

07-1326-CD

Eric Schmidt vs Carmella Taylor

Current Judge: Fredric Joseph Ammerman

Eric P. Schmidt, et al vs. Carmella J. Taylor, et al

## Civil Other-COUNT

Date	Judge
8/16/2007	New Case Filed.
	No Judge
	X Filing: Civil Complaint Paid by: Naddeo, James A. (attorney for Schmidt, Eric P.) Receipt number: 1920281 Dated: 08/16/2007 Amount: \$85.00 (Check) 2CC shff.
	No Judge
9/18/2007	X Filing: Reissue Writ/Complaint Paid by: Naddeo, James A. Receipt number: 1920715 Dated: 09/18/2007 Amount: \$7.00 (Check)
	No Judge
	X Praeclipe For Entry of Appearance, filed on behalf of Defendant Carmella J. Taylor, enter appearance of Louis C. Schmitt, Jr., Esquire. No CC
	No Judge
	X Praeclipe To Reinstate Complaint, filed by s/ James A. Naddeo, Esquire. No CC, 1 Reinstated Complaint to Atty
	No Judge
9/19/2007	X Praeclipe for Argument, filed by Atty. Schmitt no cert. copies.
	No Judge
	X Preliminary Objections, filed by Atty. Schmitt no cert. copies.
	No Judge
9/27/2007	X Order, this 25th day of Sept., 2007, Argument on the Defendant's Preliminary Objections is scheduled for the 2nd day of Nov., 2007 at 3:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Attys: Naddeo, Schmitt; 1CC T. Taylor, 83 Amos Road, Clearfield, PA 16830
9/28/2007	X Motion To Schedule Argument, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo
	No Judge
10/2/2007	X Notice of Service, filed. That on the 28th day of September 2007, Defendant Fredric Joseph Ammerman Carmella J. Taylor served Interrogatories and Request for Production of Documents Directed to Plaintiffs dated September 28, 2007 to James A. Naddeo Esq., filed by s/ Louis C. Schmitt Jr. Esq. NO CC.
	Order, this 28th day of Sept., 2007, upon consideration of the Motion to Schedule Argument, this case will be heard before the Court on the 2nd day of Nov., 2007, at 3:30 p.m. at Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge.
10/9/2007	X Praeclipe For Entry of Appearance, filed on behalf of Defendant Timothy S. Taylor, enter appearance of Louis C. Schmitt, Jr., Esquire. No CC
	Fredric Joseph Ammerman
11/6/2007	X Order, this 2nd day of Nov., 2007, following argument on the Preliminary Objections filed on behalf of the Defendants and in consideration of same, it is Ordered: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Attys: Naddeo, Schmitt
	Fredric Joseph Ammerman
11/9/2007	X Certificate of Service, copies of Plaintiffs' answers to Interrogatories dated 9/28/07, and Plaintiffs' Response to Request for Production of Documents were served on Louis C. Schmitt, Jr., Esquire by First-Class Mail on the 9th day of Nov., 2007. Filed by s/ James A. Naddeo, Esquire. No CC
	Fredric Joseph Ammerman
11/14/2007	X Amended Complaint, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo
	Fredric Joseph Ammerman
11/28/2007	X Praeclipe for Argument filed. By s/ Louis C. Schmitt, Jr., Esquire. No CC
	Fredric Joseph Ammerman
	X Preliminary Objections to Plaintiffs' Amended Complaint, filed by s/ Louis C. Schmitt, Jr., Esquire. No CC
	Fredric Joseph Ammerman
11/29/2007	X Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on Louis C. Schmitt Jr Esq., and ASAP Court Reporting by first class mail on the 29th day of November 2007, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.
	Fredric Joseph Ammerman

Supreme Court of Pennsylvania



Administrative Office of Pennsylvania Courts  
P.O. Box 719  
Mechanicsburg, Pennsylvania 17055-0719  
(717)795-2000

NANCY M. SOBOLEVITCH  
COURT ADMINISTRATOR  
OF  
PENNSYLVANIA

ACT 119 OF 1996  
TRANSMITTAL OF FILING FEES

COUNTY: \_\_\_\_\_

MONTH/YR COLLECTED: \_\_\_\_\_

AMOUNT: \_\_\_\_\_ # OF NEW FILINGS: \_\_\_\_\_

COUNTY CONTACT PERSON/TITLE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

Please remit checks to the following address:

Administrative Office of Pennsylvania Courts  
Financial Systems Unit  
P.O. Box 719  
Mechanicsburg, PA 17055-0719

\*\* Checks are due no later than the 15th day following the end of the month

## Civil Other-COUNT

Date	Judge
11/29/2007	<p>✓ Order AND NOW, this 29th day of November 2007, upon consideration of the Preliminary Objections filed on behalf of defendants, Carmella J. Taylor and Timothy S. Taylor, and any responses thereto, it is hereby ORDERED as follows:</p> <ol style="list-style-type: none"> <li>1. Oral argument upon the Preliminary Objections will be held on January 9, 2008 at 3:00 pm in Courtroom No. 1.</li> <li>2. Plaintiff/Respondent shall file a response concerning the issues raised in the Preliminary Objections on or before December 21, 2007.</li> <li>3. Notice of the entry of this Order shall be served by the counsel for defendant. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Schmitt.</li> </ol>
12/7/2007	<p>✗ Petition to Extend Time to File An Amended Complaint, filed by s/ James A. Fredric Joseph Ammerman Naddeo, Esquire. 1CC Atty. Naddeo</p> <p>✗ Response to Second Set of Preliminary Objections Filed by Defendants, by Fredric Joseph Ammerman s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo</p>
12/11/2007	<p>✓ Order, this 11th day of Dec., 2007, Plaintiffs shall have no more than 20 days from the date of the taking of the deposition of Defendant, Carmella J. Taylor within which to file a second amended complaint in response to Defendants second set of Preliminary Objections filed on Nov. 27, 2007. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Naddeo</p>
12/13/2007	<p>✗ Certificate of Service, filed. Hereby certify that a certified copy of Petition to Extend Time to File an Amended Complaint and Order of Court entered therewith was served on the 12th day of December 2007 by first class mail to Louis C. Schmitt Jr Esq., filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.</p>
12/27/2007	<p>✓ Certificate of Service, filed. That a copy of Notice of Taking Deposition was served on Louis C. Schmitt Jr. Esq. and ASAP COurt Reporting by first class mail on the 27th day of December 2007, filed by s/ James A. Naddeo Esq. 2CC Atty Naddeo.</p>
1/21/2008	<p>✗ Sheriff Return, August 31, 2007 at 8:54 am Served the within Complaint on Fredric Joseph Ammerman Carmella J. Taylor by handing to Carmella Taylor.</p> <p>January 21, 2008 Returned the within Complaint "NOT SERVED, TIME EXPIRED" as to Timothy S. Taylor. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm</p> <p>Shff Hawkins costs pd by Naddeo \$46.41 (1st service)</p> <p>✗ Sheriff Return, October 3, 2007 at 11:20 am Served the within Complaint on Fredric Joseph Ammerman Timothy S. Taylor by handing to Timothy S. Taylor. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm</p> <p>Shff Hawkins costs pd by Naddeo \$22.41 (2nd service)</p>
2/11/2008	<p>✗ Second Amended Complaint, filed by s/ James A. Naddeo, Esquire. 2CC Fredric Joseph Ammerman Atty. Naddeo</p>
2-29-08 3/12/2008	<p>✗ <i>Answer to New Matter to Piffs Second Amended Complaint</i></p> <p>✗ Reply to New Matter, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Fredric Joseph Ammerman Naddeo</p>
3/13/2008	<p>✗ Notice of Deposition of Plaintiff, Rose M. Schmidt, filed by s/ Louis C. Schmitt, Jr., Esquire. No CC Fredric Joseph Ammerman</p>
5/8/2008	<p>✗ Certificate of Service, copy of Interrogatories Addressed to Defendants was served upon Louis C. Schmitt, Jr., Esquire, by First-Class mail on May 8, 2008. Filed by s/ James A. Naddeo, Esquire. No CC</p>

Supreme Court of Pennsylvania



*D. G. M. 1/10/06*

Administrative Office of Pennsylvania Courts  
P.O. Box 719  
Mechanicsburg, Pennsylvania 17055-0719  
(717)795-2000

NANCY M. SOBOLEVITCH  
COURT ADMINISTRATOR  
OF  
PENNSYLVANIA

ACT 119 OF 1996  
TRANSMITTAL OF FILING FEES

COUNTY: CLEARFIELD

MONTH/YR COLLECTED: DECEMBER 2005

AMOUNT: \_\_\_\_\_ # OF NEW FILINGS: \_\_\_\_\_

COUNTY CONTACT PERSON/TITLE: \_\_\_\_\_

WILLIAM A. SHAW, PROTHONOTARY

TELEPHONE NUMBER: 814 765 2641 EXT. 1330

Please remit checks to the following address:

Administrative Office of Pennsylvania Courts  
Financial Systems Unit  
P.O. Box 719  
Mechanicsburg, PA 17055-0719

\*\* Checks are due no later than the 15th day following the end of the month

Date: 8/11/2009

**Clearfield County Court of Common Pleas**

User: LMILLER

Time: 09:48 AM

**ROA Report**

Page 3 of 3

Case: 2007-01326-CD

Current Judge: Fredric Joseph Ammerman

Eric P. Schmidt, et alvs.Carmella J. Taylor, et al

**Civil Other-COUNT**

Date	Judge	
5/19/2008	<input checked="" type="checkbox"/> Certificate Prerequisite to Service of a Subpoena pursuant to Pa.R.C.P. 4009.22, filed by s/ Louis C. Schmitt Jr. Esq. (In Re: Mark B. Casteel D.C) No CC.	Fredric Joseph Ammerman
6/10/2008	<input checked="" type="checkbox"/> Notice of Service of Answers to Interrogatories Directed to Defendants, filed Fredric Joseph Ammerman by s/ Louis C. Schmitt, Jr., Esquire. no CC	Fredric Joseph Ammerman
4/27/2009	<input checked="" type="checkbox"/> Notice of Death, Re: Rose M. Schmidt, filed by s/James A. Naddeo, Esq. One CC Attorney Naddeo	Fredric Joseph Ammerman
7/16/2009	<input checked="" type="checkbox"/> Petition to Withdraw as Counsel, filed by Atty. Naddeo 3 Cert. to Atty.	Fredric Joseph Ammerman
7/22/2009	<input checked="" type="checkbox"/> Rule, this 21st day of July, 2009, a rule is issued upon Respondent. Rule Returnable the 19th of August, 2009, at 3:30 p.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Naddeo	Fredric Joseph Ammerman

Prothonotary  
PO Box 549  
Clearfield, PA 16830  
Phone: 814-765-2641, Ext. 1330  
Fax: 814-765-7659

**Clearfield County  
Courthouse**

# Fax

**To:** Amy

**From:** William A. Shaw

**Fax:** 375-2314

**Date:** July 31, 2009

**Phone:**

**Pages:** 6

**Re:** Judgments for the week of 7/27/09 to

7/31/09

**Urgent**    **For Review**    **Please Comment**    **Please Reply**    **Please Recycle**

**Comments:**

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07 - 1326 CD

\* Type of Pleading:

\* COMPLAINT

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

**FILED** 2CC Sheriff  
013.06.51  
AUG 16 2007 Atty pd.  
85.00  
William A. Shaw  
Prothonotary/Clerk of Courts

Sept 20, 2007 Document  
Reinstated/Reissued to ~~Shaw~~ Attorney  
for service.

William A. Shaw  
Prothonotary

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
Wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07 - - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
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 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 GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
Wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07 - - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants \*

COMPLAINT

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiff, Eric Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.
2. That the Plaintiff, Rose M. Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.
3. That the Defendant, Carmella J. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.
4. That the Defendant, Timothy S. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

COUNT I

Rose M. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

5. That on or about October 9, 2006 at approximately 8:50 a.m., E.D.S.T., the Plaintiff, Rose M. Schmidt, was the owner and operator of a 2000 Jeep Cherokee bearing Pennsylvania Registration No. FBA 1904.

6. That on the said date and at or about the said time, the Defendant, Carmella J. Taylor, was the operator of a 1996 Chevrolet Blazer 4x4 bearing Pennsylvania Registration No. FXG 4010 which vehicle was owned by the Defendants, Carmella J. Taylor and Timothy S. Taylor.

7. That at all times referred to herein, the Defendant, Carmella J. Taylor, who was under control of the Defendant, Timothy S. Taylor, was operating the above-described motor vehicle within the scope and in the furtherance of the business of the Defendant, Timothy S. Taylor.

8. That 100 Super Center Drive is a two-lane, macadam roadway which proceeds in a generally east-west direction to the Wal-Mart Super Center located in Lawrence Township, Clearfield County, Pennsylvania.

9. That on the aforesaid date and at or about the said time, it was daylight and there were no averse weather conditions.

10. That on the aforesaid date at or about the said time, the Plaintiff, Rose M. Schmidt, was proceeding east on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in her proper lane of travel.

11. That on the aforesaid date and at or about the said time, the vehicle operated by the Defendant, Carmella J. Taylor, was proceeding west on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania.

12. That on the aforesaid date and at or about the said time, the Defendant, Carmella J. Taylor, failed to negotiate a curve in the roadway and crossed over the center double yellow line into the eastbound lane of travel where she collided with the vehicle operated by the Plaintiff, Rose M. Schmidt.

