

07-1932-CD

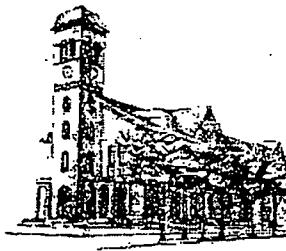
Daniel Smuck vs Clearfield County

# OFFICE OF THE PROTHONOTARY and CLERK OF COURTS

WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

JACKI KENDRICK  
Deputy Prothonotary/  
Clerk of Courts

PHONE: 814-765-2641 ext. 1330



JOHN SUGHRUE, ESQ.  
Solicitor

BONNIE HUDSON  
Administrative Assistant

FAX: 814-765-7659  
[www.clearfieldco.org](http://www.clearfieldco.org)

Clearfield County Courthouse  
PO Box 549      October 21, 2011  
Clearfield, Pennsylvania 16830

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

FILED

01/21/2011

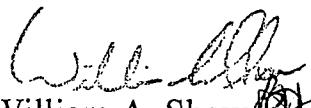
William A. Shaw  
Prothonotary/Clerk of Courts

RE: Daniel L. Spuck  
vs  
Clearfield County  
No. 07-1932-CD  
Superior Court No. 1392 WDA 2011

Dear Prothonotary:

Enclosed you will find the above referenced record previously appealed to your office. Please also find enclosed one transcript under separate cover.

Sincerely,

  
William A. Shaw  
Prothonotary

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:

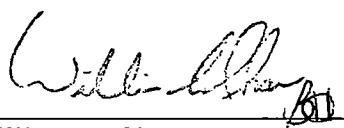
THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the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

2007-1932-CD  
Daniel L. Spuck  
Vs.  
Clearfield County

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

The documents compromising the record have been numbered from **No. 1 to**  
41, 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 comprising the document.

The date on which the record had been transmitted to the Appellate Court is  
October 21, 2011.

  
\_\_\_\_\_  
William A. Shaw

Prothonotary/Clerk of Courts

(seal)

Date: 10/21/2011

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 01:53 PM

ROA Report

Page 1 of 3

Case: 2007-01932-CD

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuck vs. Clearfield County

**Civil Other-COUNT**

date	Judge	
1/28/2007	New Case Filed. Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge No Judge
2/5/2007	Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.	No Judge
	Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.	No Judge
2/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	John K. Reilly Jr.
3/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
3/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.	No Judge
	Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge
3/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green	John K. Reilly Jr.
3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.	No Judge
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green	John K. Reilly Jr.
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert.	No Judge
3/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.	No Judge
3/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.	No Judge

Date: 10/21/2011

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 01:53 PM

**ROA Report**

Page 2 of 3

Case: 2007-01932-CD

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuck vs. Clearfield County

**Civil Other-COUNT**

date	Judge	
2/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
3/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
3/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
3/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge
4/3/2008	June 3, 2008, Mailed Appeal to Superior Court. June 3, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	No Judge
	June 3, 2008, Letter to Superior Court, Re: Appeal mailed to Superior Court.	No Judge
5/9/2008	Certificate of Contents, Proth. of Clfd. Co. sent the original record of the case currently on Appeal to Superior Court. Received by Superior Court on 6-5-2008.	No Judge
5/12/2008	Notice, Re: Transcript to be filed, s/Thomas D. Snyder, RPR No CC Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	No Judge
	June 12, 2008, Mailed Supplement to Appeal to Superior Court. June 12, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	No Judge
	Letter to Superior Court, Re: Supplement to appeal mailed June 12, 2008.	No Judge
5/18/2008	Certificate of Contents, Original Record of case currently on Appeal sent to Superior Court. Received by Superior Court on June 13, 2008.	No Judge
5/6/2008	Order, Superior Court of Pennsylvania: Now, this 24th day of June, 2008, this Court SUA SPONTE DISMISSES this appeal as premature. See Pa. R.A.P. 341.	No Judge
	Certificate of Contents of Remanded Record and Notice of Remand, Date remanded - August 4, 2008. Received by William A. Shaw, Proth, on Aug. 6, 2008.	No Judge
5/20/2011	Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition, filed by s/ Joseph P. Green, Esq. 1CC Atty.	No Judge
5/21/2011	Order this 21st day of April 2011, upon Defendant's Motion to Re-list Defendant's Preliminary Objection for Disposition, said Motion is hereby GRANTED. It is hereby ORDERED AND DECREED as follows: Defendant shall file its brief in support of the outstanding Preliminary Objections (restated) on or before May 11, 2011. Plaintiff shall file a responsive brief in connection with the aforesaid objections on or before May 31, 2011. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 4CC Atty Green.	Fredric Joseph Ammerman

Date: 10/21/2011

Time: 01:53 PM

Page 3 of 3

**Clearfield County Court of Common Pleas**

User: BHUDSON

**ROA Report**

Case: 2007-01932-CD

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuck vs. Clearfield County

**Civil Other-COUNT**

date	Judge
7/12/2011	Affidavit of Service, Court Order of April 21, 2011, upon Daniel L. Spuck, filed by s/Joseph P. Green, Esq. No CC No Judge
7/31/2011	Plaintiff's Objection and Answer to the Defendant's Preliminary Objections (Restated) and Motion for Recusal of the Honorable Fredric J. Ammerman, P.J., filed by s/Daniel Spuck One CC Plaintiff No Judge
7/26/2011	Plaintiff's Response Brief to Defendants Preliminary Objections, Brief in Support, filed by s/ Daniel L. Spuck, Plaintiff. No CC Fredric Joseph Ammerman
	Opinion and Order: NOW, this 26th of July, 2011, it is Ordered that the Plaintiff's Motion for Recusal is denied. It is further Ordered that Defendant's Preliminary Objections (Restated) in the form of a demurer shall be and are hereby Granted. Plaintiff's Complaint is dismissed with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff - SCRF Mercer CZ 4825, 801 Butler Pike, Mercer, PA 16137 1CC Atty. J. Green 1CC Law Library, D. Mikesell
7/12/2011	Motion for Reconsideration and or Re-Argument, filed by Plaintiff. 1 Cert. to Plaintiff. Fredric Joseph Ammerman
7/29/2011	Notice of Appeal, filed by D. Spuck 1 Cert. to Superior Court. (re: July 26, 2011 Order) Fredric Joseph Ammerman
7/6/2011	Appeal Docket Sheet, 1392 WDA 2011, filed Fredric Joseph Ammerman
7/9/2011	Order, filed Cert. to Plaintiff and Atty. Greene NOW, this 7th day of Sept., 2011, RE: Appellant Daniel L. Spuck to file concise statement of matters on appeal within 20 days herefrom. Fredric Joseph Ammerman
7/3/2011	Appellant's Statement of Matters Complained About on the Appeal, filed by s/ Daniel L. Spuck, Plaintiff. 1CC Plff Fredric Joseph Ammerman
7/21/2011	October 21, 2011, Mailed Appeal to Superior Court. October 21, 2011, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c). Fredric Joseph Ammerman

I certify this to be a true and accurate copy of the original document filed in this case.

OCT 21 2011

Attest.

William J. Hudson,  
Prothonotary,  
Clerk of Court

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

**No. 07-1932-CD**  
**Daniel L. Spuck**  
**VS.**  
**Clearfield County**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	11/28/07	Civil Complaint – Transfer from Mercer County per Court Order	83
02	12/05/07	Praeclipe for Entry of Appearance	03
03	12/05/07	Preliminary Objections (restated)	04
04	01/23/08	Scheduling Order	01
05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
11	03/07/08	Motion for a Continuance	02
12	03/18/08	Order, Re: filing of briefs	01
13	03/24/08	Petition for Permission to Amend Petitioner's Complaint	03
14	04/18/08	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge	06
15	04/21/08	Notice of Appeal	03
16	04/22/08	Order, Re: Concise statement to be filed	01
17	05/01/08	Appeal Docket Sheet, 723 WDA 2008	03
18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02
20	06/03/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	04
		***Appeal Mailed to Superior Court June 3, 2008***	
21	06/03/08	Letter to Superior Court, Re: Appeal mailed June 3, 2008	08
22	06/09/08	Certificate of Contents	01
23	06/12/08	Notice, Re: Transcript to be filed	01
24	06/12/08	Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	Separate Cover
25	06/12/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	05
		***Supplement Mailed to Superior Court June 12, 2008***	
26	06/12/08	Letter to Superior Court, Re: Supplement to appeal mailed June 12, 2008	06
27	06/18/08	Certificate of Contents	01
28	08/06/08	Order from Superior Court of Pennsylvania, appeal dismissed Sua Sponte	01
29	08/06/08	Certificate of Contents of Remanded Record and Notice of Remand	01
30	04/20/11	Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition	04
31	04/21/11	Order, Re: Motion to Re-List Granted	01
32	05/12/11	Affidavit of Service	03
33	05/31/11	Plaintiff's Objection and Answer to the Defendant's Preliminary Objections (Restated) and Motion for Recusal of the Honorable Fredric J. Ammerman, P.J.	02
34	07/26/11	Plaintiff's Response Brief to Defendants Preliminary Objections, Brief in Support	14
35	07/26/11	Opinion and Order	15
36	08/12/11	Motion for Reconsideration and/or Re-Argument (copy enclosed, original missing from	13

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

*No. 07-1932-CD  
Daniel L. Spuck  
VS.  
Clearfield County*

<i>ITEM NO.</i>	<i>DATE OF FILING</i>	<i>NAME OF DOCUMENT</i>	<i>NO. OF PAGES</i>
37	08/29/11	Notice of Appeal record)	02
38	09/06/11	Appeal Docket Sheet, 1392 WDA 2011	03
39	09/09/11	Order, Re: Concise statement to be filed	01
40	10/03/11	Appellant's Statement of Matters Complained about on the Appeal	02
41	10/21/11	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	06

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Daniel L. Spuck

Vs.

Case No. 2007-01932-CD

Clearfield County

FILED

4 OCT 25 2011  
w/ 10:15 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
no 44

CERTIFICATE OF CONTENTS

NOW, this 21st day of October, 2011, 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: 10/24/11

  
(Signature & Title)

In the Superior Court of **FILED**  
Pennsylvania

S JAN 09 2012  
M 3:00 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

Sitting at Pittsburgh

No. 1392

WESTERN DOCKET APPEAL. 2011

**COMMONWEALTH OF PA**  
v.  
**DANIEL SPUCK**

Appeal from the Order of July 26, 2011, by the  
Honorable Frederic J. Ammerman  
in the Court of Common Pleas Clearfield County  
Civil Division. No. No. 2007-1932-CD

Certified From the Record

"ORDER"

Upon consideration of the December 30, 2011 "petition to remove district attorney of Clearfield County as counsel of record for appellees" filed by William A. Shaw, Jr., the petition is **GRANTED** such that attorney Shaw is **EXCUSED** from his representation of appellee Clearfield County.

As the trial court record indicates that appellee was represented in the trial court by Joseph P. Green, Esquire, this court's prothonotary shall **ENTER** the appearance of attorney Green as counsel-of-record for appellee in this court. Appellee's brief, to be filed on behalf of appellee by attorney Green, is due in this court on January 11, 2012. (The proof of service in appellant Spuck's December 12, 2011 brief indicates that attorney Green was served with a copy of the brief by mail on December 4, 2011.)

Date: January 5, 2011

Per Curiam'

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

this 5<sup>th</sup>

Day of

January

2012

*Eleanore L. Valecko*  
Deputy Prothonotary

# **SUPERIOR COURT OF PENNSYLVANIA**

## **CIVIL RECEIPT**

RECEIVED FROM THE SUPERIOR COURT OF PENNSYLVANIA,

**COMMONWEALTH OF PA**  
**V.**  
**DANIEL SPUCK**

DOCKET NUMBER: 1392 WDA 2011  
NO. No. 2007-1932--CD

Filed: **CERTIFIED ORDER OF COURT DATED JANUARY 5 , 2012**

RECEIPT ACKNOWLEDGED: J. Kendrick DATE: 1/9/12

**RECEIVED  
SUPERIOR COURT OF PENNSYLVANIA**



07-1932-CD

## Supreme Court of Pennsylvania

John A. Vaskov, Esq.  
Deputy Prothonotary  
Patricia A. Nicola  
Chief Clerk

Western District

July 25, 2012

801 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
(412) 565-2816  
[www.pacourts.us](http://www.pacourts.us)

Mr. William A. Shaw  
Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

RE: Daniel L. Spuck, Petitioner

v.

Clearfield County, Pennsylvania  
No. 329 WAL 2012

Trial Court Docket No: 2007-1932--CD

Superior Docket Number: 1392 WDA 2011

Appeal Docket No:

Date Petition for Allowance of Appeal Filed: July 20, 2012

Disposition:

Disposition Date:

Reargument/Reconsideration Disposition:

Reargument/Reconsideration Disposition Date:

/wpf

FILED  
M 11:30 AM  
JUL 27 2012  
William A. Shaw  
Prothonotary/Court of Common Pleas  
OK

2007-1932-CD

IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

DANIEL L. SPUCK,

: No. 329 WAL 2012

Petitioner

: Application for Reconsideration

v.

CLEARFIELD COUNTY,  
PENNSYLVANIA,

Respondent

FILED No cc  
m/12:34cm  
S JAN 28 2013 iwl

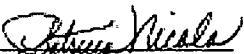
ORDER

William A. Shaw  
Prothonotary/Clerk of Courts

**PER CURIAM**

AND NOW, this 24<sup>th</sup> day of January, 2013, the Application for Reconsideration is  
hereby **DENIED**.

A True Copy Patricia Nicola  
As Of 1/24/2013

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

2007-1932-C0

IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

DANIEL L. SPUCK,

: No. 329 WAL 2012

Petitioner

: Petition for Allowance of Appeal from the  
: Order of the Superior Court

v.

CLEARFIELD COUNTY,  
PENNSYLVANIA,

Respondent

ORDER

FILED No CC.  
m 11234cm  
S JAN 28 2013 66

PER CURIAM

AND NOW, this 20th day of November, 2012, the Petition for Allowance of  
Appeal is DENIED.

William A. Shaw

Prothonotary/Clerk of Courts

A True Copy Patricia Nicola  
As Of 11/20/2012

Attest: Patricia Nicola  
Chief Clerk  
Supreme Court of Pennsylvania



## Superior Court of Pennsylvania

Karen Reid Bramblett, Esq.  
Prothonotary  
Eleanor R. Valecko  
Deputy Prothonotary

Western District

310 Grant Street, Suite 600  
Pittsburgh, PA 15219-2297  
(412) 565-7592  
[www.superior.court.state.pa.us](http://www.superior.court.state.pa.us)

### CERTIFICATE OF REMITTAL/REMAND OF RECORD

TO: Mr. Shaw  
Prothonotary

RE: Spuck, D. v. Clearfield County  
1392 WDA 2011  
Trial Court: Clearfield County Court of Common Pleas  
Trial Court Docket No: No. 2007-1932-CD

**FILED FILED**

4 JAN 30 2013 JAN 3 2013

William A. Shaw  
Prothonotary, Clerk of Superior Court  
William A. Shaw  
Copy to  
Supreme Court

Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572 is the entire record for the above matter.

#### Original Record contents:

Item	Filed Date	Description
Original Record	October 24, 2011	1 Part
Transcripts	October 24, 2011	1

Remand/Remittal Date:

ORIGINAL RECIPIENT ONLY - Please acknowledge receipt by signing, dating, and returning the enclosed copy of this certificate to our office. Copy recipients (noted below) need not acknowledge receipt.

Very truly yours,  
*Eleanor R. Valecko*

Eleanor R. Valecko  
Deputy Prothonotary

/gjm

Enclosure

cc: The Honorable Fredric J. Ammerman, President Judge  
Joseph P. Green, Esq.  
Mr. Daniel L. Spuck

Spuck, D. v. Clearfield County  
1392 WDA 2011

Letter to: Mr. William A. Shaw

**Acknowledgement of Certificate of Remittal/Remand of Record (to be returned):**



Signature

1-30-13

Date

Printed Name

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan, 2014  
Clearfield Co., Clearfield, PA

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

DANIEL L. SPUCK,

Appellant

v.

CLEARFIELD COUNTY, PENNSYLVANIA,

Appellee

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

**FILED**

5 JUN 12 2012  
William A Shaw  
Clerk of Courts

No. 1392 WDA 2011

Appeal from the Order of July 26, 2011,  
in the Court of Common Pleas of Clearfield County,  
Civil Division at No. 2007-1932-CD

BEFORE: FORD ELLIOTT, P.J.E., DONOHUE and COLVILLE\*, JJ.

MEMORANDUM BY COLVILLE, J.: FILED: APRIL 26, 2012

Briefly stated, Appellant filed a *pro se* civil action against Appellee for actions by Appellee's employees during criminal proceedings against Appellant. This is a *pro se* appeal from the order which denied Appellant's motion for recusal, granted Appellee's preliminary objections in the nature of a demurrer and dismissed Appellant's complaint with prejudice. Appellant presents five issues for our review.<sup>1</sup>

In our review, we are mindful of the following legal principles.

---

<sup>1</sup> Appellee argues that Appellant waived several of his appellate issues by not including them in his court-ordered statement of errors complained of on appeal; however, it appears Appellee is referencing a statement from 2008, not the present statement. We do not find waiver on this basis.

---

\*Retired Senior Judge assigned to the Superior Court.

Our review of a trial court's sustaining of preliminary objections in the nature of a *demurrer* is plenary. Such preliminary objections should be sustained only if, assuming the averments of the complaint to be true, the plaintiff has failed to assert a legally cognizable cause of action. We will reverse a trial court's decision to sustain preliminary objections only if the trial court has committed an error of law or an abuse of discretion.

***Butler v. Charles Powers Estate***, 29 A.3d 35, 38 (Pa. Super. 2011) (citation omitted).

[A]ppellate briefs and reproduced records must materially conform to the requirements of the Pennsylvania Rules of Appellate Procedure. This Court may quash or dismiss an appeal if the appellant fails to conform to the requirements set forth in the Pennsylvania Rules of Appellate Procedure. Although this Court is willing to liberally construe materials filed by a *pro se* litigant, *pro se* status confers no special benefit upon the appellant. To the contrary, any person choosing to represent himself in a legal proceeding must, to a reasonable extent, assume that his lack of expertise and legal training will be his undoing.

***In re Ullman***, 995 A.2d 1207, 1211-12 (Pa. Super. 2010) (citations omitted).

Although there are multiple problems with Appellant's brief, we will only discuss the greatest.

In his argument on three of his issues (the second, third and fifth), Appellant provides no citation to legal authority. These arguments are waived. ***See Umbelina v. Adams***, 34 A.3d 151, 161 (Pa. Super. 2011)(citation omitted); Pa.R.A.P. 2119; Pa.R.A.P. 2101.

In his argument on his first issue, Appellant sets forth an argument that has been previously rejected by our Supreme Court. In short, and

without significant analysis of how this argument would inure to his benefit in this case, Appellant asserts that all of the Commonwealth of Pennsylvania's acts, rules, codes and law are invalid due to constitutional amendments in 1968 and 1972 which were impermissibly close in time. The basis for this argument was rejected, as follows:

Considering Article XVIII [of the Pennsylvania Constitution of 1874] as a whole, it is complete in itself and has no reference to matters not therein dealt with. It first sets forth the procedure for submission of amendments to the people. It provides that any amendment or amendments may be proposed, and if agreed to by the legislature and recorded as required, it or they shall be advertised for three (3) months, and if the next assembly agrees to such proposed amendment or amendments, they shall be published, and, as proposed, shall be voted for by the people; if such amendment or amendments be approved, it or they shall become part of the Constitution, but no amendment or amendments shall be submitted oftener than once in five (5) years. The proviso does not pertain to any possible unrelated amendments that might be offered at a future time to other Articles. It is limited to an amendment that has been submitted to the people and voted on. Evidencing this thought, the proviso begins with "but" and is separated from the rest of the sentence only by a semicolon. It is not a new sentence, but is part of what precedes it and is linked with it in meaning, the entire sentence carrying through a single thought. Thus understood it means that after a particular amendment, or amendments, has been once submitted another like amendment, or one similar in substance, to the same article cannot be proposed or submitted within five years. The word "oftener" substantiates this conclusion. It is sometimes defined as "more frequently," and implies repetition, i.e., repetition of the same amendment or subject matter. The words "than once" following "oftener" show that the only reference intended by the proviso is to an amendment, the substance of which has already been submitted "once." It prohibits the "submission" of such an amendment "oftener" than once in five years. The only logical explanation of this manner of drafting Article XVIII is that the electors intended to permit the submission of amendments as frequently as they properly passed through the prescribed steps with the sole prohibition that after an amendment had been once submitted, it

or one substantially related could not again be submitted until a period of five years has elapsed.

***Commonwealth ex rel. Margiotti v. Lawrence***, 193 A. 46, 49 (Pa. 1937).

Appellant is not entitled to relief on this claim.

In his fourth issue, Appellant offers an (incomplete) citation to a United State Supreme Court case for the proposition that *pro se* litigants should be held to less stringent standards than attorneys and then baldly asserts that this rule "would permit amending of the complaint." Appellant's Brief at 3. It is clear from the trial court's analysis that Appellant's complaint was not dismissed due to non-professional errors in form; its analysis is as follows:

No where [sic] does [Appellant] assert factual or legal grounds that would form the basis of any cognizable cause of action, whether sounding in tort or on constitutional grounds. Even if [Appellant] had asserted or would be permitted leave to amend the complaint, he could not prevail on a tort claim against [Appellee] because of governmental immunity. See 42 Pa. C.S. § 8541 *et seq.* [Appellant] also has failed to allege any facts that would support a finding that a statutory exception to immunity exists.

Likewise, [Appellant] has not set forth any basis for recovery under a federal statutory or constitutional claim. The most commonly recognized cause of action would be a Section 1983 action, but this again would preclude [Appellant] from recovering because vicarious liability or respondeat superior has been expressly rejected in such actions. See *Eva[n]cho v. Fisher*, 423 F.3d 347, 353 (3d Cir. 2005); *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 19[8]8); *Parr[aj]tt v. Taylor*, 451 U.S. 527, 537 n.3 (1981).

Trial Court Opinion, 07/26/11, at 2-3.

Appellant's bald assertions do not persuade us that the trial court erred as a matter of law or abused its discretion in failing to permit amendment of the complaint.

Order affirmed.

Judgment Entered:

Eleanor R. Valecko  
Deputy Prothonotary

DATE: April 26, 2012



## Supreme Court of Pennsylvania

John A. Vaskov, Esq.  
Deputy Prothonotary  
Patricia A. Nicla  
Chief Clerk

Western District

July 25, 2012

801 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
(412) 565-2816  
[www.pacourts.us](http://www.pacourts.us)

JUL 30 2012

PITTSBURGH OFFICE OF  
SUPERIOR COURT

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

RE: Daniel L. Spuck, Petitioner

v.

Clearfield County, Pennsylvania  
No. 329 WAL 2012

Trial Court Docket No: 2007-1932--CD

Superior Docket Number: 1392 WDA 2011

Appeal Docket No:

Date Petition for Allowance of Appeal Filed: July 20, 2012

Disposition:

Disposition Date:

Reargument/Reconsideration Disposition:

Reargument/Reconsideration Disposition Date:

/wpf



JAN 25 2013

Supreme Court of Pennsylvania

John A. Vaskov, Esq.  
Deputy Prothonotary  
Patricia A. Nicola  
Chief Clerk

Western District

January 24, 2013

801 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
(412) 565-2816  
[www.pacourts.us](http://www.pacourts.us)

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

RE: Daniel L. Spuck, Petitioner  
v.  
Clearfield County, Pennsylvania, Respondent  
No. 329 WAL 2012

Trial Court Docket No: 2007-1932--CD

Superior Docket Number: 1392 WDA 2011

Appeal Docket No:

Date Petition for Allowance of Appeal Filed: July 20, 2012  
Disposition: Order Denying Petition for Allowance of Appeal  
Disposition Date: November 20, 2012

Reargument/Reconsideration Disposition: Order Denying Application for  
Reconsideration  
Reargument/Reconsideration Disposition Date: January 24, 2013

/wpf

~~FILED~~  
~~JAN 30 2013~~  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

JAN 25 2013

DANIEL L. SPUCK, : No. 329 WAL 2012  
Petitioner : Application for Reconsideration

v.

CLEARFIELD COUNTY, :  
PENNSYLVANIA, :

Respondent :

ORDER

**PER CURIAM**

AND NOW, this 24<sup>th</sup> day of January, 2013, the Application for Reconsideration is  
hereby **DENIED**.

A True Copy Patricia Nicola  
As Of 1/24/2013

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

JAN 25 2013

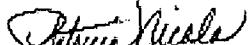
DANIEL L. SPUCK, : No. 329 WAL 2012  
Petitioner :  
: Petition for Allowance of Appeal from the  
: Order of the Superior Court  
V. :  
CLEARFIELD COUNTY, :  
PENNSYLVANIA, :  
Respondent :  
:

ORDER

**PER CURIAM**

AND NOW, this 20th day of November, 2012, the Petition for Allowance of Appeal is **DENIED**.

A True Copy Patricia Nicola  
As Of 11/20/2012

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 1392 WDA 2011

Page 1 of 2

September 1, 2011

Secure



## CAPTION

Daniel L. Spuck  
Appellant  
v.  
Clearfield County, Pennsylvania

07-1932-CD

## CASE INFORMATION

Initiating Document: Notice of Appeal IFF

Case Status: Active

Case Processing Status: September 1, 2011 Awaiting Original Record

Journal Number:

Case Category: Civil Case Type(s): Trespass

## CONSOLIDATED CASES

## RELATED CASES

## SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: September 15, 2011

Next Event Type: Original Record Received

Next Event Due Date: October 28, 2011

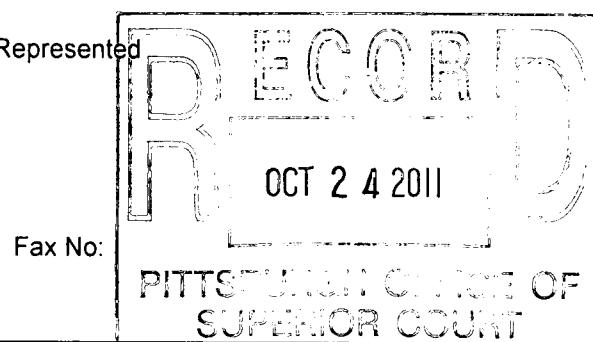
## COUNSEL INFORMATION

Appellant Spuck, Daniel L.

Pro Se: Yes Appoint Counsel Status: Not Represented

IFF Status: Pending

Pro Se: Spuck, Daniel L.  
Address: CZ 4825, SRCF Mercer  
801 Butler  
Mercer, PA 16137



Fax No:

Phone No:  
Receive Mail: Yes  
Receive Email: No

Appellee Clearfield County

Pro Se: No Appoint Counsel Status: Represented

IFF Status:

Attorney: Shaw, William A., Jr.  
Bar No: 078007  
Law Firm: Clearfield County District Attorney's Office  
Address: 230 E. Market Street, Suite 210  
Clearfield, PA 16830  
Phone No: (814) 765-2641

Fax No:

FILED  
SMT 31 2011  
SEP 06 2011

William A. Shaw  
Prothonotary/Clerk of Courts

Record - 1 part  
Trans. - 1

#38

1392 WDA 2011

## Appeal Docket Sheet

## Superior Court of Pennsylvania

Docket Number: 1392 WDA 2011

Page 2 of 2

September 1, 2011

Secure



## AGENCY/TRIAL COURT INFORMATION

Court Below: Clearfield County Court of Common Pleas  
 County: Clearfield Division: Clearfield County Civil Division  
 OrderAppealed From: July 26, 2011 Judicial District: 46  
 Documents Received: September 1, 2011 Notice of Appeal Filed: August 29, 2011  
 Order Type: Order  
 OTN(s):  
 Lower Ct Docket No(s): No. 2007-1992--CD  
 Lower Ct Judge(s): Ammerman, Fredric J.  
 President Judge

## ORIGINAL RECORD CONTENT

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

## BRIEFING SCHEDULE

None	None
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DOCKET ENTRY			
Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 1, 2011	Notice of Appeal IFP Docketed	Appellant	Spuck, Daniel L.
September 1, 2011	Order Granting Application to Proceed In Forma Pauperis	Clearfield County Court of Common Pleas	
	Comment: Pending		
September 1, 2011	Docketing Statement Exited (Civil)	Valecko, Eleanor R.	

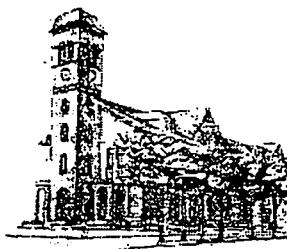
**COPY**

**OFFICE OF THE PROTHONOTARY and CLERK OF COURTS**

WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

JACKI KENDRICK  
Deputy Prothonotary/  
Clerk of Courts

PHONE: 814-765-2641 ext. 1330



Clearfield County Courthouse  
PO Box 549  
Clearfield, Pennsylvania 16830

JOHN SUGHRUE, ESQ.  
Solicitor

BONNIE HUDSON  
Administrative Assistant

FAX: 814-765-7659  
[www.clearfieldco.org](http://www.clearfieldco.org)

September 6, 2011

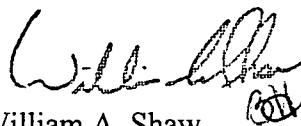
Superior Court of Pennsylvania  
310 Grant St., Ste. 600  
Pittsburgh, PA 15219-2297

In Re: 1392 WDA 2011  
Daniel L. Spuck vs. Clearfield County, Pennsylvania

Dear Ms. Eleanor R. Valecko:

Upon review of the Appeal Docket Sheet for the above-referenced case, I discovered that the Appeal Docket Sheet lists the Trial Court Docket No. as 2007-1992-CD. The original case number is 2007-1932-CD. If you have any questions, please contact me at (814) 765-2641, ext. 1331.

Sincerely,



William A. Shaw  
Prothonotary

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:

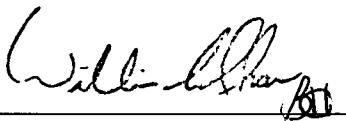
THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the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

2007-1932-CD  
Daniel L. Spuck  
Vs.  
Clearfield County

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

The documents comprising the record have been numbered from **No. 1 to 41**, 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 comprising the document.

The date on which the record had been transmitted to the Appellate Court is October 21, 2011.

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

(seal)

Date: 10/21/2011

## Clearfield County Court of Common Pleas

User: BHUDSON

Time: 01:53 PM

## ROA Report

Case: 2007-01932-CD

Page 1 of 3

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuckvs.Clearfield County

## Civil Other-COUNT

Date	Judge
11/28/2007	New Case Filed. No Judge
	Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$.00 (Cash) 1 Cert. to Atty. Kesner. No Judge
12/5/2007	Praecipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County. No Judge
1/23/2008	Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty. No Judge
	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A. John K. Reilly Jr.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff. No Judge
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies. No Judge
	Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff. No Judge
	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff.. No Judge
2/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green John K. Reilly Jr.
3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff. No Judge
3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff. No Judge
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green John K. Reilly Jr.
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert. No Judge
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff. No Judge
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff. No Judge

Date: 10/21/2011

## Clearfield County Court of Common Pleas

User: BHUDSON

Time: 01:53 PM

## ROA Report

Page 2 of 3

Case: 2007-01932-CD

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuck vs. Clearfield County

## Civil Other-COUNT

Date	Judge	
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
5/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge
6/3/2008	June 3, 2008, Mailed Appeal to Superior Court. June 3, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c). June 3, 2008, Letter to Superior Court, Re: Appeal mailed to Superior Court.	No Judge
6/9/2008	Certificate of Contents, Proth. of Clfd. Co. sent the original record of the case currently on Appeal to Superior Court. Received by Superior Court on 6-5-2008.	No Judge
6/12/2008	Notice, Re: Transcript to be filed, s/Thomas D. Snyder, RPR No CC Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008. June 12, 2008, Mailed Supplement to Appeal to Superior Court. June 12, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	No Judge
6/18/2008	Letter to Superior Court, Re: Supplement to appeal mailed June 12, 2008. Certificate of Contents, Original Record of case currently on Appeal sent to Superior Court. Received by Superior Court on June 13, 2008.	No Judge
8/6/2008	Order, Superior Court of Pennsylvania: Now, this 24th day of June, 2008, this Court SUA SPONTE DISMISSES this appeal as premature. See Pa. R.A.P. 341. Certificate of Contents of Remanded Record and Notice of Remand, Date remanded - August 4, 2008. Received by William A. Shaw, Proth, on Aug. 6, 2008.	No Judge
4/20/2011	Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition, filed by s/ Joseph P. Green, Esq. 1CC Atty.	No Judge
4/21/2011	Order this 21st day of April 2011, upon Defendant's Motion to Re-list Defendant's Preliminary Objection for Disposition, said Motion is hereby GRANTED. It is hereby ORDERED AND DECREED as follows: Defendant shall file its brief in support of the outstanding Preliminary Objections (restated) on or before May 11, 2011. Plaintiff shall file a responsive brief in connection with the aforesaid objections on or before May 31, 2011. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 4CC Atty Green.	Fredric Joseph Ammerman

Date: 10/21/2011

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 01:53 PM

ROA Report

Page 3 of 3

Case: 2007-01932-CD

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuck vs. Clearfield County

**Civil Other-COUNT**

Date	Judge
5/12/2011	Affidavit of Service, Court Order of April 21, 2011, upon Daniel L. Spuck, filed by s/Joseph P. Green, Esq. No CC
5/31/2011	Plaintiff's Objection and Answer to the Defendant's Preliminary Objections (Restated) and Motion for Recusal of the Honorable Fredric J. Ammerman, P.J., filed by s/Daniel Spuck One CC Plaintiff
7/26/2011	Plaintiff's Response Brief to Defendants Preliminary Objections, Brief in Support, filed by s/ Daniel L. Spuck, Plaintiff. No CC
	Opinion and Order: NOW, this 26th of July, 2011, it is Ordered that the Plaintiff's Motion for Recusal is denied. It is further Ordered that Defendant's Preliminary Objections (Restated) in the form of a demurer shall be and are hereby Granted. Plaintiff's Complaint is dismissed with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff - SCRF Mercer CZ 4825, 801 Butler Pike, Mercer, PA 16137 1CC Atty. J. Green 1CC Law Library, D. Mikesell
8/12/2011	Motion for Reconsideration and or Re-Argument, filed by Plaintiff. 1 Cert. to Plaintiff.
8/29/2011	Notice of Appeal, filed by D. Spuck 1 Cert. to Superior Court. (re: July 26, 2011 Order)
9/6/2011	Appeal Docket Sheet, 1392 WDA 2011, filed
9/9/2011	Order, filed Cert. to Plaintiff and Atty. Greene NOW, this 7th day of Sept., 2011, RE: Appellant Daniel L. Spuck to file concise statement of matters on appeal within 20 days herefrom.
10/3/2011	Appellant's Statement of Matters Complained About on the Appeal, filed by s/ Daniel L. Spuck, Plaintiff. 1CC Plff
10/21/2011	October 21, 2011, Mailed Appeal to Superior Court. October 21, 2011, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).

Copy of this to be a  
copy of the cr  
in this case.

OCT 21 2011

Attest.

*hudson*  
Prothonotary  
Clerk of Ct

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1932-CD  
 Daniel L. Spuck  
 VS.  
 Clearfield County

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	11/28/07	Civil Complaint – Transfer from Mercer County per Court Order	83
02	12/05/07	Praeclipe for Entry of Appearance	03
03	12/05/07	Preliminary Objections (restated)	04
04	01/23/08	Scheduling Order	01
05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
11	03/07/08	Motion for a Continuance	02
12	03/18/08	Order, Re: filing of briefs	01
13	03/24/08	Petition for Permission to Amend Petitioner's Complaint	03
14	04/18/08	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge	06
15	04/21/08	Notice of Appeal	03
16	04/22/08	Order, Re: Concise statement to be filed	01
17	05/01/08	Appeal Docket Sheet, 723 WDA 2008	03
18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02
20	06/03/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	04
		***Appeal Mailed to Superior Court June 3, 2008***	
21	06/03/08	Letter to Superior Court, Re: Appeal mailed June 3, 2008	08
22	06/09/08	Certificate of Contents	01
23	06/12/08	Notice, Re: Transcript to be filed	01
24	06/12/08	Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	Separate Cover
25	06/12/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	05
		***Supplement Mailed to Superior Court June 12, 2008***	
26	06/12/08	Letter to Superior Court, Re: Supplement to appeal mailed June 12, 2008	06
27	06/18/08	Certificate of Contents	01
28	08/06/08	Order from Superior Court of Pennsylvania, appeal dismissed Sua Sponte	01
29	08/06/08	Certificate of Contents of Remanded Record and Notice of Remand	01
30	04/20/11	Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition	04
31	04/21/11	Order, Re: Motion to Re-List Granted	01
32	05/12/11	Affidavit of Service	03
33	05/31/11	Plaintiff's Objection and Answer to the Defendant's Preliminary Objections (Restated) and Motion for Recusal of the Honorable Fredric J. Ammerman, P.J.	02
34	07/26/11	Plaintiff's Response Brief to Defendants Preliminary Objections, Brief in Support	14
35	07/26/11	Opinion and Order	15
36	08/12/11	Motion for Reconsideration and/or Re-Argument (copy enclosed, original missing from	13

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1932-CD  
Daniel L. Spuck  
VS.  
Clearfield County

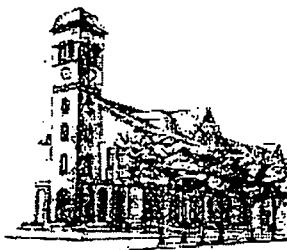
ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
37	08/29/11	Notice of Appeal record)	02
38	09/06/11	Appeal Docket Sheet, 1392 WDA 2011	03
39	09/09/11	Order, Re: Concise statement to be filed	01
40	10/03/11	Appellant's Statement of Matters Complained about on the Appeal	02
41	10/21/11	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	06

# OFFICE OF THE PROTHONOTARY and CLERK OF COURTS

WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

JACKI KENDRICK  
Deputy Prothonotary/  
Clerk of Courts

PHONE: 814-765-2641 ext. 1330



Clearfield County Courthouse  
PO Box 549  
Clearfield, Pennsylvania 16830

JOHN SUGHRUE, ESQ.  
Solicitor

BONNIE HUDSON  
Administrative Assistant

FAX: 814-765-7659  
[www.clearfieldco.org](http://www.clearfieldco.org)

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

Daniel J. Spuck  
SCI Mercer-CZ 4825  
801 Butler Pike  
Mercer, PA 16137

Joseph P. Green, Esq.  
PO Box 179  
115 East High Street  
Bellefonte, PA 16823

FILED

01/14/2011  
OCT 21 2011

Daniel L. Spuck  
Vs.  
Clearfield County

William A. Shaw  
Prothonotary/Clerk of Courts

Court No. 07-1932-CD; Superior Court No. 1392 WDA 2011

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on October 21, 2011.

Sincerely,

  
William A. Shaw  
Prothonotary/Clerk of Courts

#41

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

**No. 07-1932-CD**  
**Daniel L. Spuck**  
**VS.**  
**Clearfield County**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	11/28/07	Civil Complaint – Transfer from Mercer County per Court Order	83
02	12/05/07	Praeclipe for Entry of Appearance	03
03	12/05/07	Preliminary Objections (restated)	04
04	01/23/08	Scheduling Order	01
05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
11	03/07/08	Motion for a Continuance	02
12	03/18/08	Order, Re: filing of briefs	01
13	03/24/08	Petition for Permission to Amend Petitioner's Complaint	03
14	04/18/08	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge	06
15	04/21/08	Notice of Appeal	03
16	04/22/08	Order, Re: Concise statement to be filed	01
17	05/01/08	Appeal Docket Sheet, 723 WDA 2008	03
18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02
20	06/03/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	04
		***Appeal Mailed to Superior Court June 3, 2008***	
21	06/03/08	Letter to Superior Court, Re: Appeal mailed June 3, 2008	08
22	06/09/08	Certificate of Contents	01
23	06/12/08	Notice, Re: Transcript to be filed	01
24	06/12/08	Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	Separate Cover
25	06/12/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	05
		***Supplement Mailed to Superior Court June 12, 2008***	
26	06/12/08	Letter to Superior Court, Re: Supplement to appeal mailed June 12, 2008	06
27	06/18/08	Certificate of Contents	01
28	08/06/08	Order from Superior Court of Pennsylvania, appeal dismissed Sua Sponte	01
29	08/06/08	Certificate of Contents of Remanded Record and Notice of Remand	01
30	04/20/11	Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition	04
31	04/21/11	Order, Re: Motion to Re-List Granted	01
32	05/12/11	Affidavit of Service	03
33	05/31/11	Plaintiff's Objection and Answer to the Defendant's Preliminary Objections (Restated) and Motion for Recusal of the Honorable Fredric J. Ammerman, P.J.	02
34	07/26/11	Plaintiff's Response Brief to Defendants Preliminary Objections, Brief in Support	14
35	07/26/11	Opinion and Order	15
36	08/12/11	Motion for Reconsideration and/or Re-Argument (copy enclosed, original missing from	13

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

*No. 07-1932-CD  
Daniel L. Spuck  
VS.  
Clearfield County*

<i>ITEM NO.</i>	<i>DATE OF FILING</i>	<i>NAME OF DOCUMENT</i>	<i>NO. OF PAGES</i>
37	08/29/11	record)	
38	09/06/11	Notice of Appeal	02
39	09/06/11	Appeal Docket Sheet, 1392 WDA 2011	03
40	09/09/11	Order, Re: Concise statement to be filed	01
	10/03/11	Appellant's Statement of Matters Complained about on the Appeal	02

Date: 10/21/2011

## Clearfield County Court of Common Pleas

User: BHUDSON

Time: 01:44 PM

## ROA Report

Page 1 of 3

Case: 2007-01932-CD

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuckvs.Clearfield County

## Civil Other-COUNT

Date	Judge
11/28/2007	New Case Filed.
	Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.
12/5/2007	Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.
	Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.
	Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff.
	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..
2/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green
3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.
3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff no cert.
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.

Daniel L. Spuckvs.Clearfield County

## Civil Other-COUNT

Date	Judge	
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
5/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge
6/3/2008	June 3, 2008, Mailed Appeal to Superior Court. June 3, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c). June 3, 2008, Letter to Superior Court, Re: Appeal mailed to Superior Court.	No Judge
6/9/2008	Certificate of Contents, Proth. of Clfd. Co. sent the original record of the case currently on Appeal to Superior Court. Received by Superior Court on 6-5-2008.	No Judge
6/12/2008	Notice, Re: Transcript to be filed, s/Thomas D. Snyder, RPR No CC Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008. June 12, 2008, Mailed Supplement to Appeal to Superior Court. June 12, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	No Judge
6/18/2008	Letter to Superior Court, Re: Supplement to appeal mailed June 12, 2008. Certificate of Contents, Original Record of case currently on Appeal sent to Superior Court. Received by Superior Court on June 13, 2008.	No Judge
8/6/2008	Order, Superior Court of Pennsylvania: Now, this 24th day of June, 2008, this Court SUA SPONTE DISMISSES this appeal as premature. See Pa. R.A.P. 341. Certificate of Contents of Remanded Record and Notice of Remand, Date remanded - August 4, 2008. Received by William A. Shaw, Proth, on Aug. 6, 2008.	No Judge
4/20/2011	Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition, filed by s/ Joseph P. Green, Esq. 1CC Atty.	No Judge
4/21/2011	Order this 21st day of April 2011, upon Defendant's Motion to Re-list Defendant's Preliminary Objection for Disposition, said Motion is hereby GRANTED. It is hereby ORDERED AND DECREED as follows: Defendant shall file its brief in support of the outstanding Preliminary Objections (restated) on or before May 11, 2011. Plaintiff shall file a responsive brief in connection with the aforesaid objections on or before May 31, 2011. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 4CC Atty Green.	Fredric Joseph Ammerman

Date: 10/21/2011

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 01:44 PM

ROA Report

Page 3 of 3

Case: 2007-01932-CD

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuck vs. Clearfield County

Civil Other-COUNT

Date	Judge
5/12/2011	Affidavit of Service, Court Order of April 21, 2011, upon Daniel L. Spuck, filed by s/Joseph P. Green, Esq. No CC No Judge
5/31/2011	Plaintiff's Objection and Answer to the Defendant's Preliminary Objections (Restated) and Motion for Recusal of the Honorable Fredric J. Ammerman, P.J., filed by s/Daniel Spuck One CC Plaintiff No Judge
7/26/2011	Plaintiff's Response Brief to Defendants Preliminary Objections, Brief in Support, filed by s/ Daniel L. Spuck, Plaintiff. No CC Fredric Joseph Ammerman  Opinion and Order: NOW, this 26th of July, 2011, it is Ordered that the Plaintiff's Motion for Recusal is denied. It is further Ordered that Defendant's Preliminary Objections (Restated) in the form of a demurer shall be and are hereby Granted. Plaintiff's Complaint is dismissed with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff - SCRF Mercer CZ 4825, 801 Butler Pike, Mercer, PA 16137 1CC Atty. J. Green 1CC Law Library, D. Mikesell
8/12/2011	Motion for Reconsideration and or Re-Argument, filed by Plaintiff. 1 Cert. Fredric Joseph Ammerman to Plaintiff.
8/29/2011	Notice of Appeal, filed by D. Spuck 1 Cert. to Superior Court. (re: July 26, 2011 Order) Fredric Joseph Ammerman
9/6/2011	Appeal Docket Sheet, 1392 WDA 2011, filed Fredric Joseph Ammerman
9/9/2011	Order, filed Cert. to Plaintiff and Atty. Greene NOW, this 7th day of Sept., 2011, RE: Appellant Daniel L. Spuck to file concise statement of matters on appeal within 20 days herefrom. Fredric Joseph Ammerman
10/3/2011	Appellant's Statement of Matters Complained About on the Appeal, filed by s/ Daniel L. Spuck, Plaintiff. 1CC Plff Fredric Joseph Ammerman

RECEIVED  
CLEARFIELD COUNTY COURT OF COMMON PLEAS  
10/21/2011

OCT 21 2011

RECEIVED  
CLEARFIELD COUNTY COURT OF COMMON PLEAS  
10/21/2011

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division (original)  
copy

Daniel L. Spuck, Plaintiff/Appellant, | No. 2007-1932-CD  
v.  
Clearfield County, Pennsylvania |  
Defendant/Appellee, | Trial by Jury Demand

**FILED** 6K  
M 19 37/01 Piff  
OCT 03 2011 Appellant's Statement of Matters  
William A. Shaw  
Prothonotary/Clerk of Courts Complained about on the Appeal

To: The Honorable Fredric J. Ammerman.

NOW COMES, the Plaintiff/Appellant, Daniel L. Spuck, Pro Se, (I.F.P.), and avers the following in support:

A.) That on September 7, 2011 (time stamped September 9 postage dated September 12, 2011) The Honorable Court Order Statement of Matter Complained about on Appeal be filed within 21 Days. The Plaintiff/Appellant now complies:

1. Did the Lower Court Err in failing to find that P.Q.C.S.A Article 18 § 1 prohibits amending to the State Constitution more than once in a five year period, when this occurred in 1972, When the State amended an enacting Clause to the States Constitution only 4 years from the 1968 Constitutional Convention, Thus nullifying all acts before and after and eliminates Governmental Immunity or Lower Court to find that the Appellant did set forth a basis for recovery under a Federal Statutory or Constitutional Claim under section 1983?

