

07-1203-CD

Darlenc Custer vs Monte Bigelow

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

DARLENE CUSTER,

Plaintiff,

vs.

MONTE BIGELOW
5152 W. Polk Road
Alma, Michigan, 48801,

and

WERNER ENTERPRISES
5448 Oak View Drive
Allentown, PA 18104,

Defendants.

CASE NO. 07-1203-CD

JURY TRIAL DEMANDED

FILED

M 12:20 PM
JUL 30 2007

William A. Shaw
Prothonotary/Clerk of Courts

Atty. Gen. 85.0
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NOTICE

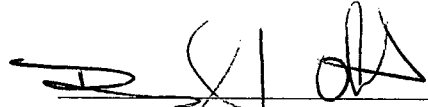
You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses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

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

CLEARFIELD COUNTY COURTHOUSE
PO BOX 549
CLEARFIELD, PA 16830
PHONE NUMBER: 814/765-2641

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY
BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT
MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE
OR NO FEE.

DALLAS W. HARTMAN, P.C.



ATTORNEYS FOR PLAINTIFFS

Douglas J. Olcott, Esquire
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

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

DARLENE CUSTER,	:	CASE NO. _____
	:	
Plaintiff,	:	
	:	JURY TRIAL DEMANDED
vs.	:	
	:	
MONTE BIGELOW	:	
5152 W. Polk Road	:	
Alma, Michigan, 48801,	:	
	:	
and	:	
	:	
WERNER ENTERPRISES	:	
5448 Oak View Drive	:	
Allentown, PA 18104,	:	
	:	
Defendants.	:	

COMPLAINT

AND NOW, comes the Plaintiff, Darlene Custer, by and through her Attorneys, Dallas W. Hartman, P.C., and files this Complaint in Civil Action and in support thereof, aver as follows:

1. Plaintiff, Darlene Kay Custer, is an adult individual who resides at 1268 Barkeyville Road, Grove City, Mercer County, Pennsylvania, 16127.

2. Defendant, Werner Enterprises, Inc. (hereinafter "WERNER") is a foreign corporation authorized to conduct business in the Commonwealth of Pennsylvania with a place of

business located at 5448 Oak View Drive, Allentown, Lehigh County, Pennsylvania 18104.

3. Defendant, Monte Bigelow (hereinafter "BIGELOW"), is an adult individual residing at 5152 W. Polk Road, Alma, Michigan, 48801 who at all times relevant hereto, was acting as an agent, servant, and/or employee of the Defendant WERNER.

4. On or about August 10, 2005 Plaintiff Darlene Custer was a passenger in a vehicle driven by Manuel Cabral in the right lane of State Route 80 east in Graham Township, Clearfield County, Pennsylvania.

5. At that above-mentioned time and place, Defendant BIGELOW, while acting as the agent, servant, and/or employee of Defendant WERNER, was also operating his motor vehicle east in the right lane of State Route 80 when he negligently, carelessly and recklessly struck the rear of the Cabral vehicle in which Plaintiff was a passenger, thereby causing the injuries and damages set forth below.

6. Defendants BIGELOW and WERNER are jointly and/or jointly and severally liable to the Plaintiff for the injuries and damages she has sustained.

COUNT I - NEGLIGENCE
DARLENE CUSTER vs. MONTE BIGELOW

7. Paragraphs 1 through 6 are incorporated herein by reference as though set forth below in their entirety.

8. Defendant BIGELOW breached his duty of care owed to the Plaintiff and was negligent and careless by one or more of the following acts or omissions:

- a. In failing to keep his motor vehicle (semi tractor trailer) under proper and adequate control;
- b. In operating his motor vehicle in a careless and inattentive manner;
- c. In failing to operate the steering, brake and accelerator controls of his vehicle so as to keep it under proper and adequate control;
- d. In failing to keep his attention on the roadway ahead of him so as to avoid the collision with with vehicle occupied by the Plaintiff;
- e. In failing to maintain a safe distance between his motor vehicle and that occupied by the Plaintiff;
- f. In failing to take adequate and reasonable measures to avoid the collision with the vehicle occupied b the Plaintiff;
- g. In operating his motor vehicle in such a manner as to cause it to collide with the vehicle occupied by the Plaintiff; and
- h. In failing to maintain an assured clear distance ahead of him in violation of 75 Pa.C.S.A. §3361.

9. As a direct and proximate result of the negligence of Defendant BIGELOW, as set forth above, Plaintiff Darlene Custer was caused to suffer injuries to her body including, but not limited to, the following:

- a. fracture to her posterolateral 9th and 10th left ribs;
- b. disc narrowing of her lumbar spine at L1 - 2 with vertebral endplate spurring;
- c. disc narrowing of her thoracic spine at T11 - 12;
- d. posterocentral bulging disc at L1-2 and L4-5, with accompanying spinal stenosis;
- e. mechanical back pain;
- f. numbness in her extremities;
- g. low back pain;
- h. spondylosis of her spine;
- i. epidural steroid injections;
- j. facet nerve block injections;
- k. lumbar radiofrequency denervation;
- l. left hip pain; and
- m. overall shock and generalized trauma to her body.

10. As a further direct and proximate result of the negligence of Defendant BIGELOW as set forth above, Plaintiff Darlene Custer was caused to suffer pain, suffering,

inconvenience, humiliation, embarrassment, and loss of life's pleasures.

11. As a further direct and proximate result of the negligence of Defendant BIGELOW as set forth above, Plaintiff has undergone in the past and may continue to undergo in the future numerous, reasonable and necessary medical treatments and procedures and rehabilitation.

12. As a further direct and proximate result of the negligence of the Defendant as set forth above, Plaintiff was caused to incur a loss of income and her future earning capacity has been greatly impaired or extinguished.

WHEREFORE, in consideration of the foregoing, Plaintiff Darlene Custer requests judgment against the Defendant Monte Bigelow in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

COUNT II - NEGLIGENCE
DARLENE CUSTER vs. WERNER ENTERPRISES, INC.

13. Paragraphs 1 through 12 of the Complaint are incorporated herein by reference as though fully set forth in their entirety.

14. At all times material to the within cause of action, it is believed and therefore averred that Defendant Monte Bigelow was the agent, servant, representative and/or employee of Defendant WERNER and at the time was engaged in

activities which were within the nature and scope of his authority to Defendant WERNER.

15. The injuries suffered by Plaintiff Darlene Custer were a direct and proximate result of the negligence of Defendant WERNER by one or more of the following acts or omissions:

- a. Through the doctrine of respondeat superior for the negligence of its agent, servant and/or employee, Defendant Monte Bigelow;
- b. Failing to properly train, instruct, educate, and supervise Defendant Monte Bigelow in the proper and safe operation of its motor vehicle;
- c. Negligently entrusting the above-described vehicle to Defendant Monte Bigelow when it was known, or should have been known, that he was an unsafe and careless driver;
- d. Failing to properly investigate the qualifications and driving record of Defendant Monte Bigelow; and
- e. Failing to properly update and provide educational opportunities to its agents, servants, and/or employees so as to ensure the safe operation of the vehicles entrusted to its drivers.

16. As a direct and proximate result of the negligence of Defendant WERNER, as set forth above, Plaintiff Darlene Custer sustained the injuries and damages set forth in Count I of this Complaint.

WHEREFORE, in consideration of the foregoing, Plaintiff Darlene Custer requests judgment against Defendant WERNER

ENTERPRISES, INC., in an amount in excess of the arbitration limits of this Court plus interest and costs as the law may allow.

Respectfully Submitted,

DALLAS W. HARTMAN, P.C.

DATE: 7/26/07

BY: 

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851
Attorney for Plaintiffs

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

VERIFICATION

I, DARLENE CUSTER, verify that I am the Plaintiff in the foregoing action; that the attached Complaint is based upon information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not mine. I have read the Complaint and to the extent that it is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the Complaint are that of counsel, I have relied upon counsel in making this Verification.

I understand that we are subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities for any false statements that I made in the foregoing Complaint.

DATED: 7-26-07

Darlene Custer
DARLENE CUSTER

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

DARLENE CUSTER	:	Case No.: 07-1203-CD
	:	
Plaintiffs,	:	
vs.	:	
	:	
MONTE EIEGELOW	:	
5152 W. Polk Road	:	
Alma, Michigan 48801,	:	
	:	
and	:	
	:	
WERNER ENTERPRISES	:	
5448 Oak View Drive	:	
Allentown, PA 18104,	:	
BOBCAT COMPANY	:	
	:	
Defendants.	:	

NOTICE OF SERVICE OF COMPLAINT

DALLAS W. HARTMAN, P.C.

