

07-1709-CD
Todd Heming al vs Thomas G. Corle al

FILED *(Handwritten)*

OCT 22 2007

0/11/2007
William A. Shaw
Prothonotary/Clerk of Courts

No. C2007-1709-C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, *Prothonotary/Clerk of Courts*
PENNSYLVANIA

TODD HEMING and SHIRLEY
HEMING, husband and wife,
Plaintiffs,

v.

THOMAS G. CORLE, and
THE HITCHING POST,
Defendants.

CIVIL DIVISION

No. 2007-1709-C

PRAECIPE FOR WRIT OF SUMMONS

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

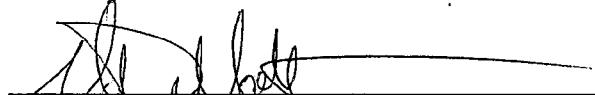
TODD HEMING and SHIRLEY)	CIVIL DIVISION
HEMING, husband and wife,)	
)	No. _____
Plaintiffs,)	
)	
V.)	
)	
THOMAS G. CORLE and)	
THE HITCHING POST,)	
)	
Defendants.)	

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Please issue a Writ of Summons for THOMAS G. CORLE and THE HITCHING POST in connection with the above captioned matter.

Respectfully submitted,
BERK, WHITEHEAD, KERR & TURIN, P.C.



Michael E. DeMatt, Esquire
PA I.D. #85881
Attorney for Plaintiffs
115 North Main Street
Greensburg, PA 15601
(724) 838-1400

Dated: 10/22/01

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

SUMMONS

**Todd Heming and
Shirley Heming, husband and wife**

Vs.

NO.: 2007-01709-CD

**Thomas G. Corle and
The Hitching Post**

**TO: THOMAS G. CORLE AND
THE HITCHING POST**

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 10/22/2007

William A. Shaw
Prothonotary

Issuing Attorney:
Michael E. Dematt, Esq.
Berk, Whitehead, Kerr & Turin, P.C.
115 North Main Street
Greensburg, PA 15601
724-838-1400

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

TODD HEMING and SHIRLEY
HEMING, husband and wife,
Plaintiffs,

v.

THOMAS G. CORLE, and
THE HITCHING POST,
Defendants.

CIVIL DIVISION

No. 2007-01709-CD

PRAECIPE TO AMEND CAPTION

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

FILED
NOV 02 2007
WCC
M 11/26/07
NOV 02 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TODD HEMING and SHIRLEY) CIVIL DIVISION
HEMING, husband and wife,)
Plaintiffs,) No. 2007-01709-CD
v.)
THOMAS G. CORLE. and)
THE HITCHING POST,)
Defendants.)

PRAECIPE TO AMEND CAPTION

TO THE PROTHONOTARY:

Please amend the caption in the above matter as follows:

TODD HEMING and SHIRLEY)
HEMING, husband and wife,)
Plaintiffs,) No. 2007-01709-CD
v.)
THOMAS G. CORLE, JR. and)
THE HITCHING POST,)
Defendants.)

Respectfully submitted,
BERK, WHITEHEAD, KERR & TURIN, P.C.



Michael E. DeMatt, Esquire
PA I.D. #85881
Attorney for Plaintiffs
115 North Main Street
Greensburg, PA 15601
(724) 838-1400

Dated: 10/30/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TODD HEMING and SHIRLEY
HEMING, husband and wife,
Plaintiffs,

v.

THOMAS G. CORLE, JR. and
THE HITCHING POST,

Defendants.

CIVIL DIVISION

No. 2007-01709-CD

***PRAECIPE TO REISSUE CORRECTED
WRIT OF SUMMONS***

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

Page 1 of 2

FILED NOCC
NOV 02 2007

Red
William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 02 2007

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

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

TODD HEMING and SHIRLEY
HEMING, husband and wife,
Plaintiffs,

v.

THOMAS G. CORLE, JR. and
THE HITCHING POST,

Defendants.