2. Did the lower Court Err in not Recusing from this Civil Matter including issues Surrounding him, when he recused in a past Civil matter surrounding ~~him~~ the Lower Court?

3. Did the Lower Court Err during the telephone Conference on preliminary Objections?

4. Did the Lower Court Err by granting the Appellee's Preliminary Objections and deny the plaintiff's responses and not allow amending of the Civil Complaint?

5. Did the Lower Court Err in not granting the Appellant an opportunity to test/Retest the blood and DNA Evidence to support a claim of innocence and or prosecutorial misconduct, Thus making Appellee's Libel under Negligence, Defamation, and damages?

Wherefore, the Plaintiff/Appellant Respectfully Requests that this Honorable Court accept his Statement of Matters. The Plaintiff/Appellant prays for Relief Requested.

Dated: September 26, 2011.

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
Plaintiff/Appellant, (I.F.P.)  
Inst. No. CZ-4B&S, S.R.C.F.  
Mercer, 801 Butler Pike,  
Mercer, Pa. 16137

Verification

I, Daniel L. Spuck Verify that all statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of perjury.

Dated: September 26, 2011

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
Plaintiff/ Appellant, (I.F.P.)

Proof of Service

I, Daniel L. Spuck certify that I have served 1 original and 1 copy of this document upon the Clearfield County Prothonotary and 1 copy upon Defendant/Appellee's Counsel Joseph P. Green, Esquire, by regular U.S. Mail by placing them in the inmate mailbox on September 26, 2011.

Dated: September 26, 2011.

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
Plaintiff/ Appellant, (I.F.P.)

(supra-c-it)  
① I also resubmitted a Docket Statement which was returned by U.S. Mail for no reason. (RTS by mail).

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

DANIEL L. SPUCK  
vs.  
CLEARFIELD COUNTY

\* No. 2007-1932-CD  
\*  
\*  
\*

ORDER

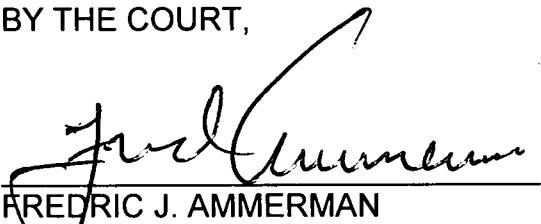
RE  
**FILED**

SEP 09 2011

William A. Shaw  
Prothonotary/Clerk of Courts

NOW, this 7<sup>th</sup> day of September, 2011, 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, Appellant **DANIEL L. SPUCK** 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

439

RECEIVED  
MAY 30 2007  
PROBATE DIVISION  
WILLIAM A. SHEA  
CLERK OF COURTS

DATE: \_\_\_\_\_  
You are responsible for serving all appropriate parties.

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

Plaintiff(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_

Plaintiff(s) Plaintiff(s) Attorney \_\_\_\_\_

Defendant(s) Defendant(s) Attorney \_\_\_\_\_

Defendant(s) \_\_\_\_\_  
Special Instructions: \_\_\_\_\_

To: \_\_\_\_\_

From: \_\_\_\_\_

## Appeal Docket Sheet

Docket Number: 1392 WDA 2011

Page 1 of 2

September 1, 2011

Superior Court of Pennsylvania

Secure



## CAPTION

Daniel L. Spuck  
Appellant  
v.  
Clearfield County, Pennsylvania

07-1932-CD

## CASE INFORMATION

Initiating Document: Notice of Appeal IFP

Case Status: Active

Case Processing Status: September 1, 2011 Awaiting Original Record

Journal Number:

Case Category: Civil Case Type(s): Trespass

## CONSOLIDATED CASES

## RELATED CASES

## SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: September 15, 2011

Next Event Type: Original Record Received

Next Event Due Date: October 28, 2011

## COUNSEL INFORMATION

Appellant Spuck, Daniel L.

Pro Se: Yes Appoint Counsel Status: Not Represented

IFP Status: Pending

Pro Se: Spuck, Daniel L.  
Address: CZ 4825, SRCF Mercer  
801 Butler  
Mercer, PA 16137

Phone No: Fax No:  
Receive Mail: Yes  
Receive Email: No

Appellee Clearfield County

Pro Se: No Appoint Counsel Status: Represented

IFP Status:

Attorney: Shaw, William A., Jr.  
Bar No: 078007  
Law Firm: Clearfield County District Attorney's Office  
Address: 230 E. Market Street, Suite 210  
Clearfield, PA 16830  
Phone No: (814) 765-2641 Fax No:

**COPY**  
**COPED**  
M 1/31/614  
SEP 06 2011  
61C

William A. Shaw  
Prothonotary/Clerk of Courts

#38

## Appeal Docket Sheet

Docket Number: 1392 WDA 2011

Page 2 of 2

September 1, 2011

Superior Court of Pennsylvania

Secure



## AGENCY/TRIAL COURT INFORMATION

Court Below: Clearfield County Court of Common Pleas  
 County: Clearfield Division: Clearfield County Civil Division  
 OrderAppealed From: July 26, 2011 Judicial District: 46  
 Documents Received: September 1, 2011 Notice of Appeal Filed: August 29, 2011  
 Order Type: Order  
 OTN(s):  
 Lower Ct Docket No(s): No. 2007-1992--CD  
 Lower Ct Judge(s): Ammerman, Fredric J.  
 President Judge

## ORIGINAL RECORD CONTENT

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

Date of Remand of Record:

## BRIEFING SCHEDULE

None	None
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## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 1, 2011	Notice of Appeal IFP Docketed	Appellant	Spuck, Daniel L.
September 1, 2011	Order Granting Application to Proceed In Forma Pauperis		Clearfield County Court of Common Pleas
	Comment: Pending		
September 1, 2011	Docketing Statement Exited (Civil)		Valecko, Eleanor R.

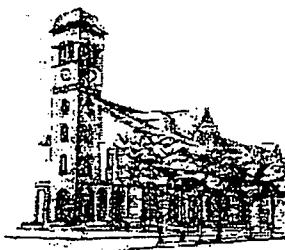
**COPY**

**OFFICE OF THE PROTHONOTARY and CLERK OF COURTS**

WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

JACKI KENDRICK  
Deputy Prothonotary/  
Clerk of Courts

PHONE: 814-765-2641 ext. 1330



Clearfield County Courthouse  
PO Box 549  
Clearfield, Pennsylvania 16830

JOHN SUGHRUE, ESQ.  
Solicitor

BONNIE HUDSON  
Administrative Assistant

FAX: 814-765-7659  
[www.clearfieldco.org](http://www.clearfieldco.org)

September 6, 2011

Superior Court of Pennsylvania  
310 Grant St., Ste. 600  
Pittsburgh, PA 15219-2297

In Re: 1392 WDA 2011  
Daniel L. Spuck vs. Clearfield County, Pennsylvania

Dear Ms. Eleanor R. Valecko:

Upon review of the Appeal Docket Sheet for the above-referenced case, I discovered that the Appeal Docket Sheet lists the Trial Court Docket No. as 2007-1992-CD. The original case number is 2007-1932-CD. If you have any questions, please contact me at (814) 765-2641, ext. 1331.

Sincerely,

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

Daniel L. Spuck, Plaintiff, : No. 2007-1932-CD  
v. :  
Clearfield County, Pennsylvania, :  
Defendant, :  
NOTICE OF APPEAL

I, Daniel L. Spuck, plaintiff/appellant now hereby appeals to the Pennsylvania Superior Court from the Order of the Clearfield County Court of Common Pleas dated July 26, 2011 (attached hereto as Exhibit "A", Order).  
Dated: August 23, 2011.

(Original Copy)

FILED *RD*

AUG 29 2011

WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

Supreme  
Court

Respectfully Submitted,

*Daniel L. Spuck*

Daniel L. Spuck, Pro Se  
Plaintiff/Appellant, (I.F.P.)  
Inst. No. CZ-4825, S.R.C.F.  
Mercer, 801 Butler Pike,  
Mercer, Pa. 16137

Order For Transcripts

Any and all proceedings.  
Dated: August 23, 2011.

*Daniel L. Spuck*  
Daniel L. Spuck, Pro Se  
Plaintiff/Appellant

Motion to Proceed In Forma Pauperis

I, Daniel L. Spuck, reside at a State Correctional Facility at Mercer. I am employed and make .42¢ per hr. I have no stocks, bonds, pensions, property, car, House. I cannot afford the costs in this appeal. I have numerous other litigations, and have been granted to proceed In Forma pauperis in all cases.

WHEREFORE, the petitioner/appellant respectfully requests that he be allowed to proceed In Forma pauperis with this appeal.

Dated: August 23, 2011.

Respectfully Submitted,

*Daniel L. Spuck*  
Daniel L. Spuck, Pro Se  
Plaintiff/Appellant, (I.F.P.)

Verification

I, Daniel L. Spuck, verify that the statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of perjury.

Dated: August 23, 2011.

*Daniel L. Spuck*  
Daniel L. Spuck, Pro Se  
Plaintiff/Appellant, (I.F.P.)

Proof of Service

I, Daniel L. Spuck, certify that I have served 1 original and 1 copy of this document upon the Clearfield County Prothonotary and 1 copy each upon Court Reporter, Hon. Fredric J. Ammerman, Pennsylvania Superior Court and Defendant's Attorney Joseph P. Green, Esq., by placing this document in the inmate mailbox at S.R.C.F. Mercer on August 23, 2011. Regular U.S. Mail.

Dated: August 23, 2011.

*Daniel L. Spuck*  
Daniel L. Spuck, Pro Se  
Plaintiff/Appellant, (I.F.P.)

#37

action, but this again would preclude Plaintiff from recovering because vicarious liability or respondeat superior has been expressly rejected in such actions. *See Evarcho v. Fisher*, 423 F.3d 347, 353 (3d Cir. 2005); *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1998); *Parrott v. Taylor*, 451 U.S. 527, 537 n.3 (1981).

Additionally, the Court finds Plaintiff's action is frivolous on its face and should be dismissed. Federal and state law regulates and controls inmate litigation. *See* 42 U.S.C. § 1997(e) (federal) and 42 Pa. C.S. § 6601 *et seq.* (state). As stated above, this case lacks any factual basis to support a cause of action. Rather, the purpose of the Plaintiff is to litigate for the sake of litigating, as is evidenced by his history, which includes appealing a briefing order.<sup>2</sup> It is another attempt to harass the County and generate unnecessary litigation expenses and legal fees, as well as to clog the court system. For these reasons, the Court finds this action fits within the statutory definition of "prison condition litigation" and sustains the County's preliminary objections with prejudice.

### ORDER

AND NOW, this 26th day of July, 2011, it is the ORDER of the Court that Plaintiff's Motion for Recusal is denied. It is the further ORDER of this Court that Defendant's Preliminary Objections (Restated) in the form of a demurer shall be and are hereby GRANTED. Plaintiff's Complaint is dismissed with prejudice.

BY THE COURT,

/s/ Fredric J Ammerman

---

FREDRIC J. AMMERMAN  
President Judge

<sup>2</sup> Plaintiff is a "serial litigator" as evidenced by him suing each and every member of his criminal jury, along with other named defendants, *Spuck v. Hughes et al.*, No. 2005-897-CD (See opinion by Judge J. Michael Williamson attached) and his filing of serial PCRA petitions to the criminal docket No. CP-17-CR-396-1995 (See opinion by this Court detailing his serial PCRA petitions, also attached).

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division (original copy)

DANIEL L. SPUCK,  
Plaintiff

v.

CLEARFIELD COUNTY, PENNSYLVANIA.  
Defendant.

No. 2007-1932-CD

**COPY**  
AUG 12 2011

William A. Shaw  
Prothonotary/Clerk of Court  
1 Court St  
Puff

Oct 21 2011

Motion For Reconsideration and Re-Argument

Attest:

To: The Honorable President Judge Fredric J. Ammerman.

NOW COMES, the plaintiff, Daniel L. Spuck, Pro Se, (I.F.P.) and avers the following in support.

1. That on July 26, 2011, Your Honor denied the plaintiff's Motion to Recuse and granted the Defendant's Preliminary Objection (Restated) and dismissed the Plaintiff's Complaint with prejudice. (See Attachment Exhibit "A" Order).
2. Your Honor's reasoning was that the County argues that the Complaint fails to state a legally recognized cause of action, and that the Complaint is frivolous.
3. The Preliminary Objections<sup>①</sup> should be reconsidered and denied for several reasons.
  - a. The Defendant did not sign and date the above objections which is required for a legal documents validity, nor did they attach a signed and dated verification for the truthfulness of their response to the Complaint.

By doing this they eliminated themselves to be responsible for lying under oath or perjury.

<sup>①</sup>(Restated also)

\*234

b. The plaintiff in the alternative has raised legally recognized cause of action, and this case is not frivolous.

c. The plaintiff raised in his complaint that your Honor which is a party of the County and State and made misstatements in past Orders affecting the Plaintiff's Appeal process.

i) Your Honor stated on Pg. 10 of the Order of July, 19, 2002, that the Plaintiff admitted that he knew prior to his jury trial that Mr. Buckley had represented Ms Spuck in the divorce. (see Exhibit "B" pg. 10, of Order).

Your Honor also stated in the February 28, 2011, Order on pg. 7, "In fact, the Petitioner (Plaintiff) himself testified nearly ten years ago that he knew before trial of his counsel's prior representation of a victim. (see Exhibit 'c' pg. 7 of Order).

Also your Honor dismissed the PCRA and did not follow Pa. R.A.P. 2572 when your Honor issued a "Notice of Intent to dismiss, before the return of the Record and 1 Day after the Remand by Our Pennsylvania Superior Court, Where that Court found that your Honor did not issue a "Notice of Intent" in 2007 on the Second PCRA and in 2009. In fact, Your Honor did not address all the First PCRA Issue, nor did your Honor provide Court Appointed Counsel or Issue a Notice of Intent.

Therefore, any PCRA should be an extension of the First by Law, or it would be a Due Process Violation as found by the Third Circuit Court of Appeals, and this case is now pending in Our United States Supreme Court against your Honor. Your Honor did not have proper Jurisdiction.

The Plaintiff is well aware that your Honor may be corrupt, fraudulent, or be malicious and can be considered Immune, but The County of Clearfield is not immune.

There is no immunity when these acts are committed upon the plaintiff without jurisdiction under Minelless.

The Court's actions for not issuing a Notice of Intent under rule 907 were a mistreatment to the Plaintiff when your Honor did not re-issue the Notice on the remanded case. Thus violates the Plaintiff Due Process.

Your Honor is wrong when the Order (Exhibit "A") states that the Plaintiff testified he knew about Counsel Divorce Representation. This is incorrect the Plaintiff testified that he was not aware of the Divorce Representation. (see H.T. May 31, 2001). This is negligent and a mistreatment as the Pennsylvania Superior Court adopted that incorrect order.

Your Honor did not mention Divorce Representation in the February 28, 2001 Order.

There is now newly discovered evidence as of July 6, 2011, That Counsel Lied about Representing the Victims in their Divorce.

(Buckley) Counsel Did not represent them in their Divorce (SEE Exhibit "D" Response by Clearfield Co. Prothonotary to Plaintiff's letter of June 23, 2011 and Mail Stamp Dated envelope of 7-6-11).

Earl D. Lees Represented Cindy and Michael proceeded pro Se (No. 93 1632-CD).

Your Honor misstated in the April 20, 2011, Order that he did not have Jurisdiction to decide the Plaintiffs Motion to test or retest the Blood and DNA, when he did have Jurisdiction as there were pending Motions or petitions. (See Exhibit "E" Order of April 20, 2011).

Your Honor did though dismiss all outstanding Motions/petitions on April 1, 2011. This would include the pending May of 2007, Petition for Reconsideration of what the Court states 2nd PCRA, The Notice on Direct Appeal Counsel in 1998, which was not made a part of the record. Regardless there was at least 1 petition/motion which crossed paths in the mail which still has not been answered.

Your Honor still had jurisdiction to Allow testing/Re-testing of DNA + Blood Evidence, as this was raised in the Reconsideration Petition, and in other Petitions, Motions, Briefs.

Another mistatement Occured in July 19, 2002 Order where your Honor stated "The Court provided an Oral instruction on such question" (involving both First and Third Degree murder).

Your Honor only referred to First Degree Murder and made reference to manslaughter (voluntary). Your Honor did not make a Third Degree Murder reference.

The Jury Did not ask for a Voluntary Manslaughter reference. (See Exhibit "F" Pg 12 & 13 of Order).

Also Another mistatement Ocurred when your Honor stated "the late hour of request (on Voluntary Manslaughter)... There after, the Court, in response to the Jury's request." (The Jury did not ask for a Voluntary Manslaughter, But a request of Attempted Voluntary Manslaughter pertaining to M.S. Spuck). (See Exhibit "G" Order Pg. 18).

Another mistatement occurred when your Honor stated "Trooper identified Plaintiff, notified station and was informed that the Plaintiff was involved in a Stabbing. Trooper Kamerer ~~identified~~ the arrested --, Petitioner (Plaintiff) was clearly had no reasonable belief that his freedom was restricted such that he was in custody for purposes of Miranda.

Trooper Noel, (Trooper Kamerer's partner) testified that he and Kamerer ~~were~~ were dispatched to a possible suspect involved in a Stabbing in DuBois, before entering the Hospital in which Kamerer falsely testified he was not aware of a crime before entering the Hospital Parking Lot (omnibus Pre-Trial Transcript).

In accordance to Hospital Report there was a Notation made that BP (Bracial Plexus) Palpated due to Heavy Coat and Hand Cuffs on the Plaintiff. This supports that the Plaintiff's freedom was restricted, and the statement made by Plaintiff was inadmissible under Miranda. (See Exhibit "H" pg 17, Order).

See Also Exhibit "B" "Petitioner presents no evidence that this was ~~true~~ in fact true". Plaintiff presented a letter by Ms Spuck to Melda Spuck supporting Michael Cramer (victim's) violent tendencies.

Michael Cramer was married 4 or 5 times. His divorces were caused by his violence. If he represented Mike he would have been barred under privilege (client) to present letter as evidence at Trial. Tim Spuck's Affidavit involves Michael as Buckley's Client and is Newly Discovered Evidence.

ii. The Plaintiff raised that the Prosecution of Clearfield County, a party of the Defendant (District Attorney, Prosecuting Officer) planted blood DNA evidence on the alleged weapon a knife. The Plaintiff Respectfully Request to be allowed to test/Retest the blood and DNA Evidence.

In addition, the Plaintiff also stated that a Broken Beer Bottle was destroyed by the party or parties of Clearfield County Pennsylvania.

The Plaintiff due to the fraudulent actions of Defendant and parties of, violated Due Process and a potential innocence of the Plaintiff and or, Heat of Passion or Spousal Abuse Syndrom or <sup>Involuntary</sup> Voluntary Manslaughter Verdict or Aquittal, Thus creating a Defamation of Character upon Plaintiff.

The <sup>Clearfield</sup> County Jail did not forward a psychological report to Plaintiff while incarcerated there or Mail Service was in Error. This violated the above as well. In February 28th 2011 Order. Your Honor stated the plaintiff came up with a Mail Service Conspiracy.

The Fact is that mail has not been forwarded or reached its destination a Handful of times. Your Honor through Counsel seized religious, legal, personal property at PCRA Hearing. <sup>②</sup>

③ iii. Lastly there is no immunity due to Violations

of Article 18 § 1. " In 1972 is when the Immunity Act (Constitutionary Act) was passed illegally, as there was Constitutionally No Enacting Clause giving the Immunity Act Constitutional Authenticity or Jurisdiction. SEE Joiner v. State (Ga.) 1967 at #3 Appellate Practice Act Amended Null + Void, due to no Enacting clause. (Georgia, Pa., Delaware, Virginia did not have such).

Article 18 § 1 for bids more than 1 Amending in a Five year Period.

Pennsylvania had a Constitutional Convention in 1968 and repealed and Amended the States Constitution Art 5 sec 10 (C) However, they Erred and did not insert a Savings Clause, Saving prior laws. See Commonwealth v. Bangs (Pa. Super. 1978) FN # 2, 2nd Para. Per J. Spaeth.

② In addition, the Court Record in this case is incorrect.

③ Newly discovered issue "Castle Doctrine" was <sup>6</sup> just signed into law. To apply to others violates Equal Protection (see Exhibit "I" Article of passing Castle Doctrine)

From 1968 to 72 is only 4 years ~~and~~ not 5 years  
Wherefore, the Enacting Clause amendment is Null & Void and all  
laws, Act, Rules Codes &c are Null and Void including the Governmental  
Immunity or Any Immunity Act. There is no immunity or  
Jurisdiction, Judicial capacity. Your Honor is not immune (which  
is now pending in U.S Supreme Court) Nor is the Defendant immune.

There is a recognizable causes of Actions and this case  
does not fall into the frivolous category.

Our Commonwealth Court Conceded to the Savings Clause  
Claim on Pg 6 of their Order/Opinion at No's 1867 1868 C.D.  
2009 "Even if Plaintiff's contentions are true... (There was  
problems in Murder Statutes when in 1972 they amended Third Degree  
Murder to Statutes, Prior to, there was no such Statute only Second  
and First Degree Murder). In addition, there still is no Savings  
Clause, therefore The Third Degree Murder statute is Null & Void in  
Pennsylvania. The Plaintiff has served nearly 12 years more than  
a <sup>Involuntary</sup> ~~Voluntary~~ Manslaughter Maximum Sentence, which because the  
Plaintiff was aquitted of First and Third Degree murder.

### Conclusion

WHEREFORE, FOR THE ABOVE REASONS THE PLAINTIFF  
RESPECTFULLY REQUESTS THAT THIS HONORABLE COURT  
RECONSIDER THE ORDER OF JULY 26, 2011, AND GRANT  
THE PLAINTIFF THE LEGAL RIGHT TO TEST RE-TEST  
THE BLOOD AND DNA EVIDENCE, AN EVIDENTIARY HEARING  
TO SUPPORT NEWLY DISCOVERED EVIDENCE OF THE PLAINTIFF;  
BLOOD BEING PLANTED ON THE KNIFE BY THE COUNTY  
OF CLEARFIELD PENNSYLVANIA THROUGH A PARTY or PARTIES  
OF, AND DESTROYING OF EVIDENCE, AND OR A CIVIL TRIAL  
BY JURY. OR ANY OTHER APPROPRIATE RELIEF BY THE COURT.  
THE PLAINTIFF NOW PRAYS FOR THE RELIEF REQUESTED

Respectfully Submitted

Dated August 8, 2011

Daniel L. Spuck  
Daniel L. Spuck, Prose  
Plaintiff, (I.F.P.)  
Inst. # CZ-4825, S.R.C.F.  
Mercer, 801 Butler Pike  
Mercer, Pa. 16137

Verification

I, Daniel L. Spuck verify that the statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of perjury.

Dated: August 8, 2011.

Daniel L. Spuck  
Daniel L. Spuck, Prose  
Plaintiff (I.F.P.)

Proof of Service

I, Daniel L. Spuck certify that I have served 1 original and 1 copy of the foregoing document upon the Clearfield County ~~██████████~~ Prothonotary and 1 copy upon the Defendant's Counsel Joseph P. Green, Esquire by placing the documents in the inmate mailbox at S.R.C.F. Mercer on August 8, 2011.

Dated: August 8, 2011

Daniel L. Spuck  
Daniel L. Spuck, Prose  
Plaintiff, (I.F.P.)

action, but this again would preclude Plaintiff from recovering because vicarious liability or respondeat superior has been expressly rejected in such actions. *See Evarcho v. Fisher*, 423 F.3d 347, 353 (3d Cir. 2005); *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1998); *Parrott v. Taylor*, 451 U.S. 527, 537 n.3 (1981).

Additionally, the Court finds Plaintiff's action is frivolous on its face and should be dismissed. Federal and state law regulates and controls inmate litigation. *See* 42 U.S.C. § 1997(e) (federal) and 42 Pa. C.S. § 6601 *et seq.* (state). As stated above, this case lacks any factual basis to support a cause of action. Rather, the purpose of the Plaintiff is to litigate for the sake of litigating, as is evidenced by his history, which includes appealing a briefing order.<sup>2</sup> It is another attempt to harass the County and generate unnecessary litigation expenses and legal fees, as well as to clog the court system. For these reasons, the Court finds this action fits within the statutory definition of "prison condition litigation" and sustains the County's preliminary objections with prejudice.

#### ORDER

AND NOW, this 26th day of July, 2011, it is the ORDER of the Court that Plaintiff's Motion for Recusal is denied. It is the further ORDER of this Court that Defendant's Preliminary Objections (Restated) in the form of a demurer shall be and are hereby GRANTED. Plaintiff's Complaint is dismissed with prejudice.

BY THE COURT,

/s/ Fredric J Ammerman

FREDRIC J. AMMERMAN  
President Judge

<sup>2</sup> Plaintiff is a "serial litigator" as evidenced by him suing each and every member of his criminal jury, along with other named defendants, *Spuck v. Hughes et al.*, No. 2005-897-CD (See opinion by Judge J. Michael Williamson attached) and his filing of serial PCRA petitions to the criminal docket No. CP-17-CR-396-1995 (See opinion by this Court detailing his serial PCRA petitions, also attached).

Spuck to Petitioner to be credible.<sup>2</sup> Moreover, Petitioner himself admitted that he knew prior to his jury trial that Mr. Buckley had represented Ms. Spuck in the divorce. PCRA Hearing Transcript dated May 31, 2001, p.66. Finally, Petitioner states in his brief "it is possible, although not known for certain, that Mr. Buckley was unable to cross-examine Cindy Spuck thoroughly because he did not want to reveal privileged information."

Petitioner presents no evidence that this was in fact true. The Court will not find that Mr. Buckley provided ineffective assistance of counsel based upon Petitioner's conjecture.

The Court finds that Mr. Buckley disclosed any conflict of interest to Petitioner in compliance with the Pennsylvania Rules of Professional Conduct, and that this is not grounds for alleging ineffective assistance of counsel.

*6. Mr. Buckley's determination to suppress Trooper Emigh's testimony does not constitute ineffective assistance of counsel.*

Petitioner argues that trial counsel erred in suppressing Trooper Emigh's testimony regarding statements made by Mr. Spuck that Cindy Spuck said Mr. Cramer had a gun. He asserts that these statements are directly relevant to Mr. Spuck's state of mind the evening of the incident, as it related to the reasonableness of his belief that he was in danger of an attack by Mr. Cramer. Petitioner claims that the Trooper's testimony would have corroborated that Petitioner made these statements following the incident, and rebut the Commonwealth's inference that that those statements were fabricated for trial purposes.

When questioned regarding his decision to suppress Trooper Emigh's testimony, Mr. Buckley stated that the Trooper's testimony included statements that Petitioner was contemplating suicide following the incident, and he was concerned that this could be

<sup>2</sup> The Court found Mr. Buckley's testimony, overall, to be credible.

not assert a change in rights that impacts his case, though. Rather, Petitioner attempts to argue that implicit in the rule change is the conclusion that written jury instructions were illegal before, and thus the court erred when it sent a note to the jury during its deliberations. This is not a constitutional right later recognized by either the United States or Pennsylvania Supreme Courts that applies retroactively. Therefore, the third exception does not apply on this basis.

Also in his Motion to Amend the Amended PCRA/Answer, Petitioner raises the second exception, commonly referred to as the newly-discovered evidence exception. To support his claim, Petitioner alleges he recently discovered a potential conflict of interest involving his trial counsel, who represented one of the victims in a previous divorce proceeding. The Court is perplexed how Petitioner can assert this is newly discovered evidence. At the evidentiary hearing involving the first PCRA petition, Attorney Buckley testified Petitioner was aware of this previous representation and even thought it was advantageous to his defense. See Tr. May 31, 2001, at 18, 21-22; Tr. February 20, 2002, at 42-43. In fact, Petitioner himself testified nearly ten years ago that he knew before trial of his counsel's prior representation of a victim. Tr., May 31, 2001, at 66-67. He even testified as to finding a letter on Buckley's letterhead in his ex-wife's dresser drawer and that she talked about Mr. Buckley as early as 1993-94. *Id.* at 80.

Now, Petitioner alleges he just learned of this potential conflict of interest in 2008, and he was allegedly advised by Mr. Buckley of his prior representation. The Court cannot find this is newly discovered evidence. As explained above, Petitioner acknowledged ten years ago he was aware of the potential conflict. Furthermore, Mr. Buckley died January 11, 2008. Therefore, any discussions with Petitioner's brother had to occur before this time unless Petitioner's brother engaged in communication with Mr. Buckley from beyond the grave.

Exhibit "B"

Exhibit "C"

June 23, 2011

Docket  
Est. No.  
S. A. No.  
801 Butler Pike  
Mercer, Pa.  
16137

Clerk/Officer: [Redacted]

To: [Redacted]

Whom they serve:

Please... send me a bill and I will provide payment. I'm not sure what Docket Number this is under, or I would provide you with the information. Thank you for your help in this matter.

15/6/11  
DANIEL L. SPUCK

Exhibit D

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

COMMONWEALTH OF PENNSYLVANIA vs. No. CP-17-CR-396-1995

vs.  
DANIEL L. SPUCK

ORDER

NOW, this 20<sup>th</sup> day of April, 2011, the Court being in receipt of the Petitioner's Motion to Test or Re-Test the Blood and DNA Evidence" filed pro se by the Defendant on April 18, 2011, upon review of the same this Court notes and ORDERS as follows:

1. Pursuant to statute, the Court must consider the pro se Motion as an untimely filed Post Conviction Relief Act Petition;
2. The Defendant currently has a PCRA Petition which has been dismissed by this Court and has recently been appealed to the Superior Court by the Defendant;
3. This Court lacks subject matter jurisdiction to decide Petitioner's most recent Motion as "when an appellant's PCRA petition is pending before a court, a subsequent PCRA petition cannot be filed until the resolution of review of the pending PCRA...". *Commonwealth v. Lark*, 748 A.2d 585, 588 (Pa. 2000);
4. This Court notes that the Defendant has routinely throughout the history of his case filed multiple documents in a premature fashion when an earlier PCRA is pending decision. The Defendant was told this by the Superior Court in its Memorandum filed October 18, 2010 to Nos. 141 WDA 2010 and 177 WDA 2010;

5. Therefore, it is the ORDER of this Court that the "Petitioner's Motion to Test or Re-Test the Blood and DNA Evidence" be and is hereby DISMISSED as this Court does not have jurisdiction to consider the same.

BY THE COURT,

Attest: *[Signature]*  
FREDERIC J. AMMERMANN  
President Judge

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

APR 20 2011

Attest: *[Signature]*  
FREDERIC J. AMMERMANN  
President Judge  
Court of Common Pleas

Attest: *[Signature]*  
E

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US POSTAGE

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PRIVILEGED  
CORRESPONDENCE  
MUST BE OPENED  
BY AN OFFICER  
IN FRONT OF INMATE

1613744663  
[Redacted]

Clark of Courts  
P.O. Box 509  
Clearfield, PA 16830

D

E

jury returned a guilty verdict on both involuntary manslaughter and aggravated assault. The defendant sought post conviction relief on the grounds that the submission of the written instructions was an error of law, and that such instructions were not a comprehensive recitation of oral instructions and thus were prejudicial and required a new trial. The Supreme Court analyzed this issue, and noted its concern that the jury would assess undue weight to points of law in written instructions or misinterpret or misapply the law offered in the written statement. *Id.* at 1240. The Supreme Court held that the "possible prejudice to a defendant from written instructions to a jury outweighs any benefit such instructions might provide." *Id.* at 1241.

A review of the facts of record in this case is critical for purposes of showing that the writing referenced by Petitioner does not amount to a written instruction as prohibited by Olenik and its progeny. Following the original instructions provided by this Court to the jury, the jury returned with questions on four different points to which the Court provided oral responses. The matter complained of herein arose as a result of the third question, posed to this Court at 10:29 p.m., requesting the Court to explain whether there was a distinction between intent to kill with malice under first degree murder and intent to kill with malice under third degree murder. The Court provided an oral instruction to the jury on such questions, and in response to the Court's question as to whether this instruction was satisfactory, the foreman indicated that it was. Trial Transcript, Vol. VI, p. 127. The jury resumed deliberations at 10:34 p.m., at which time defense counsel approached the Court and questioned whether the Court had explained the malice applicable to a charge of third degree murder. Trial Transcript, Vol. VI, p. 127. In response, the following exchange occurred:

On full  
restoration of record  
Court of Appeals  
12  
Exhibit "F"

could use the restroom located in the jury room, or upon request one located outside the jury room. The Court finds no error requiring a new trial.

9. *The Trial Court did not err in permitting the statements of Trooper Daniel Kamerer of the Pennsylvania State Police to be admitted into evidence.*

Petitioner contends that Trooper Daniel Kamerer's statements should have been suppressed because they were elicited in violation of Petitioner's Sixth Amendment right to counsel. He asserts that he was not advised of his right to remain silent. In an opinion dated March 13, 1997, this Court discussed Petitioner's contention that his rights, as set forth in *Miranda v. Arizona*, 384 U.S. 436 (1966), had been violated. The factual scenario was that Trooper Kamerer was summoned to the hospital in response to report that a patient was talking about hurting himself. Upon arrival, Petitioner informed the Trooper that he needed a mental health counselor. The Trooper asked him what was wrong, and he responded that "I don't know what happened. I was at a bar, JU's. My wife came in with another guy." Defendant then stated, "I think I want an attorney." The Trooper identified Petitioner, notified his station and was informed that Petitioner was involved in a stabbing. Trooper Kamerer then arrested Petitioner and engaged in no questioning. This Court found that given this scenario, Petitioner was clearly had no reasonable belief that his freedom of action was restricted such that he was in custody for purposes of the *Miranda* case. There was no violation of Petitioner's Sixth Amendment rights, and this Court appropriately permitted the admission of Trooper Kamerer's statements at trial.

Exhibit "H"

THE COURT: They asked what the difference between intent to kill with malice in the first degree and intent to kill under the definition of malice under third degree murder. I gave them the definition of malice which is the same for first degree murder and third degree murder.

ATTORNEY BUCKLEY: Yeah. But I didn't hear you say it was the same. — malice was the same in first degree as third degree. I just didn't hear that.

THE COURT: In regard to the instructions given by the Court, a general instruction, this was clarified. All right. And I believe they had just recently come back asking that third degree murder and malice be defined, and we specifically discussed those areas in regard to third degree murder at that time.

ATTORNEY BUCKLEY: Yes.

THE COURT: I can't see how they could possibly be confused.

THE COURT: And you want me to tell them—

ATTORNEY BUCKLEY: That the malice required for first degree murder is the same as the malice required for third degree murder.

THE COURT: And you want to do that by written note that you see, or do you want to do that by bringing—

ATTORNEY BUCKLEY: No. You can write them a note and say: This is to remind you that malice required for murder in the first degree is the same malice required for murder in the third degree.

THE COURT: Alright. Mr. Buckley, look at this.

ATTORNEY BUCKLEY: It's fine, your Honor. Could we put it on the record?

THE COURT: Certainly. It says: To the jury, as a follow up to your last question, remember that malice required for first degree murder is the same malice required for third degree murder. Signed Judge Ammerman. Is that acceptable to you?

ATTORNEY BUCKLEY: It is acceptable to the defense.

Thereafter, the tipstaff delivered the note at 10:40 p.m., and the jury returned at 1:24 a.m., with another question regarding the definitions of aggravated assault, simple

Ask about Voluntary Manslaughter  
Court of Appeals  
13  
Coach a Jury!  
Only that!  
the question  
or Requested  
Question

10. *This Court Properly Instructed the Jury on Voluntary Manslaughter and Attempted Voluntary Manslaughter.*

Petitioner contends that the instruction regarding the voluntary manslaughter charge with respect to Michael Cramer was given in the context of an instruction on attempted voluntary manslaughter with regard to Cindy Spuck. Because of the context, the two victims with different charges, the late hour of the request as well as the fact that the jury had asked several questions relating to the differences between murder and voluntary manslaughter relating to Michael Cramer, Petitioner contends that the jury was confused, requiring reversal by this Court.

The facts of this portion of the trial do not support Petitioner's contention. The following portion of the trial transcript, relating to the jury's request that the Court again define attempted voluntary manslaughter, confirms that no such jury confusion existed:

In order to find the defendant guilty of attempted voluntary manslaughter, you must be satisfied that the following three elements have been proven beyond a reasonable doubt: first, that the defendant did a certain act. *In other words, here we're dealing with Cindy Spuck, of course.* You'll recall the evidence as to — all of the evidence in the case as to the circumstances surrounding the conduct of the defendant in regard to Cindy Spuck. That's what we are talking about.

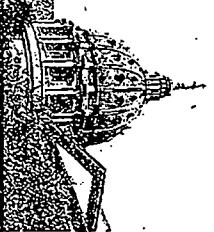
(Emphasis added). Trial Transcript, Vol. VI, page 132-133.

This Court then discussed the elements of voluntary manslaughter relative to criminal attempt. Thereafter, the Court, in response to the jury's request, clarified the difference between the crime of attempt to commit voluntary manslaughter and voluntary manslaughter as follows:

If you do not find the defendant had malice and committed murder, you may find him guilty of voluntary manslaughter as long as you are satisfied that the following three elements have been proven beyond a reasonable doubt: first, that as it relates to Michael Cramer, Michael Cramer is dead. Alright. Second, that the defendant killed him, and third, that the defendant had the intent to kill. Now, relating this to the attempt, it would be — it would be that, number one, the

Exhibit "G" 18

# CAPITOL REPORT



BENJAMIN ALLEN REPORT

GAMING BOARD AUTHORIT

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CASTE DOCTRINE EXPANSION

REGISTRATION

Exhibit "I"

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

DANIEL L. SPUCK,  
Plaintiff

vs.

CLEARFIELD COUNTY,  
Defendant

NO. 2007-1932-CD *ICC Piff e*  
*SCRF Mercer 02*  
**FILED** *4/25*  
*of 11:50 AM* *801 Butler Pk*  
*Merger PA 16137*  
*5 JUL 26 2011* *ICC Atty J. Green*

OPINION

William A. Shaw  
Prothonotary/Clerk of Courts

*ICC Law Library*  
*D. Milesell*

Presently before the Court are preliminary objections (restated) filed by Defendant Clearfield County (hereinafter "County"). The County is one of several defendants named in a civil action brought by Plaintiff Daniel L. Spuck (hereinafter "Plaintiff"), which was originally filed in Mercer County.<sup>1</sup> The County previously filed preliminary objections to the Mercer County action, challenging venue, service, and failure to state a recognizable cause of action (demurrer). The preliminary objection as to service was subsequently withdrawn. Judge Fornelli of Mercer County granted the County's preliminary objection as to improper venue and transferred the case to Clearfield County. After the transfer, the County restated the preliminary objections as to the demurrer. Following several continuances, a telephone conference was finally held on the preliminary objections (restated) on March 18, 2008, at which Senior Judge John K. Reilly Jr., issued a briefing order. Plaintiff filed a notice of appeal on April 21, 2008, challenging said briefing order and thus bring this litigation to another halt pending resolution of the appeal. The Superior Court ultimately dismissed the appeal as premature on June 24, 2008, remanding jurisdiction to this Court. On April 20, 2011, the County filed a Motion to Re-List Defendant's Preliminary Objections (Restated) for

<sup>1</sup> The action stems from Plaintiff's perceived mistreatment during the appeal of his conviction for third-degree murder and related offenses for which the Plaintiff is currently serving 11 to 22 years. *See Commonwealth v. Spuck*, CP-17-CR-396-1995.

*#35*

Disposition, so that the outstanding issue related to the demurrer could finally be adjudicated. On April 21, 2011, this Court ordered both parties submit briefs on the matter, which have been received, making this matter ripe for decision.

Because sustaining a demurrer results in the denial of a claim or even dismissal of a suit, a preliminary objection in the nature of a demurrer should be sustained only where it is clear that plaintiff failed to state a claim for which relief may be granted. *Willet v. Pa. Med. Catastrophe Loss Fund*, 702 A.2d 850, 853 (Pa. 1997). This requires a court to examine the complaint and determine whether it sets forth sufficient facts, which if proven, would permit recovery. *State Farm Mutual Auto Ins. Co. v. Ware's Van Storage*, 953 A.2d. 568, 571 (Pa. Super. 2008). All well-pleaded facts and their reasonable inferences must be taken as true, and if doubt exists as to whether a demurrer should be sustained, the doubt should be resolved in favor of overruling it. *Willet*, 702 A.2d at 853.

Here, the County sets forth two reasons Plaintiff's Complaint should be dismissed. First, the County argues that the Complaint fails to state a legally recognized cause of action. Second, it argues the case is frivolous. The Court agrees with both grounds.

No where does the Plaintiff assert factual or legal grounds that would form the basis of any cognizable cause of action, whether sounding in tort or on constitutional grounds. Even if the Plaintiff had asserted or would be permitted leave to amend the complaint, he could not prevail on a tort claim against the County because of governmental immunity. See 42 Pa. C.S. § 8541 *et seq.* Plaintiff also has failed to allege any facts that would support a finding that a statutory exception to immunity exists.

Likewise, Plaintiff has not set forth any basis for recovery under a federal statutory or constitutional claim. The most commonly recognized cause of action would be a Section 1983

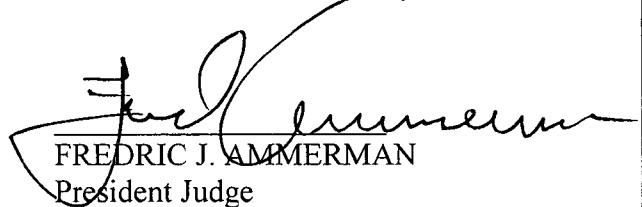
action, but this again would preclude Plaintiff from recovering because vicarious liability or respondeat superior has been expressly rejected in such actions. *See Evarcho v. Fisher*, 423 F.3d 347, 353 (3d Cir. 2005); *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1998); *Parrott v. Taylor*, 451 U.S. 527, 537 n.3 (1981).

Additionally, the Court finds Plaintiff's action is frivolous on its face and should be dismissed. Federal and state law regulates and controls inmate litigation. *See* 42 U.S.C. § 1997(e) (federal) and 42 Pa. C.S. § 6601 *et seq.* (state). As stated above, this case lacks any factual basis to support a cause of action. Rather, the purpose of the Plaintiff is to litigate for the sake of litigating, as is evidenced by his history, which includes appealing a briefing order.<sup>2</sup> It is another attempt to harass the County and generate unnecessary litigation expenses and legal fees, as well as to clog the court system. For these reasons, the Court finds this action fits within the statutory definition of "prison condition litigation" and sustains the County's preliminary objections with prejudice.

### ORDER

AND NOW, this 26th day of July, 2011, it is the ORDER of the Court that Plaintiff's Motion for Recusal is denied. It is the further ORDER of this Court that Defendant's Preliminary Objections (Restated) in the form of a demurer shall be and are hereby GRANTED. Plaintiff's Complaint is dismissed with prejudice.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

<sup>2</sup> Plaintiff is a "serial litigator" as evidenced by him suing each and every member of his criminal jury, along with other named defendants, *Spuck v. Hughes et al.*, No. 2005-897-CD (See opinion by Judge J. Michael Williamson attached) and his filing of serial PCRA petitions to the criminal docket No. CP-17-CR-396-1995 (See opinion by this Court detailing his serial PCRA petitions, also attached).

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

DANIEL L. SPUCK, )  
Plaintiff )  
v. ) NO. 2005-897-CD  
BUD HUGHES, et al., )  
Defendants )

FILED  
JUL 13 1985  
William A. Scow  
Prothonotary/Clerk of Courts  
CENT TO  
ATTY KESNER  
ATTY PFEFFER  
PA. BONNIE SPUCKER  
a recipe for Writ" against

## OPINION

On June 3, 2003, Plaintiff initiated this litigation by filing a “Praeclipe for Writ” against twelve individuals, all of whom appear to have been jurors in his criminal trial conducted in 1996 in Clearfield County.<sup>1</sup> A “Class Action Civil Complaint” was eventually filed by Plaintiff against the twelve original Defendants on May 31, 2005. Preliminary Objections were filed by Mary E. Butler, Esquire, of the Administrative Office of Pennsylvania Courts on June 24, 2005. On June 29, 2005, an “Amended Complaint” was filed by Plaintiff against the original twelve Defendants as well as the “Commonwealth of Pennsylvania,” “City of DuBois, PA,” various members of the Pennsylvania State Police, identified and unidentified, the former District Attorney of Clearfield County, the President Judge of Clearfield County, the Prothonotary of Clearfield County, and the Court Administrator of Clearfield County.

The original Preliminary Objections raise the issues of judicial immunity and the statute of limitations. The Amended Complaint fails to raise any issues which would suggest that

<sup>1</sup>These proceedings were initially filed in Centre County but transferred to the Court of Common Pleas of Clearfield County by Order of President Judge Brown of Centre County on June 13, 2005. We are presiding specially through the Administrative Unit, both Clearfield County Judges having recused themselves.

judicial immunity is not available to the original twelve Defendants, as well as most of the Additional Defendants, or that the statute of limitations would not preclude litigation against all the Defendants. The Amended Complaint re-iterates many of the allegations contained in the original Complaint concerning the conduct of the Plaintiff's trial and the participation of the jurors in that trial but also alleges numerous violations of Plaintiff's constitutional rights, raising issues which, by implication from the Complaint itself, have been fully addressed by the Pennsylvania Superior Court and the Pennsylvania Supreme Court in the context of appeals from his conviction.

While we clearly recognize that new Preliminary Objections have not yet been filed by the original Defendants and that, perhaps, none of the new Defendants has been served, we are satisfied from a review of the documents filed thus far that Plaintiff's Complaint is totally frivolous, possibly malicious, without any legal basis, barred by the statute of limitations and the Doctrine of Judicial Immunity, and that it would be a waste of judicial resources to allow this matter to proceed further. We see absolutely no benefit to the judicial system to delay a final resolution simply for the purpose of expending the time and funds of the Clearfield County Sheriff's Office in effecting service and waiting for all Defendants to file the same Preliminary Objections.

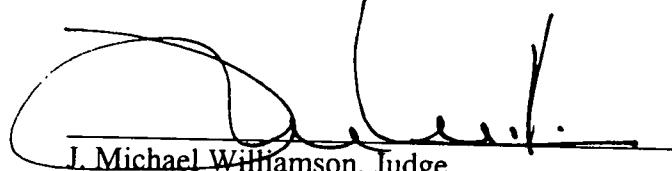
NOW, this 6th day of July, 2005, for the reasons set forth above, IT IS HEREBY ORDERED as follows:

1. Plaintiff's Amended Complaint is DISMISSED with prejudice.

MICHAEL WILLIAMSON  
JUDGE  
—  
COURT OF COMMON PLEAS  
5TH JUDICIAL DISTRICT  
OF PENNSYLVANIA  
COURT HOUSE  
BLACK HAVEN, PA 17745

2. A copy of this Opinion shall be sent to the Pennsylvania Board of Probation and Parole for its consideration in any further proceedings involving the Plaintiff.