13. That as a result of the collision described in Paragraph 12 hereof which is incorporated herein by reference, the Plaintiff, Rose M. Schmidt, was thrown generally forward and backward within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

14. That the Defendant, Carmella J. Taylor, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Rose M. Schmidt, as follows:

A. That the Defendant failed to have her vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, with careless disregard for the safety of the Plaintiff, Rose M. Schmidt.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in willful or wanton disregard for the safety of the person or property of the Plaintiff, Rose M. Schmidt.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3309, 75 Pa.C.S.A. Section 3309, and supplements thereto, in that she failed to operate her vehicle entirely within a single lane of a roadway laned for traffic and moved her vehicle from her lane of travel without first ascertaining that the movement could be made with safety.

G. That the Defendant, Carmella J. Taylor, was negligent, careless and reckless in that she failed to use due care under all circumstances of the case.

15. That as a result of the collision described in Paragraph 12 hereof, the Plaintiff, Rose M. Schmidt, suffered the following injuries which may and probably will be permanent:

A. Herniated disc at C5-6 causing impress along the anterior aspect of the thecal sac and cord compression.

B. Herniated disc at C6-7 causing impress along the anterior aspect of the thecal sac and cord compression.

C. Strain lumbar spine.

16. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has been unable to engage in her regular household duties since the time of the accident up to and including the filing of this complaint and will be unable to do so for an indefinite period of time in the future.

17. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, may incur medical expenses for the treatment of her injuries in excess of her available first party medical benefits.

18. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has lost

wages which may and probably will exceed the amounts to which she is entitled under first party reimbursement.

19. That the Plaintiff, Rose M. Schmidt, claims a reasonable amount for the following:

- A. Pain and suffering: past, present and future;
- B. Privation and inconvenience: past, present and future;
- C. Future medical expenses;
- D. Lost wages;
- E. Impairment of earning power;
- F. All other damages allowable by law.

WHEREFORE, the Plaintiff, Rose M. Schmidt, claims damages from the Defendants, Carmella J. Taylor and Timothy S. Taylor, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

COUNT II

Eric P. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

20. That the Plaintiff, Eric P. Schmidt, is the husband of the Plaintiff, Rose M. Schmidt, having been married to her on June 19, 1998.

21. That the Plaintiff, Eric P. Schmidt, incorporates Paragraphs 1 through 19 of the First Count of this Complaint by reference and makes them a part hereof.

22. That at all times referred to in this Complaint, the Plaintiff, Eric P. Schmidt, was residing with his wife, Rose M. Schmidt, and continues to reside with her up to the date of this Complaint.

23. That as a result of the injuries suffered by the Plaintiff, Rose M. Schmidt, the Plaintiff, Eric P. Schmidt, has been deprived of the services and society of his wife and will continue to be so deprived for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Eric P. Schmidt, claims damages from the Defendants in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

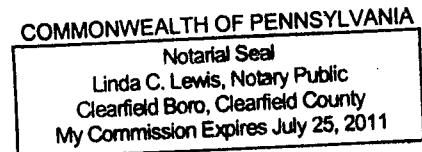
COMMONWEALTH OF PENNSYLVANIA )  
 )  
 COUNTY OF CLEARFIELD )  
 )

Before me, the undersigned officer, personally appeared ROSE MARIE SCHMIDT, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Rose Marie Schmidt  
Rose Marie Schmidt

SWORN and SUBSCRIBED before me this 3rd day of August, 2007.

Jane C. Lewis



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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07 - 1326 - CD

\* Type of Pleading:

\* PRAECIPE TO REINSTATE  
\* COMPLAINT

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

**FILED**  
0 3:10 P.M. 6K  
SEP 18 2007

NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

1 Reinstated Complaint  
TO ATTY

5K

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

ERIC P. SCHMIDT and	*
ROSE M. SCHMIDT, husband and	*
Wife,	*
Plaintiffs	*
	*
v.	* No. 07 - 1326 - CD
	*
CARMELLA J. TAYLOR and	*
TIMOTHY S. TAYLOR,	*
Defendants	*

**PRAECIPE TO REINSTATE**

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please reinstate the Complaint filed in the above-captioned case.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife, :  
Plaintiffs, :  
vs. :  
CARMELLA J. TAYLOR and :  
TIMOTHY S. TAYLOR, :  
Defendants. :  
ISSUE:  
Praecipe for Appearance  
Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR  
Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459  
MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581  
JURY TRIAL DEMANDED

I hereby certify that a true and correct copy of the within was mailed to all counsel of record this 17<sup>th</sup> day of September, 2007.

\_\_\_\_\_  
Attorney for Defendant

FILED  
m 11 2007 NO  
SEP 18 2007  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife, :

Plaintiffs, :

vs. :

CARMELLA J. TAYLOR and :  
TIMOTHY S. TAYLOR, :

Defendants. :

JURY TRIAL DEMANDED

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Enter my Appearance on behalf of defendant, CARMELLA J. TAYLOR.

Papers may be served at the address set forth below.

\_\_\_\_\_  
Attorneys for Defendant  
Carmella J. Taylor

McINTYRE, HARTYE & SCHMITT  
Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
PH: (814) 696-3581  
FAX: (814) 696-9399

Date: September 17, 2007

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

Plaintiffs,

vs.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants.

: No. 07 – 1326 – CD

FILED

SEP 19 2007

W 11-2710  
William A. Shaw  
Prothonotary/Clerk of Courts  
W. C. Fine 2007

: ISSUE:

: Praecepice for Argument

: Filed on Behalf of Defendant:

: CARMELLA J. TAYLOR

: Counsel of Record:

: LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459

: MCINTYRE, HARTYE & SCHMITT

: P.O. Box 533

: Hollidaysburg, PA 16648

: 814/696-3581

: JURY TRIAL DEMANDED

I hereby certify that a true and correct  
copy of the within was mailed to all  
counsel of record this 18<sup>th</sup> day of  
September, 2007.

\_\_\_\_\_  
Attorney for Defendant

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife, :  
Plaintiffs, :  
vs. :  
CARMELLA J. TAYLOR and :  
TIMOTHY S. TAYLOR, :  
Defendants. : JURY TRIAL DEMANDED

**PRAECIPE FOR ARGUMENT**

**TO: PROTHONOTARY**

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is Preliminary Objections on behalf of defendant, CARMELLA J. TAYLOR.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

Atorneys for Defendant

LOUIS C. SCHMITT, JR., ESQUIRE  
PA. I.D. No. 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

Plaintiffs,

vs.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants.

: No. 07 – 1326 – CD

FILED

SEP 19 2007  
m/11/2007  
William A. Shaw  
Prothonotary/Clerk of Courts  
No. C-07-1326-CD

: ISSUE:  
Preliminary Objections

: Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR

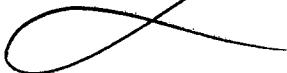
: Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459

: MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

: JURY TRIAL DEMANDED

I hereby certify that a true and correct copy of the within was mailed to all counsel of record this 18<sup>th</sup> day of September, 2007.

\_\_\_\_\_  
Attorney for Defendant



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

ERIC P. SCHMIDT and	:	No. 07 – 1326 – CD
ROSE M. SCHMIDT, husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CARMELLA J. TAYLOR and	:	
TIMOTHY S. TAYLOR,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of the Preliminary Objections filed on behalf of defendant, CARMELLA J. TAYLOR, and any response thereto, it is hereby, ORDERED, ADJUDGED, and DECREED that those Preliminary Objections are sustained, and that Paragraph No. 7 and sub-paragraph (g) of Paragraph No. 14 of plaintiffs' Complaint are stricken.

BY THE COURT:

---

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife, :

Plaintiffs, :

vs. :

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR, :

Defendants. :

JURY TRIAL DEMANDED

**PRELIMINARY OBJECTIONS**

AND NOW, comes defendant, CARMELLA J. TAYLOR, by and through her attorneys, MCINTYRE, HARTYE & SCHMITT, and files the following Preliminary Objections in response to plaintiffs' Complaint, saying as follows:

1. This lawsuit was commenced by way of plaintiffs' Complaint filed on August 16, 2007. Defendant Carmella Taylor was served with a copy of plaintiffs' Complaint on August 31, 2007. To date, co-defendant Timothy S. Taylor has not been served with a copy of the plaintiffs' Complaint. (See copy of plaintiffs' Complaint, attached hereto as Exhibit "A.")
2. It is alleged in plaintiffs' Complaint that on October 9, 2006 at approximately 8:50 a.m., plaintiff Rose M. Schmidt was the owner and operator of a 2000 Jeep Cherokee proceeding eastbound on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in her proper lane of travel, when another motor vehicle operated by defendant Carmella J. Taylor proceeding westbound on that same roadway, failed to negotiate a curve, crossed over the center double yellow line, and collided with the vehicle operated by plaintiff Rose M. Schmidt, resulting in her personal injuries as alleged.

3. At Paragraph No. 6 of plaintiffs' Complaint, it is averred that the 1996 Chevrolet Blazer 4X4 being operated by defendant Carmella J. Taylor at the time of the accident was owned by both herself and co-defendant Timothy S. Taylor.

**MOTION TO STRIKE**

4. Defendants hereby incorporate by reference the averments contained in Paragraphs No. 1 through 3 of these Preliminary Objections, as if fully set forth herein.

5. At Paragraph No. 7 of plaintiffs' Complaint, it is averred that defendant Carmella J. Taylor, at the time of the accident, "was under control" of and was operating the motor vehicle "within the scope and in the furtherance of the business of" defendant, Timothy S. Taylor. There are no specific factual averments whatsoever contained in the plaintiffs' Complaint indicating the nature and scope of the control allegedly exerted by defendant Timothy S. Taylor over defendant Carmella J. Taylor at the time of the accident.

6. The specific averments of negligence set forth against defendant Carmella J. Taylor are set forth at Paragraph No. 14 and its sub-paragraphs of plaintiffs' Complaint. At sub-paragraph (G) of Paragraph No. 14 of plaintiffs' Complaint, it is averred that defendant Carmella J. Taylor "was negligent, careless, and reckless in that she failed to use due care under all circumstances of the case."

7. The foregoing averments contained in plaintiffs' Complaint constitute conclusory legal conclusions with no factual basis whatsoever, are violative of Pa. R.C.P. 1019(a), and should be stricken.

Respectfully submitted

MCINTYRE, HARTYE & SCHMITT

Attorney for Defendant  
Carmella J. Taylor

LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

**Notice to Plead**

To: Plaintiffs

You are hereby notified to file a  
written response to the enclosed

**Preliminary Objections**

within twenty (20) days from  
service hereof of a judgment may  
be entered against you.

Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISIONERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.  
CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants

No. 07-1302 CD

Type of Pleading:

COMPLAINT

Filed on behalf of:  
PlaintiffCounsel of Record for  
this party:James A. Naddeo, Esq.  
Pa I.D. 06820Naddeo & Lewis, LLC  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601I declare under penalty of perjury  
that the foregoing is true  
and correct to the best of my original  
knowledge, information and belief.

AUG 16 2007

EXHIBIT

tables

A

Attest:

Eric P. Schmidt  
Husband and  
Wife

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
Wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07 - - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
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 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 GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
wife,

Plaintiffs

v.

\* No. 07 - CD

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR.

Defendants

**COMPLAINT**

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiff, Eric Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

2. That the Plaintiff, Rose M. Schmidt, is a sui  
juris, adult individual who resides at 256 State Street, Sandy  
Ridge, Pennsylvania 16677

3. That the Defendant, Carmella J. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

4. That the Defendant, Timothy S. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

COUNT I  
Rose M. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

5. That on or about October 9, 2006 at approximately 8:50 a.m., E.D.S.T., the Plaintiff, Rose M. Schmidt, was the owner and operator of a 2000 Jeep Cherokee bearing Pennsylvania Registration No. FBA 1904.
6. That on the said date and at or about the said time, the Defendant, Carmella J. Taylor, was the operator of a 1996 Chevrolet Blazer 4x4 bearing Pennsylvania Registration No. FXG 4010 which vehicle was owned by the Defendants, Carmella J. Taylor and Timothy S. Taylor.
7. That at all times referred to herein, the Defendant, Carmella J. Taylor, who was under control of the Defendant, Timothy S. Taylor, was operating the above-described motor vehicle within the scope and in the furtherance of the business of the Defendant, Timothy S. Taylor.
8. That 100 Super Center Drive is a two-lane, macadam roadway which proceeds in a generally east-west direction to the Wal-Mart Super Center located in Lawrence Township, Clearfield County, Pennsylvania.
9. That on the aforesaid date and at or about the said time, it was daylight and there were no averse weather conditions.

10. That on the aforesaid date at or about the said time, the Plaintiff, Rose M. Schmidt, was proceeding east on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in her proper lane of travel.

11. That on the aforesaid date and at or about the said time, the vehicle operated by the Defendant, Carmella J. Taylor, was proceeding west on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania.

12. That on the aforesaid date and at or about the said time, the Defendant, Carmella J. Taylor, failed to negotiate a curve in the roadway and crossed over the center double yellow line into the eastbound lane of travel where she collided with the vehicle operated by the Plaintiff, Rose M. Schmidt.

13. That as a result of the collision described in Paragraph 12 hereof which is incorporated herein by reference, the Plaintiff, Rose M. Schmidt, was thrown generally forward and backward within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

14. That the Defendant, Carmella J. Taylor, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Rose M. Schmidt, as follows:

A. That the Defendant failed to have her vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, with careless disregard for the safety of the Plaintiff, Rose M. Schmidt.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in willful or wanton disregard for the safety of the person or property of the Plaintiff, Rose M. Schmidt.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3309, 75 Pa.C.S.A. Section 3309, and supplements thereto, in that she failed to operate her vehicle entirely within a single lane of a roadway laned for traffic and moved her vehicle from her lane of travel without first ascertaining that the movement could be made with safety.