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851
Attorney for Plaintiffs

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

FILED No CC
M110:36/81
AUG 13 2007 (5)

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF SERVICE OF COMPLAINT

TO: PROTHONOTARY, CLEARFIELD COUNTY

I hereby certify that a copy of the original Complaint was served on the parties at the addresses listed below by Certified Mail, Return Receipt Requested, postage prepaid on the 2nd day of August, 2007:

Monte Bigelow
5152 W. Polk Road
Alma, Michigan 48801

Certified Mail Receipts attached hereto as Exhibit "A".

DALLAS W. HARTMAN, P.C.

DATE: 8/9/07

BY: 

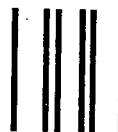
Douglas J. Olcott, Esq.
Attorney for Plaintiff
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

CUSTER v. BIGELOW, ET AL
CERTIFIED MAILING RECEIPT

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <i>Virginia Vaytas</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>MONTE BIGELOW 5152 W. POLK ROAD ALMA, MI 48801</p>		<p>B. Received by (Printed Name) <i>Virginia Vaytas</i></p>	<p>C. Date of Delivery 8-06-07</p>
<p>2. Article Number (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
<p>7006 2150 0005 2570 4941</p>		<p>102595-02-M-1540</p>	

UNITED STATES POSTAL SERVICE

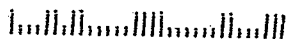
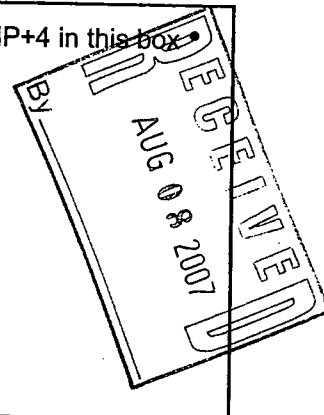


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box.

DALLAS W. HARTMAN, PC
2815 WILIMINGTON ROAD
NEW CASTLE, PA 16101
ATTN: CLB

Auster



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

CIVIL DIVISION

Plaintiff,

Case No. 07-1203-CD

v.

Issue No.

MONTE BIGELOW and
WERNER ENTERPRISES,

PRAECIPE FOR APPEARANCE

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED *no cc*
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SEP 04 2007 *CK*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

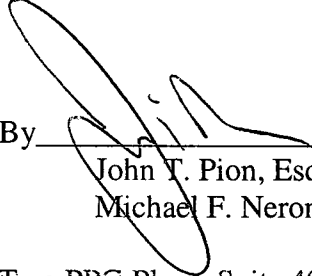
PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our appearance on behalf of the defendants, MONTE BIGELOW and
WERNER ENTERPRISES, regarding the above-referenced matter.

A JURY TRIAL IS DEMANDED.

DICKIE, McCAMEY & CHILCOTE, P.C.

By  _____
John T. Pion, Esquire
Michael F. Nerone, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Praeipe for Appearance was served upon counsel of record by U.S. mail, postage prepaid, this
30th day of August, 2007, as follow:

Douglas J. Olcott, Esq.
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By  _____
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

FILED
M 12:55 PM
OCT 01 2007
William A. Shaw
Prothonotary/Clerk of Courts
No
SC
CR

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

CIVIL DIVISION

Plaintiff,

Case No. 07-1203-CD

v.

Issue No.

MONTE BIGELOW and
WERNER ENTERPRISES,

ANSWER AND NEW MATTER

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

NOTICE TO PLEAD

John T. Pion, Esquire
PA I.D. # 43675

TO: PLAINTIFF

Michael F. Nerone, Esquire
PA I.D. # 62446

**You are hereby notified to file a written
response to the enclosed New Matter within
twenty (20) days from the date of service
hereof or a judgment may be entered
against you.**

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

By: Michael F. Nerone

Michael F. Nerone, Esquire

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

ANSWER AND NEW MATTER

AND NOW, come the Defendants, MONTE BIGELOW and WERNER ENTERPRISES, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C. and MICHAEL F. NERONE, ESQUIRE, and files this Answer and New Matter in response to Plaintiff's Complaint, in support of which they aver the following:

1. After reasonable investigation, these Defendants are without sufficient information or knowledge to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 1 of Plaintiff's Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

2. Admitted.

3. It is admitted that Defendant, Monte Bigelow, is an adult individual residing at 5152 West Polk Road, Alma, Michigan 48801 and that Mr. Bigelow was acting as the agent of Defendant Werner at the time of the subject accident. All further, additional or contrary allegations are denied.

4. After reasonable investigation, these Defendants are without sufficient information or knowledge to formulate a belief as to the truth or falsity of the allegations set

forth in Paragraph 4 of Plaintiff's Complaint. Therefore, the same are denied and strict proof thereof is demanded at the time of trial.

5. The allegations set forth in Paragraph 5 of Plaintiff's Complaint state conclusions of law to which no response is required. To the extent a response may be deemed required, said allegations are denied.

6. The allegations set forth in Paragraph 6 of Plaintiff's Complaint state conclusions of law to which no response is required. To the extent a response may be deemed required, said allegations are denied.

COUNT I

7. In response to the allegations set forth in Paragraph 7 of Plaintiff's Complaint, these Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 6 above, as if the same were set forth herein at length.

8. The allegations set forth in Paragraph 8 and subparagraphs (a) through (h) of Plaintiff's Complaint state conclusions of law to which no response is required. To the extent a response may be deemed required, said allegations are denied.

9. The allegations set forth in Paragraph 9 and subparagraphs (a) through (m) of Plaintiff's Complaint state conclusions of law to which no response is required. To the extent a response may be deemed required, said allegations are denied.

10-12. The allegations set forth in Paragraphs 10 through 12 of Plaintiff's Complaint state conclusions of law to which no response is required. To the extent a response may be deemed required, said allegations are denied.

COUNT II

13. In response to Paragraph 13 of Plaintiff's Complaint, these Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 12 above, as if the same were set forth herein at length.

14. It is admitted that Defendant, Monte Bigelow was the agent of Defendant Werner at the time of the subject accident and that Defendant Bigelow was acting within the course and scope of his agency at said time. All further, additional or contrary allegations are denied.

15. The allegations set forth in Paragraph 15 and subparagraphs (a) through (e) of Plaintiff's Complaint state conclusions of law to which no response is required. To the extent a response may be deemed required, said allegations are denied.

16. The allegations set forth in Paragraph 16 of Plaintiff's Complaint state conclusions of law to which no response is required. To the extent a response may be deemed required, said allegations are denied. By way of further response, these Defendants incorporate herein by reference their answer to the paragraphs contained in Count I of Plaintiff's Complaint, as if the same were set forth herein at length.

WHEREFORE, the Defendants deny any and all liability to the Plaintiff under any theory of law whatsoever and respectfully request that judgment be entered in their favor together with costs.

NEW MATTER

17. To the extent applicable based upon the facts developed during discovery or the evidence introduced at the time of trial, these Defendants raise the applicable statute of limitations as a complete and/or partial bar to Plaintiff's claims.

18. These Defendants raise the contributory and/or comparative negligence of the Plaintiff as a complete and/or partial bar to Plaintiff's claims.

19. To the extent applicable based upon the facts developed during discovery or the evidence introduced at the time of trial, these Defendants raise Plaintiff's assumption of a known risk as a complete and/or partial bar to Plaintiff's claims.

20. These Defendants raise the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law as a complete and/or partial bar to Plaintiff's claims.

21. These Defendants raise the superseding/intervening acts and omissions of third parties over whom they have neither the right nor duty of control as a complete and/or partial bar to Plaintiff's claims.

22. To the extent applicable based upon the facts developed during discovery or the evidence introduced at the time of trial, these Defendants raise Plaintiff's failure to mitigate damages as a complete and/or partial bar to Plaintiff's claims.

