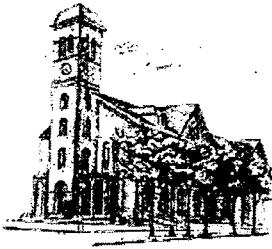


07-1727-CD
David Powell vs William Yatta et al



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 • Phone: (814) 765-2641 Ext. 1330 • Fax: (814) 765-7659 • www.clearfieldco.org

COPY

January 25, 2008

Superior Court of Pennsylvania
Office of the Prothonotary
600 Grant Building
Pittsburgh, PA 15219

Re: David B. Powell
Vs.
William Yatta, Veterans of Foreign Wars
No. 07-1727-CD
Superior Court No. 2251 WDA 2007

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

FILED
01/10/2008
JAN 25 2008

WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

OPY

David B. Powell

Vs.

Case No. 2007-01727-CD

William Yatta
Veterans of Foreign Wars

FILED

JAN 30 2008
M/ 10:20/08
William A. Shaw
Prothonotary/Clerk of Courts
CP

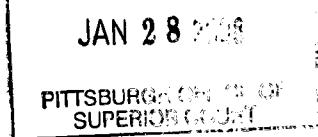
CERTIFICATE OF CONTENTS

NOW, this _____ day of _____, 2008, the undersigned, Prothonotary or Deputy Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, the said Court of record, does hereby certify that attached is the original record of the case currently on Appeal.

An additional copy of this Certificate is enclosed with the original hereof and the Clerk or Prothonotary of the Superior Court is hereby directed to acknowledge receipt of the Appeal Record by executing such copy at the place indicated by forthwith returning the same to this Court.

By: _____

William A. Shaw, Prothonotary



Record, Etc. Received:

Date: _____

Jan 1-28-08

(Signature & Title)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103343
NO: 07-1727-CD
SERVICE # 1 OF 2
CIVIL ACTION & NOTICE

PLAINTIFF: DAVID B. POWELL

vs.

DEFENDANT: WILLIAM YATTA and VETERANS OF FOREIG WARS POST 1785

SHERIFF RETURN

NOW, October 30, 2007 AT 11:19 AM SERVED THE WITHIN CIVIL ACTION & NOTICE ON WILLIAM YATTA DEFENDANT AT 713 TEXTILE ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WILLIAM YATTA, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL CIVIL ACTION & NOTICE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

FILED
FEB 08 2008
6/2/30/08
William A. Shaw
Prothonotary/Clerk of Court

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103343
NO: 07-1727-CD
SERVICE # 2 OF 2
CIVIL ACTION & NOTICE

PLAINTIFF: DAVID B. POWELL

VS.

DEFENDANT: WILLIAM YATTA and VETERANS OF FOREIG WARS POST 1785

SHERIFF RETURN

NOW, October 30, 2007 AT 10:20 AM SERVED THE WITHIN CIVIL ACTION & NOTICE ON VETERANS OF FOREIG WARS POST 1785 DEFENDANT AT 309 N. 3RD ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SAMANTHA LAROCK, BARTENDER A TRUE AND ATTESTED COPY OF THE ORIGINAL CIVIL ACTION & NOTICE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103343
NO: 07-1727-CD
SERVICES 2
CIVIL ACTION & NOTICE

PLAINTIFF: DAVID B. POWELL

VS

DEFENDANT: WILLIAM YATTA and VETERANS OF FOREIGN WARS POST 1785

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	POWELL	CASH	20.00
SHERIFF HAWKINS	POWELL	CASH	28.41

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Chester A. Hawkins
by *Marilyn Harris*

3:44 P.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 2251 WDA 2007

Page 1 of 3

December 27, 2007



David B. Powell, Appellant

v.

William Yatta Veterans of Foreign Wars,
Post 1785

07-1727-CD

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: December 13, 2007

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType: Trespass

Consolidated Docket Nos.:

Related Docket Nos.:

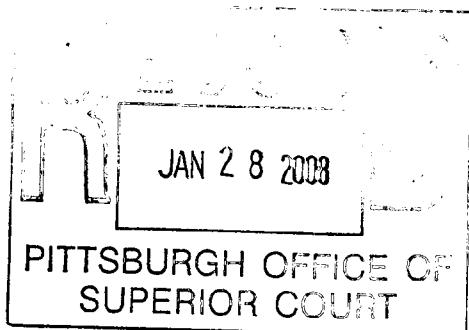
SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: January 10, 2008

Next Event Type: Original Record Received

Next Event Due Date: February 4, 2008



FILED NO. cc
M 12/4/08
DEC 31 2007 (6P)

William A. Shaw
Prothonotary/Clerk of Courts

Appeal Docket Sheet**Docket Number:** 2251 WDA 2007**Page 2 of 3****December 27, 2007****Superior Court of Pennsylvania****COUNSEL INFORMATION****Appellant** Powell, David

Pro Se: ProSe

Appoint Counsel Status:

IFP Status: No

Appellant Attorney Information:

Attorney: Powell, David B.

Bar No.:

Law Firm:

Address: P O Box 423

Philipsburg, PA 16866

Phone No.:

Fax No.:

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

Appellee Yatta, William

Pro Se:

Appoint Counsel Status:

IFP Status:

Appellee Attorney Information:

Attorney: Yatta, William

Bar No.:

Law Firm:

Address: C/O V.F.W.

309 N. 3rd Street

Clearfield, PA 16830

Phone No.:

Fax No.:

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
12/6/07	Notice of Appeal			

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of Order Appealed From: November 21, 2007

Judicial District: 46

Date Documents Received: December 13, 2007

Date Notice of Appeal Filed: December 6, 2007

Order Type: Order Entered

OTN:

Judge: Ammerman, Fredric J.
President Judge

Lower Court Docket No.: No. 2007-1727-CD

ORIGINAL RECORD CONTENTS

Appeal Docket Sheet

Docket Number: 2251 WDA 2007

Page 3 of 3

December 27, 2007

Superior Court of Pennsylvania



Original Record Item	Filed Date	Content/Description
----------------------	------------	---------------------

Date of Remand of Record:**BRIEFS****DOCKET ENTRIES**

Filed Date	Docket Entry/Document Name	Party Type	Filed By
December 13, 2007	Notice of Appeal Filed	Appellant	Powell, David
December 27, 2007	Docketing Statement Exited (Civil)		Western District Filing Office

FILED

DEC 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

**CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA
RULE OF APPELLATE PROCEDURE 1931(C)**

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

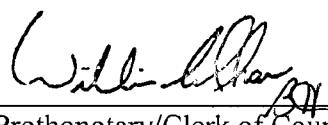
07-1727-CD

David B. Powell
VS.
William Yatta, Veterans of Foreign Wars

In compliance with Pa. R.A.P. 1931 (c).