G. That the Defendant, Carmella J. Taylor, was negligent, careless and reckless in that she failed to use due care under all circumstances of the case.

15. That as a result of the collision described in Paragraph 12 hereof, the Plaintiff, Rose M. Schmidt, suffered the following injuries which may and probably will be permanent:

A. Herniated disc at C5-6 causing impress along the anterior aspect of the thecal sac and cord compression.

B. Herniated disc at C6-7 causing impress along the anterior aspect of the thecal sac and cord compression.

C. Strain lumbar spine.

16. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has been unable to engage in her regular household duties since the time of the accident up to and including the filing of this complaint and will be unable to do so for an indefinite period of time in the future.

17. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, may incur medical expenses for the treatment of her injuries in excess of her available first party medical benefits.

18. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has lost

wages which may and probably will exceed the amounts to which she is entitled under first party reimbursement.

19. That the Plaintiff, Rose M. Schmidt, claims a reasonable amount for the following:

- A. Pain and suffering: past, present and future;
- B. Privation and inconvenience: past, present and future;
- C. Future medical expenses;
- D. Lost wages;
- E. Impairment of earning power;
- F. All other damages allowable by law.

WHEREFORE, the Plaintiff, Rose M. Schmidt, claims damages from the Defendants, Carmella J. Taylor and Timothy S. Taylor, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

COUNT II  
Eric P. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

20. That the Plaintiff, Eric P. Schmidt, is the husband of the Plaintiff, Rose M. Schmidt, having been married to her on June 19, 1998.

21. That the Plaintiff, Eric P. Schmidt, incorporates Paragraphs 1 through 19 of the First Count of this Complaint by reference and makes them a part hereof.

22. That at all times referred to in this Complaint, the Plaintiff, Eric P. Schmidt, was residing with his wife, Rose M. Schmidt, and continues to reside with her up to the date of this Complaint.

23. That as a result of the injuries suffered by the Plaintiff, Rose M. Schmidt, the Plaintiff, Eric P. Schmidt, has been deprived of the services and society of his wife and will continue to be so deprived for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Eric P. Schmidt, claims damages from the Defendants in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and	:	No. 07 – 1326 – CD
ROSE M. SCHMIDT, husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CARMELLA J. TAYLOR and	:	
TIMOTHY S. TAYLOR,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration  
of the Preliminary Objections filed on behalf of defendant, CARMELLA J. TAYLOR, and  
any response thereto, it is hereby, ORDERED, ADJUDGED, and DECREED that those  
Preliminary Objections are sustained, and that Paragraph No. 7 and sub-paragraph (g)  
of Paragraph No. 14 of plaintiffs' Complaint are stricken.

BY THE COURT:

---

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

ERIC P. SCHMIDT and ROSE M. SCHMIDT,  
husband and wife,  
Plaintiffs

vs.

CARMELLA J. TAYLOR and TIMOTHY S. TAYLOR,  
Defendants

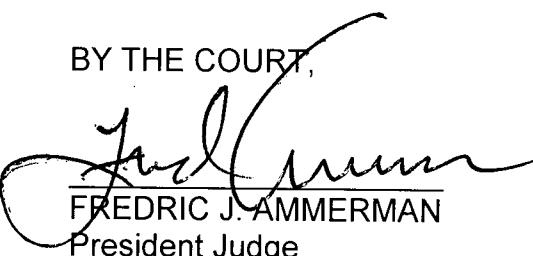
\*  
\*  
\*  
\*  
\*

NO. 07-1326-CD

ORDER

NOW, this 25<sup>th</sup> day of September, 2007, upon receipt of the Preliminary Objections filed on behalf of the Defendant Carmella J. Taylor by Attorney Louis C. Schmitt, it is the ORDER of this Court that argument on the Defendant's Preliminary Objections is scheduled for the 2<sup>nd</sup> day of November, 2007 at 3:30 p.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, PA 16830.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
01/20/07  
SEP 27 2007  
100 Atty's  
Naddeo  
Schmitt

William A. Shaw  
Prothonotary/Clerk of Courts

1 CCT Taylor  
83 Amos Road  
Clearfield, PA  
16830

(6K)

# FILED

SEP 27 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 09/27/07

       You are responsible for serving all appropriate parties.

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

X Plaintiff(s) X Plaintiff(s) Attorney        Other  
X T. Yo X Defendant(s) X Defendant(s) Attorney

       Special Instructions:

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

Plaintiffs,

vs.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants.

No. 07 – 1326 – CD

**ISSUE; Notice of Service of  
Defendant Carmella J. Taylor's  
Interrogatories and Request for  
Production of Documents  
Directed to Plaintiffs  
Dated 9/28/07**

Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR

Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459

MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

**JURY TRIAL DEMANDED**

I hereby certify that a true and correct  
copy of the within was mailed to all  
counsel of record this 28th day of  
September, 2007.

\_\_\_\_\_  
Attorney for Defendant

FILED  
M 11/06/2007 NO CC  
OCT 02 2007  
WAP

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and	:	No. 07 - 1326 - CD
ROSE M. SCHMIDT, husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CARMELLA J. TAYLOR and	:	
TIMOTHY S. TAYLOR,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFFS DATED 9/28/07**

TO: PROTHONOTARY

You are hereby notified that on the **28th day of September, 2007**, Defendant, **Carmella J. Taylor** served Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated September 28, 2007, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

James A. Naddeo, Esquire  
Naddeo & Lewis, LLC  
P.O. Box 552  
Clearfield, PA 16830

**McINTYRE, HARTYE & SCHMITT**

Attorney for Defendant  
Carmella J. Taylor

Louis C. Schmitt, Jr., Esquire  
PA I.D. No. 52459  
P. O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07 - 1326 - CD

\* Type of Pleading:

\* **MOTION TO SCHEDULE  
ARGUMENT**

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16330  
\* (814) 765-1601

Dated: September 28, 2007

FILED <sup>cc</sup>  
01/10/07 Atty Naddeo  
SEP 28 2007

William A. Shaw  
Prothonotary/Clerk of Courts

(6K)

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

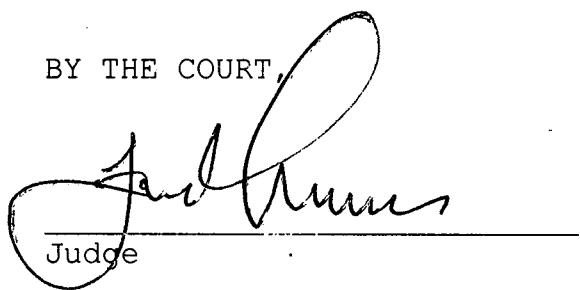
ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
Wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants \*

ORDER

AND NOW this 28 day of Sept, 2007, upon  
consideration of the Motion to Schedule Argument filed by James  
A. Naddeo, attorney of record for Plaintiffs, it is the Order of  
this Court that this case will be heard before the Court on the  
2nd day of November, 2007, at 3:30 P.M., at the  
Clearfield County Courthouse, Clearfield, Pennsylvania,  
Courtroom No. 1.

$\frac{1}{2}$  hour has been allotted for this hearing.

BY THE COURT,



Judge

FILED

OCT 02 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband \*  
and Wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07-1326-CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants \*

MOTION TO SCHEDULE ARGUMENT

NOW COMES the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That on or about August 16, 2007, plaintiffs commenced this action against defendants.
2. That on or about September 18, 2007, defendants filed preliminary objections to plaintiffs' complaint.
3. That the preliminary objections submitted by defendants have not been scheduled to be heard by this Honorable Court..

WHEREFORE, plaintiffs respectfully request this Honorable Court to enter an Order scheduling the above captioned matter for argument.

NADDEO & LEWIS, LLC

By

  
\_\_\_\_\_  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

Plaintiffs,

vs.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants.

: No. 07 – 1326 – CD

: ISSUE:  
Praecipe for Appearance

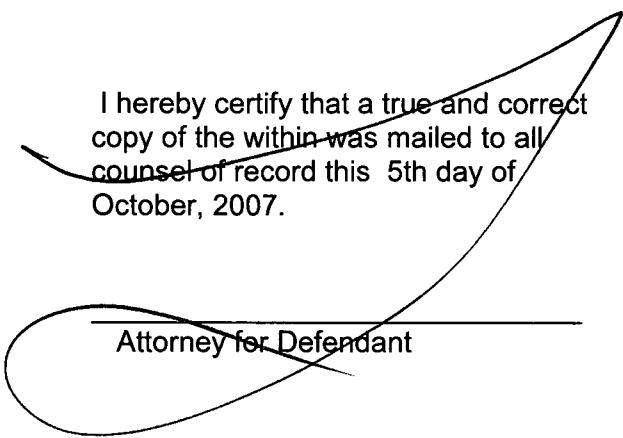
: Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR

: Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459

: MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

: JURY TRIAL DEMANDED

I hereby certify that a true and correct  
copy of the within was mailed to all  
~~counsel of record~~ this 5th day of  
October, 2007.

  
Attorney for Defendant

**FILED** NO CC  
M7100061  
OCT 09 2007 Copy to  
CIA  
William A. Shaw  
Prothonotary/Clerk of Courts  
6K

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife,

Plaintiffs,

vs.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants.

JURY TRIAL DEMANDED

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Enter my Appearance on behalf of defendant, TIMOTHY S. TAYLOR.

Papers may be served at the address set forth below.

~~Attorneys for Defendant  
Timothy S. Taylor~~

McINTYRE, HARTYE & SCHMITT  
Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
PH: (814) 696-3581  
FAX: (814) 696-9399

Date: October 5, 2007

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

FILED 300 Atlys:  
01/06/2007 Naddo  
NOV 06 2007 Schmitt  
GR

ERIC P. SCHMIDT and ROSE  
M. SCHMIDT, husband and  
wife

William A. Shaw  
Prothonotary/Clerk of Courts

-vs-

No. 07-1326-CD

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR

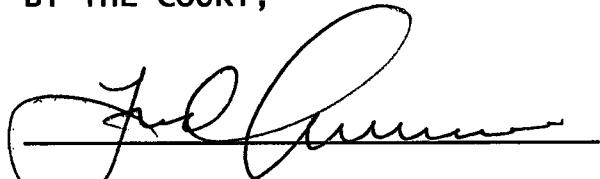
O R D E R

AND NOW, this 2nd day of November, 2007,  
following argument on the Preliminary Objections filed on  
behalf of the Defendants and in consideration of same, it  
is the ORDER of this Court as follows:

1. The Court hereby strikes the word  
recklessness from the provisions of Paragraph 14-G and also  
from the first sentence in Paragraph 14;
2. In regard to the Preliminary Objection to  
the provisions of Paragraph 7 of the Complaint, the said  
Preliminary Objection is hereby granted to the extent that  
the Plaintiffs shall have no more than thirty (30) days  
from this date in which to file an Amended Complaint  
setting forth a more specific factual basis to justify the  
averment that the Defendant Carmella J. Taylor was

operating the vehicle within the scope and in furtherance  
of the business of the Defendant Timothy S. Taylor.

BY THE COURT,



A handwritten signature in black ink, appearing to read "President Judge", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'P' at the beginning.

President Judge

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07-1326-CD

\* Type of Pleading:

\* **CERTIFICATE OF SERVICE**

\* Filed on behalf of:

\* Plaintiffs

\* Counsel of Record for  
this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

FILED 18C  
01050304  
NOV 09 2007  
©

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that true and correct copies of Plaintiffs' Answers to Interrcgatories - Dated 9/28/07 and Plaintiffs' Response to Request for Production of Documents were served on the following and in the following manner on the 9th day of November, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07-1326-CD

\* Type of Pleading:

\* **AMENDED COMPLAINT**

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Nadde, Esq.  
\* Pa I.D. 06820

\* Nadde & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

Dated: November 14, 2007

FILED *ICC*  
*01/04/2007* *ATTY*  
*NOV 14 2007* *Nadde*

William A. Shaw  
Prothonotary/Clerk of Courts *CR*

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

ERIC P. SCHMIDT and	*
ROSE M. SCHMIDT, husband and	*
Wife,	*
Plaintiffs	*
	*
v.	*
	No. 07- -CD
	*
CARMELLA J. TAYLOR and	*
TIMOTHY S. TAYLOR,	*
Defendants	*

AMENDED COMPLAINT

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiff, Eric Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

2. That the Plaintiff, Rose M. Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

3. That the Defendant, Carmella J. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

4. That the Defendant, Timothy S. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

COUNT I

Rose M. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

5. That on or about October 9, 2006 at approximately 8:50 a.m., E.D.S.T., the Plaintiff, Rose M. Schmidt, was the owner and operator of a 2000 Jeep Cherokee bearing Pennsylvania Registration No. FBA 1904.

6. That on the said date and at or about the said time, the Defendant, Carmella J. Taylor, was the operator of a 1996 Chevrolet Blazer 4x4 bearing Pennsylvania Registration No. FXG 4010 which vehicle was owned by the Defendants, Carmella J. Taylor and Timothy S. Taylor.

7. That on said date and at or about the said time, the Defendant, Carmella J. Taylor, was engaged in an activity to the joint benefit of herself and her spouse, Defendant, Timothy S. Taylor, with the express or implied authority from Defendant, Timothy S. Taylor, for her to do so.

