

07-1818-CD
Joseph Cusick al vs John Gilday Jr al

Date: 1/22/2009

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 02:41 PM

ROA Report

Page 1 of 2

Case: 2007-01818-CD

Current Judge: Fredric Joseph Ammerman

Joseph Cusick, et al vs. John A. Gilday Jr., et al

Civil Other-COUNT

Date	Judge
11/8/2007	New Case Filed.
	✓ Filing: Civil Complaint Paid by: Gearhart, R. Denning Receipt number: 1921383 Dated: 11/08/2007 Amount: \$85.00 (Check) 4 Cert. to Atty.
12/3/2007	✓ Praeclipe For Entry of Appearance, filed on behalf of Defendant, enter appearance of Matthew B. Taladay, Esquire. No CC
12/14/2007	✓ Answer and New Matter filed. By s/ Matthew B. Taladay, Esquire. No CC
12/17/2007	✓ Notice of Service, filed. This 14th day of December 2007, Defendant's First Set of Discovery Material to James A. Naddeo Esq., by first class mail, filed by s/ Matthew B. Taladay Esq. No CC.
12/31/2007	✓ Reply to New Matter, filed by s/ James A. Naddeo, Esquire. 1CC Atty. Naddeo
	✓ Certificate of Service, filed. That a true and correct copy of Interrogatories Addressed to defendant was served on the following on the 28th day of December 2007 by first class to Matthew B. Taladay Esq., filed by s/ James A. Naddeo Esq. No CC.
1/14/2008	✓ Certificate of Service, filed. That a true and correct copy of Plaintiffs' Answer to Interrogatories and Plaintiffs' Response to Request for Production of Documents were served on the 14th day of January 2007 by first class mail to Matthew B. Taladay Esq., filed by s/ James A. Naddeo Esq. No CC.
2/4/2008	✓ Notice of Service, filed. This 1st day of February 2008, Defendant's Response to Plaintiffs' First Set of Discovery Materials to James A. Naddeo Esq., filed by s/ Matthew B. Taladay Esq.
2/20/2008	✓ Sheriff Return, November 20, 2007 at 9:07 am Served the within Complaint on John A. Gilday Jr d/b/a Comfort Zone Insulating by handing to John A. Gilday Jr. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Gearhart \$78.85
3/10/2008	✓ Certificate of Service, filed. That a True and correct copy of Notice of Taking Deposition was served on the 10th day of March 2008 by first class mail to Matthew B. Taladay Esq., and Maryann Cornelius, filed by s/ James A. Naddeo Esq. 3CC Atty Naddeo.
3/20/2008	✓ Certificate of Service, on the 19th day of March, 2008, two original Notices of Deposition were sent via first class mail to James A. Naddeo, Esquire. Filed by s/ Matthew B. Taladay, Esquire. No CC
9/9/2008	✓ Praeclipe for Status Conference, filed by s/ James A. Naddeo Esq. 1CC Atty Naddeo.
9/11/2008	✓ Order, this 11th day of Sept., 2008, it is Ordered that a hearing is scheduled Fredric Joseph Ammerman upon Plaintiff's Praeclipe for Status Conference for the 7th day of October, 2008, at 1:30 p.m. in Courtroom 1. by the Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Naddeo
9/12/2008	✓ Certificate of Service, a certified copy of Praeclipe for Status Conference was served on Matthew B. Taladay, Esquire, on the 12th day of Sept., 2008, by First-Class Mail. filed by s/ James A. Naddeo, Esquire. no CC
9/17/2008	Motion For Continuance, filed by s/ Matthew B. Taladay, Esquire. No CC
9/23/2008	Order, this 22nd day of Sept., 2008, upon Motion of Def., it is Ordered that the Status Conference originally scheduled for Oct. 7, 2008 at 1:30 p.m. is rescheduled for the 30th day of Oct., 2008 at 9:45 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Taladay
Missing from file	

Date: 1/22/2009

Time: 02:41 PM

Page 2 of 2

Clearfield County Court of Common Pleas

User: BHUDSON

ROA Report

Case: 2007-01818-CD

Current Judge: Fredric Joseph Ammerman

Joseph Cusick, et al vs. John A. Gilday Jr., et al

Civil Other-COUNT

Date	Judge
10/3/2008 ✓ X Motion For Continuance, filed by s/ Matthew B. Taladay, Esquire. No CC	Fredric Joseph Ammerman
10/9/2008 ✓ X Order AND NOW, this 8th day of October 2008, IT IS HEREBY ORDERED AND DECREED that the Status Conference originally scheduled for October 30, 2008 at 9:45 a.m. is hereby rescheduled for the 12th day of November 2008 at 11:00 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Taladay.	Fredric Joseph Ammerman
10/23/2008 ✓ X Certificate of Service, filed. That on the 22nd day of October 2008, a Court certified Order of Court dated October 8, 2008 was sent via first class mail to James A. Naddeo Esq., filed by s/ Matthew B. Taladay Esq. No CC.	Fredric Joseph Ammerman
10/24/2008 ✓ X Stipulation and Case Management Order, this 23rd day of Oct., 2008, the parties by their undersigned counsel do hereby stipulate to the entry of the within Case Management Order. Signed, James A. Naddeo, Esquire, and Matthew B. Taladay, Esquire. Order - This 24th day of Oct., 2008, upon Stipulation of the parties, by their counsel of record, it is Ordered that the case will proceed according to the following scheduled: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC to Atty.	Fredric Joseph Ammerman
12/2/2008 ✓ X Order, this 2nd day of Dec., 2008, pre-trial scheduled for Jan. 28, 2009 at 9:00 a.m. in Judges Chambers. Jury Selection scheduled for April 2, 2009 at 9:00 a.m. in Courtroom 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty; Naddeo, Gearhart, Taladay	Fredric Joseph Ammerman

1-28-09 X order, dated 1-28-09

4-7-09 X Certificate of Service

4-21-09 X Certificate of Service

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

JOSEPH CUSICK and
JOAN M. CUSICK,
husband and wife,
Plaintiffs,

v.

