

07-1487-CD

Alison Long al vs Bell-Atlantic-PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, : CIVIL ACTION - LAW
No. 07-1487-CD
v. : Type of Case: Personal Injury
: Type of Pleading: Civil Complaint
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants : Filed on Behalf of: Plaintiffs
: **Counsel of Record for this Party:**
: Michael J. Koehler, Esquire
: Supreme Court ID No. 56195
: NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
: 2527 West 26th Street
: Erie, Pennsylvania 16506
: (814) 833-8851

Dated: 9/10/07

10-22-2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service

William A. Shaw
Deputy Prothonotary

FILED Atty pd \$5.00
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WM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem	:	CIVIL ACTION - LAW
Plaintiffs,	:	No.
	:	
V.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.	:	
Defendants	:	

NOTICE TO DEFEND

TO: Bell Atlantic-Pennsylvania, Inc.

Date: September 10, 2007

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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, Pennsylvania 16830
(814) 765-2641

BY


Michael J. Koehler, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, :

CIVIL ACTION - LAW

No.

v.

BELL ATLANTIC - PENNSYLVANIA :
INC., VERIZON PENNSYLVANIA, INC. :
Defendants :

NOTICE TO DEFEND

TO: Verizon Pennsylvania, Inc.

Date: September 10, 2007

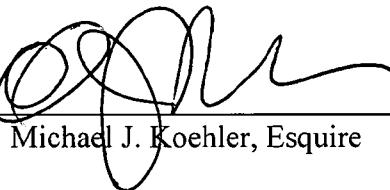
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ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem	:	CIVIL ACTION - LAW
Plaintiffs,	:	No.
v.	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.	:	
Defendants	:	

CIVIL COMPLAINT

AND NOW, come the Plaintiffs, Kenneth J. Long and Kathie M. Long, Guardians Ad Litem of Alison M. Long, by and through their attorneys, **Nicholas, Perot, Smith, Koehler & Wall**, and files the following Civil Complaint as follows:

1. The Plaintiffs, Kenneth J. and Kathie M. Long, are adult individuals and reside at Route 53, P.O. Box 292, North Madera, Pennsylvania 16661 and were appointed Guardian of Alison M. Long by Order of the Honorable Fredric J. Ammerman dated June 7, 2007.
2. At all times material hereto, the Plaintiffs, Kenneth J. Long and Kathie M. Long, are the mother and father and natural guardian of, Alison M. Long, having been born September 19, 1987.
3. That Plaintiff previously filed a Complaint in a related action, a copy of which is attached and incorporated by reference paragraphs 3 through 13 as Exhibit A.
4. That on or about July 9, 2000 the minor Plaintiff, Alison M. Long, was a rear passenger side occupant of a 1990 Mazda 323 owned by Victoria Visnofsky and being operated by Andrew Visnofsky in a southbound direction on T-555 a.k.a. Betz Road. At approximately

12:36 p.m., the motor vehicle in which the minor Plaintiff was a passenger was negotiating a curve in the roadway and left the roadway and struck utility pole number 187-T. The motor vehicle impacted with the utility pole where minor plaintiff was sitting causing her to sustain serious injuries.

5. That Additional Defendant, Bell Atlantic-Pennsylvania, Inc., (hereinafter Bell Atlantic), is a Pennsylvania corporation organized and existing under the laws of the Commonwealth and is engaged in the business as a Pennsylvania public utility, of providing, transmitting and supplying telecommunications and telephone services to the citizens of the Commonwealth and as such, had responsibility for construction, location, maintenance and repair of utility poles necessary for these purposes with a principal place of business at 1717 Arch Street, Philadelphia, Pennsylvania 19103 which is now known as Verizon Pennsylvania, Inc.

6. That Additional Defendant, Verizon Pennsylvania, Inc., (hereinafter Verizon), is a Pennsylvania corporation organized and existing under the laws of the Commonwealth and is engaged in the business as a Pennsylvania public utility, of providing, transmitting and supplying telecommunications and telephone services to the citizens of the Commonwealth and as such, had responsibility for construction, location, maintenance and repair of utility poles necessary for these purposes with a principal place of business at 1717 Arch Street, Philadelphia, Pennsylvania 19103 which was previously known as Bell Atlantic-Pennsylvania Inc.

7. At all times material hereto, there existed utility poles under the ownership, possession and /or control of the Additional Defendants, Bell Atlantic-Pennsylvania, Inc., and/or Verizon Pennsylvania, Inc., adjacent to the southbound lane along Betz Road.

8. At all times material hereto, the Additional Defendants, Bell Atlantic-

Pennsylvania Inc., and/or Verizon Pennsylvania, Inc., had erected, maintained or utilized a particular utility pole number 187 TL 339 on Betz Road near the intersection with T-553 a.k.a. First Street, the existence of which contributed to the events giving rise to the lawsuit because it consisted of an extremely dangerous known hazard to motor vehicle traffic on Betz Road.

9. By reason of the negligence, recklessness, and carelessness of the Additional Defendants, Plaintiff Alison M. Long was violently shaken and suffered severe, serious, and permanent injuries and permanent impairment of bodily functions, as set forth in paragraph 12 of the Original Complaint.

10. That as a direct and proximate result of the aforementioned injuries, Plaintiff Alison M. Long has suffered the following damages as set forth in paragraph 13 of the Original Complaint.

COUNT IX

Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem v. Bell Atlantic-Pennsylvania, Inc.

11. The Plaintiffs hereby incorporates Paragraphs 1-10 of the Complaint as though the same were set forth at length herein.

12. At all times material hereto, the Defendant, Bell Atlantic-Pennsylvania, Inc., acted through its agents, servants and employees, who conducted themselves within the scope of their employment and for the benefit of their employer.

13. At all times material hereto, the Defendant, Bell Atlantic-Pennsylvania, Inc., through its agents, servants and employees, owed a duty to the persons traveling on Betz Road, including the Plaintiff, to formulate, adopt and enforce policies and procedures with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe

travel, which duty was breached.

14. At all times material hereto, the Defendant, Bell Atlantic-Pennsylvania, Inc., owed a duty to the persons traversing Betz Road, including the Plaintiff, to comply with Commonwealth, industry and internal regulations, recommendations and/or standards with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe travel, which duty was breached.

15. At all times material hereto, the Defendant, Bell Atlantic-Pennsylvania, Inc., owed a duty to the persons traversing Betz Road, including the Plaintiff, to oversee and inspect the work of its agents, servants, and employees with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe travel, which duty was breached.

16. The Additional Defendant, Bell Atlantic-Pennsylvania, Inc., through its agents, servants and employees, failed to exercise the degree of caution and care ordinarily exercised by public utility companies and was negligent in general and more particularly in the following manner:

- a. In failing to carefully and adequately review the conditions of Betz Road and adjacent land prior to determining the type of facility needed to provide telephone service to the residents along that road;
- b. In determining that an above-ground facility, i.e., a utility pole, was the appropriate and adequate means of providing telephone service to residents along Betz Road when it knew, or in the course of prudent investigation should have known, that this facility, in fact, was not safe at this location;
- c. In failing to carefully and adequately review the conditions of Betz Road and adjacent land prior to laying out the exact placement of utility poles along the road;
- d. In failing to carefully and adequately review prior accidents or incidents on Betz Road in the context of developing a plan for location utility poles along the road;
- e. In failing to consult personnel, local law enforcement and emergency management personnel and/or Bigler Township officials regarding the safe

- f. and prudent locations of utility poles along Betz Road;
- g. In failing to consult applicable statutory and regulatory acts regarding the safe and prudent locations of utility poles along public roadways, namely Betz Road;
- h. In failing to consult applicable in-house and/or industry-wide publications or writings regarding the safe and prudent locations of utility poles along public roadways, namely Betz Road;
- i. In creating an inadequate and dangerous design plan for the location/placement of utility poles along Betz Road;
- j. In installing/erecting the utility pole identified as number 187 TL 339 unreasonably close to the southbound lane of Betz Road;
- k. In failing to maintain a safe distance between the southbound lane of Betz Road and the utility pole identified as number 187 TL 339;
- l. In failing to investigate and suggest alternative locations for utility pole number 187 TL 339 along Betz Road;
- m. In installing/erecting the utility pole identified as number 187 TL 338 on Betz Road, when it knew, or in the course of prudent investigation should have known, that such placement created a dangerous condition ;
- n. In installing/erecting the utility pole identified as number 178 TL 339 on Betz Road in a location where it knew, or in the course of prudent investigation should have known created an obstruction on or about a public roadway;
- o. In installing/erecting the utility pole identified as number 187 TL 339 that was neither needed nor required for the provision of telephone service to the residents of Betz Road;
- p. In installing/erecting the utility pole identified as number 187 TL 339 on Betz Road that directly and proximately caused the death of James Blaylock, Jr., deceased;
- q. In failing to comply with applicable statutory and regulatory acts regarding the safe, prudent and careful placement of utility poles on public roadways such as Betz Road, specifically with respect to pole number 187 TL 339;
- r. In failing to inspect the utility pole along Betz Road, including pole number 187 TL 339, following their installation and/or on a regular basis or schedule thereafter with respect to the safety of persons traversing the roadway;
- s. In installing/erecting the utility pole identified as number 187 TL 339 unreasonably close to a narrow roadway, which it knew, or in the course of prudent investigation should have known, lacked adequate or appropriate lighting, reflectors, signage or any other warning device to advise travelers of the existence of danger of its pole;
- t. In failing to install and/or maintain adequate and appropriate lighting, reflectors, signs, tape and/or any other warning device at or on their poles,

specifically referencing pole number 187 TL 339, to advise travelers on Betz Road of the presence of utility poles placed in close proximity to the roadway on which they were traveling;

- u. In failing to make utility pole number 187 TL 339 visible and/or reflective in any manner whatsoever to persons traversing Betz Road;
- v. In failing to warn persons of a dangerous condition namely that of potential collision with utility pole number 187 TL 339; .
- w. In failing to correct by pole removal/relocation, a dangerous condition, specifically the presence of utility pole number 187 TL 339 when it knew, or in the course of prudent care and regard for public safety should have known of the same;
- x. In failing to apply for or to otherwise request a permit to relocate or remove utility pole number 187 TL 339;
- y. In failing to act in a reasonable manner by relocating or eliminating utility pole number 187 TL 339 prior to the death of James Blaylock, Jr., by placing its financial interest ahead of the safety of the traveling public and by ignoring specific warnings that utility poles, such as utility pole number 187 TL 339, located in close proximity to the roadway, were the most dangerous conditions of the highways;
- z. In failing to have a clear zone alongside the roadway that is traversable, free of obstructions, and available for recovery of an out-of-control vehicle;
- aa. In failing to install utility poles, such as utility pole number 187 TL 339, in accordance with safety concepts that provide that utility poles should be at least 15 feet from the edge of the travel lane of the roadway; and
- bb. In failing to install utility poles, specifically utility pole number 187 TL 339 that are breakaway.

17. At all times material hereto, the Defendant, Bell Atlantic-Pennsylvania, Inc., was in possession of, or should have had working knowledge of information accepted by the highway engineering communities and made known to utilities since the 1960's and forward detailing concerns over the placement of utility poles in close proximity to the roadway.

18. At all times material hereto, the Defendant, Bell Atlantic-Pennsylvania, Inc., was in possession of, or should have had working knowledge of the standards, policies and procedures as set forth in the American Association of State Highway and Transportation Officials Roadside Design Guide, the Commonwealth of Pennsylvania, Department of Transportation Design Manual and the Pennsylvania Code with respect to the location and

relocation of utility poles near public highways.

19. At all times material hereto, the Defendant, Bell Atlantic-Pennsylvania, Inc., was in possession of or had working knowledge of, information indicating that the location and relocation of a utility pole on a narrow roadway 7.5 feet from the edge of the travel lane constituted to an obstruction to the highway and was therefore a dangerous condition thereof.

WHEREFORE, Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, guardians of Alison M. Long, and in their own right, demands judgment against Defendant, Bell Atlantic-Pennsylvania, Inc., in an amount in excess of \$30,000.00, plus interest and costs of suit.

COUNT X

**Alison M. Long, An Incapacitated Person,
by Kenneth J. Long and Kathie M. Long,
Guardians Ad Litem v. Verizon Pennsylvania, Inc.**

20. The Plaintiffs hereby incorporates Paragraphs 1-10 of the Complaint as though the same were set forth at length herein.

21. At all times material hereto, the Defendant, Verizon Pennsylvania, Inc., acted through its agents, servants and employees, who conducted themselves within the scope of their employment and for the benefit of their employer.

22. At all times material hereto, the Defendant, Verizon Pennsylvania, Inc., through its agents, servants and employees, owed a duty to the persons traveling on Betz Road, including the Plaintiff, to formulate, adopt and enforce policies and procedures with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe travel, which duty was breached.

23. At all times material hereto, the Defendant, Verizon Pennsylvania, Inc., owed a

duty to the persons traversing Betz Road, including the Plaintiff, to comply with Commonwealth, industry and internal regulations, recommendations and/or standards with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe travel, which duty was breached.

24. At all times material hereto, the Defendant, Verizon Pennsylvania, Inc., owed a duty to the persons traversing Betz Road, including the Plaintiff, to oversee and inspect the work of its agents, servants, and employees with respect to the placement, installation, maintenance and removal of utility poles in order to ensure their safe travel, which duty was breached.

25. The Defendant, Verizon Pennsylvania, Inc., through its agents, servants and employees, failed to exercise the degree of caution and care ordinarily exercised by public utility companies and was negligent in general and more particularly in the following manner:

- a. In failing to carefully and adequately review the conditions of Betz Road and adjacent land prior to determining the type of facility needed to provide telephone service to the residents along that road;
- b. In determining that an above-ground facility, i.e., a utility pole, was the appropriate and adequate means of providing telephone service to residents along Betz Road when it knew, or in the course of prudent investigation should have known, that this facility, in fact, was not safe at this location;
- c. In failing to carefully and adequately review the conditions of Betz Road and adjacent land prior to laying out the exact placement of utility poles along the road;
- d. In failing to carefully and adequately review prior accidents or incidents on Betz Road in the context of developing a plan for location utility poles along the road;
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26. At all times material hereto, the Defendant, Verizon Pennsylvania, Inc., was in possession of, or should have had working knowledge of information accepted by the highway engineering communities and made known to utilities since the 1960's and forward detailing concerns over the placement of utility poles in close proximity to the roadway.