The documents compromising the record have been numbered from **No. 1 to No. 7**, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages compromising the document.

The date on which the record had been transmitted to the Appellate Court is
January 25, 2008.



Prothonotary/Clerk of Courts

(seal)

Date: 01/25/2008

Time: 09:56 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2007-01727-CD

Current Judge: Fredric Joseph Ammerman

David B. Powell vs. William Yatta, Veterans of Foreign Wars

Civil Other

Date		Judge
10/24/2007	New Case Filed. Filing: Civil Complaint Paid by: Powell, David B. (plaintiff) Receipt number: 1921180 Dated: 10/24/2007 Amount: \$85.00 (Cash) 2 Cert. to Plaintiff.	No Judge No Judge
11/21/2007	Order, filed cert. to Plaintiff and Defendant's NOW, this 21st day of November, 2007, Upon review it being clear that case is frivolous is is the ORDER of Court that the Plaintiff's Complaint be and is hereby dismissed, with prejudice.	Fredric Joseph Ammerman
12/05/2007	Received notice of appeal and returned to Plaintiff for payment of appeal and check to Superior Court.	No Judge
12/06/2007	Notice of Appeal, with IFP, filed by Plaintiff.	No Judge
12/10/2007	Order, filed 1 Cert. to Plaintiff and 1 Cert. to Superior Court with Notice of Appeal. Now, this 10th day of December, 2007, IFP Petition Denied as the claim in the Plaintiff's Complaint is frivolous. Mailed Cert. copy of Notice of Appeal, with IFP Petition and Order denying IFP.	Fredric Joseph Ammerman No Judge
12/31/2007	Appeal Docket Sheet, filed. No CC Superior Court Number 2251 WDA 2007.	Fredric Joseph Ammerman
01/02/2008	Order, this 2nd day of Jan., 2008, it is Ordered that -David B. Powell, appellant, file a concise statement of the matters complained of on Appeal to the Superior Court of Pennsylvania no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, 1CC Plff. - PO Box 423, Philipsburg, PA 16866; 1CC Def. -309 N. Third St., Clearfield, PA 16830	Fredric Joseph Ammerman
01/25/2008	January 25, 2008, Mailed Appeal to Superior Court. January 25, 2008, Letters, Re: Notification of mailing appeal mailed to David B. Powell and William Yatta, with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	Fredric Joseph Ammerman

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

JAN 25 2008

Attest,

William E. Yatta
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1727-CD

David B. Powell

VS.

William Yatta, Veterans of Foreign Wars

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	10/24/07	Civil Complaint	05
02	11/21/07	Order, Re: Plaintiff's Complaint be Dismissed with Prejudice, case is frivolous	03
03	12/06/07	Notice of Appeal	10
04	12/10/07	Order, Re: IFP Petition Denied; claim in the Plaintiff's Complaint is frivolous	01
05	12/31/07	Appeal Docket Sheet, Superior Court Number 2251 WDA 2007	03
06	01/02/08	Order, Re: concise statement of matters complained of on appeal to be filed	01
07	01/25/08	Letters, Re: Notification of mailing appeal mailed to David B. Powell and William Yatta, with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	03



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts **Jacki Kendrick**
Deputy Prothonotary/Clerk of Courts **Bonnie Hudson**
Administrative Assistant **David S. Ammerman**
Solicitor

PO Box 549, Clearfield, PA 16830 • Phone: (814) 765-2641 Ext. 1330 • Fax: (814) 765-7659 • www.clearfieldco.org

COPY

Fredric J. Ammerman, P.J.
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

David B. Powell
PO Box 423
Philipsburg, PA 16866

William Yatta
Veterans of Foreign Wars
309 N. 3rd Street
Clearfield, PA 16830

David B. Powell
Vs.
William Yatta, Veterans of Foreign Wars

Court No. 07-1727-CD; Superior Court No. 2251 WDA 2007

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on January 25, 2008.

Sincerely,

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

FILED
0195361
JAN 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

(#7)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1727-CD

David B. Powell

VS.

William Yatta, Veterans of Foreign Wars

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	10/24/07	Civil Complaint	05
02	11/21/07	Order, Re: Plaintiff's Complaint be Dismissed with Prejudice, case is frivolous	03
03	12/06/07	Notice of Appeal	10
04	12/10/07	Order, Re: IFP Petition Denied; claim in the Plaintiff's Complaint is frivolous	01
05	12/31/07	Appeal Docket Sheet, Superior Court Number 2251 WDA 2007	03
06	01/02/08	Order, Re: concise statement of matters complained of on appeal to be filed	01

Date: 01/25/2008

Time: 09:52 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2007-01727-CD

Current Judge: Fredric Joseph Ammerman

David B. Powell vs. William Yatta, Veterans of Foreign Wars

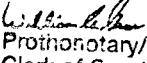
Civil Other

Date		Judge
10/24/2007	New Case Filed. Filing: Civil Complaint Paid by: Powell, David B. (plaintiff) Receipt number: 1921180 Dated: 10/24/2007 Amount: \$85.00 (Cash) 2 Cert. to Plaintiff.	No Judge No Judge
11/21/2007	Order, filed cert. to Plaintiff and Defendant's NOW, this 21st day of November, 2007, Upon review it being clear that case is frivolous is is the ORDER of Court that the Plaintiff's Complaint be and is hereby dismissed, with prejudice.	Fredric Joseph Ammerman
12/05/2007	Received notice of appeal and returned to Plaintiff for payment of appeal and check to Superior Court.	No Judge
12/06/2007	Notice of Appeal, with IFP, filed by Plaintiff.	No Judge
12/10/2007	Order, filed 1 Cert. to Plaintiff and 1 Cert. to Superior Court with Notice of Appeal. Now, this 10th day of December, 2007, IFP Petition Denied as the claim in the Plaintiff's Complaint is frivolous. Mailed Cert. copy of Notice of Appeal, with IFP Petition and Order denying IFP.	Fredric Joseph Ammerman No Judge
12/31/2007	Appeal Docket Sheet, filed. No CC Superior Court Number 2251 WDA 2007.	Fredric Joseph Ammerman
01/02/2008	Order, this 2nd day of Jan., 2008, it is Ordered that -David B. Powell, appellant, file a concise statement of the matters complained of on Appeal to the Superior Court of Pennsylvania no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, 1CC Plff. - PO Box 423, Philipsburg, PA 16866; 1CC Def. -309 N. Third St., Clearfield, PA 16830	Fredric Joseph Ammerman

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

JAN 25 2008

Attest,


William Yatta
Prothonotary/
Clerk of Courts

FILED

JAN 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

DAVID B. POWELL,
Plaintiff

vs.