No. 07-1818 -CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant.

CASE NUMBER: 07- -CD

TYPE OF PLEADING: COMPLAINT

FILED ON BEHALF OF: Plaintiffs

FILED

NOV 08 2007

o (10:50 AM
William A. Shaw
Prothonotary/Clerk of Courts

4 CERT TO APP

COUNSEL FOR RECORD FOR THIS PARTY: James A. Naddeo, Esquire
Supreme Court ID#: 06820
Naddeo & Lewis, LLC
207 East Market Street
PO Box 552
Clearfield, PA 16830
814-765-1601

R. Denning Gearhart, Esquire
Supreme Court ID#: 26540
207 East Market Street
Clearfield, PA 16830
814-765-1581

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

JOSEPH CUSICK and
JOAN M. CUSICK,
husband and wife,
Plaintiffs,

v.

No. 07-

-CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant.

NOTICE

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

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

COURT ADMINISTRATOR'S OFFICE
Clearfield County Courthouse
Clearfield, PA 16830
814-765-2641

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

JOSEPH CUSICK and
JOAN M. CUSICK,
husband and wife,
Plaintiffs,

v.

No. 07-
-CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant.

COMPLAINT

NOW COMES, JOSEPH CUSICK and JOAN M. CUSICK, Plaintiffs in the above matter, by and through their attorneys, James A. Naddeo, Naddeo & Lewis, and R. Denning Gearhart, who avers as follows:

1. That the Plaintiffs are JOSEPH CUSICK and JOAN M. CUSICK, husband and wife, who reside at Box 223, Eric Avenue, Brisbin, Pennsylvania, 16620.
2. That the Defendant, JOHN A. GILDAY, JR., an adult individual, who resides at 911 Eliza Street, Houtzdale, Pennsylvania, 16651, and doing business as COMFORT ZONE INSULATING.
3. That on or about November 25, 2005, Plaintiff, Joan M. Cusick, was walking along Good Street, in the Borough of Houtzdale, County of Clearfield, Pennsylvania.
4. That Plaintiff, Joan M. Cusick was standing on the southwest side of Good Street, at the intersection of Eliza Street, waiting to cross Good Street when the vehicle operated by the Defendant, traveling on Good Street in a northerly direction,

turned left onto Eliza Street, intending to go west, when he struck the Plaintiff, Joan M. Cusick, causing her to be thrown several feet and to suffer multiple injuries described below.

5. That as a result of those injuries, the Plaintiff, Joan M. Cusick, was taken by Houtzdale/Ramey EMS to Clearfield Hospital, Clearfield, Pennsylvania.

6. That the accident was caused solely by the negligence of the Defendant who operated his vehicle in a negligent manner; specifically, his negligence, including, but not limited to:

A. Failing to maintain his automobile on the road and in the proper lane;

B. Failure to properly make a left turn;

C. Not complying with the Pennsylvania Legal Code in making that left turn;

D. Failure to yield to pedestrian in a crosswalk; and

E. Failure to operate his automobile at a safe speed.

7. That as a result of this accident, Plaintiff, Joan M. Cusick, has suffered the following injuries:

A. Cervical sprain to the neck;

B. Contusions to the head, right abdomen and right hip;

C. Contusion to the right breast, which has resulted in seepage;

D. Contusions to the right knee and right leg, which has resulted in weakness and instability that continues and which secondarily caused her to fall and break her right ankle.

- E. Reflex sympathetic dystrophy;
- F. Persistent pain; and
- G. Depression.

8. That as a result of these injuries, Plaintiff, Joan M. Cusick, suffered and continues to suffer great pain, suffering, inconvenience and restriction of normal activities.

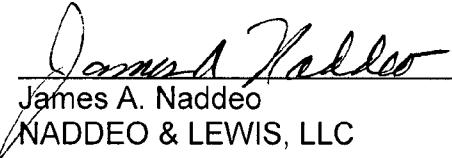
9. That as a result of these injuries, Plaintiff, Joseph Cusick, has been unable to enjoy the comfort and companionship of his wife.

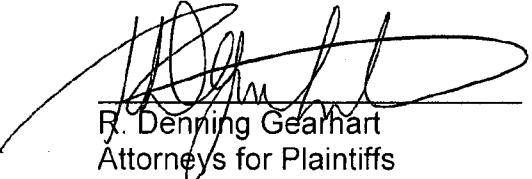
10. That the injuries and suffering there from would not have occurred but for the Defendant's negligence.

WHEREFORE, Plaintiffs pray your Honorable Court to enter a judgment for the Plaintiffs and against the Defendant in an amount in excess of Twenty Thousand (\$20,000.00) Dollars.

Respectfully submitted,

Date: 11/1/2007


James A. Naddeo
NADDEO & LEWIS, LLC


R. Denning Gearhart
Attorneys for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

ss.

COUNTY OF CLEARFIELD

Before me, the undersigned officer, a Notary Public in and for the above named State and County, personally appeared JOSEPH CUSICK and JOAN M. CUSICK, who being dully sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information and belief.

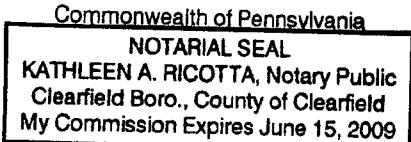
Joseph L Cusick
Joseph Cusick

Joan M Cusick
Joan M. Cusick

Sworn to and subscribed

before me, this 1st
day of November, 2007.

Kathleen A. Ricotta
Notary Public



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

JOSEPH CUSICK and
JOAN M. CUSICK, husband and wife,
Plaintiffs

vs.