BY THE COURT:



J. Michael Williamson, Judge  
Specially Presiding  
25th Judicial District of Pennsylvania

xc: Daniel L. Spuck, Plaintiff  
Mary E. Butler, Esquire  
Pennsylvania Board of  
Probation and Parole  
Court Administrator

MICHAEL WILLIAMSON  
JUDGE  
COURT OF COMMON PLEAS  
25TH JUDICIAL DISTRICT  
OF PENNSYLVANIA  
COURT HOUSE  
DOCK HAVEN, PA 17745

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

COMMONWEALTH OF PENNSYLVANIA, :  
Respondent :  
vs. :  
DANIEL LUKE SPUCK, :  
Petitioner :

NO. CP-17-CR-396-1995



OPINION

Presently before this Court is a document entitled *Writ of Habeas Corpus Ad Subjiciendum* filed *pro se* by Daniel Luke Spuck (hereinafter "Petitioner") on February 20, 2009. By Order of the same date, this Court treated the document as a serial petition under the Post Conviction Relief Act, 42 Pa. C.S. § 9542, and dismissed it as frivolous. Petitioner timely appealed, and the Pennsylvania Superior Court vacated said Order and remanded for further proceeding. *Commonwealth ex rel. Spuck v. Stowitzky*, No. 633 WDA 2009 (Pa. Super. December 16, 2009). Specifically, the Superior Court found that although Petitioner's filing was correctly treated as a PCRA petition and that said Petition was untimely, the Court should have afforded Petitioner an opportunity to address, by amendment, the timeliness defect. *Id.* at 4-5. Moreover, the Court should not have reached the issues of frivolousness or previously litigated claims until it determined whether it had jurisdiction, *i.e.*, that the Petition was timely before the Court. *Id.* at 7.

On remand, this Court issued a Notice of Intent to Dismiss pursuant to Pennsylvania Rule of Criminal Procedure 907. The December 17, 2009, Notice stated the Court considered the PCRA was untimely but gave Petitioner twenty (20) days to file an amended document curing the timeliness defect by alleging an exception under timing requirements. On January

13, 2010, seven days after the Amended Petition was due, Petitioner instead filed an Answer to the Notice of Intent to Dismiss. On January 25, 2010, the Court issued an Order, deferring ruling on the Petition because the record was currently in the appellate courts.<sup>1</sup>

Subsequent to said Order, Petitioner filed on April 5, 2010, a Motion to Amend the Amended PCRA/Answer; on May 20, 2010, a Second Amended PCRA Petition; on September 3, 2010, a Third Amended PCRA; and on December 3, 2010, a Fourth Amended PCRA. Although clearly the amended petitions were not filed within the twenty days allotted, the Court will consider the amended petitions nonetheless, in an effort to permit Petitioner to overcome the deficiencies in his original petition filed on February 20, 2009. However, before determining whether the timeliness issue has been adequately addressed, thus giving this Court jurisdiction to consider the merits of Petitioner's claims, because of the inordinate number of PCRA petitions filed in this case, the Court deems it necessary to examine the complex procedural history of this case.<sup>2</sup>

#### Procedural history

On March 22, 1996, a jury convicted Petitioner of third degree murder and related offenses for the stabbing death of Michael Allen Cramer and of recklessly endangering another person for the knife attack on his ex-wife Cindy Spuck, who survived. On April 19, 1996, Petitioner received an aggregated sentence of eleven (11) to twenty-two (22) years in state prison on the charges. Petitioner filed a direct appeal to the Superior Court, which

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<sup>1</sup> Petitioner appealed this Order, but the Superior Court issued a per curiam order on March 26, 2010, quashing the appeal as it was prematurely filed.

<sup>2</sup> The Court limits its procedural review to mainly the multiple PCRA petitions filed by Petitioner. A number of other motions and petitions have been filed and denied by this Court and subsequently affirmed on appeal by the Superior Court. To include these motions and appeals would only cloud the already murky waters created by Petitioner's incessant filings. Although the Court's analysis of the present matter is very straightforward, as is evidenced by its relatively short analysis of the jurisdictional issue, the Court is hopeful this lengthy review of the procedural history of this case will be helpful in resolving future matters, which undoubtedly will be raised by Petitioner.

affirmed his judgment of sentence on February 27, 1998. *Commonwealth v. Spuck*, 714 A.2d 1089 (Pa. Super. 1998). On October 1, 1998, the Pennsylvania Supreme Court denied allocatur. *Commonwealth v. Spuck*, 729 A.2d 1128 (Pa. 1998).

On August 9, 1999, Petitioner filed a *pro se* Motion for Post-Conviction Collateral Relief (hereinafter “First PCRA Petition”). An Amended Post-Conviction Relief Act Petition was filed through counsel on August 31, 2000. A Second Amended PCRA Petition was filed May 4, 2001. An evidentiary hearing was held on the First PCRA Petition on May 31, 2001 and February 20, 2002. Thereafter, on July 17, 2002, this Court dismissed said Petition. The Superior Court affirmed the dismissal on May 8, 2003. *Commonwealth v. Spuck*, 830 A.2d 1053 (Pa. Super. 2003). The Pennsylvania Supreme Court denied allowance of appeal. *Commonwealth v. Spuck*, 871 A.2d 190 (Pa. 2005).

On April 25, 2007, Petitioner filed a document labeled *Writ of Habeas Corpus ad Subjiciendum*, which was treated as a Second PCRA Petition.<sup>3</sup> On April 27, 2007, after reviewing the “rambling and confusing” document, the Court dismissed it as frivolous. On appeal, the Superior Court affirmed, calling numerous arguments of the Petitioner “patently ridiculous” and “internally unsound.” *Commonwealth ex rel. Spuck v. Stowitsky*, 945 A.2d 773 (Pa. Super. 2007), *appeal denied*, 948 A.2d 1048 (Pa. 2008).

On July 21, 2008, Petitioner filed another *pro se* Motion for Post-Conviction Collateral Relief (hereinafter “Third PCRA Petition”). On August 4, 2008, this Court issued a Notice of Intent to Dismiss PCRA Petition because Petitioner’s serial Petition was untimely and did not satisfy any exceptions to the PCRA timeliness requirement. *See 42 Pa. C.S. § 9545(b)(1)(i)-(iii)*. Petitioner filed an Answer and Objections to the Notice on August 28, 2008, and on

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<sup>3</sup> The Court notes Petitioner’s Second PCRA is identical to the present Petition before the Court, excluding an additional appendix, exhibit or affidavit or two and excluding the amendments filed.

August 29, 2008, the Court dismissed the Third PCRA Petition. On September 17, 2008, Petitioner filed a Motion/Petition for Reconsideration or Re-Argument, which this Court denied on September 22, 2008. Petitioner then appealed both the dismissal of the Third PCRA Petition and denial of his Motion for Reconsideration. The appeals were docketed at 1791 WDA 2008 and 1820 WDA 2008, respectively. The Superior Court, *sua sponte*, dismissed the appeal docketed at 1820 WDA 2008, pertaining to the denial of his Motion for Reconsideration, finding it was duplicative of the appeal perfected at Docket No. 1791 WDA 2008, pertaining to the dismissal of his Third PCRA Petition.

Thereafter, but before the Superior Court could rule on the appeal of his Third PCRA Petition,<sup>4</sup> Petitioner filed a second document entitled “*Writ of Habeas Corpus Ad Subjiciendum*,” which is the matter currently before this Court. The document, which the Court treats as a serial PCRA Petition (hereinafter “Fourth PCRA Petition”), was filed by Petitioner, *pro se*, on February 20, 2009. As previously mentioned, a Notice of Intent to Dismiss was eventually filed, after which Petitioner filed several amended Petitions in an attempt to overcome the untimeliness issue.<sup>5</sup>

Although the Fourth PCRA Petition had yet to be resolved, Petitioner continued his onslaught of paperwork, filing another *pro se* Motion for Post Conviction Collateral Relief (hereinafter “Fifth PCRA Petition) on October 5, 2009, while his appeal involving PCRA No. 4 was still pending. This Court dismissed the Fifth PCRA Petition on October 9, 2009, and Petitioner appealed. This appeal was docketed at No. 141 WDA 2010.

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<sup>4</sup> The Superior Court did eventually affirm this Court’s dismissal of the Third PCRA Petition. *See Commonwealth v. Spuck*, No. 1791 WDA 2008 (Pa. Super. May 28, 2009) (finding Third PCRA Petition was untimely filed nine years after judgment became final and no exceptions to timeliness requirement were alleged).

<sup>5</sup> The remainder of the procedural history related to the Fourth PCRA Petition has been adequately addressed earlier in the Opinion; thus, the Court will not revisit it in depth again.

Petitioner was not deterred from filing yet another Petition for Post-Conviction Relief Application (hereinafter “Sixth PCRA Petition”) on December 14, 2009, two days prior to the Superior Court ruling on his Fourth PCRA. This Court dismissed the Sixth PCRA Petition on December 16, 2009. Petitioner appealed the dismissal to the Superior Court, which docketed the appeal at No. 177 WDA 2010.

Both appeals relating to the Fifth and Sixth PCRA Petitions were subsequently quashed by the Superior Court’s Memorandum Opinion filed October 18, 2010. The Superior Court found it lacked jurisdiction to entertain the appeals because a prior PCRA Petition<sup>6</sup> had not yet reached final resolution.

On March 10, 2010, while at least three PCRA Petitions<sup>7</sup> were pending, Petitioner filed his latest Petition for Post-Conviction Relief Application (hereinafter “Seventh PCRA Petition”). The following day, this Court dismissed the Petition, finding too many PCRAs were pending. Surprisingly, the Court could find no record of an appeal to this Order.

Thus, by the Court’s count, all PCRA petitions, with the exception of the fourth, have been resolved. Therefore, the Court will now turn to the issue of the Fourth PCRA Petition.

#### Discussion

The statute is clear that ‘[a]ny petition under [the PCRA Act], including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final.’<sup>42</sup> Pa. C.S. § 9545(b)(1). Here, Petitioner’s judgment became final on or about December 30, 1998, ninety (90) days after the state Supreme Court denied his petition for allocatur.

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<sup>6</sup> The Superior Court refers to the pending PCRA Petition as “Petition One,” but as can be seen from this Court’s review of this convoluted record, it was actually the fourth.

<sup>7</sup> The fourth had been remanded at this point to this Court, and the fifth and sixth were pending on appeal before the Superior Court.

Therefore, any PCRA petitions would have to be filed no later than December 30, 1999,<sup>8</sup> unless they plead a time-bar exception. *See* 42 Pa. C.S. § 9545(b)(1)(i)-(iii). Nearly a decade elapsed before Petitioner filed his Fourth PCRA Petition on February 20, 2009. On its face, the Petition is untimely.

As noted above, however, the inquiry does not end there. A petitioner may proceed, despite an otherwise untimely petition, so long as one of the enumerated exceptions found in Section 9545(b)(1) applies. These exceptions include:

- (i) The failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;
- (ii) The facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence; or
- (iii) The right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa. C.S. § 9545(b)(1)(i)-(iii).

When an exception is claimed, it must be raised within sixty days of the date the claim could have been presented. 42 Pa. C.S. § 9545(b)(2). The burden is on the Petitioner to plead and prove an exception applies, but in this case, Petitioner has not done so in any of his four amended petitions.

In his Motion to Amend the Amended PCRA/Answer, filed April 5, 2010, Petitioner asserts exception (iii) applies because the state Supreme Court amended Rule 645 of the Pennsylvania Rules of Criminal Procedure to allow written jury instructions. Petitioner does

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<sup>8</sup> Petitioner incorrectly believes the one year begins to run from the time his previous PCRA petition was dismissed.

not assert a change in rights that impacts his case, though. Rather, Petitioner attempts to argue that implicit in the rule change is the conclusion that written jury instructions were illegal before, and thus the court erred when it sent a note to the jury during its deliberations. This is not a constitutional right later recognized by either the United States or Pennsylvania Supreme Courts that applies retroactively. Therefore, the third exception does not apply on this basis.

Also in his Motion to Amend the Amended PCRA/Answer, Petitioner raises the second exception, commonly referred to as the newly-discovered evidence exception. To support this claim, Petitioner alleges he recently discovered a potential conflict of interest involving his trial counsel, who represented one of the victims in a previous divorce proceeding. The Court is perplexed how Petitioner can assert this is newly discovered evidence. At the evidentiary hearing involving the first PCRA petition, Attorney Buckley testified Petitioner was aware of this previous representation and even thought it was advantageous to his defense. *See* Tr., May 31, 2001, at 18, 21-22; Tr. February 20, 2002, at 42-43. In fact, Petitioner himself testified nearly ten years ago that he knew before trial of his counsel's prior representation of a victim. Tr., May 31, 2001, at 66-67. He even testified as to finding a letter on Buckley's letterhead in his ex-wife's dresser drawer and that she talked about Mr. Buckley as early as 1993-94. *Id.* at 80.

Now, Petitioner alleges he just learned of this potential conflict through his brother, who was allegedly advised by Mr. Buckley of his prior representation. The Court cannot find this is newly discovered evidence. As explained above, Petitioner acknowledged ten years ago he was aware of the potential conflict. Furthermore, Mr. Buckley died January 11, 2008. Therefore, any discussions with Petitioner's brother had to occur before this time unless Petitioner's brother engaged in communication with Mr. Buckley from beyond the grave.

Petitioner's attempt to raise this claim now clearly cannot be raised within the sixty days of discovery pursuant to 42 Pa. C.S. § 9545(b)(2). As a result, the newly-discovered evidence exception is inapplicable.

These are just two instances where Petitioner's attempts to cure the timeliness issue fail. In his Second and Third Amended Petitions, he tries to assert the governmental interference exception by claiming some sort of conspiracy on the part of the United States Postal Service and prison mailroom, as well as the federal court clerk of courts. This is not the sort of governmental interference envisioned by the statute that would satisfy the first exception either. Absolutely none of the allegations made in the Fourth PCRA petition or any of its amendments satisfy an exception to the time bar.

The case law is clear that a PCRA petition must be filed within the strict time limits or a court lacks jurisdiction to entertain the merits of that petition. *Commonwealth v. Fahy*, 558 Pa. 313, 737 A.2d 214 (1999); *Commonwealth v. Banks*, 556 Pa. 1, 726 A.2d 374 (1999); *Commonwealth v. Peterkin*, 554 Pa. 547, 722 A.2d 638 (1999). Because Defendant's Petition is untimely and he has not carried the burden of showing one of the timing exceptions apply, this Court lacks jurisdiction to consider said Petition, which must be dismissed.

Based on the foregoing, the Court enters the following:

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

COMMONWEALTH OF PENNSYLVANIA, :  
Respondent :  
vs. : NO. CP-17-CR-396-1995  
DANIEL LUKE SPUCK, :  
Petitioner :  
:

**ORDER**

AND NOW, this 28th day of February, 2011, upon review of the Fourth PCRA Petition and its amendments, the Court finds said Petition is untimely. Thus, the Court lacks jurisdiction to proceed. Said Petition is hereby DISMISSED.

BY THE COURT:

/S/ Fredric J Ammerman

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FREDRIC J. AMMERMAN  
President Judge

FILED

JUL 26 2011

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7-26-2011

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  Law Library  
  D. M. Kressel

Special Instructions:

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

(original)  
(copy)

Daniel L. Spuck : No. 2007-1932-<sup>CD</sup>ev  
Plaintiff, :  
v. :  
Clearfield County, Pennsylvania, : Trial by Jury Demanded  
and parties of, et al :  
Defendantys. :  
911.50 un

PLAINTIFF'S RESPONSE BRIEF TO DEFENDANTS PRELIMINARY OBJECTIONS  
BRIEF IN SUPPORT

To: The Honorable Court of Common Pleas Judge.

NOW COMES, the plaintiff, Daniel L. Spuck, pro se, (I.F.P.)  
and avers the following in support:

1. The Defendants originally never signed and dated their original preliminary objections, nor did they provide a signed and dated verification.

They have thus waived any legal right to re-instate their preliminary objections.

Pennsylvania rules are clear that all objections must be raised in one objection, or they will be deemed waived.

In addition the defendants at no time asked this Court to make an amendment or correct the original objections.

2. The plaintiff filed an objection and answer, and motion for the recusal of Honorable Judge Ammerman, President Judge, because he originally recused in a case that is a part of this case, and should recuse and continue to be recused.

3. Judge Reilly, Jr. presided over the conference call, and he as well should recuse, and this case should go once again to the intermediate unit, for a specially appointed Judge.

4. If this Court Chooses otherwise, the plaintiff now responds as follows and objects as follows.

a. In the restated objections (preliminary) the defendants incorrectly point out on page 5 that the County of Centre is protected political subdivision, they do not cite Clearfield County and this should not be considered and deemed waived.

b. They are trying to bring into this case another case from Centre County, that is not the same case. The case in Centre County deals with the Sheriff's failure to follow the Honorable Judge Brown's Order to service the defendants with a writ of summons, in which the sheriff of Centre County only serviced one of the defendants, thus impeding the civil matter there.

c. On page 8 the defendants raise an outdated 1968 case by Justice Musmanno, that courts should not be burdened with litigation patently devoid of rationalization and averring no possible actionable claim.

Justice Musmanno was recently over the last year or two, was one of the justices whom vacated and remanded this plaintiff's case that is now pending before this Court and the Pennsylvania Superior Court.

d. Some new claims have now arose.

i) The County of Clearfield County, Pennsylvania, through a party of, denied the plaintiff the legal right now recognized by the United States.

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States Supreme Court within the last 60 days that a prisoner may challenge the denial of retesting or testing of the blood and DNA evidence under a 1983 civil complaint.

On April 20, 2011, the Honorable Fredric J. Ammerman denied the plaintiff's motion to test retest the blood and DNA evidence to support the plaintiff's innocence, and to support the previous claim that the prosecution, which is a party of Clearfield county, planted blood and DNA evidence on the evidence presented at Trial and destroyed evidence of value to the plaintiff such as a broken beer bottle.

The prosecutorial misconduct claim was raised in the original complaint, in addition the incorrect record issue, jurisdiction issue, constitutionality issue, written instructions to the jury during their deliberations, and against Pennsylvania Law, and seizure of legal and religious materials issue was raised.①

e. The plaintiff now respectfully requests permission to do an amended complaint as set forth by the United States Supreme Court in erickson /pardus case. " That a pro se complaint should be liberally construed and held to less stringent [redacted] standards as a lawyer, and allegations should be accepted as true by the plaintiff.

Honorable Justice Musmanno was a justice whom vacated and remanded the plaintiff's criminal /civil case on December 16, 2009, after the Civil complaint was filed.

f. Another claim which was raised was that A party of clearfield County, Honorable Ammerman, issued an order/notice on December 17 2009 and in january 2010, without jurisdiction and acted without [redacted] jurisdiction and judicial capacity, when he did not wait 30 days to allow the plaintiff to seek allowance of appeal and thus violated due process of the plaintiff, when he dismissed the remanded [redacted] pcra action on February 28, 2011, and is liable.

g. The Written instruction/note claim has been decided by our Pennsylvania Supreme Court on February 1, 2010, when they changed Pennsylvania Law and rule to allow the Jury written instructions/notes with them during deliberations.

This was prohibited in 1996 during the plaintiff's Trial by Jury. The plaintiff understand [redacted] that a Judge may be corrupt, [redacted] malicious, etc and not be liable to suit, but he is [redacted] liable when he proceeds without jurisdiction and judicial capacity. See Stump v. sparkman (U.S.).①

Here is why the party and Judge did not have jurisdiction or [redacted] judicial capacity.

In 1968 pennsylvania had their last amending of the [redacted] states constitution.

at the amending, they failed to place a savings clause etc. to save our laws. This was confirmed by the Commonwealth Court of Pennsylvania at case no. 1867 and 1868 C.D. 2009, However, because of the Constructionary Act of 1972, there was immunity.

the Court however did not address the enacting clause issue.

In 1972 pennsylvania did not have a enacting clause, but that year they amended the enacting clause to the state Constitution.

Article 18 § 1 prohibits amending to the states constitution more than once in a five year period, therefore, because they did not wait until 1973, the Constructionary Act and Governmental [redacted] Immunity Act is invalid, and there is no immunity to the defendants for their fraudulent, negligence actions creating a defamation of character against the plaintiff. and are liable to suit.

All acts in pennsylvania including the judicial act, which gives the party of the County of Clearfield, Pennsylvania, itself, and the [redacted] Plaintiff's [redacted]

① This also violates the 1st Amendment under religious belief, as their were personal documents seized, and meets immunity exception. -2- Religious

remaining parties of Paul Cherry, Officer Downing, William A Shaw, David Meholic, Deputy Sheriff Snyder, and Nevling, Cindy Warren, (Spuck), Trooper Kammerer, the whole prosecution team <sup>(2)</sup> are civilly liable and not immune from suit.

The Rules of court as well are invalid, and because of the newly decided cases by our Pennsylvania and United States Supreme Courts there would not be any statutes of limitations. (See attachment "A" which is presented and re-instated as part of this brief all the remaining issues and is attached hereto as part of this brief in response to the defendant's preliminary objections brief).

h. Another issue which has arose was that the plaintiff psychological report from Yola Nolan was seized by the Party of Clearfield, the County jail, thus hurting the plaintiff's defenses at the trial and was amended in the criminal pcra matter as a fifth amended petition.

The plaintiff has evidence that this report was mailed to the County jail, by Yola Nolan, by a letter from her, However to this day the plaintiff has not received the report.

i. The Court Record in this case is incorrect and has made the appeals courts believe that the plaintiff was appointed counsel on a first pcra (See Record). There was a type error creating confusion when the plaintiff was asking for Court appointed private investigator pg 7 CP-17-CR-0000396-1995. " petition for court appointed privat..... the court may have thought it was private attorney. The record must be correct at all times and it is clearly in error, and violated the plaintiff's Due process, because he requested court appointed counsel but was not given such counsel in addition violates equal protections, as others were given court appointed counsel on a first pcra and first pcra appeal. <sup>(3)</sup>

WHEREFORE, the plaintiff respectfully requests that he be allowed to amend his complaint, and proceed this case to a Trial by Jury. In addition, the plaintiff respectfully requests that the Honorable Court deny the defendants preliminary objections and consider that the defendants have been untimely and have waived any legal right to file another preliminary objection or to have the other original incorrectly filed preliminary objection restated or their brief, and or any other appropriate relief that this Honorable Court deems to the plaintiff. The Plaintiff now prays for the requested relief.

Dated: May 27, 2011.

Respectfully Submitted,

*Daniel L. Spuck*  
Daniel L. Spuck, pro se, (I.F.P.)  
Plaintiff, No. CZ-4825  
S.R.C.F. Mercer, 801  
Butler Pike, Mercer, Pa. 16107

Verification

I, Daniel L. Spuck, verify that the statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of perjury.

Dated: May 27, 2011.

-3-

*Daniel L. Spuck*  
Daniel L. Spuck, Pro se  
Plaintiff, (I.F.P.)

Proof of Service

~~Copy of the foregoing document, dated 5/27/11, was served on the County Sheriff, Joseph P. Green, Esq., by placing the document in the inmate mailbox on May 27, 2011.~~

Dated: May 27, 2011.

*(May 8, 2011)*

*Daniel L. Spuck*, Pro se  
Plaintiff, (I.F.P.)

*In addition, placed Deputy Sheriff Nevling in witness stand, and he was not listed in discovery as a potential witness at Trial & violated rules of discovery.*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

Daniel L. Spuck, : No. 2007-1932-CV

Plaintiff, :

v. :

Clearfield County, Pennsylvania, :

Defendant: Trial by Jury Demanded

PLAINTIFF'S BRIEF IN RESPONSE TO THE  
DEFENDANT'S BRIEF IN SUPPORT OF THEIR PRELIMINARY OBJECTIONS

& MEMORANDUM OF LAW (Restate)  
5-27-11

To: The Honorable Court:

NOW COMES, Daniel L. Spuck, Plaintiff, Pro Se, (I.F.P.) and avers the following in support:

STATEMENT OF THE CASE

1.) That on July 9, 2007, the Honorable Court of Common Pleas of Mercer County, Pennsylvania granted the plaintiff In Forma Pauperis status.

2.) A Civil complaint was filed by the appellant on July, 16, 2007, (#6) Re-instated(DOC #20).

3.) The defendant and defendant's counsel filed preliminary objections and memorandum of law, however they failed to follow the Pennsylvania Rules of Court when they failed to attach a signed and dated verification, and they failed to date the conclusion/relief request.

4.) The appellant's answer to the preliminary objections and memorandum of law was filed on August 17, 2007, objecting to immunities, failure to state a claim or recognized action etc.

5.) The Honorable Court of Mercer County, Pennsylvania granted the Defendant's issue of Venue and transferred to this Honorable Court. The Defendant then re-stated preliminary objections, and again failed to follow Pa. Rules of Court when they failed to attach a signed and dated

Attachment Exhibit "A"

verification and also failed to date conclusion/relief pg. 2  
(See Exhibit "A" Pg. 2 preliminary objections).

6.) The Honorable Court Scheduled an Argument for February 22, 2008, and was continued until March 18, 2008, the plaintiff's brother Tim Spuck was given power of attorney, because no written order was received until after the scheduled hearing. Tim Spuck sent a fax with argument and exhibits in support in case the plaintiff would not be present because he had his motion for transport or 8 hour furlough petition still pending. The Court granted the continuance, the plaintiff refiled motion for transport and 8 hour furlough, as well as a motion for another continuance so stand by counsel could be present. That was however denied without order, and the Court scheduled a phone conference. Again Tim Spuck was granted power of attorney and submitted another fax to the Honorable Judge Reilly, Jr. (See Attachment exhibit "B" Fax). The Phone conference occurred on March 18, 2008, at approximately 9:00 am., during the conference the plaintiff asked the court was going to continue the case so stand-by counsel could be present and also asked the court to transfer venue to the Intermediate unit, because the Honorable Reilly, Jr. was amended as a defendant to civil case at Mercer County. The Court said we won't be doing that here. The plaintiff then said that will be an appealable issue. The court however never issued an order denying the motion for recusal. An order is necessary to appeal. The Plaintiff filed another Motion for Recusal of the Honorable Reilly, Jr on April 13, 2008, because the Amendment was most recently granted. That Motion is now pending. The plaintiff also is filed a Notice of Appeal on April 14, 2008, from the order of March 18, 2008, & believes the Honorable Reilly, Jr. should recuse himself, so there is no question in regards to timeliness he now files his response brief to the defendant's brief as follows:

Argument

I.) The preliminary objections original and restated brief should be striken and denied for the defendant and counsel's failure to date Conclusion/Relief page. The Brief should be denied the same and also for their failure to follow the Pa R. Civ.P. 1024 (a),(b), & (c), and Pa Rule #76 (Verified). The plaintiff objects to these inappropriate filings by the defendant and counsel Joseph P. Green, Esquire and the Honorable Court should strike any future response from the defendant and counsel in this civil case, as well as grant judgement and relief requested in his Civil Complaint.

II.) If the Court chooses despite the fact of the inappropriate filings by defendant and counsel the Plaintiff objects but will respond, and at a later time will address the objection issue on appeal. The Plaintiff avers the following:

The Prothonotary/Clerk of Courts William A Shaw, and the Court Administrator David Neholick, The employees for Clearfield County, Pennsylvania (Defendant) were negligent and they impeded and obstructed the plaintiff when they failed to abide by the Pennsylvania Rules of Court, and the Pennsylvania Supreme Court rules, as well as Plaintiff's Constitutional Rights and access to the Court, and has affected the Plaintiff's Civil and Criminal matters since approximately 1998.

The Pa.R.Crim.P. 576 (3,4) (Attached as Exhibit "B"). The Plaintiff filed a "Notice" on May 8, 1998, along with an application to proceed in forma pauperis. The "Notice" was for placing Wayne Hundertmark, Esquire, on written notice to amend his Appeal. However, this Written Notice was not filed or time stamped or placed on the record as provided in Pa. R.Crim.P. 576 (3,& 4). The Plaintiff raised the Notice issue on Appeal, and this Notice was not apart of record, and his Appeal to the Appellate Courts were affirmed and denied. The Plaintiff case is presently time-barred and

"A"

has been prejudiced (See Civil Complaint # 3). It also includes the County Judges Honorable Reilly, Jr. [Amended]; (since 1997) violated Pa.R.Civ.P. 240 (b) In Forma Pauperis were a individual who is without financial resources to pay the cost of litigation is entitled to proceed. No where does it state that in order to have In Forma Pauperis status a complaint is necessary. Pa.R.Civ.R. 1007 satisfies a Commencement of Action and was not followed by defendant and employees. The other employees of the defendant are the Honorable Ammerman, and Honorable Williamson. Williamson was negligent and defamed the plaintiff with the Pennsylvania Parole Board when he sent a 2 copy of Orders in civil case no. 2005-897 (no. 1998-3086, no. 2003 1383). The plaintiff has been denied parole 2 times since. The Order was brought up at the plaintiff's first interview with the board member. Williamson did not have jurisdiction to provide them with this order. The Pennsylvania Parole Board was not a defendant, and his actions has prejudiced the Plaintiff, as he clearly was denied for his legal filings. The Plaintiff complied with the sentencing order and completed his recommended programing twice, and was given excellent, good and above average scores, and was denied parole because Williamson negligent actions, he has nonetheless given any apology or cleared this issue with the parole board and there is a continuing damage (future damages) to the Plaintiff Character. The Plaintiff has a Constitutional right to proceed with legal actions and should not be used against him. In Both interviews with the parole board, the board members brought up litigation issues, also the Order was incorrect on page 2 when he states that the plaintiff alleges violations of Constitutional rights that have been addressed by the appellate courts. All issues have not been addressed as well as the P.C.R.A. Omnibus Pre-trial Orders are still incorrect. Ammerman seized the plaintiff's legal files at the Plaintiff's P.C.R.A. Hearing and was without jurisdiction to do so. The plaintiff requested a reasonable 2 weeks to provide the legal file to counsel (See Exhibit "C" P.C.R.A. Transcript pg. 111, 112). All the legal documents have not been returned, and has impeded and obstructed the plaintiff legal proceedings. At

the Trial he gave the jury a written instruction contrary to Pennsylvania Law, in his P.C.R.A. he claims he addressed the jury question in the P.C.R.A. Order. The Demurrer-Failure to state recognized cause of action (Pa. R.C.P. 1028 (a)(4) that is being asserted by the defendant and counsel should be denied. The Claims were raised in the complaint. In a recent United States Supreme Court case "When ruling on a defendant's motion to dismiss for failure to state a claim, a Judge must accept as true all of the factual allegations contained in the Complaint Fed Rules Civ. Proc. Rule 2 (b)(5) 28 U.S.C.A." " A Document filed Pro Se is to be liberally construed and a Pro Se Complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by Lawyer. Fed Rules Civ. Proc. Rule 8 (a)(2),(f) 28 U.S.C.A." See Erickson v. Pardus, 127 S.Ct. 2197 [3],[4] Certiorari granted, judgement vacated case remanded. The Defendant and employees have failed to uphold the United States and Pennsylvania's Constitution. they obstructed legal matters, and caused a defamation of character to the plaintiff because of their actions. Pa.Rules, Criminal Procedure and evidence promulgated/drafted/ adopted/legislated upon the states judicial branch, in violation of Art.IV,Sec.4; Art.VI,Cl.I; Art.I,Sec.1,Cl.3; Art.I,Sec.8, Cl.15; Art.II,Sec.1,Cl.8; Art.IV,Sec.3 Cl.I; Art.IV,Sec.IV; Art.VI,Cl.I; Art.VI,Cl.II; and Art.VII, of the U.S.Const. Also Known as Republican Form of Government, Supremacy, Union, Constitution, Preamble, Attainder, and Separation of Powers, Clause. In the Ronald Painter case No. CP-03-CR-0000303 2003 on October 4, 2007, when his charges were dropped. The Honorable Court of Common Pleas of Armstrong County, Pennsylvania recognized the Traditional Writ, the same exact one filed by this plaintiff filed and was dismissed by defendant's employee Ammerman without any case law, rule, statute, in support. The Common Pleas Court in Armstrong County, scheduled a Hearing in the matter on or about October 5, 2007. Also in a legal workshop at S.R.C.P. Mercer by the Honorable Judge White of Venango County and his clerk addressed the issue of Pennsylvania's lack of a provision or savings schedule or savings clause in their Amendment of the Fifth Pennsylvania Constitution and Article V, Section 10 (C). of the Constitution of 1968 and They informed the plaintiff that he was correct and that he should

proceed with a law firm (see Appendix "D", ~~Memorandum~~ Affidavit)

The plaintiff was prosecuted by a defendant's employee under Title 18 of the Pennsylvania Consolidated statutes that were implemented in 1972. since the Pennsylvania Constitution, as amended, last in 1968, contains no provision "Entitling" the legislator to Enact a Criminal Code or Criminal Statute, currently and prior to the time of plaintiff's prosecution, Pennsylvania had/has No inherent power to enact a Criminal Code/Statute. See Martin v. Hunter's Lessee, 14 U.S. 304, 326 (1816); Carter v Carter Coal Co., 298 U.S. 238, 291-292 (1936), United States v. Lopez, 514 U.S. 549, 55 -552 (1995) (The powers delegated); Clinton v. New York, 524 U.S. 417, 418-419 (1998) (Constitutional Silence); McCulloch v. Maryland, 17 U.S. 316, at 415 ( 819). The plaintiff was/is immune from having to stand to answer to any Criminal Statute dealing in Felony/Misdemeanor, that has no basis for existence anywhere in the Constitution of Pennsylvania for 1968. There is no penal code or Penal Statute provided for in any Article, Clause, Section, or Amendment in the 1968 Pennsylvania Constitution. Pennsylvania by either of it's Constitutions 1874/1968, can exercise no criminal jurisprudence. Clinton and McCulloch, supra. see Commonwealth v. Bangs, 259 Pa Super. 68, 393 A.2d 720 (Pa. Super. 1978) Footnote 2, The Superior Court has acknowledged that "With Respect to the absence of a savings clause, we note that Pennsylvania is among a handful of states presently without a general saving clause applicable to criminal prosecutions". The laws, codes, and statutes from 1874 Constitution were repealed and are void of any further force or effect. see also Cellucci v. General Motors Corp., 676 A.2d 253, 450 Pa. Super. 438 at 1,2, (Pa Super.1996) "Although Superior Court is not bound by decisions of Federal intermediate appellate courts panel, where Third Circuit has spoken on federal issue, ultimate answer to which has not yet been provided by United States Supreme Court, it is appropriate that Superior Court follow Third-Circuit decision".

Pennsylvania Superior Court; our Supreme Court, quoting with approval from the United States Supreme Courts opinion in Bell v. Maryland, 378 U.S. 226, 84 S.Ct. 19 4, 12 L. Ed 2d 822 (1964,) stated "When the Legislature repeals a criminal

statute or otherwise removes the states condemnation from conduct that was formerly deemed criminal, this actions requires the dismissal of pending criminal proceeding charging such conduct". Id. 462 Pa at 74, 337 A.2d at 888 according to Commonwealth v. Gross, 145 Pa. Super. 92, 98, 21 A.2d 238, 241 (1941). It has long been settled on general principles that after the expiration or repeal of a law, no penalty can be enforced, nor punishment inflicted for violations of the law committed, while it was in force, unless some "special provision" (saving clause) be made for that purpose by statute: Yeaton (The General Pickney) v. United States, 9 U.S. 281 at 283 ( 809). By the repeal of the law, the legislative will is expressed that no further proceedings are held under the repealed act. United States v. Tyene, 78 U.S. 88 at 95 (1870). see also Commonwealth v. Rose, 60 Pa. Super. 458, 462 (1915). The plaintiff was Convicted of Third Degree Murder, which in 1968, was a charge unkown. It was not until the 1970's until it was known, the Superior Court claims this was voted in. In Stander v. Kelly, 433 Pa 406, citing Lindsay v. Kelly, 395 U.S. 827, stated: "A Vote of the people cannot validate and constitutionalize anything which violates a provision of the Constitution in question or issues of constitutionality is justiciable after the voters have adopted such a constitutional provision. This means there is a problem with indictments as well in Pennsylvania in violations of the United States Constitutional Amendments 5, 9, 10. Pennsylvania cannot surmount the Federal/ National Doctorine of Separation of Powers by inserting Article V, Section 10 (c) into it's fifth appearance 217 years with a "Constitution" when, in point of fact, there are Divers Clauses in the U.S. Constitution, either applicable to the States through the Due Process Clause of the 14 th Amendment, at 4th, 5th, 6th, 8th, Amendments, or Directly Addressed to the States (Attainder, Ex Post Facto Law, Article I, 10 Cl. 1) That guarantees that there will be a Separation of Powers—"that a person will be tried by the Judiciary in Civil and Criminal Matters and not by the Legislative or the Executive."

E.g. United States v. Brown, 381 U.S. 437, and not tried

"A"

under Rules of Court that were legislated on or by a Court.

The Pennsylvania Rules of Criminal Procedure are unconstitutional under the United States Constitution. They give no authority to a court (employee) in the county or state of Pa. to sit or hear and or preside over any criminal case; or to sentence any defendant, because of the absence of a saving clause or schedule or provision applicable to criminal prosecutions in Pennsylvania. Pennsylvania adopted its Constitution with a provision that Pennsylvania "shall have no power to add to, alter, abolish or infringe any part of this Constitution", section a Pennsylvania Constitution 1776. They prohibited themselves from re-writing its Constitution by its adoption in 1776; section 9 thereof, and its acceptance into the union (McCulloch, Supra) did in fact and law, warrant congressional authorization, per Article 1 Section 5 and 7, and Article IV Section 3, clause 1, United States Constitution, to thusly so rewrite said Constitution in 1790, 1838, 1874, and 1968, wherefore, the 1968 Pennsylvania Constitution is unconstitutional--Constitutionally jurisdictionally defective, and deprived of any further force or effect. The Pennsylvania Supreme Court recently in Commonwealth v. Judge, 916 A.2d 51, 518, 591 Pa 125 at 3,4 (Pa. 2007) cite Stander v. Kelley, 433 Pa. 406, 425, 250 A.2d 474, 485 (1969) Robert J concurring)(noting that the writ of habeas corpus is " the ultimate and essential safeguard of individual rights and that the Courts of the Commonwealth of Pennsylvania must and will continue to make its protections available" (FN 2)). "In light of the broad applicability of the traditional writ of habeas corpus, however in conjunction with the legislative intent to channel post conviction claims into a specifically enumerated areas of review". "Appellant correctly notes, however that this Court has never held that Habeas Corpus cannot provide a separate remedy, in appropriate circumstances". Cody v. Vaughn, 564 Pa. 604, 613, 770 A.2d 287, 293 (2001)(Castille J, concurring)(The specifically enumerated substantive claims deemed reviewable under the P.C.R.A. all have to do with matters affecting the conviction and sentence). Article I Section 14 of Pa. Constitution, which protects the right to petition for "A"

Habeas Corpus, and his statement of the scope and standard review. The Appellant in Judge was denied relief because the vitality of his sentence, a claim that was the heart of his habeas corpus. This is not the case in the Plaintiff's case. The Plaintiff's Habeas Corpus Ad Subjiceindum challenges the unlawful custody, confinement, deprivation of liberty contrary to the law of the land, which are Unconstitutional, because of no provision or savings clause, and the petitioner is also challenging jurisdiction. The def. employes are without jurisdiction, if no jurisdiction there is constitutionally no office or judicial capacity. The United States Supreme Court specifically the Mireles case at 502 U.S. at 1, " Judges are immune from liability when (1) the judge has jurisdiction over subject matter before him, and (2) he is performing a judicial act. Stump v. Sparkman, 435 U.S. at 349. Ammerman seized the plaintiff's legal files unrelated and related to the case at the plaintiff's P.C.R.A. Hearing on or about May 31, 2001, and would not allow the plaintiff a reasonable 2 weeks to copy his legal file, the Ammerman has continuously impeded and obstructed the plaintiff's legal matters because he has not returned all the documents back to the Plaintiff, also because he dismissed the Plaintiff's Writ of Habeas Corpus Ad Subjiceindum involving the issue of Pennsylvania's lack of constitutional Jurisdiction, because the state failed to insert a provision, savings clause to the Amendment of the States Fifth Constitution in 1968, the last time the state amended the constitution. Again, Williamson sent a copy of the Orders in a civil matter to the Pennsylvania parole, which was not a defendant, Williamson had no jurisdiction or judicial capacity to do so. Ammerman also made misapplications within the p.c.r.a. order (see pg. 12, P.C.R.A. Order in regards to the jury question response. Ammerman did not mention anything in regards to malice or intent of third degree murder. He only addressed First degree murder and contrary to state law at that time he sent a written instruction to the jury, also he mistated that the plaintiff knew his trial counsel represented the victim prior to representing the appellant (see P.C.R.A. transcript pg. 81 ) The Plaintiff testifies that he did not know until the appeal. Williamson also made a mistatement in the civil order as well. There is no immunity under the circumstances

There was also a Conflict of Interest, (issue denied by him). unbeknowest to the petitioner, as Trial Counsel represented the victims in another proceeding prior to representing the petitioner. There were written instructions given to the jury in 1996, during their deliberations, which was at the time prohibited in Pennsylvania, a Juror lied on a Voir Dire Juror Questionnaire.<sup>①</sup> The Wife Testified against her Husband, the plaintiff as to what occurred before she was a victim, the evidence in this case was tampered with, when the Defendant (County's) prosecution placed the petitioner blood (which was seized by a warrant) on the weapon and clothing and possibly in the plaintiff's vehicle, which was seized by a warrant, they also destroyed evidence of value to the plaintiff, they failed to indict plaintiff under a grand jury violating Constitutional amendment 5,9 and 10, and numerous other issues. There is no immunity and constitutionally no county or state office in Pennsylvania or Clearfield County, Pennsylvania, because there is constitutionally no jurisdiction.

Wherefore for the reasons set forth The Plaintiff Respectfully Request that this Honorable Court deny the Defendant's Preliminary Objections (original and restated), and Brief in Support and Memorandum of Law for the reason that the documents are innappropriate under the Pennsylvania Rules of Court and strike any future response in this case and grant the Plaintiff judgement and relief requested within the Civil Complaint. In the Alternative, allow this case to proceed to a civil trial by jury under the objection preserved for appeal purposes set forth in # II. of the Plaintiff's Brief or any appropriate relief in favor for the Plaintiff that this Honorable Court deems appropriate. Also the fact that the plaintiff is an inmate proceeding pro se to allow him to number each claim and amend his complaint. The Plaintiff Prays for the Requested Relief.

Dated: April 17, 2008.

re-filed & Restated 5-27-11

Respectfully Submitted,



Daniel L. Spuck, Pro Se  
Plaintiff, (I.P.P.), Inst.  
#CZ-4025, S.R.C.P. Mercer,

601 Butler Pike, Mercer, Pa. 16137

① Contrary to Defendant's, It was not known for sure if Juror Manos

A "Was related to Dave Manos until Approx. May 31, 2001. This claim is not time-barred. 10

VERIFICATION

I, Daniel L. Spuck, do hereby verify that the facts set forth in Plaintiff's Brief in Response to the Defendant's Brief in Support of their Preliminary Objections are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of perjury.

Dated: April 17, 2008.

Refiled & Restated: 5-27-11

  
Daniel L. Spuck, Pro Se  
Plaintiff (I.F.P.)

PROOF OF SERVICE

I, Daniel L. Spuck, hereby certify that I have served 1 original + 1 copy copies of Plaintiff's Brief in Response to the Defendant's Brief in Support of their Preliminary Objections and Memorandum of Law to the Clearfield County Prothonotary and 1 copy to Defendant's Counsel Joseph Greene, Esq. by U.S. Mail, by placing them in the inmate mailbox at S.R.C.P. Mercer on April 17, 2008.

Dated: April 17, 2008.

Refiled & Restated 5-27-11

  
Daniel L. Spuck, Pro Se  
Plaintiff (I.F.P.)

"A"

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

Daniel L. Spuck, Plaintiff,

: No. 2007-1932-CV

v.

:

Clearfield County, Defendant,

:

(D) FILED

May 31 2011

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

Plaintiff's objection and answer to the defendant's  
Preliminary Objections (Restated) and Motion for recusal  
of the Honorable Fredric J. Ammerman

NOW COMES, the plaintiff, Daniel L. Spuck, pro se, (I.F.P.) and avers the following in support:

1. The original preliminary objections filed by defendant's counsel Joseph P. Green, Esquire, were not signed and dated in this civil action.

In addition, the restated preliminary objections were not dated. Therefore should not be considered filed under Pennsylvania Rules of Court.

Also in addition, to both objections, counsel did not provide a Verification from himself or his client, and not in accordance to Pennsylvania Rules of Court, and should be considered waived.

2. Your Honor issued an Order for Briefs to be filed by May 11, 2011, (defendants) and response brief on or before May 31, 2011, (Plaintiff's).

Your Honor recused from a prior civil case, which is a part of this case, and Judge Williamson presided.

Your Honor is a Party in this case of the County of Clearfield Pennsylvania, and should continue his recusal from this case, and should refrain from issuing any ruling or orders in this case.

3. Honorable Reilly presided over the Conference by phone and this case and at no time issued an order to recuse or transfer to another Judge.

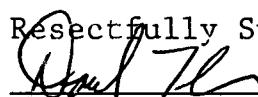
#233

WHEREFORE, for the above reasoning the Plaintiff respectfully requests that this Honorable Court strike both of the preliminary objections and restated preliminary objections, and continue to recuse from this case as he is a party of the defendant and a defendant in other civil cases pending in the Federal Courts and United States Supreme Court.

The Plaintiff now prays for the relief requested.

Dated: May 25, 2011.

Respectfully Submitted,



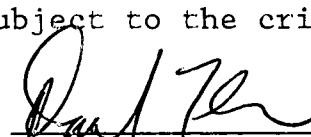
\_\_\_\_\_  
Daniel L. Spuck, pro se  
(plaintiff) (I.F.P.)

Inst. No. CZ-4825, S.R.C.F.  
Mercer, 801 Butler pike,  
Mercer, Pa. 16137

VERIFICATION

I, Daniel L. Spuck, verify that the statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of perjury.

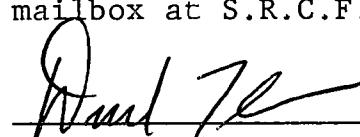
Dated: May 25, 2011.

  
\_\_\_\_\_  
Daniel L. Spuck, pro se  
Plaintiff, (I.F.P.)

CERTIFICATION

I, Daniel L. Spuck, Certify that I have served 1 original and 1 Copy of this document upon the Clearfield county Prothonotary and 1 copy upon the defendant's Counsel Joseph P. Green, Esquire, by placing this document in the inmate mailbox at S.R.C.F. Mercer on May 25, 2011.

Dated: May 25, 2011.

  
\_\_\_\_\_  
Daniel L. Spuck, pro se  
Plaintiff, (I.F.P.)

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

DANIEL L. SPUCK,

Plaintiff

) No. 2007-1932-CV  
):  
): Type of Pleading Filed:  
): Affidavit of Service  
):  
):  
): Filed on behalf of: Clearfield County  
):  
): Counsel of Record for this Party:  
): Joseph P. Green, Esquire  
): LEE, GREEN & REITER, INC.  
): Joseph P. Green, Esquire  
): PA ID# 19238  
): 115 East High Street  
): PO Box 179  
): Bellefonte, PA 16823  
): 814-355-4769

CLEARFIELD COUNTY,

Defendant

FILED  
MAY 12 2011  
NO<sup>o</sup>ce

William A. Shaw  
Prothonotary/Clerk of Courts

33

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

DANIEL L. SPUCK, )  
Plaintiff : No. 2007-1932-CV  
 )  
vs. :  
 )  
CLEARFIELD COUNTY, :  
Defendant )

**AFFIDAVIT OF SERVICE**

The undersigned defense counsel, Joseph P. Green, Esquire, hereby certifies that he served upon the Plaintiff Daniel L. Spuck, a copy of the Court Order dated April 21, 2011 relating to Defendant's Motion to Re-List Defendants Preliminary Objections (Restated) for disposition, as well as the current briefing schedule, by mailing the same by regular United States Mail as follows:

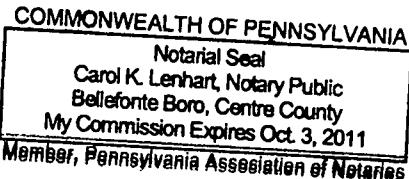
Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

LEE, GREEN & REITER, INC.