CIVIL DIVISION

No. 2007-01709-CD

***PRAECIPE TO REISSUE CORRECTED
WRIT OF SUMMONS***

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

Page 1 of 2

FILED NOCC
NOV 02 2007
200711020051

By / William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

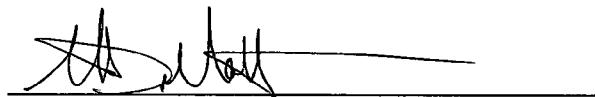
TODD HEMING and SHIRLEY) CIVIL DIVISION
HEMING, husband and wife,)
Plaintiffs,) No. 2007-01709-CD
)
v.)
THOMAS G. CORLE, JR. and)
THE HITCHING POST,)
Defendants.)

PRAECIPE TO REISSUE CORRECTED WRIT OF SUMMONS

TO THE PROTHONOTARY:

A praecipe to amend caption has been filed. Please reissue the writ of summons, with the corrected caption as set forth above.

Respectfully submitted,
BERK, WHITEHEAD, KERR & TURIN, P.C.



Michael E. DeMatt, Esquire
PA I.D. #85881
Attorney for Plaintiffs
115 North Main Street
Greensburg, PA 15601
(724) 838-1400

Dated: 10/30/07

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

COPY

SUMMONS

**Todd Heming
Shirley Heming**

Vs.

NO.: 2007-01709-CD

**Thomas G. Corle Jr.
Hitching Post**

TO: THOMAS G. CORLE JR.
HITCHING POST

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 11/02/2007



William A. Shaw
Prothonotary

Issuing Attorney:
Michael E. DeMatt
115 North Main Street
Greensburg, PA 15601

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 4 Services

Sheriff Docket # **103356**

TODD HEMING and SHIRLEY HEMING, husband and wife

Case # 07-1709-CD

vs.

THOMAS G. CORLE, JR. and THE HITCHING POST

TYPE OF SERVICE SUMMONS

SHERIFF RETURNS

NOW February 11, 2008 RETURNED THE WITHIN SUMMONS "NOT SERVED, TIME EXPIRED" AS TO THOMAS G. CORLE, JR., DEFENDANT. NEED CORRECTED SUMMONS WITH "JR"

SERVED BY: /

FILED
03/30/08
FEB 11 2008
LSM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103356
NO: 07-1709-CD
SERVICE # 2 OF 4
SUMMONS

PLAINTIFF: TODD HEMING and SHIRLEY HEMING, husband and wife
vs.
DEFENDANT: THOMAS G. CORLE, JR. and THE HITCHING POST

SHERIFF RETURN

NOW, November 01, 2007 AT 11:49 AM SERVED THE WITHIN SUMMONS ON THE HITCHING POST DEFENDANT AT (WORK) 692 LIBERTY BLVD., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DIANE HARMICK, OWNER A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103356
NO: 07-1709-CD
SERVICE # 3 OF 4
SUMMONS (CORRECTED)

PLAINTIFF: TODD HEMING and SHIRLEY HEMING, husband and wife
VS.
DEFENDANT: THOMAS G. CORLE, JR. and THE HITCHING POST

SHERIFF RETURN

NOW, November 09, 2007, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS (CORRECTED) ON THOMAS G. CORLE,
JR..

NOW, November 19, 2007 AT 10:46 AM SERVED THE WITHIN SUMMONS (CORRECTED) ON THOMAS G. CORLE,
JR., DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS
RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103356
NO. 07-1709-CD
SERVICE # 4 OF 4
SUMMONS (CORRECTED)

PLAINTIFF: TODD HEMING and SHIRLEY HEMING, husband and wife
vs.
DEFENDANT: THOMAS G. CORLE, JR. and THE HITCHING POST

SHERIFF RETURN

NOW, November 06, 2007 AT 11:15 AM SERVED THE WITHIN SUMMONS (CORRECTED) ON THE HITCHING POST DEFENDANT AT 692 LIBERTY BLVD., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KIMBERLY SEAMAN, EMPLOYEE A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS (CORRECTED) AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103356
NO. 07-1709-CD
SERVICES 4
SUMMONS (CORRECTED)

PLAINTIFF: TODD HEMING and SHIRLEY HEMING, husband and wife
vs.
DEFENDANT: THOMAS G. CORLE, JR. and THE HITCHING POST

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BERK	21753	20.00
SHERIFF HAWKINS	BERK	21753	42.84
JEFFERSON CO.	BERK	21787	54.92

Sworn to Before Me This

So Answers,

____ Day of _____ 2008


Chester A. Hawkins
Sheriff

No. 2007-1709 C.D.