WHEREFORE, these Defendants deny any and all liability to the Plaintiff under any theory of law whatsoever and respectfully request that judgment be entered in their favor together with costs.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By 

John T. Pion, Esquire

Michael F. Nerone, Esquire

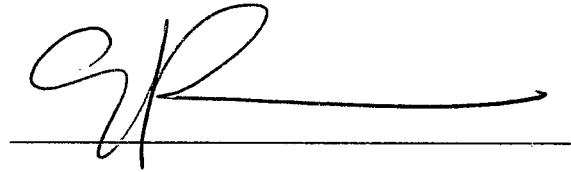
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

VERIFICATION

I, Emily Rosenwald, am in a position to sign this Verification on behalf of Werner Enterprises, by way of my position as Claims Examiner, and 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 is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

A handwritten signature, appearing to be "ER", is written over a horizontal line.


DATED 9.20.07

CERTIFICATE OF SERVICE

I, Michael F. Nerone, Esquire, hereby certify that a true and correct copy of the foregoing Answer and New Matter was served upon counsel of record by U.S. mail, postage prepaid, this 27 day of September, 2007, as follow:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Michael F. Nerone, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

Issue No.

NOTICE OF SERVICE OF DISCOVERY

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NO CC
OCT 26 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

NOTICE OF SERVICE OF DISCOVERY

TO THE PROTHONOTARY:

Kindly be advised that Defendants' First Set Of Interrogatories And Requests For Production Of Documents Directed To Plaintiff were served upon counsel for Plaintiff on the 23rd day of October, 2007.

DICKIE, McCAMEY & CHILCOTE, P.C.

By Michael F. Nerone^{KN}
Michael F. Nerone, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

CERTIFICATE OF SERVICE

I, Michael F. Nerone, Esquire, hereby certify that a true and correct copy of the foregoing
Notice of Service was served upon counsel of record by U.S. mail, postage prepaid, this
23rd day of October, 2007, as follow:

Douglas J. Olcott, Esq.
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By Michael F. Nerone^{km}
Michael F. Nerone, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

FILED

NOV 01 2007

m/10:30/

William A. Shaw

Prothonotary/Clerk of Courts

1. Grant to Att

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

DARLENE CUSTER,

Plaintiff,

vs.

MONTE BIGELOW
5152 W. Polk Road
Alma, Michigan, 48801,

and

WERNER ENTERPRISES
5448 Oak View Drive
Allentown, PA 18104,

Defendants.

CASE NO. 07-1203-CD

REPLY TO NEW MATTER

Filed on behalf of Plaintiff
Darlene Custer

Counsel of Record:

Douglas J. Olcott, Esquire
Attorney I.D. 204851

DALLAS W. HARTMAN, P.C.
2815 Wilmington Road
New Castle, PA 16105
Telephone: (724) 652-4081
Facsimile: (724) 652-8380

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

DARLENE CUSTER, : CASE NO. 07-1203-CD
 :
Plaintiff, :
 :
vs. :
 :
MONTE BIGELOW :
 :
and :
 :
WERNER ENTERPRISES :
Defendants. :

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff, Darlene Custer, by and through the undersigned counsel, Dallas W. Hartman, P.C., and file the following Reply to Defendants' New Matter and in support thereof aver the following:

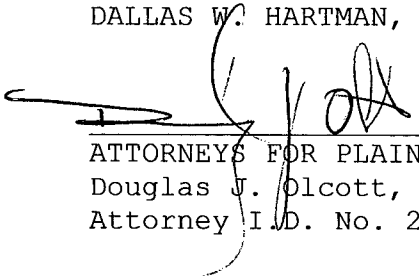
17-22. The allegations contained in the Paragraphs 17 through 222 of the Defendants' New Matter are conclusions of law to which no response is required pursuant to the Pennsylvania Rules of Civil Procedure. However, to the extent a response may be deemed necessary, the averments in said Paragraphs are denied generally pursuant to Pa. R.C.P. 1029(d) and (e).

WHEREFORE, Plaintiff respectfully requests judgment against the Defendants together with attorneys' fees and costs as the law may allow.

Respectfully submitted,

DALLAS W. HARTMAN, P.C.

Date: 10/30/07


ATTORNEYS FOR PLAINTIFF
Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of **PLAINTIFF'S REPLY TO NEW MATTER** upon all other parties or their attorney via regular first class mail, postage pre-paid, on this 30th day of October, 2007.

John Pion, Esquire
DICKIE, MCCAMEY & CHILCOTTE
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Attorney for Defendants

DALLAS W. HARTMAN, P.C.

BY: 

ATTORNEYS FOR PLAINTIFF

Douglas J. Olcott, Esquire
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
Telephone: (724) 652-4081
Facsimile: (724) 652-8380

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103039
NO: 07-1203-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DARLENE CUSTER

vs.

DEFENDANT: MONTE BIGELOW and WERNER ENTERPRISES

SHERIFF RETURN

NOW, July 30, 2007, SHERIFF OF LEHIGH COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON WERNER ENTERPRISES.

NOW, August 10, 2007 AT 10:54 AM SERVED THE WITHIN COMPLAINT ON WERNER ENTERPRISES, DEFENDANT. THE RETURN OF LEHIGH COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED

0/3:45 am
DEC 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103039
NO: 07-1203-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DARLENE CUSTER

VS.

DEFENDANT: MONTE BIGELOW and WERNER ENTERPRISES

SHERIFF RETURN

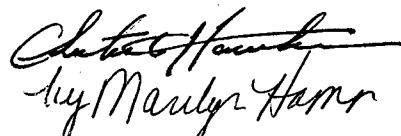
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HARTMAN	36676	10.00
SHERIFF HAWKINS	HARTMAN	36676	21.00
LEHIGH CO.	HARTMAN	36677	30.00

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

8/9 pm
2463 FG 66

PAID

SHERIFF OFFICE COURTHOUSE - 5TH & HAMILTON STREETS
455 W HAMILTON ST
ROOM 106 ALLENTOWN PA 18101-1614

DARLENE CUSTER
VS
MONTE BIGELOW ET AL
(CLEARFIELD CO -- 07-1203-CD)

DOC#: 2007-CV-4036
CASE: 2007-NC-2931
EXPIR: 29-Aug-2007
DEPOSIT: 30.00
ENTRY: 09-Aug-2007

WRIT : COMPLAINT IN CIVIL ACTION
AND NOTICE
SERVE: WERNER ENTERPRISES
AT : 5448 OAK VIEW DR ALLENTOWN, PA 18104
ATTNY: DALLAS W HARTMAN 000 000 0000

RETURN OF SERVICE

1. NAME OF INDIVIDUAL SERVED: T. L SNYDER
2. RELATIONSHIP TO DEFENDANT: PERSON IN CHARGE
3. DATE: 10 AUG 20 07 TIME: 1754 HOURS: _____
4. LOCATION OF SERVICE: 5448 OAK VIEW DR ALLENTOWN

5. UNABLE TO LOCATE:
() NUMBER OF ATTEMPTS TO LOCATE DEFENDANT AT LAST KNOWN ADDRESS:
- | | |
|----------------------|----------------------|
| 1. DATE & TIME _____ | 2. DATE & TIME _____ |
| 3. DATE & TIME _____ | 4. DATE & TIME _____ |
| 5. DATE & TIME _____ | 6. DATE & TIME _____ |

ACCEPTANCE OF SERVICE

I HEREBY ACCEPT SERVICE OF THE LEGAL PROCESS AS OUTLINED ON THE FRONT OF THE DOCUMENT. THIS SERVICE IS ACCEPTED ON BEHALF OF THE LISTED DEFENDANT(S) AND I HEREBY CERTIFY THAT I AM AUTHORIZED TO DO SO.

TR Snyder
PRINTED NAME OF AUTHORIZED AGENT
DATE: 8-10-07

[Signature]
SIGNATURE OF AUTHORIZED AGENT
TIME: _____

Larry Bungen
PRINT NAME OF DEPUTY SHERIFF

SO ANSWERS _____

[Signature] #40
DEPUTY SHERIFF
Ronald W. Foss
SHERIFF OF LEHIGH COUNTY



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. ~~XXXX~~

FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103039

DARLENE CUSTER

VS.

MONTE BIGELOW and WERNER ENTERPRISES

TERM & NO. 07-1203-CD

COMPLAINT

SERVE BY: 08/29/07

HEARING:

MAKE REFUND PAYABLE TO DALLAS W. HARTMAN, P.C.

SERVE: WERNER ENTERPRISES

ADDRESS: 5448 OAK VIEW DRIVE, ALLENTOWN, PA 18104

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF LEHIGH COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, July 30, 2007.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

07-NC-2931

07-MG-2931

Mark
Bigelow
Jr.

