. : Attm
: 3 Cents to
MONIQUE S. MURPHY and ROBERT :
R. MURPHY, :
Defendants :
: Attm

ORDER

AND NOW, this 7th day of October, 2010, upon consideration of Plaintiffs' request for a continuance in the above-captioned matter, it is the Order of this Court that the argument on Defendants' Motion to Dismiss for Inactivity scheduled for October 19, 2010, at 1:30 p.m. is hereby continued.

Said argument shall be rescheduled for the 10th day of November, 2010, at 9:00 o'clock A. M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania. 1/2 hr(s) has been reserved for this proceeding.

BY THE COURT:



President Judge

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

Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI : No. 07 - 1055 C.D.
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, : Type of Case: CIVIL
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., : Type of Pleading: REPLY TO NEW
Plaintiffs : MATTER
vs. :
: Filed on Behalf of: P. JOSEPH VALIGORSKY,
MONIQUE S. MURPHY and ROBERT : II, and TONI M. CHERRY, husband and wife;
R. MURPHY, : and MARK A. PIASIO and PAULA M.
Defendants : CHERRY, husband and wife, and GLEASON,
: CHERRY AND CHERRY, L.L.P., Plaintiffs
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

FILED 200
10/3/2010 Atty
S OCT 07 2010 T. Cherry
William A. Shaw
Prothonotary/Clerk of Courts
sc

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

P. JOSEPH VALIGORSKY, II, and TONI :
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, :
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., :
Plaintiffs : No. 07 - 1055 C.D.
:
vs. :
:
MONIQUE S. MURPHY and ROBERT :
R. MURPHY, :
Defendants :
:

REPLY TO NEW MATTER

19. Insofar as Defendants have incorporated their answers to Paragraphs 1 through 18 inclusive contained in the Answer filed by Defendants, Plaintiffs deny all allegations and in response thereto do reiterate the averments set forth in Paragraphs 1 through 18 inclusive of their original Complaint in response to each and every averment contained in Paragraphs 1 through 18 inclusive of Defendants' Answer.

20. DENIED as a conclusion of law to which no response is required. Insofar as the minor Defendant's negligent operation of her vehicle caused it to jump the curb in front of Plaintiffs' building, tear through a steel chain link fence and shear off a lighting pole and metal poles, it is DENIED that any claim of the Plaintiffs for damages caused thereby could in any way be barred, limited or restricted by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law and insofar as Defendant has pled such a defense, Plaintiffs believe and therefore aver that Defendants evidence their bad faith in this case.

21. DENIED as a conclusion of law to which no response is required. Insofar as Plaintiffs were not driving a vehicle at the time that their real property sustained damages as a result of the negligent action of the minor Defendant, the doctrines of contributory negligence, comparative negligence, last clear chance and/or assumption of risk do not apply to the facts of this case and any attempt to plead the same evidence the bad faith of the Defendants. Plaintiffs further deny that real property that is damaged because it is hit by a moving vehicle can be charged with the doctrine of contributory negligence, comparative negligence, last clear chance and/or assumption of the risk and any attempt to plead the same under the circumstances of this case evidence the bad faith of the Defendants.

22. DENIED as a conclusion of law to which no response is required. Insofar as an answer is required, it is DENIED that the provisions of the Pennsylvania Comparative Negligence Law could act in any way to bar, limit or restrict Plaintiffs' claims for property damage caused solely by the negligent conduct of the minor Defendant. Since Plaintiffs' real property has been in existence on the site since the turn of the century, it is inconceivable that the property could move or that real property could somehow be charged with any responsibility under the Pennsylvania Comparative Negligence Law and any attempt by Defendants to plead such a defense is further evidence of their manifest bad faith in this case.

23. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Plaintiffs have failed to mitigate damages in this case or that they could have mitigated damages. The lamp post that was destroyed by the minor Defendant was made to order for Plaintiffs' site to match three other light poles that the minor Defendant left standing on Plaintiffs' property. Consequently, the light post had to be replaced

with a light post that matched the remaining light posts on the property that had been custom-designed for the site. This was made difficult because the original company that had supplied the light posts 20 years previous had changed its name and location of business in the State of Texas and had to be tracked down and the old molds had to be located so that a pole could be constructed to match the remaining three poles left on the property. Until that work could be done, the remaining repairs to the property could not be completed. Therefore, it is DENIED that Plaintiffs did anything other than perform the repairs to their property made necessary by the negligent actions of the Defendants.

