

07-1441-CD

Richard Kendrick al vs Zachary Westen

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

No. 07 - 1441 - C.D.

**PRAECIPE FOR WRIT OF
SUMMONS**

Filed on behalf of:
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *Atty pd. 85.00*
011:04307
SEP 05 2007
cc Co. writs to Atty
William A. Shaw
Prothonotary/Clerk of Courts
100 writ to Sheriff

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

No. 07 - - C.D.

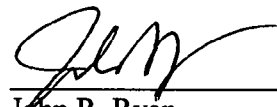
ZACHARY WESTEN,
Defendant

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue a Writ of Summons in the above matter against Defendant, ZACHARY WESTEN.

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

FILED

SEP 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

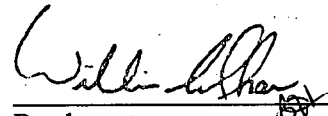
No. 07 - 1441 - C.D.

ZACHARY WESTEN,
Defendant

WRIT OF SUMMONS

You are hereby notified that RICHARD KENDRICK and JACQUELINE KENDRICK
have commenced an action against you.

Date: September 5, 2007


Prothonotary

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Praeceptum for Rule to File Complaint

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED *Noce*
7/12/38/01
OCT 04 2007 *Rule to*
William A. Shaw *Atty Horne*
Prothonotary/Clerk of Courts *EX*

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please issue a Rule on Plaintiffs to file their Complaint within twenty (20) days from
service thereof or suffer a judgment of non pros against them.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: October 3, 2007

By: 

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praecipe for Rule to File Complaint on behalf of Defendant in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 3rd day of October, 2007, to the attorneys/parties of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

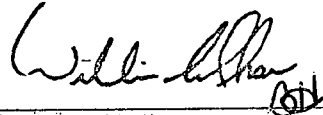
No. 07-1441-C.D.

COPY

RULE

To: Richard Kendrick, Jr. and Jacqueline Kendrick, husband and wife
% John R. Ryan, Esquire

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



William Shaw
Clerk of Courts/Prothonotary
[SEAL]

Dated: October 4, 2007

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Praecipe for Entry of Appearance

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED *no cc*
2/10:59/07
OCT 04 2007 *@*

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

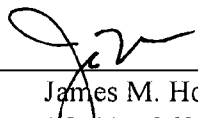
PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, ZACHARY WESTEN, in the
above-captioned matter.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: October 3, 2007

By: 
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

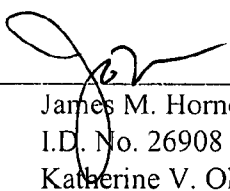
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praecept for Entry of Appearance on behalf of Defendant in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 3rd day of October, 2007, to the attorneys/parties of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Certificate of Service

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED

OCT 09 2007

W 12:30 PM
William A. Shaw
Prothonotary/Clerk of Courts
WB CENT COBIL (6K)

William A. Shaw
Prothonotary/Clerk of Courts

OCT 09 2007

FILED

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Certificate of Service

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED No. CC.
m/11:00am
OCT 10 2007
(LSM)

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

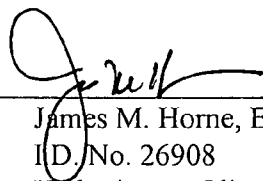
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas Pursuant to Rule 4009.21 in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 8th day of October, 2007, to the attorney of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED

OCT 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Certificate of Service

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED *NO CC*
M 11/02/07
OCT 10 2007
LSA
William A. Shaw
Prothonotary/Clerk of Courts

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

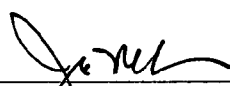
RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Interrogatories (Set One), Requests for Production of Documents (Set One) and Requests for Production of Documents and Tangible Things (Set Two) in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 8th day of October, 2007, to the attorney of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED

OCT 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

No. 07 – 1441 – C.D.

JURY TRIAL DEMANDED

COMPLAINT

Filed on behalf of:
Plaintiffs, Richard Kendrick, Jr.
and Jacqueline Kendrick

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc
OCT 17 2007
Att'y Ryan
(68)

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs

vs.

ZACHARY WESTEN,

Defendant

No. 07 – 1441 – C.D.

JURY TRIAL DEMANDED

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 Plaintiffs. 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 & Second Street
Clearfield, PA 16830
(814) 765-2641, ext. 1300

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

No. 07 – 1441 – C.D.