Personally appeared before me, Dean Smith, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on November 19, 2007 at 10:46 o'clock A.M. served the Summons upon THOMAS G. CORLE, Jr., Defendant, at the address of 320 Taylor Avenue, Borough of Falls Creek, County of Jefferson, State of Pennsylvania, by handing to Sandra Corle, adult person in charge at time of service, a true copy of the Summons and by making known to her the contents thereof.

Advance Costs Received:	\$125.00
My Costs:	52.92
Prothy:	2.00
Total Costs:	54.92
REFUNDED:	\$ 70.08

So Answers,

Sworn and subscribed

to before me this

day of

By

My Commission Expires the
1st Monday, January 2010

21st
Nov. 2007
Sandra L. East

Dean Smith

Deputy

Thomas A. Demko
Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

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

SUMMONS

**Todd Heming and
Shirley Heming, husband and wife**

Vs.

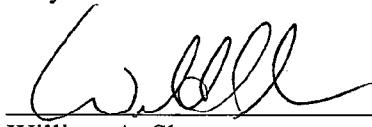
NO.: 2007-01709-CD

**Thomas G. Corle and
The Hitching Post**

**TO: THOMAS G. CORLE AND
THE HITCHING POST**

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 10/22/2007



William A. Shaw
Prothonotary

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

Issuing Attorney:

Michael E. Dematt, Esq.
Berk, Whitehead, Kerr & Turin, P.C.
115 North Main Street
Greensburg, PA 15601
724-838-1400

WILLIAM A. SHAW
Prothonotary
Commonwealth of Massachusetts
Boston, Massachusetts 02108
Telephone: (617) 524-3000
Telex: 82-700000
Fax: (617) 524-3001
E-mail: shaw@courts.state.ma.us

FILED

FEB 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TODD HEMING and SHIRLEY
HEMING, husband and wife,

Plaintiffs,

v.

THOMAS G. CORLE, JR. and
THE HITCHING POST,

Defendants.

CIVIL DIVISION

No. 2007-01709-CD

COMPLAINT IN CIVIL ACTION

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, PC
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

JURY TRIAL DEMANDED

FILED *10cc*
2/11/08
FEB 29 2008 *CR*

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE TO DEFEND

To: THE ABOVE NAMED DEFENDANTS

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

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

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ON 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, PA 16830
(814) 765-2641 Ext. 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TODD HEMING and SHIRLEY)	CIVIL DIVISION
HEMING, husband and wife,)	
)	No. 2007-01709-CD
Plaintiffs,)	
)	
v.)	
)	
THOMAS G. CORLE, JR. and)	
THE HITCHING POST,)	
Defendants.		

COMPLAINT IN CIVIL ACTION

AND NOW, come the plaintiffs, Todd Heming and Shirley Heming, by and through their attorneys, Michael E. DeMatt, Esquire and the firm of Berk, Whitehead, Kerr & Turin, P.C., and file the within complaint, averring as follows:

1. Plaintiff, Todd Heming, is an adult individual residing in Seward, Westmoreland County, Pennsylvania.
2. Plaintiff, Shirley Heming, is an adult individual residing in Seward, Westmoreland County, Pennsylvania.
3. At all time relevant herein, Plaintiffs Todd and Shirley Heming were husband and wife.
4. Defendant, Thomas G. Corle, Jr., is an adult individual residing at 320 Taylor Avenue, Falls Creek, Jefferson County, Pennsylvania.