24. DENIED. The property of the Plaintiffs was in complete and pristine condition and all damages complained of by Plaintiffs were solely the result of the negligent behavior of the Defendants as fully set forth in Paragraphs 1 through 18 inclusive of Plaintiffs' Complaint which is incorporated herein by reference as if fully set forth at length.

25. DENIED. Plaintiffs' claims for damages are neither excessive nor unreasonable. On the contrary, Plaintiffs were caused to pay \$698.00 for the replacement lamp; \$1,044.67 for repair of the chain link fence and posts destroyed by Defendants and \$760.00 to the electrician for installation of the light pole. True and correct copies of said bills are attached hereto and made a part hereof as Exhibits "A", "B" and "C", respectively.

26. DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that Plaintiffs' claims are barred by the applicable Statute of Limitations governing the timely bringing of Plaintiffs' claims. Defendants damaged the property of the Plaintiffs on July 6, 2005, as evidenced by the Police Crash Report filed in this matter and Plaintiffs commenced suit on July 3, 2007, a period of time within the Statute of

Limitations. Consequently, Defendants raising the Statute of Limitations as an affirmative defense is without merit and further evidence of Defendants' bad faith actions in this case.

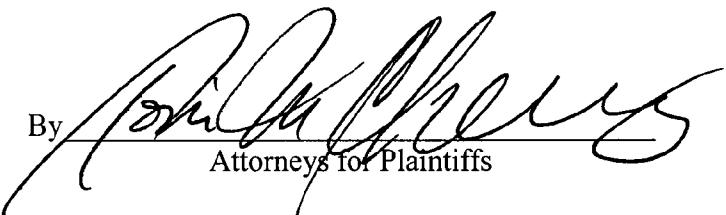
28. [sic] DENIED as a conclusion of law to which no response is required. Insofar as a response is required, it is DENIED that the minor Defendant would not be negligent in the operation of her vehicle because the collision was the result of an unexpected sudden emergency. On the contrary, at no point in any statute or case law is it considered a sudden emergency to take your eyes off the roadway in order to reach for your ringing cell phone which was the reason given by the minor Defendant to Plaintiffs and to the investigating officer.

29. DENIED as a conclusion of law to which no response is required. It is DENIED that Defendants have any defense to the negligent behavior of the Defendants or that the Pennsylvania Motor Vehicle Financial Responsibility Act as amended allows any defense under the circumstances of this case to the damage of real property owned by the Plaintiffs. In addition, even though Plaintiffs do not have limited tort but have elected the full tort option on their own automobile insurance policies, it is DENIED that the circumstances of this case would afford Defendants the right to raise the defense of the limited tort option since none of the Plaintiffs in this case were operating a motor vehicle at the time of the incident that gave rise to the damages Plaintiffs suffered. On the contrary, Plaintiffs' damages were solely the result of the negligent actions of the Defendants and Defendants are solely liable for all damages sustained by Plaintiffs as a result.

WHEREFORE, Plaintiffs respectfully request that Defendants' New Matter be dismissed with prejudice and that Plaintiffs be awarded damages in this case in the amount of TWO THOUSAND FIVE HUNDRED TWO DOLLARS AND SIXTY-SEVEN CENTS (\$2,502.67), together with interest thereon and costs of suit.

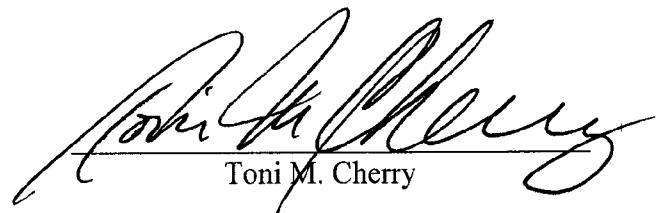
Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By 
John M. Cherry
Attorneys for Plaintiffs

VERIFICATION

I, TONI M. CHERRY, one of the Plaintiffs named herein, verify that I am authorized to sign this Verification on behalf of all of the above-named Plaintiffs and that the information provided in the foregoing Reply to New Matter is true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S.A §4904, relating to unsworn falsification to authorities.



A handwritten signature in black ink, appearing to read "Toni M. Cherry".