27. At all times material hereto, the Defendant, Verizon Pennsylvania, Inc., was in possession of, or should have had working knowledge of the standards, policies and procedures as set forth in the American Association of State Highway and Transportation Officials Roadside Design Guide, the Commonwealth of Pennsylvania, Department of Transportation Design Manual and the Pennsylvania Code with respect to the location and relocation of utility poles near public highways.

28. At all times material hereto, the Defendant, Verizon Pennsylvania, Inc., was in possession of or had working knowledge of, information indicating that the location and relocation of a utility pole on a narrow roadway 7.5 feet from the edge of the travel lane

constituted to an obstruction to the highway and was therefore a dangerous condition thereof.

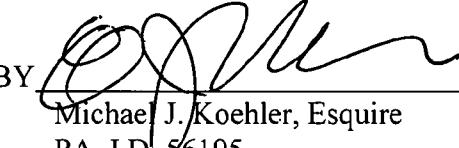
WHEREFORE, Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as guardians of Alison M. Long, and in their own right demands judgment against Defendant, Verizon Pennsylvania, Inc., in an amount in excess of \$30,000.00, plus interest and costs of suit.

A JURY TRIAL OF TWELVE (12) IS DEMANDED.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY


Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, Pennsylvania 16506
(814) 833-8851
Attorney for the Plaintiff

Date: 9-8-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,	:	CIVIL ACTION - LAW
v.	:	No. 2000 - 1487 - CD
ANDREW E. VISNOFSKY, a minor, VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants,	:	Code: 001 CIVIL ACTION

VERIFICATION

I, Kathie M. Long, guardian of Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Kathie M. Long
Kathie M. Long

Date: 8-15-07

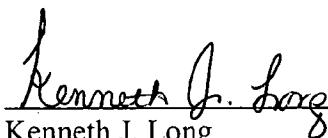
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v.	:	
ANDREW E. VISNOFSKY, a minor, VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, Defendants,	:	Code: 001 CIVIL ACTION
	:	
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VERIFICATION

I, Kenneth J. Long, guardian of Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.


Kenneth J. Long

Date: 8-15-07

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

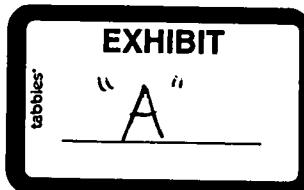
KENNETH J. LONG and KATHIE M. : CIVIL ACTION - LAW
LONG, his wife, as parents and natural : No. 2000-1487-C0
guardians of ALISON M. LONG, a minor, :
and in their own right, :
Plaintiffs : Type of Case: Personal Injury
: Type of Pleading: Civil Complaint
v. : Filed on Behalf of: Plaintiffs
:
ANDREW E. VISNOFSKY, a minor, and :
VICTORIA L. VISNOFSKY and JOHN E. :
VISNOFSKY, :
Defendants : Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: PA I.D. No.: 56195
: NICHOLAS, PEROT & STRAUSS, P.C.
: 2527 West 26th Street
: Erie, PA 16506
: (814) 833-8851

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

NOV 28 2000

Attest:

William L. Johnson
Prothonotary



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs : CIVIL ACTION - LAW
No. 2000-1487-10
v. :
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants :

N O T I C E

TO: The Above-Named Defendants

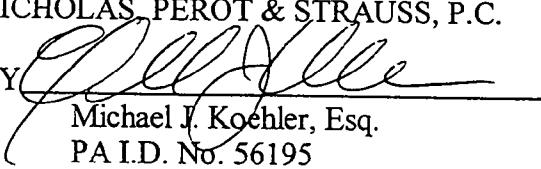
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Court Administrator
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NICHOLAS, PEROT & STRAUSS, P.C.

BY


Michael J. Koehler, Esq.
PA I.D. No. 56195
Attorneys for Plaintiffs
2527 West 26th Street
Erie, PA 16506
(814) 833-8851

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, Plaintiffs : CIVIL ACTION - LAW
No.
v.
ANDREW E. VISNOFSKY, a minor, and VICTORIA L. VISNOFSKY and JOHN E. VISNOFSKY, Defendants :

CIVIL COMPLAINT

AND NOW, comes the Plaintiffs, Kenneth J. Long and Kathie M. Long, his wife, as parents and natural guardians of Alison M. Long, a minor, and in their own right, by and through their attorneys, **Nicholas, Perot & Strauss, P.C.**, and files the following Complaint as follows:

1. That Plaintiff Alison M. Long, is a minor having been born on September 19, 1987.
2. That Plaintiffs Kenneth J. Long and Kathie M. Long, are adult individuals, husband and wife, and the parents and natural guardians of minor Plaintiff Alison M. Long, currently residing on Route 53, P.O. Box 292, North Madera, Clearfield County, Pennsylvania 16661.
3. That Defendant Andrew E. Visnofsky is a minor having been born on June 17, 1986 and believed to be residing with his father, Defendant John E. Visnofsky at P.O. Box 466, North Madera, Clearfield County, Pennsylvania 16661.
4. That Defendant Victoria L. Visnofsky is an adult individual and the parent and natural guardian of minor Defendant Andrew E. Visnofsky presently residing at Main Street, P.O. Box 257, North Madera, Clearfield County, Pennsylvania 16661.
5. That Defendant John E. Visnofsky is an adult individual and the parent and natural

guardian of minor Defendant Andrew E. Visnofsky presently residing at P.O. Box 466, North Madera, Clearfield County, Pennsylvania 16661.

6. That at all times relevant to this action, Defendant Victoria L. Visnofsky was the registered owner of a 1990 Mazda 323, Pennsylvania Vehicle Identification Number JM1BG2321L0115661, Pennsylvania Title Number 51582210.

7. On or about July 9, 2000 at approximately 12:36 p.m., minor Defendant Andrew E. Visnofsky was operating the 1990 Mazda 323 on Bigler Township Route 555, more commonly known as Betz Road, in Bigler Township, Clearfield County, Pennsylvania, at approximately one half mile south of its intersection with First Street.

8. That Defendant Victoria L. Visnofsky gave express and/or implied permission to operate and entrusted minor Defendant Andrew E. Visnofsky with the above motor vehicle, registered in her name on the date of the accident in question.

9. That Defendant John E. Visnofsky gave express and/or implied permission to operate and entrusted minor Defendant Andrew E. Visnofsky with the above motor vehicle, registered to Defendant Victoria L. Visnofsky, on the date of the accident in question.

10. That minor Plaintiff Alison M. Long was a rear-seat passenger in the above motor vehicle.

11. That at the above time and place, the above vehicle operated by the minor Defendant Andrew E. Visnofsky left the roadway and struck a utility pole located off the western berm.

12. That as a result of the violent impact of the above motor vehicle with the utility pole, minor Plaintiff Alison M. Long was violently shaken and suffered severe, serious and permanent injuries and permanent impairment of bodily functions including:

- a. Right frontoparietal subdural hematoma;
- b. Left occipital horn intraventricular hemorrhage;
- c. Right parietal diffuse axonal injury;
- d. Mid brain and brain stem shear injury;
- e. Corpus callosum shear injury;
- f. Right basal ganglia shear injury;
- g. Bifrontal hemorrhagic shear injury;
- h. T3, T5 and T6 compression fractures;
- i. L1, L2 and L3 compression fractures;
- j. Moderate hypothermia;
- k. Paralysis;
- l. Severe blunt force trauma to head, trunk, abdomen and upper and lower extremities; and
- m. Shock to nerves and nervous system.

13. That as a direct and proximate result of the aforementioned injuries suffered by minor

Plaintiff Alison M. Long, she has suffered the following damages:

- a. Plaintiff has suffered and will suffer great pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life's pleasures;
- b. Plaintiff has been and will be required to expend large sums of money for surgical and medical attention, including physical therapy, hospitalization, medical supplies, surgical appliances, medicines and attendant's services;
- c. Plaintiff will suffer a loss of wages and earning capacity;

d. Plaintiff's general health, strength, and vitality have been impaired.

Count I

Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Andrew E. Visnofsky

14. Plaintiffs hereby incorporate by reference paragraphs 1 through 13 of this Complaint as though fully set forth herein below in their entirety.

15. The above-captioned accident was caused solely by the negligence, recklessness, and carelessness of minor Defendant Andrew E. Visnofsky in that:

- a. He operated his vehicle at an excessive rate of speed under the circumstances;
- b. He failed to have his vehicle under proper and reasonable control;
- c. He operated his vehicle in such a manner as to cause it to leave the roadway and strike the utility pole.
- d. He failed to pay proper and reasonable attention to road hazards, traffic signs and road configuration as he proceeded down Bigler Township Route 555;
- e. He operated his vehicle without due regard for the rights and safety of his passengers in striking the utility pole;
- f. He failed to operate his vehicle in a safe and proper manner in striking the utility pole; and
- g. He failed to comply with the laws, rules and regulations of the Pennsylvania Motor Vehicle Code, specifically 75 Pa.C.S.A. Section 3732 (Homicide by Motor Vehicle); 75 Pa.C.S.A. Section 3719 (Careless Driving) and 75

Pa.C.S.A. Section 3361 (Driving Vehicle at Safe Speed).

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against minor Defendant Andrew E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count II

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. Victoria L. Visnofsky

16. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

17. That the provisions of the Pennsylvania Motor Vehicle Code provide that no person shall authorize or permit a motor vehicle owned by them or under their control to be driven upon any highway by any person who is not authorized under the vehicle code or who is not licensed for the type or class of vehicle to be driven, 75 Pa.C.S.A. §1574(a).

18. That the provisions of the Pennsylvania Motor Vehicle Code provide that any person violating the provisions of Section 1574(a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in the operation of the vehicle, 75 Pa.C.S.A. §1574(b).

19. That Defendant Victoria L. Visnofsky knew or had reason to know that her son, minor Defendant Andrew E. Visnofsky, was not licensed to operate a motor vehicle and as such is jointly and severally liable for the damages caused by his negligence as more fully set forth herein before.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count III

Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Victoria L. Visnofsky

20. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

21. That under Pennsylvania law, a parent is under a duty to exercise reasonable care so as to control their minor child as to prevent them from so conducting themselves as to create an unreasonable risk of bodily harm to others, if the parent knows or has reason to know that they have the ability to control their child and knows or should know of the necessity and opportunity for exercising such control. Restatement of Torts, Second §316.

22. That Defendant Victoria L. Visnofsky knew or had reason to know that she had the ability to control her son, minor Defendant Andrew E. Visnofsky, and knew or should have known of the necessity and opportunity for exercising such control.

23. That Defendant Victoria L. Visnofsky breached her duty to exercise reasonable care so as to control her minor child, Defendant Andrew E. Visnofsky, so as to prevent him from so conducting himself as to create an unreasonable risk of harm to the minor Plaintiff for which she is liable for those injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count IV

Kenneth J. Long and Kathie M. Long as parents and natural guardians of
Alison M. Long v. Victoria L. Visnofsky

24. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

25. That Defendant Victoria L. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted her registered vehicle to be possessed and operated by minor Defendant Andrew E. Visnofsky when she knew or should have known that he was incapable of safe driving.

26. That Defendant Victoria L. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted operation of her registered motor vehicle by minor Defendant Andrew E. Visnofsky when she recognized or should have recognized the need to exercise control over minor Defendant Andrew E. Visnofsky's use of her personal property, having the ability to exercise such control, but failing to do so under Section 318 of the Restatement of Torts, Second and as such, is liable for the injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant Victoria L. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count V

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. John E. Visnofsky

27. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

28. That the provisions of the Pennsylvania Motor Vehicle Code provide that no person shall authorize or permit a motor vehicle owned by them or under their control to be driven upon any

highway by any person who is not authorized under the vehicle code or who is not licensed for the type or class of vehicle to be driven, 75 Pa.C.S.A. §1574(a).

29. That the provisions of the Pennsylvania Motor Vehicle Code provide that any person violating the provisions of Section 1574(a) is guilty of a summary offense and shall be jointly and severally liable with the driver for any damages caused by the negligence of such driver in the operation of the vehicle, 75 Pa.C.S.A. §1574(b).

30. That Defendant John E. Visnofsky had control over the motor vehicle owned by his wife, Defendant Victoria L. Visnofsky, and knew or had reason to know that his son, minor Defendant Andrew E. Visnofsky, was not licensed to operate a motor vehicle and as such is jointly and severally liable for the damages caused by his negligence as more fully set forth herein before.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VI

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. John E. Visnofsky

31. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

32. That under Pennsylvania law, a parent is under a duty to exercise reasonable care so as to control their minor child as to prevent them from so conducting themselves as to create an unreasonable risk of bodily harm to others, if the parent knows or has reason to know that they have the ability to control their child and knows or should know of the necessity and opportunity

for exercising such control. Restatement of Torts, Second §316.

33. That Defendant John E. Visnofsky knew or had reason to know that he had the ability to control his son, minor Defendant Andrew E. Visnofsky, and knew or should have known of the necessity and opportunity for exercising such control.

34. That Defendant John E. Visnofsky breached his duty to exercise reasonable care so as to control his minor child, Defendant Andrew E. Visnofsky, so as to prevent him from so conducting himself as to create an unreasonable risk of harm to the minor Plaintiff for which he is liable for those injuries and damages resulting there from.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VII

Kenneth J. Long and Kathie M. Long as parents and natural guardians of Alison M. Long v. John E. Visnofsky

35. Plaintiffs hereby incorporate by reference paragraphs 1 through 15 of this Complaint as though fully set forth herein below in their entirety.

36. That Defendant John E. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted minor Defendant Andrew E. Visnofsky to operate Defendant Victoria L. Visnofsky's vehicle when he knew or should have known that he was incapable of safe driving.

37. That Defendant John E. Visnofsky negligently expressly and/or implicitly entrusted and/or permitted operation of Defendant Victoria L. Visnofsky's motor vehicle by minor Defendant Andrew E. Visnofsky when he recognized or should have recognized the need to exercise control over minor Defendant Andrew E. Visnofsky's use of Defendant Victoria L.