8. That 100 Super Center Drive is a two-lane, macadam roadway which proceeds in a generally east-west direction to the Wal-Mart Super Center located in Lawrence Township, Clearfield County, Pennsylvania.

9. That on the aforesaid date and at or about the said time, it was daylight and there were no averse weather conditions.

10. That on the aforesaid date at or about the said time, the Plaintiff, Rose M. Schmidt, was proceeding east on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in her proper lane of travel.

11. That on the aforesaid date and at or about the said time, the vehicle operated by the Defendant, Carmella J. Taylor, was proceeding west on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania.

12. That on the aforesaid date and at or about the said time, the Defendant, Carmella J. Taylor, failed to negotiate a curve in the roadway and crossed over the center double yellow line into the eastbound lane of travel where she collided with the vehicle operated by the Plaintiff, Rose M. Schmidt.

13. That as a result of the collision described in Paragraph 12 hereof which is incorporated herein by reference, the Plaintiff, Rose M. Schmidt, was thrown generally forward and backward within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

14. That the Defendant, Carmella J. Taylor, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Rose M. Schmidt, as follows:

A. That the Defendant failed to have her vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, with careless disregard for the safety of the Plaintiff, Rose M. Schmidt.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in willful or wanton disregard for the safety of the person or property of the Plaintiff, Rose M. Schmidt.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3309, 75 Pa.C.S.A. Section 3309, and supplements thereto, in that she failed to operate her vehicle entirely within a single lane of a roadway laned for traffic and moved her vehicle from her lane of travel without first ascertaining that the movement could be made with safety.

G. That the Defendant, Carmella J. Taylor, was negligent, careless and reckless in that she failed to use due care under all circumstances of the case.

15. That as a result of the collision described in Paragraph 12 hereof, the Plaintiff, Rose M. Schmidt, suffered the following injuries which may and probably will be permanent:

A. Herniated disc at C5-6 causing impress along the anterior aspect of the thecal sac and cord compression.

B. Herniated disc at C6-7 causing impress along the anterior aspect of the thecal sac and cord compression.

C. Strain lumbar spine.

16. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has been unable to engage in her regular household duties since the time of the accident up to and including the filing of this complaint and will be unable to do so for an indefinite period of time in the future.

17. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, may incur medical expenses for the treatment of her injuries in excess of her available first party medical benefits.

18. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has lost

wages which may and probably will exceed the amounts to which she is entitled under first party reimbursement.

19. That the Plaintiff, Rose M. Schmidt, claims a reasonable amount for the following:

- A. Pain and suffering: past, present and future;
- B. Privation and inconvenience: past, present and future;
- C. Future medical expenses;
- D. Lost wages;
- E. Impairment of earning power;
- F. All other damages allowable by law.

WHEREFORE, the Plaintiff, Rose M. Schmidt, claims damages from the Defendants, Carmella J. Taylor and Timothy S. Taylor, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

COUNT II  
Eric P. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

20. That the Plaintiff, Eric P. Schmidt, is the husband of the Plaintiff, Rose M. Schmidt, having been married to her on June 19, 1998.

21. That the Plaintiff, Eric P. Schmidt, incorporates Paragraphs 1 through 19 of the First Count of this Complaint by reference and makes them a part hereof.

22. That at all times referred to in this Complaint, the Plaintiff, Eric P. Schmidt, was residing with his wife, Rose M. Schmidt, and continues to reside with her up to the date of this Complaint.

23. That as a result of the injuries suffered by the Plaintiff, Rose M. Schmidt, the Plaintiff, Eric P. Schmidt, has been deprived of the services and society of his wife and will continue to be so deprived for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Eric P. Schmidt, claims damages from the Defendants in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

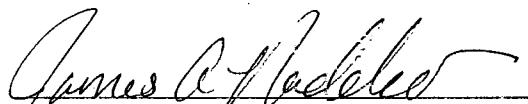
V E R I F I C A T I O N

I, James A. Naddeo, attorney for plaintiffs, have read the foregoing Amended Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

I am authorized to make this verification on behalf of plaintiffs because of my position as counsel of record and the source of my information is Rose M. Schmidt.

By:

  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

Dated: 11-14-07

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*  
\*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Amended Complaint was served on the following and in the following manner on the 14th day of November, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife, :  
Plaintiffs, :  
vs. :  
CARMELLA J. TAYLOR and :  
TIMOTHY S. TAYLOR, :  
Defendants. :  
ISSUE:  
Praeclipe for Argument  
Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR  
Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459  
MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581  
JURY TRIAL DEMANDED

I hereby certify that a true and correct  
copy of the within was mailed to all  
counsel of record this 27<sup>th</sup> day of  
November, 2007.

Attorney for Defendant

FILED NO CC  
m10:53604  
NOV 28 2007  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife, :

Plaintiffs, :

vs. :

CARMELLA J. TAYLOR and :  
TIMOTHY S. TAYLOR, :

Defendants. :

JURY TRIAL DEMANDED

**PRAECIPE FOR ARGUMENT**

TO: PROTHONOTARY

Kindly list the above-captioned matter for the next available argument list. The matter to be argued is Preliminary Objections on behalf of defendants, CARMELLA J. TAYLOR and TIMOTHY S. TAYLOR.

Respectfully submitted,

~~MCINTYRE, HARTYE & SCHMITT~~

Atorneys for Defendants

LOUIS C. SCHMITT, JR., ESQUIRE  
PA. I.D. No. 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

No. 07-1326-CD

\* Type of Pleading:

**CERTIFICATE OF  
SERVICE**

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

F I L E D 3cc  
01/3/2001 Atty Naddeo  
NOV 29 2001  
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William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Notice of Taking Deposition was served on the following and in the following manner on the 29th day of November, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

ASAP Court Reporting  
167 South McKean Street  
Kittanning, PA 16201

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife,

Plaintiffs,

vs.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants.

ISSUE:  
Preliminary Objections  
to Plaintiffs' Amended Complaint  
Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR  
  
Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459  
  
MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581  
  
JURY TRIAL DEMANDED

I hereby certify that a true and correct  
copy of the within was mailed to all  
counsel of record this 27<sup>th</sup> day of  
November, 2007.

\_\_\_\_\_  
Attorney for Defendant

FILED NO cc  
M 10/30/01  
NOV 28 2001  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and	:	No. 07 – 1326 – CD
ROSE M. SCHMIDT, husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CARMELLA J. TAYLOR and	:	
TIMOTHY S. TAYLOR,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of the Preliminary Objections filed on behalf of defendant, CARMELLA J. TAYLOR, and any response thereto, it is hereby, ORDERED, ADJUDGED, and DECREED that those Preliminary Objections are sustained, and all claims of plaintiffs against defendant Timothy S. Taylor are dismissed, with prejudice.

BY THE COURT:

---

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

ERIC P. SCHMIDT and : No. 07 - 1326 - CD  
ROSE M. SCHMIDT, husband and wife, :

Plaintiffs, :

vs. :

CARMELLA J. TAYLOR and :  
TIMOTHY S. TAYLOR, :

Defendants. :

JURY TRIAL DEMANDED

ORDER

AND NOW, this 29 day of November, 2007, upon

consideration of the Preliminary Objections filed on behalf of defendants, CARMELLA J. TAYLOR and TIMOTHY S. TAYLOR, and any response thereto, it is hereby ORDERED as follows:

1. Oral argument upon the Preliminary Objections will be held on

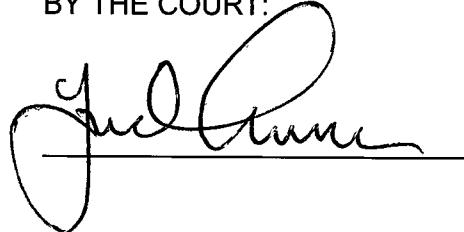
January 9, 2008, at 3:00 a.m./p.m. in Courtroom No. 1 of the Clearfield County Courthouse in Clearfield, Pennsylvania.

2. Plaintiff/Respondent shall file a response concerning the issues raised in the Preliminary Objections on or before December 21, 2007.

3. Notice of the entry of this Order shall be served by the Prothonotary.

*PJA*  
Counsel for Defendants.

BY THE COURT:



FILED  
01/31/2008 Atty  
NOV 29 2007 Schmitt  
EM

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and	:	No. 07 – 1326 – CD
ROSE M. SCHMIDT, husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CARMELLA J. TAYLOR and	:	
TIMOTHY S. TAYLOR,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

**PRELIMINARY OBJECTIONS TO PLAINTIFFS' AMENDED COMPLAINT**

AND NOW, come defendants, CARMELLA J. TAYLOR and TIMOTHY S. TAYLOR, by and through their attorneys, MCINTYRE, HARTYE & SCHMITT, and file the following Preliminary Objections in response to plaintiffs' Amended Complaint, saying as follows:

1. This lawsuit was commenced by way of plaintiffs' Complaint filed on August 16, 2007. Preliminary Objections were filed in response to the plaintiffs' original Complaint, in part because the averments contained therein with regard to defendant Timothy S. Taylor did not specifically set forth any factual basis for any claims against him.
2. On November 2, 2007, this Honorable Court sustained the Preliminary Objections, and granted the plaintiffs 30 days to file an Amended Complaint "setting forth a more specific factual basis to justify the averment that the defendant Carmella J.

Taylor was operating the vehicle within the scope and in furtherance of the business of the defendant Timothy S. Taylor." (See copy of November 2, 2007 Order of Court attached hereto as Exhibit "A.")

3. On November 14, 2007, the plaintiffs' filed their Amended Complaint. (See copy of plaintiffs' Amended Complaint, attached hereto as Exhibit "B.")

**DEMURRER/MOTION TO STRIKE**

4. Defendants hereby incorporate by reference the averments contained in Paragraphs No. 1 thru 3 of these Preliminary Objections, as if fully set forth herein.

5. At Paragraph No. 7 of plaintiffs' Amended Complaint it was averred that defendant Carmella J. Taylor "was engaged in an activity to the joint benefit of herself and her spouse, defendant Timothy S. Taylor, with the express or implied authority from defendant, Timothy S. Taylor, for her to do so." There are no specific factual averments whatsoever contained anywhere in the plaintiffs' Amended Complaint indicating the nature and scope of the activity, the alleged benefit conferred by the activity on defendant Timothy S. Taylor, or the nature or scope of the "express or implied authority."

6. The foregoing averments contained in plaintiffs' Amended Complaint constitute conclusory legal allegations with no factual basis whatsoever, are violative of Pa. R.C.P. 1019(a), do not comply with this Honorable Court's Order of November 2, 2007, and therefore all claims against defendant Timothy S. Taylor should be dismissed, with prejudice.

Respectfully submitted,

MCINTYRE, HARTYE & SCHMITT

Attorney for Defendants

Carmella J. Taylor and  
Timothy S. Taylor

LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

**Notice to Plead**

To: Plaintiffs

You are hereby notified to file a  
written response to the enclosed

**Preliminary Objections**

~~within twenty (20) days from~~  
service hereof or a judgment may  
be entered against you.

Attorney for Defendants

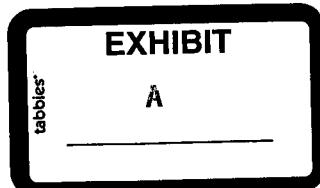
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ERIC P. SCHMIDT and ROSE :  
M. SCHMIDT, husband and :  
wife :  
-vs- : No. 07-1326-CD  
CARMELLA J. TAYLOR and :  
TIMOTHY S. TAYLOR :  
:

O R D E R

AND NOW, this 2nd day of November, 2007,  
following argument on the Preliminary Objections filed on  
behalf of the Defendants and in consideration of same, it  
is the ORDER of this Court as follows:

1. The Court hereby strikes the word  
recklessness from the provisions of Paragraph 14-G and also  
from the first sentence in Paragraph 14;
2. In regard to the Preliminary Objection to  
the provisions of Paragraph 7 of the Complaint, the said  
Preliminary Objection is hereby granted to the extent that  
the Plaintiffs shall have no more than thirty (30) days  
from this date in which to file an Amended Complaint  
setting forth a more specific factual basis to justify the  
averment that the Defendant Carmella J. Taylor was



operating the vehicle within the scope and in furtherance  
of the business of the Defendant Timothy S. Taylor.

BY THE COURT,

/S/ Fredric J Ammerman

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

NOV 06 2007

Attest,

*William E. Ammerman*  
Prothonotary  
Clerk of Courts

*William E. Ammerman*  
Prothonotary  
Clerk of Courts

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,  
Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07-1326-CD

\* Type of Pleading:

\* **AMENDED COMPLAINT**

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

Dated: November 14, 2007

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

NOV 14 2007

Attest,

*William L. Lewis*  
Prothonotary/  
Clerk of Courts

EXHIBIT

B

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

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\*

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v.

\* No. 07- -CD

\*

\*

\*

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants

\*

AMENDED COMPLAINT

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiff, Eric Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

2. That the Plaintiff, Rose M. Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

3. That the Defendant, Carmella J. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

4. That the Defendant, Timothy S. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

COUNT I

Rose M. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

5. That on or about October 9, 2006 at approximately 8:50 a.m., E.D.S.T., the Plaintiff, Rose M. Schmidt, was the owner and operator of a 2000 Jeep Cherokee bearing Pennsylvania Registration No. FBA 1904.

6. That on the said date and at or about the said time, the Defendant, Carmella J. Taylor, was the operator of a 1996 Chevrolet Blazer 4x4 bearing Pennsylvania Registration No. FXG 4010 which vehicle was owned by the Defendants, Carmella J. Taylor and Timothy S. Taylor.