Toni M. Cherry

DATED: October 6, 2010

| |
|-----------------------------|
| MN |
| Mel Northey Co. Inc. |
| 303 Gulf Bank |
| Houston, TX 77037 |
| 1-800-828-0302 |
| Fax 281-445-7456 |

Name **TONI CHERRY**

Phone **814-371-5800**

Fax: **814-371-0936**

Quote # **75045**

Sold by **Mel Northey**

Terms **PYMT IN ADV -CHECK**

Promise Date

Quote Date
August 30, 2010

Quote

Valid for 90 Days

GLEASON, CHERRY & CHERRY LLP

TO BE ADVISED

15801-0505

Email

PLEASE ALLOW 4 WEEKS FOR DELIVERY

| QTY | Description | Size | Color | Unit Price | Total Price |
|------------|---|-------------|----------------------------------|--------------------|--------------------|
| 1 | 2161 - Americana WITH INC SOCKET PE WHITE GLOBE WITH FINIAL | 12 | Black | \$559.00 | \$559.00 |
| <hr/> | | | | | |
| | | | | Total | \$559.00 |
| | Volume discounts and reduced freight only apply to orders of \$10,000 or more | | | Discount Percent | 0% |
| | | | | Discount Amount | \$0.00 |
| | | | | Discounted Total | \$559.00 |
| | | | | Freight Charge | \$139.00 |
| | | | <input type="checkbox"/> Taxable | Tax | \$0.00 |
| | | | | Quote Total | \$698.00 |

Payment Required In Advance To Process Order

50% Deposit Required to Begin Order and 50% on Day Of Shipment
or to be collected by UPS COD unless cc on file or payment received in advance

*Toni's
Mel Northey
8/31/10*

Exhibit "A"

- SIDING
- WINDOWS
- SOFFIT • FASCIA
- INSULATED MOBILE HOME ROOFS

WHITMORE REMODELERS

150 Beach Tree Rd. - P.O. Box 642 - DuBois, PA 15801
 PHONE: (814) 375-1172
 1-800-834-7704

- ROOFING
- DOORS
- DECKS



Date 8-17-10

Name of Buyer GLEASON, CHERRY & CHERRY
 Address ONE NORTH FRANKLIN ST. PO BOX 505
 City DuBois County CLEARFIELD State PA Zip Code 15801

Phone 311-5800

IN ACCORDANCE WITH SPECIFICATIONS GIVEN BELOW:

INSURANCE ESTIMATE TO REPAIR DAMAGES TO FENCE & POSTS

MATERIALS: 2 5' STEEL POSTS 43/4" THICK \$ 2.60.00 5/16" HIGH
 TEST CHAIN 5.19' x 40' # 231.60 2 EXTRA LINKS #1.49 p. #2.98
 COLD SHUT HOOKS FOR CHAIN 8x \$ 1.79 # 14.32 CLIPS FOR CHAIN 2.69 x 8 # 31.52
 2 BAGS SAKRETE MIX #4.27 per bag \$ 8.54 1 GALLON PAINT # 32.43 GAL
 # 571.39 PLUS TAX \$ 605.67 MATERIALS
 # 180.00 LABOR
 # 85.00 WELD Ball Tops To Posts
 \$ 870.67
 \$ 174.00 10% down 10% first

paint Just Damaged Posts

Whitmore Remodelers is a fully insured Co.
 PA. FEDERAL TAX ID # 25-1453820

CASH PRICE..... \$ 1044.67

DEPOSIT..... Cash - Check \$ _____

PAYMENT ON COMPLETION..... \$ _____

Or balance to be financed pursuant to a Home Improvement Installment Contract to be entered into between Seller and Buyer prior to completion of the work.

No work shall be done except as specified above and NO VERBAL AGREEMENTS WILL BE RECOGNIZED. The undersigned intend to be legally bound hereby. Should Seller be required to resort to legal remedies to enforce the terms of this agreement, Buyer agrees to assume responsibility for Seller's legal fees and costs.

CONTRACTOR MAKES NO WARRANTIES WHATSOEVER WITH RESPECT TO THE WORK OR MATERIALS FURNISHED UNDER THE CONTRACT IDENTIFIED ABOVE, SPECIFICALLY, CONTRACTOR DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND ALL OTHER WARRANTIES, EXPRESS, IMPLIED AND STATUTORY EXCEPT AS PROVIDED IN THIS AGREEMENT.

Arthur T. Whitmore (SEAL)
 (Name of Salesperson)

(Signature of Buyer) (SEAL)

Approved By ATW (Name) DSW (Title) (Signature of Buyer) (SEAL)

Exhibit "B"

K. D. DRESSLER
Electrical, Telecom & Data Consultant

P.O. Box 764

DuBois, PA 15801

814-541-7411

September 3, 2010

To: Gleason, Cherry, and Cherry, LLP

Re: Install New Pole Light

K.D. Dressler offers to supply labor and material to install the following:

- 1). Repair concrete and wiring at pole light location where old pole was damaged and removed. New concrete will match, as close as possible, old concrete. However, due to age of existing, there may be a slight color variation.
- 2). Install and wire new pole and fixture.