Visnofsky's personal property, having the ability to exercise such control, but failing to do so under Section 318 of the Restatement of Torts, Second and as such, is liable for the injuries and damages resulting therefrom.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against Defendant John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

Count VIII

Kenneth J. Long and Kathie Long as parents and natural guardians of Alison M. Long and in their own right v. Andrew E. Visnofsky, a minor, and Victoria L. Visnofsky and John E. Visnofsky

38. Plaintiffs hereby incorporate by reference paragraphs 1 through 37 of this Complaint as though fully set forth herein below in their entirety.

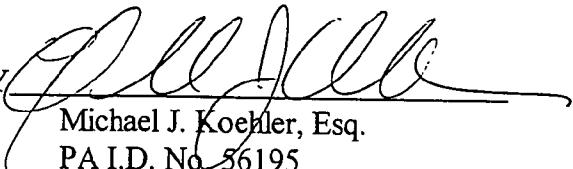
39. That as a direct and proximate result of the negligence of minor Defendant Andrew E. Visnofsky, and Defendant Victoria L. Visnofsky and Defendant John E. Visnofsky, individually, as hereinabove alleged, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long, have been obligated to expend various sums of money for doctors, nurses, hospitals, medicines and medical services in attempting to effectuate a cure for the injuries to their daughter, Alison M. Long, and will be obligated to continue making similar expenditures for the same purpose for an indefinite time in the future.

WHEREFORE, Plaintiffs Kenneth J. Long and Kathie M. Long as parents and natural guardians of minor Plaintiff Alison M. Long demand judgment against minor Defendant Andrew E. Visnofsky, and Victoria L. Visnofsky and John E. Visnofsky in an amount in excess of \$30,000.00, plus interest and costs of suit.

A JURY TRIAL OF TWELVE (12) IS DEMANDED

NICHOLAS, PEROT & STRAUSS, P.C.

BY



Michael J. Koehler, Esq.

PA I.D. No. 56195

Attorneys for Plaintiffs

2527 West 26th Street

Erie, Pennsylvania 16506

(814) 833-8851

Date: 11/15/00

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE : CIVIL ACTION - LAW
LONG, his wife, as parents and natural :
guardians of ALISON M. LONG, a minor, : No.
and in their own right, :
Plaintiffs :
: :
v. :
: :
ANDREW E. VISNOFSKY, a minor, and :
VICTORIA L. VISNOFSKY and JOHN E. :
VISNOFSKY, :
Defendants :
:

VERIFICATION

I, Kenneth J. Long, individually and as parent and natural guardian of minor Plaintiff Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 11/13/00

Kenneth J. Long
Kenneth J. Long, individually and as
p/n/g of Alison M. Long, a minor.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH J. LONG and KATHIE : CIVIL ACTION - LAW
LONG, his wife, as parents and natural :
guardians of ALISON M. LONG, a minor, : No.
and in their own right, :
Plaintiffs :
: :
v. :
: :
ANDREW E. VISNOFSKY, a minor, and :
VICTORIA L. VISNOFSKY and JOHN E. :
VISNOFSKY, :
Defendants :
:

VERIFICATION

I, Kathie Long, individually and as parent and natural guardian of minor Plaintiff Alison M. Long, verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Kathie Long
Kathie Long, individually and as
p/n/g of Alison M. Long, a minor.

Date: November 13, 2020

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Please Reinstate the Civil Complaint with regard to the above-captioned matter.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
Pa. ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

pd \$7.00 Atty
FILED ICC Atty
m/215cm OCT 22 2007
OCT 22 2007 ICC & 2 reinstated
complaints to
Shaf.
UN
William A. Shaw
Prothonotary/Clerk of Courts

SMIGEL, ANDERSON & SACKS, LLP
River Chase Office Center
4431 North Front Street, 3rd Floor
Harrisburg, PA 17110-1778
(717) 234-2401

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC.,
VERIZON PENNSYLVANIA, INC.,
Defendants.

C. Lee Anderson, Esquire
I.D. No. 21315
landerson@saslp.com
*Attorney for Defendants Bell Atlantic-Pennsylvania, Inc.
and Verizon Pennsylvania, Inc.*

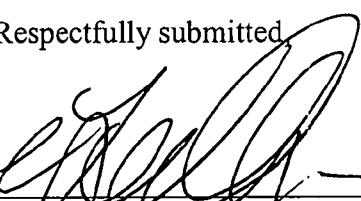
: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: NO. 07-1487-CD
:
: CIVIL ACTION - LAW
:
:

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of James E. Himes, Esquire, and Smigel, Anderson & Sacks, LLP on behalf of the Defendants Bell Atlantic-Pennsylvania, Inc., and Verizon Pennsylvania, Inc., in the above-captioned case.

Respectfully submitted,

By: 
C. Lee Anderson, Esquire
I.D. No. 21315
SMIGEL, ANDERSON & SACKS
4431 N. Front Street
Harrisburg, PA 17110
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740

FILED NOCC
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William A. Shaw
Prothonotary/Clerk of Courts

SMIGEL, ANDERSON & SACKS, LLP
River Chase Office Center
4431 North Front Street, 3rd Floor
Harrisburg, PA 17110-1778
(717) 234-2401

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC.,
VERIZON PENNSYLVANIA, INC.,
Defendants.

C. Lee Anderson, Esquire
I.D. No. 21315
landerson@sasllp.com
*Attorney for Defendants Bell Atlantic-Pennsylvania, Inc.
and Verizon Pennsylvania, Inc.*

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
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: NO. 07-1487-CD
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: CIVIL ACTION - LAW
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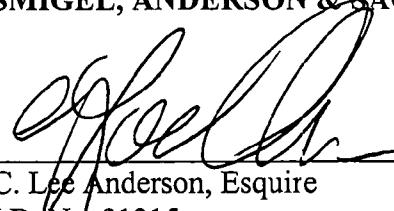
CERTIFICATE OF SERVICE

I, C. Lee Anderson, Esquire, hereby certify that I have served a true and correct copy of the foregoing Praeclipe for Entry of Appearance as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this day of October 31, 2007:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506
Attorney for Plaintiffs

Date: October 31, 2007

SMIGEL, ANDERSON & SACKS

By: 
C. Lee Anderson, Esquire
I.D. No. 21315
4431 N. Front Street
Harrisburg, PA 17110
(717) 234-2401
Attorneys for Defendants Bell Atlantic-Pennsylvania, Inc. and Verizon Pennsylvania, Inc.

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC., Defendants.

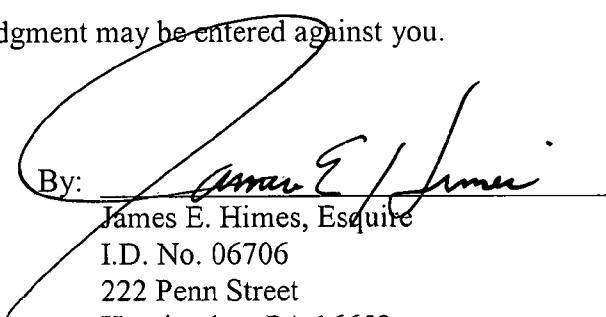
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
NO. 07-1487-CD
CIVIL ACTION - LAW

NOTICE TO PLEAD

TO: Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem, Plaintiffs, c/o Michael J. Koehler, Esquire Nicholas, Perot & Strauss, P.C. 2527 West 26th Street Erie, PA 16506 *Attorneys for 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.

Date: December 27, 2007

By: 

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorney for Defendants

FILED 2CC
M 12/31/07 Atty Himes
DEC 31 2007
(GP)

William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANTS' ANSWER WITH NEW MATTER
TO PLAINTIFFS' COMPLAINT

AND NOW COMES Defendants Bell-Atlantic Pennsylvania, Inc. and Verizon Pennsylvania, Inc. by and through their attorneys, James E. Himes, Esquire and C. Lee Anderson, Esquire, to file following Answer with New Matter and aver in support as follows:

1. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the averments of this paragraph and the averments are therefore denied, with strict proof thereof demanded at trial.

2. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the averments of this paragraph and the averments are therefore denied, with strict proof thereof demanded at trial.

3. Denied. The Complaint Plaintiffs reference is a writing which speaks for itself, and therefore Plaintiffs' summaries, conclusions, or characterizations made regarding that writing are specifically denied.

4. Denied. This paragraph is denied generally pursuant to Pa. R.C.P. 1029(e).

5. Admitted in part and denied in part. It is admitted only that Bell Atlantic-Pennsylvania, Inc. is a public utility and that it has a principal office location at the Philadelphia

address. The description of Bell Atlantic-Pennsylvania, Inc.'s duties and responsibilities is generally denied as inaccurate.

6. Admitted in part and denied in part. It is admitted only that Verizon Pennsylvania, Inc. is a public utility and that it has a principal office location at the Philadelphia address. The description of Verizon Pennsylvania, Inc.'s duties and responsibilities is generally denied as inaccurate.

7. Admitted.

8. Admitted in part and denied in part. It is admitted that Defendants utilized utility pole No. 339. It is specifically denied that the utility pole was a dangerous known hazard to motor vehicle traffic and strict proof thereof is demanded at the time of trial.

9. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

10. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

COUNT IX

Alison M. Long, An Incapacitated Person,
by Kenneth J. Long and Kathie M. Long,
Guardians Ad Litem v.; Bell Atlantic-Pennsylvania, Inc.

11. This is an incorporation paragraph to which no responsive pleading is required.

12. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

13. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

14. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

15. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

16. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

17. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

18. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

19. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

WHEREFORE, Defendant respectfully request this Honorable Court to dismiss Plaintiffs' Count and enter judgment in its favor and against the Plaintiffs together with any costs associated therewith.

COUNT X

**Alison M. Long, An Incapacitated Person,
by Kenneth J. Long and Kathie M. Long,
Guardians Ad Litem v.; Bell Atlantic-Pennsylvania, Inc.**

20. This is an incorporation paragraph to which no responsive pleading is required.
21. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.
22. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.
23. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.
24. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.
25. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

26. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

27. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

28. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

WHEREFORE, Defendant respectfully request this Honorable Court to dismiss Plaintiffs' Count and enter judgment in its favor and against the Plaintiffs together with any costs associated therewith.

NEW MATTER

29. The Defendant hereby incorporates Paragraphs 1-28 of the Answer as though the same were set forth at length herein.

30. Plaintiffs' claims are barred, in whole or in part, by the provisions of the Pennsylvania Motor Vehicle Responsibility Law.

31. Plaintiffs' injuries and/or losses, if any, were caused by persons and/or events outside the control of Defendant.

32. Plaintiffs' claims are barred in whole or in part by the doctrine of laches and unclean hands.

33. Plaintiffs are barred and/or limited in their recovery by the provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. § 4102.

32. Plaintiffs' claims are barred in whole or in part by the doctrine of laches and unclean hands.

33. Plaintiffs are barred and/or limited in their recovery by the provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. § 4102.

34. Plaintiff Alison M. Long was contributorily negligent and/or assumed the risk of injury.

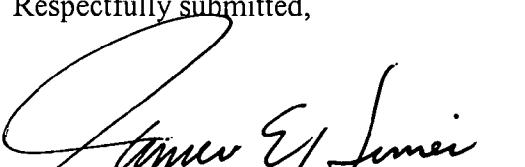
35. The negligent acts and/or omissions of other individuals or entities constitutes an intervening and/or superseding cause of the injuries alleged to have been sustained by the Plaintiff.

WHEREFORE, Defendant respectfully request this Honorable Court to dismiss Plaintiffs' Count and enter judgment in its favor and against the Plaintiffs together with any costs associated therewith.

Date: December 27, 2007

Respectfully submitted,

By:


James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorney for Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem,
Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC.,
VERIZON PENNSYLVANIA, INC.,
Defendants.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: NO. 07-1487-CD
:
: CIVIL ACTION - LAW
:
:

CERTIFICATE OF SERVICE

I, James E. Himes, Esquire, hereby certify that I have served a true and correct copy of the foregoing Answer with New Matter as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 27th day of December, 2007:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506
Attorney for Plaintiffs

Date: December 27, 2007

By:



James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, : CIVIL ACTION - LAW
v. : No. 07-1487-CD
: Type of Case: Personal Injury
: Type of Pleading: Reply to New Matter
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants : Filed on Behalf of: Plaintiffs
: **Counsel of Record for this Party:**
: Michael J. Koehler, Esquire
: Supreme Court ID No. 56195
: NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
: 2527 West 26th Street
: Erie, Pennsylvania 16506
: (814) 833-8851

FILED

JAN 11 2008

11:25 (c)
William A. Shaw

William A. Sha

Prothonotary/Clerk of Courts

no 9c

61

BELL ATLANTIC - PENNSYLVANIA
INC., VERIZON PENNSYLVANIA, INC.
Defendants

Filed on Behalf of: Plaintiffs

Counsel of Record for this Party:

Michael J. Koehler, Esquire
Supreme Court ID No. 56195
NICHOLAS, PEROT, SMITH, KOEHLER
& WALL, P.C.
2527 West 26th Street
Erie, Pennsylvania 16506
(814) 833-8851

Dated: 1/9/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, :

CIVIL ACTION - LAW

No. 07-1487-CD

v.

BELL ATLANTIC - PENNSYLVANIA :
INC., VERIZON PENNSYLVANIA, INC. :
Defendants :

**PLAINTIFFS' REPLY TO DEFENDANT BELL ATLANTIC-PENNSYLVANIA, INC.
AND VERIZON PENNSYLVANIA, INC.'S NEW MATTER**

AND NOW, comes the Plaintiffs, by and through their attorneys, NICHOLAS, PEROT, SMITH, KOEHLER & WALL, and files this Reply to New Matter, the content of which is as follows:

29. Plaintiffs hereby incorporate by reference each and every allegation contained in paragraphs 1 through 28 in the original Complaint as though set forth herein under in their entirety.

30. The allegations contained in paragraph 30 of Defendants' New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied the Plaintiffs' claims are barred, in whole or in part by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law and strict proof of the same is demanded at time of trial.