JURY TRIAL DEMANDED

COMPLAINT

NOW COMES. Richard Kendrick, Jr. and Jacqueline Kendrick, husband and wife, Plaintiffs above named, and by their Attorneys, Belin & Kubista, file their Complaint against the Defendant as follows:

1. Plaintiffs are Richard Kendrick, Jr. and Jacqueline Kendrick, husband and wife, adult individuals residing at 16 North 5th Street, Clearfield, Clearfield County, Pennsylvania, 16830.
2. Defendant is Zachary Westen, an adult individual residing at 71 Main Street, New Millport, Clearfield County, Pennsylvania 16861.
3. On September 25, 2005, Plaintiff Richard Kendrick, Jr. was operating a motor cycle in an easterly direction on East Market Street in the Borough of Clearfield, Clearfield County, Pennsylvania, when he entered the intersection of East Market Street and North 3rd Street.
4. Plaintiff Richard Kendrick, Jr. was at that time operating the motorcycle at approximately 25 miles per hour and with due care and caution, and entered the said

intersection in accordance with the traffic signal, which was green as he proceeded through the said intersection.

5. At that place and time, Defendant was operating a vehicle in a southerly direction on North 3rd Street as he approached the intersection of East Market Street and North 3rd Street.

6. The traffic signal at the said intersection displayed a steady a red light to Defendant's lane of traffic, however Defendant disregarded the signal and proceeded to drive through the intersection which resulted in a collision between the vehicle operated by Defendant and the motorcycle operated by Plaintiff Richard Kendrick, Jr.

7. Plaintiff Richard Kendrick, Jr. attempted to avoid the collision but was unable to do so.

8. At the time and place set forth herein, Defendant operated his vehicle in a careless, negligent and reckless manner, in that:

a. He then and there operated his vehicle without regard for the clearly marked traffic signal which displayed a steady red signal as Defendant approached the intersection, in that he proceeded to drive into the intersection;

b. He failed to keep a proper lookout for other motorists coming through the intersection;

c. He failed to yield the right of way to Plaintiff Richard Kendrick, Jr. who was operating his motorcycle in a safe and proper manner and in accordance with the traffic signal at the said intersection.

9. Defendant owed Plaintiff Richard Kendrick, Jr. the duty to exercise reasonable care in the operation of the Defendant's vehicle, and Defendant did breach that duty in his actions as set forth herein above.

10. As the direct and proximate result of the carelessness, negligence and recklessness of the Defendant, Plaintiff Richard Kendrick, Jr. suffered injury to his person, in that he suffered injuries to his right hand, right leg and his head, which have caused him great pain and discomfort, which have resulted in loss of earnings, which have diminished his enjoyment of life, and which will continue to cause him pain and discomfort into the foreseeable future. Plaintiff Richard Kendrick, Jr. has been forced to seek medical attention for his injuries and believes and therefore avers that he will require medical attention in the future.

WHEREFORE, Plaintiff Richard Kendrick, Jr. seeks judgment against the Defendant in an amount in excess of the jurisdiction of the board of arbitration, together with interest and costs of suit.

COUNT II – JACQUELINE KENDRICK v. ZACHARY WESTEN

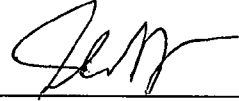
11. Paragraphs 1 through and including Paragraph 10 of Plaintiffs' Complaint are incorporated herein by reference as if set forth at length.

12. As the direct and proximate result of the carelessness, negligence, and recklessness of the Defendant as set forth herein above, Plaintiff Jacqueline Kendrick has been deprived of the comfort, society and services of her husband, Plaintiff Richard Kendrick, Jr. and believes and therefore avers that she will be so deprived into the foreseeable future.

WHEREFORE, Plaintiff seeks judgment against the Defendant Zachary Westen in an amount in excess of the jurisdiction of the board of arbitration, together with interest and

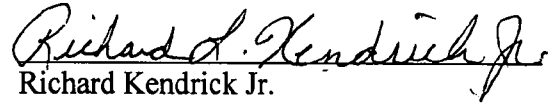
costs of suit.

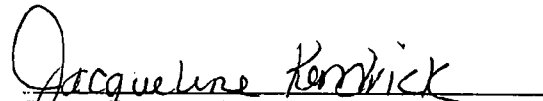
BELIN, KUBISTA & RYAN

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

John R. Ryan
Attorney for Plaintiffs

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


Richard Kendrick Jr.