Total installed cost: \$760.00

Terms: Balance due net 30 Days upon completion

EXHIBIT "C"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

| | | |
|--|---|--------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : | |
| M. CHERRY, husband and wife, and MARK: | | |
| A. PIASIO and PAULA M. CHERRY, | : | |
| husband and wife, and GLEASON, | : | |
| CHERRY AND CHERRY, L.L.P., | : | |
| Plaintiffs | : | No. 07 - 1055 C.D. |
| | : | |
| vs. | : | |
| | : | |
| MONIQUE S. MURPHY and ROBERT | : | |
| R. MURPHY, | : | |
| Defendants | : | |

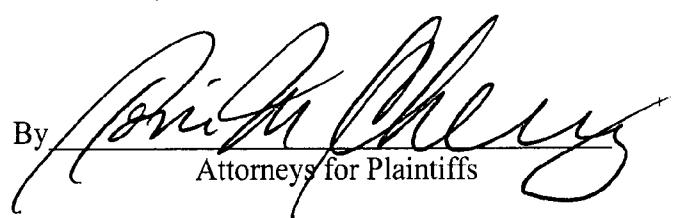
CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2010, a true and correct copy of Plaintiffs' Reply to New Matter was served upon SHARON L. BLISS, ESQ., counsel for Defendants, by mailing the same to her by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

SHARON L. BLISS, ESQ.
Snyder & Andrews
Attorneys at Law
11269 Perry Highway, Suite 400
Wexford, PA 15090

GLEASON, CHERRY AND CHERRY, L.L.P.

By



Toni Cherry
Attorneys for Plaintiffs

Dated: October 6, 2010

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI : No. 07 - 1055 C.D.
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, : Type of Case: CIVIL
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., : Type of Pleading: CERTIFICATE OF
Plaintiffs : READINESS AND PRAECIPE FOR CASE
vs. : TO BE LISTED FOR ARBITRATION
: Filed on Behalf of: P. JOSEPH VALIGORSKY,
: II, and TONI M. CHERRY, husband and wife;
: and MARK A. PIASIO and PAULA M.
: CHERRY, husband and wife, and GLEASON,
: CHERRY AND CHERRY, L.L.P., Plaintiffs
Defendants : Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

100-1055 C.D.
01319411 Oct 07 2010 Atty T. Cherry
William A. Shaw
Prothonotary/Clerk of Court
Atty pd.
2000
(P)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

| | |
|--|----------------------|
| P. JOSEPH VALIGORSKY, II, and TONI | : |
| M. CHERRY, husband and wife, and MARK: | |
| A. PIASIO and PAULA M. CHERRY, | : |
| husband and wife, and GLEASON, | : |
| CHERRY AND CHERRY, L.L.P., | : |
| Plaintiffs | : No. 07 - 1055 C.D. |
| | : |
| vs. | : |
| | : |
| MONIQUE S. MURPHY and ROBERT | : |
| R. MURPHY, | : |
| Defendants | : |

PRAECIPE FOR CASE TO BE LISTED FOR
ARBITRATION

TO WILLIAM A. SHAW, PROTHONOTARY

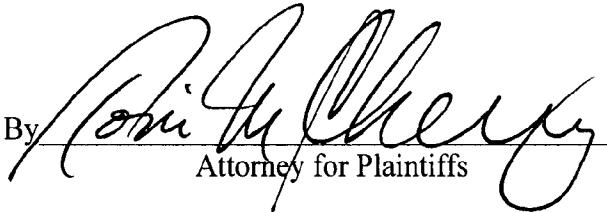
Sir:

Kindly place the above-captioned case on the arbitration list. Certificate of Readiness has been filed.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By


Attorney for Plaintiffs

Dated: October 7, 2010

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

(To be executed by Trial
Counsel Only)

10/07/2010
DATE PRESENTED

CASE NUMBER
No. 07 - 1055 C.D.

TYPE TRIAL REQUESTED

ESTIMATED TRIAL TIME

Jury Non-jury

Date Complaint filed:
10/12/07, but suit commenced
by Writ filed 7/03/07

1/2 DAY

PLAINTIFF(S)

P. JOSEPH VALIGORSKY, II and TONI M. CHERRY, husband and wife;
and MARK A. PIASIO and PAULA M. CHERRY, husband and wife, and
GLEASON, CHERRY AND CHERRY, L.L.P.