5. Defendant, The Hitching Post is an establishment licensed by the Pennsylvania Liquor Control Board with its principal place of business at 692 Liberty Boulevard, DuBois, Clearfield County, Pennsylvania, and at all times relevant to this complaint was engaged in the sale and service of alcoholic beverages to patrons at The Hitching Post, at the aforementioned location.

6. The incident giving rise to the within matter occurred at approximately 1:20 p.m. on October 21, 2005.

7. At the above date and time, a motor vehicle collision occurred between the vehicles being operated by Plaintiff Todd Heming and Defendant Corle, causing injuries to plaintiff Todd Heming as set forth in detail below.

8. Prior to the above-described motor vehicle accident, Defendant Corle was a patron at defendant The Hitching Post.

9. While at The Hitching Post, Defendant Corle consumed alcoholic beverages, which rendered him incapable of safe driving.

10. The Hitching Post served such alcoholic beverages to defendant Corle while he was visibly intoxicated.

11. At the above date and time, Plaintiff Todd Heming was lawfully operating a motor vehicle on Liberty Boulevard in DuBois, Clearfield County, Pennsylvania.

12. Mr. Heming was stopped for traffic near 525 Liberty Boulevard, heading southbound.

13. At this same time, defendant Corle was travelling in his vehicle southbound on Liberty Boulevard.

14. Mr. Corle failed to bring his vehicle to a stop and collided with the rear of Mr. Heming's vehicle, subsequently causing Mr. Heming's vehicle to strike the vehicle which was stopped ahead of him.

15. Mr. Corle was charged with a violation of 18 Pa.C.S.A. § 3802, for driving under the influence of alcohol. Mr. Corle subsequently pled guilty to the DUI charge.

16. As a direct and proximate result of the foregoing negligence of the defendants, the Plaintiff, Todd Heming has suffered injuries as set forth in detail below, some or all of which may be permanent.

Count I – Todd Heming v. Thomas G. Corle, Jr.
Negligence

17. Plaintiff incorporates paragraphs 1 through 16.

18. At the time of the above described motor vehicle accident, the defendant, Thomas G. Corle, Jr., was negligent, reckless and careless under the following circumstances in:

- a. Failing to have his vehicle under proper and reasonable control;
- b. Operating his vehicle while under the influence of alcohol;
- c. Operating his vehicle in such a manner as to cause it to collide with the plaintiff's vehicle;
- d. Operating his vehicle without due regard to the presence and safety of the plaintiff;
- e. Failing to bring his vehicle to a stop in time to avoid the accident;
- f. Failing to properly apply his brakes;
- g. Failing to keep a proper lookout;
- h. Failing to operate his vehicle in a safe and proper manner; and,

- i. Failing to comply with the laws, rules and regulations of the Pennsylvania Motor Vehicle Code.

19. As a direct and proximate result of the defendant's negligence, recklessness and carelessness, the plaintiff suffered the following injuries, some or all of which may be permanent:

- a. Cervical sprain/strain;
- Pain and suffering;
- Fright and shock;
- Embarrassment and inconvenience;
- Requirement to seek medical treatment and rehabilitation therapy;
- Restriction of normal activities;
- Lost wages;
- Workers Compensation lien; and
- Loss of life's pleasures.

WHEREFORE, plaintiff, Todd Heming, respectfully requests this Honorable Court enter a judgment in his favor and against the defendant, Thomas G. Corle, Jr., jointly and severally with the defendant, The Hitching Post, in an amount in excess of \$20,000.00, plus interest and costs.

Count II – Todd Heming v. The Hitching Post
Negligence -- Dram Shop Act Violation

20. Plaintiff incorporates paragraphs 1 through 19.
21. On or about October 21, 2005, Defendant The Hitching Post, its agents, servants or employees sold, furnished or gave liquor or malt or brewed beverages ("liquor") to the defendant

Thomas G. Corle, Jr., when he was visibly intoxicated, in violation of the Pennsylvania Liquor Code, 47 P.S. 4-493(1) and 4-497.