WILLIAM YATTA,
VETERANS OF FOREIGN WARS,
Defendant

NO. 07-1727-CD

ORDER

NOW, this 2nd day of January 2008, this Court having been notified of Appeal to the Superior Court of Pennsylvania in the above-captioned matter; it is the ORDER of this Court that **DAVID B. POWELL**, Appellant, file a concise statement of the matters complained of on said Appeal no later than twenty-one (21) days herefrom, as set forth in Rule 1925(b) of the Rules of Appellate Procedure.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED
10/4/08 B74
JAN 02 2008
William A. Shew
1108160
1cc PHF-
PO Box 423
Philipsburg, PA

William A. Shaw
Prothonotary/Clerk of Courts

GR

FILED

JAN 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/2/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 2251 WDA 2007



Page 1 of 3

December 27, 2007

David B. Powell, Appellant

V.

William Yatta Veterans of Foreign Wars,
Post 1785

07-1727-CD

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: December 13, 2007

Awaiting Original Record

COPY

Journal Number:

Case Category: Civil

CaseType: Trespass

Consolidated Docket Nos.:

Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: January 10, 2008

Next Event Type: Original Record Received

Next Event Due Date: February 4, 2008

FILED
DEC 31 2007
NO CC
12:44 PM
6K

William A. Shaw
Prothonotary/Clerk of Courts

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 2251 WDA 2007

Page 2 of 3

December 27, 2007



COUNSEL INFORMATION

Appellant Powell, David

Pro Se: ProSe

Appoint Counsel Status:

IFP Status: No

Appellant Attorney Information:

Attorney: Powell, David B.

Bar No.:

Law Firm:

Address: P O Box 423

Philipsburg, PA 16866

Phone No.:

Fax No.:

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

Appellee Yatta, William

Pro Se:

Appoint Counsel Status:

IFP Status:

Appellee Attorney Information:

Attorney: Yatta, William

Bar No.:

Law Firm:

Address: C/O V.F.W.

309 N. 3rd Street

Clearfield, PA 16830

Phone No.:

Fax No.:

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
12/6/07	Notice of Appeal			

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of OrderAppealed From: November 21, 2007

Judicial District: 46

Date Documents Received: December 13, 2007

Date Notice of Appeal Filed: December 6, 2007

Order Type: Order Entered

OTN:

Judge: Ammerman, Fredric J.
President Judge

Lower Court Docket No.: No. 2007-1727-CD

ORIGINAL RECORD CONTENTS

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 2251 WDA 2007

Page 3 of 3

December 27, 2007



Original Record Item	Filed Date	Content/Description
----------------------	------------	---------------------

Date of Remand of Record:

BRIEFS**DOCKET ENTRIES**

Filed Date	Docket Entry/Document Name	Party Type	Filed By
December 13, 2007	Notice of Appeal Filed	Appellant	Powell, David
December 27, 2007	Docketing Statement Exited (Civil)		Western District Filing Office

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

DAVID B. POWELL,
Plaintiff
vs.
WILLIAM YATA, VETERANS OF
FOREIGN WARS, POST 1785,
Defendants

*
*
*
*

NO. 07-1727-CD

ORDER

FILED

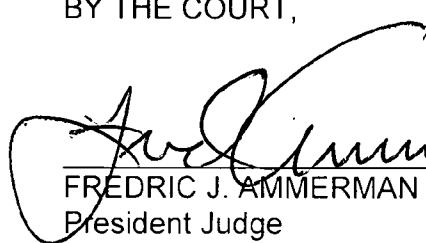
DEC 10 2007
01 10-301

William A. Shaw
Prothonotary/Clerk of Courts

1 CENT TO PUR
1 CENT TO SUPERIOR
COURT

NOW, this 10th day of December, 2007, the Court being in receipt of and having reviewed the *pro se* Petition to Proceed In Forma Pauperis filed by the Plaintiff; it is the ORDER of this Court that said Petition be and is hereby DENIED as the claim in the Plaintiff's Complaint is frivolous.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

#4

FILED

Probationary Clerk of Courts
William A. Shan
DEC 10 2007

IN THE COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

DAVID B. POWELL)

FILED

U.)
WILLIAM YATTA)
VETERANS OF FOREIGN)
WARS, POST 1785) NO. 2007-1727-C

DEC 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF APPEAL

Notice is hereby given that the plaintiff
above named hereby appeals to
Supreme Court of Pennsylvania from
the order entered in this matter
11/21/2007. This order has been
entered in the docket as evidenced
by the attached copy of the docket
entry.


David B. Powell, Pro Se
P.O. Box 423
Philipsburg, PA 16866

Date 12/6/07

(#3)

IN THE COMMON PLEASES OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID B. POWELL)

U.)
WILLIAM YATTA)

VETERANS OF FOREIGN)

WARS, POST 1785) NO. 2007-1727-C

FILED

DEC 06 2007

07-1727-C

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF APPEAL

Notice is hereby given that the plaintiff
above named, hereby appeals to
Supreme Court of Pennsylvania from
the order entered in this matter
11/21/2007. This order has been
entered in the docket as evidenced
by the attached copy of the docket
entry.