7. That on said date and at or about the said time, the Defendant, Carmella J. Taylor, was engaged in an activity to the joint benefit of herself and her spouse, Defendant, Timothy S. Taylor, with the express or implied authority from Defendant, Timothy S. Taylor, for her to do so.

8. That 100 Super Center Drive is a two-lane, macadam roadway which proceeds in a generally east-west direction to the Wal-Mart Super Center located in Lawrence Township, Clearfield County, Pennsylvania.

9. That on the aforesaid date and at or about the said time, it was daylight and there were no averse weather conditions.

10. That on the aforesaid date at or about the said time, the Plaintiff, Rose M. Schmidt, was proceeding east on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in her proper lane of travel.

11. That on the aforesaid date and at or about the said time, the vehicle operated by the Defendant, Carmella J. Taylor, was proceeding west on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania.

12. That on the aforesaid date and at or about the said time, the Defendant, Carmella J. Taylor, failed to negotiate a curve in the roadway and crossed over the center double yellow line into the eastbound lane of travel where she collided with the vehicle operated by the Plaintiff, Rose M. Schmidt.

13. That as a result of the collision described in Paragraph 12 hereof which is incorporated herein by reference, the Plaintiff, Rose M. Schmidt, was thrown generally forward and backward within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

14. That the Defendant, Carmella J. Taylor, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Rose M. Schmidt, as follows:

A. That the Defendant failed to have her vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, with careless disregard for the safety of the Plaintiff, Rose M. Schmidt.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in willful or wanton disregard for the safety of the person or property of the Plaintiff, Rose M. Schmidt.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3309, 75 Pa.C.S.A. Section 3309, and supplements thereto, in that she failed to operate her vehicle entirely within a single lane of a roadway laned for traffic and moved her vehicle from her lane of travel without first ascertaining that the movement could be made with safety.

G. That the Defendant, Carmella J. Taylor, was negligent, careless and reckless in that she failed to use due care under all circumstances of the case.

15. That as a result of the collision described in Paragraph 12 hereof, the Plaintiff, Rose M. Schmidt, suffered the following injuries which may and probably will be permanent:

A. Herniated disc at C5-6 causing impress along the anterior aspect of the thecal sac and cord compression.

B. Herniated disc at C6-7 causing impress along the anterior aspect of the thecal sac and cord compression.

C. Strain lumbar spine.

16. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has been unable to engage in her regular household duties since the time of the accident up to and including the filing of this complaint and will be unable to do so for an indefinite period of time in the future.

17. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, may incur medical expenses for the treatment of her injuries in excess of her available first party medical benefits.

18. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has lost

wages which may and probably will exceed the amounts to which she is entitled under first party reimbursement.

19. That the Plaintiff, Rose M. Schmidt, claims a reasonable amount for the following:

A. Pain and suffering: past, present and future;

B. Privation and inconvenience: past, present and future;

C. Future medical expenses;

D. Lost wages;

E. Impairment of earning power;

F. All other damages allowable by law.

WHEREFORE, the Plaintiff, Rose M. Schmidt, claims damages from the Defendants, Carmella J. Taylor and Timothy S. Taylor, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

COUNT II  
Eric P. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

20. That the Plaintiff, Eric P. Schmidt, is the husband of the Plaintiff, Rose M. Schmidt, having been married to her on June 19, 1998.

21. That the Plaintiff, Eric P. Schmidt, incorporates Paragraphs 1 through 19 of the First Count of this Complaint by reference and makes them a part hereof.

22. That at all times referred to in this Complaint, the Plaintiff, Eric P. Schmidt, was residing with his wife, Rose M. Schmidt, and continues to reside with her up to the date of this Complaint.

23. That as a result of the injuries suffered by the Plaintiff, Rose M. Schmidt, the Plaintiff, Eric P. Schmidt, has been deprived of the services and society of his wife and will continue to be so deprived for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Eric P. Schmidt, claims damages from the Defendants in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

V E R I F I C A T I O N

I, James A. Naddeo, attorney for plaintiffs, have read the foregoing Amended Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

I am authorized to make this verification on behalf of plaintiffs because of my position as counsel of record and the source of my information is Rose M. Schmidt.

By:

  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

Dated: 11-14-07

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
wife,

Plaintiffs,

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants.

\* No. 07 - 1326 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Amended Complaint was served on the following and in the following manner on the 14th day of November, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants

\*

\*

\*

\*

\*

No. 07-1326-CD

\*

\*

\*

\*

\*

Type of Pleading:

\*

**PETITION TO EXTEND TIME  
TO FILE AN AMENDED  
COMPLAINT**

\*

Filed on behalf of:  
Plaintiffs

\*

Counsel of Record for  
this party:

\*

\*

James A. Naddeo, Esq.  
Pa I.D. 06820

\*

Naddeo & Lewis, LLC  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

\*

\*

Dated: December 7, 2007

\*

FILED <sup>cc</sup>  
013:43 PM DEC 07 2007 Atty Naddeo  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and	*
ROSE M. SCHMIDT, husband and	*
Wife,	*
Plaintiffs	*
	*
v.	*
	No. 07-1326-CD
	*
CARMELLA J. TAYLOR and	*
TIMOTHY S. TAYLOR,	*
Defendants	*

PETITION TO EXTEND TIME TO FILE AN AMENDED COMPLAINT

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the plaintiffs filed a complaint against defendants on August 17, 2007 alleging damages resulting from a motor vehicle accident caused by Defendant, Carmella J. Taylor.

2. That the complaint filed by plaintiffs alleged that at the time of the accident Defendant, Carmella J. Taylor was under the control of the Defendant, Timothy S. Taylor and was operating her motor vehicle within the scope and in furtherance of the business of Defendant, Timothy S. Taylor. Said averment is at Complaint Paragraph Seven.

3. That defendants filed preliminary objections to plaintiffs' complaint and in particular the allegation restated in Paragraph Two above on the basis that said allegation lacked specific factual averments regarding the "nature and scope of

the control allegedly exerted by defendant Timothy S. Taylor over defendant Carmella J. Taylor at the time of the accident." Contained at Paragraph Five of Preliminary Objections filed by defendants.

4. That defendants alleged that said averment by plaintiffs constituted "conclusory legal conclusions with no factual basis whatsoever." Alleged at Paragraph Seven of Preliminary Objections filed by defendants.

5. That a hearing was held before the Court on defendants' preliminary objections and the objection discussed herein was granted to the extent that plaintiffs were ordered to file an amended complaint setting forth a more specific factual basis to justify the averment that Defendant, Carmella J. Taylor was operating a vehicle within the furtherance of the business of Defendant, Timothy S. Taylor.

6. That plaintiffs filed an amended complaint and with regard to the averment in question alleged as follows. "That on said date and at or about the said time, the Defendant, Carmella J. Taylor, was engaged in an activity to the joint benefit of herself and her spouse, Defendant, Timothy S. Taylor, with the express or implied authority from Defendant, Timothy S. Taylor, for her to do so. Averred at Amended Complaint at Paragraph Seven.

7. That on November 27, 2007, defendants again filed preliminary objections with regard to the averment as amended by plaintiffs and restated herein at Paragraph Six above.

8. That defendants' preliminary objections were filed on the same basis as described in Paragraph's Three and Four herein.

9. That pursuant to Pa.R.C.P. 1028(c)(1) plaintiffs may file as of course an amended complaint within twenty days of the service of defendants preliminary objections most recently filed on November 27, 2007.

10. That plaintiffs are without information or access to information that would enable them to aver anything more specific than that which plaintiffs have alleged in their amended complaint at Paragraph Seven to file a second amended complaint as of course within twenty days of the most recent preliminary objections filed by defendants.

11. That although it is reasonable to infer that Defendant, Carmella J. Taylor, who was exiting Wal-Mart at the time of the accident was engaged in an activity to the joint benefit of herself and her spouse, plaintiffs cannot plead more specific facts and that exact activity in which she was engaged without engaging in discovery.

12. That it will take plaintiffs more than twenty days to engage in the discovery necessary to plead more specific facts in a second amended complaint.

13. That specifically plaintiffs require sufficient time after the taking of the deposition of Defendant Carmella J. Taylor to plead specifically the activity in which she was engaged at the time of the accident.

14. That on November 29, 2007, plaintiffs noticed defendants with the taking of the deposition of Defendant, Carmella J. Taylor. A true and correct ccpy of Notice of Taking Deposition and Certificate of Service filed with this Court are attached collectively hereto as Exhibit "A."

15. That the deposition of Defendant, Carmella J. Taylor is scheduled for December 19, 2007.

16. That plaintiffs respectfully request that this Court grant them leave to file an amended complaint as of course beyond the twenty days as provided in Pa.R.C.P. 1028(c)(1) and extend said time within which plaintiffs might file an amended complaint as of course and that in particular plaintiffs be granted 20 days following the taking of the deposition of Defendant, Carmella J. Taylor to file said amended complaint in response to defendants preliminary objections filed on November 27, 2007.

WHEREFORE, the plaintiffs respectfully request this Honorable Court enter an Order granting plaintiffs an extension of time within which to file an amended complaint of course in response to defendants preliminary objections filed on November 27, 2007.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Petition to Extend Time to File an Amended Complaint was served on the following and in the following manner on the 7th day of December, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

Marley  
11/29/07

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

No. 07-1326-CD

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants

Type of Pleading:

**NOTICE OF TAKING  
DEPOSITION**

Filed on behalf of:  
Plaintiffs

Counsel of Record for  
this party:

James A. Naddeo, Esq.  
Pa I.D. 06820

Naddeo & Lewis, LLC  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

Exhibit "A"

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT,  
Husband and wife  
Plaintiffs,

vs.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendant.

No. 07 - 1326 - CD

NOTICE OF TAKING DEPOSITION

TO: Carmella J. Taylor  
c/o Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

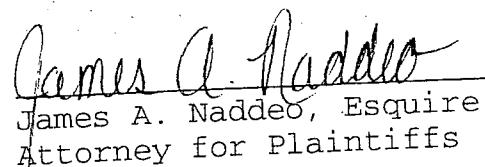
PLEASE TAKE NOTICE that on Wednesday, December 19, 2007, beginning at 1:00 p.m., before a notary public (or other person authorized to administer oaths), the Plaintiff in this action will take your deposition at the Office of Naddeo & Lewis, LLC located at 207 East Market Street Clearfield, Pennsylvania 16830.

CARMELLA J. TAYLOR is also requested to bring with her and to produce for inspection for copying the following:

1. Any and all receipts from credit card companies, banks, the Wal-mart store, or any other entity, which pertain to any and all purchases made by Mrs. Taylor on the date of the accident.

2. Any and all documents or documentation that may suggest the purpose of Mrs. Taylor's activities on the date of the accident, including but not limited to documents from Mr. Taylor's business.

NADDEO & LEWIS, LLC

  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

filed  
11/29/07

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants

\* No. 07-1326-CD

\* Type of Pleading:

\* **CERTIFICATE OF  
SERVICE**

\* Filed on behalf of:  
Plaintiffs

\* Counsel of Record for  
this party:

\* James A. Naddeo, Esq.  
Pa I.D. 06820

\* Naddeo & Lewis, LLC  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

I hereby certify that I am the true  
and accurate copy of the original  
statement filed in this case.

NOV 29 2007

Attest,

*William C. B.*  
Prothonotary/  
Clerk of Courts

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
wife, Plaintiffs,

No. 07 - 1326 - CD

V.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Notice of Taking Deposition was served on the following and in the following manner on the 29th day of November, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

ASAP Court Reporting  
167 South McKean Street  
Kittanning, PA 16201

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\*

\*

\*

\*

\*

\* No. 07-1326-CD

\*

\*

\*

\*

\*

\* Type of Pleading:

\*

\*

\*

\*

\* **RESPONSE TO SECOND SET OF  
PRELIMINARY OBJECTIONS  
FILED BY DEFENDANTS**

\*

\*

\*

\*

\* Filed on behalf of:  
\* Plaintiffs

\*

\*

\*

\* Counsel of Record for  
\* this party:

\*

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\*

\*

\*

\*

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

\*

\*

\*

Dated: December 7, 2007

\*

**FILED** *1cc*  
*013:41 BOX Atty*  
*DEC 07 2007 Naddeo*

William A. Shaw  
Prothonotary/Clerk of Courts *GK*

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

ERIC P. SCHMIDT and	*
ROSE M. SCHMIDT, husband and	*
wife,	*
Plaintiffs	*
	*
v.	*
	No. 07-1326-CD
	*
CARMELLA J. TAYLOR and	*
TIMOTHY S. TAYLOR,	*
Defendants	*

RESPONSE TO SECOND SET OF PRELIMINARY OBJECTIONS FILED BY  
DEFENDANTS

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That contemporaneously herewith plaintiffs have filed a petition for an extension of time within which plaintiffs might file of course an amended complaint in response to defendants' second set of preliminary objections.

2. That plaintiffs hereby incorporate by reference said Petition to Extend Time to File an Amended Complaint as if set forth in full herein in response to preliminary objections filed by defendants on November 27, 2007.