By:

  
Joseph P. Green, Esquire  
PA ID# 19238  
Attorney for Defendant  
115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

Sworn to and subscribed  
before me this 25<sup>th</sup> day of  
April, 2011.



## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Affidavit of Service was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 25 day of April, 2011 addressed to the following:

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137  
SPECIAL MAIL - OPEN ONLY IN THE PRESENCE OF THE INMATE

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esquire  
PA ID #19238  
Attorney for Appellee  
115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

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

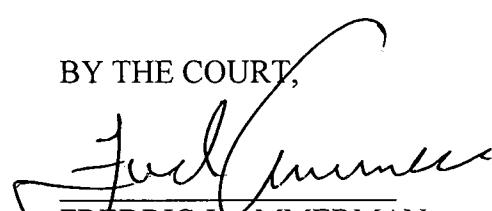
DANIEL L. SPUCK, :  
Plaintiff :  
vs. : NO. 2007-1932-CD  
CLEARFIELD COUNTY, :  
Defendant :  
:

**ORDER**

AND NOW, this 21st day of April, 2011, upon Defendant's Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition and upon review of the record, said Mother is hereby GRANTED. Furthermore, the Court will rule on the Preliminary Objections (Restated) based upon the submission of briefs only; no oral argument will be scheduled. It is hereby ORDERED and DECREED as follows:

- Defendant shall file its brief in support of the outstanding Preliminary Objections (Restated) on or before May 11, 2011.
- Plaintiff shall file a responsive brief in connection with the aforesaid objections on or before May 31, 2011.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

4cc  
S 04/3/13/2011 APR 21 2011 Atty Green  
FILED  
William A. Shaw  
Prothonotary/Clerk of Courts  
#31

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

DANIEL L. SPUCK,

Plaintiff

vs.

CLEARFIELD COUNTY,

Defendant

) C>D  
: No. 2007-1932-EV  
)  
: Type of Pleading Filed:  
) Motion to Re-List Defendant's Preliminary  
: Objections (Restated) for Disposition  
)  
:  
: Filed on behalf of: Clearfield County  
:  
)  
: Counsel of Record for this Party:  
: Joseph P. Green, Esquire  
)  
: LEE, GREEN & REITER, INC.  
: Joseph P. Green, Esquire  
)  
: PA ID# 19238  
: 115 East High Street  
)  
: PO Box 179  
: Bellefonte, PA 16823  
)  
: 814-355-4769

FILED  
APR 20 2011  
William A. Shaw  
Prothonotary/Clerk of Courts  
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130

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

DANIEL L. SPUCK, )  
Plaintiff : No. 2007-1932-CV  
 )  
vs. :  
 )  
CLEARFIELD COUNTY, :  
Defendant )

**MOTION TO RE-LIST DEFENDANT'S PRELIMINARY OBJECTIONS  
(RESTATEMENT) FOR DISPOSITION**

Defendant in the above matter hereby makes the following motion:

1. The instant civil action involves a Complaint filed with the Court of Common Pleas of Clearfield County on November 28, 2007. Said civil action had been transferred to the Clearfield County Court of Common Pleas from the Mercer County Court of Common Pleas. The plaintiff, Daniel L. Spuck, is a prisoner acting in a pro se capacity.

2. The history of this matter is somewhat unusual inasmuch as it has become a bit complicated from a procedural standpoint. In any event, there are outstanding Defendant's Preliminary Objections (Restated) which had previously been argued with no specific disposition having been made.

3. Following the aforesaid argument, the plaintiff pursued an appeal to the Pennsylvania Superior Court. The appeal was dismissed by the Superior Court pursuant to Order dated June 24, 2008 and the record has been remanded to the Clearfield County Prothonotary.

4. At this point, Defendant's Preliminary Objections (Restated) which could conceivably be dispositive of the litigation, remain outstanding. In this regard, the Defendant requests that said objections be rescheduled for determination by the Court on briefs.

WHEREFORE, it is respectfully requested that the attached Order be executed in order to place the objections in a position for disposition.

LEE, GREEN & REITER, INC.

By:

  
Joseph P. Green, Esquire  
PA ID# 19238  
Attorney for Defendant  
115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 19 day of April, 2011 addressed to the following:

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137  
SPECIAL MAIL - OPEN ONLY IN THE PRESENCE OF THE INMATE

LEE, GREEN & REITER, INC.

By:

  
Joseph P. Green, Esquire  
PA ID #19238  
Attorney for Appellee  
115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

The Superior Court of Pennsylvania  
Sitting at Pittsburgh

GRANT BUILDING  
310 Grant Street – Suite 600  
Pittsburgh, Pennsylvania  
15219

FILED

AUG 06 2008

~11:30/

610

William A. Shaw  
Prothonotary/Clerk of Courts

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 IN 2 PARTS, 1 TRANSCRIPT,  
CERTIFIED COPY OF DISMISSAL ORDER**

As remanded from said court in the following matter:

**DANIEL L SPUCK VS CLEARFIELD COUNTY  
NO. 723 WDA 2008**

**COURT OF COMMON PLEAS, CIVIL DIVISION, CLEARFIELD COUNTY  
NO. 07 1932 CD**

In compliance with Pennsylvania Rules of Appellate Procedure 2571.

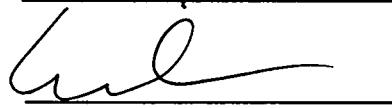
The date of which the record is remanded is: August 4, 2008

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.

DEPUTY PROTHONOTARY

RECORD, ETC. RECEIVED:

DATE: Aug. 6, 2008



(Signature & Title)

#29

In the Superior Court of  
Pennsylvania  
sitting at Pittsburgh

FILED

No. 723

WDA 2008

AUG 06 2008  
M/11:30/1  
William A. Shaw  
Prothonotary/Clerk of Courts

Daniel L. Spuck, Esquire

: Appeal from the Order of March 18, 2008 by  
The Honorable John K. Reilly in the Court of  
Common Pleas, Civil Division, Clearfield  
County at No. 07-1932-CD

V

Clearfield County Pennsylvania

:

:

Certified from the Record

"ORDER

AND NOW, this 24<sup>th</sup> day of June, 2008, this Court hereby SUA SPONTE  
DISMISSES this appeal as premature. See Pa.R.A.P. 341.

PER CURIAM"

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

Pa. this

4<sup>th</sup>

Day of

August

2008

*Eleanor F. Valeck*  
Deputy Prothonotary

128

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Copy

Daniel L. Spuck

Vs.

Case No. 2007-01932-CD

Clearfield County

CERTIFICATE OF CONTENTS

NOW, this 12th day of June, 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  
William A. Shaw, Prothonotary

Record, Etc. Received:

Date: 6/13/08

JS  
(Signature & Title)

FILED

JUN 18 2008  
m/10:36 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

#27

723/08

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:

**Daniel L. Spuck**  
VS.  
**Clearfield County**  
**07-1932-CD**

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

The documents compromising the record have been numbered from **No. 21 to 25**, 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 comprising the document.

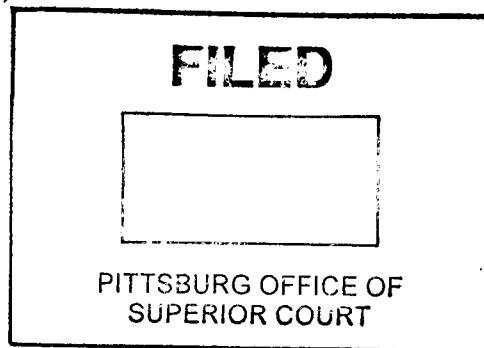
The date on which the record had been transmitted to the Appellate Court is

June 12, 2008



William A. Shaw  
Prothonotary/Clerk of Courts

(seal)



Date: 6/12/2008

## Clearfield County Court of Common Pleas

User: BHUDSON

Time: 02:56 PM

## ROA Report

Page 1 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

## Civil Other-COUNT

Date	Judge
11/28/2007	New Case Filed. No Judge
	Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner. No Judge
12/5/2007	Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County. No Judge
	Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty. No Judge
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A. John K. Reilly Jr.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff. No Judge
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies. No Judge
	Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff. No Judge
	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff.. No Judge
2/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green John K. Reilly Jr.
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3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff. No Judge
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green John K. Reilly Jr.
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert. No Judge
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff. No Judge
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff. No Judge

Date: 6/12/2008

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 02:56 PM

ROA Report

Page 2 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuck vs. Clearfield County

Civil Other-COUNT

Date	Judge	
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
5/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge
6/3/2008	June 3, 2008, Mailed Appeal to Superior Court. June 3, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c). June 3, 2008, Letter to Superior Court, Re: Appeal mailed to Superior Court.	No Judge
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I hereby certify this to be a true and attested copy of the original statement filed in this case.

JUN 12 2008

Attest.

William L. Shaffer  
Prothonotary/Clerk of Courts

William L. Shaffer  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1932-CD  
Daniel L. Spuck  
VS.  
Clearfield County

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1932-CD  
Daniel L. Spuck  
VS.  
Clearfield County

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
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05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
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		***Appeal Mailed to Superior Court June 3, 2008***	



## 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](http://www.clearfieldco.org)

June 12, 2008

**COPY**

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

RE: Daniel L. Spuck  
vs  
Clearfield County  
No. 07-1932-CD  
Superior Court No. 723 WDA 2008

Dear Prothonotary:

Enclosed you will find a supplement to the above referenced record previously appealed to your office.

Sincerely,

William A. Shaw  
Prothonotary

5  
**FILED**  
JUN 12 2008

William A. Shaw  
Prothonotary/Clerk of Courts

#26

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:

**Daniel L. Spuck**  
VS.  
**Clearfield County**  
**07-1932-CD**

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

The documents compromising the record have been numbered from **No. 21 to 25**, 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 comprising the document.

The date on which the record had been transmitted to the Appellate Court is

June 12, 2008



William A. Shaw  
Prothonotary/Clerk of Courts

(seal)

Date: 6/12/2008

## Clearfield County Court of Common Pleas

User: BHUDSON

Time: 02:56 PM

ROA Report

Page 1 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

## Civil Other-COUNT

Date	Judge
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	Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.
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2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.
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	No Judge

Daniel L. Spuck vs. Clearfield County

## Civil Other-COUNT

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

JUN 12 2008

Attest.

  
 William L. Hudson  
 Prothonotary/  
 Clerk of Courts.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

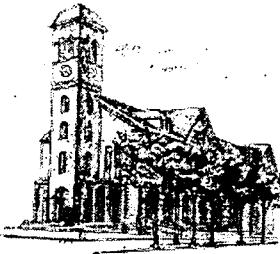
No. 07-1932-CD  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1932-CD  
 Daniel L. Spuck  
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		***Appeal Mailed to Superior Court June 3, 2008***	



## 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](http://www.clearfieldco.org)

**COPY**

John K. Reilly, Jr., Senior Judge, Sp. Presiding  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Daniel J. Spuck  
SCI Mercer-CZ 4825  
801 Butler Pike  
Mercer, PA 16137

Joseph P. Green, Esq.  
PO Box 179  
115 East High Street  
Bellefonte, PA 16823

Daniel L. Spuck  
Vs.  
Clearfield County

Court No. 07-1932-CD; Superior Court No. 723 WDA 2008

Dear Counsel:

Please be advised that a supplement to the above referenced record was forwarded to the Superior Court of Pennsylvania on June 12, 2008.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

5 **FILED**  
JUN 12 2008

William A. Shaw  
Prothonotary/Clerk of Courts

#25

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1932-CD  
Daniel L. Spuck  
VS.  
Clearfield County

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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Date: 6/12/2008

Time: 02:50 PM

Page 1 of 2

## Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

## Civil Other-COUNT

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11/28/2007	New Case Filed.  Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge No Judge
12/5/2007	Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.  Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.	No Judge No Judge
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	John K. Reilly Jr.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.  Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff.  Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge No Judge
2/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green	John K. Reilly Jr.
3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.	No Judge
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green	John K. Reilly Jr.
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert.	No Judge
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.	No Judge
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.	No Judge

Date: 6/12/2008

Time: 02:50 PM

Page 2 of 2

**Clearfield County Court of Common Pleas**

ROA Report

User: BHUDSON

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date		Judge
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
5/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge
5/3/2008	June 3, 2008, Mailed Appeal to Superior Court. June 3, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c). June 3, 2008, Letter to Superior Court, Re: Appeal mailed to Superior Court.	No Judge
5/9/2008	Certificate of Contents, Proth. of Clfd. Co. sent the original record of the case currently on Appeal to Superior Court. Received by Superior Court on 6-5-2008.	No Judge
5/12/2008	Notice, Re: Transcript to be filed, s/Thomas D. Snyder, RPR No CC Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	No Judge
		No Judge

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

JUN 12 2008

Attest.

*William L. Hudson*  
Prothonotary/  
Clerk of Courts

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

DANIEL L. SPUCK :  
-VS- : No. 07-1932-CD  
CLEARFIELD COUNTY :

N O T I C E

In accordance with the Rules of Appellate Procedure, Rule 1922, Notice is hereby given that if no objections are made to the text of the transcript within five (5) days after such notice, the transcript in the above-captioned matter will become part of the record upon being filed in the Prothonotary's office.

June 4, 2008

Date

Thomas D. Snyder

Thomas D. Snyder, RPR  
Official Court Reporter

5 **FILED** NOCC  
06/10/2008  
JUN 12 2008  
B64  
William A. Shaw  
Prothonotary/Clerk of Courts  
#23

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Daniel L. Spuck

Vs.

Case No. 2007-01932-CD

Clearfield County

CERTIFICATE OF CONTENTS

NOW, this 3<sup>rd</sup> day of June, 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  
William A. Shaw, Prothonotary

Record, Etc. Received:

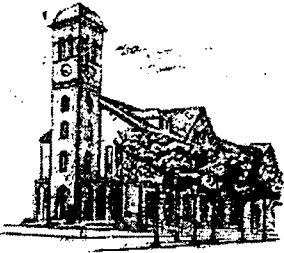
Date: 6/15/08

W.A. Shaw  
(Signature & Title)

*s* FILED  
M 19 0061  
JUN 09 2008  
(6K)

William A. Shaw  
Prothonotary/Clerk of Courts

*#32*



## 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](http://www.clearfieldco.org)

**COPY**

June 3, 2008

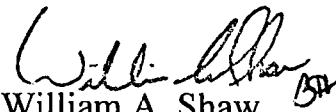
Superior Court of Pennsylvania  
Office of the Prothonotary  
600 Grant Building  
Pittsburgh, PA 15219

RE: Daniel L. Spuck  
vs  
Clearfield County  
No. 07-1932-CD  
Superior Court No. 723 WDA 2008

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office. A transcript is pending and will be forwarded upon its filing in my office.

Sincerely,

  
William A. Shaw  
Prothonotary

FILED

06/03/2008  
JUN 03 2008

William A. Shaw  
Prothonotary/Clerk of Courts

#21

## Appeal Docket Sheet

## Superior Court of Pennsylvania



Docket Number: 723 WDA 2008

Page 1 of 3

April 29, 2008

Daniel L. Spuck, Appellant

v

Clearfield County, Pennsylvania

07-1932-CD

Initiating Document: Notice of Appeal IFP

Case Status: Active

Case Processing Status: April 25, 2008 Awaiting Original Record

Journal Number:

Case Category: Civil Case Type: Trespass

Consolidated Docket Nos.: Related Docket Nos.:

## SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: May 13, 2008

Next Event Type: Original Record Received

Next Event Due Date: June 24, 2008

FILED  
 MAY 01 2008  
 NO. 723-CD  
 CC  
 (GP)

William A. Shaw  
 Prothonotary/Clerk of Courts

#17

## Appeal Docket Sheet

## Superior Court of Pennsylvania



Docket Number: 723 WDA 2008

Page 2 of 3

April 29, 2008

## COUNSEL INFORMATION

Appellant Spuck, Daniel L

Pro Se: ProSe Appoint Counsel Status:

IFP Status: Yes

## Appellant Attorney Information:

Attorney: Spuck, Daniel

Bar No.: Law Firm:

Address: CZ 4825, SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

Phone No.: Fax No.:

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

Appellee Clearfield County, Pennsylvania

Pro Se: Appoint Counsel Status:

IFP Status:

## Appellee Attorney Information:

Attorney: Green, Joseph P.

Bar No.: 19238 Law Firm: Lee, Green &amp; Reiter, Inc.

Address: 115 E High Street  
PO Box 179  
Bellefonte, PA 16823-0179

Phone No.: (814)355-4769 Fax No.: (814)355-5024

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

## FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number

## TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of OrderAppealed From: March 18, 2008

Judicial District: 46

Date Documents Received: April 25, 2008

Date Notice of Appeal Filed: April 21, 2008

Order Type: Order

OTN:

Judge: Reilly, Jr., John K.  
Senior Judge

Lower Court Docket No.: 07-1932-CD

## ORIGINAL RECORD CONTENTS

## Appeal Docket Sheet

## Superior Court of Pennsylvania



Docket Number: 723 WDA 2008

Page 3 of 3

April 29, 2008

## 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
April 25, 2008	Notice of Appeal IFP	Appellant	Spuck, Daniel L
April 25, 2008	Order Granting Application to Proceed In Forma Pauperis		Lower Court or Agency
April 29, 2008	Docketing Statement Exited (Civil)		Valecko, Eleanor R.

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:

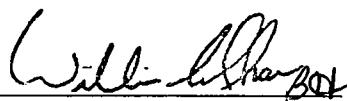
THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the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

**Daniel L. Spuck**  
VS.  
**Clearfield County**  
**07-1932-CD**

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

The documents comprising the record have been numbered from **No. 1 to 20**, 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 comprising the document.

The date on which the record had been transmitted to the Appellate Court is June 3, 2008.

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

(seal)

Date: 6/3/2008  
Time: 09:26 AM

Clearfield County Court of Common Pleas  
ROA Report

User: BHUDSON

Page 1 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuck vs. Clearfield County

Civil Other-COUNT

date	Judge	
1/28/2007	New Case Filed. Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge No Judge
1/5/2007	Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.	No Judge
23/2008	Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty. Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	No Judge John K. Reilly Jr.
7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies. Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff. Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge
21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green	John K. Reilly Jr.
3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.	No Judge
18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green	John K. Reilly Jr.
24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert.	No Judge
18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.	No Judge
21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.	No Judge

Date: 6/3/2008  
Time: 09:26 AM

Clearfield County Court of Common Pleas

ROA Report

User: BHUDSON

Page 2 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuck vs. Clearfield County

Civil Other-COUNT

date	Judge
22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green
1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC
7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff
30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library
3/2008	June 3, 2008, Mailed Appeal to Superior Court. June 3, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).

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

JUN 03 2008

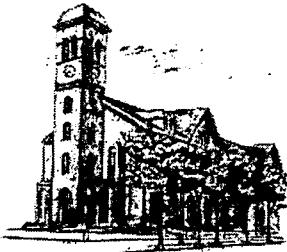
Attest.

*William L. Hause*  
Prothonotary/  
Clerk of Courts

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

**No. 07-1932-CD**  
**Daniel L. Spuck**  
**VS.**  
**Clearfield County**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	11/28/07	Civil Complaint – Transfer from Mercer County per Court Order	83
02	12/05/07	Præcipe for Entry of Appearance	03
03	12/05/07	Preliminary Objections (restated)	04
04	01/23/08	Scheduling Order	01
05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
11	03/07/08	Motion for a Continuance	02
12	03/18/08	Order, Re: filing of briefs	01
13	03/24/08	Petition for Permission to Amend Petitioner's Complaint	03
14	04/18/08	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge	06
15	04/21/08	Notice of Appeal	03
16	04/22/08	Order, Re: Concise statement to be filed	01
17	05/01/08	Appeal Docket Sheet, 723 WDA 2008	03
18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02
20	06/03/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	04



## 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](http://www.clearfieldco.org)

**COPY**

John K. Reilly, Jr., Senior Judge, Sp. Presiding  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Daniel J. Spuck  
SCI Mercer-CZ 4825  
801 Butler Pike  
Mercer, PA 16137

Joseph P. Green, Esq.  
PO Box 179  
115 East High Street  
Bellefonte, PA 16823

Daniel L. Spuck  
Vs.  
Clearfield County

Court No. 07-1932-CD; Superior Court No. 723 WDA 2008

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on June 3, 2008. Any pending transcripts will be forwarded upon filing in my office in accordance with Superior Court's instructions.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

5  
FILED  
06/09/2008  
JUN 03 2008

William A. Shaw  
Prothonotary/Clerk of Courts

#29

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1932-CD  
Daniel L. Spuck  
VS.  
Clearfield County

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	11/28/07	Civil Complaint – Transfer from Mercer County per Court Order	83
02	12/05/07	Praeclipe for Entry of Appearance	03
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05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
11	03/07/08	Motion for a Continuance	02
12	03/18/08	Order, Re: filing of briefs	01
13	03/24/08	Petition for Permission to Amend Petitioner's Complaint	03
14	04/18/08	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge	06
15	04/21/08	Notice of Appeal	03
16	04/22/08	Order, Re: Concise statement to be filed	01
17	05/01/08	Appeal Docket Sheet, 723 WDA 2008	03
18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02

Daniel L. Spuckvs.Clearfield County

## Civil Other-COUNT

Date		Judge
11/28/2007	New Case Filed.  Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge No Judge
12/5/2007	Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.  Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.	No Judge No Judge
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	John K. Reilly Jr.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.  Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff.  Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge No Judge
2/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green	John K. Reilly Jr.
3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
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3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert.	No Judge
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.	No Judge
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.	No Judge

Date: 6/3/2008  
Time: 09:17 AM

Clearfield County Court of Common Pleas

User: BHUDSON

Page 2 of 2

ROA Report

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

Civil Other-COUNT

Date	Judge	
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
5/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge

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

JUN 03 2008

Attest.

*William B. Hudson*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

S FILED

04:00 AM  
MAY 30 2008

DANIEL L. SPUCK }  
VS } NO. 07-1932-CD  
CLEARFIELD COUNTY, PENNSYLVANIA}

cc: William A. Shaw  
Prothonotary/Clerk of Courts  
1CC Piff-CZ4825 SCI Mercer

1CC Atty Green

1CC D. M. Kesell, Law Library  
(without memo)

OPINION

NOW, this 30th day of May, 2008, appellant above named appeals from the Order of this Court dated March 18, 2008 in which a briefing schedule was set. This not being fully dispositive of the action or any portion thereof, this Court is of the opinion it is not an appealable order. In response to this Court's Order under Rule of Appellate Procedure 1925(b) the appellant filed a statement of matters complained of on appeal alleging two issues therefor:

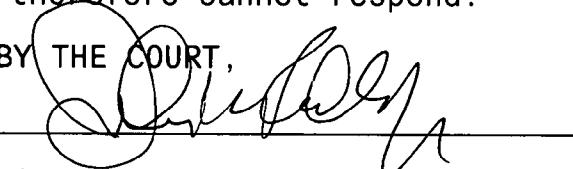
The first alleges that this Court should recuse itself because it has been named as a defendant in a proceeding filed by the appellant in Mercer County. While this is correct, counsel for this Court from the AOPC has filed preliminary objections to the complaint which will undoubtedly be sustained, therefore, this Court has not recused itself from the above proceeding.

The second allegation is that defendant's preliminary objections have been or will be improperly dismissed. The defendant has filed numerous proceedings in various counties and this Court believes that he is referring to preliminary

119

objections filed in Mercer County over which this Court has no jurisdiction or authority and therefore cannot respond.

BY THE COURT,

  
JOHN K. REILLY, JR., SENIOR JUDGE  
SPECIALLY PRESIDING

**FILED**

**MAY 30 2008**

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

DATE: 5/30/08

       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 (original)  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL L. SPUCK

Plaintiff

v.

CLEARFIELD COUNTY,  
PENNSYLVANIA

Defendant

| No. 07-1932 CD

5 FILED

MAY 07 2008  
m1 10:30/w  
William A. Shaw  
Prothonotary/Clerk of Courts

I CERT TO (GN)  
PLFF

STATEMENT OF MATTERS TO BE COMPLAINED  
ABOUT ON APPEAL

To: The Honorable Judge Reilly, Jr.

NOW COMES, The Plaintiff Daniel L. Spuck, Pro Se  
(I.F.P.) and avers the Following in Support:

I.) The Honorable Court ordered statement of matters from Plaintiff and The Plaintiff now complies.

I. Whether the Honorable Judge John K. Reilly, Jr. senior Judge should recuse himself from this Civil Action, Due to him being a Defendant in <sup>(Plaintiff's)</sup> Mercer County Case, as well as he maybe called as a witness in this Case.

Answer: Yes

II. Whether The Defendant's preliminary Objections should be denied because their failure to Follow the Pennsylvania Rules of Court, by failing to sign and date a Verification or Date the Conclusion.

Answer : Yes

Wherefore the Plaintiff Respectfully Reavest that this Honorable Court accept his Statement of Matters The Plaintiff Prays for Relief Requested

Dated 5-2-08

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se Plaintiff, I.F.P.  
Inst No. CZ-4825, S.R.C.F.  
Mercer, 801 Butler Pike  
Mercer, Pa. 16137

Verification

I, Daniel L. Spuck verify that all statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of Perjury.

Dated 5-2-08

Daniel L. Spuck  
Daniel L. Spuck, Pro Se Plaintiff, I.F.P.

Certification

I, Daniel L. Spuck certify that I have served 1 original + 1 copy of Statement of Matter to the Clearfield Co. Prothonotary + 1 copy to <sup>(Defendant's Attorney)</sup> Joseph Green, Esquire by regular Mail by placing them in the inmate mailbox on May 4, 2008.

Dated 5-2-08

Daniel L. Spuck  
Daniel L. Spuck, Pro Se Plaintiff, I.F.P.

## Appeal Docket Sheet

## Superior Court of Pennsylvania

Docket Number: 723 WDA 2008



Page 1 of 3

April 29, 2008

Daniel L. Spuck, Appellant

v

Clearfield County, Pennsylvania

07-1932-CD

Initiating Document: Notice of Appeal IFP

Case Status: Active

Case Processing Status: April 25, 2008 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: May 13, 2008

Next Event Type: Original Record Received

Next Event Due Date: June 24, 2008



5 FILED  
 MAY 01 2008  
 NO. 723 WDA 2008  
 CC  
 (GP)

William A. Shaw  
 Prothonotary/Clerk of Courts

**Appeal Docket Sheet****Docket Number: 723 WDA 2008****Page 2 of 3****April 29, 2008****Superior Court of Pennsylvania****COUNSEL INFORMATION****Appellant** Spuck, Daniel L

Pro Se: ProSe      Appoint Counsel Status:

IFP Status: Yes

**Appellant Attorney Information:**

Attorney: Spuck, Daniel

Bar No.: Law Firm:

Address: CZ 4825, SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

Phone No.: Fax No.:

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

**Appellee** Clearfield County, Pennsylvania

Pro Se: Appoint Counsel Status:

IFP Status:

**Appellee Attorney Information:**

Attorney: Green, Joseph P.

Bar No.: 19238 Law Firm: Lee, Green &amp; Reiter, Inc.

Address: 115 E High Street  
PO Box 179  
Bellefonte, PA 16823-0179

Phone No.: (814)355-4769      Fax No.: (814)355-5024

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

**FEES INFORMATION**

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number

**TRIAL COURT/AGENCY INFORMATION**

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of OrderAppealed From: March 18, 2008

Judicial District: 46

Date Documents Received: April 25, 2008

Date Notice of Appeal Filed: April 21, 2008

Order Type: Order

OTN:

Judge: Reilly, Jr., John K.  
Senior Judge

Lower Court Docket No.: 07-1932-CD

**ORIGINAL RECORD CONTENTS**

## Appeal Docket Sheet

Docket Number: 723 WDA 2008

Page 3 of 3

April 29, 2008

## 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
April 25, 2008	Notice of Appeal IFP	Appellant	Spuck, Daniel L
April 25, 2008	Order Granting Application to Proceed In Forma Pauperis		Lower Court or Agency
April 29, 2008	Docketing Statement Exited (Civil)		Valecko, Eleanor R.

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:

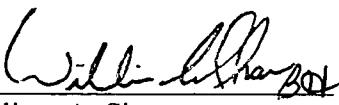
THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the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

**Daniel L. Spuck**  
VS.  
**Clearfield County**  
**07-1932-CD**

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

The documents compromising the record have been numbered from **No. 1 to 20**, 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 comprising the document.

The date on which the record had been transmitted to the Appellate Court is June 3, 2008.

  
William A. Shaw  
Prothonotary/Clerk of Courts

(seal)

Date: 6/3/2008  
Time: 09:26 AM  
Page 1 of 2

Clearfield County Court of Common Pleas

ROA Report

Case: 2007-01932-CD

Current Judge: No Judge

User: BHUDSON

Daniel L. Spuckvs.Clearfield County

Civil Other-COUNT

Date	Judge	
11/28/2007	New Case Filed. Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge
12/5/2007	Praecipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.	No Judge
	Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.	No Judge
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	John K. Reilly Jr.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.	No Judge
	Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge
2/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green	John K. Reilly Jr.
3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.	No Judge
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green	John K. Reilly Jr.
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff no cert.	No Judge
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.	No Judge
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.	No Judge

Date: 6/3/2008  
Time: 09:26 AM

Clearfield County Court of Common Pleas

User: BHUDSON

Page 2 of 2

ROA Report  
Case: 2007-01932-CD  
Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

Civil Other-COUNT

Date

Judge

4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
5/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge
6/3/2008	June 3, 2008, Mailed Appeal to Superior Court. June 3, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	No Judge

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

JUN 03 2008

Attest.

*William L. Green*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1932-CD  
Daniel L. Spuck  
VS.  
Clearfield County

ITEM NO.	DATE OF FILING	NAME OF DOCUMENT	NO. OF PAGES
01	11/28/07	Civil Complaint – Transfer from Mercer County per Court Order	83
02	12/05/07	Praeclipe for Entry of Appearance	03
03	12/05/07	Preliminary Objections (restated)	04
04	01/23/08	Scheduling Order	01
05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
11	03/07/08	Motion for a Continuance	02
12	03/18/08	Order, Re: filing of briefs	01
13	03/24/08	Petition for Permission to Amend Petitioner's Complaint	03
14	04/18/08	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge	06
15	04/21/08	Notice of Appeal	03
16	04/22/08	Order, Re: Concise statement to be filed	01
17	05/01/08	Appeal Docket Sheet, 723 WDA 2008	03
18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02
20	06/03/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	04

:43 A.M.

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 723 WDA 2008



Page 1 of 3

April 29, 2008

Daniel L. Spuck, Appellant

v

Clearfield County, Pennsylvania

071932-CD

Initiating Document: Notice of Appeal IFP

Case Status: Active

Case Processing Status: April 25, 2008 Awaiting Original Record

Journal Number:

Case Category: Civil Case Type: Trespass

Consolidated Docket Nos.: Related Docket Nos.:

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: May 13, 2008

Next Event Type: Original Record Received

Next Event Due Date: June 24, 2008

FILED  
MAY 1 2008  
No CC  
GP

William A. Shaw  
Prothonotary/Clerk of Courts

## Appeal Docket Sheet

Docket Number: 723 WDA 2008

Page 2 of 3

April 29, 2008

Superior Court of Pennsylvania



## COUNSEL INFORMATION

Appellant Spuck, Daniel E

Pro Se: ProSe Appoint Counsel Status:

IFP Status: Yes

## Appellant Attorney Information:

Attorney: Spuck, Daniel

Bar No.: Law Firm:

Address: CZ 4825, SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

Phone No.: Fax No.:

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

Appellee Clearfield County, Pennsylvania

Pro Se: Appoint Counsel Status:

IFP Status:

## Appellee Attorney Information:

Attorney: Green, Joseph P.

Bar No.: 19238 Law Firm: Lee, Green &amp; Reiter, Inc.

Address: 115 E High Street  
PO Box 179

Bellefonte, PA 16823-0179

Phone No.: (814)355-4769 Fax No.: (814)355-5024

Receive Mail: Yes

E-Mail Address:

Receive E-Mail: No

## FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number

## TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield

Division: Civil

Date of OrderAppealed From: March 18, 2008

Judicial District: 46

Date Documents Received: April 25, 2008

Date Notice of Appeal Filed: April 21, 2008

Order Type: Order

OTN:

Judge: Reilly, Jr., John K.  
Senior Judge

Lower Court Docket No.: 07-1932-CD

## ORIGINAL RECORD CONTENTS

## Appeal Docket Sheet

Docket Number: 723 WDA 2008

Page 3 of 3

April 29, 2008

Superior Court of Pennsylvania



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

BRIEFS
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## DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
April 25, 2008	Notice of Appeal IFF	Appellant	Spuck, Daniel L
April 25, 2008	Order Granting Application to Proceed In Forma Pauperis		Lower Court or Agency
April 29, 2008	Docketing Statement Exited (Civil)		Valecko, Eleanor R.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DANIEL L. SPUCK

:

VS.

: NO. 07-1932-CD

CLEARFIELD COUNTY, PENNSYLVANIA :

O R D E R

AND NOW, this 21st day of April, 2008, it is the ORDER of this Court that Appellant shall, within fourteen (14) days from date hereof, file a concise statement of matters complained of on appeal in accordance with Pennsylvania Rule of Appellate Procedures 1925 (b).

BY THE COURT

John K. Reilly, Jr.  
Senior Judge  
Specially Presiding

5  
FILED 2ccAff  
04/22/2008 SCI Mercer  
APR 22 2008 CZ 4825

William A. Shaw  
Prothonotary/Clerk of Courts

2ccAffy Green  
60

#16

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA (original  
Copy)

Daniel L. Spuck.  
v.  
Plaintiff/Appellant

No. 07-1932-CD

Clearfield County, Pennsylvania,  
Defendant Appellee

FILED (E)

APR 21 2008

13:30 AM

William A. Shaw  
Prothonotary/Clerk of Courts

Cent. to Superior  
Court

Cent to PSC

### Notice of Appeal

Notice is hereby given that Daniel L. Spuck, Plaintiff/Appellant, in the above captioned case, hereby Appeals to the Superior Court of Pennsylvania from the Order entered in this matter on March 18, 2008, (Please see attached "Order" Exhibit "A").

Dated: April 14, 2008

Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
Plaintiff/Appellant (I.F.P.)  
Inst. No. CZ-4825, S.R.C.F.  
Mercer, 801 Butler Pike,  
Mercer, Pa. 16137

# Order For Transcripts (I.F.P)

A phone conference was initiated by the Honorable Court on March 18, 2008, at Approximately 9:00 am. The Transcripts of that Phone Conference are necessary for Appeal Purposes. The Plaintiff/Appellant Respectfully Requests a Copy of that Transcript. (In Forma Pauperis)

Dated : April 14, 2008

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se,  
(I.F.P.) Plaintiff

(continuation I.F.P.)

## Petition For Leave to Proceed In Forma Pauperis

(incarcerated)

The Plaintiff remains indigent and has previously been granted In Forma Pauperis Status. His financial situation remains the same. The Plaintiff, Daniel L. Spuck Respectfully Requests the Honorable Court to allow Leave to Proceed with this Appeal In Forma Pauperis.

Dated : April 14, 2008

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff/Appellant

## Verification

I, Daniel L. Spuck verify that the statements herein are true and correct to the best of my knowledge + Belief  
I understand False Statements are subject to Crimes of Perjury.

Dated : April 14, 2008

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
I.F.P. Plaintiff

## Certification

I, Daniel L. Spuck certify that I have served 1 original + 2 copies (Notice of Appeal) to the Clearfield County Prothonotary, 1 copy each to Honorable Judge Reilly, Jr., Court Reporter, Joseph P. Green (defendants counsel) Pa Superior Court on April 14, 2008 by placing them in inmate mailbox Acu Mail dated April 14, 2008 Daniel L. Spuck, Pro Se Plaintiff (I.F.P.)

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

(original)  
Copy

DANIEL L. SPUCK  
Plaintiff,  
v.

CLEARFIELD COUNTY,  
PENNSYLVANIA  
Defendant,

No. 07-1932-CD

5 FILED

APR 17 2008  
M/11-20/08  
William A. Shaw  
Prothonotary/Clerk of Courts  
2 Cents To

Motion For Recusal of The  
Honorable John K. Reilly, Jr.  
Senior Judge

To: The Honorable Judge Reilly, Jr.

NOW COMES, The Plaintiff Daniel L. Spuck, Pro Se  
(I.F.P) and avers the following in support:

- 1.) The Plaintiff previously filed a Motion including the Honorable John K. Reilly, Jr. senior Judge's Recusal.
- 2.) On March 25, 2008, Mary Butler, Esquire entered her appearance for the Honorable Reilly, Jr. in a Civil matter at No. 2006-366, Mercer County. ~~All~~  
~~Att~~
- 3.) The Honorable Reilly, is now a Defendant involving issues in this case as well, and must recuse himself because it will be impossible for him to remain impartial.

#14

4.) On March 3, 2008, the Plaintiff filed a motion for a continuance stating that his Stand by Counsel could not be present because he was out of town and could only be available on Wednesday and Fridays at the beginning of the months, and for the Court to continue the argument ~~until~~ of March 18, 2008, at 9:00 am, to April 2<sup>nd</sup>, or 4<sup>th</sup>, May 2, June 4<sup>th</sup> or 6<sup>th</sup>, 2008.

5.) The Court did not rule on this Motion. The Plaintiff also granted Power of Attorney to his brother Tim Spuck, and his brother Tim sent a Fax to William A Shaw, Clerk of Courts "urgent" to Judge Reilly, Jr, (see Exhibit "A" Fax and Points to be Considered and sent documents and argument from his previous Fax of Thursday February 21, 2008).

6.) Point #1 was that the Honorable Reilly, Jr was amended as a Defendant in case # 2006-366 Mercer County, Pennsylvania on March 13, 2008, and that Daniel Spuck, (Plaintiff requested a Change of VENUE <sup>Motion</sup> (previously)). That the case be sent to the Intermediate unit, or transferred back to Mercer County, or another County such as Armstrong County. Point #2 the Plaintiff objected to the preliminary Objections (original and restated) on page 1, and also that Counsel and Defendant did not date Conclusion prayer or provide a required Verification and on those grounds alone the defendant's preliminary objections should be dismissed under Pa. Civ. R. of Proc. R. # 1024 a, b, and c and rule #76 (verified) and that the preliminary objections should be considered untimely and improper, and for the Court to strike any future response from defendant or defendant's Counsel.

Point. #3 The immunity issue is on Appeal in the Commonwealth Court of Pennsylvania. Point #4 That Plaintiff has complied with rule 1095 (3) complaint and requirements of rule 1095, and that County employee tampered and tainted blood on evidence at trial and other issues raised in the complaint, contrary to preliminary objections. There is legal sufficiency of a pleading (demurrer), None the less the Defendant's Counsel and the Defendant have waived these preliminary objections and any future response, because of their failure to date conclusion prayer and for failure to provide a verification. Therefore Judgement should be ruled in favor of the Plaintiff.

7.) The Court went ahead with a phone conference and presided over the civil matter, even though he is a Defendant, when the Plaintiff mentioned that "is this case going to be transferred to an Intermediate Unit? The Court said I don't know what you mean, and Plaintiff explained that the case should be transferred in venue & the Court recuse himself, The Court said he won't be doing this. The Plaintiff said that would be an appealable issue, and preserved this issue for Appeal purposes.

8.) The Court said this case will be decided on briefs. It was an extreme disadvantage to the Plaintiff that he couldn't have <sup>(stand-by)</sup> Counsel present or himself present and there should have been a Continuance granted. The Plaintiff has a Constitutional Right to have Counsel present.

9.) It is clear that the Court cannot be impartial in this case, because he is a Defendant, He also in the Order scheduling the Argument that he would address those other documents including re-cusal, change of venue, 8 hr Furlough to be present at Argument. see United States v. Murphy, 768 F.2d 1518 (7th Cir.) cert. denied 475 U.S. 1012 (when a question about a Judge's impartiality reasonably arises, Judges must stand aside in order to preserve public confidence in the Courts

10.) There is no order addressing those issue because the Court does not want to issue an Appealable Order and just wants this case to proceed and for the Court to decide on Brief's and the possibility that the Court or his Clerk will not even read the Brief of the Plaintiff, because he is an inmate and not Counsel, and dismiss the case. ~~the~~

Wherefore, The Plaintiff Respectfully Requests that this Honorable Court recuse himself from any further proceedings involving the Plaintiff because he is a Defendant in the Plaintiff's case. Also the Plaintiff Requests an Evidentiary Hearing to support all Claims within the Complaint. The Plaintiff Prays for the Relief Requested.

Dated: April 13, 2008

Respectfully Submitted

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P) Plaintiff, # C2-4825,  
S.R.C.F. Mercer, 801 Butler  
Pike, Mercer, Pa. 16137

## Certification

I, Daniel L. Spuck verify that the statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to perjury

Dated: April 13, 2008

Daniel L. Spuck  
Daniel L. Spuck, ProSe  
Plaintiff (I.F.P.)

## Certification

I, Daniel L. Spuck certify that I have served ~~████████~~ 1 original + 2 copies of "Motion For Recusal of the Honorable John K. Reilly, Jr. Senior Judge I also served the Defendant's Counsel Joseph P. Green, Esquire by Regular U.S. Mail by placing them in the inmate mailbox at S.R.C.F. Mercer on April 13, 2008.

Dated: April 13, 2008

Daniel L. Spuck  
Daniel L. Spuck, ProSe  
Plaintiff (I.F.P.)

ADDITIONAL POINTS TO BE CONSIDERED

URGENT FAX

POINT #1: Honorable Judge Riley, Jr. was appointed as a defendant in case # 2006-366 Mercer Co., Pennsylvania on March 13, 2008. Daniel L. Spuck requested a Change of Venue.

POINT #2: Daniel L. Spuck objects to #2 of the defendant's preliminary objections (restated) on page 1 and also the original preliminary objections. The defendant or defendant's council failed to date conclusion, pray etc. They also did not provide a verification and on that grounds alone the defendant's preliminary objections should be dismissed. See PAC Civil Rules of Procedure Rule # 024 and Rule # 026 (emphatic). The preliminary objections should be considered untimely and improper, and the court should strike any future response from defendant or defendant's council.

POINT #3: The immunity issue is on appeal in the Commonwealth Court of Pennsylvania.

POINT #4: Daniel L. Spuck has complied with rule 1095(3) complaint. He complied with all requirements of rule 1095. The County employee tampered and tainted blood on evidence at trial and other issues raised in the complaint. Contrary to preliminary objections, there is legal sufficiency of a pleading (demur).

In addition to these four additional points, I am resubmitting all documents sent on Thursday, February 21 for the previously scheduled hearing on February 22.

RE: Case# 2007-1932-CD  
Plaintiff Daniel L. Spuck  
Defendant Clearfield County, PA

Scheduled Argument Tuesday March 18 at 9:00AM - Courtroom #3  
These documents are being provided and are to be presented for consideration at the scheduled argument for Daniel L. Spuck on Tuesday the 18<sup>th</sup> day of March 2008 at 9:00 AM in Courtroom #3.

I am the brother of Daniel L. Spuck, and as per the document enclosed Daniel has granted me Power of Attorney over these matters. It is my understanding Daniel is to appear at the hearing via telephone, however as of 9:00 PM Monday evening no arrangements have been discussed with Daniel at SCI-Mercer.

Questions about this fax should be directed to Tim Spuck at 814-758-9527.

Thank you,

  
Timothy S. Spuck

15 PAGES TO FOLLOW

Exhibit "A"

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA (Original)  
(Copy)

Daniel L. Spuck

No. 2007-1932-CB

Plaintiff

Clearfield County, Pennsylvania  
Defendant

FILED (2)

MAR 24 2008  
m/12:50/w

William A. Shaw  
Prothonotary/Clerk of Courts

MS C/C

Petition For Permission to Amend Petitioner's  
Complaint

Now Comes, Daniel L. Spuck, Plaintiff, Petitioner, Pro Se  
I.F.P. and avers the following in support:

- 1.) The Plaintiff is an inmate at S.R.C.F Mercer, Mercer, Pa. Inst No. C2-4825 and proceeding Pro Se, at this time.
- 2.) Our Supreme Court of the United States in Erickson v. Pardus, 127 S.Ct. 2197 (U.S. 2007) certiorari granted, Judgment vacated, case remanded. "A Document filed Pro Se is to be liberally construed and a Pro Se Complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by Lawyer (Fed. Rule Civ. Proc Rule 8(a)(2)(f) 28 U.S.C.A.
3. The Plaintiff has preserved the best he could issues within the Complaint

AM

4. On the Third Page of his Complaint #3 " And at all times pertinent to the Cause of Action herein as follows" He lists the Defendants and also on the 4th page as well, and also lists the claims, However on page 4 where the Plaintiff lists the Defendant and its employees actions. You have to turn to page 3 and sort out the claims with 2 of the Defendants employees such as

J Michael Williamson for example This Defendant whom was a Defendants employee was negligent and created a Defamation of Character against the Plaintiff for sending a copy of his Order to the Parole Board, which was not A Defendant in the Civil Matter several other claims are listed

Fredric J Ammerman for example Did not allow the Plaintiff a reasonable 2 weeks to copy his file and is liable for Seizing the Plaintiff's Legal file and still has not returned some of those documents. Also that this Defendant whom is a Defendant Employee Dismissed his Writ of Habeas Corpus Ad Subjicendum without any Court Rule or Case Law in support and did not follow State + U.S. Constitution to the issue of Jurisdiction, and did not follow the precedent and Plaintiff list the Bangs case in support where Pennsylvania is without a general Savings clause and that they still dont have one. The Plaintiff is challenging Jurisdiction issue. These issue are raised. the Plaintiff would Respectfully Request he be granted leave to Amend in numbered form to assist the Defendants Counsel to sort out those claims in numbered form. As well as help this honorable court as well.

5. Fed Rules Civ Proc Rule 12(b)(6) 28 U.S.C.A. States "a Judge must accept as true all of the factual allegations contained in the Complaint." Citing Erickson.

Where fore, The Plaintiff Respectfully Requests Leave to Amend the Complaint in numbered form and list the Court Rules by numbers in which the Defendant & Defendants Employees violated as well as Constitutional U.S. and State Amendments violated.

The Plaintiff prays for relief REQUESTed

Dated: March 19, 2008

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Prose  
I.F.P. Plaintiff  
Inst No. CZ-4825  
S.R.C.F. Mercer  
801 Butler Pike  
Mercer, Pa. 16137

Verification

I, Daniel L. Spuck verify that the statements made herein are true and correct to the best of my knowledge and belief. I understand false statements are subject to perjury

Dated: March 19, 2008

Daniel L. Spuck

Daniel L. Spuck, Prose  
I.F. P. Plaintiff

Certification

I, Daniel L. Spuck certify that I have served the Clearfield County Prothonotary with 1 original & 1 copy of Petition for Permission to Amend Petitioner's Complaint and a copy was forwarded to Joseph Green Esq. Counsel for Defendant on March 19, 2008 by U.S. Mail and placing in the inmate mailbox on that Date.