DBP
David B. Powell, Pro Se
P.O. Box 423
Philipsburg, PA 16661

Date 12/6/07

#3

Date: 12/03/2007

Time: 09:23 AM

Page 1 of 1

Clayton County Court of Common Pleas

ROA Report

User: PUBLIC

Case: 2007-01727-CD

Current Judge: No Judge

David B. Powell vs. William Yatta, Veterans Of Foreign Wars

Civil Other

Date		Judge
10/24/2007	New Case Filed. Filing: Civil Complaint Paid by: Powell, David B. (plaintiff) Receipt number: 1921180 Dated: 10/24/2007 Amount: \$85.00 (Cash) 2 Cert. to Plaintiff.	No Judge No Judge
11/21/2007	Order, filed cert. to Plaintiff and Defendant's NOW, this 21st day of November, 2007, Upon review it being clear that case is frivolous is is the ORDER of Court that the Plaintiff's Complaint be and is hereby dismissed, with prejudice.	Fredric Joseph Ammerman

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

DAVID B. POWELL,
Plaintiff
vs.
WILLIAM YATTA, VETERANS OF
FOREIGN WARS, POST 1785,
Defendants

* * * * NO. 07-1727-CD

ORDER

FILED *ed*

NOV 21 2007

0111-50/44C

William A. Shaw

Prothonotary/Clerk of Courts

1 CERT TO PLA.
CERT TO DEF

NOW, this 21st day of November, 2007, the Court being in receipt of the "Complaint" filed on October 24, 2007 by David B. Powell, *pro se*. Upon review of the same it being clear that the claim is completely frivolous as there is no constitutionally protected right under either the United States or Pennsylvania Constitutions to wear a hat under the circumstances described in the "Complaint". The Court noting that no purpose would be served by permitting amendment of the complaint; the Plaintiff having previously filed the same claim in Federal Court and the same having been dismissed (see attached Order); this Court believing it would be unreasonable and unnecessary for the Defendants to incur legal expense and waste time in defending a meritless claim; accordingly it is the ORDER of this Court that the Plaintiff's Complaint be and is hereby dismissed, with prejudice.

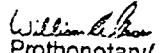
BY THE COURT,

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


FREDRIC J. AMMERMAN
President Judge

DEC 03 2007

Attest.


William A. Shaw
Prothonotary/
Clerk of Courts

IN THE COMMON PLEAS OF (CLEARFIELD) COUNTY, PENNSYLVANIA

DAVID B. POWELL > CIVIL ACTION-LAW

WILLIAM YATTA }
VETERANS OF FOREIGN }
WARS, POST 1785 IN. 2007-1727-C

PROOF OF SERVICE

I hereby certify that this day, I served a notice of appeal on the above defendants, by first class, post paid, U. S. mail, at the following address:

William Yatta
c/o V.F.W.
309 N. 3rd. st.
clearfield, PA. 16830

V.F.W.
309 N. 3rd. st.
clearfield, PA. 16830

DB
David B. Powell, Prose

Date 12/6/07

FILED
DEC 06 2007
William A. Shaw
Prothonotary/Clark of Courts

IN THE COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID B. POWELL)

vs.)

WILLIAM YATA,)

VESTIBRNS OF FOREIGN)

WARS, POST 1783) NO. 2007-1727-CI

REASON TO PROCEDE I. F.P.

1. I am the plaintiff in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates to pay costs of litigations.

3. I Represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: David B. Powell

Address: P. O. Box 423, Philipsburgh PA 16866

Social Security Number: 075-52-1851

(b) Employment: none

Salary or wages per month: N/A

FILED

DEC 06 2007

073006

William A. Shaw
Prothonotary/Clerk of Courts

Type of work: N/A

if you are presently ~~employed~~ unemployed state

Date of last employment: forgot, over 15 years ago

Salary or wages per month: forgot

Type of work: Sales

(c) other income within the past twelve months: ~~no~~ S.S.I. Disability
(23rd a month)

Business or profession: none

other self-employment: none

Interest: none

Dividends: none

Pension and annuities: none

Social Security benefits: See above - (c)

Support payments: none

Disability payments: See above - (c)

Unemployment compensation and
supplemental benefits: none

workmen's compensation: none

public assistance: \$27 a month

other: none

(d) other contributions to household
support

(wife)(husband) Name: Elizabeth Powell

dead.

if your (wife)(husband) Name: Elizabeth Powell,

dead

Employer: n/a

salary or wages per month: n/a

Type of work: n/a

Contributions ~~off~~ from children: n/a none

Contributions from parents: none

other contributions: none

checking account: \$500

certificate of deposit: none

Real estate: none

motor vehicle: none

make: N/A, year N/A

cost: N/A, amount owed: N/A

(A) debts & n.b. obligations:

mortgage: none

Rent: \$400⁰⁰ a month

Loans: 10% a month

other: none

(9) persons dependent upon you

(i.e. (husband) name: Elizabeth Powell,

dead

children: (if any) (none)

other person: none

IN THE COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID B. POWELL

J.

WILLIAM YATTA
VETERANS OF FOREIGN
WARS, POST 1785

PROOF OF SERVICE

I hereby certify that this day, I am
serving the notice of appeal on the
people below, first class, first class
mail.

William Yatta
c/o U.F.W.
309 N. 3rd St.
Clearfield, PA 16830

U.F.W.
309 N. 3rd St.
Clearfield, PA 16830

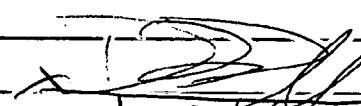
Judge Ammerman
Clearfield County Courthouse
Clearfield County, PA 16830

DBP
David B. Powell, Pro Se
P.O. Box 423
Philipsburg, PA 16861

DATE: (12/6/07)

4. I understand that I have a continuing obligation to inform the Court of impairment in my financial circumstances which would permit me to pay the costs incurred hereof.

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. §4904 relating to unlawful fabrication to authorities.