Jacqueline Kendrick

FILED

OCT 17 2007

**William A. Shaw
Notary Public/Clerk of Courts**

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiff

vs.

ZACHARY WESTEN,

Defendant

No. 07 - 1441 - C.D.

ACCEPTANCE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
043:2304
OCT 23 2007
WCC
W

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiff

vs.

No. 07 - 1441 - C.D.

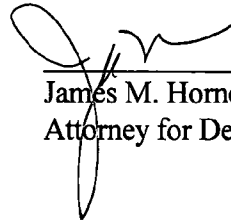
ZACHARY WESTEN,

Defendant

ACCEPTANCE OF SERVICE

I accept service of the Complaint filed in the above referenced case on behalf of
the Defendant, ZACHARY WESTEN.

McQUAIDE BLASKO



James M. Horne, Esquire
Attorney for Defendant

Date: 10/22/07

FILED

OCT 23 200

William A. Shaw
Prothonotary/Clerk of C

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

:
:
:
:
:
:
:
:
:
:

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

OCT 26 2007

0/3:05/2
William A. Shaw

Prothonotary/Clerk of Courts

No C/C

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

:
:
:
:
:
:
:
:
:
:

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

This is to certify that I have served Plaintiffs' Response to Request for Production of Documents and Tangible Things by Defendant Directed to Plaintiffs (Set Two) in the above captioned matter on the following party by postage prepaid first-class United States mail, on the 26th day of October, 2007:

James M. Horne, Esquire
McQuaide, Blasko
811 University Drive
State College, PA 16801-6699
Attorney for Defendant

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

FILED

OCT 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED

OCT 31 2007

11/10/2007
William A. Shaw
Prothonotary/Clerk of Courts
no c/c (GW)

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:

**Certificate Prerequisite to Service of
Subpoenas**

Type of Case: Civil

Filed on behalf of:

Defendant

Counsel of Record for this Party:

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

McQuaide, Blasko, Fleming
& Faulkner, Inc.

811 University Drive

State College, PA 16801

Phone (814) 238-4926

Fax (814) 238-9624

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

RICHARD KENDRICK, JR. and :
JACQUELINE KENDRICK, : No. 07-1441-C.D.
husband and wife, :
Plaintiffs, :
v. :
ZACHARY WESTEN, :
Defendant. :

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty 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, is attached to this certificate,
- 3) no objection to the subpoenas has been received,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: October 29, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorney for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

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

Defendant intends to serve subpoenas identical to that 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 subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: October 8, 2007

By: 

James M. Home, Esquire
ID. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
ZACHARY WESTEN,	:	
Defendant.	:	

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

TO: *DuBois Regional Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: ***a true and correct copy of any and all medical records and invoices in your possession pertaining to Richard Kendrick, Jr., SS# unknown, Birthdate: 08/02/1956.***

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk, Civil Division
[Seal of the Court]

Dated: _____

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

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

TO: *DRMC Primary Care Associates*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: ***a true and correct copy of any and all medical records and invoices in your possession pertaining to Richard Kendrick, Jr., SS# unknown, Birthdate: 08/02/1956.***

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk, Civil Division
[Seal of the Court]

Dated: _____

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

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

TO: DRMC Department of Neurology

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: ***a true and correct copy of any and all medical records and invoices in your possession pertaining to Richard Kendrick, Jr., SS# unknown, Birthdate: 08/02/1956.***

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk, Civil Division
[Seal of the Court]

Dated: _____

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this **30th** day of October, 2007, to the attorney of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Answer with New Matter

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED NO cc
NOV 10 54 PM
NOV 02 2007 GR

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

NOTICE TO PLEAD

TO: Richard Kendrick, Jr. and Jacqueline Kendrick, husband and wife
% John R. Ryan, Esquire

YOU ARE HEREBY notified to plead to the within New Matter within twenty (20) days
from the date of service hereof or a default judgment may be entered against you.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: November 1, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

DEFENDANT'S ANSWER WITH NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW, comes Defendant, Zachary Westen, by and through his attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., and files the following Answer with New Matter to Plaintiffs' Complaint:

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1. The same are therefore denied and strict proof thereof demanded.

2. Admitted.

3. Admitted.

4. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4. The same are therefore denied and strict proof thereof demanded.