FILED

DEC 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

Issue No.

MOTION TO COMPEL DISCOVERY

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

Katherine G. Horigan, Esquire
PA I.D. # 201355

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED

m112:5461 Atty Horigan
FEB 28 2008

WAS
William A. Shaw
Prothonotary/Clerk of Courts

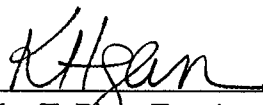
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

ATTORNEY CERTIFICATION

It is hereby certify that on the 19th and 26th days of February, 2008, pursuant to the Local Rules of Court, counsel for Defendants attempted to confer telephonically with counsel for Plaintiff with respect to the issues contained herein and this matter could not be resolved in the absence of court intervention.

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Ron, Esquire
Michael F. Nerone, Esquire
Katherine G. Horigan, Esquire

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

MOTION TO COMPEL DISCOVERY

AND NOW, come the Defendants, MONTE BIGELOW and WERNER ENTERPRISES, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C. and MICHAEL F. NERONE, ESQUIRE, and file the within Motion to Compel Discovery:

1. This case arises from an alleged automobile accident on our about August 10, 2005.
2. Plaintiff filed her Complaint on July 30, 2007.
3. Defendants served their first set of discovery requests directed to Plaintiff on October 23, 2007.
4. Defendants followed up on their discovery requests, by letter dated December 4, 2007. (This letter has been attached hereto and marked as Exhibit "A").
5. Upon receipt of the December 4, 2007 letter, Plaintiff requested an extension of time within which to respond by telephone, and the same was granted until January 18, 2008.
6. To date, Defendants have not received a response to their discovery requests.

7. Without the information requested in said requests, Defendants will be unfairly prejudiced and will not be able to adequately defend this case.

WHEREFORE, Defendants request Plaintiff serve her discovery responses within ten (10) days of this Order.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By Katherine Horgan
John T. Pion, Esquire
Michael F. Nerone, Esquire
Katherine G. Horgan, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

Katherine G. Horigan
Attorney-at-Law
Admitted in PA

Direct Dial: 412-392-5673
Direct Fax: 412-392-5367
khorigan@dmclaw.com

December 4, 2007

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105

RE: Darlene Custer v. Monte Bigelow and Werner Enterprises
Case No. 07-1203-CD
Our File No.: 0024556.0305833

Dear Mr. Olcott:

On or about October 23, 2007, we served upon you *Defendants' First Set of Interrogatories and Requests for Production of Documents Directed to Plaintiff*. In reviewing the file, I note that we have not yet received your responses to these discovery requests as of this date. Please provide the undersigned with your discovery responses within the next two weeks.

Should you have any questions, please do not hesitate to contact me. Thank you for your cooperation and assistance.

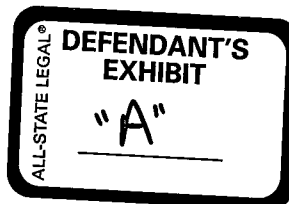
Very truly yours,



Katherine G. Horigan

KGH/cel

cc: John T. Pion, Esquire
Michael F. Nerone, Esquire



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

ORDER OF COURT SCHEDULING ORAL ARGUMENT

AND NOW, to wit this _____ day of _____, 2008, in
 consideration of the foregoing Motion to Compel Discovery, oral argument is hereby scheduled
 on the _____ day of _____, 2008 at _____ o'clock ____m.

BY THE COURT:

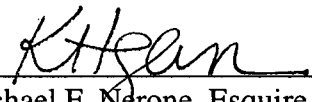
_____. J.

CERTIFICATE OF SERVICE

I, Katherine G. Horigan, Esquire, hereby certify that a true and correct copy of the foregoing Motion to Compel Discovery was served upon counsel of record by U.S. mail, postage prepaid, this 26th day of February, 2008, as follows:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Michael F. Nerone, Esquire
Katherine G. Horigan, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

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

Darlene Custer

Case No.: 07-1203-CD

Plaintiff

JURY TRIAL DEMANDED

v.

Monte Bigelow and Werner
Enterprises

Defendants.

NOTICE OF SERVICE

TO: CLEARFIELD COUNTY PROTHONOTARY

I hereby certify that the Plaintiff's Answers and
Objections to Defendants' Interrogatories and Request for
Production of Documents were served upon the individuals listed
below by first class, U.S. mail, postage prepaid on the
day of 27th day of February, 2007.

Respectfully submitted,

DALLAS W. HARTMAN, P.C.


ATTORNEYS FOR PLAINTIFF

Dallas W. Hartman, Esq.
Attorney I.D. No. 41649

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

FILED *NCC*
mjm
FEB 29 2008
LM

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing within document has been mailed by U.S. Mail to the counsel of record via first class mail, postage prep-paid, this 27th day of February, 2008.

DALLAS W. HARTMAN, P.C.

A handwritten signature in dark ink, appearing to read 'Dallas W. Hartman', is written over a horizontal line.

ATTORNEYS FOR PLAINTIFF

Dallas W. Hartman, Esq.
Attorney I.D. No. 41649

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

FILED ③

MAR 03 2008

W.A. Shaw
Prothonotary/Clerk of Courts

1 cent to

W.A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

Issue No.

**PRAECIPE TO WITHDRAW MOTION
TO COMPEL DISCOVERY**

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

Katherine G. Horigan, Esquire
PA I.D. # 201355

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	


PRAECIPE TO WITHDRAW MOTION TO COMPEL DISCOVERY

TO: Prothonotary

Kindly withdraw the Motion to Compel Discovery which was filed on behalf of Defendants, MONTE BIGELOW and WERNER ENTERPRISES, on or about the 26th day of February, 2008, relative to the captioned matter.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Michael F. Nerone, Esquire
Katherine G. Horigan, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

CERTIFICATE OF SERVICE

I, Katherine G. Horigan, Esquire, hereby certify that a true and correct copy of the foregoing Praecipe to Withdraw Motion to Compel Discovery was served upon counsel of record by U.S. mail, postage prepaid, this 28th day of February, 2008, as follows:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By



Michael F. Nerone, Esquire
Katherine G. Horigan, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

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

DARLENE CUSTER,

Case Number: 07-1203-CD

Plaintiff,

JURY TRIAL DEMANDED

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

NOTICE OF SERVICE

TO: CLEARFIELD COUNTY PROTHONOTARY

I hereby certify that the Plaintiff's Interrogatories and Request for Production of Documents Addressed to Defendant, Monte Bigelow were served upon the individuals listed below by first class, U.S. mail, postage prepaid on the 6th day of June, 2008.

Respectfully submitted,

DALLAS W. HARTMAN, P.C.


ATTORNEYS FOR PLAINTIFF

Dallas W. Hartman, Esq.
Attorney I.D. No. 41649

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

FILED No CC
m/10:46/64
JUN 09 2008

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I HEREEY CERTIFY that a true and correct copy of the foregoing within document has been mailed by U.S. Mail to the counsel of record via first class mail, postage prep-paid, this 6th day of June, 2008.

DALLAS W. HARTMAN, P.C.



ATTORNEYS FOR PLAINTIFF

Dallas W. Hartman, Esq.
Attorney I.D. No. 41649

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

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

DARLENE CUSTER,

Case Number: 07-1203-CD

Plaintiff,

JURY TRIAL DEMANDED

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

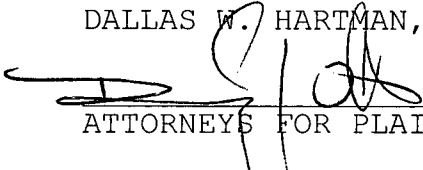
NOTICE OF SERVICE

TO: CLEARFIELD COUNTY PROTHONOTARY

I hereby certify that the Plaintiff's Interrogatories and Request for Production of Documents Addressed to Defendant, Werner Enterprises were served upon the individuals listed below by first class, U.S. mail, postage prepaid on the 6th day of June, 2008.

Respectfully submitted,


DALLAS W. HARTMAN, P.C.


ATTORNEYS FOR PLAINTIFF

Dallas W. Hartman, Esq.
Attorney I.D. No. 41649

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

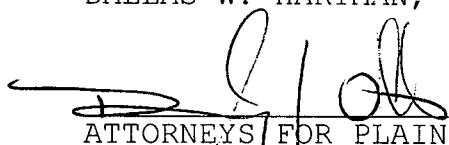
2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

FILED ^{no cc}
m/10:45/BA
JUN 09 2008

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing within document has been mailed by U.S. Mail to the counsel of record via first class mail, postage prep-paid, this 6th day of June, 2008.