22. As set forth above, after having consumed liquor at The Hitching Post on October 21, 2005, Mr. Corle operated a motor vehicle on a public road of the Commonwealth. As a result of his visibly intoxicated condition, Mr. Corle was unable to operate the vehicle in a safe and proper manner in accordance with the statutes, regulations and other laws of this Commonwealth.

23. Defendant, The Hitching Post was negligent in the following particulars:

- a. Negligently and/or carelessly selling or furnishing liquor and/or brewed beverages to the Defendant, Thomas G. Corle, Jr. when he was visibly intoxicated;
- b. Failing to properly train and supervise its employees so as to prevent them from selling or furnishing liquor and/or brewed beverages to invitees who are visibly intoxicated;
- c. Negligently and/or carelessly failing to warn the Defendant, Thomas G. Corle, Jr. that he was intoxicated and should not drive; and
- d. Violating the laws of the Commonwealth of Pennsylvania regarding the serving of alcoholic beverages to visibly intoxicated persons.

24. As a direct and proximate result of the defendant, The Hitching Post's negligence, the Plaintiff, Todd Heming was injured as set forth above in paragraph 19.

WHEREFORE, plaintiff, Todd Heming, respectfully requests this Honorable Court enter a judgment in his favor and against the defendant, The Hitching Post, jointly and severally with the defendant, Thomas G. Corle, Jr., in an amount in excess of \$20,000.00, plus interest and costs.

Count III – Shirley Heming v. Thomas G. Corle, Jr. and The Hitching Post
Loss of Consortium

25. Plaintiff incorporates paragraphs 1 through 24.
26. As a result of the negligence, recklessness and/or carelessness of defendants as set forth above, and the injuries suffered by plaintiff's spouse, Todd Heming, plaintiff Shirley Heming seeks damages for loss of services, companionship and consortium suffered in the past and which plaintiff expects will be suffered in the future.

WHEREFORE, plaintiff, Shirley Heming, respectfully requests this Honorable Court enter a judgment in his favor and against the defendants, Thomas G. Corle, Jr. and The Hitching Post, jointly and severally, in an amount in excess of \$20,000.00, plus interest and costs.

Respectfully submitted,
BERK, WHITEHEAD, KERR & TURIN, P.C.

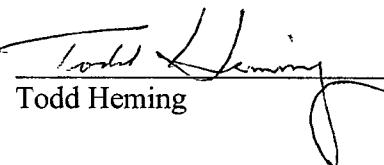


Michael E. DeMatt, Esquire
PA I.D. #85881
Attorney for Plaintiffs
115 North Main Street
Greensburg, PA 15601
(724) 838-1400

Dated: 2/26/08

VERIFICATION

I, TODD HEMING, do hereby verify that the facts contained in the foregoing COMPLAINT IN CIVIL ACTION are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



Todd Heming

Dated: 2-19-08

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within COMPLAINT IN CIVIL ACTION was forwarded to the following counsel of record by first class, U.S. mail, postage pre-paid, this 26th day of February 2008:

THOMAS G. CORLE, JR.
320 TAYLOR AVENUE
FALLS CREEK, PA 15840

HERON NOBLE, ESQ.
301 EAST PINE STREET
CLEARFIELD, PA 16830
Counsel for The Hitching Post


Michael E. DeMatt, Esquire
BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

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

TODD HEMING and SHIRLEY
HEMING, husband and wife,
Plaintiffs,

v.

THOMAS G. CORLE, JR. and
THE HITCHING POST,

Defendants.