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendants

COMPLAINT

William A. Shaw
Prothonotary/Clerk of Courts

NOV 08 2007

FILED

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs.

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

Type of Case: Civil Action

No. 07-1818-CD

Type of Pleading:
Praecipe for Entry of
Appearance

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED
m/18/2007 NO CC
DEC 03 2007 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

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

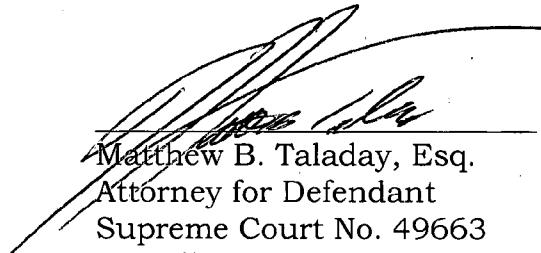
JOHN CUSICK and JOAN M. :
CUSICK, husband and wife, :
Plaintiffs :
vs. : No. 07-1818- CD
JOHN A. GILDAY, JR., d/b/a :
COMFORT ZONE INSULATING, :
Defendant :
:

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendant,
John A. Gilday, Jr., d/b/a Comfort Zone Insulating, in the above
captioned matter.

Dated: November 30, 2007


Matthew B. Taladay, Esq.
Attorney for Defendant
Supreme Court No. 49663
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs. : No. 07-1818- CD

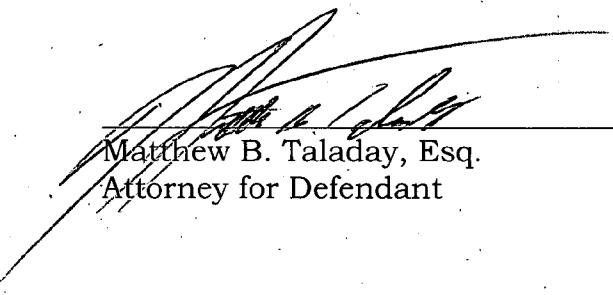
JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 30th day of November, 2007, a true and correct copy of Defendant's Praecipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830

R. Denning Gearhart, Esq.
Attorney for Plaintiffs
207 East Market Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs.

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

Type of Case: Civil Action

No. 07-1818-CD

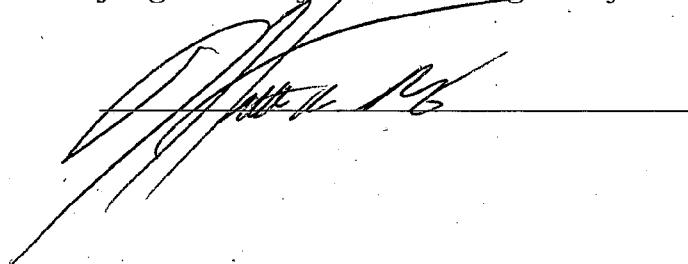
Type of Pleading:
Answer and New
Matter

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

You are hereby notified to plead
to the within pleading within twenty
(20) days of service thereof or default
judgment may be entered against you.



FILED
M 11/09/01
DEC 14 2007
No cc
6K

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs. No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

ANSWER

AND NOW, comes the Defendant, John A. Gilday, Jr., d/b/a
Comfort Zone Insulating, by his attorneys, Hanak, Guido and Taladay,
and hereby responds to Plaintiffs' Complaint as follows:

1. Admitted.
2. Admitted.
3. Upon information and belief, admitted.
4. Admitted in part and denied in part. It is admitted
that the vehicle operated by John Gilday was traveling in a northerly
direction on Good Street and turned onto Eliza Street intending to go
west and further admitted that Defendant's automobile struck the
Plaintiff, Joan M. Cusick. With regard to the remaining averments of
paragraph 4, the Defendant is, after reasonable investigation, without
sufficient information to form a belief as to the truth of these allegations.
Therefore, the same are denied and strict proof is demanded at the time
of trial.

5. Upon information and belief, admitted.
6. Denied pursuant to Pa.R.C.P. Rule 1029(e).

7. After reasonable investigation, Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 7 of Plaintiffs' Complaint, therefore, the same are denied and strict proof is demanded at the time of trial.

8. After reasonable investigation, Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 8 of Plaintiffs' Complaint, therefore, the same are denied and strict proof is demanded at the time of trial.

9. After reasonable investigation, Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 9 of Plaintiffs' Complaint, therefore, the same are denied and strict proof is demanded at the time of trial.

10. After reasonable investigation, Defendant is without sufficient information to form a belief as to the truth of the allegations contained in paragraph 10 of Plaintiffs' Complaint, therefore, the same are denied and strict proof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in his favor.

NEW MATTER

11. Plaintiffs' claims are barred or limited by the application of the Pennsylvania Motor Vehicle Financial Responsibility Law pertaining to the limited tort threshold and first party benefits.

12. Plaintiffs' claims are barred or limited by her own comparative negligence which is as follows:

(a) In failing to keep a proper lookout when walking upon streets and highways;

(b) In entering upon a street without first ascertaining that it was safe to do so;

(c) In traveling into the path of an oncoming vehicle;

(d) In failing to keep a proper lookout for traffic conditions then and there prevailing;

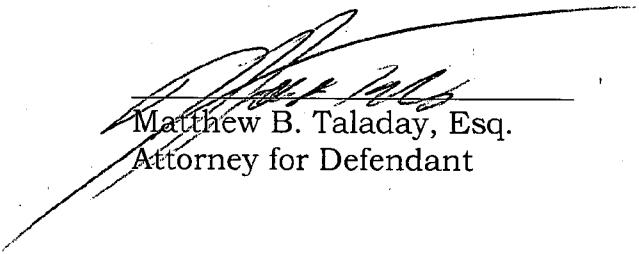
(e) In entering upon and/or crossing a public street in an area not marked or designated as a crosswalk during hours of darkness when she knew or should have known that to do so would create a hazard and expose her to risk of injury;

(f) In entering upon a public street or roadway as a pedestrian in violation of applicable provisions of the Pennsylvania Motor Vehicle Code;

(g) In failing to yield the right of way to a vehicle lawfully operated upon the streets and/or highway of the Commonwealth; and

(h) In entering upon or crossing a street or roadway in hours of darkness while wearing dark colored or non-reflective clothing when she knew or should have known that do so would expose her to risk of injury.