David D. Powell, Pro Se
P.O. Box 423
Philipsburg, PA 16866

Date 12/6/07

10

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

DAVID B. POWELL,
Plaintiff
vs.
WILLIAM YATTA, VETERANS OF
FOREIGN WARS, POST 1785,
Defendants

* NO. 07-1727-CD

FILED

NOV 21 2007

011150/402

William A. Shaw

Prothonotary/Clerk of Courts

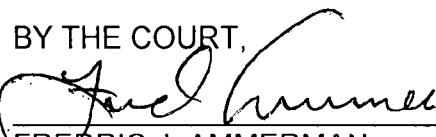
I CERT TO PUFF

CERT TO DEETS

ORDER

NOW, this 21st day of November, 2007, the Court being in receipt of the "Complaint" filed on October 24, 2007 by David B. Powell, *pro se*. Upon review of the same it being clear that the claim is completely frivolous as there is no constitutionally protected right under either the United States or Pennsylvania Constitutions to wear a hat under the circumstances described in the "Complaint". The Court noting that no purpose would be served by permitting amendment of the complaint; the Plaintiff having previously filed the same claim in Federal Court and the same having been dismissed (see attached Order); this Court believing it would be unreasonable and unnecessary for the Defendants to incur legal expense and waste time in defending a meritless claim; accordingly it is the ORDER of this Court that the Plaintiff's Complaint be and is hereby dismissed, with prejudice.

BY THE COURT,


FREDERIC J. AMMERMAN
President Judge

*2

Case 3:07-cv-00277-KRG Document 2

Filed 10/22/2007 Page 1 of 2

COPY**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID B. POWELL,

)

Plaintiff,

)

v.

)

WILLIAM YATTA and
VETERANS OF FOREIGN WARS,
POST 1785,

)

Defendants.

)

CIVIL ACTION NO. 3:2007-277

JUDGE GIBSON

ORDER

AND NOW, this 22nd day of October, 2007, in consideration of the Defendant's *pro se* Motion to Proceed *In Forma Pauperis* (Document No. 1), and after a review of the proposed complaint, IT IS HEREBY ORDERED THAT the motion is DENIED as "fail[ing] to state a claim on which relief may be granted", pursuant to 28 U.S.C. § 1915(e)(2)(b)(i) as the Plaintiff has failed to allege sufficiently that any government action was taken in violation of his right to free speech, *see e.g. Central Hardware Co. v. N.L.R.B.*, 407 U.S. 539, 547, 92 F.3d 2238, 1243, 33 L.Ed.2d 122, 128-129 (1992), and has failed to sufficiently allege that his wearing of a hat on the dance floor located in the Defendant Veterans of Foreign Wars, Post 1785 building was expressive conduct. *See e.g. Tenafly Eruv Ass'n Inc. v. Borough of Tenafly*, 309 F.3d 144, 150 (3d Cir. 2002).

Case 3:07-cv-00277-KRG Document 2

Filed 10/22/2007 Page 2 of 2

IT IS FURTHER ORDERED THAT the above-captioned matter is DISMISSED WITHOUT PREJUDICE for the Plaintiff's "fail[ure] to state a claim on which relief may be granted" and the Clerk shall mark this matter closed.

BY THE COURT:



**KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE**

William A. Shaw
Prothonotary/Clerk of Courts

NOV 21 2007

FILED

FILED
OCT 24 2007
2 CERT TO PUFF

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID B. POWELL) CIVIL ACTION-LAW
V.)
WILLIAM YATTA)
VETERANS OF FOREIGN)
WARS, POST 1785) NO. 2007-1727-CO

NOTICE TO DEFEND

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

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

Midpenn Legal Service
211 E. Locust St.
Clearfield, PA. 16830
765-9646

IN THE COMMON PLEAS OF (CLEARFIELD) COUNTY, PENNSYLVANIA

DAVID B. POWELL) CIVIL ACTION-LAW
V.)
WILLIAM YATTA)
VETERANS OF FOREIGN)
WARS, POST 1785) NO.

AND NOW COMES, David B. Powell, plaintiff and respectfully represents as follows:

1. Plaintiff is David B. Powell with an address of P.O. Box 423, Philipsburg, PA. 16866
2. Defendants are William Yatta, Veterans Of Foreign Wars, Post 1785, with a known address of 309 N. 3rd St., Clearfield, PA. 16830
3. That defendants have a policy of not wearing a hat on the dance floor, see exhibit "A".
4. Plaintiff states defendants are a private establishment, however when the defendants open their doors to the public on nights they have bands and dances they fall under the inherent Rights of Pennsylvania Constitution and U.S. Constitution which include freedom of expression, choice, and pursuing ones own happiness.
5. That it makes no difference when or why said policy of no hat on dance floor was established, see exhibit "A".
6. That it makes no difference if I am a

Veteran or not, see exhibit "A"

7. That wearing a hat on the dance floor is no way damages any dance floor, nor disRespects any lady I dance with, see exhibit "A"

8. There are a number of V.F.W's that don't have such policy of no hat on dance floor, wearing no hat on dance floor, such as the V.F.W in Philipsburg, Potters Mills and others.

9. Plaintiff enjoys dancing, and goes dancing just about every weekend.

10. That there are a number of circumstances that people disagree even though they fall under Constitutional Rights and/or are protected under Constitutional Rights;

However, these Honorable Courts uphold such circumstances, and don't impede them like the defendants do when they (defendants) do when they open their doors to the public.

11. That plaintiff has been told by defendants to remove his hat on the dance floor while in their establishment.

I verify that the statements herein are true and correct to the best of my knowledge, information, and belief. I understand false statements herein are made subject to the penalties to unsworn falsification to authorities.

Wherefore, Plaintiff prays these Honorable
Counts to order defendants to abolish their
Rule/policy of wearing no hats on dance floor
when defendants open their doors to the
public, to order defendants to pay all court
costs, attorney fees, if any, and all other
costs incurred to Plaintiff.


David B. Powell, Plaintiff, Pro Se

Date 10/27/2007

VETERANS OF FOREIGN WARS

F. MICHAEL SICKS POST #1785
309 N. 3RD ST., CLEARFIELD, PA. 16830



OCT 5th 2007

MR. DAVE POWELL
P.O. BOX 423
PHILIPSBURG, PA 16866

DEAR MR. POWELL,

I RECEIVED THE NOTE THAT YOU WROTE FOR MYSELF AND MY OFFICERS AND WE ARE SORRY THAT YOUR VISIT AT OUR POST WAS UPSETTING FOR YOU. THE POLICY OF NOT WEARING A HAT ON THE DANCE FLOOR HAS BEEN PART OF OUR HOUSE RULES SINCE AROUND 1944, WHEN THE RETURNING SERVICE MEN SAW THAT AS A WAY TO SHOW RESPECT FOR THE LADIES THEY WERE DANCING WITH. WE ALSO HAVE A RULE AGAINST ANY SMOKING OR CHEWING ON THE DANCE FLOOR, TO KEEP PEOPLES CLOTHING FROM GETTING BURNED AND TO HELP PROTECT OUR DANCE FLOOR FROM STAINS OR DAMAGE.