31. The allegations contained in paragraph 31 of Defendants' New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied the Plaintiffs' injuries and/or losses were wholly caused by persons and/or events outside the control of Defendant and strict proof of the same is demanded at time of trial. By

way of further answer, Plaintiffs' have plead alternative causes of action pursuant to Pa.R.C.P. 1020; 42 Pa. C.S.A., in their separate action filed in Clearfield County Court of Common Pleas at docket number 2000-01487-CD.

32. The allegations contained in paragraph 32 of Defendants' New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied the Plaintiffs' claims are barred, in whole or in part by the doctrine of laches and unclean hands and strict proof of the same is demanded at time of trial.

33. The allegations contained in paragraph 33 of Defendants' New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied the Plaintiffs' claims are barred and/or limited in their recovery by the provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. § 4102 and strict proof of the same is demanded at time of trial.

34. The allegations contained in paragraph 34 of Defendants' New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied that Plaintiff Alison M. Long was contributorily negligent and/or assumed risk of injury and strict proof of the same is demanded at time of trial.

35. The allegations contained in paragraph 35 of Defendants' New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied that the negligent acts and/or omissions of other individuals or entities constitutes an intervening and/or superseding cause of the injuries alleged to have been sustained by the Plaintiff and strict proof of the same is demanded at time of trial. By way of further answer, Plaintiffs' have plead alternative causes of action pursuant to Pa.R.C.P. 1020; 42 Pa. C.S.A., in their separate action filed in Clearfield County Court of Common Pleas at docket number 2000-

01487-CD.

WHEREFORE, Plaintiffs demands judgment in their favor against Defendants' Bell Atlantic-Pennsylvania, Inc., and Verizon Pennsylvania, Inc. an amount in excess of \$30,000.00, plus interest and costs.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

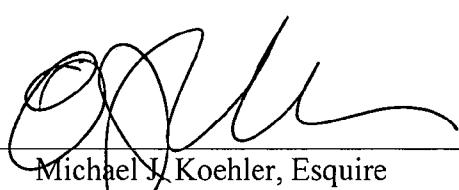
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

VERIFICATION

On this 8 day of January 2008, Michael J. Koehler, Esquire, the undersigned, hereby states that he is the attorney for the Plaintiffs, and that he is authorized to make this verification on behalf of the plaintiffs, that the facts set forth in the foregoing Reply to New Matter are true and correct, not of his own knowledge, but from information supplied to him by the plaintiffs, that the purpose of this verification is to expedite the litigation, that a verification of the plaintiffs will be supplied if demanded, all subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

BY


Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, :

CIVIL ACTION - LAW

No. 07-1487-CD

v.

BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants :

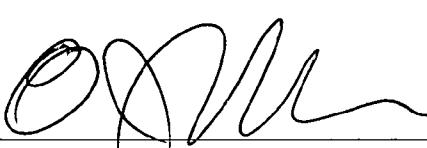
CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of January, 2008, the foregoing Reply to New Matter was served upon the following individual in accordance with all applicable rules of court:

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

BY



Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **103193**

ALISON M. LONG, an incapacitated person by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem

Case # 07-1487-CD

vs.

BELL ATLANTIC-PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW January 28, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO BELL ATLANTIC-PENNSYLVANIA INC., DEFENDANT. NEVER RECEIVED BY PHILADELPHIA SHERIFF'S OFFICE

THIS WAS SENT TO PHILA. IN A PRE ADDRESSED/STAMPED ENVELOPE FROM ATTY., IT WAS RETURNED AS IT HAD THE WRONG ADDRESS FOR THE SHERIFF'S OFFICE ON IT.



FILED

03:15 pm
JAN 28 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 # **103193**

ALISON M. LONG, an incapacitated person by Kenneth J. Long and Kathie M.
Long, Guardians Ad Litem

Case # 07-1487-CD

vs.

BELL ATLANTIC-PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW January 28, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO VERIZON PENNSYLVANIA INC., DEFENDANT. NEVER RECEIVED BY PHILADELPHIA SHERIFF'S OFFICE

THIS WAS SENT TO PHILA. IN A PRE ADDRESSED/STAMPED ENVELOPE FROM ATTY., IT WAS RETURNED AS IT HAD THE WRONG ADDRESS FOR THE SHERIFF'S OFFICE ON IT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103193
NO. 07-1487-CD
SERVICES 2
COMPLAINT

PLAINTIFF: ALISON M. LONG, an incapacitated person by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem
vs.
DEFENDANT: BELL ATLANTIC-PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NICHOLAS	12413	20.00
SHERIFF HAWKINS	NICHOLAS	12413	18.00
PHILADELPHIA CO.	NICHOLAS	12414	0.00

Sworn to Before Me This

____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO. (Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)		COURT TERM AND NUMBER	
TO BE COMPLETED BY ATTORNEY		SHERIFF'S NUMBER	
PLAINTIFF <i>Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem</i>		COST <input type="text"/> MILEAGE <input type="text"/>	
DEFENDANT(S) <i>Bell Atlantic-Pennsylvania, Inc.</i>		DISTRICT <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____	
SERVE AT <i>1717 Arch St, Philadelphia, PA 19103</i>		TYPE OF ACTION	
SPECIAL INSTRUCTIONS <i>Please serve officer, director or any other person authorized to accept service for Bell Atlantic</i>			
TO BE COMPLETED BY SHERIFF			
Served and made known to _____, Defendant(s) on the _____ day of _____, 20_____, at _____ o'clock ___M. at _____ Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:			
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s): Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____			
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>			
On the _____ day of _____, 20_____, at _____ o'clock ___M. Defendant not found because: <input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____			
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>			
DEPUTIZED SERVICE			
Now, the _____ day of _____, 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby depelize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.			
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>			
TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY	
Name <i>Michael J. Kuehler, ESQUIRE</i> Address <i>82527 West 26th St, Erie, PA 16506</i> Telephone Number <i>(814) 833-8951</i> Identification Number <i>56195</i>		ATTEST _____ PRO PROTHONOTARY _____ DATE _____	
Represents: <input checked="" type="checkbox"/> Plaintiff(s) <i>Alison Long, Kenneth Long and Kathie Long</i> <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____			

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO.		COURT TERM AND NUMBER
(Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)		
TO BE COMPLETED BY ATTORNEY		SHERIFF'S NUMBER
PLAINTIFF <i>Alison M. Long, An Incapacitated Person by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem</i>		COST MILEAGE
DEFENDANT(S)	DISTRICT	
Bell Atlantic-Pennsylvania, Inc.		<input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____
SERVE AT	TYPE OF ACTION	
1717 Arch St, Philadelphia, Pa 19103		
SPECIAL INSTRUCTIONS <i>Please serve Office, Director or any other person not listed to except Service of Process</i>		
TO BE COMPLETED BY SHERIFF		
Served and made known to _____, Defendant(s) on the _____ day of _____, 20_____, at _____ o'clock ___ M. at _____ Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:		
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____		
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>		
On the _____ day of _____, 20_____, at _____ o'clock ___ M. Defendant not found because: <input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____		
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>		
DEPUTIZED SERVICE		
Now, the _____ day of _____, 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby depelize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.		
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>		
TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY
Name <i>Michael J. Kuchler Esquire</i> Address <i>2227 West 26th St, Suite 400, Philadelphia, PA 19104</i> Telephone Number <i>(814) 833-8851</i> Identification Number <i>56175</i> Represents: <input checked="" type="checkbox"/> Plaintiff(s) <i>Alison M. Long, Kenneth J. Long and Kathie M. Long</i> <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____		ATTEST _____ PRO PROTHONOTARY DATE _____

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO.		COURT TERM AND NUMBER	
(Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)		SHERIFF'S NUMBER	
TO BE COMPLETED BY ATTORNEY		SHERIFF'S NUMBER	
PLAINTIFF <i>Alixyn M. Long, An Incapacitated Person, by Kenneth J. Long, I, Kathie M. Long, Guardians Ad Litem</i>		COST <input type="text"/> MILEAGE <input type="text"/>	
DEFENDANT(S) <i>Bell Atlantic-Pennsylvania, Inc.</i>		DISTRICT <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____	
SERVE AT <i>1717 Arch St, Philadelphia, PA 19103</i>		TYPE OF ACTION	
SPECIAL INSTRUCTIONS <i>Please serve office, director or any other person in charge of Service Department</i>			
TO BE COMPLETED BY SHERIFF			
Served and made known to _____, Defendant(s) on the _____ day of _____, 20_____, at _____ o'clock ___ M. at _____ Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:			
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
On the _____ day of _____, 20_____, at _____ o'clock ___ M. Defendant not found because:			
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
DEPUTIZED SERVICE			
Now, the _____ day of _____, 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby deputize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY	
Name <i>Michael J. Kuhler, Esquire</i>		ATTEST _____	
Address <i>2227 West 26th Street, Philadelphia, PA 19106</i>		PRO PROTHONOTARY _____	
Telephone Number <i>(814) 833-8851</i>		DATE _____	
Identification Number <i>56195</i>			
Represents:			
<input checked="" type="checkbox"/> Plaintiff(s) <i>Alixyn M. Long, An Incapacitated Person, by Kenneth J. Long, I, Kathie M. Long, Guardians Ad Litem</i> <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____			



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641 ~~████████~~
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103193

TERM & NO. 07-1487-CD

ALISON M. LONG, an incapacitated person by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem

COMPLAINT

vs.

BELL ATLANTIC-PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.

SERVE BY: 10/10/07

HEARING:

MAKE REFUND PAYABLE TO NICHOLAS,PEROT,SMITH,KOEHLER&WALL,ESQ.

SERVE: BELL ATLANTIC-PENNSYLVANIA INC.

ADDRESS: 1717 ARCH ST., PHILADELPHIA, PA 19103

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF PHILADELPHIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, September 14, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS
SHERIFF

**Sheriff's Office
Clearfield County**

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

OFFICE (814) 765-2641

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM

DEPT. CLERK

COPY
CYNTHIA AUCHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103193

TERM & NO. 07-1487-CD

ALISON M. LONG, an incapacitated person by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem

COMPLAINT

vs.

BELL ATLANTIC-PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.

SERVE BY: 10/10/07

HEARING:

MAKE REFUND PAYABLE TO NICHOLAS,PEROT,SMITH, KOEHLER&WALL,ESQ.

SERVE: BELL ATLANTIC-PENNSYLVANIA INC.

ADDRESS: 1717 ARCH ST., PHILADELPHIA, PA 19103

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF PHILADELPHIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, September 14, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO. (Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)		COURT TERM AND NUMBER	
TO BE COMPLETED BY ATTORNEY		SHERIFF'S NUMBER	
PLAINTIFF <i>Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem</i>		COST <input type="text"/> MILEAGE <input type="text"/>	
DEFENDANT(S) <i>Verizon Pennsylvania, Inc.</i>		DISTRICT <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____	
SERVE AT <i>1717 Arch St., Philadelphia, PA 19103</i>		TYPE OF ACTION	
SPECIAL INSTRUCTIONS <i>Please serve officer, director or any other person authorized to receive service for Verizon</i>			
TO BE COMPLETED BY SHERIFF			
Served and made known to _____, Defendant(s) on the _____ day of _____, 20_____, at _____ o'clock ___ M. at _____ Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:			
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
On the _____ day of _____, 20_____, at _____ o'clock ___ M. Defendant not found because:			
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
DEPUTIZED SERVICE			
Now, the _____ day of _____, 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby deputize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY	
Name <i>Michael J. Roehler, Esq.</i> Address <i>2507 West 26th St. Erie, PA 16509</i> Telephone Number <i>(814) 833-8851</i> Identification Number <i>56195</i> Represents: <input checked="" type="checkbox"/> Plaintiff(s) <i>Alison Long, Kenneth Long, & Kathie Long</i> <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____		ATTEST _____ PRO PROTHONOTARY _____ DATE _____	

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO.

(Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)

TO BE COMPLETED BY ATTORNEY		COURT TERM AND NUMBER	
PLAINTIFF <i>Alison M. Long, et al; Incapacitated Person, by Katherine J. Henry and Kathie M. Long, Guardians Ad Litem</i>		SHERIFF'S NUMBER	
DEFENDANT(S) <i>Verizon Pennsylvania, Inc.</i>		COST	MILEAGE
SERVE AT <i>1717 Arch St, Philadelphia PA 19103</i>		DISTRICT	
SPECIAL INSTRUCTIONS <i>Please serve officer, director or any other person authorized to receive service for Verizon</i>		TYPE OF ACTION	

TO BE COMPLETED BY SHERIFF			
Served and made known to _____, Defendant(s) on the _____ day of _____, 20_____, at _____ o'clock ___ M. at _____ Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:			
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____			
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>			

On the _____ day of _____, 20_____, at _____ o'clock ___ M. Defendant not found because:			
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____			
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>			

DEPUTIZED SERVICE			
Now, the _____ day of _____, 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby depelize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.			
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>			

TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY	
Name <i>Michael J. Kehler, E.SQ.</i>		ATTEST _____	
Address <i>2527 West 26th St Erie, PA 16501</i>		PRO PROTHONOTARY _____	
Telephone Number <i>(814) 833-8851</i>		DATE _____	
Identification Number <i>56195</i>			
Represents: <input checked="" type="checkbox"/> Plaintiff(s) <i>Alison Long, Katherine Henry & Kathie Long</i> <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____			

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO.

(Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)

TO BE COMPLETED BY ATTORNEY		COURT TERM AND NUMBER	
PLAINTIFF <i>Alannah Long, Sherry Long, and Michael Long, individually and jointly, and John J. Kehoe and Kathleen M. Long, Guardians of the Minors</i>		SHERIFF'S NUMBER	
DEFENDANT(S) <i>Verizon Pennsylvania, Inc.</i>		COST	MILEAGE
SERVE AT <i>1717 17th Street, Philadelphia, PA 19103</i>		DISTRICT	
SPECIAL INSTRUCTIONS <i>Please serve officer, director or manager, or person in charge for Verizon</i>		TYPE OF ACTION	
TO BE COMPLETED BY SHERIFF			
Served and made known to _____, Defendant(s) on the _____ day of _____, 20_____, at _____ o'clock ___M. at _____ Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:			
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
On the _____ day of _____, 20_____, at _____ o'clock ___M. Defendant not found because:			
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
DEPUTIZED SERVICE			
Now, the _____ day of _____, 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby depelize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY	
Name <i>John J. Kehoe, Esq.</i>		ATTEST _____	
Address <i>2527 West 26th Street, Philadelphia, PA 19105</i>		PRO PROTHONOTARY	
Telephone Number <i>(215) 833-8851</i>		DATE _____	
Identification Number <i>56195</i>			
Represents:			
<input checked="" type="checkbox"/> Plaintiff(s) <i>Alannah Long, Sherry Long, and Michael Long, individually and jointly, and John J. Kehoe and Kathleen M. Long, Guardians of the Minors</i> <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____			



CHESTER A. HAWKINS
SHERIFF

**Sheriff's Office
Clearfield County**

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

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103193

TERM & NO. 07-1487-CD

ALISON M. LONG, an incapacitated person by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem

COMPLAINT

VS.