Dated: March 19, 2008

Daniel L. Spuck

Daniel L. Spuck, Prose  
I.F. P. Plaintiff

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

DANIEL L. SPUCK

:

-vs-

: No. 07-1932-CD

CLEARFIELD COUNTY

:

O R D E R

AND NOW, this 18th day of March, 2008, following telephonic conference with Plaintiff and Defendant's attorney, it is the ORDER of this Court that Defendant shall file, within the next ten (10) days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys, whoever they may be, with copies thereof and file a responsive brief within no more than thirty (30) days from date of receipt. Should additional time be needed by Plaintiff's counsel to file a reply brief, a reasonable additional period of time will be granted.

BY THE COURT,



THE HONORABLE JOHN K. REILLY, JR.  
Senior Judge, Specially Presiding

S FILED 2cc Aff  
03/09/08 CZ 4825  
MAR 18 2008 SCF Mercer

William A. Shaw  
Prothonotary/Clerk of Courts

2cc Atty Green

(6P)

(#12)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division  
No. 2007-1932 CD (Original)  
Daniel L. Spuck Plaintiff  
v.  
Clearfield County, Pennsylvania Defendant  
FILED acc Piff.  
01/11/25pm MAR 07 2008  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

Motion For a Continuance

To The Honorable John K. Reilly Jr. senior Judge

NOW COMES, Daniel L. Spuck, Plaintiff, Pro Se (F.F.P)  
and avers the following in Support:

- 1.) The Honorable Court has rescheduled an Argument  
For March 18, 2008 at 9:00 am in Court Room #3 of  
the Clearfield County Courthouse.
- 2.) The Plaintiff Respectfully Requests another Continuance  
to either of these dates if possible April 2<sup>nd</sup> or 4<sup>th</sup>, 2008,  
May 2<sup>nd</sup>, 2008, June 4<sup>th</sup> or 6<sup>th</sup>, 2008.
- 3.) Standby Counsel will be out of town on the 18<sup>th</sup> of March.  
and his schedule would only allow his presence at the  
First Week of each Month on Wednesday or Friday,
- 4.) The Plaintiff has still at this time ~~not~~ not had the  
funds to hire said Counsel. It is important for Counsel's  
presence to hear the merits of this case and be hired  
on a Contingency basis. The Plaintiff still remains indigent. #11

Therefore, The Plaintiff Respectfully Requests that this Honorable Court grant his Motion For a Continuance of the Argument Scheduled for March 18, 2008 at 9:00 am. The Plaintiff prays for the Relief Requested.

Dated: March 3, 2008

Respectfully Submitted,  
Daniel L. Spuck  
Daniel L. Spuck, ProSe  
(I.F.P) Plaintiff, Inst.  
No. CZ-4825, S.R.C.F.  
Mercer, 801 Butler  
Pike, Mercer, Pa.

16137

Verification

I, Daniel L. Spuck verify that all statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to perjury.

Dated: March 3, 2008

Daniel L. Spuck  
Daniel L. Spuck, ProSe  
(I.F.P) Plaintiff

Certification

I, Daniel L. Spuck certify that I have served (1) one original and 2 copies upon the Clearfield County Prothonotary Clerk of Courts. I have also served the Defendant's Counsel Joseph P. Green, Esquire with a copy of "Motion for a Continuance" by placing them in the inmate mailbox at S.R.C.F. Mercer on March 3, 2008, mailing them by Regular U.S. Mail

Dated: March 3, 2008

Daniel L. Spuck  
Daniel L. Spuck, ProSe  
(I.F.P) Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA (Original  
Copy)

Daniel L. Spuck,  
Plaintiff

No. 2007-1932-CD

v.

Clearfield County, Pennsylvania,  
Defendant

5 FILED

MAR 03 2008

4/1/30/08

William A. Shaw  
Prothonotary/Clerk of Courts  
2 Ctr to Pfr

Motion For an 8 hour Furlough or any  
Alternative to be present for Argument

To: THE HONORABLE JOHN K. REILLY, JR. SENIOR JUDGE

AND NOW, Comes Daniel L. Spuck, pro se (I.F.P.), Plaintiff  
and avers the following in support:

1.) The Honorable Court has rescheduled an Argument  
for Tuesday the 18<sup>th</sup> day of March, 2008, at 9:00 am.  
in Courtroom #3

2.) The Plaintiff Respectfully Request a Court Ordered  
8 hr. Furlough so he may attend. The Court may impose  
any stipulations such as No Contact with Victim, Victims  
Family. The Plaintiff would travel mostly on Interstate 80 to  
Woodland or Clearfield Exit, He also would be willing to  
wear a monitor etc. Between the Hours of 6am - 2pm.  
and will be back at State Correctional Facility at Mercer by  
2pm on March 18, 2008.

#1C

In the alternative, to have Mercer County Sheriff I.F.P. Transport plaintiff over to the Argument and immediately after the argument Return the Plaintiff to the State Correctional Facility at Mercer, Pa. or schedule a video in-camera Conference at S.R.C.F. MERCER or to have Clearfield County Sheriff <sup>(I.F.P.)</sup> pick the Plaintiff up at 6:00 am. and to return him immediately after the Hearing back to S.R.C.F. Mercer

Wherefore, the Plaintiff Respectfully Request that this Honorable Court grant his Motion for an 8 hour Furlough with any Stipulations by the Court, or in the alternative allow the plaintiff to be present for the Argument Scheduled for March 18, 2008 at 9:00 am. The Plaintiff Prays for Relief Requested.

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff

Inst. No. CZ-4825, S.R.C.F.  
Mercer, 801 Butler Pike,  
Mercer, Pa. 16137

### Verification

I, Daniel L. Spuck verify that all statements made herein are true and correct to the best of my knowledge and belief. I also understand that False statements are subject to perjury

Dated: February 28, 2008

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff.

### Certification

I, Daniel L. Spuck certify that I have served (1) original + 2 copies upon the Prothonotary of Clearfield County + 1 copy to Defendants Counsel Joseph P. Green Esq. (motion for 8 hr Furlough or any alternative ---) by regular U.S. Mail by placing them in the inmate mailbox on February 28, 2008.

Dated February 28, 2008

Daniel L. Spuck  
Daniel L. Spuck, Pro Se

4.

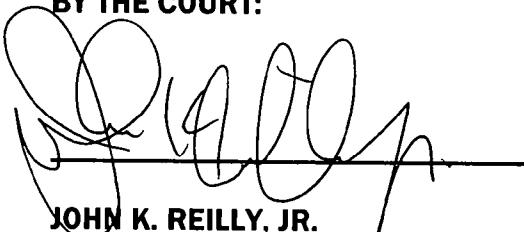
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

DANIEL L. SPUCK, :  
Plaintiff :  
: :  
v. : : No. 2007-1932-CD  
: :  
CLEARFIELD COUNTY, :  
Defendant. : :

**ORDER**

NOW, this 20<sup>th</sup> day of February, 2008, in consideration of Plaintiff's Motion for Continuance, filed in the above-captioned matter, it is Order of this Court that said motion shall be and is hereby granted. Argument on Defendant's Preliminary Objections (Reinstated); Plaintiff's Motion for 8-hour Furlough; Plaintiff's Motion/Petition to Amend or Supplement Plaintiff's Motion for Recusal or Change of Venue; and Plaintiff's Motion for Recusal of Senior Judge John K. Reilly, Jr., or Motion for Change of Venue shall be and hereby scheduled for Tuesday, the 18<sup>th</sup> day of March, 2008, at 9:00 <sup>A</sup>P.M. in Courtroom #3 of the Clearfield County Courthouse, before the Hon. John K. Reilly, Jr., Senior Judge, specially presiding.

BY THE COURT:



JOHN K. REILLY, JR.  
SENIOR JUDGE

5 FILED 2cc Piff.  
010:50 301 SCI Mercer  
FEB 21 2008 CZ 4825

William A. Shaw 2cc Atty Green  
Prothonotary/Clerk of Courts

(6K)

(#9)

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL

Division

No. 2007-1932-CD

Daniel L. Spuck,

Plaintiff

v.

(Original  
Copy)

Clearfield County, Pennsylvania,

Defendant

FILED

FEB 15 2008

10:30 AM

William A. Shaw  
Notary/Clerk of Courts

2 CERT to  
PLFC

CERT to  
JUDGE

Motion For an 8 hour Furlough or any  
Alternative to be present for argument

To: THE HONORABLE JOHN K. REILLY, JR SENIOR JUDGE.

AND NOW, Comes Daniel L. Spuck, pro se (I.F.P) Plaintiff,  
and avers the following in support:

1.) The Honorable Court has scheduled a 1 hr. Argument  
For February 22<sup>nd</sup> 2008 at 2:00 pm in the Auditorium of the  
Clearfield County Multi-service Center in Clearfield, Pennsylvania.

2.) The Plaintiff Respectfully Requests an Court Ordered  
8 hr. Furlough so he may attend. The Court may impose any  
stipulations such as No Contact with victim, Victims Family, will  
travel mostly on Interstate 80 to Woodland or Clearfield Exit,  
wear a monitor etc. Between the hours of 10 am- 6pm., and will  
be back at S.R.C.F. Mercer at 6pm. on February 22nd, 2008.

3.) In the alternative, have the Mercer County Sheriff transport  
plaintiff over to the Argument and immediately after the argument  
Return the Plaintiff to State Correctional Facility at Mercer, Pa.

(I.F.P.)  
#8

or Schedule a video in-camera Conference at <sup>①</sup>S.R.C.F  
Mercer, or phone Conference, or clearfield County Sheriff (I.F.P.)  
pick up the plaintiff at 10am on February 22, <sup>nd</sup> 2008 and  
return the Plaintiff immediately after the Argument back  
to S.R.C.F. Mercer.

Wherefore, The Plaintiff Respectfully Request that this  
Honorable Court grant his Motion for an 8 hr Furlough  
or, in alterternative allow the plaintiff to be present  
for the Argument scheduled for 2pm on February 22nd, 2008.  
The Plaintiff prays for the relief requested.

Dated: February 11, 2008.

Respectfully Submitted,  
Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff,  
Inst. # CZ-4825, S.R.C.F.  
Mercer, 801 Butler Pike  
Mercer, Pa. 16137

### Verification

I, Daniel L. Spuck Verify that all statement made here in  
are true and correct to the best of my knowledge and belief  
I also understand that false statements are subject to perjury

Dated: February 11, 2008.

Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff

### Certification

I, Daniel L. Spuck, certify that I have served (1) original + 2<sup>cc</sup>Copies  
upon the Clearfield County Prothonotary and <sup>(Joseph P. Green, Esquire)</sup> 1<sup>cc</sup>Copy of the Document  
Motion For an 8 hour Furlough or any Alternative to be present for  
Argument" for filing by Regular U.S. Mail by placing the document  
in the inmate Mailbox on February 11, 2008.

Dated: February 11, 2008

Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff

<sup>①</sup> S.R.C.F. State Correctional Facility at Mercer, Pa.

<sup>②</sup> In Forma Pauperis Status

Daniel L. Spuck,  
Plaintiff  
v.

No. 2007-1932-CD

(original  
copy)

Clearfield County, Pennsylvania,  
Defendant

FILED

FEB 15 2008

M/10/30/08

William A. Shaw

Prothonotary/Clerk of Courts

2 Ctrs to PCL

+  
copy to Judge

Motion For a Continuance

TO: THE HONORABLE JOHN K. REILLY, JR SENIOR JUDGE

NOW COMES, Daniel L. Spuck, Plaintiff, Pro Se. (I.F.P.)

and avers the following in support:

1.) The Honorable Court has scheduled a 1 hr. Argument  
For February 22<sup>nd</sup>, 2008 at 2:00 pm. in the Auditorium of  
the Clearfield County Multi Service Center in Clearfield, Pennsylvania.

2.) The Plaintiff Respectfully Requests a Continuance  
to either of following dates March 5<sup>th</sup> or 7<sup>th</sup>, 2008, or  
April 2<sup>nd</sup> or 4<sup>th</sup>, 2008, so his stand by Counsel will be  
present.

3.) The Plaintiff has had consultations with Counsel but  
at this time has not had the funds to hire Counsel in  
this matter. After the Argument if Counsel finds Merit. He possibly  
will be hired on a Contingency basis, so it is important  
for Counsel to be present in this matter. The Plaintiff still remains  
indigent.

Wherefore, The Plaintiff Respectfully Requests that this Honorable Court grant his Motion For a Continuance of the Argument Scheduled for February 22nd, 2008. The Plaintiff prays for the Relief Requested.

Dated: February 11, 2008

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P) Plaintiff, Inst#CZ-4825  
S.R.C.F. Mercer, 801 Butler  
Pike, Mercer, Pa. 16137

### Verification

I, Daniel L. Spuck, verify that all statement made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to perjury.

Dated: February 11, 2008.

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff

### Certification

(overnight Express Mail)

I, Daniel L. Spuck, certify that I have served 1 original and 2<sup>(c.c)</sup> copies, upon the Clearfield County Prothonotary Clerk of Courts. I have also served the Defendants Counsel Joseph P. Green, Esquire with a cc. copy by regular U.S. Mail by placing the document "Motion For a Continuance" in the inmate Mailbox at S.R.C.F. Mercer on February 11, 2008.

Dated: February 11, 2008.

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff

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

Civil

Division 5

Daniel L. Spuck,  
Plaintiff  
v.

No. 2007-1932-CD

Clearfield County, Pennsylvania,  
Defendant

(Original  
copy)

FILED

FEB 15 2008

11:10:30 AM

William A. Shaw  
Prothonotary/Clerk of Courts

2 copy to P.P.  
copy to Judge

Motion/Petition to Amend or Supplement the Plaintiff's

Motion For Recusal of the Honorable Senior Judge John  
K. Reilly Senior Judge of Clearfield County, Pennsylvania

And or Motion For a Change of Venue

To: THE HONORABLE JOHN K. REILLY, Jr. SENIOR JUDGE

NOW COMES, Daniel L. Spuck, Plaintiff, Pro Se, (I.F.P.)  
and avers the following in Support:

1.) On February 1, 2008, the Plaintiff filed a Motion  
For Recusal of the Honorable Senior Judge John K. Reilly, Jr.,  
and or motion for A Change of Venue.

2.) The Plaintiff Respectfully Request to be allowed  
to Amend and Supplement <sup>Attachment</sup> Exhibit "A" Letter of March  
27, 1998, and Exhibit "B" Letter of January 6, 1998,  
Letters from Prothonotary Clerk of Courts William A. Shaw of  
Clearfield County, Pennsylvania, and Judges Chamber of  
John K. Reilly, Jr. Your Honor, Honorable President Judge (former)  
now Senior Judge.

(#6)

3. Your Honor may be necessary, to be called as a witness as this case proceeds against the County of Clearfield, Pennsylvania, and currently is Employed or has been employed by the State of Pennsylvania or County of Clearfield, Pennsylvania, and works closely with the Clerk of Courts and Court Administrator who will as be (mercer co. witnesses called in proceedings, as well as he may be Amended as a Defendant (No.2006-366).

Wherefore, the Plaintiff Respectfully Requests that this Honorable Court grant his Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal and or Change of Venue filed on February 1, 2008, and the Honorable Senior Judge John K. Reilly Jr., to recuse himself and or Change the VENUE in this Case.

The Plaintiff, Prays for the relief requested.

Dated: February 11, 2008.

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P) Plaintiff, Inst# CZ-4825,  
S.R.C.F. Mercer, 801 Butler  
Pike, Mercer, Pa. 16137

#### Verification

I, Daniel L. Spuck verify that all statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to perjury

Dated: February 11, 2008.

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P) Plaintiff, ████████

#### Certification

I, Daniel L. Spuck certify that I have served 1 original and 2 copies and 1 copy to Defendants Counsel Joseph P. Green, Esquire of Motions/Petition to Amend or Supplement motion for Recusal or Motion for A Change of VENUE... by Regular U.S. Mail, by placing them in the inmate mailbox at S.R.C.F. Mercer on February 11, 2008.

Dated: February 11, 2008

(Clerk of Courts) (Clearfield County Prothonotary)  
(Clerk of Courts) (Clerk of Courts)

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P) Plaintiff

WILLIAM A. SHAW  
PROTHONOTARY  
AND  
CLERK OF COURTS

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

**CLEARFIELD COUNTY**



P. O. Box 549  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641 Ext. 19

March 27, 1998

Daniel L. Spuck CZ-4825  
SCI - Rockview  
Box A  
Route 26  
Bellefonte, PA 16823-0820

In Re: Filing IFP and Writs of Summons

Dear Mr. Spuck:

Please be advised that we are not able to file your Praecipes for Writs of Summons as submitted. The Prothonotary is not required to accept for filing any documents without the appropriate fee or an Informa Pauperis Petition & Affidavit. The forms you submitted do not meet the Petition requirements. The Honorable John K. Reilly, Jr., will not review your IFP Petition without an accompanying Petition or Complaint. Therefore you must submit either a Complaint or the filing fee of \$ 55.00.

Should we not receive a formal Civil Complaint or the \$ 55.00 filing fee within ten (10) business days we will return the unexecuted documents to you.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

WAS:ryd

Attachment  
Exh. bit "A"

(17-25)

~~Exhibit D~~



JUDGE'S CHAMBERS  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA  
CLEARFIELD COUNTY  
CLEARFIELD, PENNSYLVANIA 16830

JOHN K. REILLY, JR.  
PRESIDENT JUDGE

January 6, 1998

Daniel L. Spuck  
CZ-4825  
Box A  
Bellefonte, PA 16823-0820

Dear Mr. Spuck:

The Clerk of Courts of Clearfield County has delivered to me for examination the matters you attempted to file at his office entitled Formal Judicial Misconduct Complaint Against Honorable Fredric J. Ammerman, Judge and your Affidavit and Application for Leave to Proceed In Forma Pauperis. Since your original complaint is not properly filed in this forum, I have declined to grant you IFP status and have further informed the Clerk not to file any of these proceedings.

Very truly yours,

JOHN K. REILLY, JR.  
President Judge

JKR/cjm  
cc: Honorable Fredric J. Ammerman  
Clerk of Courts

Exhibit "B"

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
(Civil Division) (Original Copy)

DANIEL L. SPUCK, | No. 2007-1932-CD  
Plaintiff, |

v.

CLEARFIELD COUNTY,  
Defendant,

CA  
6 FILED  
m/12/08  
FEB 07 2008  
3 CENS TO D.  
William A. Shaw  
Prothonotary/Clerk of Courts

Motion For Recusal of the Honorable Senior  
Judge John K. Reilly, Jr., and or Motion for  
A Change of Venue

To: the Honorable John K. Reilly, Jr., Senior Judge

NOW COMES, Daniel L. Spuck, Plaintiff, Pro Se,  
I.F.P. and avers the following in support:

1.) The Honorable Court has scheduled a  
1 (one) Hour Argument in this matter on February 22,  
2008 at 2:00 pm., before your Honor.

2.) However, your Honor has been listed in Civil Action No. 2006-366 at # 3 of Civil Complaint (See <sup>Attachment</sup> Exhibit "A" Civil Complaint [Highlighted Area]) and may be compelled to Testify to the matters before the Honorable Court in Mercer County, Pennsylvania Also in Case No. 2007- 1994 and this matter involving Clearfield County, Pennsylvania No. 2007- 1932-CD.

3.) The Complaint was filed and the Praecept for a Writ of Summons was filed in Mercer County, Pennsylvania, and Original Process was made complete by the Mercer County Sheriff's Department, and there is a continuing Obstruction and impediments by Defendants involved, and Plaintiff resides at S. R.C.F. Mercer.

4.) The Plaintiff Respectfully asks that your Honor Transfer the case back to Mercer County for a 1 hour hearing/argument on February 22, 2008, or to Transfer to the Administrative Regional Unit for assignment of a specially presiding judicial authority, and or transfer to Armstrong County, Pennsylvania, because the Honorable Court there is more failure with issues of these arguments pertaining to the Preliminary Objections, and Complaint, as well as there is 2 potential

witnesses that will be called that have had those similar matters resolved in that County. or whatever other alternative.

Wherefore, the Plaintiff Respectfully Requests that this Honorable Court grant his Motion For Recusal and or Motion For a Change of Venue. The Plaintiff Prays for the Relief Requested.

Dated: February 1, 2008

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se Plaintiff, (I.F.P.) Inst#cz-4825, S.R.C.F. Mercer, 801 Butler Pike, Mercer, Pa. 16137

### Verification

I, Daniel L. Spuck, verify that the statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of Perjury

Dated: February 1, 2008

Daniel L. Spuck

Daniel L. Spuck, Pro Se Plaintiff, (I.F.P.) Inst#cz-4825

### Certification

I, Daniel L. Spuck certify that I have served 1 original and 3 copies of motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and or Motion for a Change of Venue upon the Clearfield County Prothonotary, and a copy to the Defendant's Counsel Joseph Green, Esquire by Regular U.S. Mail by placing them in the inmate mailbox on February 1, 2008.

Dated: February 1, 2008

Daniel L. Spuck  
Daniel L. Spuck, Pro Se Plaintiff

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

Daniel L. Spuck  
Plaintiff  
v.

Civil Action No. 2006-366

Commonwealth of Pennsylvania  
Defendant

Civil Complaint

Daniel L. Spuck, Plaintiff, Pro Se appearing, has a cause of action against the Defendant of which the following is a statement

1.) Plaintiff, Daniel L. Spuck is an adult individual residing at S.R.C.F. Mercer, Inst. No. C2-4825, 801 Butler Pike, Mercer, Pa. 16137.

2.) The Defendant resides at the following address:

Commonwealth of Pennsylvania at office of the Attorney General of Pennsylvania, Manor Complex, 564 Forbes Ave. Pittsburgh, Pa. 15219

3.) And at all times pertinent to the cause of action herein as follows:

The Commonwealth is liable for the actions of Common Pleas Judges when they denied the Plaintiff (indigent) In Forma Pauperis status, made misapplications within the Orders, Gave a written instruction to the Jury During their Deliberations, which was forbidden and reversible error in Pennsylvania See Com. v Karaffa,

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

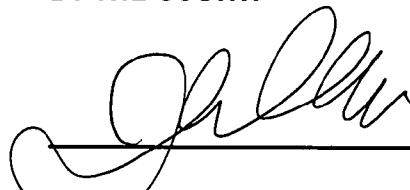
DANIEL L. SPUCK, :  
Plaintiff :  
: :  
v. : : No. 2007-1932-CD  
: :  
CLEARFIELD COUNTY, :  
Defendant. : :

**SCHEDULING ORDER**

NOW, this 23 day of JANUARY, 2008, in consideration of Defendant Clearfield County's Preliminary Objections (restated), filed in the above-captioned matter, it is Order of this Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22<sup>nd</sup> day of FEBRUARY, 2008, at 2:00 P.M. in the Auditorium of the Clearfield County Multi-service Center, 650 Leonard Street, Clearfield, Pennsylvania, before the Hon. John K. Reilly, Jr., Senior Judge, specially presiding. One hour has been provided for this matter.

Counsel shall contact the Court Administrator if special arrangements or directions are necessary.

BY THE COURT:

  
\_\_\_\_\_  
JOHN K. REILLY, JR.  
SENIOR JUDGE

FILED ACC PLEAS  
01/23/08 CZ 4825  
JAN 23 2008  
SCI Mercer

William A. Shaw  
Prothonotary/Clerk of Courts

ACC Atty J. Green  
ICC CJA

#4

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

DANIEL L. SPUCK,

Plaintiff

vs.

CLEARFIELD COUNTY,

Defendant

) : No. 2007-1932-CV  
):  
): Type of Pleading Filed:  
): Preliminary Objections (Restated)  
):  
): Filed on behalf of: Clearfield County  
):  
): Counsel of Record for this Party:  
: Joseph P. Green, Esquire  
): LEE, GREEN & REITER, INC.  
: Joseph P. Green, Esquire  
): PA ID# 19238  
: 115 East High Street  
): PO Box 179  
: Bellefonte, PA 16823  
): 814-355-4769

5  
FILED  
MAY 05 2007  
WILLIAM A. SHAW  
PROTHONOTARY/CLERK OF COURTS  
CLEARFIELD COUNTY, PA

(#3)

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

DANIEL L. SPUCK, )  
Plaintiff : No. 2007-1932-CV  
 )  
vs. :  
 )  
CLEARFIELD COUNTY, :  
Defendant )

**DEFENDANT'S PRELIMINARY OBJECTIONS**  
**(RESTATEMENT)**

Defendant Clearfield County hereby restates and reasserts preliminary objections as follows:

1. The instant matter was initially commenced by a prisoner, acting pro se, in the Court of Common Pleas of Mercer County, Pennsylvania.
2. Timely preliminary objections were filed by the defendant, one aspect of which remains outstanding and undecided.
3. Pursuant to Order of President Judge Fornelli of the Mercer County Court of Common Pleas dated November 13, 2007, the preliminary objection relating to venue was granted and the matter has now been transferred to this court.
4. At this time, there are remaining preliminary objections in the nature of a demurrer which are in need of being decided and the defendant hereby reasserts and restates the same herein. The said outstanding preliminary objections, as originally raised in Mercer County Court of Common Pleas, are as follows:

**Demurrer - Failure to State Recognized Cause of Action (Pa. R.C.P. 1028(a)(4))**

Plaintiff's Complaint does not set forth a factual basis upon which a recognized or valid cause of action may be based.

- Governmental immunity under state law is clearly applicable and none of the exceptions to such immunity have been pled. In addition, judicial immunity would apply for purposes of court-related offices.
- Plaintiff has not alleged a factual predicate upon which actionable conduct or liability may be found under either federal or state law.
- If the instant matter is deemed to seek relief under §1983, the factual basis for any valid arguable claims has not been averred. In this regard, it is to be noted that principles of *respondeat superior* are inapplicable in §1983 litigation and claims of negligence are not, as a matter of law, sufficient to establish liability.
- Obviously, frivolous actions may be dismissed by the court at any stage.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed in all respects.

LEE, GREEN & REITER, INC.

By:



\_\_\_\_\_  
Joseph P. Green, Esquire  
PA ID# 19238  
Attorney for Defendant  
115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant's Preliminary Objections (Restated) was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 31 day of Dec, 2007 addressed to the following:

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137



---

Joseph P. Green, Esquire

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

DANIEL L. SPUCK,

Plaintiff

vs.

CLEARFIELD COUNTY,

Defendant

)  
: No. 2007-1932-CV  
)  
: Type of Pleading Filed:  
)  
: Entry of Appearance  
)  
:  
: Filed on behalf of: Clearfield County  
:  
: Counsel of Record for this Party:  
: Joseph P. Green, Esquire  
): LEE, GREEN & REITER, INC.  
: Joseph P. Green, Esquire  
): PA ID# 19238  
: 115 East High Street  
): PO Box 179  
: Bellefonte, PA 16823  
): 814-355-4769

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DEC 04 2007  
m 11145/w  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 cono to App

#2

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

DANIEL L. SPUCK, )  
Plaintiff : No. 2007-1932-CV  
 )  
vs. :  
 )  
CLEARFIELD COUNTY, :  
Defendant )

**ENTRY OF APPEARANCE**

To the Prothonotary:

Please enter the appearance of the undersigned on behalf of Clearfield County, Defendant  
above-named.

LEE, GREEN & REITER, INC.

By:



Joseph P. Green, Esquire  
PA ID# 19238  
Attorney for Defendant  
115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Entry of Appearance was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 3 day of Mar, 2007 addressed to the following:

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137



---

Joseph P. Green, Esquire

2007-01992 DANIEL L SPUCK (vs) CLEARFIELD COUNTY

2007-1932-CD

Reference No.: . . . . .  
Case Type.....: PRAE WRIT SUMMONS/CVFiled.....: 6/11/2007  
Time.....: 10:29Judgment.....: .00  
Judge Assigned: FORNELLI FRANCIS J, PRES JUDGE  
Disposed Desc.: REMOVAL/TRANSFER  
----- Case Comments -----Execution Date 0/00/0000  
Jury Trial....  
Disposed Date. 11/13/2007  
Higher Crt 1.:  
Higher Crt 2.:\*\*\*\*\*  
General IndexSPUCK DANIEL L  
CZ-4825 SRCF-MERCER  
801 BUTLER PIKE  
MERCER PA 16137

PLAINTIFF

PRO SE

PROTHONOTARY'S OFFICE

11/26/07 12:47

WILLIAM A. SHAW

PROTHONOTARY/CLERK OF COURTS

CLEARFIELD COUNTY  
C/O KIM KESNER, SOLICITOR  
23 N 2ND ST  
CLEARFIELD PA 16830

DEFENDANT

GREEN JOSEPH P

RECEIVED

PROTHONOTARY'S OFFICE

11/26/07 12:47

WILLIAM A. SHAW

PROTHONOTARY/CLERK OF COURTS

11/26/07 12:47

2007-01992 DANIEL L SPUCK (vs) CLEARFIELD COUNTY

Reference No...: Filed.....: 6/11/2007  
Case Type....: PRAE WRIT SUMMONS/CV Time.....: 10:29

Judgment.....: 00 Execution Date 0/00/0000  
Judge Assigned: FORNELLI FRANCIS J, PRES JUDGE Jury Trial...  
Disposed Desc.: REMOVAL/TRANSFER Disposed Date: 11/13/2007  
----- Case Comments ----- Higher Crt 1.:  
Higher Crt 2.:

7/31/2007 BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS FILED BY DEFTS CENTRE COUNTY, CLEARFIELD COUNTY AND CLINTON COUNTY REC/ATTY GREEN ALSO AT 07-1989, 1988, 1990, 1991, 1993, 1994, 1995

8/16/2007 PRELIMINARY OBJECTIONS ON BEHALF OF DENNY NAU F/ATTY GREEN 004 Image page(s) exist(s) for this entry

8/16/2007 BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS FILED BY DEFT, DENNY NAU, RECEIVED FROM ATTY GREEN

8/16/2007 CERTIFICATION F/PLF 6 CC COMPLAINT TO SHERIFF W/INSTR 002 Image page(s) exist(s) for this entry

8/20/2007 ENTRY OF APPEARANCE ON BEHALF OF DEFT DENNY NAU F/ATTY JOSEPH P GREEN 002 Image page(s) exist(s) for this entry

8/21/2007 PLAINTIFF'S ANSWER TO THE DEFENDANTS PRELIMINARY OBJECTIONS FILED ON 7/30/07 AND MEMORANDUM OF LAW IN SUPPORT F/PLF, DANIEL L SPUCK 015 Image page(s) exist(s) for this entry

9/10/2007 PRAECIPE TO REINSTATE COMPLAINT F/PLF, DANIEL L SPUCK CC: SHERIFF W/IFP ORDER & INSTR 002 Image page(s) exist(s) for this entry

11/19/2007 SHERIFF'S FILE RETURNED TO PROTHONOTARY'S OFFICE, FILED.  
Case Type: COMPLAINT Ret Type.: Out of County  
Case Type: COMPLAINT Ret Type.: Out of County  
Litigant.: GREEN JOSEPH P  
Address...: 115 E. HIGH ST P.O. BOX 179  
Cty/St/Zp: BELLEFONTE, PA 16823  
County Nm: CENTRE  
Ret Date.: 10/17/2007 03:14 PM  
SERVED HIM, PERSONALLY 9/17/07 AT 3:50 P.M. 004 Image page(s) exist(s) for this entry

11/15/2007 ORDER OF 11/13/07 BECAUSE DEFTS ARE POLITICAL SUBDIVISIONS PROPER VENUES FOR THESE ACTIONS ARE COUNTIES WHERE PARTIES ARE LOCATED ETC; THEREFORE DEFTS PRELIM OBJECTIONS REGARDING VENUE ARE GRANTED. ALL OTHERS ARE MOOT AT THIS TIME. CASES ARE TRANSFERRED TO APPROPRIATE COUNTIES IN ACCORDANCE W/FOLLOWING: 2007-1992 IS TRANSFERRED TO CLEARFIELD CO ETC; FJF FILED 11/15/07 CC:PLF ATTY GREEN 001 Image page(s) exist(s) for this entry

11/19/2007 TRANSFER TO CLEARFIELD COUNTY PER ORDER OF 11/13/07  
----- LAST ENTRY -----

\*\*\*\*\*  
\* End of Case Information  
\*\*\*\*\*

Mercer County, ss

Nov. 19th 2001

Certified from the Record to  
be a full and true copyElizabeth Failluff  
PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

DANIEL L. SPUCK  
Plaintiff

v.  
Clearfield County, Pennsylvania ; et al  
Defendants

CIVIL DIVISION

No. 2007-1992

(Original  
copy)

PRAECIPE FOR WRIT OF  
SUMMONS IN CIVIL ACTION

TO THE PROTHONOTARY:

Kindly Issue a Writ of Summons Civil action upon the defendants above. Plaintiff is seeking in excess of 25,000.00 in compensatory and punitive damages, plus attorney fees, court cost of Trial by Jury, which is demanded by the Plaintiff. also please have the Sheriff serve the defendants in I.F.P. Status (Please see next page I.F.P. Petition).

Dated: June 6, 2007

Respectfully Submitted,

Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
CZ-4825  
S.R.C.F. Mercer  
801 Butler Pike  
Mercer, Pa. 16137

4  
2007 JUN 11 A 10:29  
ELIZABETH FAIR  
PROTHONOTARY  
NO FILED IN MERCER COUNTY



Writ of Summons

Commonwealth of Pennsylvania  
County of Mercer

No.: 2007-01992

SPUCK DANIEL L

\*\* VERSUS \*\*

CLEARFIELD COUNTY, PENNSYLVANIA

PLF ATTY:  
PRO SE

DANIEL L. SPUCK  
CZ-4825 SRCF-MERCER  
801 BUTLER PIKE  
MERCER PA 16137

TO: CLEARFIELD COUNTY, PENNSYLVANIA

You are hereby notified that the following Plaintiff(s),

SPUCK DANIEL L

has (have) commenced an action against you.

Date: June 11, 2007

\_\_\_\_\_  
Prothonotary (Clerk)

By \_\_\_\_\_  
Deputy

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

DANIEL L. SPUCK

: Civil Action No. \_\_\_\_\_

v.

:

Clearfield County, Pennsylvania;  
et al. Defendant

:

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
& SHERIFF SERVICE IN FORMA PAUPERIS

2001 JUN 11 A 10:48

NO FILED IN MERCER COUNTY

TO THE HONORABLE PRESIDENT JUDGE

AND NOW, comes your Petitioner Daniel L. Spuck, In Propria Persona, who respectfully represents the following in support of the above captioned matter for filing with this Honorable Court.

- 1.) Petitioner Daniel L. Spuck, resides at S.R.C.F. Mercer # CZ-4825, 801 Butler Pike, Mercer, Pa. 16137, and presently is employed under Prison Employment and makes .42¢ per hr.
- 2.) Petitioner has no:
  - a.) Stocks or bonds, checking account
  - b.) Real-Estate, savings account
  - c.) Pensions, annuities or life insurance payments
  - d.) Petitioner believe that he is entitled to the relief for which he seeks.
  - e.) Petitioner verifies that all statements herein are true and correct to the best of his knowledge and belief.

Wherefore, Petitioner respectfully requests leave of this Honorable Court to Proceed in Forma Pauperis.

Dated: June 6, 2007

Respectfully Submitted,

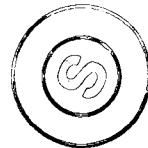
Daniel L. Spuck

Daniel L. Spuck Pro se,

S.R.C.F. Mercer, #CZ-4825

801 Butler Pike

Mercer, Pa. 16137



DANIEL SPUCK  
S.R.C.F. MERCER  
801 BUTLER PIKE  
MERCER, PENNSYLVANIA 16137

June 6, 2007

MERCER COUNTY PROTHONOTARY  
MERCER COUNTY COURTHOUSE  
MERCER, PENNSYLVANIA 16137

RE: Daniel L. Spuck v. Clearfield County, Pa.; et al

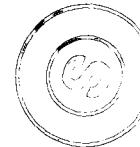
Service of Clearfield County, Pennsylvania

Ladies and Gentlemen:

Kindly serve defendants Clearfield County, Pa.; et al.  
Attn: Kim Kesner, Clearfield County Solicitor, 23 N. 2nd St.  
Clearfield, Pa. 16830

Sincerely yours,

Daniel L. Spuck  
Daniel L. Spuck Pro Se



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

DANIEL L. SPUCK, :  
Plaintiff :  
v. : No. 2007-1992  
CLEARFIELD COUNTY, :  
PENNSYLVANIA, :  
Defendant :  
:

**ORDER**

AND NOW, June 12, 2007, defendant shall file a statement of his inmate account for the past twelve (12) months, setting forth all deposits and withdrawals therein. Upon receipt of this, the Court will make ruling upon defendant's request to proceed in forma pauperis.

BY THE COURT:

  
P.J.  
Francis J. Fornelli, President Judge

mmd

6/15/07  
cc: Rff

NO.  
FILED IN MERCER  
COUNTY

2007 JUN 13 P 3:19

ELIZABETH FAIR  
PROBATIONARY

PA. DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 8:00

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

2007-1992  
NO. 6  
RUN DATE 6/27/2007  
PAGE 1

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST  
DANIEL

MI  
ELIZABETH F. FAIR  
PROTHONOTARY

2007 JUL -2 P 4:22

STARTING BALANCE  
14.94

BATCH #	DATE MO	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
8186	07-05-2006	MER COMMISSARY FOR 7/05/2006	-3.69	11.25
9187	07-06-2006	INMATE EMPLOYMENT MER PAYROLL 2006 - 06 GRP 1	70.56	81.81
6647	07-07-2006	POSTAGE	-1.56	80.25
8193	07-12-2006	MER COMMISSARY FOR 7/12/2006	-22.68	57.57
6678	07-13-2006	POSTAGE	-.39	57.18
6684	07-14-2006	POSTAGE	-.24	56.94
6706	07-19-2006	PERSONAL GIFT FROM SPUCK, M	5.00	61.94
8200	07-19-2006	MER COMMISSARY FOR 7/19/2006	-25.90	36.04
6714	07-20-2006	POSTAGE	-2.79	33.25
6721	07-21-2006	POSTAGE	-1.11	32.14
8206	07-25-2006	MER COMMISSARY FOR 7/25/2006	-5.82	26.32
6747	07-26-2006	LEGAL FEES CLERK OF COURTS-JOHNSTOWN	-1.00	25.32
8208	07-27-2006	MER CABLE TV FOR 7/27/2006	-15.75	9.57
6774	08-01-2006	POSTAGE	-.94	8.63
6777	08-01-2006	PERSONAL GIFT FROM SPUCK, M.	5.00	13.63
9214	08-02-2006	INMATE EMPLOYMENT MER PAYROLL 2006 - 07 GRP 1	77.28	90.91
8221	08-09-2006	MER COMMISSARY FOR 8/09/2006	-37.45	53.46
6836	08-11-2006	POSTAGE	-.24	53.22
6836	08-11-2006	POSTAGE	-.39	52.83
8228	08-16-2006	MER COMMISSARY FOR 8/16/2006	-24.99	27.84
6881	08-20-2006	PERSONAL GIFT FROM SPUCK, M	5.00	32.84
6883	08-21-2006	POSTAGE	-1.35	31.49

PA-DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 8:00

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN DATE IAS365  
PAGE 6/27/2007  
2

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST MI  
DANIEL L

BATCH #	DATE MO	TRANSACTION DESCRIPTION	TRANSACTION	BALANCE AFTER
			AMOUNT	TRANSACTION
8235	08-23-2006	MER COMMISSARY FOR 8/23/2006	- 6.93	24.56
6900	08-24-2006	INSIDE PURCHASES VENDACARD	-5.00	19.56
6932	08-30-2006	POSTAGE	-.24	19.32
8242	08-30-2006	MER COMMISSARY FOR 8/30/2006	-2.10	17.22
8243	08-31-2006	MER CABLE TV FOR 8/31/2006	-15.75	1.47
9244	09-01-2006	INMATE EMPLOYMENT MER PAYROLL 2006 - 08 GRP 1	70.56	72.03
6955	09-06-2006	PERSONAL GIFT FROM SPUCK, M	5.00	77.03
8249	09-06-2006	MER COMMISSARY FOR 9/06/2006	-28.59	48.44
6963	09-07-2006	POSTAGE	-14.40	34.04
6974	09-11-2006	POSTAGE	-14.40	19.64
8256	09-13-2006	J-PAY SPUCK TIMOTHY	100.00	119.64
7008	09-14-2006	INSIDE PURCHASES VENDA CARD	-5.00	114.64
8257	09-14-2006	MER COMMISSARY FOR 9/14/2006	-4.37	110.27
7010	09-15-2006	POSTAGE	-3.27	107.00
7011	09-15-2006	INSIDE PURCHASES LEGAL COPIES	-4.20	102.80
7020	09-18-2006	POSTAGE	-2.91	99.89
7025	09-19-2006	PERSONAL GIFT FROM SPUCK, M	5.00	104.89
7029	09-20-2006	POSTAGE	-.72	104.17
8263	09-20-2006	MER COMMISSARY FOR 9/20/2006	-30.04	74.13
7037	09-21-2006	INSIDE PURCHASES VENDACARD	-10.00	64.13
7067	09-26-2006	POSTAGE	-1.11	63.02
8270	09-27-2006	MER COMMISSARY FOR 9/27/2006	-8.96	54.06

PA, DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 8:00

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN IAS365  
DATE 6/27/2007  
PAGE 3

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST MI  
DANIEL L

BATCH #	DATE MO	YEAR	TRANSACTION DESCRIPTION	TRANSACTION BALANCE AFTER AMOUNT TRANSACTION	
8271	09-28-2006	34	MER CABLE TV FOR 9/28/2006	-15.75	38.31
9273	09-30-2006	10	INMATE EMPLOYMENT MER PAYROLL 2006 - 09 GRP 1	73.92	112.23
BALANCE AFTER THESE TRANSACTIONS----->				112.23	

PA. DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 8:00

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN DATE 6/27/2007  
PAGE 1

INMATE NUMBER	NAME LAST SPUCK	FIRST DANIEL	MI L	STARTING BALANCE 112.23
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BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
7109	10-03-2006	13 PERSONAL GIFT FROM SPUCK, M.	5.00	117.23
7120	10-04-2006	45 MISCELLANEOUS I.A.C. BANQUET	-15.12	102.11
7123	10-04-2006	37 POSTAGE	-.39	101.72
8277	10-04-2006	32 MER COMMISSARY FOR 10/04/2006	-27.45	74.27
8284	10-11-2006	32 MER COMMISSARY FOR 10/11/2006	-23.02	51.25
7177	10-17-2006	13 PERSONAL GIFT FROM SPUCK, M.	5.00	56.25
8291	10-18-2006	32 MER COMMISSARY FOR 10/18/2006	-4.77	51.48
7194	10-19-2006	38 INSIDE PURCHASES VENDA CARD	-5.00	46.48
7197	10-19-2006	45 MISCELLANEOUS PRISON FELLOWSHIP (ANGEL TREE)	-3.00	43.48
7202	10-20-2006	37 POSTAGE	-.87	42.61
7208	10-24-2006	13 PERSONAL GIFT FROM SPUCK, M.	5.00	47.61
8298	10-25-2006	32 MER COMMISSARY FOR 10/25/2006	-19.09	28.52
8299	10-26-2006	34 MER CABLE TV FOR 10/26/2006	-15.75	12.77
9305	11-01-2006	10 INMATE EMPLOYMENT MER PAYROLL 2006 - 10 GRP 1	30.24	43.01
9305	11-01-2006	10 INMATE EMPLOYMENT MER PAYROLL 2006 - 10 GRP 1	40.95	83.96
8305	11-01-2006	32 MER COMMISSARY FOR 11/01/2006	-4.68	79.28
7257	11-02-2006	38 INSIDE PURCHASES VENDACARD	-5.00	74.28
7265	11-03-2006	37 POSTAGE	-.24	74.04
7270	11-06-2006	37 POSTAGE	-4.25	69.79
8312	11-08-2006	32 MER COMMISSARY FOR 11/08/2006	-38.92	30.87
8319	11-15-2006	32 MER COMMISSARY FOR 11/15/2006	-3.38	27.49
7318	11-15-2006	13 PERSONAL GIFT FROM SPUCK, M.	5.00	32.49

PA. DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 8:00

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN DATE IAS365  
PAGE 6/27/2007 2

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST MI  
DANIEL L

BATCH #	DATE MO	DAY	YEAR	TRANSACTION DESCRIPTION	TRANSACTION	BALANCE AFTER	TRANSACTION
					AMOUNT	TRANSACTION	
7321	11-15-2006	37		POSTAGE		-1.59	30.90
7321	11-15-2006	37		POSTAGE		-4.25	26.65
7323	11-16-2006	38		INSIDE PURCHASES VENDACARD		-5.00	21.65
7336	11-17-2006	37		POSTAGE		-2.32	19.33
7343	11-20-2006	37		POSTAGE		-1.17	18.16
8326	11-22-2006	32		MER COMMISSARY FOR 11/22/2006		-16.55	1.61
7378	11-28-2006	13		PERSONAL GIFT FROM SPUCK, M		5.00	6.61
8332	11-28-2006	32		MER COMMISSARY FOR 11/28/2006		-.21	6.40
8334	11-30-2006	13		J-PAY SPUCK TIMOTHY		85.00	91.40
8334	11-30-2006	34		MER CABLE TV FOR 11/30/2006		-15.75	75.65
7403	12-01-2006	37		POSTAGE		-4.05	71.60
7403	12-01-2006	37		POSTAGE		-.46	71.14
9338	12-04-2006	10		INMATE EMPLOYMENT MER PAYROLL 2006 - 11 GRP 1		66.15	137.29
7410	12-04-2006	13		PERSONAL GIFT FROM SPUCK, M.		15.00	152.29
7416	12-05-2006	37		POSTAGE		-14.40	137.89
8340	12-06-2006	32		MER COMMISSARY FOR 12/06/2006		-27.07	110.82
7430	12-07-2006	13		PERSONAL GIFT FROM PATALENO, A.		25.00	135.82
7433	12-07-2006	38		INSIDE PURCHASES VENDACARD		-5.00	130.82
7457	12-12-2006	37		POSTAGE		-7.42	123.40
8347	12-13-2006	32		MER COMMISSARY FOR 12/13/2006		-29.99	93.41
7490	12-18-2006	37		POSTAGE		-16.47	76.94
7491	12-18-2006	38		INSIDE PURCHASES LIBRARY COPIES		-.90	76.04

PA, DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 8:00

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN DATE IAS365  
PAGE 6/27/2007 3