5. Admitted.

6. Denied as stated. Defendant admits that he proceeded into the intersection of East Market Street and Third Street, and that an impact then occurred between the vehicle operated by

Defendant and the motorcycle operated by Plaintiff Richard Kendrick, Jr. Defendant did not observe any red traffic signal until after he was into the intersection.

7. Admitted in part and denied in part. It is admitted that despite whatever Plaintiff Richard Kendrick, Jr. did or did not do, a collision occurred. As to the balance of the allegations of paragraph 7, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

8. a. – c. The allegations of paragraphs 8 a. through c. inclusive are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

9. The allegations of paragraph 9 are denied pursuant to Pa. Rule of Civil Procedure 1029(e).

10. The allegations of paragraph 10 that Defendant was careless, negligent and reckless are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraph 10, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant Zachary Westen requests that the Complaint filed against him by Plaintiff Richard Kendrick, Jr. be dismissed, with prejudice and costs of suit.

COUNT II –
JACQUELINE KENDRICK vs ZACHARY WESTEN

11. Defendant incorporates herein by reference, the same as though set forth at length, his responses to paragraphs 1 through 10, inclusive.

12. The allegations of paragraph 12 that Defendant was careless, negligent and reckless are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraph 12, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant Zachary Westen requests that the Complaint filed against him by Plaintiff Jacqueline Kendrick be dismissed, with prejudice and costs of suit.

NEW MATTER

13. Defendant hereby raises and asserts all those defenses and/or limitations on damages available to him by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

14. To the extent Plaintiff's medical expenses, if any, have been paid or are payable under a policy of insurance, the same may not be pled, proven or recovered in the instant action.

15. To the extent Plaintiff's wage loss, if any, has been paid or is payable under a policy of insurance, the same may not be pled, proven or recovered in the instant action.

16. To the extent Plaintiffs were insured under a policy of insurance bearing the limited tort option, Plaintiffs' claims are barred or reduced accordingly.

WHEREFORE, Defendant Zachary Westen requests that the Complaint filed against him by Plaintiffs Richard Kendrick, Jr. and Jacqueline Kendrick be dismissed, with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: November 1, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

VERIFICATION

The undersigned verifies that he is authorized to make this Verification on his own behalf and that the statements made in the foregoing Answer with New Matter to Plaintiffs' Complaint are true and correct to the best of his knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.



ZACHARY WESTEN

Dated: October 31, 2007

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answer with New Matter in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 1st day of November, 2007, to the attorneys/parties of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

:
:
:
:
:
:
:
:
:
:
:

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *No CC*
01/10/59/64
NOV 06 2007
UM

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

:
:
:
:
:
:
:
:
:
:

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Plaintiffs' Reply to New Matter filed in the above captioned matter on the following party by postage prepaid first-class United States mail, on the 5th day of November, 2007:

James M. Horne, Esquire
McQuaide, Blasko
811 University Drive
State College, PA 16801-6699
Attorney for Defendant

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

FILED

NOV 06 2007

William A. Shaw
Prothonotary/Clerk of Court

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

No. 07 - 1441 - C.D.

ZACHARY WESTEN,
vs. Defendant

No. 07 - 1441 - C.D.

ZACHARY WESTEN,
Defendant

REPLY TO NEW MATTER

AND NOW, comes Plaintiffs, RICHARD KENDRICK, JR. and JACQUELINE
REPLY TO NEW MATTER

KENDRICK, husband and wife, and by their counsel, BELIN, KUBISTA & RYAN, do

file Reply to the New Matter of Defendant as follows: Filed on behalf of:
Plaintiffs

13. No response required.

Counsel of Record for

14. The averments in paragraph 14 represent a conclusion of law and require no

this Party

John R. Ryan
Attorney-At-Law

15. The averments in paragraph 15 represent a conclusion of law and require no
Pa. I.D. 38739

response.

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

16. The averments in paragraph 16 require

response.

WHEREFORE, Plaintiffs request that judgment be entered against the Defendant as
set forth in their Complaint.

BELIN, KUBISTA & RYAN


FILED

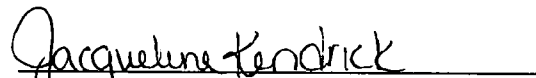
0124/2007
NOV 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

We verify that the statements made in this Reply to New Matter are true and correct.

We understand that false statements herein are made subject to the penalties of Pa. C.S. 4904, relating to unsworn falsification to authorities.


Richard Kendrick, Jr.