CIVIL DIVISION

No. 2007-01709-CD

***NOTICE OF SERVICE OF FIRST SET OF
INTERROGATORIES DIRECTED TO
DEFENDANT
THE HITCHING POST***

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, PC
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

FILED *m. 11/03/01* ^{NO CC}
FEB 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the FIRST SET OF INTERROGATORIES DIRECTED TO DEFENDANT THE HITCHING POST was forwarded to the following counsel of record by first class, U.S. mail, postage pre-paid, this 26th day of February 2008:

THOMAS G. CORLE, JR.
320 TAYLOR AVENUE
FALLS CREEK, PA 15840

THERON NOBLE, ESQ.
301 EAST PINE STREET
CLEARFIELD, PA 16830
Counsel for The Hitching Post



Michael E. DeMatt, Esquire
BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TODD HEMING and SHIRLEY
HEMING, husband and wife,
Plaintiffs,

v.

THOMAS G. CORLE, JR. and
THE HITCHING POST,

Defendants.

CIVIL DIVISION

No. 2007-01709-CD

***NOTICE OF SERVICE OF FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
DEFENDANT THE HITCHING POST***

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, PC
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

FILED NO CC
M 11:10 AM
FEB 29 2008
WM

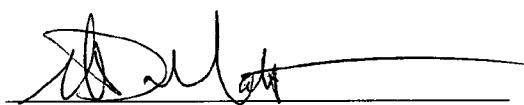
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT THE HITCHING POST was forwarded to the following counsel of record by first class, U.S. mail, postage pre-paid, this 26th day of February 2008:

THOMAS G. CORLE, JR.
320 TAYLOR AVENUE
FALLS CREEK, PA 15840

HERON NOBLE, ESQ.
301 EAST PINE STREET
CLEARFIELD, PA 16830
Counsel for The Hitching Post



Michael E. DeMatt, Esquire
BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TODD HEMING and SHIRLEY
HEMING, husband and wife,
Plaintiffs,

v.

THOMAS G. CORLE, JR. and
THE HITCHING POST,

Defendants.

CIVIL DIVISION

No. 2007-01709-CD

***NOTICE OF SERVICE OF FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
DEFENDANT THOMAS G. CORLE, JR.***

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, PC
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

FILED NO CC
MTH:OCB
FEB 29 2008
LAW

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the FIRST REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT THOMAS G. CORLE, JR. was forwarded to the following counsel of record by first class, U.S. mail, postage pre-paid, this 26th day of February 2008:

THOMAS G. CORLE, JR.
320 TAYLOR AVENUE
FALLS CREEK, PA 15840

HERON NOBLE, ESQ.
301 EAST PINE STREET
CLEARFIELD, PA 16830
Counsel for The Hitching Post



Michael E. DeMatt, Esquire
BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

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

TODD HEMING and SHIRLEY
HEMING, husband and wife,
Plaintiffs,

v.

THOMAS G. CORLE, JR. and
THE HITCHING POST,

Defendants.

CIVIL DIVISION

No. 2007-01709-CD

***NOTICE OF SERVICE OF FIRST SET OF
INTERROGATORIES DIRECTED TO
DEFENDANT
THOMAS G. CORLE, JR.***

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, PC
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

FILED
2/11/08
FEB 29 2008
NOCC

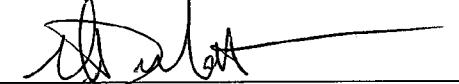
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the FIRST SET OF INTERROGATORIES DIRECTED TO DEFENDANT THOMAS G. CORLE, JR. was forwarded to the following counsel of record by first class, U.S. mail, postage pre-paid, this 26th day of February 2008:

THOMAS G. CORLE, JR.
320 TAYLOR AVENUE
FALLS CREEK, PA 15840

TERON NOBLE, ESQ.
301 EAST PINE STREET
CLEARFIELD, PA 16830
Counsel for The Hitching Post


Michael E. DeMatt, Esquire
BERK, WHITEHEAD, KERR & TURIN, P.C.
115 North Main Street
Greensburg, PA 15601

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

**TODD HEMING and SHIRLEY
HEMING, husband & wife,**

Plaintiffs,

VS.