A JURY TRIAL IS DEMANDED.



Matthew B. Taladay, Esq.
Attorney for Defendant

VERIFICATION

I, **John A. Gilday, Jr., d/b/a Comfort Zone Insulating**, do hereby verify that I have read the foregoing Answer and New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: Nov - 30 - 07

John A. Gilday, Jr.

John A. Gilday, Jr.

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs. : No. 07-1818- CD

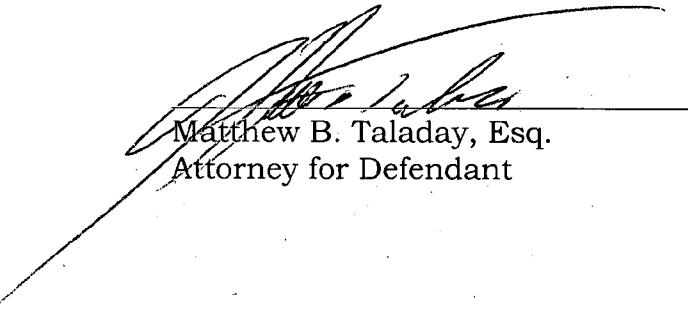
JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 12th day of December, 2007, a true and correct copy of the foregoing Answer and New Matter was sent via first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830

R. Denning Gearhart, Esq.
Attorney for Plaintiffs
207 East Market Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs.

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

Type of Case: Civil Action

No. 07-1818-CD

Type of Pleading:
Notice of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: December 14, 2007

FILED
11/18/2007
DEC 17 2007
NOCC
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

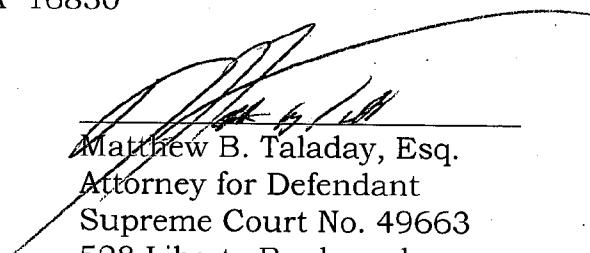
vs. : No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being
counsel of record for Defendant, do hereby certify that I propounded on
Plaintiffs, via United States mail, first class, postage pre-paid, this 14th
day of December, 2007, Defendant's FIRST SET OF DISCOVERY
MATERIALS to the below indicated person, at said address, being
counsel of record for the Plaintiff:

James A. Naddeo, Esq.
Attorney for Plaintiffs
Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant
Supreme Court No. 49663
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

* No. 07-1818-CD

* Type of Pleading:

* **REPLY TO NEW MATTER**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

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

* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC.
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

Dated: December 31, 2007

FILED ^{1cc}
01/10/2008 *Att'y Naddeo*
DEC 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

No. 07-1818-CD

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

REPLY TO NEW MATTER

AND NOW, come the Plaintiffs, Joseph Cusick and Joan M. Cusick, and by their attorney, James A. Naddeo, and hereby reply to the new matter filed by Defendant as follows:

11. Paragraph 11 states a conclusion of law to which no answer is required by plaintiffs.

12. Paragraph 12 states conclusions of law regarding plaintiff's negligence to which no answer is required. To the extent an answer may be required the subsections of paragraph 12 are denied as follows:

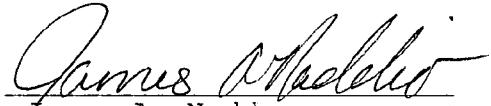
- a) Denied. To the contrary at all times plaintiff was alert and watching her location and the location of others with respect to her;
- b) Denied that plaintiff entered upon a street without first ascertaining if it was safe to do so. To the contrary, plaintiff was standing still on the sidewalk waiting for it to be safe for her to cross the street when she was struck by defendant;

- c) Denied that Plaintiff traveled into the path of an oncoming vehicle. To the contrary, plaintiff was standing still and was not moving or traveling in any direction when she was struck by defendant;
- d) Denied. To the contrary, plaintiff was standing on the sidewalk looking out to ascertain when it would be clear for her to cross the street;
- e) Denied. To the contrary, plaintiff was not in the street or had not entered upon a street, at the time she was struck; she was standing still on the sidewalk.
- f) Denied. To the contrary, plaintiff was not on the street, but was standing on the sidewalk waiting to cross a street.
- g) States a conclusion of law as to who is required to yield a right-of-way to this extent no answer is required. Denied that plaintiff failed to yield a right-of-way as stated. To the contrary, plaintiff did yield as she was standing on the sidewalk waiting for the traffic to clear before she crossed the street.
- h) Denied that plaintiff entered upon or crossed a street to cause said accident. To the contrary, plaintiff was standing on the sidewalk when she was struck by defendant. It is also denied that plaintiff's clothing was negligent due to its dark color. To the contrary,

plaintiff did have on a bright teal shirt under a jacket and the jacket was open to reveal the bright coloring.

WHEREFORE, Plaintiffs, Joseph Cusick and Joan M. Cusick, pray for relief and judgment in their favor.