Jacqueline Kendrick

-ILED

10V 05 2007

William A. Shaw
notary/Clerk of Courts

.....

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
01111061
NOV 20 2007
William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant


No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Plaintiffs' Answers to Interrogatories Propounded by Defendant for Answer by Plaintiffs (Set One) in the above captioned matter on the following party by postage prepaid first-class United States mail, on the 19th day of November, 2007:

James M. Horne, Esquire
McQuaide, Blasko
811 University Drive
State College, PA 16801-6699
Attorney for Defendant

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

FILED

NOV 24 200

William A. Shaw
Prothonotary, Clerk of

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *NO CC*
9/2:50/61
NOV 30 2007
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

:
:
:
:
:
:
:
:
:
:

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

This is to certify that I have served Request for Production of Documents and Plaintiff's First Set of Interrogatories directed to Defendant in the above captioned matter on the following party by postage prepaid first-class United States mail, on the 30th day of November, 2007:

James M. Horne, Esquire
McQuaide, Blasko
811 University Drive
State College, PA 16801-6699
Attorney for Defendant

BELIN, KUBISTA & RYAN



John R. Ryan
Attorney for Plaintiffs

FILED

NOV 30 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Certificate of Service

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED NO CC
M 11 45 04
JAN 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answers/Objections to Plaintiffs' First Set of Interrogatories and Responses to Plaintiffs' First Request for Production of Documents in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this ____ day of January, 2008, to the attorneys/parties of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

James M. Horne, Esquire

I.D. No. 26908

Dominick J. Muracco, III, Esquire

I.D. No. 91381

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Certificate of Service

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED NO CC
JAN 17 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notices of Depositions of Plaintiffs in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 16th day of January, 2008, to the attorneys/parties of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
I.D. No. 26908

Dominick J. Muracco, III, Esquire
I.D. No. 91381

811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs, RICHARD KENDRICK, JR.
and JACQUELINE KENDRICK

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED No CC.
0/10:40cm
JAN 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs

vs.

ZACHARY WESTEN,

Defendant

:
:
:
:
:
:
:
:
:
:

No. 07 - 1441 - C.D.

CERTIFICATE OF SERVICE

I, JOHN R. RYAN, Attorney for Plaintiffs, RICHARD J. KENDRICK, JR. and JACQUELINE KENDRICK, do hereby certify that a true and correct copy of Notice of Deposition of Zachary Westen was served by first class, postage prepaid, United States mail upon the following:

James M. Horne, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801
Attorney for Defendant

Said Notice of Deposition was mailed this 18th day of January, 2008.

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103165
NO: 07-1441-CD
SERVICE # 1 OF 1
WRIT OF SUMMONS

PLAINTIFF: RICHARD KENDRICK JR. and JACQUELINE KENDRICK
vs.
DEFENDANT: ZACHARY WESTEN

SHERIFF RETURN

NOW, September 13, 2007 AT 10:48 AM SERVED THE WITHIN WRIT OF SUMMONS ON ZACHARY WESTEN DEFENDANT AT 71 MAIN ST., NEW MILLPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ZACHARY WESTEN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BELIN	23783	10.00
SHERIFF HAWKINS	BELIN	23783	43.63

FILED

01/11:45 am
JAN 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

____ Day of _____ 2008
2007

So Answers,

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

FILED

JAN 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
Certificate of Service

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED No CC.
m/11.35 am
FEB 29 2008
(LH)

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas Pursuant to Rule 4009.21 in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 28th day of February, 2008, to the attorney of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

FILED

FEB 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

Type of Pleading:
**Certificate Prerequisite to Service of
Subpoenas Pursuant to Rule 4009.22**

Type of Case: Civil

Filed on behalf of:
Defendant

Counsel of Record for this Party:
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
McQuaide, Blasko, Fleming
& Faulkner, Inc.
811 University Drive
State College, PA 16801
Phone (814) 238-4926
Fax (814) 238-9624

FILED NO
m/12:5701 CC
MAR 04 2008 GR

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD KENDRICK, JR. and :
JACQUELINE KENDRICK, : No. 07-1441-C.D.
husband and wife, :
Plaintiffs, :
v. :
ZACHARY WESTEN, :
Defendant. :

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty 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, is attached to this certificate,
- 3) by correspondence dated February 29, 2008, Plaintiffs' counsel has waived the 20-day objection 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.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: March 3, 2008

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorney for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

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

Defendant intends to serve subpoenas identical to that 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 subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: February 28, 2008