**THOMAS G. CORLE, JR., and
THE HITCHING POST**

Defendants,

:CIVIL DIVISION

:

**1709
:Docket # 2007-0409-CD**

:

:Jury Trial Demanded

:

:

FILED

MAR 24 2008

m/8:30 AM
William A. Shaw
Prothonotary/Clerk of Courts

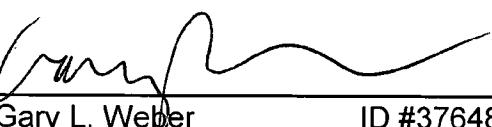
I Went to Att'y

ENTRY OF APPEARANCE

Kindly enter our appearance on behalf of Defendant **Thomas G. Corle, Jr.** in
the above-captioned case.

**MITCHELL MITCHELL GALLAGHER &
WEBER, SOUTHARD, P.C.**

BY:


Gary L. Weber ID #37648
Attorney for Defendant Corle
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
glw@mmgws.com

CERTIFICATE OF SERVICE

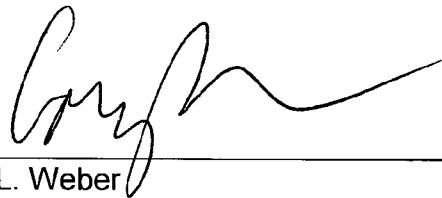
GARY L. WEBER, hereby certifies that on this 19th day of March, 2008,
he mailed the foregoing **Entry of Appearance** to the Clearfield County Prothonotary
by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

Berk, Whitehead, Kerr & Turin, PC
Attention: Michael E. DeMatt, Esquire
115 North Main Street
Greensburg, PA 15601
Counsel for plaintiffs

Theron Noble, Esquire
301 East Pine Street
Clearfield, PA 16830
Counsel for The Hitching Post



Gary L. Weber

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TODD HEMING and SHIRLEY HEMING, husband & wife,	:	CIVIL DIVISION
Plaintiffs,	:	
VS.	:	1709
THOMAS G. CORLE, JR., and THE HITCHING POST	:	Docket # 2007-0109-CD
Defendants,	:	
	:	Jury Trial Demanded

NOTICE TO PLEAD

To: Todd & Shirley Heming

c/o Berk, Whitehead, Kerr & Turin, PC
Attention: Michael DeMatt
115 North Main Street
Greensburg, PA 15601

FILED
MAY 10 2009
APR 25 2009
NO. CC
cc
(GR)

William A. Shaw
Prothonotary/Clerk of Courts

YOU are hereby notified and required to plead to the within New Matter within twenty (20) days from the date of service hereof.

NOTE: YOU are hereby warned that if you fail to plead as notified and required, the action will proceed without you and you will be liable to have a default judgment entered against you in your absence.

MITCHELL MITCHELL GALLAGHER WEBER & SOUTHDARD

BY:


Gary L. Weber ID#37648
Attorneys for Defendant
10 West Third Street
Williamsport, PA 17701
(570) 323-8404

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

TODD HEMING and SHIRLEY HEMING, husband & wife,	: CIVIL DIVISION
Plaintiffs,	:
VS.	:
THOMAS G. CORLE, JR., and THE HITCHING POST	: Docket # 2007-0109-CD
Defendants,	: Jury Trial Demanded
	:
	:

ANSWER AND NEW MATTER OF THOMAS G. CORLE, JR.

1. After reasonable investigation the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
2. After reasonable investigation the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
3. After reasonable investigation the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
4. Admitted
5. Admitted
6. Admitted
- 7-10. Denied pursuant to Pa. R. C. P. No. 1029 (e).
12. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.
13. Admitted
14. Admitted that defendant Corle braked his vehicle and was unable to bring it

to a complete stop; after reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of this paragraph.

15. Denied; to the contrary, the answering defendant was not charged with a violation of 18 Pa. C. S. § 3802 and he did not plead guilty to any charges filed pursuant to that statutory section.

16. Denied pursuant to Pa. R. C. P. No. 1029 (e)

COUNT I
TODD HEMING V. THOMAS G. CORLE, JR.
NEGLIGENCE

17. The averments of paragraphs 1-16 of this answer and new matter are incorporated herein by reference.

18-19. Denied pursuant to Pa. R. C. P. No. 1029 (e)

COUNT II
TODD HEMING V. THE HITCHING POST
NEGLIGENCE – DRAM SHOP ACT VIOLATION

20. The averments of paragraphs 1-19 are incorporated herein by reference.

21-24. Denied pursuant to Pa. R. C. P. No. 1029 (e).