NADDEO & LEWIS, LLC

By: 

James A. Naddeo

Attorney for Plaintiffs

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

No. 07-1818-CD

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Reply to New Matter was served on the following and in the following manner on the 31st day of December, 2007:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

NADDEO & LEWIS, LLC

By:

James A. Naddeo

Attorney for Plaintiffs

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

* No. 07-1818-CD

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

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

* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC.
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

Dated: December 31, 2007

FILED NO CC
010:45 AM
DEC 31 2007
WM
William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

V.

No. 07-1818-CD

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Interrogatories Addressed to Defendant was served on the following and in the following manner on the 28th day of December, 2007:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

NADDEO & LEWIS, LLC

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

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

* No. 07-1818-CD

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820
* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC.
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

Dated: January 14, 2008

FILED NO
013-07-501
JAN 14 2008
CLERK

William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH CUSICK and JOAN M. CUSICK,
husband and wife, Plaintiffs v. JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING, Defendant

No. 07-1818-CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiffs' Answers to Interrogatories and Plaintiffs' Response to Request for Production of Documents were served on the following and in the following manner on the 14th day of January, 2007:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

NADDEO & LEWIS, LLC

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

FILED

FEB 04 2008
M/8:30/1
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs.

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

Type of Case: Civil Action

No. 07-1818-CD

Type of Pleading:
Notice of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: February 1, 2008

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

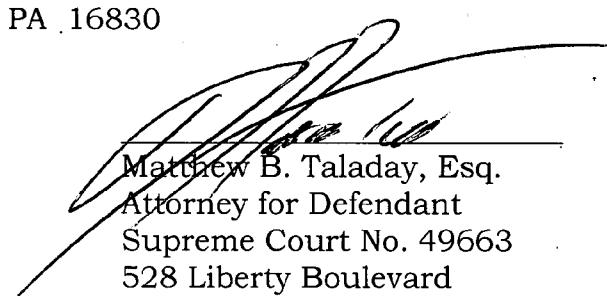
vs. : No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being
counsel of record for Defendant, do hereby certify that I propounded on
Plaintiffs, via United States mail, first class, postage pre-paid, this 1st
day of February, 2008, Defendant's RESPONSES TO PLAINTIFFS' FIRST
SET OF DISCOVERY MATERIALS to the below indicated person, at said
address, being counsel of record for the Plaintiff:

James A. Naddeo, Esq.
Attorney for Plaintiffs
Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant
Supreme Court No. 49663
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103413
NO: 07-1818-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: JOSEPH CUSICK and JOAN M. CUSICK
vs.
DEFENDANT: JOHN A. GILDAY, JR. d/b/a COMFORT ZONE INSULATING

SHERIFF RETURN

NOW, November 20, 2007 AT 9:07 AM SERVED THE WITHIN COMPLAINT ON JOHN A. GILDAY, JR. d/b/a COMFORT ZONE INSULATING DEFENDANT AT RESIDENCE: 1103 ALTON ST. (CHESTER HILL), PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN A. GILDAY JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED

02/09/08
FEB 20 2008

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GEARHART	9013	10.00
SHERIFF HAWKINS	GEARHART	9013	68.85

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

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

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

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* No. 07-1818-CD

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0/10:40 AM Naddo
MAR 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

* Type of Pleading:

*

*

*

*

*

**CERTIFICATE OF
SERVICE**

* Filed on behalf of:
* Plaintiffs
*
* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820
* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC.
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

*

*

*

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

No. 07-1818-CD

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Taking Deposition was served on the following and in the following manner on the 10th day of March, 2008:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

Maryann Cornelius, Court Reporter
339 Southmont Boulevard
Johnstown, PA 15905

NADDEO & LEWIS, LLC

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

FILED

MAR 20 2008

M / 10:30 AM

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

No C/C

(60)

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

JOSEPH CUSICK and JOAN M. CUSICK, husband and wife, Plaintiffs : Type of Case: Civil Action

vs. : No. 07-1818-CD

JOHN A. GILDAY, JR., d/b/a COMFORT ZONE INSULATING, Defendant : Type of Pleading:
Certificate of Service

Filed on Behalf of:
Defendant

Counsel of Record for This Party:
Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 03/19/08

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

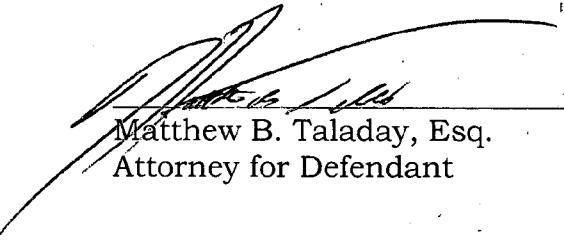
vs. No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 19th day of March, 2008, two original
Notices of Deposition, copies of which are attached hereto, were sent via
first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

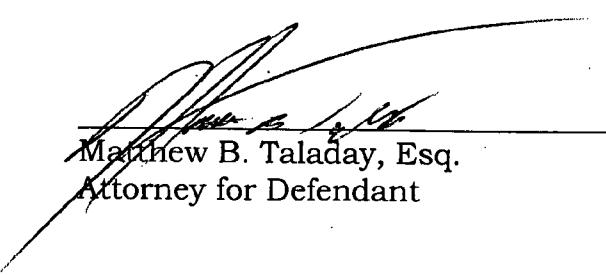
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

JOHN CUSICK and JOAN M.	:	
CUSICK, husband and wife,	:	
Plaintiffs	:	
vs.	:	No. 07-1818- CD
JOHN A. GILDAY, JR., d/b/a	:	
COMFORT ZONE INSULATING,	:	
Defendant	:	

NOTICE OF DEPOSITION

TO: JOHN CUSICK, Plaintiff
c/o James A. Naddeo, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Friday, April 25, 2008 at 11:00 a.m.** at the law office of Naddeo & Lewis, LLC located at 207 East Market Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay, Esq.
Attorney for Defendant

cc: Maryann Cornelius, Court Reporter
339 Southmont Boulevard
Johnstown, PA 15905