BELL ATLANTIC-PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.

SERVE BY: 10/10/07

HEARING:

MAKE REFUND PAYABLE TO NICHOLAS,PEROT,SMITH, KOEHLER&WALL,ESQ.

SERVE: VERIZON PENNSYLVANIA INC.

ADDRESS: 1717 ARCH ST., PHILADELPHIA, PA 19103

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF PHILADELPHIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, September 14, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office
Clearfield County

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

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

COPY

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103193

TERM & NO. 07-1487-CD

ALISON M. LONG, an incapacitated person by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem

COMPLAINT

VS.

BELL ATLANTIC-PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.

SERVE BY: 10/10/07

HEARING:

MAKE REFUND PAYABLE TO NICHOLAS,PEROT,SMITH, KOEHLER&WALL,ESQ.

SERVE: VERIZON PENNSYLVANIA INC.

ADDRESS: 1717 ARCH ST., PHILADELPHIA, PA 19103

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF PHILADELPHIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, September 14, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

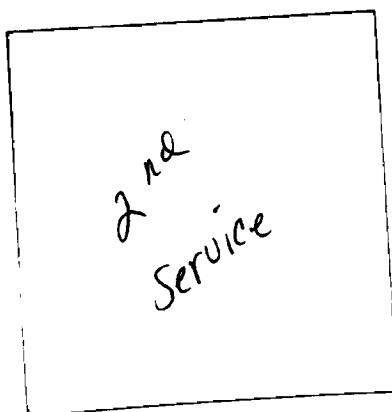
DOCKET # 103340
NO: 07-1487-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: ALISON M. LONG An incapacitated person by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem
vs.
DEFENDANT: BELL ATLANTIC - PENNSYLVANIA INC. ; VERIZON PENNSYLVANIA, INC.

SHERIFF RETURN

NOW, October 23, 2007, SHERIFF OF PHILADELPHIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON BELL ATLANTIC - PENNSYLVANIA INC..

NOW, October 31, 2007 AT 10:00 AM SERVED THE WITHIN COMPLAINT ON BELL ATLANTIC - PENNSYLVANIA INC., DEFENDANT. THE RETURN OF PHILADELPHIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.



FILED
03:15 pm
JAN 28 2008
[Handwritten signature]

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103340
NO: 07-1487-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: ALISON M. LONG An incapacitated person by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem
vs.
DEFENDANT: BELL ATLANTIC - PENNSYLVANIA INC. ; VERIZON PENNSYLVANIA, INC.

SHERIFF RETURN

NOW, October 23, 2007, SHERIFF OF PHILADELPHIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON VERIZON PENNSYLVANIA, INC..

NOW, October 31, 2007 AT 10:00 AM SERVED THE WITHIN COMPLAINT ON VERIZON PENNSYLVANIA, INC., DEFENDANT. THE RETURN OF PHILADELPHIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103340
NO: 07-1487-CD
SERVICES 2
COMPLAINT

PLAINTIFF: ALISON M. LONG An incapacitated person by KENNETH J. LONG and KATHIE M. LONG, Guardians
Ad Litem
vs.
DEFENDANT: BELL ATLANTIC - PENNSYLVANIA INC. ; VERIZON PENNSYLVANIA, INC.

SHERIFF RETURN

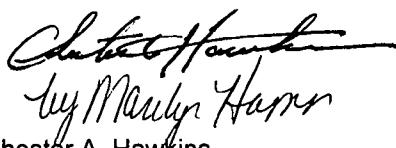
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NICHOLAS	12585	20.00
SHERIFF HAWKINS	NICHOLAS	12585	12.00
PHILADELPHIA CO.	NICHOLAS	12586	136.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



by Marilyn Harris

Chester A. Hawkins
Sheriff

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO. (Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)		COURT TERM AND NUMBER	
TO BE COMPLETED BY ATTORNEY		SHERIFF'S NUMBER	
PLAINTIFF <i>Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem</i>		COST <input type="text"/> MILEAGE <input type="text"/>	
DEFENDANT(S) <i>Verizon Pennsylvania, Inc</i>		DISTRICT <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____	
SERVE AT <i>1717 Arch St, Philadelphia, Pa 19103</i>		TYPE OF ACTION	
SPECIAL INSTRUCTIONS			
TO BE COMPLETED BY SHERIFF			
Served and made known to <i>Verizon Penna Inc</i> , Defendant(s) on the <i>31</i> day of <i>OCT</i> , 2001, at <i>10:00</i> o'clock <i>A.M.</i> at <i>1717 Arch</i> Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:			
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____ <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input checked="" type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input checked="" type="checkbox"/> and officer of said Defendant company. <input type="checkbox"/> Other _____			
<i>AxN ADAMS - LEGAL DEPT</i> <i>SHERIFF JOHN D. GREEN</i> <i>Michael Gallagher</i> <i>Deputy Sheriff</i>			
On the _____ day of _____, 20____, at _____ o'clock <i>M.</i> Defendant not found because:			
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____			
<i>SHERIFF JOHN D. GREEN</i> <i>By _____</i> <i>Deputy Sheriff</i>			
DEPUTIZED SERVICE			
Now, the _____ day of _____, 20____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby deputize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.			
<i>SHERIFF JOHN D. GREEN</i> <i>By _____</i> <i>Deputy Sheriff</i>			
TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY	
Name <i>Michael J. Kuehler ESQUIRE</i> Address <i>2527 West 26th St, Erie, PA 16506</i> Telephone Number <i>(814) 833-8851</i> Identification Number <i>56195</i> Represents: <input checked="" type="checkbox"/> Plaintiff(s) _____ <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____		ATTEST _____ <i>PRO PROTHONOTARY</i> DATE _____	

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO.		COURT TERM AND NUMBER	
(Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)			
TO BE COMPLETED BY ATTORNEY		SHERIFF'S NUMBER	
PLAINTIFF			
DEFENDANT(S)		CCST	MILEAGE
SERVE AT		DISTRICT	
SPECIAL INSTRUCTIONS		<input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____	
TO BE COMPLETED BY SHERIFF			
Served and made known to _____, Defendant(s) on the _____ day of _____, 20_____, at _____ o'clock ___M. at _____ Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:			
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
On the _____ day of _____, 20_____, at _____ o'clock ___M. Defendant not found because:			
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
DEPUTIZED SERVICE			
Now, the _____ day of _____, 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby depelize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.			
SHERIFF JOHN D. GREEN			
By _____ <i>Deputy Sheriff</i>			
TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY	
Name _____			
Address _____			
Telephone Number _____			
Identification Number _____			
Represents:			
<input type="checkbox"/> Plaintiff(s) _____ <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____			
		ATTEST _____ PRO PROTHONOTARY	
		DATE _____	

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO.

(Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)

TO BE COMPLETED BY ATTORNEY		COURT TERM AND NUMBER	
PLAINTIFF <i>Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Katherine M. Long, Guardians Ad Litem</i>		SHERIFF'S NUMBER	
DEFENDANT(S) <i>Bell Atlantic-Pennsylvania, Inc.</i>		COST	MILEAGE
SERVE AT <i>1717 Arch Street, Philadelphia, PA 19103</i>		DISTRICT	
SPECIAL INSTRUCTIONS		<input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____	
		TYPE OF ACTION	

TO BE COMPLETED BY SHERIFF	
Served and made known to <i>BELL-ATLANTIC</i> , Defendant(s) on the <u>31</u> day of <u>OCT</u> , 2007, at <u>10:00</u> o'clock <u>A.M.</u> at <i>1717 Arch</i> Street, County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below:	
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) reside(s). <input checked="" type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____.	
<i>ANN ADAMS LEGAL Dpts</i> SHERIFF <i>JOHN D. GREEN</i> By <i>M</i> <i>Michael Gallagher</i> <i>Deputy Sheriff</i> <i>PROCESS SERVER</i>	

On the _____ day of _____, 20_____, at _____ o'clock _____.M. Defendant not found because:	
<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: _____	
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>	

DEPUTIZED SERVICE	
Now, the _____ day of _____, 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby depelize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.	
SHERIFF JOHN D. GREEN By _____ <i>Deputy Sheriff</i>	

TO BE COMPLETED BY ATTORNEY	TO BE COMPLETED BY PROTHONOTARY
Name <i>Michael J. Koehler, Esquire</i> Address <i>2527 West 26th Street, Erie, PA 16506</i> Telephone Number <i>(814) 833-8851</i> Identification Number <i>56195</i> Represents: <input checked="" type="checkbox"/> Plaintiff(s) _____ <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____	ATTEST _____ PRO PROTHONOTARY DATE _____

SHERIFF'S RETURN OF SERVICE - PHILADELPHIA CO.		COURT TERM AND NUMBER
(Please prepare separate "return" Form for each Defendant to be served by Sheriff. If you desire a copy of this "Return" mailed to you, please attach self-addressed, stamped envelope for each separate address where service is required.)		
TO BE COMPLETED BY ATTORNEY		SHERIFF'S NUMBER
PLAINTIFF <i>Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem</i>		COST MILEAGE
DEFENDANT(S) <i>Bell Atlantic-Pennsylvania, Inc.</i>		DISTRICT <input type="checkbox"/> Summons <input type="checkbox"/> Complaint <input type="checkbox"/> Other: _____
SERVE AT <i>1717 Arch Street, Philadelphia, PA 19103</i>		TYPE OF ACTION
SPECIAL INSTRUCTIONS		
TO BE COMPLETED BY SHERIFF		
Served and made known to <i>Bell - ATLANTIC</i> , Defendant(s) on the <i>31</i> day of <i>OCT</i> , 2007, at <i>11:00</i> o'clock <i>A.M.</i> at <i>1717 Arch Street</i> , County of Philadelphia, Commonwealth of Pennsylvania, in the manner described below: <i>1117 AR/87</i>		
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) reside(s). Relationship is _____. <input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name or relationship. <input type="checkbox"/> Manager/Glck of place of lodging in which Defendant(s) reside(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____		
<i>ANN ADAMS LEGAL DEPT</i>		SHERIFF JOHN D. GREEN <i>John D. Green</i> By <i>John D. Green</i> <i>Deputy Sheriff</i>
On the _____ day of _____, 20_____, at _____ o'clock _____.M. Defendant not found because: <input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other: <i>11/11</i>		
SHERIFF JOHN D. GREEN By <i>John D. Green</i> <i>Deputy Sheriff</i>		
<i>11/11/07</i> DEPUTIZED SERVICE		
Now, the <i>11</i> day of <i>Nov</i> , 20_____, I, Sheriff of Philadelphia County, Pennsylvania, do hereby depelize the Sheriff of _____ County, _____, to serve this <input type="checkbox"/> Summons <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Other: _____ and make return thereof and according to Law.		
SHERIFF JOHN D. GREEN <i>John D. Green</i> By <i>John D. Green</i> <i>Deputy Sheriff</i>		
TO BE COMPLETED BY ATTORNEY		TO BE COMPLETED BY PROTHONOTARY
Name <i>Michael J. Kochlor, Esquire</i> Address <i>2527 West 210th Street, Erie, PA 16501</i> Telephone Number <i>(814) 833-8851</i> Identification Number <i>56195</i> Represents: <input checked="" type="checkbox"/> Plaintiff(s) _____ <input type="checkbox"/> Defendant(s) _____ <input type="checkbox"/> Other _____		ATTEST _____ PRO PROTHONOTARY DATE



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641 [REDACTED]

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103340

TERM & NO. 07-1487-CD

ALISON . LONG An incapacitated person by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem

COMPLAINT

vs.

BELL ATLANTIC - PENNSYLVANIA INC. ; VERIZON PENNSYLVANIA, INC.

SERVE BY: 11/21/07

HEARING:

MAKE REFUND PAYABLE TO NICHOLAS,PEROT,SMITH, KOEHLER & WALL, ESQ.

SERVE: VERIZON PENNSYLVANIA, INC.

ADDRESS: 1717 ARCH ST., PHILADELPHIA, PA 19103

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF PHILADELPHIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, October 23, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641 [REDACTED]

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103340

TERM & NO. 07-1487-CD

ALISON . LONG An incapacitated person by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem

COMPLAINT

VS.

BELL ATLANTIC - PENNSYLVANIA INC. ; VERIZON PENNSYLVANIA, INC.

SERVE BY: 11/21/07

HEARING:

MAKE REFUND PAYABLE TO NICHOLAS,PEROT,SMITH, KOEHLER & WALL, ESQ.

SERVE: BELL ATLANTIC - PENNSYLVANIA INC.

ADDRESS: 1717 ARCH ST., PHILADELPHIA, PA 19103

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF PHILADELPHIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, October 23, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC.,
VERIZON PENNSYLVANIA, INC.,
Defendants.