WHERFORE, plaintiffs request this court enter said order as requested in plaintiffs Petition to Extend Time to File

an Amended Complaint.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Response to Second Set of Preliminary Objections Filed By Defendants was served on the following and in the following manner on the 7th day of December, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

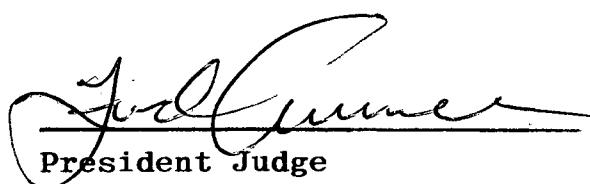
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
Wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants \*

ORDER

AND NOW this 11 day of December 2007, upon  
consideration of the Petition to Extend Time to File an Amended  
Complaint filed by James A. Naddeo, attorney of record for  
Plaintiffs, it is the Order of this Court that Plaintiffs shall  
have no more than twenty (20) days from the date of the taking  
of the deposition of Defendant, Carmella J. Taylor, within which  
to file a second amended complaint of course in response to  
Defendants second set of Preliminary Objections filed on  
November 27, 2007.

BY THE COURT,

  
\_\_\_\_\_  
President Judge

FILED  
0135261 Atty Naddeo  
DEC 11 2007  
60  
William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07-1326-CD

\* Type of Pleading:

\* **CERTIFICATE OF SERVICE**

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

**FILED** *cc AM Naddeo*  
01/13/07  
DEC 13 2007 *WAS*

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Petition to Extend Time to File an Amended Complaint and Order of Court entered therewith was served on the following and in the following manner on the 12th day of December, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By   
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07-1326-CD

\* Type of Pleading:

\* **CERTIFICATE OF SERVICE**

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

FILED acc A4  
01345cm Naddeo  
DEC 27 2007  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a copy of Notice of Taking Deposition was served on the following and in the following manner on the 27th day of December, 2007:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

ASAP Court Reporting  
167 South McKean Street  
Kittanning, PA 16201

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103108  
NO: 07-1326-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: ERIC P. SCHMIDT and ROSE M. SCHMIDT  
vs.  
DEFENDANT: CARMELLA J. TAYLOR and TIMOTHY S. TAYLOR

**SHERIFF RETURN**

---

NOW, August 31, 2007 AT 8:54 AM SERVED THE WITHIN COMPLAINT ON CARMELLA J. TAYLOR DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CARMELLA TAYLOR, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED  
01:40pm  
JAN 21 2008  


William A. Shaw  
Prothonotary/Clerk of Courts

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 2 of 2 Services

Sheriff Docket #

**103108**

ERIC P. SCHMIDT and ROSE M. SCHMIDT

Case # 07-1326-CD

vs.

CARMELLA J. TAYLOR and TIMOTHY S. TAYLOR

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW January 21, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO TIMOTHY S. TAYLOR, DEFENDANT. DEFENDANT WAS TO ACCEPT SERVICE AT SHERIFF'S OFFICE

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103108  
NO: 07-1326-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: ERIC P. SCHMIDT and ROSE M. SCHMIDT  
vs.  
DEFENDANT: CARMELLA J. TAYLOR and TIMOTHY S. TAYLOR

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	627	20.00
SHERIFF HAWKINS	NADDEO	627	26.41

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008



\_\_\_\_\_  
by *Mailey Harris*

Chester A. Hawkins  
Sheriff

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,  
Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07 -1326- CD

\* Type of Pleading:

\* COMPLAINT

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

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

AUG 16 2007

Attest,

*William L. Shan*  
Prothonotary/  
Clerk of Courts

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife, Plaintiffs

V.

No. 07 - - - CD

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
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 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 GET LEGAL HELP.

Court Administrator  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
Wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07 - - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants \*

COMPLAINT

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiff, Eric Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

2. That the Plaintiff, Rose M. Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

3. That the Defendant, Carmella J. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

4. That the Defendant, Timothy S. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

COUNT I

Rose M. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

5. That on or about October 9, 2006 at approximately 8:50 a.m., E.D.S.T., the Plaintiff, Rose M. Schmidt, was the owner and operator of a 2000 Jeep Cherokee bearing Pennsylvania Registration No. FBA 1904.

6. That on the said date and at or about the said time, the Defendant, Carmella J. Taylor, was the operator of a 1996 Chevrolet Blazer 4x4 bearing Pennsylvania Registration No. FXG 4010 which vehicle was owned by the Defendants, Carmella J. Taylor and Timothy S. Taylor.

7. That at all times referred to herein, the Defendant, Carmella J. Taylor, who was under control of the Defendant, Timothy S. Taylor, was operating the above-described motor vehicle within the scope and in the furtherance of the business of the Defendant, Timothy S. Taylor.

8. That 100 Super Center Drive is a two-lane, macadam roadway which proceeds in a generally east-west direction to the Wal-Mart Super Center located in Lawrence Township, Clearfield County, Pennsylvania.

9. That on the aforesaid date and at or about the said time, it was daylight and there were no averse weather conditions.

10. That on the aforesaid date at or about the said time, the Plaintiff, Rose M. Schmidt, was proceeding east on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in her proper lane of travel.

11. That on the aforesaid date and at or about the said time, the vehicle operated by the Defendant, Carmella J. Taylor, was proceeding west on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania.

12. That on the aforesaid date and at or about the said time, the Defendant, Carmella J. Taylor, failed to negotiate a curve in the roadway and crossed over the center double yellow line into the eastbound lane of travel where she collided with the vehicle operated by the Plaintiff, Rose M. Schmidt.

13. That as a result of the collision described in Paragraph 12 hereof which is incorporated herein by reference, the Plaintiff, Rose M. Schmidt, was thrown generally forward and backward within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

14. That the Defendant, Carmella J. Taylor, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Rose M. Schmidt, as follows:

A. That the Defendant failed to have her vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, with careless disregard for the safety of the Plaintiff, Rose M. Schmidt.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in willful or wanton disregard for the safety of the person or property of the Plaintiff, Rose M. Schmidt.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3309, 75 Pa.C.S.A. Section 3309, and supplements thereto, in that she failed to operate her vehicle entirely within a single lane of a roadway laned for traffic and moved her vehicle from her lane of travel without first ascertaining that the movement could be made with safety.

G. That the Defendant, Carmella J. Taylor, was negligent, careless and reckless in that she failed to use due care under all circumstances of the case.

15. That as a result of the collision described in Paragraph 12 hereof, the Plaintiff, Rose M. Schmidt, suffered the following injuries which may and probably will be permanent:

A. Herniated disc at C5-6 causing impress along the anterior aspect of the thecal sac and cord compression.

B. Herniated disc at C6-7 causing impress along the anterior aspect of the thecal sac and cord compression.

C. Strain lumbar spine.

16. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has been unable to engage in her regular household duties since the time of the accident up to and including the filing of this complaint and will be unable to do so for an indefinite period of time in the future.

17. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, may incur medical expenses for the treatment of her injuries in excess of her available first party medical benefits.

18. That as a result of the injuries referred to in Paragraph 15 hereof, the Plaintiff, Rose M. Schmidt, has lost

wages which may and probably will exceed the amounts to which she is entitled under first party reimbursement.

19. That the Plaintiff, Rose M. Schmidt, claims a reasonable amount for the following:

- A. Pain and suffering: past, present and future;
- B. Privation and inconvenience: past, present and future;
- C. Future medical expenses;
- D. Lost wages;
- E. Impairment of earning power;
- F. All other damages allowable by law.

WHEREFORE, the Plaintiff, Rose M. Schmidt, claims damages from the Defendants, Carmella J. Taylor and Timothy S. Taylor, in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

COUNT II  
Eric P. Schmidt v. Carmella J. Taylor  
and Timothy S. Taylor

20. That the Plaintiff, Eric P. Schmidt, is the husband of the Plaintiff, Rose M. Schmidt, having been married to her on June 19, 1998.

21. That the Plaintiff, Eric P. Schmidt, incorporates Paragraphs 1 through 19 of the First Count of this Complaint by reference and makes them a part hereof.

22. That at all times referred to in this Complaint, the Plaintiff, Eric P. Schmidt, was residing with his wife, Rose M. Schmidt, and continues to reside with her up to the date of this Complaint.

23. That as a result of the injuries suffered by the Plaintiff, Rose M. Schmidt, the Plaintiff, Eric P. Schmidt, has been deprived of the services and society of his wife and will continue to be so deprived for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Eric P. Schmidt, claims damages from the Defendants in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA )  
ss.  
COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared ROSE MARIE SCHMIDT, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Rose Marie Schmidt  
Rose Marie Schmidt

SWORN and SUBSCRIBED before me this 3rd day of August, 2007.

Linda C. Lewis

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Linda C. Lewis, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires July 25, 2011

2<sup>nd</sup>  
Service

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103212  
NO: 07-1326-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: ERIC P. SCHMIDT and ROSE M. SCHMIDT  
vs.  
DEFENDANT: CARMELLA J. TAYLOR and TIMOTHY S. TAYLOR

**SHERIFF RETURN**

NOW, October 03, 2007 AT 11:20 AM SERVED THE WITHIN COMPLAINT ON TIMOTHY S. TAYLOR DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TIMOTHY S. TAYLOR, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NADDEO	725	10.00
SHERIFF HAWKINS	NADDEO	725	12.41

**FILED**

01/14/08  
JAN 21 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

Day of 2008  
2007

So Answers,

*Chester A. Hawkins  
by Marilyn Hause*  
Chester A. Hawkins  
Sheriff

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants

\*  
\*  
\*  
\*  
\*

\* No. 07-1326-CD

\*  
\*  
\*  
\*  
\*

\* Type of Pleading:

\*  
\* **SECOND AMENDED COMPLAINT**

\*  
\*  
\*  
\*

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\*

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\*

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

\*  
\*  
\*

Dated: February 11, 2008

FILED  
OCT 10 2008 acc  
FEB 11 2008 Atty Naddeo  
William A. Shaw  
Prothonotary/Clerk of Courts  
(6K)

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband \*  
and wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07-1326-CD  
\*  
CARMELLA J. TAYLOR \*  
Defendant. \*

NOTICE TO PLEAD

TO THE DEFENDANT:

You are hereby notified to file a written response to the enclosed Second Amended Complaint within twenty (20) days from service hereof or a judgment may be entered against you.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband \*  
and wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07-1326-CD  
\*  
CARMELLA J. TAYLOR \*  
Defendant. \*

SECOND AMENDED COMPLAINT

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiff, Eric Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

2. That the Plaintiff, Rose M. Schmidt, is a sui juris, adult individual who resides at 256 State Street, Sandy Ridge, Pennsylvania 16677.

3. That the Defendant, Carmella J. Taylor, is an adult individual who resides at 83 Amos Road, Clearfield, Pennsylvania 16830.

COUNT I  
Rose M. Schmidt v. Carmella J. Taylor

4. That on or about October 9, 2006 at approximately 8:50 a.m., E.D.S.T., the Plaintiff, Rose M. Schmidt, was the

owner and operator of a 2000 Jeep Cherokee bearing Pennsylvania Registration No. FBA 1904.

5. That on the said date and at or about the said time, the Defendant, Carmella J. Taylor, was the operator of a 1996 Chevrolet Blazer 4x4 bearing Pennsylvania Registration No. FXG 4010 which vehicle was owned by the Defendant, Carmella J. Taylor.

6. That 100 Super Center Drive is a two-lane, macadam roadway which proceeds in a generally east-west direction to the Wal-Mart Super Center located in Lawrence Township, Clearfield County, Pennsylvania.

7. That on the aforesaid date and at or about the said time, it was daylight and there were no averse weather conditions.

8. That on the aforesaid date at or about the said time, the Plaintiff, Rose M. Schmidt, was proceeding east on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in her proper lane of travel.

9. That on the aforesaid date and at or about the said time, the vehicle operated by the Defendant, Carmella J. Taylor, was proceeding west on 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania.

10. That on the aforesaid date and at or about the said time, the Defendant, Carmella J. Taylor, failed to

negotiate a curve in the roadway and crossed over the center double yellow line into the eastbound lane of travel where she collided with the vehicle operated by the Plaintiff, Rose M. Schmidt.

11. That as a result of the collision described in Paragraph 10 hereof which is incorporated herein by reference, the Plaintiff, Rose M. Schmidt, was thrown generally forward and backward within the vehicle which she was operating causing the numerous and serious injuries hereinafter set forth.

12. That the Defendant, Carmella J. Taylor, was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident and the injuries to the Plaintiff, Rose M. Schmidt, as follows:

A. That the Defendant failed to have her vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, with careless disregard for the safety of the Plaintiff, Rose M. Schmidt.

D. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that she operated her vehicle upon 100 Super Center Drive, Lawrence Township, Clearfield County, Pennsylvania, in willful or wanton disregard for the safety of the person or property of the Plaintiff, Rose M. Schmidt.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3309, 75 Pa.C.S.A. Section 3309, and supplements thereto, in that she failed to operate her vehicle entirely within a single lane of a roadway laned for traffic and moved her vehicle from her lane of travel without first ascertaining that the movement could be made with safety.

F. That the Defendant, Carmella J. Taylor, was negligent, careless and reckless in that she failed to use due care under all circumstances of the case.

13. That as a result of the collision described in Paragraph 10 hereof, the Plaintiff, Rose M. Schmidt, suffered the following injuries which may and probably will be permanent:

A. Herniated disc at C5-6 causing impress along the anterior aspect of the thecal sac and cord compression.

B. Herniated disc at C6-7 causing impress along the anterior aspect of the thecal sac and cord compression.

C. Strain lumbar spine.

14. That as a result of the injuries referred to in Paragraph 13 hereof, the Plaintiff, Rose M. Schmidt, has been unable to engage in her regular household duties since the time of the accident up to and including the filing of this complaint and will be unable to do so for an indefinite period of time in the future.