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST MI  
DANIEL L

BATCH #	DATE MO	DAY	YEAR	TRANSACTION DESCRIPTION	TRANSACTION	BALANCE AFTER
					AMOUNT	TRANSACTION
7497	12-19-2006	37		POSTAGE	-2.79	73.25
8353	12-19-2006	32		MER COMMISSARY FOR 12/19/2006	-31.92	41.33
7507	12-20-2006	13		PERSONAL GIFT FROM BONA, J.	115.00	156.33
7509	12-20-2006	37		POSTAGE	-1.56	154.77
8354	12-20-2006	32		MER COMMISSARY FOR 12/20/2006	-1.70	153.07
7519	12-21-2006	38		INSIDE PURCHASES VENDACARD	-10.00	143.07
7526	12-22-2006	13		PERSONAL GIFT FROM SHERMAN, R.	10.00	153.07
7522	12-22-2006	37		POSTAGE	-1.83	151.24
7522	12-22-2006	37		POSTAGE	-1.56	149.68
7527	12-22-2006	30		PERSONAL GIFT TO SPUCK, MELDA	-100.00	49.68
7533	12-26-2006	13		PERSONAL GIFT FROM SPUCK, L	5.00	54.68
8361	12-27-2006	32		MER COMMISSARY FOR 12/27/2006	-19.13	35.55
8362	12-28-2006	34		MER CABLE TV FOR 12/28/2006	-15.75	19.80
BALANCE AFTER THESE TRANSACTIONS----->						19.80

PA. DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 8:00

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN DATE IAS365  
6/27/2007  
PAGE 1

INMATE NUMBER	NAME LAST SPUCK	FIRST DANIEL	MI L	STARTING BALANCE 19.80
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BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9002	01-02-2007	10 INMATE EMPLOYMENT MER PAYROLL 2006 - 12 GRP 1	69.30	89.10
7566	01-02-2007	37 POSTAGE	-4.06	85.04
7583	01-04-2007	13 PERSONAL GIFT FROM SPUCK, M	5.00	90.04
8004	01-04-2007	32 MER COMMISSARY FOR 1/04/2007	-12.73	77.31
7594	01-08-2007	37 POSTAGE	-.87	76.44
7601	01-09-2007	37 POSTAGE	-33.24	43.20
7599	01-09-2007	13 PERSONAL GIFT FROM HORTON, S.	100.00	143.20
8010	01-10-2007	32 MER COMMISSARY FOR 1/10/2007	-23.84	119.36
7621	01-11-2007	37 POSTAGE	-1.11	118.25
7622	01-11-2007	38 INSIDE PURCHASES VENDACARD	-10.00	108.25
7633	01-12-2007	37 POSTAGE	-.39	107.86
7659	01-17-2007	13 PERSONAL GIFT FROM SPUCK, M.	5.00	112.86
8017	01-17-2007	32 MER COMMISSARY FOR 1/17/2007	-38.11	74.75
7686	01-22-2007	37 POSTAGE	-4.20	70.55
7686	01-22-2007	37 POSTAGE	-.46	70.09
7698	01-23-2007	37 POSTAGE	-5.00	65.09
7707	01-24-2007	37 POSTAGE	-1.35	63.74
7707	01-24-2007	37 POSTAGE	-1.35	62.39
8024	01-24-2007	32 MER COMMISSARY FOR 1/24/2007	-5.14	57.25
8025	01-25-2007	34 MER CABLE TV FOR 1/25/2007	-15.75	41.50
7718	01-26-2007	37 POSTAGE	-.39	41.11
8031	01-31-2007	32 MER COMMISSARY FOR 1/31/2007	-19.09	22.02

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INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN DATE IAS365  
PAGE 6/27/2007  
2

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST MI  
DANIEL L

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9033	02-02-2007	10 INMATE EMPLOYMENT MER PAYROLL 2007 - 01 GRP 1	72.45	94.47
8037	02-06-2007	32 MER COMMISSARY FOR 2/06/2007	-28.01	66.46
7785	02-07-2007	37 POSTAGE	-.70	65.76
7789	02-07-2007	13 PERSONAL GIFT FROM SPUCK, M.	5.00	70.76
7812	02-09-2007	37 POSTAGE	-4.53	66.23
8045	02-14-2007	32 MER COMMISSARY FOR 2/14/2007	-25.22	41.01
7835	02-15-2007	13 PERSONAL GIFT FROM SPUCK, M.	5.00	46.01
7845	02-15-2007	37 POSTAGE	-.39	45.62
8046	02-15-2007	32 MER COMMISSARY FOR 2/16/2007	-2.14	43.48
7848	02-16-2007	37 POSTAGE	-.39	43.09
8051	02-20-2007	13 J-PAY SPUCK TIMOTHY	75.00	118.09
7853	02-20-2007	37 POSTAGE	-.24	117.85
8051	02-20-2007	32 MER COMMISSARY FOR 2/20/2007	-21.28	96.57
7864	02-22-2007	37 POSTAGE	-2.61	93.96
7870	02-22-2007	37 POSTAGE	-1.83	92.13
8053	02-22-2007	34 MER CABLE TV FOR 2/22/2007	-15.75	76.38
7880	02-23-2007	37 POSTAGE	-1.83	74.55
7888	02-27-2007	37 POSTAGE	-15.51	59.04
8058	02-27-2007	32 MER COMMISSARY FOR 2/27/2007	-28.51	30.53
7898	02-28-2007	37 POSTAGE	-.63	29.90
7910	03-01-2007	38 INSIDE PURCHASES VENDACARD	-5.00	24.90
9060	03-01-2007	10 INMATE EMPLOYMENT MER PAYROLL 2007 - 02 GRP 1	63.00	87.90

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RUN DATE PAGE IAS365  
6/27/2007 3

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST MI  
DANIEL L

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
8065	03-06-2007	32 MER COMMISSARY FOR 3/06/2007	-26.81	61.09
7941	03-06-2007	37 POSTAGE	-.46	60.63
7941	03-06-2007	37 POSTAGE	-2.07	58.56
7979	03-12-2007	37 POSTAGE	-1.11	57.45
8072	03-13-2007	32 MER COMMISSARY FOR 3/13/2007	-25.99	31.46
11	03-16-2007	37 POSTAGE	-1.11	30.35
11	03-16-2007	37 POSTAGE	-.24	30.11
20	03-19-2007	13 PERSONAL GIFT FROM SHERMAN, R	10.00	40.11
20	03-19-2007	13 PERSONAL GIFT FROM SPUCK, M	10.00	50.11
24	03-19-2007	37 POSTAGE	-.24	49.87
29	03-20-2007	37 POSTAGE	-2.07	47.80
8080	03-21-2007	32 MER COMMISSARY FOR 3/21/2007	-22.29	25.51
62	03-23-2007	37 POSTAGE	-11.47	14.04
65	03-26-2007	38 INSIDE PURCHASES LEGAL COPIES	-9.50	4.54
8086	03-27-2007	13 J-PAY SPUCK TIMOTHY	65.00	69.54
8086	03-27-2007	32 MER COMMISSARY FOR 3/27/2007	-5.61	63.93
90	03-29-2007	38 INSIDE PURCHASES VENDACARD	-10.00	53.93
8088	03-29-2007	34 MER CABLE TV FOR 3/29/2007	-15.75	38.18
97	03-30-2007	37 POSTAGE	-1.02	37.16
BALANCE AFTER THESE TRANSACTIONS----->				37.16

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INMATE ACCOUNTS SYSTEM  
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FROM ACTIVE FILE

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PAGE 1

INMATE NUMBER	NAME LAST SPUCK	FIRST DANIEL	MI L	STARTING BALANCE 37.16
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BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9092	04-02-2007	10 INMATE EMPLOYMENT MER PAYROLL 2007 - 03 GRP 1	66.15	103.31
8093	04-03-2007	32 MER COMMISSARY FOR 4/03/2007	-34.63	68.68
114	04-03-2007	37 POSTAGE	-5.46	63.22
121	04-04-2007	37 POSTAGE	-2.73	60.49
131	04-06-2007	37 POSTAGE	-2.79	57.70
139	04-06-2007	37 POSTAGE	-5.59	52.11
140	04-06-2007	38 INSIDE PURCHASES LEGAL COPIES	-10.00	42.11
149	04-09-2007	13 PERSONAL GIFT FROM M.D. CHURCH	100.00	142.11
151	04-10-2007	13 PERSONAL GIFT FROM SPUCK, M.	5.00	147.11
8100	04-10-2007	32 MER COMMISSARY FOR 4/10/2007	-50.68	96.43
168	04-12-2007	37 POSTAGE	-.39	96.04
181	04-13-2007	37 POSTAGE	-1.83	94.21
187	04-16-2007	37 POSTAGE	-.87	93.34
188	04-16-2007	38 INSIDE PURCHASES LEGAL COPIES	-2.10	91.24
191	04-16-2007	31 OUTSIDE PURCHASES SAM ASH	-28.93	62.31
8107	04-17-2007	32 MER COMMISSARY FOR 4/17/2007	-26.02	36.29
204	04-19-2007	38 INSIDE PURCHASES VENDACARD	-15.00	21.29
213	04-20-2007	37 POSTAGE	-1.35	19.94
224	04-23-2007	37 POSTAGE	-9.20	10.74
8114	04-24-2007	13 J-PAY SPUCK TIMOTHY	45.00	55.74
229	04-24-2007	37 POSTAGE	-2.79	52.95
8114	04-24-2007	32 MER COMMISSARY FOR 4/24/2007	-2.09	50.86

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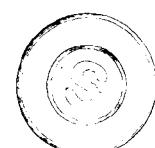
INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM ACTIVE FILE

RUN DATE 6/27/2007  
PAGE 2

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST MI  
DANIEL L

BATCH #	DATE MO	DAY DY	YEAR YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
247	04-26-2007	38		INSIDE PURCHASES VENDACARD	-5.00	45.86
8116	04-26-2007	34		MER CABLE TV FOR 4/26/2007	-15.75	30.11
264	05-01-2007	37		POSTAGE	-.87	29.24
8121	05-01-2007	32		MER COMMISSARY FOR 5/01/2007	-30.02	-.78
9123	05-03-2007	10		INMATE EMPLOYMENT MER PAYROLL 2007 - 04 GRP 1	66.99	66.21
277	05-04-2007	37		POSTAGE	-.24	65.97
301	05-08-2007	37		POSTAGE	-5.80	60.17
301	05-08-2007	37		POSTAGE	-15.70	44.47
316	05-09-2007	37		POSTAGE	-3.18	41.29
318	05-09-2007	38		INSIDE PURCHASES COPIES	-7.20	34.09
313	05-10-2007	14		MISCELLANEOUS CREDIT FOR POSTAGE ON 5/7/07	1.30	35.39
323	05-10-2007	38		INSIDE PURCHASES VENDACARD	-7.00	28.39
8130	05-10-2007	32		MER COMMISSARY FOR 5/10/2007	-31.22	-2.83
8131	05-11-2007	13		J-PAY SPUCK TIMOTHY	40.00	37.17
331	05-11-2007	37		POSTAGE	-.540	31.77
341	05-14-2007	37		POSTAGE	-2.16	29.61
8135	05-15-2007	32		MER COMMISSARY FOR 5/15/2007	-13.43	16.18
348	05-15-2007	37		POSTAGE	-4.60	11.58
372	05-18-2007	37		POSTAGE	-1.65	9.93
8142	05-22-2007	32		MER COMMISSARY FOR 5/22/2007	-9.73	.20
400	05-23-2007	13		PERSONAL GIFT FROM SPUCK, M	5.00	5.20
405	05-24-2007	37		POSTAGE	-2.28	2.92



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INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
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RUN DATE 6/27/2007  
PAGE 3

INMATE NAME  
NUMBER LAST  
CZ4825 SPUCK

FIRST MI  
DANIEL L

BATCH #	DATE MO	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
8145	05-25-2007	J-PAY SPUCK TIMOTHY	50.00	52.92
8149	05-29-2007	32 MER COMMISSARY FOR 5/29/2007	-11.38	41.54
422	05-30-2007	37 POSTAGE	-5.31	36.23
8151	05-31-2007	34 MER CABLE TV FOR 5/31/2007	-15.75	20.48
9156	06-05-2007	10 INMATE EMPLOYMENT MER PAYROLL 2007 - 05 GRP 1	69.72	90.20
8156	06-05-2007	32 MER COMMISSARY FOR 6/05/2007	-20.42	69.78
471	06-08-2007	37 POSTAGE	-12.16	57.62
479	06-08-2007	38 INSIDE PURCHASES LEGAL COPIES	-8.60	49.02
8163	06-12-2007	32 MER COMMISSARY FOR 6/12/2007	-29.35	19.67
510	06-14-2007	38 INSIDE PURCHASES VENDA CARD	-6.00	13.67
516	06-18-2007	37 POSTAGE	-.17	13.50
518	06-19-2007	37 POSTAGE	-1.14	12.36
8171	06-20-2007	32 MER COMMISSARY FOR 6/20/2007	-10.59	1.77
522	06-20-2007	37 POSTAGE	-2.33	-.56
8177	06-26-2007	13 J-PAY SPUCK TIMOTHY	55.00	54.44
BALANCE AFTER THESE TRANSACTIONS----->				454.44

I.F.P. → Legal Postage to U.S. Third Circuit Court of Appeals & D.A. → -7.01  
Status granted → Receipt dated 6-25-07 → \$47.43  
on Account 6-28-01  
Total \$7.01

S.R.C.F. Mercer Inmate  
Statement of Account

(Inst No. CZ-4825)

Daniel L. Spuck, an inmate at S.R.C.F

Mercer, presently has \$ 54.44 on his inmate account. Attached please find a copy of his account for the past 12 months

Dated 6/27/07

David Dye /Budget Analyst  
Inmate Accounting officer  
at S.R.C.F. Mercer

Daniel Spuck  
Inst. No. C2-4825  
S.R.C.F. Mercer  
801 Butler Pike  
Mercer, Pa.

June 28, 2007

16137

Elizabeth Fair, Prothonotary  
105 Mercer County Courthouse  
Mercer, Pa. 16137

RE: Spuck v. Deny Nau No. 2007-1989; ✓  
Williamson No. 2007-1988; ✓ Ammerman No. 1990; ✓  
Centre County No. 2007-1991; ✓ Clearfield County No. 2007-  
1992; ✓ Clinton County No. 2007-1993; ✓ Pennsylvania No. 2007-1994; ✓ Commonwealth of  
No. 2007-1995 ✓ Charles C. Brown, Jr

To: M.S. Fair:

(Inmate)

Please find enclosed statement of account for  
past 12 months in cooperation of the Honorable Courts  
Order of June 12, 2007, for I.F.P. status in above  
cases. Please correct Nau Deny to Deny Nau at  
No. 2007-1989, Please also note I have been permitted  
to proceed I.F.P. in Federal 3rd Circuit Court of Appeal  
(2 pending cases), Pa Superior Court, Pa Supreme Court (2 cases pending)  
Thank - you so much for your time.

Sincerely,  
Daniel C. Spuck  
Daniel C. Spuck

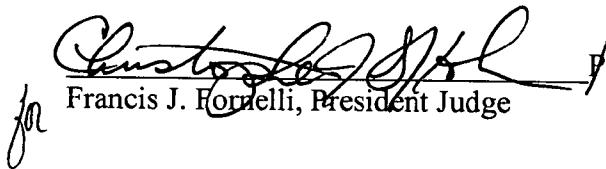
IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

DANIEL L. SPUCK, :  
Plaintiff :  
v. : No. 2007 - 1992  
CLEARFIELD COUNTY, :  
PENNSYLVANIA, :  
Defendant :  
:

**ORDER**

AND NOW, July 9, 2007, plaintiff's Petition to Proceed In Forma Pauperis is  
GRANTED.

BY THE COURT:

  
Francis J. Fornelli, President Judge

mmd

7/9/2007 cc: P/J  
writ to Sheriff  
cc of order x  
mms

ELIZABETH F. FAIR  
PROTHONOTARY

2007 JUL - 9 P 3:19

NO.  
FILED IN MERCER  
COUNTY  
SPLC  
672

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

Original

Copy

DANIEL L. SPUCK, : CIVIL ACTION No. 2007-1989;  
Plaintiff, : No. 2007-1988; No. 2007-1990;  
v. : No. 2007-1991; No. 2007-1992;  
DENY NAU, in his individual and : No. 2007-1993; No. 2007-1994;  
official capacity; J. MICHAEL : No. 2007-1995  
WILLIAMSON, in his official and :  
individual capacity; FREDERIC J. :  
AMMERMAN, in his official and :  
individual capacity; CENTRE : Trial By Jury Demanded  
COUNTY, PENNSYLVANIA; CLEARFIELD :  
COUNTY, PENNSYLVANIA; CLINTON :  
COUNTY, PENNSYLVANIA; COMMONWEALTH :  
OF PENNSYLVANIA; CHARLES C. BROWN, :  
Jr., in his official and :  
individual capacity, ET AL, :  
Defendants :  
:

NO  
FILED IN MERCER  
COUNTY

2001 JUL 16 P 2:20  
✓

ELIZABETH F. FAIR  
PROTHONOTARY

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 an 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 judgement may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or property or other rights important to you.

You should take this Complaint 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:

Pennsylvania Bar Association Lawyer Referral  
Box 186, 100 South Street, Harrisburg, Pa. 17108  
Ph. No. (800) 692-7375 or (717) 238-6715

Pennsylvania Bar Association, 1101 Market Street,  
Philadelphia, Pa. 19107  
Ph. No. (215) 238-6333

(Mercer County Bar Association)

or check your local Phone Book yellow pages under Attorneys/lawyer

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

DANIEL L. SPUCK, : CIVIL ACTION No.2007-1989;  
Plaintiff, : No.2007-1988; No.2007-1990;  
v. : No.2007-1991; No.2007-1992;  
DENY NAU, in his individual and : No.2007-1993; No.2007-1994;  
official capacity; J. MICHAEL : No.2007-1995  
WILLIAMSON, in his official and :  
individual capacity; FREDRIC J. :  
AMMERMAN, in his official and :  
individual capacity; CENTRE : Trial By Jury Demanded  
COUNTY, PENNSYLVANIA; CLEARFIELD :  
COUNTY, PENNSYLVANIA; CLINTON :  
COUNTY, PENNSYLVANIA; COMMONWEALTH:  
OF PENNSYLVANIA; CHARLES C.BROWN, :  
Jr., in his official and :  
individual capacity, ET AL, :  
Defendants :  
  
*(civ:)*

COMPLAINT

Daniel L. Spuck, Plaintiff, Pro Se appearing, has a cause of action against the Defendants of which the following is a statement:

1. Plaintiff, Daniel L. Spuck is an adult individual residing at S.R.C.F. Mercer, Inst.No.CZ-4825, 801 Butler Pike, Mercer, Pa. 16137.

2. The following Defendants are adult individuals and reside at the following addresses:

Denny Nau; et al at 100 View St., Bellefonte, Pa. 16823

J. Michael Williamson; et al at 230 E. Water St., Lock Haven, Pa. 17745-1399

Fredric J. Ammerman; et al at 230 E. Market St., Clearfield, Pa. 16830

Centre County, Pennsylvania; et al at Louis T Glantz, Centre County Solicitor, 1901 E. College Ave., State College, Pa. 16801

Clearfield County, Pennsylvania; et al at Kim Kesner, Clearfield County Solicitor, 23 N. 2nd St., Clearfield, Pa. 16830

Clinton County, Pennsylvania; et al at Lewis G. Steinberg, Clinton County Solicitor, 333 N. Vesper St., P.O. Box 5, Lock Haven, Pa. 17745-1342

Commonwealth of Pennsylvania; et al at Office of the Attorney General, Manor Complex, 564 Forbes Ave., Pittsburgh, Pa. 15219

Charles C. Brown, Jr.; et al at 203 Allegheny St., Bellefonte, Pa. 16823

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PROTHONOTARY

3. And at all times pertinent to the cause of action herein as follows:

Denny Nau was an employee of the Centre County, Pa. Sheriff's Department and was Ordered by the Centre County Judge Brown to service the Defendants in Civil Case No. 2003-1383, however he only serviced 1 out of 12 defendants.

The Plaintiff, Daniel L. Spuck's Civil Matter was scheduled for a Pre-Trial Conference on September 16, 2004, at 10:30 am., however due to the negligence and failure to comply with the Honorable Courts Order, Mr. Deny obstructed, and impeded the Plaintiff's Civil Case, and forced the Honorable Judge Brown to Postpone the Pre-Trial Conference, in which was never rescheduled, Mr. Deny actions also contributed to the dismissal of his Civil Action on July 6, 2005, and July 27, 2005 (Reconsideration)

J. Michael Williamson is an employee of Clinton County, Pa. the Commonwealth of Pennsylvania, and was a specially appointed to a temporary employment in Clearfield County, Pa. as a Court of Common Pleas Judge, and dismissed the Plaintiff's Civil Case No. 2005-897 CD ( on Transfer from Centre County, Pa. No. 2003-1383), despite numerous Constitutional Issues, Tampering and Tainting of Evidence (Supported by Trial transcripts), Juror lying on her Questionnaire, Jurors not attentive, impartial, Defendant's Committing Perjury, P.C.R.A. Court Ordering and Seizing the Plaintiff's Legal Documents (Supported by P.C.R.A. Transcripts), Defendant's presented evidence obtained without a Warrant, Defendant's Lying under Oath, Evidence, Written instructions from Trial Judge to Jury during their deliberations (not in accordance with Pennsylvania Law or previous decisions by the Appellate courts), misapplications in instructions, and P.C.R.A. Order, overworking the jury and not feeding them, and all other issues raised in the dismissed complaints, preliminary objections, change of venue, and reconsideration etc... (Pleas refer to Complaint at Case No.2003-1383, and Amended Complaint at Case No.2003-1383, and Case No. 1998-3086)

This Particular Defendant was Negligent and created a Defamation against the plaintiff for sending a copy of his order to the Pennsylvania Parole Board, which was not a defendant in the Civil Matter, The Defendant also did not transfer the civil matter back to Centre County, so there could be a rescheduled Pre-Trial Conference so that all issues could be addressed and that the case could proceed by a Trial By Jury, nor did the Defendant re-schedule a Pre-Trial Conference and Violated the Plaintiff's Right to a re-scheduled Pre-Trial Conference.

Fredric J. Ammerman is an employee of Clearfield County, Pa., and the Commonwealth of Pennsylvania, as a Common Pleas Judge, and has violated the Plaintiff's Constitutional Rights when he dismissed the Plaintiff's Writ of Habeas Corpus Ad Subjiciendum on April 27, 2007, without any Court Rules, Case Law, in support, nor did this defendant follow the State or U.S. Constitution in regards to the Issue of the Court

Jurisdiction, and did not follow the precedent of the Honorable Pennsylvania Superior Court in Commonwealth v. Bangs, 393 A.2d 720, 259 Pa. Super 68 (1978) at 1 "There is no vested right in the Commonwealth, existing after the repeal of a Criminal Statute, to prosecute an [259 Pa. Super. 71] offense in existence prior to the repeal of such statute... (A)ll proceedings which have not been determined by final judgment, are wiped out by a repeal of the act under which the prosecution for the offense took place. See also Scranton City v. Rose, 60 Pa. Super 458, 462 (1915). There was no Criminal Statute of Third Degree Murder before 1970's, until after the 1968 Amendment to the Constitution. Bangs further cites "With respect to the absence of a savings clause, we note that Pennsylvania is among the handful of states presently without a general savings clause applicable to criminal prosecutions". The Superior Court of Pennsylvania reversed the Bangs Case. The Plaintiff's Case should have been reversed as well. There has still been no change to the Constitution or the general savings clause in Pennsylvania, and this defendant is Negligent as well as Liable and not Immune from this action because he is not presently following the Pennsylvania State Constitution, or the United States Constitution, and continuing to violate this Petitioner's Constitutional Rights. This defendant also is liable for seizing the Plaintiff's Legal Documents at the plaintiff's P.C.R.A. Hearing, and would not allow the plaintiff a reasonable 2 weeks to copy those legal documents, which some of those documents have still not been returned and has obstructed, and impeded the plaintiff's cases. He also made misapplications in his P.C.R.A. Order. This defendant also overworked the jury and did not feed the jury for 11 continuos hours after a full day of court. There is nothing in the transcribed record to show the jury was given any break or feed during their deliberations. Also numerous appeal issues by the plaintiff have never been addressed.

Centre County, Pennsylvania is liable because they are the employer of Denny Nau and Charles C. Brown, Jr. and are responsible for their actions and negligence causing the dismissal of the plaintiff's civil case.

Clearfield County, Pennsylvania is liable because they are the employer of Fredric J. Ammerman, and the Clerk of Courts and Court Administrator, and was the temporary employer of J. Michael Williamson and are responsible for all their actions and negligence, and failure to uphold and follow the United States Constitution, and the Pennsylvania Constitution. The Court Record is incomplete in the Plaintiff's Criminal Case and has prejudiced the Plaintiff's Appeals. The Clerk of Courts and Administrator of Clearfield County have obstructed and impeded the Plaintiff's Civil Case, when they failed to abide by the Pennsylvania Rules of Court and the Pennsylvania Supreme Court Rules. This defendant is liable in this civil matter.

Clinton County, Pennsylvania are liable because they are

the employer of J. Michael Williamson and are responsible for the defendant J. Michael Williamson actions and negligence, and failure to uphold and follow the United States Constitution, the Pennsylvania Constitution by the defendant's actions in dismissing the Plaintiff's Civil Action.

Commonwealth of Pennsylvania is liable because they are the employer Centre, Clearfield, and Clinton Counties, which employs Deny Nau, J. Michael Williamson, Fredric J. Ammerman, Charles C. Brown, Jr., Prothonotary/ Clerk of Courts and the Court Administrator of Clearfield County, Pennsylvania, Legislators, House of Representative, Senate, Pennsylvania Supreme Court, State Officials, and the General Assembly of the State of Pennsylvania and are responsible for all their actions and negligence, defamation of character of the Plaintiff, and failure to uphold and follow the United States Constitution, the Pennsylvania Constitutions, failure to abide and follow the Pennsylvania Rule of Court, and Pennsylvania Supreme Court Rules, and Violations to the Plaintiff's Constitutional Amendment Rights, causing the dismissal of the Plaintiff's Civil Case and dismissal of the plaintiff's Writ of Habeas Corpus (Allowing a Conflict of Interest and other issues exist at trial and on Appeal), and the plaintiff's Writ of Habeas Corpus Ad Subjiciendum. This defendant is Liable in this civil matter.

Charles C. Brown, Jr. is an employee of Centre County, Pa. and the Commonwealth of Pennsylvania, as a Common Pleas Judge, and is responsible for transferring the Plaintiff's Civil Matter to Clearfield County twice, and one of those times were after a Pre-Trial Conference was scheduled and postponed due to the actions of Deny Nau, and the Defendant not rescheduling another Pre-Trial Conference, and just up and transferred the civil case to Clearfiel County, Pennsylvania. The Defendant is liable and was negligent and contributed to the dismissal of the Plaintiff's civil case.

4. As a result of the defendants actions, the Plaintiff suffered a loss of income of over \$5,000,000.00, and seeks from the defendants compensatory damages in that amount. The Plaintiff is also seeking \$1,000,000,000.00 in punitive, special, discretionary, and future damages from the defendants as all defendant's were negligent, some were possibly fraudulent and some committed a defamation of character of the plaintiff, and contributed to the dismissal of the plaintiffs civil case, obstructed and impeded the plaintiff during his appeals and contributed to the dismissal of the plaintiff's appeals and writ of habeas corpus, and the dismissal of the Plaintiff's Writ of Habeas Ad Subjiciendum.

Wherefore the Plaintiff demands a Trial by Jury. The Plaintiff also demands judgement in the amount of

1,005,000,000.00, plus interest, court and all costs.

Dated: July 5, 2007

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
S.R.C.F. Mercer, Inst No.  
CZ-4825, 801 Butler Pike,  
Mercer, Pa. 16137  
Plaintiff

LEAVE TO PROCEED IN FORMA PAUPERIS

The Plaintiff, Daniel L. Spuck, Pro Se, Respectfully Requests that the Honorable Court grant him leave to proceed In Forma Pauperis. He has previously been granted In Forma Pauperis status and is defined by law as a pauper due to his incarceration of over 12 years.

Dated: July 5, 2007

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se

Certification

The Plaintiff, Daniel L. Spuck, certifies that he has served a true and correct copy of Notice, Complaint, Leave to Proceed In Forma Pauperis, and Affidavit to the defendants listed in #2 of This Complaint, and 1 original and 3 copies to the Prothonotary of Mercer County Court by U.S. Mail and placing them in the Prison Mailbox on July 5, 2007.

Dated: July 5, 2007

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se

Affidavit

Plaintiff, Daniel L. Spuck, Pro Se declares under penalty of perjury, that the foregoing is true and correct  
Note: 28 U.S.C. 1746.

Dated: July 5, 2007

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

DANIEL L. SPUCK

Plaintiff

v.  
Clearfield County, Pennsylvania ; et al  
Defendants

CIVIL DIVISION

NO.

2007-1992

PRAECIPE FOR WRIT OF  
SUMMONS IN CIVIL ACTION

TO THE PROTHONOTARY:

Re-Issue

Kindly Issue a Writ of Summons Civil action upon the defendants above. Plaintiff is seeking in excess of 25,000.00 in compensatory and punitive damages, plus attorney fees, court cost of Trial by Jury, which is demanded by the Plaintiff. also please have the Sheriff serve the defendants in I.F.P. Status (Please see next page I.F.P. Petition).

Respectfully Submitted,

Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
CZ-4825  
S.R.C.F. Mercer  
801 Butler Pike  
Mercer, Pa. 16137

NO. FILED IN MERCER  
COUNTY

2007 JUN 11 A 10:29

ELIZABETH F. FAIR  
PROTHONOTARY

NO. FILED IN MERCER  
COUNTY

2007 JUL 27 A 11:26

✓  
ELIZABETH F. FAIR  
PROTHONOTARY

7-27-07

Received & Attested  
Wht to Sheriff



IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

DANIEL L. SPUCK

: Civil Action No.

v.

2

2

Clearfield County, Pennsylvania, et al. Defendant

2

PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
& SHERIFF SERVICE IN FORMA PAUPERIS

TO THE HONORABLE PRESIDENT JUDGE

AND NOW, comes your Petitioner Daniel L. Spuck, In Propria Persona, who respectfully represents the following in support of the above captioned matter for filing with this Honorable Court.

1.) Petitioner Daniel L. Spuck, resides at S.R.C.F. Mercer # CZ-4825, 801 Butler Pike, Mercer, Pa. 16137, and presently is employed under Prison Employment and makes .42¢ per hr.

2.) Petitioner has no:

a.) Stocks or bonds, checking account

b.) Real-Estate, savings account

c.) Pensions, annuities or life insurance payments

d.) Petitioner believe that he is entitled to the relief for which he seeks.

e). Petitioner verifies that all statements herein are true and correct to the best of his knowledge and belief.

Wherefore, Petitioner respectfully requests leave of this Honorable Court to Proceed in Forma Pauperis.

Dated: June 6, 2007

Respectfully Submitted,

Daniel G. Jones

Daniel L. Spuck Pro se

S.R.C.F. Mercer, #CZ-4825

801 Butler Pike

Mercer, Pa. 16137

DANIEL SPUCK  
S.R.C.F. MERCER  
801 BUTLER PIKE  
MERCER, PENNSYLVANIA 16137

June 6, 2007 July 23, 2007

MERCER COUNTY PROTHONOTARY  
MERCER COUNTY COURTHOUSE  
MERCER, PENNSYLVANIA 16137

RE: Daniel L. Spuck v. Clearfield County, et al  
Service of Clearfield County, Pennsylvania

Ladies and Gentlemen:

Kindly serve defendants Clearfield County, Pa.; et al  
Attn: Kim Kesner, Clearfield County Solicitor, 23 N. 2nd St.  
Clearfield, Pa. 16830

Sincerely yours,

Daniel L. Spuck  
Daniel L. Spuck Pro Se

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

DANIEL L. SPUCK, ) No. 2007-1989  
vs. : No. 2007-1988  
DENNY NAU, in his individual and ) No. 2007-1990  
Official capacity; J. MICHEL WILLIAMSON, : No. 2007-1991  
in his official and individual capacity, ) No. 2007-1992  
FREDRIC J. AMMERMAN, in his ) No. 2007-1993  
official and individual capacity, CENTRE ) No. 2007-1994  
COUNTY, PENNSYLVANIA, : No. 2007-1995  
CLEARFIELD COUNTY, PENNSYLVANIA, )  
CLINTON COUNTY, PENNSYLVANIA; :  
COMMONWEALTH OF PENNSYLVANIA; )  
CHARLES C. BROWN, JR., in his )  
Official and individual capacity, et al., )  
Defendants : JURY TRIAL DEMANDED

2001 JUL 31 A 11:45  
ELIZABETH FAIR  
PROTHONOTARY  
NO FILED IN MERCER  
COUNTY

PRELIMINARY OBJECTIONS FILED BY  
DEFENDANTS CLEARFIELD COUNTY,  
CENTRE COUNTY AND CLINTON COUNTY

Pursuant to Pa. R.C.P. 1028, Defendants Clearfield County, Centre County and Clinton County hereby preliminarily object to the Complaint as follows:

**I. Lack of Service of Process/Lack of Personal Jurisdiction (Pa. R.C.P. 1028(a)(1)**

It is asserted that the plaintiff has failed to properly serve process upon the objecting defendants. No record appears that service was made in accordance with applicable procedural rules. It is mandatory that initial process be served upon a defendant in accordance with Pa. R.C.P. 4001, et seq. Therefore, personal jurisdiction may not be exercised with respect to these defendants.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed.

## **II. Lack of Proper Venue (Pa. R.C.P. 1028(a)(1))**

No underlying factual or legal predicate has been averred by the plaintiff which would establish or permit venue of this civil action in Mercer County, Pennsylvania. In this regard, it is respectfully submitted that the fact that the plaintiff happens to be presently incarcerated in Mercer County does not establish venue in that county. Pa. R.C.P. 1006. In addition, a county is a political subdivision for which venue only lies in that specific county. Pa. R.C.P. 2106.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed.

## **III. Demurrer - Failure to State Recognized Cause of Action (Pa. R.C.P. 1028(a)(4))**

Plaintiff's Complaint does not set forth a factual basis upon which a recognized or valid cause of action may be based.

- Governmental immunity under state law is clearly applicable and none of the exceptions to such immunity have been pled. In addition, judicial immunity would apply for purposes of court-related offices.
- Plaintiff has not alleged a factual predicate upon which actionable conduct or liability may be found under either federal or state law.
- If the instant matter is deemed to seek relief under §1983, the factual basis for any valid arguable claims has not been averred. In this regard, it is to be noted that principles of *respondeat superior* are inapplicable in §1983 litigation and claims of negligence are not, as a matter of law, sufficient to establish liability.
- Obviously, frivolous actions may be dismissed by the court at any stage.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed.

LEE, GREEN & REITER, INC.

By:   
Joseph P. Green, Esquire, PA ID #19238  
Attorney for Defendants Centre County,  
Clearfield County, and Clinton County  
115 East High Street, PO Box 179  
Bellefonte, PA 16823  
814-355-4769

**CERTIFICATE OF SERVICE**

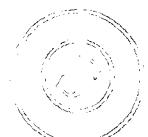
I hereby certify that a true and correct copy of the foregoing Preliminary Objections Filed by Defendants Clearfield County, Centre County and Clinton County was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 30 day of

July, 2007 addressed to the following:

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

  
\_\_\_\_\_  
Joseph P. Green, Esquire



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

DANIEL L. SPUCK,	)	No. 2007-1989
	:	No. 2007-1988
vs.	)	No. 2007-1990
	:	No. 2007-1991
DENNY NAU, in his individual and	)	No. 2007-1992
Official capacity; J. MICHEL WILLIAMSON,	:	No. 2007-1993
in his official and individual capacity,	)	No. 2007-1994
FREDRIC J. AMMERMAN, in his	:	No. 2007-1995
official and individual capacity, CENTRE	)	
COUNTY, PENNSYLVANIA,	:	
CLEARFIELD COUNTY, PENNSYLVANIA,	)	
CLINTON COUNTY, PENNSYLVANIA;	:	
COMMONWEALTH OF PENNSYLVANIA;	)	
CHARLES C. BROWN, JR., in his	:	
Official and individual capacity, et al.,	)	
Defendants	:	JURY TRIAL DEMANDED

✓  
**RECEIVED**

JUL 31 2007

**PROTHONOTARY**

**BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS**  
**FILED BY DEFENDANTS CENTRE COUNTY,**  
**CLEARFIELD COUNTY AND CLINTON COUNTY**

Defendants Centre County, Clearfield County, and Clinton County hereby submit the following in support of their Preliminary Objections:

**I. Preliminary Statement:**

It may be that the pending preliminary objections are moot with respect to Defendant Clinton County. Pursuant to Order dated July 16, 2007, filed to docket number 2007-1993, it appears that the Complaint against Clinton County was dismissed.

In that Order, the Court also recognized the indisputable fact that common pleas judges are *not* employees of a county. This fact has been judicially noticed.

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

✓  
NO. 11  
FILED IN MERCER  
COUNTY

DANIEL L. SPUCK,

vs.

DENNY NAU, in his individual and  
Official capacity; J. MICHEL WILLIAMSON, :  
in his official and individual capacity,  
FREDRIC J. AMMERMAN, in his  
official and individual capacity, CENTRE  
COUNTY, PENNSYLVANIA,  
CLEARFIELD COUNTY, PENNSYLVANIA, )  
CLINTON COUNTY, PENNSYLVANIA; :  
COMMONWEALTH OF PENNSYLVANIA; )  
CHARLES C. BROWN, JR., in his  
Official and individual capacity, et al.,  
Defendants

) No. 2007-1989  
: No. 2007-1988  
) No. 2007-1990  
: No. 2007-1991  
) No. 2007-1992  
: No. 2007-1993  
) No. 2007-1994  
: No. 2007-1995  
: Type of Pleading Filed:  
: Entry of Appearance  
: Filed on Behalf of: Centre County, PA;  
: Clearfield County, PA; Clinton County, PA  
: Counsel of Record for this Party:  
: Joseph P. Green, Esquire  
) LEE, GREEN & REITER, INC.  
: 115 East High Street  
) PO Box 179  
: Bellefonte, PA 16823  
) 814-355-4769  
: PA ID #19238  
: JURY TRIAL DEMANDED

2007 JUL 30 A 10:41

ELIZABETH F. FAIR  
PROTHONOTARY

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

DANIEL L. SPUCK, ) No. 2007-1989  
vs. : No. 2007-1988  
DENNY NAU, in his individual and ) No. 2007-1990  
Official capacity; J. MICHEL WILLIAMSON, : No. 2007-1991  
in his official and individual capacity, ) No. 2007-1992  
FREDRIC J. AMMERMAN, in his ) No. 2007-1993  
official and individual capacity, CENTRE ) No. 2007-1994  
COUNTY, PENNSYLVANIA, : No. 2007-1995  
CLEARFIELD COUNTY, PENNSYLVANIA, )  
CLINTON COUNTY, PENNSYLVANIA; :  
COMMONWEALTH OF PENNSYLVANIA; )  
CHARLES C. BROWN, JR., in his )  
Official and individual capacity, et al., )  
Defendants :  
:

**ENTRY OF APPEARANCE**

To the Prothonotary:

Please enter the appearance of the undersigned on behalf of Centre County,  
Pennsylvania; Clearfield County Pennsylvania; and, Clinton County, Pennsylvania, defendants  
above-named.

LEE, GREEN & REITER, INC.

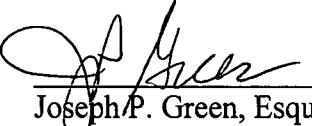
By:   
Joseph P. Green, Esquire  
PA ID #19238  
Attorney for Defendants Centre County,  
PA; Clearfield County, PA; and  
Clinton County, PA  
115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Entry of Appearance was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 26<sup>th</sup> day of July, 2007 addressed to the following:

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

  
\_\_\_\_\_  
Joseph P. Green, Esquire

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

DANIEL L. SPUCK,

vs.

DENNY NAU, in his individual and  
Official capacity; J. MICHEL WILLIAMSON, in  
his official and individual capacity,  
FREDRIC J. AMMERMAN, in his  
official and individual capacity, CENTRE  
COUNTY, PENNSYLVANIA,  
CLEARFIELD COUNTY, PENNSYLVANIA,  
CLINTON COUNTY, PENNSYLVANIA;  
COMMONWEALTH OF PENNSYLVANIA;  
CHARLES C. BROWN, JR., in his  
Official and individual capacity, et al.,  
Defendants

) No. 2007-1989  
: No. 2007-1988  
) No. 2007-1990  
: No. 2007-1991  
) No. 2007-1992  
: No. 2007-1993  
) No. 2007-1994  
: No. 2007-1995  
: JURY TRIAL DEMANDED

NO FILED IN MERCER  
COUNTY ✓  
2001 JUL 31 A II:46  
ELIZABETH FAIR  
PROTHONOTARY

PRELIMINARY OBJECTIONS FILED BY  
DEFENDANTS CLEARFIELD COUNTY,  
CENTRE COUNTY AND CLINTON COUNTY

Pursuant to Pa. R.C.P. 1028, Defendants Clearfield County, Centre County and Clinton County hereby preliminarily object to the Complaint as follows:

**I. Lack of Service of Process/Lack of Personal Jurisdiction (Pa. R.C.P. 1028(a)(1))**

It is asserted that the plaintiff has failed to properly serve process upon the objecting defendants. No record appears that service was made in accordance with applicable procedural rules. It is mandatory that initial process be served upon a defendant in accordance with Pa. R.C.P. 4001, et seq. Therefore, personal jurisdiction may not be exercised with respect to these defendants.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed.

## **II. Lack of Proper Venue (Pa. R.C.P. 1028(a)(1))**

No underlying factual or legal predicate has been averred by the plaintiff which would establish or permit venue of this civil action in Mercer County, Pennsylvania. In this regard, it is respectfully submitted that the fact that the plaintiff happens to be presently incarcerated in Mercer County does not establish venue in that county. Pa. R.C.P. 1006. In addition, a county is a political subdivision for which venue only lies in that specific county. Pa. R.C.P. 2106.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed.

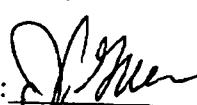
## **III. Demurrer - Failure to State Recognized Cause of Action (Pa. R.C.P. 1028(a)(4))**

Plaintiff's Complaint does not set forth a factual basis upon which a recognized or valid cause of action may be based.

- Governmental immunity under state law is clearly applicable and none of the exceptions to such immunity have been pled. In addition, judicial immunity would apply for purposes of court-related offices.
- Plaintiff has not alleged a factual predicate upon which actionable conduct or liability may be found under either federal or state law.
- If the instant matter is deemed to seek relief under §1983, the factual basis for any valid arguable claims has not been averred. In this regard, it is to be noted that principles of *respondeat superior* are inapplicable in §1983 litigation and claims of negligence are not, as a matter of law, sufficient to establish liability.
- Obviously, frivolous actions may be dismissed by the court at any stage.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed.

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esquire, PA ID #19238  
Attorney for Defendants Centre County,  
Clearfield County, and Clinton County  
115 East High Street, PO Box 179  
Bellefonte, PA 16823  
814-355-4769

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Preliminary Objections Filed by Defendants Clearfield County, Centre County and Clinton County was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 30 day of July, 2007 addressed to the following:

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

  
\_\_\_\_\_  
Joseph P. Green, Esquire

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

DANIEL L. SPUCK, ) No. 2007-1989  
vs. : No. 2007-1988  
vs. ) No. 2007-1990  
vs. : No. 2007-1991  
DENNY NAU, in his individual and ) No. 2007-1992  
Official capacity; J. MICHEL WILLIAMSON, : No. 2007-1993  
in his official and individual capacity, ) No. 2007-1994  
FREDRIC J. AMMERMAN, in his : No. 2007-1995  
official and individual capacity, CENTRE )  
COUNTY, PENNSYLVANIA, :  
CLEARFIELD COUNTY, PENNSYLVANIA, )  
CLINTON COUNTY, PENNSYLVANIA; :  
COMMONWEALTH OF PENNSYLVANIA; )  
CHARLES C. BROWN, JR., in his :  
Official and individual capacity, et al., )  
Defendants : JURY TRIAL DEMANDED

RECEIVED *July*

JUL 31 2007

PROTHONOTARY

**BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS**  
**FILED BY DEFENDANTS CENTRE COUNTY,**  
**CLEARFIELD COUNTY AND CLINTON COUNTY**

Defendants Centre County, Clearfield County, and Clinton County hereby submit the following in support of their Preliminary Objections:

**I. Preliminary Statement:**

It may be that the pending preliminary objections are moot with respect to Defendant Clinton County. Pursuant to Order dated July 16, 2007, filed to docket number 2007-1993, it appears that the Complaint against Clinton County was dismissed.

In that Order, the Court also recognized the indisputable fact that common pleas judges are *not* employees of a county. This fact has been judicially noticed.

## II. Statement of Facts:

The instant civil action has been filed by a prisoner acting pro se. Among the defendants are the Counties of Clinton, Centre and Clearfield. These parties have filed preliminary objections.

It is difficult to identify the factual basis upon which the instant civil actions are based. Nevertheless, the history provided by Mr. Spuck indicates that he was not satisfied with the results of the previous criminal proceedings as well as the dismissal of an earlier civil action.

With regard to Centre County, plaintiff contends that it has alleged vicarious liability for actions of Judge Brown and Sheriff Nau. It is alleged that this theory of liability is based on an employment relationship.

Clinton County is a named defendant on the alleged basis that Judge Williamson was an employee of that governmental body. Mr. Spuck contends that the actionable conduct on the part of Judge Williamson related to his rulings in prior civil actions. However, none of those determinations were appealed by the plaintiff to the Superior Court at the time. The docket entries in those matters are subjects of judicial notice as public records of judicial facts.

The alleged cause of action against Clearfield County involves the same unsupported and inaccurate theory that Judge Ammerman was an employee of that county. In addition, it is asserted that the "Clerk of Courts and Court Administration" somehow obstructed and impeded a "civil case" brought by the plaintiff when they did not follow certain unidentified procedural rules. Other than offering general conclusory assertions, no specific factual basis is offered relative to this theory.

At this point, only selected preliminary objections are being raised. It is clear from the plaintiff's narrative that numerous formidable procedural defenses will be raised, if necessary, at

a later date such as res judicata, collateral estoppel, issue preclusion, statute of limitations expiration, and so forth.

In any event, the objections presently before the court relate to three areas as follows:

- Lack of Service of Process/Absence of Personal Jurisdiction
- Lack of Proper Venue
- Legal Insufficiency of Complaint

### **III. Argument**

#### ***A. Service of Process/Lack of Personal Jurisdiction***

Pa. R.C.P. 400 et seq. requires that service of process be accomplished in a specific manner and this has simply not occurred in the instant matter. Rules governing service of process must be strictly followed. Lycoming Township v. Shannon, 780 A.2d 835 (Pa. Cmwlth. 2001). In the absence of proper service, personal jurisdiction is not present. Fraiser v. Gillis, 892 A.2d 74 (Pa. Cmwlth. 2006).

Further, the mere fact that plaintiff mailed the complaints to the defendants does not constitute proper service of process. Williams v. SEPTA, 585 A.2d 583 (Pa. Cmwlth. 1991).

#### ***B. Lack of Venue in Mercer County***

Nothing in the Complaint provides a factual basis for venue in Mercer County. Pa. R.C.P. 1006(a) requires that there be a connection between the actionable event and the location of the judicial forum. In addition, Pa. R.C.P. 2103(b) state that an action against a political subdivision must be brought in that county.

Mercer County is simply not a proper venue for the instant civil action. See, e.g., Sunderland v. Barlow Home Builders, 791 A.2d 384 (Pa. Super. 2002).