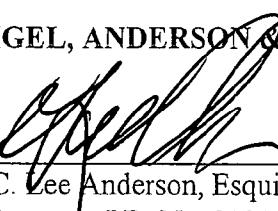
: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: NO. 07-1487-CD
:
: CIVIL ACTION - LAW
:
:

CERTIFICATE OF SERVICE

I, C. Lee Anderson, Esquire, hereby certify that I have served a true and correct copy of Defendants' Interrogatories Directed to Plaintiffs Alison M. Long, an Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 16th day of April, 2009:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506
Attorney for Plaintiff

SMIGEL, ANDERSON & SACKS, LLP

By: 
C. Lee Anderson, Esquire
Attorney I.D. No. 21315
River Chase Office Center, 3rd Floor
4431 North Front Street
Harrisburg, PA 17110-1778
(717) 234-2401
Attorneys for Defendants

Date: April 16, 2009

S
FILED NO. CC
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APR 20 2009
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William A. Shaw
Prothonotary/Clerk of Courts

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC.,
VERIZON PENNSYLVANIA, INC.,
Defendants.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: NO. 07-1487-CD
:
: CIVIL ACTION - LAW
:
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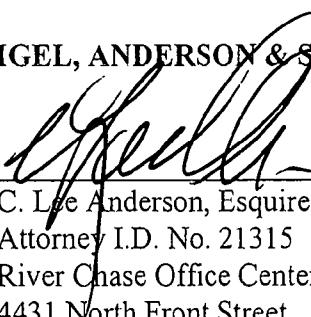
CERTIFICATE OF SERVICE

I, C. Lee Anderson, Esquire, hereby certify that I have served a true and correct copy of Defendants' Requests for Production of Documents Directed to Plaintiffs Alison M. Long, an Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 16th day of April, 2009:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506
Attorney for Plaintiff

SMIGEL, ANDERSON & SACKS, LLP

Date: April 16, 2009

By: 
C. Lee Anderson, Esquire
Attorney I.D. No. 21315
River Chase Office Center, 3rd Floor
4431 North Front Street
Harrisburg, PA 17110-1778
(717) 234-2401
Attorneys for Defendants

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, : CIVIL ACTION - LAW
v. : No. 07-1487-CD
: Type of Case: Personal Injury
: Type of Pleading: PLAINTIFFS' ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS
: Filed on Behalf of: Plaintiffs
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants : **Counsel of Record for this Party:**
: Michael J. Koehler, Esquire
: Supreme Court ID No. 56195
: NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
: 2527 West 26th Street
: Erie, Pennsylvania 16506
: (814) 833-8851

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

: CIVIL ACTION - LAW
: No. 07-1487-CD
: Type of Case: Personal Injury
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NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFFS (FIRST SET)

I, Michael J. Koehler, Esquire, do hereby certify that on the 19 day of June 2009, Answers to the original First Set of Interrogatories and Requests for Production of Documents directed to Plaintiffs was served upon Defendants' counsel, C. Lee Anderson, Esquire, Smigel, Anderson & Sacks, 4431 N. Front Street, Harrisburg, PA 17110, by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.

BY

Michael J. Koehler, Esquire
Pa. I.D. 56195
2527 West 26th Street
Erie, PA 16509
(814) 833-8851
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

: CIVIL ACTION - LAW
: No. 07-1487-CD
: Type of Case: Personal Injury
: Type of Pleading: Plaintiffs' Interrogatories and Request for Production of Documents
: Filed on Behalf of: Plaintiffs
: Counsel of Record for this Party:
: Michael J. Koehler, Esquire
: Supreme Court ID No. 56195
: NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
: 2527 West 26th Street
: Erie, Pennsylvania 16506
: (814) 833-8851

Dated: 11-11-09

FILED *cc Atty*
11/12/12 am *Koehler*
NOV 16 2009
William A. Shaw
Prothonotary/Clerk of Courts

replace original 3-17-2010

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

NOTICE OF SERVICE OF PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

I, Michael J. Koehler, Esquire, do hereby certify that on the 11 day of November, 2009, Plaintiffs' Interrogatories and Requests for Production of Documents directed to Defendants, Bell Atlantic-Pennsylvania Inc, Verizon Pennsylvania Inc., was served upon Defendant's counsel,

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY


Michael J. Koehler, Esquire
PA I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC., Defendants.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 07-1487-CD
: CIVIL ACTION - LAW

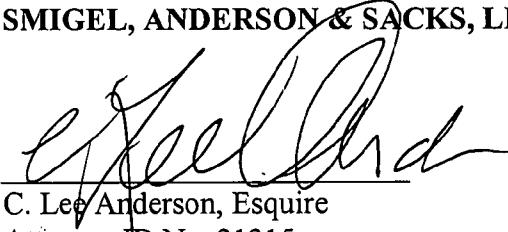
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m 10:30 AM Anderson*
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PRAECIPE FOR STATUS CONFERENCE William A. Shaw
Prothonotary/Clerk of Courts

TO THE PROTHONOTARY:

Please list the above captioned action for a Status Conference for the purpose of resolving various discovery issues and setting deadlines for completing discovery.

SMIGEL, ANDERSON & SACKS, LLP

Date: January 27, 2010
By: 
C. Lee Anderson, Esquire
Attorney ID No. 21315
4431 N. Front Street
Harrisburg, PA 17110
717-234-2401
Attorneys for Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs, v. BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC., Defendants.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 07-1487-CD
: CIVIL ACTION - LAW

CERTIFICATE OF SERVICE

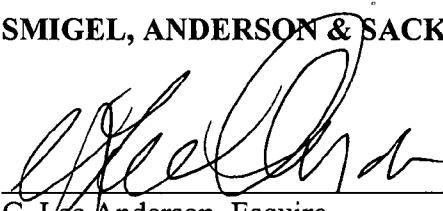
I, C. Lee Anderson, Esquire, hereby certify that I have served a true and correct copy of the foregoing Praeclipe for Status Conference as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 27th day of January, 2010:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506
Attorney for Plaintiffs

SMIGEL, ANDERSON & SACKS, LLP

Date: January 27, 2010

By:


C. Lee Anderson, Esquire
I.D. No. 21315
4431 N. Front Street
Harrisburg, PA 17110
717-234-2401
Attorney for Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

V.

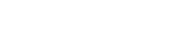
BELL ATLANTIC-PENNSYLVANIA, INC.,
and VERIZON PENNSYLVANIA, INC.,
Defendants.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: NO. 07-1487-CD
:
: CIVIL ACTION - LAW
:

SCHEDULING ORDER

AND NOW, THIS 2nd day of Feb.¹⁵⁴, 2010, upon consideration of Defendants' Praeclipe for a Status Conference, it is hereby ORDERED and DECREED that a Status Conference be held on the 26th day of March, 2010 at 1:30 P.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:



J. Wolfson

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01/13/11 Amy Anderson
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William A. Shaw
Prothonotary/Clerk of Courts
610

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. INTERROGATORIES BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

: CIVIL ACTION - LAW
: No. 07-1487-CD
: Type of Case: Personal Injury
: Type of Pleading: PLAINTIFFS' SUPPLEMENTAL ANSWERS TO REQUEST FOR PRODUCTION OF DOCUMENTS
: Filed on Behalf of: Plaintiffs
: **Counsel of Record for this Party:**
: Michael J. Koehler, Esquire
: Supreme Court ID No. 56195
: NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
: 2527 West 26th Street
: Erie, Pennsylvania 16506
: (814) 833-8851

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, : CIVIL ACTION - LAW
: No. 07-1487-CD
: Type of Case: Personal Injury
:
v. :
:
:
:
BELL ATLANTIC - PENNSYLVANIA :
INC., VERIZON PENNSYLVANIA, INC. :
Defendants :
:

NOTICE OF SERVICE OF PLAINTFFS' SUPPLEMENTAL ANSWERS TO REQUEST FOR PRODUCTION OF DOCUMENTS FROM DEFENDANTS, BELL ATLANTIC-PENNSYLVANIA, INC. AND VERIZON PENNSYLVANIA, INC.

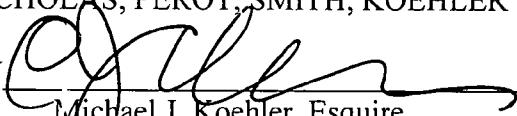
I, Michael J. Koehler, Esquire, do hereby certify that on the 18 day of March 2010, the original Plaintiffs' Supplemental Answers to Request for Production of Documents and Interrogatories from Defendant Bell Atlantic-Pennsylvania Inc., Verizon Pennsylvania, Inc., was served upon Defendants' counsel, C. Lee Anderson, Esq., Smigel, Anderson & Sacks, 4431 N. Front street, Harrisburg, PA 17110, by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon all other parties appearing of record by First-Class United States Mail Sent on the 18 day of March 2010.

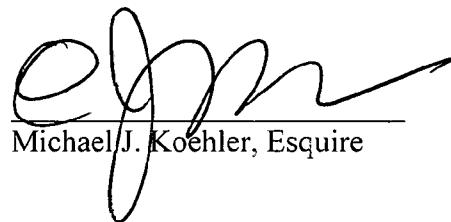
BY 
Michael J. Koehler, Esquire
PA. I. D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, : CIVIL ACTION - LAW
: No. 07-1487-CD
: Type of Case: Personal Injury
: v.
: .
: .
: .
BELL ATLANTIC - PENNSYLVANIA :
INC., VERIZON PENNSYLVANIA, INC. :
Defendants : .

PLAINTIFFS' SUPPLEMENTAL ANSWERS TO REQUEST FOR PRODUCTION OF DOCUMENTS FROM DEFENDANTS, BELL ATLANTIC-PENNSYLVANIA, INC. AND VERIZON PENNSYLVANIA, INC.

1. Please find enclosed a copy of additional Moshannon Valley School District records received from Mr. & Mrs. Long.



Michael J. Koehler, Esquire

Date 3/18/10

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, :

CIVIL ACTION - LAW

No. 07-1487-CD

v.

BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants :

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m/11/50cm Anderson
MAR 29 2010
WPA

CERTIFICATE OF SERVICE Prothonotary/Clerk of Courts

I, C. Lee Anderson, Esquire, do hereby certify that a true and correct copy that I have served a true and correct of Defendants' Answers to Plaintiffs' Interrogatories and Request for Production of Documents Directed to the Defendants on the person below by delivering the same to him via facsimile on and depositing same in first class mail, U.S. Postage, on the 25th day of March, 2010:

Michael J. Koehler, Esquire
NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
2527 West 26th Street
Erie, PA 16506

BY: 

C. Lee Anderson, Esquire
I.D. No.: 21315
4431 North Front Street, 3rd Floor
Harrisburg, PA 17110
(717) 234-2401

and

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

Attorneys for Defendants

CA

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

ALLISON M. LONG, an Incapacitated Person, * NO. 07-1487-CD
By KENNETH M. LONG and KATHIE M. LONG, *
Guardians Ad Litem, *
Plaintiffs *
vs *
BELL ATLANTIC – PENNSYLVANIA INC., *
VERIZON PENNSYLVANIA, INC., *
Defendants *

ORDER

NOW, this 26th day of March, 2010, following status conference among the Court and counsel, it is the Pre-Trial ORDER of this Court as follows:

1. Plaintiffs shall supply copies of its' expert report(s) to the Defense within no more than 120 days from this date;
2. The Defense shall provide copies of any defense expert report(s) within no more than 90 days of receipt of all Plaintiffs' expert reports or the expiration of the 120 days as set forth in paragraph 1 above;
3. The deposition of the Plaintiffs shall be taken by the Defense on April 14, 2010 in Clearfield, Pennsylvania;
4. Depositions of any experts which will be taken by either party shall be completed within no more than 120 days from the time limit as set forth in paragraph 2 above;
5. Pre-trial conference, in Chambers, is hereby scheduled at 11:00 a.m. on Wednesday, December 22, 2010.

FILED

01/03/2011
MAR 21 2010

William A. Shaw
Prothonotary/Clerk of Courts

CC Atty's:
Koehler
Homes
Andesson
⑥

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC., Defendants.

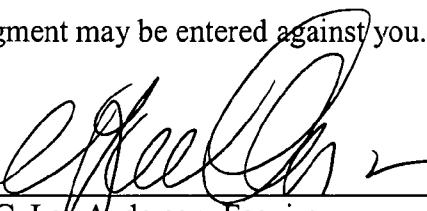
: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 07-1487-CD
: CIVIL ACTION - LAW

NOTICE TO PLEAD

TO: Alison M. Long, An Incapacitated Person, by Kenneth J. Long and Kathie M. Long, Guardians Ad Litem, Plaintiffs, c/o Michael J. Koehler, Esquire Nicholas, Perot & Strauss, P.C. 2527 West 26th Street Erie, PA 16506 *Attorneys for Plaintiffs*

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

Date: March 29, 2010

By: 
C. Lee Anderson, Esquire
4431 N. Front Street
Harrisburg, PA 17110
I.D. No. 21315
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorneys for Defendants

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William A. Shaw
Prothonotary/Clerk of Courts (60)

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs, : IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA : NO. 07-1487-CD : CIVIL ACTION - LAW
v. :
BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC., Defendants. :

**DEFENDANTS' AMENDED ANSWER WITH NEW MATTER
TO PLAINTIFFS' COMPLAINT**

AND NOW COME Defendants Bell-Atlantic Pennsylvania, Inc. and Verizon Pennsylvania, Inc. by and through their attorneys, James E. Himes, Esquire and C. Lee Anderson, Esquire, to file following Answer with New Matter and aver in support as follows:

1. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the averments of this paragraph and the averments are therefore denied, with strict proof thereof demanded at trial.
2. Denied. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the averments of this paragraph and the averments are therefore denied, with strict proof thereof demanded at trial.
3. Denied. The Complaint Plaintiffs reference is a writing which speaks for itself, and therefore Plaintiffs' summaries, conclusions, or characterizations made regarding that writing are specifically denied.
4. Denied. This paragraph is denied generally pursuant to Pa. R.C.P. 1029(e).
5. Admitted in part and denied in part. It is admitted only that Bell Atlantic-Pennsylvania, Inc. is a public utility and that it has a principal office location at the Philadelphia

address. The description of Bell Atlantic-Pennsylvania, Inc.'s duties and responsibilities is generally denied as inaccurate.

6. Admitted in part and denied in part. It is admitted only that Verizon Pennsylvania, Inc. is a public utility and that it has a principal office location at the Philadelphia address. The description of Verizon Pennsylvania, Inc.'s duties and responsibilities is generally denied as inaccurate.

7. Admitted.

8. Admitted in part and denied in part. It is admitted that Defendants utilized utility pole No. 339. It is specifically denied that the utility pole was a dangerous known hazard to motor vehicle traffic and strict proof thereof is demanded at the time of trial.

9. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

10. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

COUNT IX

**Alison M. Long, An Incapacitated Person,
by Kenneth J. Long and Kathie M. Long,
Guardians Ad Litem v.; Bell Atlantic-Pennsylvania, Inc.**

11. This is an incorporation paragraph to which no responsive pleading is required.

12. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

13. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

14. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

15. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

16. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

17. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

18. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

19. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

WHEREFORE, Defendant respectfully request this Honorable Court to dismiss Plaintiffs' Count and enter judgment in its favor and against the Plaintiffs together with any costs associated therewith.