15. That as a result of the injuries referred to in Paragraph 13 hereof, the Plaintiff, Rose M. Schmidt, may incur medical expenses for the treatment of her injuries in excess of her available first party medical benefits.

16. That as a result of the injuries referred to in Paragraph 13 hereof, the Plaintiff, Rose M. Schmidt, has lost wages which may and probably will exceed the amounts to which she is entitled under first party reimbursement.

17. That the Plaintiff, Rose M. Schmidt, claims a reasonable amount for the following:

A. Pain and suffering: past, present and future;

B. Privation and inconvenience: past, present and future;

C. Future medical expenses;

D. Lost wages;

E. Impairment of earning power;

F. All other damages allowable by law.

WHEREFORE, the Plaintiff, Rose M. Schmidt, claims damages from the Defendant, Carmella J. Taylor in excess of Twenty Five Thousand (\$25,000.00) Dollars. Jury Trial Demanded.

COUNT II

Eric P. Schmidt v. Carmella J. Taylor

18. That the Plaintiff, Eric P. Schmidt, is the husband of the Plaintiff, Rose M. Schmidt, having been married to her on June 19, 1998.

19. That the Plaintiff, Eric P. Schmidt, incorporates Paragraphs 1 through 18 of the First Count of this Complaint by reference and makes them a part hereof.

20. That at all times referred to in this Complaint, the Plaintiff, Eric P. Schmidt, was residing with his wife, Rose M. Schmidt, and continues to reside with her up to the date of this Complaint.

21. That as a result of the injuries suffered by the Plaintiff, Rose M. Schmidt, the Plaintiff, Eric P. Schmidt, has been deprived of the services and society of his wife and will continue to be so deprived for an indefinite period of time in the future.

WHEREFORE, the Plaintiff, Eric P. Schmidt, claims damages from the Defendants in excess of Twenty Five Thousand

(\$25,000.00) Dollars. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By James A. Náddeo  
James A. Náddeo  
Attorney for Plaintiffs

V E R I F I C A T I O N

I, Rose M. Schmidt, Petitioner, verify that the statements made in the foregoing Amended Complaint are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By:

Rose M. Schmidt

Rose M. Schmidt  
Plaintiff

Dated:

January 24, 2008

(15247)

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
wife,

Plaintiffs,

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants.

\* No. 07 - 1326 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Second Amended Complaint was served on the following and in the following manner on the 11th day of February, 2008:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

: No. 07 – 1326 – CD

Plaintiffs,

vs.

CARMELLA J. TAYLOR,

Defendant.

ISSUE: ANSWER AND NEW MATTER  
TO PLAINTIFFS' SECOND AMENDED  
COMPLAINT

Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR

Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459

MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

JURY TRIAL DEMANDED

I hereby certify that a true and correct  
copy of the within was mailed to all  
counsel of record this 26<sup>TH</sup> day of  
February, 2008.

Attorney for Defendant

FILED  
M 11:13 AM NO CC  
FEB 29 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and	:	No. 07 – 1326 – CD
ROSE M. SCHMIDT, husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CARMELLA J. TAYLOR,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**ANSWER AND NEW MATTER TO PLAINTIFFS'**  
**SECOND AMENDED COMPLAINT**

AND NOW, comes defendant, CARMELLA J. TAYLOR, by and through her attorneys, MCINTYRE, HARTYE & SCHMITT, and files the following Answer and New Matter in response to plaintiffs' Second Amended Complaint, saying as follows:

1. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 1 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

2. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 2 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

3. Admitted.

**COUNT I**  
**Rose M. Schmidt v. Carmella J. Taylor**

4. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph

No. 4 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

5. Admitted.
6. Admitted.
7. Admitted.
8. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 8 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.
9. Admitted.
10. Admitted.
11. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 11 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

12. Denied.  
(a) – (f) Denied.

13. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 13 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

14. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 14 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

15. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 15 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

16. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 16 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

17. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 17 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendant, CARMELLA J. TAYLOR, denies any and all liability to the plaintiffs upon Count I of their Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

**COUNT II**  
**Eric P. Schmidt v. Carmella J. Taylor**

18. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 18 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

19. By way of response to the allegations contained in Paragraph No. 19 of plaintiffs' Second Amended Complaint, defendant Carmella J. Taylor hereby incorporates by reference her responses to Paragraphs No. 1 through 18 thereof, as if fully set forth herein.

20. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 20 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

21. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 21 of plaintiffs' Second Amended Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendant, CARMELLA J. TAYLOR, denies any and all liability to the plaintiffs upon Count II of their Second Amended Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

**NEW MATTER**

By way of further answer to the allegations contained in plaintiffs' Second Amended Complaint, and in support of her defenses against those allegations, defendant Carmella J. Taylor sets forth the following statements as New Matter:

22. Defendant hereby raises and asserts the rights, privileges, defenses, and immunities provided to her within the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa. C.S.A. Section 1701, et seq.

WHEREFORE, defendant, CARMELLA J. TAYLOR, denies any and all liability to the plaintiffs upon their Second Amended Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

Respectfully submitted,

MCINTYRE, HARTYE & SCHMITT

Attorney for Defendant  
Carmella J. Taylor

LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

**Notice to Plead**

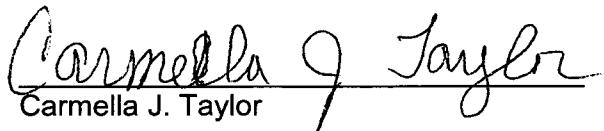
To: Plaintiffs  
You are hereby notified to file a  
written response to the enclosed  
**New Matter** within twenty (20) days from  
service hereof or a judgment may  
be entered against you.

Attorney for Defendant

**VERIFICATION**

I, CARMELLA J. TAYLOR, do hereby verify that I have read the foregoing **ANSWER** **AND NEW MATTER TO PLAINTIFFS' SECOND AMENDED COMPLAINT**. The statements therein are correct to the best of my personal knowledge or information and belief.

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

  
\_\_\_\_\_  
Carmella J. Taylor

Date: Feb 21-08

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants

\* No. 07-1326-CD

\* Type of Pleading:

\* **REPLY TO NEW MATTER**

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

Dated: March 12, 2008

FILED <sup>1cc</sup>  
03/30/08  
MAR 12 2008  
Atty Naddeo  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband \*  
and wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07-1326-CD  
\*  
CARMELLA J. TAYLOR \*  
Defendant. \*

REPLY TO NEW MATTER

NOW COME the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and by their attorney, James A. Naddeo, Esquire, set forth the following in reply to new matter filed by Defendant, Carmella J. Taylor:

22. States conclusions of law that Defendant has rights, privileges, defenses, and immunities provided within the Pennsylvania Motor Vehicle Financial Responsibility Act to which no answer is required. To the extent an answer may be required it is denied that Defendant has rights, privileges, defenses and immunities to raise from within the Pennsylvania Motor Vehicle Financial Responsibility Act.

WHEREFORE, Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, respectfully request that judgment be entered in favor

of Plaintiffs and against the Defendant.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

V E R I F I C A T I O N

I, Rose M. Schmidt, Plaintiff, verify that the statements made in the foregoing Reply to New Matter are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By: Rose M. Schmidt  
Rose M. Schmidt  
Plaintiff

Dated: March 7, 2008

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*  
\*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Reply to New Matter was served on the following and in the following manner on the 12th day of March, 2008:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

Plaintiffs,

vs.

CARMELLA J. TAYLOR,

Defendant.

: No. 07 – 1326 – CD

: ISSUE:  
**NOTICE OF DEPOSITION**

: Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR

: Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459

: MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

: JURY TRIAL DEMANDED

I hereby certify that a true and correct  
copy of the within was mailed to all  
counsel of record this 12<sup>th</sup> day of  
March, 2008.

\_\_\_\_\_  
Attorney for Defendant

FILED  
M 11 16 2008  
MAR 13 2008  
NO CC  
62

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and	:	No. 07 – 1326 – CD
ROSE M. SCHMIDT, husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
CARMELLA J. TAYLOR,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION**

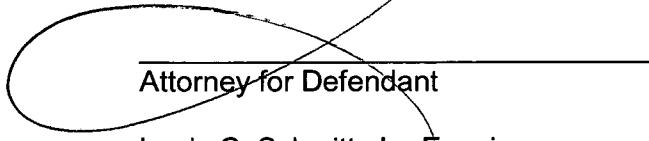
TO: **Plaintiff, Rose M. Schmidt**  
c/o James A. Naddeo, Esquire  
Naddeo & Lewis, LLC  
P.O. Box 552  
Clearfield, PA 16830

Please take notice that the deposition of **Plaintiff, Rose M. Schmidt** shall be taken upon oral examination by an official Court Reporter at the offices of **James A. Naddeo, Esquire, Naddeo & Lewis, 207 E. Market Street, Clearfield, PA** on the 11<sup>th</sup> day of **April, 2008**, commencing at **10:00 a.m.**

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case.

You are invited to attend and participate.

  
**McINTYRE, HARTYE & SCHMITT**

  
**Attorney for Defendant**

Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,  
Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

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\* No. 07-1326-CD

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William A. Shaw  
Prothonotary/Clerk of Courts  
No. C-2008-00000000  
6V

Dated: May 8, 2008

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
wife,

Plaintiffs,

v.

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No. 07 - 1326 - CD

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,

Defendants.

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\*

CERTIFICATE OF SERVICE

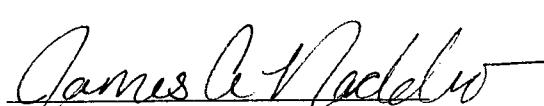
I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Interrogatories Addressed to Defendants was served on the following and in the following manner on the 8th day of May, 2008:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By

  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

: No. 07 – 1326 – CD

Plaintiffs,

vs.

CARMELLA J. TAYLOR,

Defendant.

: ISSUE:  
**CERTIFICATE OF PREREQUISITE TO  
SERVICE A SUBPOENA**

: Filed on Behalf of Defendant:  
CARMELLA J. TAYLOR

: Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459

: MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

: JURY TRIAL DEMANDED

I hereby certify that a true and correct  
copy of the within was mailed to all  
counsel of record this 16th day of  
MAY, 2008.

  
\_\_\_\_\_  
Attorney for Defendant

FILED  
MAY 19 2008  
NOCC  
44

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and : No. 07 – 1326 – CD  
ROSE M. SCHMIDT, husband and wife,

Plaintiffs,

vs.

CARMELLA J. TAYLOR,

Defendant.

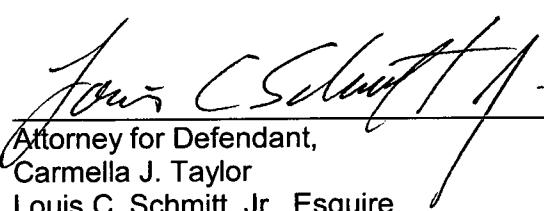
: JURY TRIAL DEMANDED

**CERTIFICATE PREREQUISITE TO SERVICE  
OF SUBPOENAS PURSUANT TO RULE 4009.22**

As a prerequisite to service of subpoena for documents and things pursuant to Rule 4009.22, Defendant, Carmella J. Taylor, certifies that:

1. a Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the Subpoenas are sought to be served,
2. a copy of the Notice of Intent, including the proposed subpoenas, are attached to this Certificate,
3. no objection to the Subpoenas has been received, and on May 8, 2008 Attorney Naddeo waived the 20-day waiting period.
4. the Subpoenas which will be served are identical to the Subpoenas which are attached to the Notice of Intent to Serve the Subpoenas.
5. Please note that any and all information obtained via the Subpoenas requests shall be used and maintained pursuant to the requirements of the Health Insurance Portability and Accountability Act, otherwise known as HIPAA.

Date: May 16, 2008

  
\_\_\_\_\_  
Attorney for Defendant,  
Carmella J. Taylor  
Louis C. Schmitt, Jr., Esquire  
PA I.D.# 52459  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
814/696-3581

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

No. 07 - 1326 - CD

Plaintiffs,

vs.

CARMELLA J. TAYLOR,

Defendant.

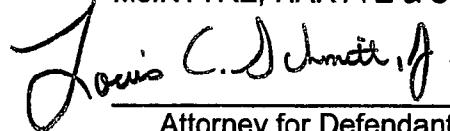
JURY TRIAL DEMANDED

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE  
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendants, CARMELLA J. TAYLOR, intend to serve a subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT



\_\_\_\_\_  
Attorney for Defendant

Louis C. Schmitt, Jr., Esquire  
PA ID# 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

Date: May 6, 2008

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Eric P. Schmidt  
Rose M. Schmidt  
Plaintiff(s)

Vs.

Carmella J. Taylor  
Timothy S. Taylor  
Defendant(s)

\*

\*

No. 2007-01326-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Mark B. Casteel, D.C., 210 Locust St. Philipsburg, PA 16866  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

All chiropractic records of plaintiff, Rose M. Schmidt  
prior to October 9, 2006 to McIntyre, Hartye & Schmitt, P.O. Box 533  
Hollidaysburg, PA 16648  
(Address)

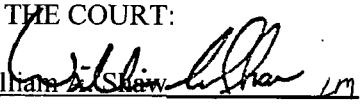
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

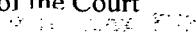
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Louis C. Schmitt, Jr., Esquire  
ADDRESS: P. O. Box 533  
Hollidaysburg, PA 16648  
TELEPHONE: (814) 696-3581  
SUPREME COURT ID # 52459  
ATTORNEY FOR: Carmella J. Taylor

BY THE COURT:

  
William A. Shaw, Clerk  
Prothonotary/Clerk, Civil Division

DATE: Friday, May 02, 2008

Seal of the Court  


Deputy

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and wife,

No. 07-1326-CD

## Plaintiffs,

vs.