WE HAVE DECIDED TO KEEP THESE RULES IN EFFECT TO HONOR AND RESPECT OUR MEMBERS AND OUR PROPERTY. YOU DID NOT MENTION WHETHER OR NOT YOU ARE A VETERAN IN YOUR NOTE. IF YOU ARE PERHAPS YOU SHOULD VISIT THE V.F.W. IN CURWENSVILLE WHERE YOU WILL FIND THAT IF YOU DO NOT REMOVE YOUR HAT WHEN YOU ENTER, YOU WILL NOT BE SERVED. AND IF YOU ARE NOT A VETERAN PERHAPS INSTEAD OF COMPLAINING TO US BECAUSE YOU DO NOT LIKE OUR RULES AND QUESTIONING THE HONOR AND INTEGRITY OF MY OFFICERS AND MEMBERS, MAYBE YOU SHOULD SEND A LETTER OF THANKS TO THOSE SAME OFFICERS AND MEMBERS FOR THEIR SERVICE SO THAT YOU CAN ENJOY YOUR RIGHTS OF FREE SPEECH.

I ASSURE YOU MR. POWELL THAT ALL OF THE OFFICERS OF THIS POST ARE VETERANS OF FOREIGN CONFLICTS AND WE DO UNDERSTAND VERY WELL HOW IMPORTANT OUR RIGHTS ARE UNDER THE CONSTITUTION AND NONE OF US ARE HYPOCRITES.....

AGAIN WE ARE SORRY THAT YOUR VISIT WITH US UPSET YOU BUT I HOPE THIS LETTER WILL HELP CLARIFY THE ISSUE FOR YOU..

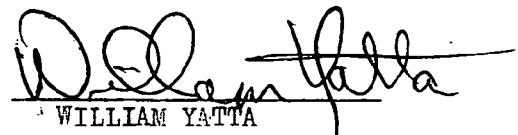

WILLIAM YATTA
COMMANDER POST 1785
VETERANS OF FOREIGN WARS

Exhibit "A"

Prothonotary/Clerk of Courts
William A. Shaw

OCT 24 2007

FILED

In the Superior Court of
Pennsylvania
Sitting at Pittsburgh

NO. 2251

WESTERN DISTRICT APPEAL 2007

DAVID B POWELL, APPELLANT

: Appeal from the order entered on Nov 21,
2007 in the Court of Common Pleas, Civil
: Division by Honorable Fredric Ammerman
VS : Of the County of Clearfield

WIL, LIAM YATTA VERERNS OF
FOREIGN WARS POST 1785

: No. 2007-1727 CD

Certified from the Record

"ORDER OF COURT

The above captioned appeal is dismissed for the failure of the
Appellant to comply with Pa. R.A.AP. 3517.

DATE: February 13, 2008

PER CURIAM"

FILED
02/14/08
MAR 25 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

In Testimony Whereof, I have hereunto set my hand and the seal of said Court at
Pittsburgh,

Pa. this

24th

Day of

March

2008

Eleanor R. Valack

Deputy Prothonotary

FILED

MAR 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

The Superior Court of Pennsylvania
Sitting at Pittsburgh

600 Grant Building
Pittsburgh, Pennsylvania
15219

CERTIFICATE OF CONTENTS OF REMANDED RECORD
AND NOTICE OF REMAND

under

PENNSYLVANIA RULES OF APPELLATE PROCEDURE 2571 AND 2572

THE UNDERSIGNED, Prothonotary (or Deputy Prothonotary) of the Superior Court of Pennsylvania, the said court of record, does hereby certify that annexed to the original hereof, is a true and correct copy of the entire record:

ORIGINAL RECORD 1 PART(S), 1 CERTIFIED ORDER OF COURT.

As remanded from said court in the following matter:

IN RE: DAVID POWELL V. WILLIAM YATTA., ET AL

No(s). 2251 WDA 2007

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL COURT. NO. 2007-1727- CD

In compliance with Pennsylvania Rules of Appellate Procedure 2571.

The date of which the record is remanded is March 24, 2008

RECORDED
d2:41PM
MAR 26 2008
WILLIAM A. SHAW
Prothonotary/Clerk of Orphans

An additional copy of this certificate is enclosed with the original hereof and the clerk or prothonotary of the lower court or the head, chairman, deputy, or the secretary of the other government unit is hereby directed to acknowledge receipt of the remanded record by executing such copy at the place indicated by forthwith returning the same to this court.

Eleanor R. Valecko

DEPUTY PROTHONOTARY

RECORD, ETC. RECEIVED:

DATE: March 25, 2008

William A. Shaw
(Signature & Title)

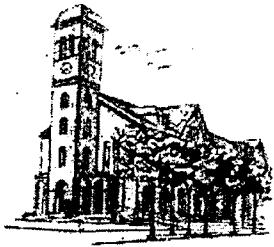
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

FILED

MAR 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

WAH
William A. Shaw
Prothonotary
W.C.C. Judicial Exchanges
100 N. 10th Street
P.O. Box 5010
Philadelphia, PA
19101-5010
(215) 660-5010
(215) 660-5011



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

Jacki Kendrick
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson
Administrative Assistant

David S. Ammerman
Solicitor

PO Box 549, Clearfield, PA 16830 □ Phone: (814) 765-2641 Ext. 1330 □ Fax: (814) 765-7659 □ www.clearfieldco.org

COPY

Fredric J. Ammerman, P.J.
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

David B. Powell
PO Box 423
Philipsburg, PA 16866

William Yatta
Veterans of Foreign Wars
309 N. 3rd Street
Clearfield, PA 16830

David B. Powell
Vs.
William Yatta, Veterans of Foreign Wars

Court No. 07-1727-CD; Superior Court No. 2251 WDA 2007

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on January 25, 2008.

Sincerely,


William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1727-CD

David B. Powell

VS.