COUNT X

**Alison M. Long, An Incapacitated Person,
by Kenneth J. Long and Kathie M. Long,
Guardians Ad Litem v.; Bell Atlantic-Pennsylvania, Inc.**

20. This is an incorporation paragraph to which no responsive pleading is required.
21. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.
22. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.
23. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.
24. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.
25. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

26. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

27. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

28. Denied. The averments of this paragraph contain conclusions of law to which no response is required under the Pennsylvania Rules of Civil Procedure. To the extent that a response is deemed required, the averments are specifically denied.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiffs' Complaint and enter judgment in their favor and against the Plaintiffs together with any costs associated therewith.

NEW MATTER

29. The Defendant hereby incorporates Paragraphs 1-28 of the Answer as though the same were set forth at length herein.

30. Plaintiffs' claims are barred, in whole or in part, by the provisions of the Pennsylvania Motor Vehicle Responsibility Law.

31. Plaintiffs' injuries and/or losses, if any, were caused by persons and/or events outside the control of Defendant.

32. Plaintiffs' claims are barred in whole or in part by the doctrine of laches and unclean hands.

33. Plaintiffs are barred and/or limited in their recovery by the provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. § 4102.

34. Plaintiff Alison M. Long was contributorily negligent and/or assumed the risk of injury.

35. The negligent acts and/or omissions of other individuals or entities constitutes an intervening and/or superseding cause of the injuries alleged to have been sustained by the Plaintiff.

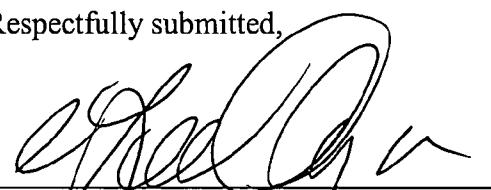
36. Defendants are entitled to a set-off/credit for any other sums paid or payable to them as a result of the incident in question, including, but not limited to the receipt of Underinsured Motorists Benefits.

37. Plaintiffs' action is barred by the application of the applicable statute of limitations.

WHEREFORE, Defendants respectfully request this Honorable Court to dismiss Plaintiffs' Complaint and enter judgment in their favor and against the Plaintiffs together with any costs associated therewith.

Respectfully submitted,

By:


C. Lee Anderson, Esquire
4431 N. Front Street
Harrisburg, PA 17110
I.D. No. 21315
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorneys for Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC.,
VERIZON PENNSYLVANIA, INC.,
Defendants.

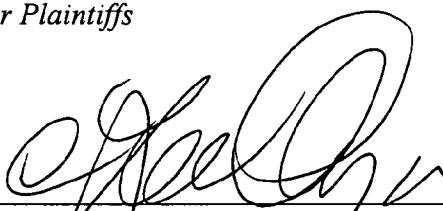
: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: NO. 07-1487-CD
:
: CIVIL ACTION - LAW
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:

CERTIFICATE OF SERVICE

I, C. Lee Anderson, Esquire, hereby certify that I have served a true and correct copy of the foregoing Amended Answer with New Matter as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 29th day of March 2010:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506
Attorney for Plaintiffs

Date: March 29, 2010

By: 
C. Lee Anderson, Esquire
I.D. No. 21315
4431 N. Front Street
Harrisburg, PA 17110
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorneys for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

: CIVIL ACTION - LAW
: No. 07-1487-CD
: Type of Case: Personal Injury
: Type of Pleading: Reply to New Matter
: Filed on Behalf of: Plaintiffs
: **Counsel of Record for this Party:**
: Michael J. Koehler, Esquire
: Supreme Court ID No. 56195
: NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
: 2527 West 26th Street
: Erie, Pennsylvania 16506
: (814) 833-8851

Dated: 4/13/10

FILED
APR 15 2010
S NO. 60
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and	:	CIVIL ACTION - LAW
KATHIE M. LONG, Guardians Ad Litem	:	No. 07-1487-CD
Plaintiffs,	:	
	:	
v.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.	:	
Defendants	:	

PLAINTIFFS' REPLY TO DEFENDANT BELL ATLANTIC-PENNSYLVANIA, INC. AND VERIZON PENNSYLVANIA, INC.'S NEW MATTER

AND NOW, comes the Plaintiffs, by and through their attorneys, NICHOLAS, PEROT, SMITH, KOEHLER & WALL, and files this Reply to New Matter, the content of which is as follows:

1. Plaintiffs hereby incorporate by reference each and every allegation contained in paragraphs 1 through 28 in the original Complaint, and paragraphs 29 through 35 in the original Reply to New Matter, as though set forth herein under in their entirety.

36. The allegations contained in paragraph 36 of Defendants' New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied that the Defendants are entitled to a set off/credit for any other sums pay or payable to them as a result of the incident in question, including, but not limited to the receipt of underinsured motorist benefits, and strict proof of the same is demanded at time of trial.

37. The allegations contained in paragraph 37 of Defendants' New Matter are conclusions of law to which no response is necessary. In the event that a response is necessary, it is denied the Plaintiffs' action is barred by the application of the applicable Statute of Limitations and strict proof of the same is demanded at time of trial

WHEREFORE, Plaintiffs demands judgment in their favor against Defendants' Bell Atlantic-Pennsylvania, Inc., and Verizon Pennsylvania, Inc. an amount in excess of \$50,000.00, plus interest and costs.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

Plaintiffs, :
: :
v. :
: :
BELL ATLANTIC - PENNSYLVANIA :
INC., VERIZON PENNSYLVANIA, INC. :
Defendants :
No. 07-1487-CD

VERIFICATION

On this 13 day of April 2010, Michael J. Koehler, Esquire, the undersigned, hereby states that he is the attorney for the Plaintiffs, and that he is authorized to make this verification on behalf of the plaintiffs, that the facts set forth in the foregoing Reply to New Matter are true and correct, not of his own knowledge, but from information supplied to him by the plaintiffs, that the purpose of this verification is to expedite the litigation, that a verification of the plaintiffs will be supplied if demanded, all subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

BY


Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,	:	CIVIL ACTION - LAW
	:	No. 07-1487-CD
	:	
v.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of April, 2010, the foregoing Reply to New Matter was served upon the following individual in accordance with all applicable rules of court:

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

BY



Michael J. Koehler, Esquire
PA. ID. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

: CIVIL ACTION - LAW
: No. 07-1487-CD
: Type of Case: Personal Injury
: Type of Pleading: Plaintiffs' Supplemental Answers To Request for Production of Documents
: Filed on Behalf of: Plaintiffs
: **Counsel of Record for this Party:**
: Michael J. Koehler, Esquire
: Supreme Court ID No. 56195
: NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
: 2527 West 26th Street
: Erie, Pennsylvania 16506
: (814) 833-8851

Dated: 5/4/2010

FILED No cc.
m 10:53 am
S MAY 06 2010 (60)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants : CIVIL ACTION - LAW No. 07-1487-CD

**NOTICE OF SERVICE OF PLAINTIFF'S SUPPLEMENTAL ANSWERS TO REQUEST
FOR PRODUCTION OF DOCUMENTS**

I, Michael J. Koehler, Esquire, do hereby certify that on the 4th day of May 2010, Plaintiffs' Supplemental Answers To Request for Production of Documents directed to Defendants, Bell Atlantic-Pennsylvania Inc, Verizon Pennsylvania Inc., was served upon Defendant's counsel,

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY 

Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs

v.

BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC., Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 07-1487-CD
: CIVIL ACTION - LAW

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DEFENDANTS' MOTION FOR A CONTINUANCE

William A. Shaw
Prothonotary/Clerk of Courts

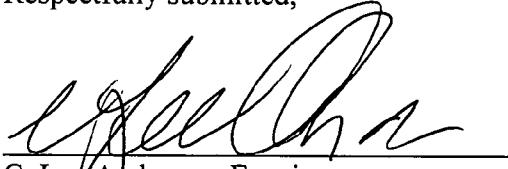
AND NOW COME Defendants Bell-Atlantic Pennsylvania, Inc. and Verizon Pennsylvania, Inc. by and through their attorneys, James E. Himes, Esquire and C. Lee Anderson, Esquire, to file the following Motion for a Continuance:

1. This case is currently in discovery.
2. A March 26, 2010 Scheduling Order issued by Judge Ammerman in this matter established various discovery deadlines in this matter and scheduled a Pre-Trial Conference to be held on December 22, 2010.
3. Defense co-counsel James E. Himes, Esquire, is unavailable on December 22, 2010 and Defendants are asking the Court to continue the Pre-Trial Conference.
4. In addition, due to pending additional discovery requests, defense counsel does not believe that the parties would be ready for a Pre-Trial Conference at that time.
5. Defendants are requesting that the Pre-Trial Conference be continued and rescheduled for a date later than January 2011.
6. Defense counsel has contacted Michael Koehler, Esquire, counsel for the Plaintiffs, who has indicated that he concurs in this Motion for a Continuance.

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File &
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Follow, D7

WHEREFORE, Defendants respectfully request this Honorable Court to grant this Motion for a Continuance and re-schedule the Pre-Trial Conference for a date later than January 2011.

Respectfully submitted,

By: 

C. Lee Anderson, Esquire
4431 N. Front Street
Harrisburg, PA 17110
I.D. No. 21315
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740

Attorneys for Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem,
Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC.,
VERIZON PENNSYLVANIA, INC.,
Defendants.

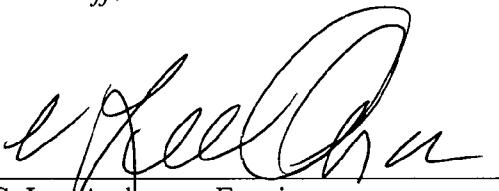
: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: NO. 07-1487-CD
:
: CIVIL ACTION - LAW
:
:

CERTIFICATE OF SERVICE

I, C. Lee Anderson, Esquire, hereby certify that I have served a true and correct copy of the foregoing Motion for a Continuance as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 11th day of November 2010:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506
Attorney for Plaintiffs

Date: November 12, 2010

By: 
C. Lee Anderson, Esquire
4431 N. Front Street
Harrisburg, PA 17110
I.D. No. 21315
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740

Attorneys for Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC., Defendants.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: :
: NO. 07-1487-CD
: :
: CIVIL ACTION - LAW
: :
: :

SCHEDULING ORDER

AND NOW, THIS _____ day of _____, 2010, upon consideration of Defendants' Motion for a Continuance, it is hereby ORDERED and DECREED that a Pre-Trial Conference be held on the _____ day of _____, 2011 at _____ .M. in _____

BY THE COURT:

J.

Distribution:

Michael J. Koehler, Esquire, Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street, Erie, PA 16506

C. Lee Anderson, Esquire, Smigel, Anderson & Sacks, LLP, 4431 N. Front Street
Harrisburg, PA 17110

James E. Himes, Esquire, 222 Penn Street, Huntingdon, PA 16652

CA

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

ALLISON M. LONG, an Incapacitated Person, * NO. 07-1487-CD
By KENNETH M. LONG and KATHIE M. LONG, *
Guardians Ad Litem, *
Plaintiffs *
vs *
BELL ATLANTIC – PENNSYLVANIA INC., *
VERIZON PENNSYLVANIA, INC., *
Defendants *
*

ORDER

NOW, this 16th day of November, 2010, upon review and consideration of the Defendants' Motion for a Continuance of the Pre-Trial Conference scheduled for December 22, 2010; it is the ORDER of this Court that said Motion for Continuance be and is hereby GRANTED. The Pre-Trial Conference is rescheduled to the 20th day of January, 2011 at 1:30 p.m. in Chambers, Clearfield County Courthouse, Clearfield, Pennsylvania.

The Courts notes that as this is a 2007 case, no further continuances will be granted in this matter.

BY THE COURT


FREDRIC J. AMMERMAN
President Judge

FILED
06:38:50
NOV 17 2010

William A. Shaw
Prothonotary/Clerk of Courts (60)

4CC Atty Anderson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

CIVIL ACTION - LAW

No. 07-1487-CD

S FILED NO
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NOV 24 2010
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF VIDEOTAPED DEPOSITION
FOR USE AT TIME OF TRIAL

PLEASE TAKE NOTICE that the **VIDEOTAPE DEPOSITION** for use at time of trial of **H Jordon Garber, M.D.** has been scheduled on **Thursday, December 9, 2010** at **Sargent's Court Reporting Office, 429 Forbes Avenue, Suite 1300, Pittsburgh, PA 15219**, beginning at **11:00 a.m.** The deposition will be taken pursuant to Pa. R.C.P. 4007.1 before a notary public or other person duly qualified by law to administer an oath.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

By

Michael J. Koehler, Esquire
Pa.J.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and	:	CIVIL ACTION - LAW
KATHIE M. LONG, Guardians Ad Litem Plaintiffs,	:	No. 07-1487-CD
	:	
v.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.	:	
Defendants	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22 day of November, 2010, a copy of the foregoing Notice of Videotaped Deposition was served by First Class United States Mail, postage pre-paid to the following parties:

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

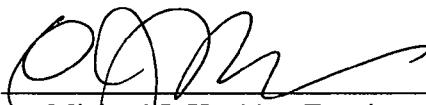
Sargent's Court Reporting & Videographer
(Scheduling Office)
210 Main Street
Johnstown, PA 15901

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

H. Jordan Garber, M.D.
1004 Arch Street
Suite 5500
Pittsburgh, PA 15212

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA ID #56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

: CIVIL ACTION - LAW
: No. 07-1487-CD
: Type of Case: Personal Injury
: Type of Pleading: Plaintiffs' (Second Set) Interrogatories and Request for Production of Documents
: Filed on Behalf of: Plaintiffs
: **Counsel of Record for this Party:**
: Michael J. Koehler, Esquire
: Supreme Court ID No. 56195
: NICHOLAS, PEROT, SMITH, KOEHLER & WALL, P.C.
: 2527 West 26th Street
: Erie, Pennsylvania 16506
: (814) 833-8851

Dated: 11/24/10

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and	:	CIVIL ACTION - LAW
KATHIE M. LONG, Guardians Ad Litem	:	No. 07-1487-CD
Plaintiffs,	:	
	:	
v.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.	:	
Defendants	:	

NOTICE OF SERVICE OF PLAINTIFFS' (SECOND SET) INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

I, Michael J. Koehler, Esquire, do hereby certify that on the 24 day of November, 2010, Plaintiffs' (Second Set) Interrogatories and Requests for Production of Documents directed to Defendants, Bell Atlantic-Pennsylvania Inc, Verizon Pennsylvania Inc., was served upon Defendant's counsel,

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

by United States First Class Mail, postage pre-paid.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY



Michael J. Koehler, Esquire
PA. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs, v. BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. Defendants

CIVIL ACTION - LAW

No. 07-1487-CD

5 FILED ICC ATT
M 12:00pm Koehler
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William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF VIDEOTAPED DEPOSITION
FOR USE AT TIME OF TRIAL

PLEASE TAKE NOTICE that the **VIDEOTAPE DEPOSITION** for use at time of trial of **Jay Robinson, M.D.** has been scheduled on **Wednesday, February 2, 2011** at **Glendale Area Medical Center, 850 Main Street, Coalport, PA 16627**, beginning at **10:30 a.m.** The deposition will be taken pursuant to Pa. R.C.P. 4007.1 before a notary public or other person duly qualified by law to administer an oath.