DALLAS W. HARTMAN, P.C.



ATTORNEYS FOR PLAINTIFF

Dallas W. Hartman, Esq.
Attorney I.D. No. 41649

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

CIVIL DIVISION

Plaintiff,

Case No. 07-1203-CD

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

NOTICE OF VIDEOTAPE DEPOSITION

Defendants.

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

Katherine G. Horigan, Esquire
PA I.D. # 201355

^SFILED ICC Atty
m/11:47 am Horigan
NOV 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	
)	
)	

NOTICE OF VIDEOTAPE DEPOSITION

TAKE NOTICE that the videotape deposition of DARLENE CUSTER will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, *Thursday, November 20, 2008, beginning at 10:30 a.m.*, at Dallas W. Hartman, P.C., 2815 Wilmington Road, New Castle, PA 16105, at which time and place you are invited to appear and take such part as shall be fitting and proper

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Michael F. Nerone, Esquire
Katherine G. Horigan, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

CERTIFICATE OF SERVICE

I, Katherine G. Horigan, Esquire, hereby certify that a true and correct copy of the foregoing Notice of Videotape Deposition was served upon counsel of record by U.S. mail, postage prepaid, this 7th day of November, 2008, as follows:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(Counsel for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Katherine G. Horigan., Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

5
FILED ICC Atty
m/11:40am Horigan
DEC 12 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

CIVIL DIVISION

Plaintiff,

Case No. 07-1203-CD

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

**NOTICE OF RESCHEDULED
VIDEOTAPE DEPOSITION**

Defendants.

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

Katherine G. Horigan, Esquire
PA I.D. # 201355

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED


IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	
)	
)	

NOTICE OF RESCHEDULED VIDEOTAPE DEPOSITION

TAKE NOTICE that the rescheduled videotape deposition of DARLENE CUSTER will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, ***Thursday, January 8, 2009, beginning at 10:00 a.m.***, at Dallas W. Hartman, P.C., 2815 Wilmington Road, New Castle, PA 16105, at which time and place you are invited to appear and take such part as shall be fitting and proper

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Michael F. Nerone, Esquire
Katherine G. Horigan, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

CERTIFICATE OF SERVICE

I, Katherine G. Horigan, Esquire, hereby certify that a true and correct copy of the foregoing Notice of Rescheduled Videotape Deposition was served upon counsel of record by U.S. mail, postage prepaid, this 25th day of November, 2008, as follows:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(Counsel for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Katherine G. Horigan., Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

Issue No.

**MOTION TO COMPEL DISCOVERY
AND FOR SANCTIONS**

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

Timothy A. Montgomery, Esquire
PA I.D. # 94179

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED No CC
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JAN 05 2009 (610)

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William A. Shaw
Prothonotary/Clerk of Courts

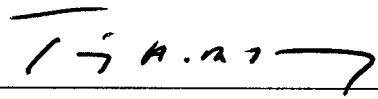
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

ATTORNEY CERTIFICATION

It is hereby certify that on the 31st day of January, 2008, pursuant to the Local Rules of Court, counsel for Defendants attempted to confer telephonically with counsel for Plaintiff with respect to the issues contained herein and this matter could not be resolved in the absence of court intervention.

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Michael F. Nerone, Esquire
Timothy A. Montgomery, Esquire

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS

AND NOW, come the Defendants, MONTE BIGELOW and WERNER ENTERPRISES, by and through their counsel, DICKIE, McCAMEY & CHILCOTE, P.C. and JOHN T. PION, ESQUIRE, and file the within Motion to Compel Discovery and for Sanctions:

1. This case arises from an alleged automobile accident on or about August 10, 2005.
2. Plaintiff filed her Complaint on July 30, 2007.
3. Defendants have made several requests upon Plaintiff's counsel for dates that Plaintiff would be available for a deposition.
4. Plaintiff's counsel did not respond to any of Defendant's requests for deposition dates.
5. Based on Plaintiff's unresponsiveness, Defendants originally scheduled Plaintiff's deposition for November 20, 2008. (See Notice of Videotaped Deposition filed with the Court attached hereto as exhibit "A".)
6. Plaintiff then cancelled the November 20, 2008 deposition.

7. Due to Plaintiff's cancellation, Defendants rescheduled Plaintiff's Deposition for January 8, 2009. (See Notice of Videotaped Deposition filed with the Court attached hereto as exhibit "B".)

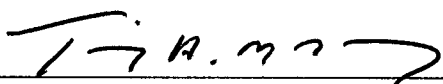
8. Plaintiff has again cancelled the scheduled deposition.

9. Without being given the opportunity to depose the Plaintiff, Defendants will be unfairly prejudiced and will not be able to adequately defend this case.

WHEREFORE, Defendants request that this Honorable Court enter an Order compelling Plaintiff's attendance at the scheduled January 8, 2009 deposition, or, in the alternative, Defendant requests that this Honorable Court Enter an Order Scheduling Plaintiff's Deposition and mandate Plaintiff's attendance. Defendants further Request that this Honorable Court enter an Order for Sanctions against Plaintiffs for Defendant's counsel fees incurred in preparing and processing the within Motion.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By 

John T. Pion, Esquire
Michael F. Nerone, Esquire
Timothy A. Montgomery, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

NOTICE OF VIDEOTAPE DEPOSITION

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

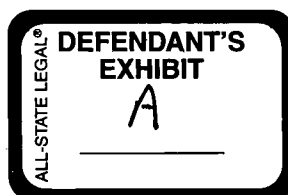
Michael F. Nerone, Esquire
PA I.D. # 62446

Katherine G. Horigan, Esquire
PA I.D. # 201355

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	
)	
)	

NOTICE OF VIDEOTAPE DEPOSITION

TAKE NOTICE that the videotape deposition of DARLENE CUSTER will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, *Thursday, November 20, 2008, beginning at 10:30 a.m.*, at Dallas W. Hartman, P.C., 2815 Wilmington Road, New Castle, PA 16105, at which time and place you are invited to appear and take such part as shall be fitting and proper

DICKIE, McCAMEY & CHILCOTE, P.C.

By _____

John T. Pion, Esquire
Michael F. Nerone, Esquire
Katherine G. Horigan, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

**NOTICE OF RESCHEDULED
VIDEOTAPE DEPOSITION**

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

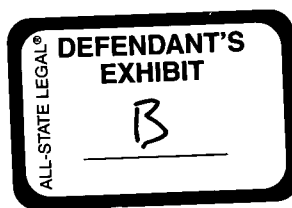
Michael F. Nerone, Esquire
PA I.D. # 62446

Katherine G. Horigan, Esquire
PA I.D. # 201355

DICKIE, MCCAMEY & CHILCOTE, P.C. \n
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	
)	
)	

NOTICE OF RESCHEDULED VIDEOTAPE DEPOSITION

TAKE NOTICE that the rescheduled videotape deposition of DARLENE CUSTER will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, ***Thursday, January 8, 2009, beginning at 10:00 a.m.,*** at Dallas W. Hartman, P.C., 2815 Wilmington Road, New Castle, PA 16105, at which time and place you are invited to appear and take such part as shall be fitting and proper

DICKIE, McCAMEY & CHILCOTE, P.C.

By _____

John T. Pion, Esquire
Michael F. Nerone, Esquire
Katherine G. Horigan, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272


Counsel for Defendants

CERTIFICATE OF SERVICE

I, Timothy A. Montgomery, Esquire, hereby certify that a true and correct copy of the foregoing Motion to Compel Discovery and For Sanctions was served upon counsel of record by U.S. mail, postage prepaid, this 2nd day of January, 2009, as follows:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Timothy A. Montgomery, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, to wit this _____ day of _____, 2009, it is hereby ordered, adjudged and decreed that Defendants' Motion to Compel Discovery and for Sanctions is GRANTED. Plaintiff is hereby Ordered to attend the deposition scheduled for January 8, 2008. Counsel fees of \$_____ are awarded to Defendants and against Plaintiffs as compensation for the preparation and processing of This Motion to Compel Discovery and for Sanctions.