CARMELLA J. TAYLOR,

Defendant.

**ISSUE:**  
Notice of Service of  
Answers to Interrogatories Directed  
to Defendants

Filed on Behalf of Defendant:  
**CARMELLA J. TAYLOR**

Counsel of Record:  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 52459

MCINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

**JURY TRIAL DEMANDED**

I hereby certify that a true and correct copy of the within was mailed to all counsel of record this 6<sup>th</sup> day of June, 2008.

Attorney for Defendant

FILED NO  
M 10:46a 5/24 cc  
JUN 10 2008 (60)

William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and : No. 07 - 1326 - CD  
ROSE M. SCHMIDT, husband and wife, :

Plaintiffs, :

vs. :

CARMELLA J. TAYLOR, :

Defendant. :

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES**  
**ADDRESSED TO DEFENDANTS**

TO: PROTHONOTARY

You are hereby notified that on the 6<sup>TH</sup> day of June, 2008, defendant, CARMELLA J. TAYLOR, served Answers to Interrogatories Addressed to Defendants on the Plaintiffs by mailing the originals of same via First Class U.S. Mail, postage prepaid, addressed to the following:

James A. Naddeo, Esquire  
Naddeo & Lewis, LLC  
P.O. Box 552  
Clearfield, PA 16830

*McINTYRE, HARTYE & SCHMITT*

By \_\_\_\_\_  
Attorneys for Defendant  
Carmella J. Taylor

LOUIS C. SCHMITT, JR., ESQUIRE  
PA I.D. No. 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581  
(814) 696-9399 - Fax

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

\* No. 07-1326-CD

\* Type of Pleading:

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

*REC'D*  
**FILED**  
04/30/2009 Atty  
APR 27 2009 Naddeo  
William A. Shaw  
Prothonotary/Clerk of Courts

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
Wife, \*  
Plaintiffs \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants \*

NOTICE OF DEATH

The death of Rose M. Schmidt, a party to the above action, during the pendency of this action is noted upon the record.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo

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

ERIC P. SCHMIDT and \*  
ROSE M. SCHMIDT, husband and \*  
wife, \*  
Plaintiffs, \*  
\*  
v. \* No. 07 - 1326 - CD  
\*  
CARMELLA J. TAYLOR and \*  
TIMOTHY S. TAYLOR, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Death was served on the following and in the following manner on the 27<sup>th</sup> day of April, 2009:

First-Class Mail, Postage Prepaid

Louis C. Schmitt, Jr., Esquire  
MCINTYRE, HARTYE & SCHMITT  
PO Box 533  
Hollidaysburg, PA 16648

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiffs

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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife,

Plaintiffs

v.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

VA  
**FILED**

JUL 16 2009

07/16/09  
William A. Shaw  
Prothonotary/Clerk of Courts

3 CERT TO

ATT

No. 07-1326-CD

\* Type of Pleading:  
\* PETITION AND RULE TO  
\* RULE TO WITHDRAW AS  
\* COUNSEL

\* Filed on behalf of:  
\* Plaintiffs

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* Naddeo & Lewis, LLC  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

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

ERIC P. SCHMIDT and	*
ROSE M. SCHMIDT, husband and	*
Wife,	*
Plaintiffs	*
	*
v.	*
	No. 07-1326-CD
	*
CARMELLA J. TAYLOR and	*
TIMOTHY S. TAYLOR,	*
Defendants	*

**PETITION TO WITHDRAW AS COUNSEL**

NOW COMES James A. Naddeo, Esquire, attorney of record for the Plaintiffs, Eric P. Schmidt and Rose M. Schmidt, and sets forth the following:

1. That one of the Plaintiffs/Respondent in the above-captioned action is Eric P. Schmidt who currently resides in 256 State Street, Sandy Ridge, Pennsylvania 16677.
2. That the Plaintiff, Rose M. Schmidt, died on November 22, 2008.
3. That Defendants in the above-captioned action are Carmella J. Taylor and Timothy S. Taylor who are represented by Louis C. Schmitt, Jr., Esquire PO Box 533, Hollidaysburg, PA 16648.
4. That the Plaintiffs/Respondent consulted your Petitioner and requested that he file a personal injury suit on their behalf for injuries received by Rose M. Schmidt in an automobile accident that occurred on October 9, 2006.

5. That your Petitioner filed an action to the above-captioned term and number on behalf of Plaintiffs/Respondent.

6. That subsequently the Plaintiff, Rose M. Schmidt, died on November 22, 2008.

7. That the Plaintiff/Respondent, Eric P. Schmidt, consulted Dwight L. Koerber, Jr., Esquire, to raise an estate on behalf of his wife, Rose M. Schmidt.

8. That your Petitioner corresponded with Dwight L. Koerber, Jr., Esquire, on numerous occasions to substitute the estate of Rose M. Schmidt as a party to the litigation.

9. That your Petitioner was subsequently informed that Plaintiff/Respondent, Eric P. Schmidt, had consulted with David R. Thompson, Esquire.

10. That your Petitioner has attempted to contact David R. Thompson, Esquire, to obtain a resolution of the litigation filed to the above-captioned term and number.

11. That Attorney Thompson has not responded to your Petitioner's inquiries nor has an estate been raised for Rose M. Schmidt.

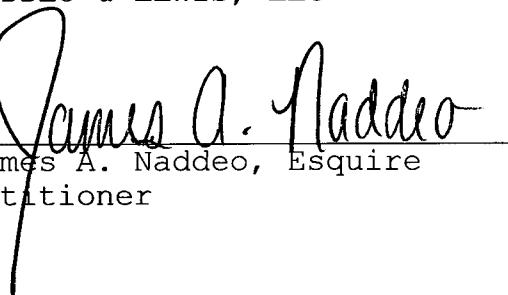
12. That your Petitioner has advanced the sum of \$867.12 for filing fees and costs on behalf of Rose M. Schmidt. A copy of the advance ledger is attached hereto.

13. That your Petitioner is asserting a quantum merit claim for the work he has performed to date.

WHEREFORE, Petitioner respectfully requests Your Honorable Court to enter a Rule upon the Plaintiff/Respondent, Eric P. Schmidt, to show cause why Petitioner should not be allowed to withdraw as counsel and to be reimbursed for out-of-pocket expenses and a quantum merit claim for services performed to date.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo, Esquire  
Petitioner

A handwritten signature in black ink that reads "James A. Naddeo". The signature is fluid and cursive, with "James A." on the top line and "Naddeo" on the bottom line.

Schmidt, Rose

Initials	Date
Prepared By	
Approved By	

© WILSON JONES

G7503 ColumnWrite ®

		1	2	3
1	Jan 21	Lawrence Twp Police - accident report	1500	1500
2	Dec 5	MRO case - medical records	3228	4728
3	6	Cfd Hospital - medical records	2372	7100
4	7	" " - medical records	3310	10410
5	Jul 29	Gessinger - medical records	45159	14969
6	Aug 16	Sheriff - Service of Writ	10000	24969
7	16	William Sherr - filing Writ	8500	33418
8	Sept 10	" " - Summons Writ	700	34169
9	20	Sheriff Charles - service	5000	39169
10	Nov 31	Postmaster - mailing	199	39368
11	Nov 9	" " - mailing	500	39873
12	Dec 26	Mark Casteel DC - report	15000	54873
13	Jan 24	Sheriff refund	5359	49514
14	24	Shayn - refund	2759	46755
15	Feb 4	ASAP - deposition	22875	69630
16	May 1	ASAP - deposition	14120	83750
17	Jul 23	University (Bethesda) - records	2962	86712
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*Exhibit "A"*

COMMONWEALTH OF PENNSYLVANIA )  
ss.  
COUNTY OF CLEARFIELD )

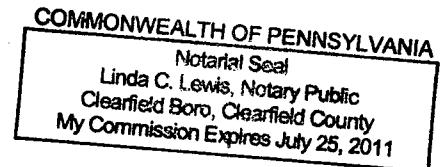
Before me, the undersigned officer, personally appeared JAMES A. NADDEO, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

James A. Naddeo

James A. Naddeo

SWORN and SUBSCRIBED before me this 16<sup>th</sup> day of July, 2009.

Linda C. Lewis



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

ERIC P. SCHMIDT and  
ROSE M. SCHMIDT, husband and  
Wife, Plaintiffs

V.

CARMELLA J. TAYLOR and  
TIMOTHY S. TAYLOR,  
Defendants

No. 07-1326-CD

## RULE

AND NOW, this 21<sup>st</sup> day of July, 2009, upon consideration of the attached Petition, a Rule is hereby issued upon Respondent to show cause why the Petition should not be granted. Rule Returnable the 19<sup>th</sup> of August, 2009, at 3:30 P.m., Clearfield County Courthouse, Clearfield, for hearing.

## NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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 GET LEGAL HELP.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641, Ext. 5982

BY THE COURT,

Judge

**FILED**

**JUL 22 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/22/09

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  Other

Special Instructions:

CA  
FILED

AUG 20 2009  
0/2:30/09  
William A. Shaw  
Prothonotary/Clerk of Courts

came to  
NADDEO  
L  
Schmitt

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

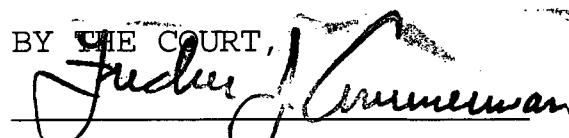
CIVIL DIVISION

ERIC P. SCHMIDT and }  
ROSE M. SCHMIDT }  
VS. } NO. 07-1326-CD  
CARMELLA J. TAYLOR and }  
TIMOTHY S. TAYLOR }

O R D E R

NOW this 19th day of August, 2009, being the date set for hearing on the Petition to Withdraw as Counsel filed by James A. Naddeo, Esquire, seeking to withdraw as counsel for the Plaintiffs; the Court noting that Attorney Louis Schmitt has appeared on behalf of the Defendants and that Eric P. Schmidt has not appeared as to contest the petition; the Court notes that Rose M. Schmidt is deceased; there being no opposition to the request for withdrawal, it is the ORDER of this Court that the said Petition be and is hereby granted. The Prothonotary is directed to note withdrawal of James A. Naddeo, Esquire, as attorney for the Plaintiffs.

BY THE COURT,

  
\_\_\_\_\_  
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

## CIVIL DIVISION - LAW

ROSE MARIE SCHMIDT AND  
ERIC P. SCHMIDT,

## Plaintiffs

\*  
\*  
\* No. 07-1326-CD

vs.

**TYPE OF CASE:**  
Civil Division - Law

CARMELLA J. TAYLOR AND  
TIMOTHY S. TAYLOR,

## Defendants

**TYPE OF PLEADING:  
Praeclipe for Entry of Appearance**

FILED 3cc  
JUL 11 2010 Atty Scipione

William A. Shaw  
Prothonotary/Clerk of Courts

60

COUNSEL OF RECORD FOR  
THIS PARTY:  
Joseph M. Scipione, Esquire  
Supreme Court I.D. 210163  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

ROSE MARIE SCHMIDT AND  
ERIC P. SCHMIDT,

Plaintiffs

\*

\*

No. 07-1326-CD

VS.

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CARMELLA J. TAYLOR AND  
TIMOTHY S. TAYLOR,

Defendants

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**PRAECIPE FOR ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Kindly enter my appearance in the above captioned matter.

DATE: 06-28-10

Respectfully submitted,

Joseph M. Scipione, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

ROSE MARIE SCHMIDT AND  
ERIC P. SCHMIDT,

Plaintiffs

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\*  
\* No. 07-1326-CD

vs.

\* TYPE OF CASE:  
\* Civil Division - Law

CARMELLA J. TAYLOR AND  
TIMOTHY S. TAYLOR,

Defendants

\* TYPE OF PLEADING:  
\* Praeclipe to Settle and  
\* Discontinue

\* FILED ON BEHALF OF:  
\* Plaintiffs

\* COUNSEL OF RECORD FOR  
\* THIS PARTY:  
\* Joseph M. Scipione, Esquire  
\* Supreme Court I.D. 210163  
\* P.O. Box 587  
\* 308 Walton Street, Suite 4  
\* Philipsburg PA 16866  
\* (814) 342-4100

FILED  
JUL 07 2010  
308 Walton Street  
Attn: Joseph M. Scipione  
S

William A. Shaw  
Prothonotary/Clerk of Courts

610

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

ROSE MARIE SCHMIDT AND  
ERIC P. SCHMIDT,

Plaintiffs

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No. 07-1326-CD

VS.

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CARMELLA J. TAYLOR AND  
TIMOTHY S. TAYLOR,

Defendants

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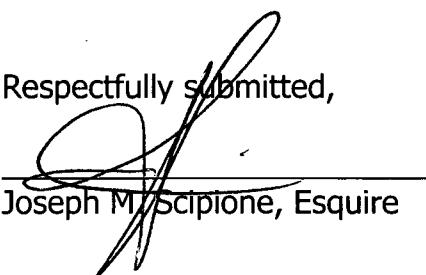
**PRAECIPE TO SETTLE AND DISCONTINUE**

TO THE PROTHONOTARY:

Kindly mark the above captioned matter as settled and discontinue the same.

DATE: 06-28-10

Respectfully submitted,

  
Joseph M. Scipione, Esquire