COUNT III
SHIRLEY HEMING V. THOMAS G. CORLE, JR. AND THE HITCHING POST
LOSS OF CONSORTIUM

25. The averments of paragraphs 1-24 of this answer and new matter are incorporated herein by reference.

26. Denied pursuant to Pa. R. C. P. No. 1029 (e).

NEW MATTER

27. The averments of paragraphs 1-26 of this answer and new matter are incorporated herein by reference.

28. The statute of limitations has expired.

29. Plaintiffs' claims are barred or limited by the provisions of 75 Pa. C. S. §1722.

30. Upon information and belief, the physical complaints referred to in the complaint were preexisting or related to conditions that were not caused or made worse by the accident.

31. Plaintiffs have failed to mitigate there damages.

32. Plaintiffs claims are barred or limited by the provisions of the Workmen's Compensation Act.

WHEREFORE, defendant Thomas G. Corle, Jr. demands judgment in his favor and against plaintiffs.

MITCHELL MITCHELL GALLAGHER
WEBER & SOUTHARD, P.C.

BY:

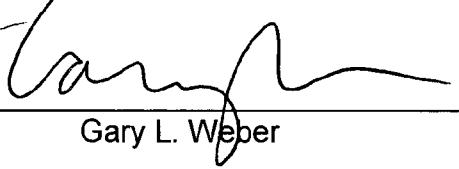

Gary L. Weber ID #37648
Attorneys for Thomas G. Corle
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
glw@mmgws.com

VERIFICATION

GARY L. WEBER hereby certifies that he is the attorney for Defendant Thomas G. Corle, Jr., in this action, and that he has sufficient knowledge and information regarding the action to make this verification on behalf of said Defendant. He further certifies that the facts set forth in the foregoing Answer and New Matter of Thomas G. Corle, Jr., to complaint are true and correct to the best of his knowledge, information and belief.

I understand this Verification is made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsifications to authorities.

4/23/2006
Date


Gary L. Weber

P

FILED

MAY 16 2008

5/11/08
William A. Shaw
Prothonotary/Clerk of Courts

No C/C (60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TODD HEMING and SHIRLEY
HEMING, husband and wife,

Plaintiffs,

v.

THOMAS G. CORLE, JR. and
THE HITCHING POST,

Defendants.

CIVIL DIVISION

No. 2007-01709-CD

***PRAECIPE TO SETTLE,
DISCONTINUE AND END***

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Michael E. DeMatt, Esquire
PA I.D. #85881

BERK, WHITEHEAD, KERR & TURIN, PC
115 North Main Street
Greensburg, PA 15601

(724) 838-1400

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

TODD HEMING and SHIRLEY) CIVIL DIVISION
HEMING, husband and wife,)
Plaintiffs,) No. 2007-01709-CD
v.)
THOMAS G. CORLE, JR. and)
THE HITCHING POST,)
Defendants.

PRAECIPE TO SETTLE, DISCONTINUE AND END

TO: The Prothonotary

Please mark the above-captioned civil action settled, discontinued and ended as to all defendants.

Respectfully submitted,
BERK, WHITEHEAD, KERR, & TURIN, P.C.



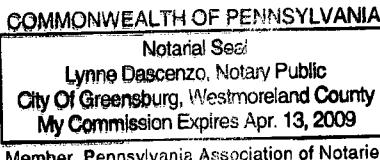
Michael E. DeMatt, Esquire
Attorney for Plaintiffs
115 North Main Street
Greensburg, PA 15601
(724) 838-1400

Sworn to me and subscribed
before me this 14th day of
May, 2008.

Lynne Dascenzo
Notary Public

2

My commission expires:



Member, Pennsylvania Association of Notaries