BY THE COURT:

_____ J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

) CIVIL DIVISION

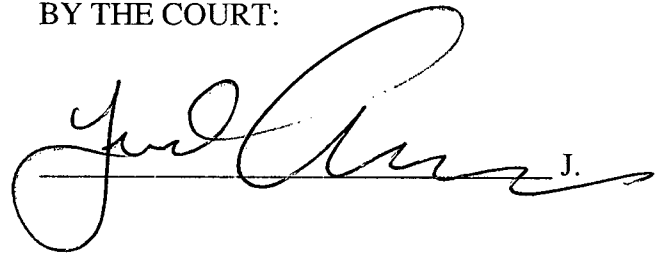
) Case No. 07-1203-CD

ORDER OF COURT SCHEDULING ORAL ARGUMENTAND NOW, to wit this 6 day of Jan, 2008, in

consideration of the foregoing Motion to Compel Discovery and for Sanctions, oral argument is

hereby scheduled on the 27th day of January, 2009 at 9:30 o'clockA.m.

BY THE COURT:



FILED
 01/13/09
 JAN 07 2009

ICC
 Amy Pion

William A. Shaw
 Prothonotary/Clerk of Courts

FILED

JAN 07 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/7/09

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

FILED

JAN 28 2009

William A. Shaw
Prothonotary/Clerk of Courts

1 Cent To ATT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

Issue No.

**PRAECIPE TO WITHDRAW MOTION
TO COMPEL DISCOVERY**

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

Timothy A. Montgomery, Esquire
PA I.D. # 94179

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

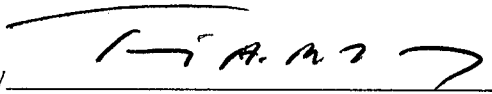
PRAECIPE TO WITHDRAW MOTION TO COMPEL DISCOVERY

TO: Prothonotary

Kindly withdraw the Motion to Compel Discovery which was filed on behalf of Defendants, MONTE BIGELOW and WERNER ENTERPRISES, on or about the 2nd day of January, 2009, relative to the captioned matter. In lieu of proceeding with the Motion to Compel Discovery, the parties have entered into a Consent Order that deposition of the Plaintiff must proceed within thirty (30) days or all relief requested by Defendants in their January 2, 2009 Motion to Compel shall be granted.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By 

John T. Pion, Esquire
Michael F. Nerone, Esquire
Timothy A. Montgomery, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

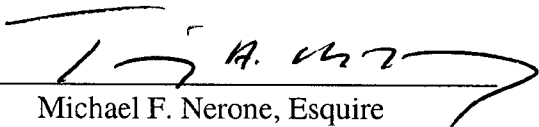
Counsel for Defendants

CERTIFICATE OF SERVICE

I, Timothy A. Montgomer, Esquire, hereby certify that a true and correct copy of the foregoing Praecipe to Withdraw Motion to Compel Discovery was served upon counsel of record by U.S. mail, postage prepaid, this 23rd day of January, 2009, as follows:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(Counsel for Plaintiff)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Michael F. Nerone, Esquire
Timothy A. Montgomery, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

CIVIL DIVISION

Plaintiff,

Casc No. 07-1203-CD

v.

Issue No.

MONTE BIGELOW and
WERNER ENTERPRISES,

CONSENT ORDER

Defendants.

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

Timothy A. Montgomery, Esquire
PA I.D. # 94179

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

CONSENT ORDER

AND NOW, come the Defendants, Monte Bigelow and Werner Enterprises, by and through their counsel, Dickie, McCamey & Chilcote, P.C. and John T. Pion, Esquire and file the within Consent Order:

1. Defendants filed a Motion to Compel and for Sanctions with this Honorable Court on or about January 2, 2009.
2. Oral argument on Defendants' Motion to Compel and for Sanctions was scheduled by this Honorable Court for Tuesday, January 27 at 9:30 a.m.
3. After several discussions, counsel for Plaintiff and counsel for Defendants have agreed to enter into the within Consent Order in lieu of proceeding with the Motion to Compel and for Sanctions.
4. The deposition of the Plaintiff shall take place no later than thirty (30) days after this Consent Order has been filed with the Court.
5. In the event that this deposition does not take place, the parties agree that this Honorable Court shall enter an Order consistent with the relief requested in Defendants' Motion to Compel and for Sanctions which will include sanctions against the Plaintiff for Defendants' counsel fees incurred in preparing and processing the Motion to Compel and for Sanctions.

CONSENTED TO:

DALLAS W. HARTMAN, P.C.

By: 

Douglas J. Orcutt, Esquire
Attorneys for Plaintiff

DICKIE, McCAMEY & CHILCOTE, P.C.

By: 

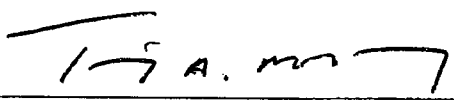
John T. Pion, Esquire
Timothy A. Montgomery, Esquire
Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Timothy A. Montgomery, Esquire, hereby certify that a true and correct copy of the foregoing Consent Order was served upon counsel via facsimile 23rd day of January, 2009, as follows:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Michael F. Nerone, Esquire
Timothy A. Montgomery, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

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

DARLENE CUSTER,

Case Number: 07-1203-CD

Plaintiff,

JURY TRIAL DEMANDED

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

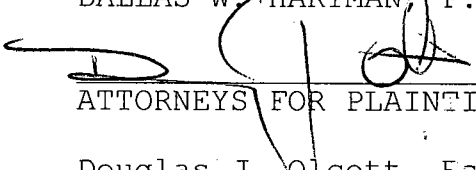
NOTICE OF SERVICE

TO: CLEARFIELD COUNTY PROTHONOTARY

I hereby certify that the Plaintiff's Request for Production and Copying of Documents Addressed to Defendants - Request Number 2 were served upon the individuals listed below by first class, U.S. mail, postage prepaid on the 31st day of July, 2009.

Respectfully submitted,

DALLAS W. HARTMAN, P.C.


ATTORNEYS FOR PLAINTIFF

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

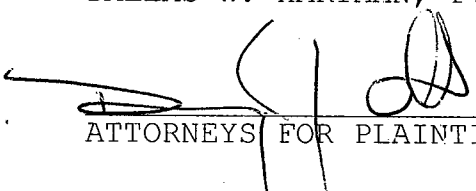
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AUG 03 2009 (6W)

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing within document has been mailed by U.S. Mail to the counsel of record via first class mail, postage prep-paid, this 31st day of July, 2009.

DALLAS W. HARTMAN, P.C.



ATTORNEYS FOR PLAINTIFF

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

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

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AUG 03 2009
10:10/10
William A. Shaw
Prothonotary/Clerk of Courts
No 1/c

DARLENE CUSTER,

Case Number: 97-1203-CD

Plaintiff,

JURY TRIAL DEMANDED

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

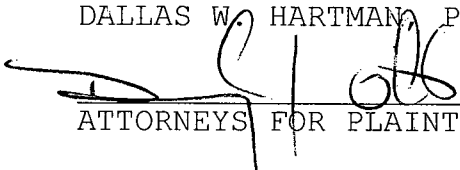
NOTICE OF SERVICE

TO: CLEARFIELD COUNTY PROTHONOTARY

I hereby certify that the Request for Admissions Directed to Defendant, Monte Bigelow were served upon the individuals listed below by first class, U.S. mail, postage prepaid on the 31st day of July, 2009.

Respectfully submitted,

DALLAS W. HARTMAN, P.C.


ATTORNEYS FOR PLAINTIFF

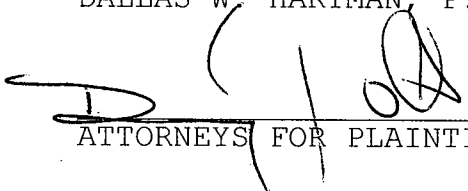
Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing within document has been mailed by U.S. Mail to the counsel of record via first class mail, postage prep-paid, this 31st day of July, 2009.

DALLAS W. HARTMAN, P.C.



ATTORNEYS FOR PLAINTIFF

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

Issue No.

STIPULATION OF COUNSEL

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NO CC
OCT 15 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	


STIPULATION OF COUNSEL

AND NOW, come the parties, by and through their respective counsel, and hereby stipulate as follows:

1. With regard to the subject motor vehicle accident, the parties stipulate that Defendants were negligent, which negligence was the sole cause of the August 10, 2005 motor vehicle accident.
2. Defendants shall retain the right to challenge causation and damages.
3. Plaintiff will refrain from engaging in discovery and/or depositions related to the elements of duty and/or breach.