William Yatta, Veterans of Foreign Wars

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	10/24/07	Civil Complaint	05
02	11/21/07	Order, Re: Plaintiff's Complaint be Dismissed with Prejudice, case is frivolous	03
03	12/06/07	Notice of Appeal	10
04	12/10/07	Order, Re: IFP Petition Denied; claim in the Plaintiff's Complaint is frivolous	01
05	12/31/07	Appeal Docket Sheet, Superior Court Number 2251 WDA 2007	03
06	01/02/08	Order, Re: concise statement of matters complained of on appeal to be filed	01

Date: 01/25/2008

Time: 09:52 AM

Page 1 of 1

Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2007-01727-CD

Current Judge: Fredric Joseph Ammerman

David B. Powell vs. William Yatta, Veterans of Foreign Wars

Civil Other

Date		Judge
10/24/2007	New Case Filed. Filing: Civil Complaint Paid by: Powell, David B. (plaintiff) Receipt number: 1921180 Dated: 10/24/2007 Amount: \$85.00 (Cash) 2 Cert. to Plaintiff.	No Judge No Judge
11/21/2007	Order, filed cert. to Plaintiff and Defendant's NOW, this 21st day of November, 2007, Upon review it being clear that case is frivolous is is the ORDER of Court that the Plaintiff's Complaint be and is hereby dismissed, with prejudice.	Fredric Joseph Ammerman
12/05/2007	Received notice of appeal and returned to Plaintiff for payment of appeal and check to Superior Court.	No Judge
12/06/2007	Notice of Appeal, with IFP, filed by Plaintiff.	No Judge
12/10/2007	Order, filed 1 Cert. to Plaintiff and 1 Cert. to Superior Court with Notice of Appeal. Now, this 10th day of December, 2007, IFP Petition Denied as the claim in the Plaintiff's Complaint is frivolous. Mailed Cert. copy of Notice of Appeal, with IFP Petition and Order denying IFP.	Fredric Joseph Ammerman Fredric Joseph Ammerman
12/31/2007	Appeal Docket Sheet, filed. No CC Superior Court Number 2251 WDA 2007.	Fredric Joseph Ammerman
01/02/2008	Order, this 2nd day of Jan., 2008, it is Ordered that -David B. Powell, appellant, file a concise statement of the matters complained of on Appeal to the Superior Court of Pennsylvania no later than 21 days herefrom. By The Court, /s/ Fredric J. Ammerman, 1CC Plff. - PO Box 423, Philipsburg, PA 16866; 1CC Def. -309 N. Third St., Clearfield, PA 16830	Fredric Joseph Ammerman

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

JAN 25 2008

Attest.

William J. Yatta
Prothonotary
Clerk of Court



JUDGE'S CHAMBERS
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY
230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

FREDRIC J. AMMERMAN
PRESIDENT JUDGE

PAUL E. CHERRY
JUDGE

JOHN K. REILLY, JR.
SENIOR JUDGE

January 24, 2008

Eleanor R. Valecko
Deputy Prothonotary
Superior Court of Pennsylvania
310 Grant Street, Suite 600
Pittsburgh, PA 15219-2297

Re: *David B. Powell v. William Yatta, Veterans of Foreign Wars
No. 2251 WDA 2007
No. 07-1727-CD (Court of Common Pleas)*

Dear Ms. Valecko:

You will find enclosed the original record in the above-captioned appeal. Please be advised that since the Appellant has failed to file a Concise Statement of Matters Complained of on Appeal, which was required pursuant to the Court's Order of January 2, 2008, I will not be submitting any Opinion to the Superior Court.

Sincerely,

Fredric J. Ammerman
President Judge

cc:  W. Shaw - Prothonotary

Date: 01/15/2008

Time: 05:06 PM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2007-01727-CD

Current Judge: Fredric Joseph Ammerman

David B. Powell vs. William Yatta, Veterans of Foreign Wars

Civil Other

Date		Judge
10/24/2007	New Case Filed.	No Judge
	① Filing: Civil Complaint Paid by: Powell, David B. (plaintiff) Receipt <i>5</i> number: 1921180 Dated: 10/24/2007 Amount: \$85.00 (Cash) 2 Cert. to Plaintiff.	No Judge
11/21/2007	② Order, filed cert. to Plaintiff and Defendant's ② NOW, this 21st day of November, 2007, Upon review it being clear that <i>3</i> case is frivolous is is the ORDER of Court that the Plaintiff's Complaint be and is hereby dismissed, with prejudice.	Fredric Joseph Ammerman
12/05/2007	④ Received notice of appeal and returned to Plaintiff for payment of appeal and check to Superior Court.	No Judge
12/06/2007	③ Notice of Appeal, with IFP, filed by Plaintiff. <i>10</i>	No Judge
12/10/2007	Order, filed 1 Cert. to Plaintiff and 1 Cert. to Superior Court with Notice of Appeal. ④ Now, this 10th day of December, 2007, IFP Petition Denied as the claim in the Plaintiff's Complaint is frivolous. Mailed Cert. copy of Notice of Appeal, with IFP Petition and Order denying IFP.	Fredric Joseph Ammerman No Judge
12/31/2007	⑤ Appeal Docket Sheet, filed. No CC <i>3</i> <i>2251 WDA 2007</i>	Fredric Joseph Ammerman
01/02/2008	Order, this 2nd day of Jan., 2008, it is Ordered that -David B. Powell, appellant, file a concise statement of the matters complained of on Appeal to the Superior Court of Pennsylvania no later than 21 days herefrom. By <i>1</i> The Court, /s/ Fredric J. Ammerman, 1CC Plff. - PO Box 423, Philipsburg, PA 16866; 1CC Def. -309 N. Third St., Clearfield, PA 16830	Fredric Joseph Ammerman

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

DAVID B. POWELL,
Plaintiff

vs. * NO. 07-1727-CD

WILLIAM YATTA, VETERANS OF
FOREIGN WARS, POST 1785,
Defendants

O R D E R

NOW, this 21st day of November, 2007, the Court being in receipt of the "Complaint" filed on October 24, 2007 by David B. Powell, *pro se*. Upon review of the same it being clear that the claim is completely frivolous as there is no constitutionally protected right under either the United States or Pennsylvania Constitutions to wear a hat under the circumstances described in the "Complaint". The Court noting that no purpose would be served by permitting amendment of the complaint; the Plaintiff having previously filed the same claim in Federal Court and the same having been dismissed (see attached Order); this Court believing it would be unreasonable and unnecessary for the Defendants to incur legal expense and waste time in defending a meritless claim; accordingly it is the ORDER of this Court that the Plaintiff's Complaint be and is hereby dismissed, with prejudice.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

COPY**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID B. POWELL,)
v.)
Plaintiff,) CIVIL ACTION NO. 3:2007-277
v.)
WILLIAM YATTA and)
VETERANS OF FOREIGN WARS,) JUDGE GIBSON
POST 1785,)
Defendants.)