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COPY

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

RICHARD KENDRICK, JR. and :
JACQUELINE KENDRICK, : No. 07-1441-C.D.
husband and wife, :
Plaintiffs, :
v. :
ZACHARY WESTEN, :
Defendant. :

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

TO: *Clearfield Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: ***a true and correct copy of any and all medical records and invoices in your possession pertaining to Richard Kendrick, Jr., SS#171-46-9266, Birthdate: 08/02/1956.***

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk, Civil Division
[Seal of the Court]

Dated: _____

COPY

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

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

TO: *Philipsburg Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and invoices in your possession pertaining to Richard Kendrick, Jr., SS#171-46-9266, Birthdate: 08/02/1956.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk, Civil Division
[Seal of the Court]

Dated: _____

COPY

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

RICHARD KENDRICK, JR. and :
JACQUELINE KENDRICK, : No. 07-1441-C.D.
husband and wife, :
Plaintiffs, :
v. :
ZACHARY WESTEN, :
Defendant. :

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

TO: *Rich Chiropractic Clinic*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: ***a true and correct copy of any and all chiropractic or medical records and invoices in your possession pertaining to Richard Kendrick, Jr., SS#171-46-9266, Birthdate: 08/02/1956.***

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk, Civil Division
[Seal of the Court]

Dated: _____

COPY

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

RICHARD KENDRICK, JR. and	:	
JACQUELINE KENDRICK,	:	No. 07-1441-C.D.
husband and wife,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
ZACHARY WESTEN,	:	
	:	
Defendant.	:	

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

TO: Gary M. Casteel, DC

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all chiropractic or medical records and invoices in your possession pertaining to Richard Kendrick, Jr., SS#171-46-9266, Birthdate: 08/02/1956.*

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: James M. Horne, Esquire
ADDRESS: 811 University Drive, State College, PA 16801
TELEPHONE: (814) 238-4926
SUPREME CT ID# 26908
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw, Prothonotary/Clerk, Civil Division
[Seal of the Court]

Dated: _____

COPY

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

RICHARD KENDRICK, JR. and :
JACQUELINE KENDRICK, : No. 07-1441-C.D.
husband and wife, :
Plaintiffs, :
v. :
ZACHARY WESTEN, :
Defendant. :

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

TO: *Casteel Chiropractic Clinic*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: ***a true and correct copy of any and all chiropractic or medical records and invoices in your possession pertaining to Richard Kendrick, Jr., SS#171-46-9266, Birthdate: 08/02/1956.***

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

You may deliver or mail legible copies of the documents or produce things 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 ordering compelling you to comply with it.

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary/Clerk, Civil Division
[Seal of the Court]

Dated: _____

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,

Plaintiffs,

v.

ZACHARY WESTEN,

Defendant.

No. 07-1441-C.D.

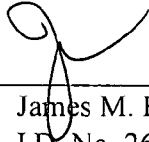
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 3rd day of March, 2008, to the attorney of record:

John R. Ryan, Esquire
Belin, Kubista & Ryan
15 North Front Street
Clearfield, PA 16830
(814) 765-8972

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


James M. Horne, Esquire
I.D. No. 26908

Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

No. 07 - 1441 - C.D.

**PRAECIPE TO SETTLE,
DISCONTINUE AND END**

Filed on behalf of
Plaintiffs

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 30003 Certificates
01/31/2008
AUG 05 2008 to Atty Ryan

William A. Shaw
Prothonotary/Clerk of Courts

(60)

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

RICHARD KENDRICK, JR. and
JACQUELINE KENDRICK,
husband and wife,
Plaintiffs

vs.

ZACHARY WESTEN,
Defendant

:
:
:
:
:
:
:
:
:
:

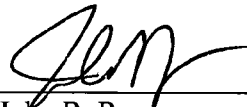
No. 07 - 1441 - C.D.

PRAECIPE

TO: WILLIAM SHAW, PROTHONOTARY

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

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Plaintiffs

COPY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Richard Kendrick Jr.
Jacqueline Kendrick

Vs.
Zachary Westen

No. 2007-01441-CD

CERTIFICATE OF DISCONTINUATION

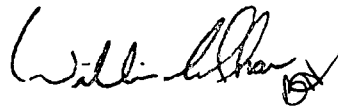
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 5, 2008, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by John R. Ryan, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of August A.D. 2008.



William A. Shaw, Prothonotary