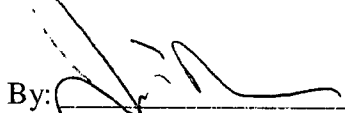
STIPULATED TO:

DALLAS W. HARTMAN, P.C.

By: 

Douglas J. Olcott, Esquire
Attorneys for Plaintiff

DICKIE, McCAMEY & CHILCOTE, P.C.

By: 

John T. Pion, Esquire
Attorneys for Defendants

FILED

OCT 15 2009

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

Issue No.

**NOTICE OF SERVICE OF REVISED
NOTICE OF DEPOSITION OF MANUEL
CABRAL**

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Katherine G. Horigan, Esquire
PA I.D. #201355

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED No CC,
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

NOTICE OF SERVICE OF
REVISED NOTICE OF DEPOSITION OF MANUEL CABRAL

TO THE PROTHONOTARY:

Kindly be advised that Defendants' Revised Notice of Deposition of Manuel Cabral was served upon counsel for Plaintiff on the 24th day of November, 2009.

DICKIE, McCAMEY & CHILCOTE, P.C.

By John T. Pion
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Notice of Service was served upon counsel of record by U.S. mail, postage prepaid, this
24th day of November 2009, as follow:

Douglas J. Olcott, Esq.
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By John T. Pion^{KH}
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

Plaintiff,

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

CIVIL DIVISION

Case No. 07-1203-CD

Issue No.

PRAECIPE FOR TRIAL

Code:

Filed on behalf of Defendants

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. # 62446

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED
5 JAN 06 2010
William A. Shaw
Prothonotary/Clerk of Courts
NO CC
(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,	)	CIVIL DIVISION
)	
Plaintiff,	)	Case No. 07-1203-CD
)	
v.)	
)	
MONTE BIGELOW and)	
WERNER ENTERPRISES,)	
)	
Defendants.)	

PRAECIPE FOR TRIAL

TO: Prothonotary

Please place the above-captioned matter on the next available trial list. We hereby certify that no motions are outstanding and discovery has been completed. A jury trial is demanded.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By John T. Pion^{KH}
John T. Pion, Esquire
Michael F. Nerone, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272


Counsel for Defendants

CERTIFICATE OF SERVICE

I, Timothy A. Montgomer, Esquire, hereby certify that a true and correct copy of the foregoing Praecipe for Trial was served upon counsel of record by U.S. mail, postage prepaid, this 4th day of January, 2010, as follows:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(*Counsel for Plaintiff*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Michael F. Nerone, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants

CA

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

DARLENE CUSTER

vs.

MONTE BIGELOW and
WERNER ENTERPRISES

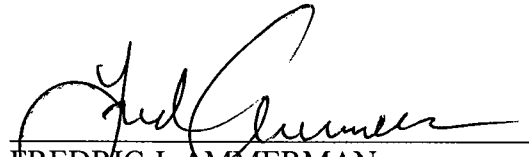
:
:
: No. 07-1203-CD
:
:
:

ORDER

AND NOW, this 13 day of January, 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 **Thursday, March 4, 2010 at 3:00 P.M.** in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for April 1, 2010 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED 100 Attys
9/8:59 PM Olcott
JAN 14 2010 Pion
S
William A. Shaw
Prothonotary/Clerk of Courts (610)

FILED

JAN 14 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/14/10

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

CIVIL DIVISION

Plaintiff,

Case No. 07-1203-CD

v.

Issue No.

MONTE BIGELOW and
WERNER ENTERPRISES,

OBJECTION TO PRAECIPE FOR TRIAL

Defendants.

Filed on behalf of Plaintiff

Counsel of record for this party:

Douglas J. Olcott
PA I.D. # 204851

DALLAS W. HARTMAN, P.C.
2815 Wilmington Road
New Castle, PA 16105

(724) 652-4081

JURY TRIAL DEMANDED

FILED ^(E)

JAN 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO ATT

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DARLENE CUSTER,

CIVIL DIVISION

Plaintiff,

Case No. 07-1203-CD

v.

MONTE BIGELOW and
WERNER ENTERPRISES,

Defendants.

OBJECTION TO PRAECIPE FOR TRIAL

AND NOW, comes the Plaintiff, by and through her undersigned counsel, and files the following objection to the Praecipe for Trial and, in support thereof, states as follows:

1. Counsel for Defendant filed a Praecipe for Trial with the Court on January 4, 2010.

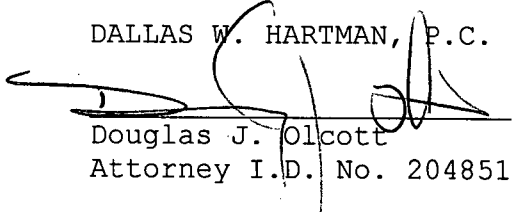
2. Discovery has not been completed in that Plaintiff is awaiting receipt of her medical expert(s) reports.

3. On October 15, 2009, the parties to this matter filed a stipulation in regard to the liability thus damages are the only issue.

4. As such, Plaintiffs hereby object to the Praecipe for Trial in the within matter.

WHEREFORE, in light of the foregoing, Plaintiffs respectfully object from the Praecipe for Trial herein.

DALLAS W. HARTMAN, P.C.


Douglas J. Olcott
Attorney I.D. No. 204851

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the within document upon all other parties or their attorney via regular first class mail, postage pre-paid, on this 14th day of January, 2010.

John Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

DALLAS W. HARTMAN, P.C.

BY: 

Douglas J. Orcott
Attorney I.D. No. 204851
Attorney for Plaintiff
2815 Wilmington Road
New Castle, PA 16105
(724) 652-4081

CA

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

DARLENE CUSTER,
Plaintiff

vs

MONTE BIGELOW and WERNER ENTERPRISES,
Defendants

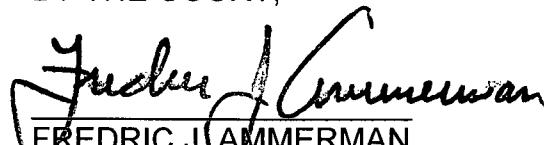
* NO. 07-1203-CD
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ORDER

AND NOW, this 4th day of February, 2010, upon consideration of the Plaintiff's Objection to Praecipe for Trial filed by Douglas J. Olcott; it is the ORDER of this Court that a **status conference** be and is hereby scheduled for the **10th day of March, 2010 at 1:30 p.m. in Chambers.**

The pre-trial conference previously scheduled for March 4, 2010 is canceled and the case has been removed from Jury Selection on April 1, 2010.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
013:54874
FEB 04 2010

William A. Shaw
Prothonotary/Clerk of Courts

1cc Atty's: Olcott

Pior

(64)

FILED

FEB 04 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/4/10

 You are responsible for serving all appropriate parties.
 X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

CA

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

DARLENE CUSTER,
Plaintiff

vs

MONTE BIGELOW and WERNER ENTERPRISES,
Defendants

*
*
*
*
*

NO. 07-1203-CD

ORDER

NOW, this 12th day of March, 2010, it is the ORDER of this Court that a Settlement Conference is scheduled for the 16th day of July, 2010 at 1:00 p.m. in Hearing Room No. 3 of the Clearfield County Courthouse, with Senior Judge Charles C. Brown, Jr., Specially Presiding.

It is further ORDERED that the following shall be present:

1. Plaintiff's counsel and the Plaintiff; and
2. Counsel for all the Defendants and the correct corporate official(s) of the Defendant Werner Enterprises and their respective Insurance representative(s), if any.
3. The Defendant Monte Bigelow shall also be present, if his presence is required for settlement authorization.

All parties shall have full authority for settlement of the case.