### ***C. Legal Insufficiency of Complaint***

The instant civil action must fail inasmuch as the Complaint fails to set forth viable and recognized causes of action as to the county defendants. For all practical purposes, Mr. Spuck is attempting to present a civil action pursuant to 42 U.S.C. §1983 for alleged violation of his constitutional rights. Although Mr. Spuck does not expressly make such claims, it is apparent that the "gist" of his action is under that statute.

It is important to recognize that principles of *respondeat superior* are not applicable in §1983 litigation and, therefore, vicarious liability theories are not recognized in that context. Evanko v. Fisher, 423 F.3d 397 (3d Cir. 2005); Rode v. Dellarciprete, 845 F.3d 1208 (3d Cir. 1998). This specific principle (non-applicability of *respondeat superior*) has been recognized and repeatedly upheld by the United States Supreme Court. Parrott v. Taylor, 436 U.S. 658 (1981).

It is also critical to recognize that averments of negligence alone are insufficient, as a matter of law, to support a claim under §1983. See, Estelle v. Gamble, 429 U.S. 97 (1976); Durmer v. O'Carroll, 991 F.2d 64 (3d Cir. 1993).

If the instant civil actions are viewed as traditional state common law tort claims, the clearly applicable immunity defenses come into play. In this regard, these defendants would refer to and incorporate by reference the content of the brief submitted by Attorney Taylor Williams relating to the position of the judges who have been sued. Even if the judges were arguably "employees" of the counties, there would exist no liability to "impute" to the employer because of the absolute judicial immunity which applies.

Further, it is apparent on the face of the Complaint that the Pennsylvania Governmental Immunity Act applies and, therefore, an action in negligence would be barred. 42 Pa. C.S.A.

§8541 et seq. A local governmental unit, such as a county, may be held liable for negligence only when one of the statutory exceptions applies. In this case, the Complaint does not allege a factual predicate which would support the recognition of such an exception. See, Sweeney v. Merrymead Farms, 799 A.2d 972 (Pa. Cmwlth. 2002).

#### **IV. Conclusion**

Based on the foregoing, it is respectfully suggested that the instant civil actions be dismissed in all respects.

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esquire

PA ID #19238

Attorney for Defendants Centre County,  
PA; Clearfield County, PA; and

Clinton County, PA

115 East High Street

PO Box 179

Bellefonte, PA 16823

814-355-4769

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Brief in Support of Preliminary Objections Filed by Defendants Clearfield County, Centre County and Clinton County was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 30 day of July, 2007 addressed to the following:

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137



---

Joseph P. Green, Esquire

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

DANIEL L. SPUCK,

vs.

DENNY NAU, in his individual and official capacity; J. MICHEL WILLIAMSON, in his official and individual capacity, FREDRIC J. AMMERMAN, in his official and individual capacity, CENTRE COUNTY, PENNSYLVANIA, CLEARFIELD COUNTY, PENNSYLVANIA, CLINTON COUNTY, PENNSYLVANIA; COMMONWEALTH OF PENNSYLVANIA; CHARLES C. BROWN, JR., in his Official and individual capacity, et al., Defendants

) No. 2007-1989  
: No. 2007-1988  
) No. 2007-1990  
: No. 2007-1991  
) No. 2007-1992  
: No. 2007-1993  
) No. 2007-1994  
: No. 2007-1995  
: Type of Pleading Filed:  
: Preliminary Objections  
: Filed on Behalf of: Denny Nau, in his individual and official capacity  
: Counsel of Record for this Party:  
: Joseph P. Green, Esquire  
) LEE, GREEN & REITER, INC.  
: 115 East High Street  
) PO Box 179  
: Bellefonte, PA 16823  
) 814-355-4769  
: PA ID #19238  
: JURY TRIAL DEMANDED

NO FILED IN MERCER COUNTY  
JUN 19 2007  
P 2:07

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

DANIEL L. SPUCK,	)	No. 2007-1989
	:	No. 2007-1988
vs.	)	No. 2007-1990
	:	No. 2007-1991
DENNY NAU, in his individual and	)	No. 2007-1992
Official capacity; J. MICHEL WILLIAMSON,	:	No. 2007-1993
in his official and individual capacity,	)	No. 2007-1994
FREDRIC J. AMMERMAN, in his	:	No. 2007-1995
official and individual capacity, CENTRE	)	
COUNTY, PENNSYLVANIA,	:	
CLEARFIELD COUNTY, PENNSYLVANIA,	)	
CLINTON COUNTY, PENNSYLVANIA;	:	
COMMONWEALTH OF PENNSYLVANIA;	)	
CHARLES C. BROWN, JR., in his	:	
Official and individual capacity, et al.,	)	
Defendants	:	JURY TRIAL DEMANDED

**PRELIMINARY OBJECTIONS FILED BY**  
**DEFENDANT DENNY NAU**

Pursuant to Pa. R.C.P. 1028, Defendant Denny Nau, individually and as Sheriff of Centre County, hereby preliminarily object to the Complaint as follows:

**I. Lack of Service of Process/Lack of Personal Jurisdiction (Pa. R.C.P. 1028(a)(1))**

It is asserted that the plaintiff has failed to properly serve process upon the objecting defendant. No record appears that service was made in accordance with applicable procedural rules. It is mandatory that initial process be served upon a defendant in accordance with Pa. R.C.P. 4001, et seq. Therefore, personal jurisdiction may not be exercised with respect to this defendant.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed.

**II. Lack of Proper Venue (Pa. R.C.P. 1028(a)(1))**

No underlying factual or legal predicate has been averred by the plaintiff which would establish or permit venue of this civil action in Mercer County, Pennsylvania. In this regard, it is

respectfully submitted that the fact that the plaintiff happens to be presently incarcerated in Mercer County does not establish venue in that county. Pa. R.C.P. 1006. No action or inaction on the part of Defendant Denny Nau is alleged to have had a connection to Mercer County nor does proper venue lie in that forum with respect to any of the other named defendants.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed or that an appropriate transfer of venue be ordered.

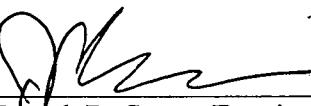
**III. Demurrer - Failure to State Recognized Cause of Action (Pa. R.C.P. 1028(a)(4))**

Plaintiff's Complaint does not set forth a factual basis upon which a recognized or valid cause of action may be based.

- Governmental immunity under state law is clearly applicable and none of the exceptions to such immunity have been pled.
- Plaintiff has not alleged a factual predicate upon which actionable conduct or liability may be found under either federal or state law.
- If the instant matter is deemed to seek relief under §1983, the factual basis for any valid arguable claims has not been averred. In this regard, it is to be noted that claims of negligence are not, as a matter of law, sufficient to establish liability.
- Frivolous actions may be dismissed by the court at any stage. In this regard, it is respectfully suggested that a fair reading of the Complaint reveals that this matter is without merit.

WHEREFORE, it is respectfully requested that the instant civil action be dismissed.

LEE, GREEN & REITER, INC.

By: 

Joseph P. Green, Esquire, PA ID #19238  
Attorney for Defendants Denny Nau,  
Centre County, Clearfield County, and  
Clinton County  
115 East High Street, PO Box 179  
Bellefonte, PA 16823  
814-355-4769

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Preliminary Objections Filed by Defendant Denny Nau was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 14 day of August, 2007 addressed to the following:

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137



---

Joseph P. Green, Esquire

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

DANIEL L. SPUCK, ) No. 2007-1989  
vs. : No. 2007-1988  
vs. ) No. 2007-1990  
: No. 2007-1991  
DENNY NAU, in his individual and ) No. 2007-1992  
Official capacity; J. MICHEL WILLIAMSON, : No. 2007-1993  
in his official and individual capacity, ) No. 2007-1994  
FREDRIC J. AMMERMAN, in his : No. 2007-1995  
official and individual capacity, CENTRE )  
COUNTY, PENNSYLVANIA, :  
CLEARFIELD COUNTY, PENNSYLVANIA, )  
CLINTON COUNTY, PENNSYLVANIA; :  
COMMONWEALTH OF PENNSYLVANIA; )  
CHARLES C. BROWN, JR., in his :  
Official and individual capacity, et al., )  
Defendants : JURY TRIAL DEMANDED

**RECEIVED**

*✓*  
AUG 16 2007

**PROTHONOTARY**

**BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS**  
**FILED BY DEFENDANT DENNY NAU**

Defendant Denny Nau hereby submits the following in support of his Preliminary  
Objections:

**I. Preliminary Statement:**

It may be that the pending preliminary objections are moot with respect to Defendant  
Clinton County. Pursuant to Order dated July 16, 2007, filed to docket number 2007-1993, it  
appears that the Complaint against Clinton County was dismissed.

In that Order, the Court also recognized the indisputable fact that common pleas judges  
are *not* employees of a county. This fact has been judicially noticed.

## II. Statement of Facts:

The instant civil action has been filed by a prisoner acting pro se. Among the defendants are the Counties of Clinton, Centre and Clearfield and Denny Nau. These parties have filed preliminary objections. In addition, the three judges named as defendants have filed preliminary objections.

It is difficult to identify the factual basis upon which the instant civil actions are based. Nevertheless, the history provided by Mr. Spuck indicates that he was not satisfied with the results of the previous criminal proceedings as well as the dismissal of an earlier civil action.

The "cause of action" asserted against Sheriff Nau is stated in obscure terms. The factual basis for the claim appears to involve the alleged negligent failure by the Sheriff in not complying with some unidentified court order in a civil action which resulted in the postponement of a pre-trial conference. Said civil action was eventually dismissed by the court and the plaintiff apparently contends that the Sheriff's conduct had some relationship to the dismissal. How all of this is connected or linked together is completely unexplained by the plaintiff in his pleading. It should also be noted that the plaintiff never pursued the dismissal of that civil action on appeal and is now attempting a convoluted collateral attack over two years later.

At this point, only selected preliminary objections are being raised. It is clear from the plaintiff's narrative that numerous formidable procedural defenses will be raised, if necessary, at a later date such as res judicata, collateral estoppel, issue preclusion, statute of limitations expiration, and so forth.

In any event, the objections presently before the court relate to three areas as follows:

- Lack of Service of Process/Absence of Personal Jurisdiction
- Lack of Proper Venue

➤ Legal Insufficiency of Complaint

### **III. Argument**

#### ***A. Service of Process/Lack of Personal Jurisdiction***

Pa. R.C.P. 400 et seq. requires that service of process be accomplished in a specific manner and this has simply not occurred in the instant matter. Rules governing service of process must be strictly followed. Lycoming Township v. Shannon, 780 A.2d 835 (Pa. Cmwlth. 2001). In the absence of proper service, personal jurisdiction is not present. Fraiser v. Gillis, 892 A.2d 74 (Pa. Cmwlth. 2006).

Further, the mere fact that plaintiff mailed the complaints to the defendants does not constitute proper service of process. Williams v. SEPTA, 585 A.2d 583 (Pa. Cmwlth. 1991).

#### ***B. Lack of Venue in Mercer County***

Nothing in the Complaint provides a factual basis for venue in Mercer County. Pa. R.C.P. 1006(a) requires that there be a connection between the actionable event and the location of the judicial forum. The Complaint filed herein does not arguably establish in any sense a venue sustaining factual basis relative to Mercer County.

Mercer County is simply not a proper venue for the instant civil action. See, e.g., Sunderland v. Barlow Home Builders, 791 A.2d 384 (Pa. Super. 2002). At the very least, venue should be transferred to an appropriate forum.

#### ***C. Legal Insufficiency of Complaint***

The instant civil action must fail inasmuch as the Complaint fails to set forth viable and recognized causes of action as to the objecting party. For all practical purposes, Mr. Spuck is attempting to present a civil action pursuant to 42 U.S.C. §1983 for alleged violation of his

constitutional rights. Although Mr. Spuck does not expressly make such claims, it is apparent that the "gist" of his action is under that statute.

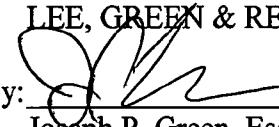
It is also critical to recognize that averments of negligence alone are insufficient, as a matter of law, to support a claim under §1983. See, Estelle v. Gamble, 429 U.S. 97 (1976); Durmer v. O'Carroll, 991 F.2d 64 (3d Cir. 1993).

If the instant civil actions are viewed as traditional state common law tort claims, the clearly applicable immunity defenses come into play. In this regard, these defendants would refer to and incorporate by reference the content of the brief submitted by Attorney Taylor Williams relating to the position of the judges who have been sued. Even if the judges were arguably "employees" of the counties, there would exist no liability to "impute" to the employer because of the absolute judicial immunity which applies.

Further, it is apparent on the face of the Complaint that the Pennsylvania Governmental Immunity Act applies and, therefore, an action in negligence would be barred. 42 Pa. C.S.A. §8541 et seq. A local government official, such as a sheriff, may be held liable for negligence only when one of the statutory exceptions applies. In this case, the Complaint does not allege a factual predicate which would support the recognition of such an exception. See, Sweeney v. Merrymead Farms, 799 A.2d 972 (Pa. Cmwlth. 2002).

#### **IV. Conclusion**

Based on the foregoing, it is respectfully suggested that the instant civil actions be dismissed in all respects.

LEE, GREEN & REITER, INC.  
By:   
Joseph P. Green, Esquire, PA ID #19238  
Attorney for Defendants Denny Nau, Centre  
County, Clearfield County, and Clinton County

115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Brief in Support of Preliminary Objections Filed by Defendant Denny Nau was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 14 day of August, 2007 addressed to the following:

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

  
\_\_\_\_\_  
Joseph P. Green, Esquire

FILED by Sheriff I.F.P.  
PRO SE, & SERVE them with a copy which was provided  
by me on August 13, 2007, In Forma Pauperis as  
In Forma Pauperis was granted by the Honorable  
Court on July 9, 2007, & my financial situation has  
not changed

### Certification

I, Daniel Spuck certify that I have  
Served the Mercer County Prothonotary with  
a Letter and 6 copies of Notice to Defend;  
Civil Complaint; Leave to Proceed In Forma Pauperis;  
and Affidavit. to be forwarded to the Mercer  
County Sheriff to Service the Defendants with  
a Copy, so that Original Process be made, by  
Placing them in prison mailbox on August 13, 2007.  
and mailing them by Regular Mail.

Respectfully Submitted

Daniel L. Spuck

Daniel L. Spuck,  
Pro Se, Plaintiff

Inst No. CZ-4825, S.R.C.F.  
Mercer, 801 Butler  
Pike, Mercer, Pa.

16137

Dated 8-13-07  
NO FILED IN MERCER  
COUNTY  
2007 AUG 16 P 3:15  
ELIZABETH F. FAIR  
PROTHONOTARY  
✓

### Verification

I, Daniel L. Spuck verify that statements made  
herein are true and correct to the best of my  
knowledge and belief. False statement are subject to  
perjury.

Daniel L. Spuck  
Daniel L. Spuck

IN THE COURT OF COMMON PLEAS  
OF MERCER COUNTY, PENNSYLVANIA  
CIVIL Division

Daniel L. Spuck,  
Plaintiff  
v.

No. 2007-1987; 2007-  
1988; 2007-1990; 2007-  
1991; 2007-1992; 2007-  
1993; 2007-1994; 2007-  
1995

Deny Nau, in his individual and  
official capacity; J. Michael  
Williamson, in his official and individual  
capacity; Fredric J. Ammerman, in his  
official and individual capacity; Centre  
County, Pennsylvania; Clearfield County  
Pennsylvania; Commonwealth of Pennsylvania,  
ET AL.  
Defendants

To The Prothonotary:

Kindly have the Sheriff of Mercer County,  
Pennsylvania Serve the following Defendants above with  
a Stamp Court <sup>(copy)</sup> dated <sup>(copy)</sup> Notice to Defend; Civil Complaint;  
Leave to Proceed In Forma Pauperis; and affidavit which  
was filed by the Court Prothonotary on July 16, 2007  
at the following addresses:

1. Deny Nau at 100 View St. Bellefonte, Pa. 16823
2. J. Michael Williamson 230 E. Water St. Lock Haven, Pa. 17745-1399
3. Fredric J. Ammerman 230 E. Market St. Clearfield, Pa. 16830
4. Centre County, Pennsylvania at Louis T. Glantz, Centre County Solicitor  
1901 E College Ave. St. College, Pa. 16801
5. Clearfield County, Pennsylvania at Kim Kesner, Clearfield County  
Solicitor 23 N. 2nd St. Clearfield, Pa. 16830
6. Commonwealth of Pennsylvania at Office of the Attorney General  
Manor Complex, 564 Forbes Ave. Pittsburgh, Pa. 15219

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

CIVIL ACTION

NO. 1001  
FILED IN MERCER  
COUNTY *J. Miller*

DANIEL L. SPUCK,

vs.

DENNY NAU, in his individual and  
official capacity; J. MICHEL WILLIAMSON,  
in his official and individual capacity,  
FREDRIC J. AMMERMAN, in his  
official and individual capacity, CENTRE  
COUNTY, PENNSYLVANIA,  
CLEARFIELD COUNTY, PENNSYLVANIA,  
CLINTON COUNTY, PENNSYLVANIA;  
COMMONWEALTH OF PENNSYLVANIA;  
CHARLES C. BROWN, JR., in his  
Official and individual capacity, et al.,

Defendants

) No. 2007-1989  
: No. 2007-1988  
) No. 2007-1990  
: No. 2007-1991  
) No. 2007-1992  
: No. 2007-1993  
) No. 2007-1994  
: No. 2007-1995  
)

2001 AUG 20 A 11: 00

ELIZABETH F. FAIR  
PROTHONOTARY

JURY TRIAL DEMANDED

**ENTRY OF APPEARANCE**

To the Prothonotary:

Please enter the appearance of the undersigned on behalf of Denny Nau, in his individual  
and official capacity, Defendant above-named.

LEE, GREEN & REITER, INC.

By:

*Joseph P. Green*  
Joseph P. Green, Esquire  
PA ID #19238

Attorney for Defendants Denny Nau,  
Centre County, PA; Clearfield County, PA; and  
Clinton County, PA  
115 East High Street  
PO Box 179  
Bellefonte, PA 16823  
814-355-4769

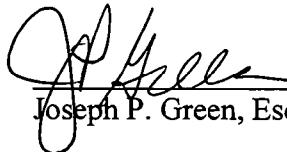


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Entry of Appearance was deposited in the United States mail, postage prepaid, in Bellefonte, Pennsylvania, on the 14<sup>th</sup> day of August, 2007 addressed to the following:

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102

Daniel L. Spuck  
Inmate No. CZ-4825  
SRCF Mercer  
801 Butler Pike  
Mercer, PA 16137

  
\_\_\_\_\_  
Joseph P. Green, Esquire



IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA (original copy)

No. 2007-1992;

2007-1991.

DANIEL L. SPUCK,

Plaintiff,

v.

CLEARFIELD COUNTY,  
PENNSYLVANIA; + CENTRE  
COUNTY, PENNSYLVANIA, ET AL,

Defendants.

NO  
FILED IN MERCER  
COUNTY

2007 AUG 21 A 8:56

ELIZABETH FAIR  
PROTHONOTARY

✓

PLAINTIFF'S ANSWER TO THE DEFENDANTS  
PRELIMINARY OBJECTIONS FILED ON  
July 30, 2007, + Memorandum OF LAW IN SUPPORT

To: THE HONORABLE FRANCIS J. FORNELLI,  
PRESIDENT JUDGE,

NOW COMES, the Plaintiff Daniel L. Spuck, pro se (I.F.P.) and avers the following in support of his answer to the Defendants Preliminary Objections on or about July 30, 2007.

1.) In Regards to the Defendant, Clearfield County, Pennsylvania. No. 2007-1992, there would be no immunity due to their County Court's actions in seizing the plaintiff's Legal Files that were unrelated and were related to the issue's before the Court (see Exhibit "A" PCRA Hearing Transcript pg. III [May 30 or 31<sup>st</sup>, 2000]). It is clear that the court was not acting in a Judicial Capacity or did they have Jurisdiction to seize the Plaintiff's Legal Files, & violated the Plaintiff's 1<sup>st</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> Constitutional Rights by not returning the complete file and creating an impediment and obstruction in the petitioner's appeal. The county also did not feed the Jury after a full day of Court and 11 continuous hours of deliberations. Also Defendant would not be immune because of the actions of the specially appointed Court in the Civil matter to defame the Plaintiff from getting paroled when it sent a copy of the(2) Civil Orders to the Pennsylvania Parole Board, which was not a defendant, and the defendant through the Honorable Williamson, the Court did not have jurisdiction or a judicial responsibility in doing so and was negligent when it created a defamation of character for purposes of Parole Considerations. Judges are immune from liability when (1) the Judge (County Court) has jurisdiction over subject matter before him, and (2) he (County Court) is performing a judicial act. Stump v. Sparkman, 435 U.S. at 349.

Because of the County Court's actions of negligence  
officials interference and defamation of the plaintiff  
do not excuse the defendants liability. also they did  
not feed the jury as of record after a full day of  
Court continuing into deliberations of nearly 11 hours.  
there is liability there. The County's Prothonotary  
Court Administrator's actions in obstructing and impeding  
the Plaintiff's Civil Action since about March 11, 1998  
by not filing and having the Sheriff Service the  
Præcipe for Writ of Summons as well as In Forma  
Pauperis Status under the Pa Rules of Civil Procedure  
1007 (1) and 205.2 and the Pennsylvania Supreme Court  
Rules. Also approximately May 8, 1998, the Plaintiff  
Attempted to place his Direct Appeal Counsel on  
Notice, By filing a "Notice" with the Prothonotary of  
Clearfield County. The Employee did not follow  
Pa Rules of Criminal Procedure 579, and did not  
place the "Notice" in the record and has obstructed  
and impeded the Plaintiff's Appeal (see Exhibit "B"  
Pa. R. Crim. Rule 576). The Plaintiff has been a  
resident of Mercer County since January of 2004,  
and contrary to the Defendant's Counsel this Honorable  
Court has proper venue and jurisdiction because  
not only the over 3 years of residency, there is  
a continuing obstructions and impediments against  
the Plaintiff. Also the issue in regards to Grand  
Jury Indictments. The County claims that the Grand  
Jury System in Pennsylvania has been abolished.

When, in, all actuality it has not in accordance to House of Representative Mr. Dent. (see Exhibit "C") Letter by Mr. Dent stating the rule still exists to allow grand juries, and that <sup>they</sup> are being used in Philadelphia County. By not having a Grand Jury to indict the Plaintiff, his 5th 9th + 10th United States Constitutional Amendments were violated. The Pa. Constitution of 1776: Sec. 9 says that no one shall infringe, or abolish any of the Constitution, and the 5th Amendment <sup>(rights of Persons)</sup> says no one shall be charged with an infamous crime unless indicted by information of a Grand Jury. The Defendant is responsible and liable and there is no immunity as the Defendant's Counsel contends. Also the Plaintiff filed 3 Notice of Appeals in the Civil matters (see Exhibit "D" 2 Notices of Appeals Court stamp filed pg. 1<sup>ea</sup>) This case should proceed forward to a Civil Trial by Jury and the Defendant's Preliminary Objections filed by Counsel should fail, for all the reasons set forth by the Plaintiff. see Mireles, 502 U.S at 11 "Judicial Immunity (County Court) cannot be overcome unless the Judges (the County Court) actions are not in his role as a Judge.". The Plaintiff seeks \$5,000,000.00 in compensatory damages and \$1,000,000,000.00 in punitive, special, discretionary, and future damages from the defendant plus interest and costs. The Plaintiff demands a Civil Trial By Jury. In addition the County Courts made misapplications in their Order which has also been an obstruction and impediment in the Appeal Process for the Plaintiff. The Plaintiff on 8-13-07 forwarded Complaint (Court Stamped date 7-16-07) to have Sheriff Serve Defendant with Complaint by original process. (was forwarded to Mercer Co. Prothonotary) <sup>see Exhibit "F"</sup>

2.) In Regards to the Defendant, Centre County, Pennsylvania No. 2007-1991, There would be no immunity due to the actions of their employee Sheriff Deny Nau's failure to service all the Defendants at Civil Case No. 2003-1383, and was in Contempt of the Honorable Charles Brown Jr. s Order and impeded and obstructed the Plaintiff's Civil Action and cause a postponement of the Pre-Trial Conference which has not been rescheduled and contributed to the dismissal of the Plaintiff's Civil Action on July 6, 2005, and July 27, 2005 (Reconsideration) due to the Defendant's employee's actions of negligence. The Plaintiff has been a resident of Mercer County, Pennsylvania since January 2004, and contrary to the Defendant's Counsel this Honorable Court has proper venue and jurisdiction. The Defendant also is liable through it's employee Prothonotary of Centre County, Debra C. Immel, for not placing in the record the scheduled Pre-Trial Conference of September 16, 2004 at 10:30 am., which has impeded and obstructed the Plaintiff's Civil Case, and is continuing to obstruct and impede the Civil case by the County Employee's Actions of Negligence (see Exhibit "E" Court Docket Pg.2 filed 6-3-03) and has contributed by the County Employee's Negligence. The Plaintiff also filed 3 Notices of Appeals in the Civil Matters (see Exhibit "D" 2 Notices of Appeals Court Stamp filed pg. 1), and contrary to Defendant's Counsel The Plaintiff does have a cause of Action. The Defendant's Preliminary Objections must fail, for all the

reasons set forth by the Plaintiff. The Defendant is liable through it's employees actions of negligence.

The Plaintiff seeks \$ 5,000,000.00 in compensatory damages, and \$ 1,000,000,000.00 in punitive, special, discretionary, and future damages from the defendant plus interest and costs. The Plaintiff demands a Civil Trial by Jury. This case must proceed forward under the circumstances surrounding the Obstructions and impediments of the Plaintiff

Civil Case, by County officials/employees.

(Contrary to Defendant's Complaint by Plaintiff forwarded to Mercer Co. Prothonotary for original process on 8-13-07), within 30 days. (See Exhibit "F")

Wherefore, for the foregoing reasoning, the Plaintiff, Respectfully Requests that this Honorable Court deny the Defendants Preliminary Objections to the Plaintiff's Complaint for Clearfield, and Centre County of Pennsylvania, Defendants in this Civil matter and to proceed to a Civil Trial by Jury.

Dated: 8-17-07

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
Plaintiff, Inst. No.  
CZ-4825, S.R.C.F.  
Mercer, 801 Butler  
Pike, Mercer, Pa.

16137

## CERTIFICATION

I, Daniel L. Spuck, certify that I have served a true and correct copy of Plaintiff's Answer to the Defendants Preliminary Objections to the Defendants Counsel, Joseph P. Green <sup>Esa.</sup> and (1) original and 2 copies to the Prothonotary of Mercer County Elizabeth Fair on August 17, 2007 by Regular U.S. Mail

Dated: 8-17-07

Respectfully Submitted,  
Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
Plaintiff (I.F.P.)

## Verification

I, Daniel L. Spuck verify that all statements made herein are true and correct to the best of my knowledge and belief. I also understand that false statements are subject to the crimes of perjury.

Dated: 8-17-07

Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
Plaintiff (I.F.P.)

1 Would you prefer it to be in the afternoon?

2 MS. LYNCH: Yes, Your Honor, I appreciate  
3 that.

4 THE COURT: That if possible will be  
5 scheduled in an afternoon. 2. Counsel for the Defendant  
6 shall cooperate in regard to a review by Attorney Joseph  
7 Buckley of file documents in order that his recollection  
8 may be refreshed as to items contained -- items -- as to  
9 claims of Mr. Buckley being ineffective. 3. Defense  
10 counsel may subpoena Attorney Wayne Hundertmark. Anything  
11 else?

12 MS. LYNCH: Your Honor, there may be a  
13 slight procedure problem in getting the files from  
14 Bellefonte to Mr. Buckley. My client is in possession of  
15 them. They're in these boxes, but they're interspersed  
16 with his own papers. I don't know if the Court wants him  
17 to take the time to go through this now in his cell or, you  
18 know, I know he has to be transported.

19 THE COURT: Is the stuff here now?

20 MR. SPUCK: Some of it, some of it is at the  
21 state, if you give me say, maybe two weeks?

22 THE COURT: No, whatever he has now --

23 MR. SPUCK: It has my own personal stuff in  
24 it, too, not regarding this case either, it has things in  
25 addition --

swer to a motion is not required unless the judge orders an answer in a specific case as provided in Rule 577. Failure to answer shall not constitute an admission of the facts alleged in the motion.

(2) A party may file a written answer, or, if a hearing or argument is scheduled, may respond orally at that time, even though an answer is not required.

(3) A written answer shall comply with the following requirements:

(a) The answer shall be signed by the person or attorney making the answer. The signature of an attorney shall constitute a certification that the attorney has read the answer, that to the best of the attorney's knowledge, information, and belief there is good ground to support the answer, and that it is not interposed for delay.

(b) The answer shall meet the allegations of the motion and shall specify the type of relief, order, or other action sought.

(c) The answer shall include a certificate of service as required by Rule 576(B)(4).

(d) If the answer sets forth facts that do not already appear of record in the case, the answer shall be verified by the sworn affidavit of some person having knowledge of the facts or by the unsworn written statement of such a person that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

(e) The answer shall be filed not later than 10 days after service of the motion, unless otherwise ordered by the court.

(C) **Unified Practice.** Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a party to attach a proposed order to a motion or an answer, requiring an answer to every motion, or requiring a cover sheet or a backer for any motion or answer.

*Comment:* For the definition of "motion," see Rule 103.

See Rule 1005 for the procedures for pretrial applications for relief in the Philadelphia Municipal Court.

"Rules to Show Cause" and "Rules Returnable" were abolished in 2004 because the terminology is arcane, and the concept of these "rules" has become obsolete. These "rules" have been replaced by the plain language "notice of hearings" provided in Rule 577(A)(2).

Pursuant to paragraphs (A)(2)(f) and (B)(3)(c), and Rule 576(B)(4), all filings by the parties must include a certificate of service setting forth the date and manner of service, and the names, addresses, and phone numbers of the persons served.

Although paragraph (B)(1) does not require an answer to every motion, the rule permits a judge to order an answer in a specific case. See Rule 114 for the requirements for the filing and serving of orders, and for making docket entries.

Paragraph (B)(1) changes prior practice by providing that the failure to answer a motion in a criminal case never constitutes an admission. Although this prohibition applies in all cases, even those in which an answer has been ordered in a specific case or is required by the rules, the judge would have

discretion to impose other appropriate sanctions if a party fails to file an answer ordered by the judge or required by the rules.

Paragraph (C), titled "Unified Practice," was added in 2004 to emphasize that local rules must not be inconsistent with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all criminal rules through Rule 105 (Local Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Rule 105 Comment. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Rule 105(A).

The prohibition on local rules mandating cover sheets was added because cover sheets are no longer necessary with the addition of the Rule 576(B)(1) requirement that the court administrator be served a copy of all motions and answers.

Although paragraph (C) precludes local rules that require a proposed order be included with a motion, a party should consider whether to include a proposed order. Proposed orders may aid the court by defining the relief requested in the motion or answer.

*Note:* Former Rule 9020 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 574 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Former Rule 9021 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 575 and amended March 1, 2000, effective April 1, 2001; Rules 574 and 575 combined as Rule 575 and amended March 3, 2004, effective July 1, 2004.

## Rule 576. Filing and Service by Parties

### (A) Filing

(1) All written motions and any written answers, and any notices or documents for which filing is required, shall be filed with the clerk of courts.

### (2) Filing shall be by:

(a) personal delivery to the clerk of courts; or

(b) mail addressed to the clerk of courts. Except as provided by law, filing by mail shall be timely only when actually received by the clerk of courts within the time fixed for filing.

(3) The clerk of courts shall accept all written motions, answers, notices, or documents presented for filing. When a document, which is filed pursuant to paragraph (A)(1), is received by the clerk of courts, the clerk shall time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and promptly shall place the document in the criminal case file.

(4) In any case in which a defendant is represented by an attorney, if the defendant submits for filing a written motion, notice, or document that has not been signed by the defendant's attorney, the clerk of courts shall accept it for filing, time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and place the document in the criminal case file. A copy of the time stamped document shall be forwarded to the defendant's attorney and the attorney for the Commonwealth within 10 days of receipt.



*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

February 8, 1996

Mr. Robert B. McDonough  
ID # 30876  
39 N. Fourth Street  
Allentown, PA 18102

Dear Mr. McDonough:

Thank you for your letter received at my district office on 5 February 1996. I have enclosed Senate Bill #81 for your inspection. The bill was passed by both the Senate and the House of Representatives and signed into law by the Governor last year. It is recorded as Act 32 of 1995.

The other issue you mentioned, the Grand Jury, is still presently used in Federal Court. After speaking with the Office of the District Attorney in Lehigh County, I learned that Philadelphia County is the only county which still uses the grand jury. The rules still exist to allow a grand jury to operate in the Commonwealth of Pennsylvania.

The grand jury is rarely used because all of the proceedings are confidential. You are not given a right to counsel nor is there a written transcript taken of what was said. Today, the District Justice is in charge of the preliminary hearing, replacing the use of the grand jury.

Should you have additional questions or comments about these issues or any other state matters, please do not hesitate to contact me.

With best wishes,

Sincerely,

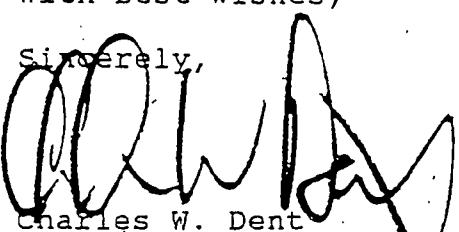
  
Charles W. Dent  
State Representative  
132nd District

Exhibit "C"

Court  
Administrat

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL L. SPUCK,  
Plaintiff  
v.  
BUD HUGHES, et al.,  
Defendants

: NO. 2005-897-CD  
:  
:  
:  
:

NOTICE OF APPEAL

NOW COMES, Daniel L. Spuck, Plaintiff, Pro se, and appeals the Order of August 2, 2005, by the Honorable Judge Williamson denying the Plaintiff's Petition for Review/Reconsideration to the Pennsylvania Superior Court.

Dated: August 27, 2005

Respectfully Submitted,

Daniel L. Spuck, Pro Se

REQUEST FOR TRANSCRIPTS

No Transcripts available in the proceeding.

LEAVE TO PROCEED IN FORMA PAUPERIS

The Plaintiff, Daniel L. Spuck, Pro Se, Respectfully Requests that the Honorable Court continue his In Forma Pauperis Status. He has previously been granted the said status and still is defined by law as a pauper due to his incarceration of over 10 years. (See Attached Petition)

Dated: August 27, 2005.

Respectfully Submitted,

Daniel L. Spuck, Pro Se

Certification

I, Daniel L. Spuck, Plaintiff, Pro Se, certify that on August 27, 2005, he placed 1 and 3 copies of Notice of Appeal in the prison mailbox to the Clearfield County Court of Common Pleas (1 copy each to Court Administrator and Judge Williamson) also one copy to the Defendants Attorney, Mary Butler, Esq., 1 copy to the Pennsylvania Superior Court.

Dated: August 27, 2005.

Respectfully Submitted,

Daniel L. Spuck, Pro Se

VERIFICATION

Plaintiff, Daniel L. Spuck, declares under Penalty of Perjury, that the foregoing is true and correct: Note: 28 U.S.C. 1746.

Dated: August 27, 2005.

Respectfully Submitted,

Daniel L. Spuck, Pro Se  
S.R.C.F. Mercer, CZ-4825  
801 Butler Pike  
Mercer, Pa. 16137

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

AUG 31 2005

Attest.

William L. Schaefer  
Prothonotary/  
Clerk of Courts

Exhibit "D"

IN THE COURT OF COMMON PLEAS OF ~~CENTER~~ <sup>Clearfield</sup> COUNTY, PENNSYLVANIA

DANIEL L. SPUCK,  
Plaintiff

: NO. 2005-897-CD

v.  
BUD HUGHES, ET AL.,  
Defendants

Copy

NOTICE OF APPEAL

NOW COMES, Daniel L. Spuck, Plaintiff and appeals the Order of Order of July 6, 2005, dismissing Plaintiff's civil action before Plaintiff's 20 days to answer to Defendants Preliminary Objections, and Notice to Plead, also the Court dismissing the Plaintiff's Amended Complaint with prejudice, by the Honorable Michael Williamson (Appointed by Administrative unit, before a Notice of Appeal could be filed on the Order by Centre County Court transferring proceeding to Clearfield Co. Court on June 13, 2005).

Dated: August 5, 2005.

Respectfully Submitted,

Daniel L. Spuck

CERTIFICATE OF SERVICE

I Daniel L. Spuck, Pro Se Plaintiff, certify that I served Legal Counsel for the Defendant's Mary E. Butler, ESC and 1 original and 3 copies and 1 copy to PA Superior Court with a copy of the Plaintiff's Notice of Appeal on August 5, 2005, by regular U.S. Mail

Dated: August 5, 2005.

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
S.R.C.F. Mercer, CZ-4825  
801 Butler Pike  
Mercer, Pa. 16137

Order for Transcripts

No Proceedings None Available

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

AUG 08 2005

Attest.

John B. T.  
Prothonotary/  
Clerk of Courts

~~0~~ "0"

Centre County Prothonotary  
Room 102 Courthouse  
Bellefonte, PA 16823  
(814) 355-6796

Page Number: 2  
Case Number: 03-1383

GENERAL  
WRIT OF SUMMONS

Filed..... 06-03-2003  
11:01  
Sat/Dis/Gntd..

-----  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF DARLENE PRY, FILED. (WRIT ISSUED) (GAVE COPY OF WRIT, PRAECIPE AND IFP TO SHERIFF FOR SERVICE, MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUED PRAECIPE FOR WRIT AGAINST DEF BOBBI JO LESKO FILED. (WRIT ISSUED) (GAVE COPY OF WRIT, PRAECIPE AND IFP TO SHERIFF FOR SERVICE, MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF. BARBARA CONWAY FILED. (WRIT ISSUED) (GAVE COPY OF WRIT, PRAECIPE & IFP TO SHERIFF FOR SERVICE, MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF JUDITH CRAMER, FILED. (WRIT ISSUED) (GAVE COPY WRIT, PRAECIPE & IFP TO SHERIFF FOR SERVICE, MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF DUSTIN MCKEE, SR, FILED. (WRIT ISSUED) (GAVE COPY WRIT, PRAECIPE AND IFP TO SHERIFF FOR SERVICE) (MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF. GLORIA EVANS, FILED. (WRIT ISSUED) (GAVE COPY OF WRIT AND PRAECIPE AND IFP TO SHERIFF FOR SERVICE, MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF ANN MARIE PIFER FILED. (WRIT ISSUED) (GAVE COPY OF PRAECIPE AND WRIT TO SHERIFF WITH IFP FOR SERVICE, MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF EUGENE GRESH, FILED. (WRIT ISSUED) (GAVE COPY OF WRIT AND PRAECIPE TO SHERIFF FOR SERVICE, MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF MARLENE GEARHART, FILED. (WRIT ISSUED) (GAVE COPY OF PRAECIPE AND WRIT TO SHERIFF, MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO ISSUE PRAECIPE FOR WRIT AGAINST DEF SANDRA MANOS, FILED. (WRIT ISSUED) (GAVE COPY OF WRIT AND PRAECIPE TO SHERIFF FOR SERVICE WITH IFP MAILED COPY TO PLAINTIFF JULY 9, 2003)  
06-03-2003 PRAECIPE TO PROCEED IN FORMA PAUPERIS, FILED. (GAVE TO JUDGE JUNE 11, 2003)  
06-03-2003 PRAECIPE FOR SHERIFF'S SERVICE IN FORMA PAUPERIS, FILED.  
07-07-2003 ORDER, FILED. (PLAINTIFF'S IFP APPROVED. MAILED COPY TO PLAINTIFF JULY 8, 2003)  
09-07-2004 MOTION FOR TRANSPORT WITH CERTIFICATION, FILED. (GAVE TO THE JUDGE SEPTEMBER 8, 2004) *[for scheduled Pre-Trial Conf. 9-16-04, 10:30 am]*  
05-31-2005 CLASS ACTION CIVIL COMPLAINT AND AFFIDAVIT WITH NOTICE TO DEFEND AND CERTIFICATION OF SERVICE, FILED. (MAILED COPY TO PLT AND GAVE COPY TO JUDGE MAY 31, 2005)  
-----

Fees

===== End of case print-out =====

Exhibit "E"

by (Sheriff I.F.P.)  
Please, & serve them with a copy which was provided  
by me on August 13, 2007, In Forma Pauperis as  
In Forma Pauperis was granted by the Honorable  
Court on July 9, 2007. & my financial situation has  
not changed.

### Certification

I, Daniel Spuck certify that I have  
served the Mercer County Prothonotary with  
a Letter and 6 copies of Notice to Defend;  
Civil Complaint; Leave to Proceed In Forma Pauperis;  
and Affidavit to be forwarded to the Mercer  
County Sheriff to service the Defendants with  
a copy so that Original Process be made, by  
placing them in Prison Mailbox on August 13, 2007.  
and mailing them by Regular Mail.

Respectfully Submitted

Daniel Spuck  
Daniel L Spuck, Esq.  
Pro Se, Plaintiff  
Inst No CZ-4825, S.R.C.F.  
Mercer, 801 Butler  
P.L.K., Mercer, Pa.  
16137

### Verification

I, Daniel L. Spuck verify that statements made  
herein are true and correct to the best of my  
knowledge and belief. False statements are subject to  
perjury. "P"  
Daniel Spuck  
Daniel L Spuck

IN THE COURT OF COMMON PLEAS  
OF MERCER COUNTY, PENNSYLVANIA  
CIVIL Division

Daniel L. Spuck,  
Plaintiff

v.

Deny Nau, in his individual and  
official capacity; J. Michael  
Williamson, in his official and individual  
capacity; Fredric J Ammerman, in his  
official and individual capacity; Centre  
County, Pennsylvania; Clearfield County  
Pennsylvania; Commonwealth of Pennsylvania,  
ET AL.,  
Defendants

To The Prothonotary:

Kindly have the Sheriff of Mercer County,  
Pennsylvania serve the following Defendants above with  
a Stamp Court <sup>(copy)</sup> dated <sup>(copy)</sup> Notice to Defend; Civil Complaint;  
Leave to Proceed In Forma Pauperis; and affidavit which  
was filed by the Court Prothonotary on July 16, 2007  
at the following addresses:

1. Deny Nau at 100 View St. Bellefonte, Pa. 16823
2. J. Michael Williamson 230 E. Water St. Lock Haven, Pa. 17745-1399
3. Fredric J. Ammerman 230 E. Market St. Clearfield, Pa. 16830
4. Centre County, Pennsylvania at Louis T. Giantz, Centre County Solicitor  
1901 E College Ave. St. College, Pa. 16801
5. Clearfield County, Pennsylvania at Kim Kesner, Clearfield County  
Solicitor 23 N. 2nd St. Clearfield, Pa. 16830
6. Commonwealth of Pennsylvania at Office of the Attorney General  
Manor Complex, 564 Forbes Ave. Pittsburgh, Pa. 15219

IN THE COURT OF COMMON PLEAS  
OF MERCER COUNTY, PENNSYLVANIA

DANIEL L. SPUCK  
Plaintiff  
v.

No. 2007-1989; 2007-  
1988; 2007-1990; 2007-  
1991; 2007-1992; 2007-  
1994.

DENY NAU, in his individual and  
official capacity; J. MICHAEL  
WILLIAMSON, in his official and  
individual capacity; FREDRIC J.  
AMMERMAN, in his official and  
individual capacity; CENTRE COUNTY  
PENNSYLVANIA; CLEARFIELD COUNTY,  
PENNSYLVANIA; COMMONWEALTH  
OF PENNSYLVANIA, ET AL.

Defendants

Trial by Jury Demanded

2007 SEP 10 A 11:48

ELIZABETH F. FAIR  
PROTHONOTARY

NO.  
FILED IN  
MERCER  
COUNTY

✓

To the Prothonotary:

Kindly Reinstate the Civil Complaint which were returned to me by Sheriff of Mercer County William H. Romine, Jr. (Postmark dated August 30, 2007, along with a note "these complaints need re-instanted to allow 30 days for service"). Also please have the Sheriff of Mercer County, Pa. Service In Forma Pauperis each Defendant with a Copy of the Civil Complaint (Notice to Defend; Leave to Proceed I.F.P.; and affidavit) as In Forma Pauperis was granted on July 9, 2007. So that Original Process can be made by servicing the complaint, at the following addresses of Defendants and Counsel:

1. Deny Nau at 100 View St. Bellefonte, Pa. 16823
2. Centre County, Pennsylvania at Louis T. Glantz, Centre County Solicitor 1901 E. College Ave. St. College, Pa. 16801
3. Clearfield County, Pennsylvania at Kim Kesner, Clearfield County Solicitor 23 N. 2nd St. Clearfield, Pa. 16830
4. Counsel for Defendants 1-3 Joseph P. Green, Esquire 115 E. High St., P.O. Box 179, Bellefonte, Pa. 16823

S. J. Michael Williamson 230 E. Water St., Lock Haven,  
Pa. 17745-1399

6. Fredric J. Ammerman 230 E. Market St., Clearfield, Pa.  
16830

7. Counsel for Defendants S, + 6

8. Commonwealth of Pennsylvania at Office of Attorney  
General of Pennsylvania, Manor Complex, 564 Forbes  
Ave. Pittsburgh, Pa. 15219

Please find ~~10~~<sup>1 original</sup> copies of Complaint, Notice to Defendants  
Leave to Proceed I.F.P.; and affidavit for reinstatement  
and for Sheriff of Mercer County to serve Defendants and  
Counsel + provide a re-instatement stamp dated copy back  
to the Plaintiff and for filing in this Honorable Court.  
+ 1 letter with instructions to service + address of defendants + counsels.

Dated: 9-5-07

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck Pro Se  
I.F.P Plaintiff  
Inst No. CZ-4825, S.R.C.F. Mercer  
801 Butler Pike, MERCER,  
Pennsylvania. 16137

Certification

I, Daniel L. Spuck certify that I have served the Prothonotary  
of Mercer Count with 1 original + 11 copies for filing and re-insta-  
+ to service each Defendant and counsels #1-7 by the Sheriff  
of Mercer County (I.F.P) so that original process be made  
by Regular Mail on 9-5-07 by placing them in the Prison  
Mail box.

Dated: 9-5-07

Respectfully Submitted

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
I.F.P. Plaintiff

Verification

I, Daniel L. Spuck verify that statements made herein are true and ~~correct~~  
to the best of my knowledge and belief. I also understand that false statements  
are subject to perjury. Dated: 9-5-07

Daniel L. Spuck Pro Se Plaintiff

SHERIFF'S RETURN - OUT OF COUNTY

CASE NO: 2007-01992  
COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF Mercer

DANIEL L SPUCK

VS

CLEARFIELD COUNTY

William H. Romine, Jr. , Sheriff , who being duly sworn according to law, that he made a diligent search and inquiry for the within name DEFENDANT , to wit: GREEN JOSEPH P \_\_\_\_\_ but was unable to locate Him in his bailiwick. He therefore deputized the sheriff of CENTRE \_\_\_\_\_ County, Pennsylvania, to serve the within COMPLAINT .

On October 17th, 2007, this office was in receipt of the attached return from CENTRE \_\_\_\_\_ County, Pennsylvania.