ORDER

AND NOW, this 22nd day of October, 2007, in consideration of the Defendant's *pro se* Motion to Proceed *In Forma Pauperis* (Document No. 1), and after a review of the proposed complaint, IT IS HEREBY ORDERED THAT the motion is DENIED as "fail[ing] to state a claim on which relief may be granted", pursuant to 28 U.S.C. § 1915(e)(2)(b)(i) as the Plaintiff has failed to allege sufficiently that any government action was taken in violation of his right to free speech, *see e.g. Central Hardware Co. v. N.L.R.B.*, 407 U.S. 539, 547, 92 F.2d 2238, 1243, 33 L.Ed.2d 122, 128-129 (1972), and has failed to sufficiently allege that his wearing of a hat on the dance floor located in the Defendant Veterans of Foreign Wars, Post 1785 building was expressive conduct. *See e.g. Tenafly Eruv Ass'n Inc. v. Borough of Tenafly*, 309 F.3d 144, 151 (3d Cir. 2002).

Case 3:07-cv-00277-KRG Document 2

Filed 10/22/2007 Page 2 of 2

IT IS FURTHER ORDERED THAT the above-captioned matter is DISMISSED WITHOUT PREJUDICE for the Plaintiff's "fail[ure] to state a claim on which relief may be granted" and the Clerk shall mark this matter closed.

BY THE COURT:



**KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE**

Supreme Court Of Western Pennsylvania

RE: 2007-1727-CD-Clearfield County

11/26/2007

Dear Justices:

I filed with Clearfield County, a complaint on 10/27/07, it was served on 10/30/07. I was told by the Sheriff Department, however tried to file a preceipe for default (PL Civ. P. 237.5) on 11/6/07, and the Sheriff Department refused to give me a return of service, I was told it would not be until June before I could get the default.

I would like to know why Clearfield County is so far behind in their Court proceedings.

Respectfully



David B. Powell, Pro Se

P.O. Box 423

Philiburg, PA 16866

cc: President Judge, Clearfield County

P.S.

Now the Court denied the Complaint without granting the default, should not matter what the relief was.

I would like to know why this is going on?

President Judge
Clearfield County Courthouse
Clearfield, PA. 16830

ALTOONA PA 166
25 NOV 2007 PM 2



RECEIVED
PROTHONOTARY'S OFFICE
12-5-07
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

IN THE COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAVID B. POWELL)
v.)
WILLIAM YATTA)
VETERANS OF FOREIGN)
WARS, POST 1785)

ND. 2007-1727-CD

NOTICE OF APPEAL

Notice is hereby given that the ~~app~~
plaintiff above named, hereby appeals
to Superior Court of Pennsylvania
from the order entered in this
matter 12/1/2007. This order has
been entered in the docket as
evidenced by the attached copy of
the docket entry.

X 
David B. Powell, Pro Se

Date 12/3/07

Return to Plff. for Payment of
APPEAL + Check to Superior Court.

P.O. Box 423

Pittsburgh PA 16846

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

DAVID B. POWELL,
Plaintiff
vs.
WILLIAM YATA, VETERANS OF
FOREIGN WARS, POST 1785,
Defendants

*
*
* NO. 07-1727-CD
*
*
*

O R D E R

NOW, this 10th day of December, 2007, the Court being in receipt of and having reviewed the *pro se* Petition to Proceed In Forma Pauperis filed by the Plaintiff; it is the ORDER of this Court that said Petition be and is hereby DENIED as the claim in the Plaintiff's Complaint is frivolous.

BY THE COURT,

/s/ *Frederic J. Ammerman*

FREDERIC J. AMMERMAN
President Judge

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

DAVID B. POWELL, *
Plaintiff *
vs. * NO. 07-1727-CD
WILLIAM YATA, VETERANS OF *
FOREIGN WARS, POST 1785, *
Defendants *

O R D E R

NOW, this 10th day of December, 2007, the Court being in receipt of and having reviewed the *pro se* Petition to Proceed In Forma Pauperis filed by the Plaintiff; it is the ORDER of this Court that said Petition be and is hereby DENIED as the claim in the Plaintiff's Complaint is frivolous.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

Appeal Docket Sheet**Docket Number:** 2251 WDA 2007**Page 1 of 3****December 27, 2007****Superior Court of Pennsylvania****COPY**

David B. Powell, Appellant

V.

William Yatta Veterans of Foreign Wars,
Post 1785

07-1727-CD

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: December 13, 2007

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType: Trespass

Consolidated Docket Nos.:**Related Docket Nos.:**

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: January 10, 2008

Next Event Type: Original Record Received

Next Event Due Date: February 4, 2008

Appeal Docket Sheet**Superior Court of Pennsylvania****Docket Number:** 2251 WDA 2007**Page 2 of 3****December 27, 2007****COUNSEL INFORMATION****Appellant** Powell, David

Pro Se: ProSe

Appoint Counsel Status:

IFP Status: No

Appellant Attorney Information:

Attorney: Powell, David B.

Bar No.:

Law Firm:

Address: P O Box 423

Philipsburg, PA 16866

Phone No.:

Fax No.:

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

Appellee Yatta, William

Pro Se:

Appoint Counsel Status:

IFP Status:

Appellee Attorney Information:

Attorney: Yatta, William

Bar No.:

Law Firm:

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309 N. 3rd Street

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Receive E-Mail: No

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
12/6/07	Notice of Appeal			

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of Order Appealed From: November 21, 2007

Judicial District: 46

Date Documents Received: December 13, 2007

Date Notice of Appeal Filed: December 6, 2007

Order Type: Order Entered

OTN:

Judge: Ammerman, Fredric J.
President Judge

Lower Court Docket No.: No. 2007-1727-CD

ORIGINAL RECORD CONTENTS

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Original Record Item	Filed Date	Content/Description
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Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
December 13, 2007	Notice of Appeal Filed	Appellant	Powell, David
December 27, 2007	Docketing Statement Exited (Civil)		Western District Filing Office