FILED

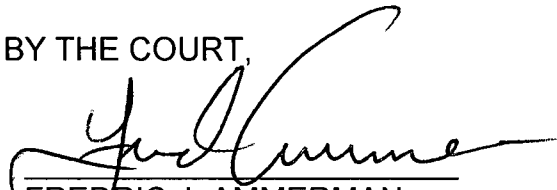
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MAR 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

ICC. Atty.
P. R.
Olcott

(60)

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

MAR 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/15/10

___ You are responsible for serving all appropriate parties.

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

___ Plaintiff(s) X Plaintiff(s) Attorney ___ Other

___ Defendant(s) X Defendant(s) Attorney

___ Special Instructions:

UA

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

DARLENE CUSTER,
Plaintiff

vs

MONTE BIGELOW and WERNER ENTERPRISES,
Defendants

* NO. 07-1203-CD
*
*
*
*
*

ORDER

NOW, this 10th day of March, 2010, following status 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 **July 22, 2010** commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for September **28, 29 and 30, 2010**, 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 thirty (30) 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 within no more than sixty (60) days from this date. The Defense shall thereafter have no more than 45 days to provide written expert report(s). 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 July 15, 2010. All objections shall reference

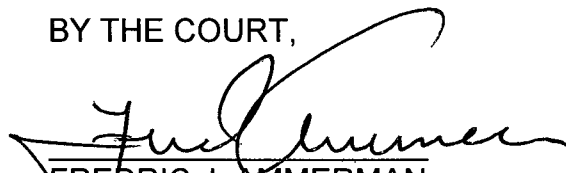
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01/31/10
MAR 15 2010

William A. Shaw
Prothonotary/Clerk of Courts
ICC Angus R. Ror
D. Cott

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 August 1, 2010.

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 later than July 15, 2010. 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 August 1, 2010.
7. Pre-trial conference is hereby scheduled for Chambers on the 10th day of June at 1:30 p.m.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

MAR 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/15/10

____ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) X Plaintiff(s) Attorney ____ Other

____ Defendant(s) X Defendant(s) Attorney

____ Special Instructions:

CA

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

DARLENE CUSTER

vs.

MONTE BIGELOW
WERNER ENTERPRISES

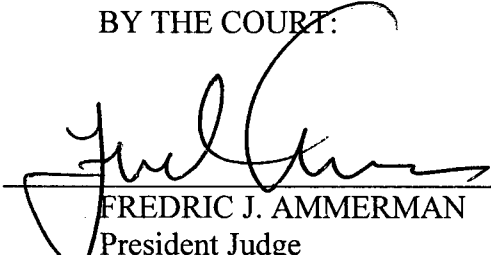
NO. 2007-1203-CD

ORDER

AND NOW, this 23 day of April 2010, due to a scheduling conflict, it is the ORDER of the Court that the Pre-Trial Conference scheduled for June 10, 2010 at 1:30 PM shall be and is hereby **re-scheduled** to the **21st day of June, 2010 at 9:00 o'clock A.M.** in Chambers.

One half hour has been reserved for this proceeding.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

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APR 23 2010

William A. Shaw
Prothonotary/Clerk of Courts

1CCA445:

D. Olcott

J. Pion/M. Nesone/K. Horigan

FILED

APR 23 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/23/10

X You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

FILED 1CCAH
m/12:08pm Montgomery
JUN - 1 2010
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Manuel M. Cabral,

CIVIL DIVISION

Plaintiff,

Case No. 07-1203-CD

v.

Issue No.

Werner Enterprises,

**PRAECIPE FOR SUBSTITUTION OF
APPEARANCE AND CHANGE OF
ADDRESS**

Defendant.

Code:

Filed on behalf of Defendant

Counsel of record for this party:

John T. Pion, Esquire
PA I.D. # 43675

Michael F. Nerone, Esquire
PA I.D. #62446

Timothy A. Montgomery, Esquire
PA I.D. #94179

PION, JOHNSTON, NERONE, GIRMAN,
CLEMENTS & SMITH, P.C.
1500 One Gateway Center
Pittsburgh, PA 15222

(412) 281-2288

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Manuel M. Cabral,

CIVIL DIVISION

Plaintiff,

Case No. 07-1203-CD

v.

Werner Enterprises,

Defendant.

**PRAECIPE FOR SUBSTITUTION
OF APPEARANCE AND CHANGE OF ADDRESS**

Kindly substitute the appearance of John T. Pion, Esquire, Timothy A. Montgomery, Esquire and Pion, Johnston, Nerone, Girman, Clements & Smith, P.C. on behalf of Defendant, Werner Enterprises, with regard to the above-captioned matter.

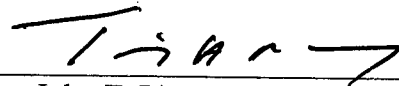
Kindly withdraw the appearance of Dickie, McCamey & Chilcote, P.C. and note the change of address and telephone number as listed below:

Pion, Johnston, Nerone, Girman, Clements & Smith, P.C.
1500 One Gateway Center
Pittsburgh, PA 15222
412-281-2288

Respectfully submitted,

PION, JOHNSTON, NERONE, GIRMAN,
CLEMENTS & SMITH, P.C.

By



John T. Pion, Esquire
Michael F. Nerone, Esquire
Timothy A. Montgomery, Esquire

Counsel for Defendant

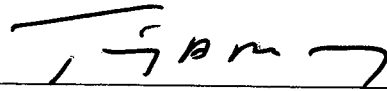
CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, Esquire, hereby certify that true and correct copies of the foregoing Praecipe for Substitution of Appearance and Change of Address has been served this 25th day of May, 2010, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Douglas J. Olcott, Esquire
Dallas W. Hartman, P.C.
2815 Wilmington Road
New Castle, PA 16105
(Counsel for Plaintiff)

PION, JOHNSTON, NERONE, GIRMAN,
CLEMENTS & SMITH, P.C.

By



John T. Pion, Esquire
Michael F. Nerone, Esquire
Timothy A. Montgomery, Esquire

Counsel for Defendant

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

5 FILED¹²

JUN 10 2010

W/ 12:40/C

William A. Shaw

Prothonotary/Clerk of Courts

1 sent to

ATTY.

Darlene Custer

Case No.: 07-1203-CD

Plaintiff

JURY TRIAL DEMANDED

v.

Praecipe to Settle, End & Discontinue

Monte Bigelow and Werner
Enterprises

Filed on Behalf of Plaintiff, Darlene
Custer

Defendants.

Counsel of Record for Plaintiff:

Douglas J. Olcott, Esq.

I.D. No.: 204851

DALLAS W. HARTMAN, P.C.

2815 Wilmington Road

New Castle, PA 16105

724/652-4081

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

Darlene Custer

Case No.: 07-1203-CD

Plaintiff

JURY TRIAL DEMANDED

v.

Monte Bigelow and Werner
Enterprises

Defendants.

PRAECIPE TO SETTLE, END & DISCONTINUE

TO: LAWRENCE COUNTY PROTHONOTARY:

Kindly mark the docket in the above-captioned action, as Settled,
Ended & Discontinued.

DALLAS W. HARTMAN, P.C.

BY: 

Attorney for Plaintiffs

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851

2815 Wilmington Road
New Castle, PA 16105
(714) 652-4081

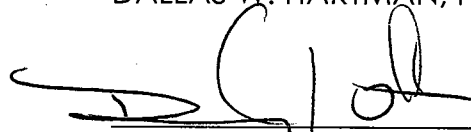
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been mailed via U.S first class mail, postage pre-paid, this 7th day of June, 2010 to the following:

John Pion, Esquire
PION JOHNSTON NERONE GIRMAN, CLEMENTS & SMITH
One Gateway Center, Ste 1500
420 Fort Duquesne Blvd
Pittsburgh, PA 15222

Attorney for Defendants

DALLAS W. HARTMAN, P.C.

A handwritten signature in black ink, appearing to read 'Douglas J. Olcott', written over a horizontal line.

Douglas J. Olcott, Esq.
Attorney I.D. No. 204851
Attorney for Plaintiffs

2815 Wilmington Road
New Castle, PA 16105
(714) 652-4081

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

DARLENE CUSTER,
Plaintiff

VS

MONTE BIGELOW and WERNER ENTERPRISES,
Defendants


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*
*
*
*

NO. 07-1203-CD

ORDER

NOW, this 11th day of June, 2010, the Court being in receipt of the Praecipe to Settle, End and Discontinue filed on behalf of the Plaintiff by Douglas J. Olcott, Esquire; it is the ORDER of this Court that the pre-trial conference scheduled June 21, 2010; the settlement conference scheduled July 16, 2010 and the civil trial scheduled September 28, 29 and 30, 2010 be and are hereby canceled.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

014:00/01
JUN 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

acc
Shy
Olcott
(W)

FILED

JUN 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/15/10

X You are responsible for serving all appropriate parties.

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

Plaintiff(s) _____ Plaintiff(s) Attorney _____ Officer
Defendant(s) _____ Defendant(s) Attorney _____
Special Instructions: _____