DEFENDANT(S)

MONIQUE S. MURPHY and ROBERT R. MURPHY

Check Block
if a Minor
is a Party
to the Case

ADDITIONAL DEFENDANT(S)

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

Defendants

November of 2007

AMOUNT AT ISSUE

CONSOLIDATION

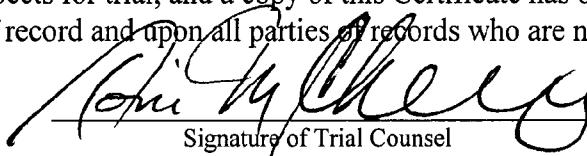
DATE CONSOLIDATION ORDERED

under
\$4,000.00

Yes 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 records who are not represented
by counsel.


Signature of Trial Counsel

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFFS
TONI M. CHERRY, ESQ.

TELEPHONE NUMBER
(814) 371-5800

FOR THE DEFENDANTS
SHARON L. BLISS, ESQ.

TELEPHONE NUMBER
(724) 934-0388

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI :
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, :
husband and wife, and GLEASON, :
CHERRY AND CHERRY, L.L.P., :
Plaintiffs : No. 07 - 1055 C.D.
:
vs. :
:
MONIQUE S. MURPHY and ROBERT :
R. MURPHY, :
Defendants :
:

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2010, a true and correct copy of the Certificate of Readiness and Praeclipe For Case to be Listed for Arbitration was served upon counsel for Defendants, SHARON L. BLISS, ESQ., by mailing the same to her by United States First Class Mail, postage prepaid, by depositing the same in the United States Post Office at DuBois, Pennsylvania, addressed as follows:

SHARON L. BLISS, ESQ.
Snyder & Andrews
Attorneys at Law
11269 Perry Highway, Suite 400
Wexford, PA 15090

GLEASON, CHERRY AND CHERRY, L.L.P.

By

Attnorneys for Plaintiffs

Dated: October 7, 2010

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

P. JOSEPH VALIGORSKY, II, and :
TONI M. CHERRY, husband and wife; and :
MARK A. PIASIO and PAULA M. :
CHERRY, husband and wife; and : NO. 2007-1055-C.D.
GLEASON, CHERRY AND CHERRY LLP :
Plaintiffs, :
vs. :
MONIQUE S. MURPHY and :
ROBERT R. MURPHY :
Defendants, :
S BGD

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 15th day of December, 2010, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Tuesday, January 18, 2011 at 1:00 P.M. in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

Timothy Durant, Esquire, Chairman

Chris A. Pentz, Esquire

Jeffrey S. DuBois, 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.

BY THE COURT: *[Signature]*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

P. JOSEPH VALIGORSKY, II, and TONI : No. 07 - 1055 C.D.
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, : Type of Case: CIVIL
husband and wife, and GLEASON,
CHERRY AND CHERRY, L.L.P., : Type of Pleading: PRAECIPE TO MARK
Plaintiffs : CASE SETTLED, DISCONTINUED AND
: ENDED WITH PREJUDICE
vs.
MONIQUE S. MURPHY and ROBERT : Filed on Behalf of: P. JOSEPH VALIGORSKY,
R. MURPHY, : II, and TONI M. CHERRY, husband and wife;
Defendants : and MARK A. PIASIO and PAULA M.
: CHERRY, husband and wife, and GLEASON,
: CHERRY AND CHERRY, L.L.P., Plaintiffs
: Counsel of Record for these Parties:
: TONI M. CHERRY, ESQ.
: Supreme Court No.: 30205
: GLEASON, CHERRY AND
: CHERRY, L.L.P.
: Attorneys at Law
: P. O. Box 505
: One North Franklin Street
: DuBois, PA 15801
: (814) 371-5800

FILED
01/28/2011 2CC
S JAN 28 2011 Atty
William A. Shaw
Prothonotary/Clerk of Courts
T. Cherry
64

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

P. JOSEPH VALIGORSKY, II, and TONI :
M. CHERRY, husband and wife, and MARK:
A. PIASIO and PAULA M. CHERRY, :
husband and wife, and GLEASON,
CHERRY AND CHERRY, L.L.P., :
Plaintiffs : No. 07 - 1055 C.D.
:
vs.
:
MONIQUE S. MURPHY and ROBERT :
R. MURPHY, :
Defendants :
:

P R A E C I P E

TO WILLIAM A. SHAW, PROTHONOTARY

Sir:

Please mark the above-captioned case settled, discontinued and ended with prejudice.

Respectfully submitted,

GLEASON, CHERRY AND CHERRY, L.L.P.

By

John P. Gleason
Attorney for Plaintiffs

Dated: January 19, 2011

FILED

JAN 28 2011

William A. Shaw
Prothonotary/Clerk of Courts