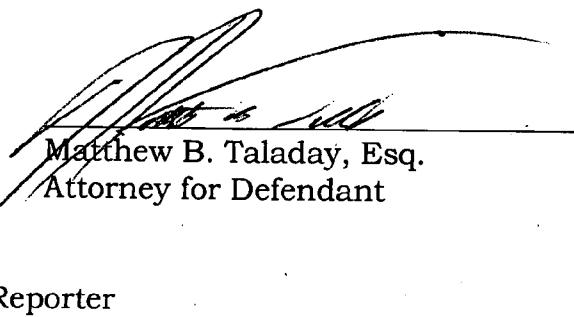
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

JOHN CUSICK and JOAN M. CUSICK, husband and wife, Plaintiffs :
vs. : No. 07-1818- CD
JOHN A. GILDAY, JR., d/b/a COMFORT ZONE INSULATING, Defendant :

NOTICE OF DEPOSITION

TO: JOAN M. CUSICK, Plaintiff
c/o James A. Naddeo, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Friday, April 25, 2008 at 11:00 a.m.** at the law office of Naddeo & Lewis, LLC located at 207 East Market Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay, Esq.
Attorney for Defendant

cc: Maryann Cornelius, Court Reporter
339 Southmont Boulevard
Johnstown, PA 15905

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

* No. 07-1818-CD

* Type of Pleading:

* **PRAECIPE FOR STATUS
CONFERENCE**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820
* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC.
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED ICC Atty
03:45 pm Naddeo
SEP - 9 2008
LHM

William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

*
*
*
*

vs.

No. 07 - 1818 - CD

JOHN A. GILDAY, Jr. d/b/a
Comfort Zone Insulating,
Defendant.

*
*
*

PRAECIPE FOR STATUS CONFERENCE

Please schedule a status conference in the above-captioned case.

James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

*

*

*

*

vs.

No. 07 - 1818 - CD

JOHN A. GILDAY, Jr. d/b/a
Comfort Zone Insulating,
Defendant.

*

*

*

O R D E R

AND NOW, this 11th day of September, 2008, it is the
ORDER of this Court that a hearing is scheduled upon Plaintiff's
Praecipe for Status Conference for the 7th day of October,
2008, at 1:30P.m. in Courtroom No. 1, Clearfield County
Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FILED ^{ICC}
0135281 Atty Nadeo
SEP 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

(G)

FILED

SEP 11 2008

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

DATE: 9/11/08

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:

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

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No. 07-1818-CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praecipe for Status Conference was served on the following and in the following manner on the 12th day of September, 2008:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

NADDEO & LEWIS, LLC

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

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs. : No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

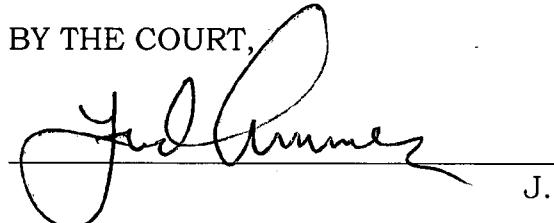
ORDER

AND NOW, this 8 day of October, 2008,

upon Motion of Defendant,

IT IS HEREBY ORDERED AND DECREED that the Status
Conference originally scheduled for October 30, 2008 at 9:45 a.m. is
hereby rescheduled for the 12th day of November, 2008 at
11:00 A.m. in Courtroom of No. 1 of the Clearfield County Courthouse,
Clearfield, Pennsylvania.

BY THE COURT,

 J.

5 **FILED** ^{ICC} *Atty Taladay*
012:43/61
OCT 09 2008
5
William A. Shaw
Prothonotary/Clerk of Courts

FILED

OCT 09 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/9/08

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:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH CUSICK and JOAN M. CUSICK, husband and wife, Plaintiffs : Type of Case: Civil Action
vs. : No. 07-1818-CD
JOHN A. GILDAY, JR., d/b/a COMFORT ZONE INSULATING, Defendant : Type of Pleading:
Defendant : Motion for
Continuance
Filed on Behalf of:
Defendant
Counsel of Record for This Party:
Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: October 2, 2008

S
FILED
OCT 03 2008
cc
M 10:46:00
OCT 03 2008
©

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs. : No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

MOTION FOR CONTINUANCE OF STATUS CONFERENCE

AND NOW, comes the Defendant, John A. Gilday, d/b/a
Comfort Zone Insulating, by his attorneys, Hanak, Guido and Taladay,
and hereby files the within Motion for Continuance of Status Conference:

1. Plaintiff filed a Praecept for Status Conference on
September 9, 2008.
2. Status Conference in this matter was originally
scheduled for October 7, 2008. Your undersigned counsel for Defendant
was unavailable for that date because of a previously scheduled jury trial
in Jefferson County.
3. With gracious consent of counsel for Plaintiff, the
Defendant's Motion for Continuance was granted.
4. Your undersigned counsel for Defendant received
Order dated September 22, 2008 which reschedules the Status

Conference for October 30 beginning at 9:45 a.m. Defense counsel is unavailable on this date due to a scheduled jury trial in Clarion County.

5. Your undersigned counsel for Defendant respectfully requests the Status Conference in this matter be rescheduled to a date mutually available to Plaintiff's counsel and defense counsel.

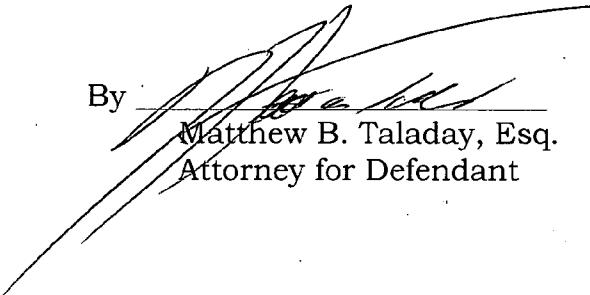
6. Your undersigned counsel has contacted counsel for Plaintiffs, James Naddeo, who indicates he has no objection to rescheduling the conference in this matter.