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

By

Michael J. Koehler, Esquire
Pa. I.D. 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and	:	CIVIL ACTION - LAW
KATHIE M. LONG, Guardians Ad Litem	:	No. 07-1487-CD
Plaintiffs,	:	
	:	
v.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC.	:	
Defendants	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 2 day of December, 2010, a copy of the foregoing Notice of Videotaped Deposition was served by First Class United States Mail, postage pre-paid to the following parties:

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

Sargent's Court Reporting & Videographer
(Scheduling Office)
210 Main Street
Johnstown, PA 15901

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

Jay Robinson, M.D.
Glendale Area Medical Center
850 Main Street
P.O. Box 375
Coalport, PA 16627

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY


Michael J. Koehler, Esquire
PA ID #56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem, Plaintiffs,

v.

BELL ATLANTIC-PENNSYLVANIA, INC.,
VERIZON PENNSYLVANIA, INC.,
Defendants.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: NO. 07-1487-CD
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: CIVIL ACTION - LAW
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William A. Shaw
Prothonotary/Clerk of Courts

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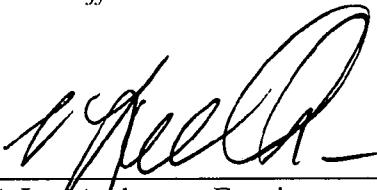
CERTIFICATE OF SERVICE

I, C. Lee Anderson, Esquire, hereby certify that I have served a true and correct copy of the Defendants' Answers to Plaintiffs' Interrogatories and Request for Production of Documents (Second Set) as addressed below by depositing the same in the U.S. Mail, first class, postage prepaid, on this 7th day of January 2011:

Michael J. Koehler, Esquire
Nicholas, Perot, Smith, Koehler & Wall, P.C.
2527 West 26th Street
Erie, PA 16506
Attorney for Plaintiffs

Date: January 7, 2011

By:


C. Lee Anderson, Esquire
I.D. No. 21315
4431 N. Front Street
Harrisburg, PA 17110
(717) 234-2401

and

James E. Himes, Esquire
I.D. No. 06706
222 Penn Street
Huntingdon, PA 16652
(814) 643-1740
Attorneys for Defendants

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

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs : NO. 2007-1487-CD
vs. :
BELL ATLANTIC-PENNSYLVANIA, INC., and VERIZON PENNSYLVANIA, INC. Defendants :

O R D E R

AND NOW, this 21st day of January, 2011, it is the Order of the Court that a Civil Jury Trial in the above-captioned matter shall be and is hereby scheduled for Wednesday, July 6, 2011, through Wednesday, July 13, 2011, beginning each day at 9:00 AM, in Courtroom #1, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for April 5, 2011 at 9:00 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

FILED

01/21/2011
JAN 21 2011

William A. Shaw
Prothonotary/Clerk of Courts

ICC Attns: Koehler
Himes
Anderson

(64)

BY THE COURT:


PAUL E. CHERRY
Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KENNETH J. LONG and KATHIE M. :
LONG, his wife, as parents and natural : CIVIL ACTION - LAW
guardians of ALISON M. LONG, a minor, : No. 2000 - 1487 - CD
and in their own right, :
Plaintiffs, :
: Type of Case: Personal Injury

ANDREW E. VISNOFSKY, a minor, by
JOHN A. CARTER, III, his Guardian Ad
Litem, and VICTORIA L. VISNOFSKY,
JOHN E. VISNOFSKY,
Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem Plaintiffs,

BELL ATLANTIC - PENNSYLVANIA
INC., VERIZON PENNSYLVANIA, INC.
Defendants

CIVIL ACTION - LAW

No. 07-1487-CD

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William A. Shaw
Prothonotary/Clerk of Courts

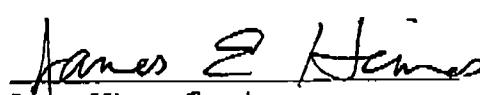
William A. Shaw
Prothonotary/Clerk of Courts

STIPULATION TO CONSOLIDATE

The Undersigned, Michael J. Koehler, Esquire, Attorney for the Plaintiffs, Alison M. Long, Kathie M. Long and Kenneth J. Long, C. Lee Anderson, Esquire, and James Himes, Esquire, Attorneys for Defendant Bell Atlantic-Pennsylvania, Inc., Verizon Pennsylvania, Inc, Daniel McGee, Esquire, Attorney for Defendant Andrew Visnofsky, Victoria L. Visnofsky, pro se, and John E. Visnofsky, pro se, hereby Stipulate to Consolidate both of these actions at No. 07-1487 C.D. for purposes of Discovery and Trial, pursuant to Pa. R.C.P. 213(a); 42 Pa. C.S.A.

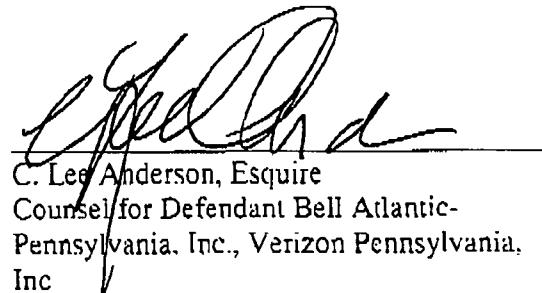


Michael J. Koehler, Esquire
Counsel for Plaintiffs



James E. Himes
James Himes, Esquire
Counsel for Defendants Bell Atlantic-
Pennsylvania, Inc., Verizon Pennsylvania,
Inc

Victoria Visnofsky, pro se
1 HC 1 #125
Madera, PA 16661

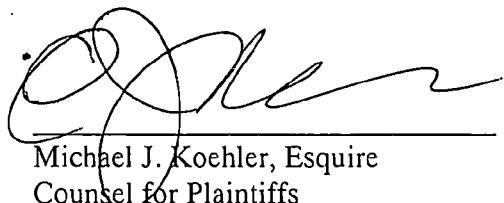


C. Lee Anderson, Esquire
Counsel for Defendant Bell Atlantic-
Pennsylvania, Inc., Verizon Pennsylvania,
Inc



Daniel McGee
Daniel McGee, Esquire
Counsel for Defendant Andrew Visnofsky

John Visnofsky, pro se
2173 Tyrone Pike
Beccaria, PA 16616



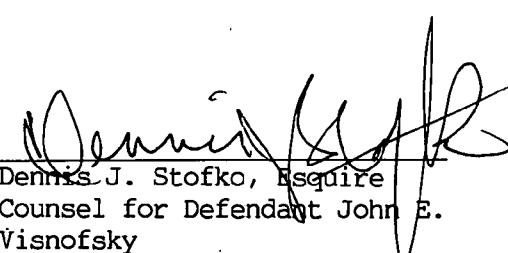
Michael J. Koehler, Esquire
Counsel for Plaintiffs

James Himes, Esquire
Counsel for Defendants Bell Atlantic-
Pennsylvania, Inc., Verizon Pennsylvania,
Inc

Victoria Visnofsky, pro se
1 HC 1 #125
Madera, PA 16661

C. Lee Anderson, Esquire
Counsel for Defendant Bell Atlantic-
Pennsylvania, Inc., Verizon Pennsylvania,
Inc


Daniel McGee, Esquire
Counsel for Defendant Andrew Visnofsky


Dennis J. Stofko, Esquire
Counsel for Defendant John E.
Visnofsky

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KENNETH J. LONG and KATHIE M.	:	
LONG, his wife, as parents and natural	:	CIVIL ACTION - LAW
guardians of ALISON M. LONG, a minor,	:	No. 2000 - 1487 - CD
and in their own right,	:	
Plaintiffs,	:	
	:	
	:	Type of Case: Personal Injury
	:	
v.	:	
	:	
ANDREW E. VISNOFSKY, a minor, by	:	
JOHN A. CARTER, III, his Guardian Ad	:	
Litem, and VICTORIA L. VISNOFSKY,	:	
JOHN E. VISNOFSKY,	:	
Defendants	:	
	:	
ALISON M. LONG, An Incapacitated	:	CIVIL ACTION - LAW
Person, by KENNETH J. LONG and	:	
KATHIE M. LONG, Guardians Ad Litem	:	No. 07-1487-CD
Plaintiffs,	:	
	:	
v.	:	
	:	
BELL ATLANTIC - PENNSYLVANIA	:	
INC., VERIZON PENNSYLVANIA, INC.	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of December 2010, the foregoing Stipulation to Consolidate was served upon the following individual in accordance with all applicable rules of court:

C. Lee Anderson, Esquire
Smigel, Anderson & Sacks
4431 N. Front Street
Harrisburg, PA 17110

James E. Himes, Esquire
222 Penn Street
Huntingdon, PA 16652

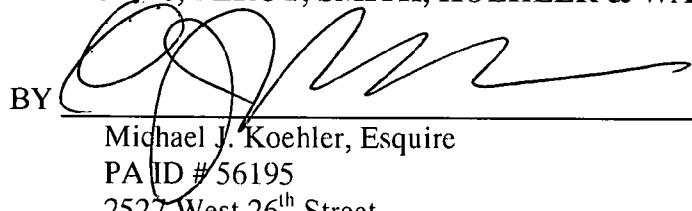
Daniel McGee, Esquire
Delafield, McGee, Jones & Kauffman, P.C.
300 South Allen Street, Suite 300
State College, PA 16801

Victoria Visnofsky, pro se
1 HC 1 #125
Madera, PA 16661

John Visnofsky, pro se
2173 Tyrone Pike
Beccaria, PA 16616

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY 
Michael J. Koehler, Esquire
PA ID # 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorney for Plaintiff

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KENNETH J. LONG and KATHIE M. LONG, his wife, as parents and natural guardians of ALISON M. LONG, a minor, and in their own right, : CIVIL ACTION - LAW
No. 2000 - 1487 - CD

Plaintiffs,

Type of Case: Personal Injury

v.

ANDREW E. VISNOFSKY, a minor, by JOHN A. CARTER, III, his Guardian Ad Litem, and VICTORIA L. VISNOFSKY, JOHN E. VISNOFSKY, :
Defendants

ALISON M. LONG, An Incapacitated Person, by KENNETH J. LONG and KATHIE M. LONG, Guardians Ad Litem : CIVIL ACTION - LAW
No. 07-1487-CD

Plaintiffs,

v.

BELL ATLANTIC - PENNSYLVANIA INC., VERIZON PENNSYLVANIA, INC. :
Defendants

ORDER TO CONSOLIDATE

AND NOW, this 7th day of February, 2011, upon consideration of Plaintiffs' Stipulation to Consolidate, it is hereby ORDERED that the above captioned matters are Consolidated at No. 2007-1487 C.D. for purposes of all further proceedings. The Status Conference scheduled for February 9, 2011 is hereby cancelled.

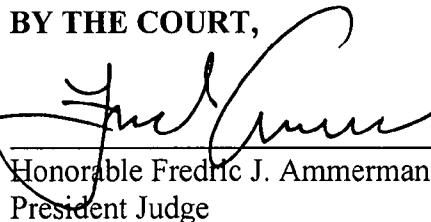
5 **FILED** *1CC Judge Cherry C*
013:51807 1CC Atty's: C. Anderson
FEB 08 2011
Stofko
Koehler
Himes
McGee

William A. Shaw
Prothonotary/Clerk of Courts

1CC J. Carter, III
2351 Belsena Mills Rd.
Madera, PA 16661

1CC V. Visnofsky
P.O. Box #41010, Madera, PA 16661

BY THE COURT,


Honorable Fredric J. Ammerman
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

KENNETH J. LONG and KATHIE M. :
LONG, his wife, as parents and natural : CIVIL ACTION - LAW
guardians of ALISON M. LONG, a minor, : No. 2000 - 1487 - CD
and in their own right, :
Plaintiffs, :
: Type of Case: Personal Injury
v. :
: ANDREW E. VISNOFSKY, a minor, by :
JOHN A. CARTER, III, his Guardian Ad :
Litem, and VICTORIA L. VISNOFSKY, :
JOHN E. VISNOFSKY, :
Defendants :
ALISON M. LONG, An Incapacitated : CIVIL ACTION - LAW
Person, by KENNETH J. LONG and :
KATHIE M. LONG, Guardians Ad Litem : No. 07-1487-CD
Plaintiffs, :
v. :
: BELL ATLANTIC - PENNSYLVANIA :
INC., VERIZON PENNSYLVANIA, INC. :
Defendants :
S

FILED /CC ATTY
M/ 12.19.2011 Koehler
APR 11 2011
William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please Settle and Discontinue the above-captioned matter(s).

Respectfully submitted,

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

By

Michael J. Koehler, Esquire
Pa. ID 56195
2527 West 26th Street
Erie, PA 16506
(814) 833-8851
Attorneys for Plaintiff

Date: 4-7-11

2007-1487-CQ

5-13-11

PROOF OF DESIGN

SEARCHED 5-13-11