WHEREFORE, it is respectfully requested that the within Motion for Continuance of Status Conference be granted.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Defendant

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

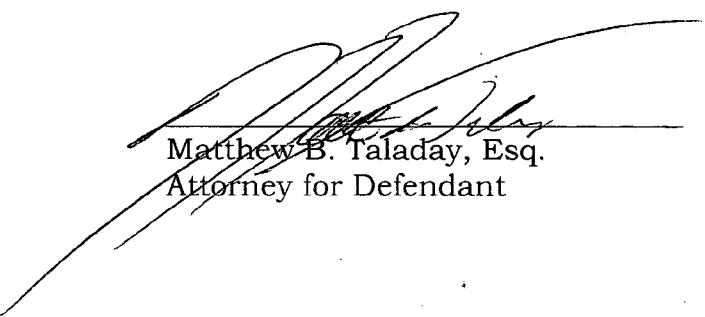
vs. : No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 2nd day of October, 2008, a true and correct copy of Defendant's Motion for Continuance of Status Conference was sent via first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs.

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

Type of Case: Civil Action

No. 07-1818-CD

Type of Pleading:
Certificate of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 10/22/08

FILED NOcc
m11036/67
OCT 28 2008
WAT
William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs.

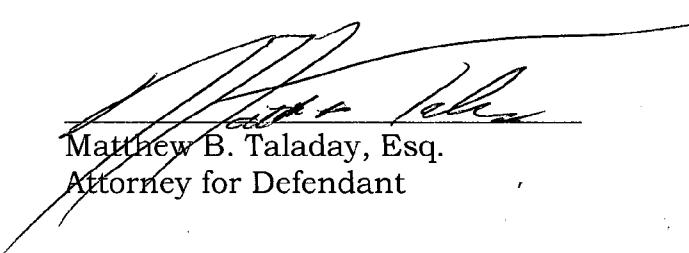
No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 22nd day of October, 2008, a Court
certified Order of Court dated October 8, 2008 was sent via first class
mail, postage prepaid, to the following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

44

FILED

OCT 24 2008

0/3/08

William A. Shaw
Prothonotary/Clerk of Courts
2 cents to file

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs.

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

Type of Case: Civil Action
No. 07-1818-CD

Type of Pleading:
Stipulation and
Case Management Order

Filed on Behalf of:
The Parties

Counsel of Record for This
Party:

James A. Naddeo, Esq.
Counsel for Plaintiffs
Supreme Court No. 06820
Naddeo & Lewis, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830

Matthew B. Taladay, Esq.
Counsel for Defendant
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: October ___, 2008

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

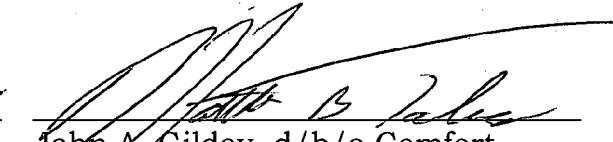
vs. : No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

STIPULATION

AND NOW, this 23rd day of October, 2008, the
parties by their undersigned counsel do hereby stipulate to the entry of
the within Case Management Order.


John Cusick and Joan M. Cusick
By James A. Naddeo, Esq.


John A. Gilday, d/b/a Comfort
Zone Insulating
By Matthew B. Taladay

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs. : No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CASE MANAGEMENT ORDER

AND NOW, this 24 day of October, 2008, upon

Stipulation of the parties, by their counsel of record, it is hereby ordered
that the above referenced case will proceed according to the following
schedule:

- (a) Close of discovery: December 1, 2008;
- (b) Defense medical examination completed by January
15, 2009;
- (c) Plaintiff's expert report served upon Defendant:
February 15, 2009;
- (d) Defendant's expert report served on Plaintiff:
March 15, 2009;

(e) Trial ready and listed for pre-trial conference:

Spring Term, 2009

BY THE COURT,

Jed Ammon J.

FILED
OCT 24 2008
William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10-24-08

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:

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

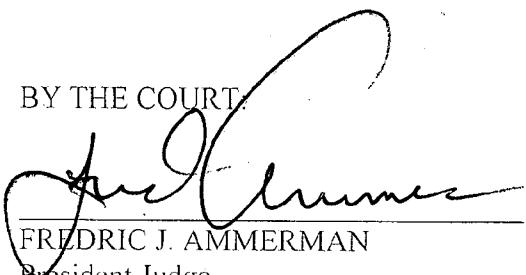
JOHN CUSICK and JOAN M. CUSICK, :
husband and wife :
vs. : No. 07-1818-CD
JOHN A. GILDAY, JR., d/b/a COMFORT :
ZONE INSULATING :
:

O R D E R

AND NOW, this 2nd day of December, 2008, it is the Order of
the Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for Wednesday, January 28, 2009 at 9:00 A.M. in Judges
Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby
scheduled for April 2, 2009 at 9:00 a.m. in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT


FREDRIC J. AMMERMAN
President Judge

FILED
01/02/2009
DEC 02 2008
S William A. Shaw
Prothonotary/Clerk of Courts
100 Attys:
Naddeo
Gearhart
Taladay
CD

FILED

DEC 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/2/08

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:

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

JOHN CUSICK and JOAN M. CUSICK, * NO. 07-1818-CD
husband and wife, *
Plaintiff *
vs. *
JOHN A. GILDAY, JR., d/b/a COMFORT *
ZONE INSULATING, *
Defendant *

FILED

JAN 28 2009

01/31/2009
William A. Shaw
Prothonotary/Clerk of Courts

Court to Trial +

No Answer

ORDER

AND NOW, this 28th day of January, 2009, following status conference among counsel and the Court and upon agreement of the parties, it is the ORDER of this Court as follows:

1. Jury selection will be held on **April 2, 2009** commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for **June 1 and 2, 2009** commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania

BY THE COURT,


FREDERIC J. AMMERMAN
President Judge

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

* No. 07-1818-CD

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820
* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC.
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED 3CC
04/07/2009 Amy
APR 07 2009 Naddeo
S William A. Shaw
Prothonotary/Clerk of Courts

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

No. 07-1818-CD

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Taking Deposition was served on the following and in the following manner on the 7th day of April, 2009:

First-Class Mail, Postage Prepaid

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

Kevin J. Kollman, M.D.
Geisinger Medical Center
210 Medical Center Drive
Philipsburg, PA 16866

Maryann Cornelius, Court Reporter
339 Southmont Boulevard
Johnstown, PA 15905

NADDEO & LEWIS, LLC

By:

James A. Naddeo
Attorney for Plaintiffs

FILED

APR 07 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JOSEPH CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

vs.

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

Type of Case: Civil Action

No. 07-1818-CD

Type of Pleading:
Certificate of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 04/20/2009

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FILED NO CC
APR 21 2009
10:34 AM
APR 21 2009
10:34 AM

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN CUSICK and JOAN M.
CUSICK, husband and wife,
Plaintiffs

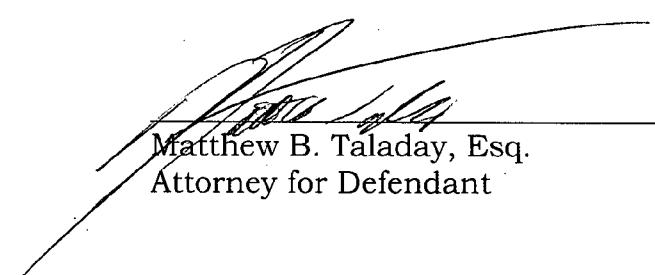
vs. : No. 07-1818- CD

JOHN A. GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 20th day of April, 2009, an original
Notice of Videotape Deposition of Edward R. Reidy, M.D., copy of which is
attached hereto, was sent via first class mail, postage prepaid, to the
following:

James A. Naddeo, Esq.
Attorney for Plaintiffs
Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

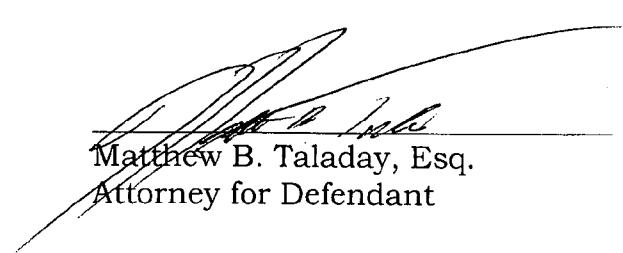
IN THE COURT OF COMMON PLEAS
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CIVIL ACTION

JOSEPH CUSICK and JOAN M. :
CUSICK, husband and wife, :
Plaintiffs :
:
vs. : No. 07-1818-CD
:
JOHN A. GILDAY, JR., d/b/a :
COMFORT ZONE INSULATING, :
Defendant :
:

NOTICE OF VIDEOTAPE DEPOSITION

Please take notice that Defendant will take the oral deposition of **Edward R. Reidy, M.D.**, of Tri Rivers Consulting Services, before Michelle Deilman of Distinct Deposition Services, an officer authorized to administer oaths, at 142 Clearview Circle, Butler, Pennsylvania on **Friday, May 22, 2009 at 2:00 p.m.**, to continue from day to day until completed. The deposition is to be videotaped, pursuant to Pa.R.C.P. 4017.1, by Robert Ernyei of Distinct Deposition Services, P.O. Box 12598, Pittsburgh, Pennsylvania, 15241, and will be simultaneously recorded by stenographic means.

The oral examination will continue from day to day until concluded. You are invited to attend and participate in this examination.


Matthew B. Taladay, Esq.
Attorney for Defendant

cc: Distinct Deposition Services

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

JOSEPH CUSICK and JOAN M.
CUSICK,
husband and wife,
Plaintiffs

v.

JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant

* No. 07-1818-CD

* Type of Pleading:

* PRAECIPE TO SETTLE
AND DISCONTINUE

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820
* &
* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC.
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED No CC

6/12/18cm 1 cert of disc
JUN 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

copy to CIA

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

JOSEPH CUSICK and JOAN M.
CUSICK,
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Plaintiffs

v.

No. 07-1818-CD

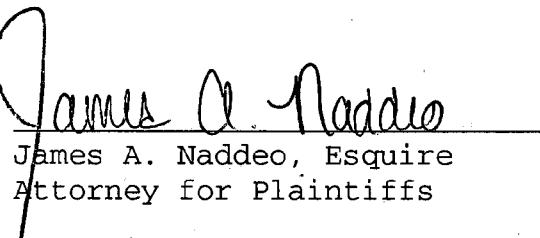
JOHN A GILDAY, JR., d/b/a
COMFORT ZONE INSULATING,
Defendant.

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case settled and discontinued.


James A. Naddeo, Esquire
Attorney for Plaintiffs

FILED

JUN 25 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

**Joseph Cusick
Joan M. Cusick**

Vs.
**John A. Gilday Jr.
Comfort Zone Insulating**

No. 2007-01818-CD

CERTIFICATE OF DISCONTINUATION

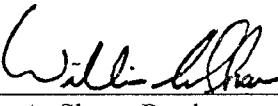
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 25, 2009, marked:

Settled and discontinued

Record costs in the sum of \$85.00 have been paid in full by R. Denning Gearhart Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of June A.D. 2009.



William A. Shaw, Prothonotary