Sheriff's Cost:

Docketing	.00
Out of County	.00
Surcharge	.00
	.00
	.00
	.00
	.00
	<u>00</u>

So answers:

William H Romine Jr, Sheriff

00/00/0000

SERVED HIM, PERSONALLY 9/17/07

Sworn and subscribed to before me

this \_\_\_\_\_ day of \_\_\_\_\_

A.D.

Notary

ELIZABETH F. FAIR  
PROTHONOTARY

FILED IN MERCER  
COUNTY

2007 NOV 19 P 2 15

# **SHERIFF'S OFFICE**

**CENTRE COUNTY**

## MERCER COUNTY SHERIFF

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN				INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do Not detach any copies.					
1. Plaintiff(s) Daniel L Spuck				2. Case Number 07-1992					
3. Defendant(s) Clearfield County et al				4. Type of Writ or Complaint: Complaint 103433					
SERVE → AT		5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. Joseph P Green							
		6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) 115 E High Street, Bellefonte, PA 16823							
7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other									
Now, 20 I, SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. Sheriff of Centre County									
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE									
NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.									
9. Print/Type Name and Address of Attorney/Originator MERCER COUNTY SHERIFF 205 S. ERIE ST., RM. 102 MERCER, PA. 16137				10. Telephone Number (724) 662-3800			11. Date		
				12. Signature					
SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE									
13. I acknowledge receipt of the writ or complaint as indicated above. } SIGNATURE of Authorized CCSD Deputy of Clerk and Title				14. Date Filed		15. Expiration/Hearing Date			
TO BE COMPLETED BY SHERIFF									
16. Served and made known to Joseph P Green, on the 17 day of September 20 2007, at 3:50 PM o'clock, m., at 115 E High Street, Bellefonte, PA 16823									
Commonwealth of Pennsylvania, in the manner described below:									
<input type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is defendant <input type="checkbox"/> Adult in charge of Defendant's residence. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> and officer of said Defendant company. <input type="checkbox"/> Other _____									
On the _____ day of _____, 20_____, at _____ o'clock, M.									
Defendant not found because: <input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____									
Remarks:									
Advance Costs 0.00	Docket	Service	Sur Charge 0.00	Affidavit	Mileage 0.00	Postage	Misc.	Total Costs 0.00	Costs Due or Refund 0.00
17. AFFIRMED and subscribed to before me this _____				So Answer.					
18. Signature of Dep. Sheriff <i>Eric Allbright</i>				19. Date <i>CD</i> 10/5/07					
20. day of _____ 20_____				21. Signature of Sheriff					
23. _____ Notary Public				22. Date					
				SHERIFF OF CENTRE COUNTY					
My Commission Expires				Amount Pd.	Page				
24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED AUTHORITY AND TITLE.									25. Date Received

# SHERIFF'S DEPARTMENT

## MERCER COUNTY

205 SOUTH ERIE STREET, ROOM 102, MERCER, PA 16137  
 (724) 662-3800 PHONE  
 (724) 662-1603 FAX

<b>SHERIFF SERVICE INSTRUCTIONS</b>		LOG #:	MERCER CO. ADVANCE:
		25421	Check: Cash: Money Order: <i>JFP</i>
1. PLAINTIFF/S/  <i>Daniel L. Spuck</i>		2. COURT NUMBER  <i>2007-1992</i>	
3. DEFENDANT/S/  <i>Joseph P. Green</i>		4. TYPE OF WRIT/COMPLAINT:  <i>Complaint</i>	
<b>SERVE AT</b>	5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE:  <i>Joseph P. Green</i>		
	6. ADDRESS (Street or Road, Apartment No., City, Boro, Twp., State & Zip Code):  <i>115 E. High St. Bellefonte, PA 16823</i>		
7. INDICATE UNUSUAL SERVICE: DEPUTIZE: <input checked="" type="checkbox"/> REGISTERED MAIL: <input type="checkbox"/> OTHER:			
<b>ATTORNEY OR ORIGINATOR USE ONLY</b>			
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING THE SERVICE: A.) Hearing Date, if Applicable: _____			
<p>Now, <u>9/12/07</u>, I, SHERIFF          OF MERCER COUNTY, PA, do hereby          depelize the Sheriff of  <u>CENTRE</u> County to execute          this Writ and make return thereof          according to law. This depelation          being made at the request and risk          of the plaintiff.</p> <p><u>William H. Romine</u> Sheriff</p> <p><u>8</u> Advance Enclosed</p>			
9. SIGNATURE OF ATTORNEY or other ORIGINATOR  <i>Merle O. Sheriff</i>		10. TELEPHONE NUMBER  <i>724-662-6135</i>	11. DATE  <i>9/12/07</i>
12. ADDRESS OF ATTORNEY or other ORIGINATOR (This area must be completed)			

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

DANIEL L. SPUCK,  
Plaintiff

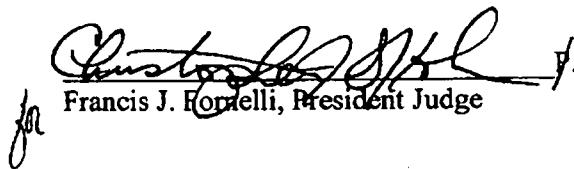
v. : No. 2007 - 1992

CLEARFIELD COUNTY,  
PENNSYLVANIA,  
Defendant

**ORDER**

AND NOW, July 9, 2007, plaintiff's Petition to Proceed In Forma Pauperis is  
GRANTED.

BY THE COURT:

  
Francis J. Romelli, President Judge

mmd

7/9/2007 cc: P/J  
writ to Sheriff  
cc of order\*  
note

ELIZABETH F. FAIR  
PROTHONOTARY

2007 JUL - 9 P 5 19

NO.  
FILED IN MERCER-  
COUNTY  
Spuck

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

DANIEL L. SPUCK,  
Plaintiff,

v.

CENTRE COUNTY,  
CLEARFIELD COUNTY,  
CLINTON COUNTY,  
Defendants.

No. 2007-1991  
2007-1992  
2007-1993

NO. FILED IN MERCER  
COUNTY 2007 NOV 15 A 11:58  
ELIZABETH F.  
PROTHONOTARY

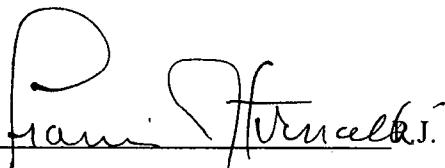
**ORDER**

AND NOW, November 13, 2007, because Defendants are political subdivisions, the proper venues for these actions are the counties where the parties are located. See, Pa.R.C.P. 2103 and 42 P.S. 20043. Therefore, Defendants' Preliminary Objections regarding venue are GRANTED. All others are moot at this time.

The cases are transferred to the appropriate counties in accordance with the following: 2007-1991 is transferred to Centre County and 2007-1992 is transferred to Clearfield County. The Prothonotary of Mercer County is directed to forward the files in each case accordingly.

The court notes that the case against Clinton County at 2007-1993 was dismissed on July 16, 2007 for failure to state a valid cause of action.

BY THE COURT

  
Francis J. Fornelli, President Judge

11-15-07  
cc: atty Green  
pbf

Original @ 2007-1991

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

**No. 07-1932-CD**  
**Daniel L. Spuck**  
**VS.**  
**Clearfield County**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	11/28/07	Civil Complaint – Transfer from Mercer County per Court Order	83
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04	01/23/08	Scheduling Order	01
05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
11	03/07/08	Motion for a Continuance	02
12	03/18/08	Order, Re: filing of briefs	01
13	03/24/08	Petition for Permission to Amend Petitioner's Complaint	03
14	04/18/08	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge	06
15	04/21/08	Notice of Appeal	03
16	04/22/08	Order, Re: Concise statement to be filed	01
17	05/01/08	Appeal Docket Sheet, 723 WDA 2008	03
18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02
20	06/03/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	04
		***Appeal Mailed to Superior Court June 3, 2008***	
21	06/03/08	Letter to Superior Court, Re: Appeal mailed June 3, 2008	08
22	06/09/08	Certificate of Contents	01
23	06/12/08	Notice, Re: Transcript to be filed	01
24	06/12/08	Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	Separate Cover
25	06/12/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	05
		***Supplement Mailed to Superior Court June 12, 2008***	
26	06/12/08	Letter to Superior Court, Re: Supplement to appeal mailed June 12, 2008	06
27	06/18/08	Certificate of Contents	01
28	08/06/08	Order from Superior Court of Pennsylvania, appeal dismissed Sua Sponte	01
29	08/06/08	Certificate of Contents of Remanded Record and Notice of Remand	01
30	04/20/11	Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition	04
31	04/21/11	Order, Re: Motion to Re-List Granted	01
32	05/12/11	Affidavit of Service	03
33	05/31/11	Plaintiff's Objection and Answer to the Defendant's Preliminary Objections (Restated) and Motion for Recusal of the Honorable Fredric J. Ammerman, P.J.	02
34	07/26/11	Plaintiff's Response Brief to Defendants Preliminary Objections, Brief in Support	14
35	07/26/11	Opinion and Order	15
36	08/12/11	Motion for Reconsideration and/or Re-Argument	13

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

***No. 07-1932-CD***  
***Daniel L. Spuck***  
***VS.***  
***Clearfield County***

<b><i>ITEM NO.</i></b>	<b><i>DATE OF FILING</i></b>	<b><i>NAME OF DOCUMENT</i></b>	<b><i>NO. OF PAGES</i></b>
37	08/29/11	Notice of Appeal	02
38	09/06/11	Appeal Docket Sheet, 1392 WDA 2011	03
39	09/09/11	Order, Re: Concise statement to be filed	01

Date: 9/21/2011

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 09:30 AM

ROA Report

Page 1 of 1

Case: 2007-01932-CD

Current Judge: Fredric Joseph Ammerman

Daniel L. Spuckvs.Clearfield County

Civil Other-COUNT

Date	Selected Items	Judge
6/12/2008	June 12, 2008, Mailed Supplement to Appeal to Superior Court. June 12, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	No Judge
6/18/2008	26 Letter to Superior Court, Re: Supplement to appeal mailed June 12, 2008 21 Certificate of Contents, Original Record of case currently on Appeal sent to Superior Court. Received by Superior Court on June 13, 2008.	No Judge
8/6/2008	28 Order, Superior Court of Pennsylvania: Now, this 24th day of June, 2008, this Court SUA SPONTE DISMISSES this appeal as premature. See Pa. R.A.P. 341.	No Judge
	29 Certificate of Contents of Remanded Record and Notice of Remand, Date remanded - August 4, 2008. Received by William A. Shaw, Proth, on Aug. 6, 2008.	No Judge
4/20/2011	30 Motion to Re-List Defendant's Preliminary Objections (Restated) for Disposition, filed by s/ Joseph P. Green, Esq. 1CC Atty.	No Judge
4/21/2011	31 Order this 21st day of April 2011, upon Defendant's Motion to Re-list Defendant's Preliminary Objection for Disposition, said Motion is hereby GRANTED. It is hereby ORDERED AND DECREED as follows: Defendant shall file its brief in support of the outstanding Preliminary Objections (restated) on or before May 11, 2011. Plaintiff shall file a responsive brief in connection with the aforesaid objections on or before May 31, 2011. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 4CC Atty Green.	Fredric Joseph Ammerman
5/12/2011	32 Affidavit of Service, Court Order of April 21, 2011, upon Daniel L. Spuck, filed by s/Joseph P. Green, Esq. No CC	No Judge
5/31/2011	33 Plaintiff's Objection and Answer to the Defendant's Preliminary Objections (Restated) and Motion for Recusal of the Honorable Fredric J. Ammerman, P.J., filed by s/Daniel Spuck One CC Plaintiff	No Judge
7/26/2011	34 Plaintiff's Response Brief to Defendants <del>Brief, Brief to Defendants</del> Preliminary Objections, Brief in Support, filed by s/ Daniel L. Spuck, Plaintiff. No CC Opinion and Order: NOW, this 26th of July, 2011, it is Ordered that the Plaintiff's Motion for Recusal is denied. It is further Ordered that Defendant's Preliminary Objections (Restated) in the form of a demurser shall be and are hereby Granted. Plaintiff's Complaint is dismissed with prejudice. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Plff - SCRF Mercer CZ 4825, 801 Butler Pike, Mercer, PA 16137 1CC Atty. J. Green 1CC Law Library, D. Mikesell	Fredric Joseph Ammerman
8/12/2011	35 Motion for Reconsideration and or Re-Argument, filed by Plaintiff. 1 Cert. to Plaintiff.	Fredric Joseph Ammerman
8/29/2011	36 Notice of Appeal, filed by D. Spuck 1 Cert. to Superior Court. (re: July 26, 2011 Order)	Fredric Joseph Ammerman
9/6/2011	37 Appeal Docket Sheet, filed 3 1342 wdp 2011	Fredric Joseph Ammerman
9/9/2011	38 Order, filed Cert. to Plaintiff and Atty. Greene 39 NOW, this 7th day of Sept., 2011, RE: Appellant Daniel L. Spuck to file concise statement of matters on appeal within 20 days herefrom.	Fredric Joseph Ammerman

Daniel Spuck C2-4825

S.R.C.F. Miller

801 Butler Pike

Menter, Pa. 16137

INMATE MAIL  
PA DEPT. OF  
CORRECTIONS



Honorable John K. Reilly Jr. (Senior Judge)

Judges Chambers

Clearfield County Courthouse

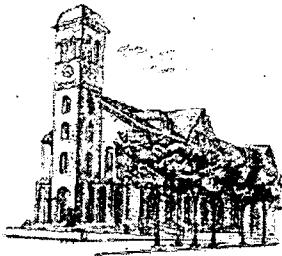
Clearfield, Pa. 16830

MESSAGE GOOD

XXXXXXXXXXXXXXXXXXXX

MAILED FROM ZIP CODE 16137  
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**\$ 00.00**





## 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](http://www.clearfieldco.org)

John K. Reilly, Jr., Senior Judge, Sp. Presiding  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Daniel J. Spuck  
SCI Mercer-CZ 4825  
801 Butler Pike  
Mercer, PA 16137

Joseph P. Green, Esq.  
PO Box 179  
115 East High Street  
Bellefonte, PA 16823

Daniel L. Spuck  
Vs.  
Clearfield County

Court No. 07-1932-CD; Superior Court No. 723 WDA 2008

Dear Counsel:

Please be advised that a supplement to the above referenced record was forwarded to the Superior Court of Pennsylvania on June 12, 2008.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

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

**No. 07-1932-CD**  
**Daniel L. Spuck**  
**VS.**  
**Clearfield County**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
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22	06/09/08	Certificate of Contents	01
23	06/12/08	Notice, Re: Transcript to be filed	01
24	06/12/08	Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	Separate Cover

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

**No. 07-1932-CD**  
**Daniel L. Spuck**  
**VS.**  
**Clearfield County**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
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04	01/23/08	Scheduling Order	01
05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
11	03/07/08	Motion for a Continuance	02
12	03/18/08	Order, Re: filing of briefs	01
13	03/24/08	Petition for Permission to Amend Petitioner's Complaint	03
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15	04/21/08	Notice of Appeal	03
16	04/22/08	Order, Re: Concise statement to be filed	01
17	05/01/08	Appeal Docket Sheet, 723 WDA 2008	03
18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02
20	06/03/08	Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c).	04
		***Appeal Mailed to Superior Court June 3, 2008***	

Date: 6/12/2008

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 02:50 PM

**ROA Report**

Page 1 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date		Judge
11/28/2007	New Case Filed.  Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge No Judge
12/5/2007	Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.  Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.	No Judge No Judge
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT; /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	John K. Reilly Jr.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.  Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff.  Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge No Judge No Judge
2/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green	John K. Reilly Jr.
3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.	No Judge
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green	John K. Reilly Jr.
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert.	No Judge
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.	No Judge
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.	No Judge

Date: 6/12/2008

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 02:50 PM

**ROA Report**

Page 2 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

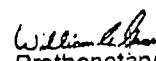
**Civil Other-COUNT**

Date		Judge
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
5/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge
3/3/2008	June 3, 2008, Mailed Appeal to Superior Court. June 3, 2008, Letters, Re: Notification of mailing appeal mailed to Daniel J. Spuck and Joseph P. Green, Esq. with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931 (c). June 3, 2008, Letter to Superior Court, Re: Appeal mailed to Superior Court.	No Judge
5/9/2008	Certificate of Contents, Proth. of Clfd. Co. sent the original record of the case currently on Appeal to Superior Court. Received by Superior Court on 6-5-2008.	No Judge
5/12/2008	Notice, Re: Transcript to be filed, s/Thomas D. Snyder, RPR No CC Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	No Judge No Judge

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

JUN 12 2008

Attest.

  
William L. Hudson  
Prothonotary/  
Clerk of Courts

Date: 6/12/2008

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 02:46 PM

**ROA Report**

Page 1 of 1

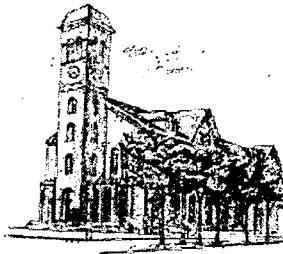
Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date	Selected Items	Judge
6/3/2008	21 June 3, 2008, Letter to Superior Court, Re: Appeal mailed to Superior Court.	8 No Judge
6/9/2008	22 Certificate of Contents, Proth. of Clfd. Co. sent the original record of the case currently on Appeal to Superior Court. Received by Superior Court on 6-5-2008.	1 No Judge
6/12/2008	23 Notice, Re: Transcript to be filed, s/Thomas D. Snyder, RPR No CC \\ Transcript of Proceedings, Argument on Defendant's Preliminary Objections, held before the Honorable John K. Reilly, Jr., Senior Judge, Sp. Presiding, held March 18, 2008.	No Judge No Judge SC



## 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](http://www.clearfieldco.org)

**COPY**

John K. Reilly, Jr., Senior Judge, Sp. Presiding  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Daniel J. Spuck  
SCI Mercer-CZ 4825  
801 Butler Pike  
Mercer, PA 16137

Joseph P. Green, Esq.  
PO Box 179  
115 East High Street  
Bellefonte, PA 16823

Daniel L. Spuck  
Vs.  
Clearfield County

Court No. 07-1932-CD; Superior Court No. 723 WDA 2008

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on June 3, 2008. Any pending transcripts will be forwarded upon filing in my office in accordance with Superior Court's instructions.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

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

**No. 07-1932-CD**  
**Daniel L. Spuck**  
**VS.**  
**Clearfield County**

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05	02/07/08	Motion for Recusal of the Honorable Senior Judge John K. Reilly, Jr., and/or Motion for a Change of Venue	04
06	02/15/08	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania, and/or Motion for a Change of Venue	04
07	02/15/08	Motion for a Continuance	02
08	02/15/08	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument	02
09	02/21/08	Order, Re: Motion for Continuance Granted	01
10	03/03/08	Motion for an 8 Hour Furlough or Alternative to be Present for Argument	02
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18	05/07/08	Statement of Matters to be Complained About on Appeal	02
19	05/30/08	Opinion	02

Date: 6/3/2008

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 09:17 AM

**ROA Report**

Page 1 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date		Judge
11/28/2007	New Case Filed.  Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge No Judge
12/5/2007	Praecipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.  Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.	No Judge No Judge
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	John K. Reilly Jr.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.  Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff.  Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge No Judge
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3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.	No Judge
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green	John K. Reilly Jr.
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert.	No Judge
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.	No Judge
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.	No Judge

Date: 6/3/2008

Time: 09:17 AM

Page 2 of 2

**Clearfield County Court of Common Pleas**

User: BHUBOC

**ROA Report**

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date		Judge
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green	No Judge
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC	No Judge
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff	No Judge
5/30/2008	Opinion, NOW, this 30th day of May, 2008, (See Original for Details). BY THE COURT: /s/John K. Reilly, Jr., Senior Judge, Sp. Presiding One CC Plaintiff, Attorney Green, D. Mikesell, and Law Library	No Judge

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

JUN 03 2008

Attest.

*William A. Brown*  
Prothonotary/  
Clerk of Courts

SUPREME COURT OF PENNSYLVANIA



ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

ZYGMONT A. PINES, ESQUIRE  
COURT ADMINISTRATOR OF PENNSYLVANIA

March 19, 2008

The Honorable John K. Reilly, Jr.  
Sr. Judge, Court of Common Pleas  
of Clearfield County  
P.O. Box 487  
Clearfield PA 16830

Re: Daniel I. Spuck v. Commonwealth of PA, et al.,  
CCP of Mercer County, No. 2006-00366

Dear Senior Judge Reilly:

This office has received the Complaint in the above-referenced case in which you have been named as a Defendant.

I will enter my appearance on your behalf and file the appropriate response. I will keep you advised of the status of the case. If at any time, I find I need more information, I will be in touch with you by telephone. If at any time you receive documents pertaining to this matter, kindly forward them to me immediately.

Thank you for notifying us promptly of this claim. If you have any questions or concerns, please do not hesitate to contact me directly at (215) 560-6300.

Sincerely,

MARYE BUTLER

Legal Counsel to the

Court Administrator of Pennsylvania

*Worth & Order  
(925)  
for you*

MEB

1515 Market Street • Suite 1414 • Philadelphia, PA 19102-1913 • 215-560-6300

5035 Ritter Road • Suite 700 • Mechanicsburg, PA 17055-0229 • 717-795-2000



OFFICE OF THE COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

**CLEARFIELD COUNTY COURTHOUSE  
230 E. MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830  
PHONE: 814 / 765-2641  
FAX: 814 / 765-7649**

**DANIEL J. NELSON  
COURT ADMINISTRATOR**

**RONDA WISOR  
DEPUTY COURT ADMINISTRATOR**

**FACSIMILE MESSAGE**

**TO: Mary E. Butler, Esq. Fax No. 215-560-5486**

**FROM: Sr. Judge John K. Reilly, Jr.**

**RE: Daniel Spuck**

**DATE:** May 30, 2008

**No. of pages in message: 9**

**Dear Attorney Butler:**

**As per your request. Thank you very much.**

## **Senior Judge John K. Reilly, Jr.**

# Transmission Report

Date/Time 05-30-2008 12:55:38 p.m.  
Local ID 1 8147657649  
Local ID 2

Transmit Header Text COURT ADMINISTRATOR  
Local Name 1 fax  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"



## OFFICE OF THE COURT ADMINISTRATOR FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 E. MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830  
PHONE: 814/765-2641  
FAX: 814/765-7849

DANIEL J. NELSON  
COURT ADMINISTRATOR

RONDA WISOR  
DEPUTY COURT ADMINISTRATOR

## FACSIMILE MESSAGE

TO: Mary E. Butler, Esq. Fax No. 215-560-5486

FROM: Sr. Judge John K. Reilly, Jr.

RE: Daniel Spuck

DATE: May 30, 2008

No. of pages in message: 9

Dear Attorney Butler:

As per your request. Thank you very much.

Senior Judge John K. Reilly, Jr.

Total Pages Scanned : 10

Total Pages Confirmed : 10

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	837	12155605486	12:52:55 p.m. 05-30-2008	00:01:57	10/10	1	EC	HS	CP24000

### Abbreviations:

HS: Host send

HR: Host receive

WS: Waiting send

PL: Polled local

PR: Polled remote

MS: Mailbox save

MP: Mailbox print

CP: Completed

FA: Fail

TU: Terminated by user

TS: Terminated by system

G3: Group 3

EC: Error Correct

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DANIEL L. SPUCK

:

-vs-

: No. 07-1932-CD

CLEARFIELD COUNTY

:

O R D E R

AND NOW, this 18th day of March, 2008, following telephonic conference with Plaintiff and Defendant's attorney, it is the ORDER of this Court that Defendant shall file, within the next ten (10) days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys, whoever they may be, with copies thereof and file a responsive brief within no more than thirty (30) days from date of receipt. Should additional time be needed by Plaintiff's counsel to file a reply brief, a reasonable additional period of time will be granted.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

---

THE HONORABLE JOHN K. REILLY, JR.  
Senior Judge, Specially Presiding  
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

MAR 18 2008

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS (original,  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DANIEL L. SPUCK  
Plaintiff  
v.

CLEARFIELD COUNTY,  
PENNSYLVANIA  
Defendant

| No. 07-1932 CD

FILED  
MAY 07 2008  
10:30 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

I went to (GP)  
PLFF.

STATEMENT OF MATTERS TO BE COMPLAINED  
ABOUT ON APPEAL

To: The Honorable Judge Reilly, Jr.

NOW COMES, The Plaintiff Daniel L. Spuck, Pro Se  
(I.F.P.) and avers the Following in Support:

- 1.) The Honorable Court Ordered Statement of Matters from Plaintiff and The Plaintiff now complies.
- I. Whether the Honorable Judge John K. Reilly, Jr. Senior Judge should recuse himself from this Civil Action, Due to him being a Defendant in <sup>(Plaintiff's)</sup> Mercer County Case, as well as he maybe called as a Witness in this Case.

Answer : Yes

#18

II. Whether the Defendant's Preliminary Objections should be denied because their failure to follow the Pennsylvania Rules of Court, by failing to sign and date a Verification or Date the Conclusion.

Answer: Yes

Wherefore the Plaintiff Respectfully Request that this Honorable Court accept his Statement of Matters The Plaintiff Prays for Relief Requested

Dated 5-2-08

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se Plaintiff, I.F.P.  
Inst No. CZ-4825, S.R.C.F.  
Mercer, 801 Butler Pike  
Mercer, Pa. 16137

Verification

I, Daniel L. Spuck verify that all statements made herein are true and correct to the best of my knowledge and belief. I understand that false statements are subject to the crimes of Perjury.

Dated 5-2-08

Daniel L. Spuck  
Daniel L. Spuck, Pro Se Plaintiff, I.F.P.

Certification

I, Daniel L. Spuck certify that I have served 1 original + 1 copy of Statement of Matter to the Clearfield Co. Prothonotary + 1 copy to <sup>(Defendant's Attorney)</sup> Joseph Green, Esquire by regular mail by placing them in the inmate mailbox on May 4, 2008.

Dated 5-2-08

Daniel L. Spuck  
Daniel L. Spuck, Pro Se Plaintiff, I.F.P.

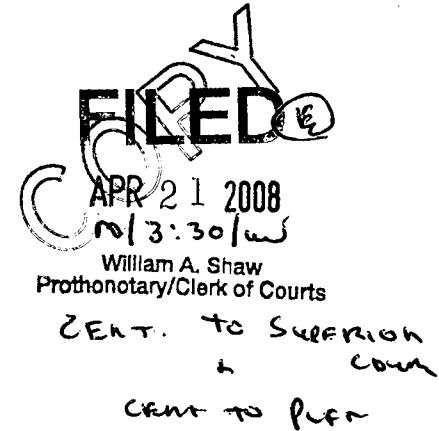
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

(original  
copy)

Daniel L. Spuck,  
Plaintiff/Appellant  
v.

Clearfield County, Pennsylvania,  
Defendant Appellee

No. 07-1932-CD



Notice of Appeal

Notice is hereby given that Daniel L. Spuck, Plaintiff/Appellant, in the above captioned case, hereby Appeals to the Superior Court of Pennsylvania from the Order entered in this matter on March 18, 2008, (Please see attached "Order" Exhibit "A").

Dated: April 14, 2008.

Daniel L. Spuck  
Daniel L. Spuck, Pro Se  
Plaintiff/Appellant (I.F.P.)  
Inst. No. C2-4825, S.R.C.F.  
Mercer, 801 Butler Pike,  
Mercer, Pa. 16137

#15

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DANIEL L. SPUCK

:

-VS-

: No. 07-1932-CD

CLEARFIELD COUNTY

:

O R D E R

AND NOW, this 18th day of March, 2008, following telephonic conference with Plaintiff and Defendant's attorney, it is the ORDER of this Court that Defendant shall file, within the next ten (10) days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys, whoever they may be, with copies thereof and file a responsive brief within no more than thirty (30) days from date of receipt. Should additional time be needed by Plaintiff's counsel to file a reply brief, a reasonable additional period of time will be granted.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

---

THE HONORABLE JOHN K. REILLY, JR.  
Senior Judge, Specially Presiding  
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

MAR 18 2008

Attest.

*William E. Reilly*  
Prothonotary/  
Clark of Courts

# Order For Transcripts (I.F.P)

A phone conference was initiated by the Honorable Court on March 18, 2008, at Approximately 9:00 am. The Transcripts of that Phone Conference are necessary for Appeal Purposes. The Plaintiff/Appellant Respectfully Requests a Copy of that Transcript. (In Forma Pauperis)

Dated : April 14, 2008

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se,  
(I.F.P.) Plaintiff

(continuation I.F.P.)

## Petition For Leave to Proceed In Forma Pauperis

(incarcerated)

The Plaintiff remains indigent and has previously been granted In Forma Pauperis Status. His financial situation remains the same. The Plaintiff, Daniel L. Spuck Respectfully Requests the Honorable Court to allow Leave to Proceed with this Appeal In Forma Pauperis.

Dated : April 14, 2008

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
(I.F.P.) Plaintiff/Appellant

## Verification

I, Daniel L. Spuck verify that the statements herein are true and correct to the best of my knowledge + belief  
I understand False statements are subject to Crimes of Perjury.

Dated : April 14, 2008

Daniel L. Spuck

Daniel L. Spuck, Pro Se  
I.F.P. Plaintiff

## Certification (Notice of Appeal)

I, Daniel L. Spuck certify that I have served 1 original + 2 copies to the Clearfield County Prothonotary, 1 copy each to Honorable Judge Reilly, Jr., Court Reporter, Joseph P. Green (Defendant's Counsel) a Superior Court on April 14, 2008 by placing them in inmate mailbox #2001.

Date: 5/27/2008

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 09:02 AM

ROA Report

Page 1 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date	Judge	
11/28/2007	New Case Filed. Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge No Judge
12/5/2007	Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.	No Judge
	Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty.	No Judge
1/23/2008	Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	John K. Reilly Jr.
2/7/2008	Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
2/15/2008	Motion/Petition to Amend or Supplement the Plaintiff's Motion for Recusal of the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.	No Judge
	Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
	Motion for an 8 Hour Furlough or Any Alternative to be Present for Argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge
2/21/2008	Order, this 20th day of Feb., 2008, Motion for Continuance is granted. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green	John K. Reilly Jr.
3/3/2008	Motion for an 8 Hour Fulough or Alternative to be Present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
3/7/2008	Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.	No Judge
3/18/2008	Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green	John K. Reilly Jr.
3/24/2008	Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. no cert.	No Judge
4/18/2008	Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed by Plaintiff. 2 Cert. to Plaintiff.	No Judge
4/21/2008	Notice of Appeal, filed by Daniel L. Spuck Cert. to Superior Court and Cert. to Plaintiff.	No Judge

Date: 5/27/2008

**Clearfield County Court of Common Pleas**

User: BHUDSON

Time: 09:02 AM

**ROA Report**

Page 2 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date	Judge
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within fourteen days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff

Date: 5/20/2008

**Clearfield County Court of Common Pleas**

User: GLKNISLEY

Time: 12:08 PM

ROA Report

Page 1 of 2

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date	Judge
11/28/2007	New Case Filed. No Judge
1	Filing: Civil Complaint - Transfer from Mercer County per Court Order No Judge dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt 83 number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.
12/5/2007	2 Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green 3 No Judge Enter appearance on behalf of Clearfield County.
1	3 Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty. 4 No Judge
1/23/2008	4 Scheduling Order, NOW this 23 day of January 2008, in consideration of 1 John K. Reilly Jr. Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.
2/7/2008	5 Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or, No Judge Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff. 4
2/15/2008	6 Motion/Petition to Amend or Supplement the Plaintiffs Motion for Recusal of No Judge the Honorable Senior Judge John K. Reilly, Senior Judge of Clearfield 4 County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies.
	7 Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff. 2 No Judge
	8 Motion for an 8 Hour Furlough or any Alternative to be present for 2 No Judge argument, filed by Plaintiff. 2 cert. to Plaintiff..
2/21/2008	9 Order, this 20th day of Feb., 2008, Motion for Continuance is granted. 1 John K. Reilly Jr. Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green
3/3/2008	10 Motion for an 8 Hour Fulough or Alternative to be present for Argument, 2 No Judge filed by Plaintiff 2 Cert. to Plaintiff.
3/7/2008	11 Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff. 2 No Judge
3/18/2008	12 Order, this 18th day of March, 2008, it is Ordered that Defendant shall file, 1 John K. Reilly Jr. within the next 10 days, a brief in support of its Preliminary Objections to Plaintiff's Complaint, forwarding a copy to Plaintiff so that he can thereupon provide his attorneys with copies thereof and file a responsive brief within no more than 30 days from date of receipt. By The Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - CZ 4825, SCI Mercer; 2CC Atty. Green
3/24/2008	13 Petition for Permission to Amend Petitioner's Complaint, filed by Plaintiff. No Judge <del>missing</del> no cert.
4/18/2008	14 Motion for Recusal of the Honorable John K. Reilly, Jr., Senior Judge, filed 6 No Judge by Plaintiff. 2 Cert. to Plaintiff.
4/21/2008	15 Notice of Appeal, filed by Daniel L. Spuck 3 No Judge Cert. to Superior Court and Cert. to Plaintiff.

Date 5/20/2008

Time: 12:08 PM

Page 2 of 2

**Clearfield County Court of Common Pleas**

User: GLKNISLEY

ROA Report

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

Civil Other-COUNT

Date	Judge
4/22/2008	Order, this 21st day of April, 2008, it is Ordered that Appellant shall, within 14 days from date hereof, file a concise statement of matters complained of on appeal. By The Court, /s/ John K. Reilly, Jr., Senior Judge, Specially Presiding. 2CC Plff. - SCI Mercer, CZ 4825, 2CC Atty. Green
5/1/2008	Appeal Docket Sheet, 723 WDA 2008, filed. No CC
5/7/2008	Statement of Matters to be Complained About on Appeal, filed by s/ Daniel L. Spuck, Plaintiff Pro Se. 1CC to Plff

Date: 3/13/2008

Time: 12:23 PM

Page 1 of 1

**Clearfield County Court of Common Pleas**

User: LMILLER

**ROA Report**

Case: 2007-01932-CD

Current Judge: No Judge

Daniel L. Spuckvs.Clearfield County

**Civil Other-COUNT**

Date		Judge
11/28/2007	New Case Filed.	No Judge
	<input checked="" type="checkbox"/> Filing: Civil Complaint - Transfer from Mercer County per Court Order dated November 13, 2007 Paid by: Spuck, Daniel L. (plaintiff) Receipt number: 1921612 Dated: 11/28/2007 Amount: \$0.00 (Cash) 1 Cert. to Atty. Kesner.	No Judge
12/5/2007	<input checked="" type="checkbox"/> Praeclipe For Entry of Appearance, filed by Atty. Joseph P. Green Enter appearance on behalf of Clearfield County.	No Judge
1/23/2008	<input checked="" type="checkbox"/> Preliminary Objections (restated), filed by Atty. Green. 1 Cert. to Atty. <input checked="" type="checkbox"/> Scheduling Order, NOW this 23 day of January 2008, in consideration of Defendant Clearfield County Preliminary Objection (restated), filed in the above-captioned matter, it is Order of Court that argument on Defendant's Preliminary Objections shall be and hereby scheduled for Friday, the 22nd day of February 2008 at 2:00 pm in the Auditorium of the Clearfield County Multi-service Center before Hon. John K. Reilly Jr. Senior Judge, specially presiding. One hour has been provided for this matte. BY THE COURT: /s/ John K. Reilly Jr., S.J. 2CC plff @ CZ4825, SCI Mercer, 2CC Atty J. Green and copy to C/A.	No Judge John K. Reilly Jr.
2/7/2008	<input checked="" type="checkbox"/> Motion for Recusal of the Honorable Senior Judge John K. Reilly Jr. and or Motion for a Change of Venue, filed by s/ Daniel L. Spuck-plff. 3CC to plff.	No Judge
2/15/2008	<input checked="" type="checkbox"/> Motion/Petition to Amend or Supplement the Plaintiffs Motion for Recusal of the Honorable Sernior Judge John K. Reilly, Senior Judge of Clearfield County, Pennsylvania and or Motion for a Change of Venue, filed by Plaintiff. 2 Cert. copies. <input checked="" type="checkbox"/> Motion for a Continuance, filed by Plaintiff 2 Cert. to Plaintiff. <input checked="" type="checkbox"/> Motion for an 8 Hour Furlough or any Alternative to be present for argument, filed by Plaintiff. 2 cert. to Plaintiff..	No Judge No Judge
2/21/2008	<input checked="" type="checkbox"/> Order, this 20th day of Feb., 2008, Motion for Continuance is granted. <input checked="" type="checkbox"/> Argument is scheduled for Tuesday, the 18th day of March, 2008, at 9:00 a.m. in Courtroom 3. By the Court, /s/ John K. Reilly, Jr., Senior Judge. 2CC Plff. - SCI Mercer, CZ 4825; 2CC Atty. Green	John K. Reilly Jr.
3/3/2008	<input checked="" type="checkbox"/> Motion for an 8 Hour Fulough or Alternative to be present for Argument, filed by Plaintiff 2 Cert. to Plaintiff.	No Judge
3/7/2008	<input checked="" type="checkbox"/> Motion for a Continuance, filed by s/ Daniel L. Spuck-plff. 2Cc Plff.	No Judge

**Clearfield County Court of Common Pleas**

User: LMILLER

Civil Disposition Report  
CT COMMON PLEAS,  
All Case Types  
From 2/3/2008 to 2/7/2008  
All Judgment Types

Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2008-00194-CD	Commonwealth of Pennsylvania Plaintiff Swartz, Melissa K. Defendant	02/04/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$569.30	Open	2/4/2008
2008-00196-CD	Palumbo, Gloria Plaintiff Palumbo, John T. Defendant Palumbo's Meats of DuBois, Plaintiff	02/05/2008	Judgment Note In favor of: Plaintiff Judgment amount or comment: \$14,540.78	Open	2/5/2008
2008-00200-CD	Dubois Nursing Home, Plaintiff Wolfe, Delores Defendant	02/05/2008	DJ Transcript Judgment In favor of: Plaintiff Judgment amount or comment: 4751.10	Open	2/5/2008
2008-00202-CD	Lee-Simpson Associates, Inc Plaintiff Meale Construction Services Defendant	02/05/2008	DJ Transcript Judgment In favor of: Plaintiff Judgment amount or comment: 6260.09	Open	2/5/2008
2008-00205-CD	Domitrovich, Thomas Plaintiff Hopkins Heltzell LLP Defendant	02/05/2008	DJ Transcript Judgment In favor of: Plaintiff Judgment amount or comment: 7204.14	Open	2/5/2008
2008-00207-CD	Commonwealth of Pennsylvania Plaintiff Walls R Us Defendant	02/06/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$2,723.15	Open	2/6/2008
2008-00208-CD	Agra, Catalina Plaintiff Commonwealth of Pennsylvania Plaintiff	02/06/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$4,817.00	Open	2/6/2008
2008-00209-CD	Bressler, Justin R. Plaintiff Commonwealth of Pennsylvania Plaintiff	02/06/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$1,271.62	Open	2/6/2008
2008-00210-CD	Commonwealth of Pennsylvania Plaintiff Porter Mechanical Company Defendant	02/06/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$1,741.17	Open	2/6/2008
2008-00211-CD	Commonwealth of Pennsylvania Plaintiff Socoski, Nicholas Defendant	02/06/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$568.46	Open	2/6/2008

**URGENT FAX**

TO: William A. Shaw, Prothonotary Clerk of Courts  
URGENT to Judge Riley, Jr.

FROM: Timothy S. Spuck / Daniel L. Spuck

RE: Case# 2007-1932-CD  
Plaintiff – Daniel L. Spuck  
Defendant – Clearfield County, PA

Scheduled Argument Tuesday, March 18 at 9:00 AM – Courtroom #3

These documents are being provided and are to be presented for consideration at the scheduled argument for Daniel L. Spuck on Tuesday the 18<sup>th</sup> day of March 2008 at 9:00 AM in Courtroom #3.

I am the brother of Daniel L. Spuck, and as per the document enclosed, Daniel has granted me Power of Attorney over these matters. It is my understanding Daniel is to appear at the hearing via telephone, however as of 9:00 PM Monday evening no arrangements have been discussed with Daniel at SCI-Mercer.

Questions about this fax should be directed to Tim Spuck at 814-758-9527.

Thank you,



Timothy S. Spuck

**15 PAGES TO FOLLOW**

**ADDITIONAL POINTS TO BE CONSIDERED**

**POINT #1:** Honorable Judge Riley, Jr. was amended as a defendant in case # 2006-366 Mercer Co., Pennsylvania on March 13, 2008. Daniel L. Spuck requested a Change of Venue.

**POINT #2:** Daniel L. Spuck objects to #2 of the defendant's preliminary objections (restated) on page 1 and also the original preliminary objections. The defendant or defendant's council failed to date conclusion prayer. They also did not provide a verification and on that grounds alone the defendant's preliminary objections should be dismissed. See PA Civil Rules of Procedure rule # 1024 a, b, and c and rule #76 (verified). The preliminary objections should be considered untimely and improper, and the court should strike any future response from defendant or defendant's council.

**POINT #3:** The immunity issue is on appeal in the Commonwealth Court of Pennsylvania.

**POINT #4:** Daniel L. Spuck has complied with rule 1095(3) complaint. He complied with all requirements of rule 1095. The County employee tampered and tainted blood on evidence at trial and other issues raised in the complaint. Contrary to preliminary objections, there is legal sufficiency of a pleading (demurrer).

In addition to these four additional points, I am resubmitting all documents sent on Thursday, February 21 for the previously scheduled hearing on February 22.

Affidavit

I, Daniel Spuck verify that I give  
my Brother Tim Spuck <sup>(Continued)</sup> Power of  
Attorney over the "Argument" at Clearfield  
County Court on Tuesday March 18, <sup>th</sup> 2008  
at 9:00 am Court Room #3 If  
I am not present for any reasoning  
to present my Argument or Fax Argument  
to the Honorable Judge Reilly Jr. Senior  
Judge.

I verify that statements made herein  
are true and correct to the best of  
my knowledge and belief. I understand  
that false statements are subject to  
the crimes of perjury

Dated March 11, 2008.

Dan L. Spuck  
Daniel L. Spuck

Good Afternoon Your Honor & Counsel.

The main argument in this case is that Daniel Spuck has been impeded and obstructed by the Prothonotary/ Clerk William A Shaw, and the Court Administrator David Mekholic, They have failed to abide by the Pennsylvania Rules of Court, and the Pennsylvania Supreme Court rules and has affected his Criminal & Civil Matters.

~~¶~~ Beginning with Rule 576 (3), (4) of Criminal Procedure

(Attempted)

Daniel filed a Notice on May 8, 1998, also he filed an Application to proceed In forma Pauperis. The Notice was for placing Wayne Hundertmark on Written Notice to Amend his Appeal. (See Exhibit A Rule 576(3), (4)

This Notice was not filed or time stamped or placed on the record as provided in Rule 576 (3), and (4). Daniel raised this issue on Appeals, However, this was not made a part of the record and his Appeal to the Appellate Courts were affirmed. The Appellate Court rule upon the record Daniel is now time-barred and has been prejudiced.

This issue was raised in #3 of his Civil Complaint on the 4th Page near the bottom. ( Read Highlighted Areas of paperwork 4-25 - 8-25 Exhibits C - E Letters )

Also raised was that they failed to abide by the Pennsylvania Rules of Court and the Pennsylvania Supreme Court Rules also that they ~~had~~ failed to uphold and follow the United States Constitution and Pennsylvania Constitution. <sup>(read complaint highlighted areas 4th page Exhibit "F")</sup> The other Rules Violated were civil Rule 1007 Commencement of Action. making a praecipe for Writ of Summons. Rule 240(b) of civil procedure In Forma Pauperis were a party who is without financial resources to pay the cost of litigation is entitled to proceed. No where does it state that in order to have In Forma Pauperis Status a Complaint is necessary. Daniel has a cause of Action despite the Defendant's Preliminary objection for failure to state a claim. Also there is no Immunity to the Defendant Pennsylvania Constitutional Amendment of 1968 has no savings clause or savings schedule applicable to Criminal Prosecutions see Commonwealth v. Bangs, 393 A.2d 720 F.N.ote 2 2nd Paragraph. Also see Stump v. Sparkman 435 U.S. 349, 98 S.Ct 1099, 1105, 55 L.Ed. 2d 331 (1978). Judges are immune when performing a judicial act + jurisdiction over subject matter and person. The Errors within the PA Constitution Amendment in 1968. Doesn't give jurisdiction over Daniel. If there is no jurisdiction there is no office and no judicial capacity.

Honorable Judge Fredric J. Ammerman, Honorable  
Judge J. Michael Williamson were employed by  
the defendant as well as Clerk and Administrator  
do not have Jurisdiction. Honorable Ammerman  
did not have jurisdiction to seize legal documents  
and not return them to Daniel the plaintiff, nor  
did Honorable Williamson have jurisdiction to send  
the Pennsylvania Parole Board 2 orders from a  
civil matter to defame Daniel from getting  
paroled. These individuals as the complaint  
stated did not abide to <sup>PA.</sup> Criminal + Civil Rules  
nor did they abide by the U.S. and Pennsylvania  
Constitutions. Preliminary Objections should be  
denied. Also the County of Clearfield did not  
have proper Jurisdiction over Daniel to charge  
and convict by a Jury under the Criminal Law  
Void under PA Constitution. <sup>1968 Amendment</sup> Also they did not  
Feed the Jury nearly 11 continuous hrs of deliberation  
after a full day of Court. Also they are responsible  
for not indicting the Plaintiff, Daniel by a  
Grand Jury thus violating the 5th 9th and 10th  
Constitutional Amendments As well as Judge Ammerman  
giving a written instruction to the Jury During Deliberation  
which was forbidden under Pennsylvania Law. As  
well as him making misstatements in Order of PCRA  
Appeal when he said he gave an oral instruction  
to both Intent/Malice First + 3rd Degree Murder  
when in fact he only gave an oral instruction to 1st Degree

Murder. The Judge was acting without jurisdiction as well as the <sup>(Clearfield)</sup> County. Mistatements were also made on the Conflict of Interest Claim. ~~He~~ and testimony omitted of Daniel saying he didn't know until Appeal that Mr <sup>trial counsel</sup> Buckley Represented the Victims. Also his Omnibus Pre - Trial Motions Order has mistatements as well on suppression issue when he stated Trooper Turk was dispatched with Trooper Kamerer, when in fact Trooper Noel was Kamerer's Partner. and Trooper Noel testified he was dispatched to the Clarion Hospital for a possible suspect in a stabbing incident in Dubois. The significance involved in this is that The Court asked Trooper Kamerer if he knew of a crime committed or (somethin) in that regard) before he entered the Hospital and approached Daniel and He testified no. As well as he never Mirandized Daniel. This could have changed the outcome in suppression. If Trooper Kamerer did not committ perjury, And because order mistatement it Affected the Appeal Process.

For these reasons this case must proceed to a Civil Trial By Jury and the Defendant is Liable for tort.

Thank - you  
your Honor.

## Rule 575

## RULES OF CRIMINAL PROCEDURE

(2) The document shall be prepared on white paper (except for dividers and similar sheets) of good quality.

(3) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(4) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Margins must be at least one inch on all four sides.

(5) The lettering shall be clear and legible and no smaller than point 12. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents may be lettered on both sides of a page.

(6) Documents and papers shall be firmly bound.

(D) **Unified Practice.** Any local rule that is inconsistent with the provisions of this rule is prohibited, including any local rule requiring a party to attach a proposed order to a motion or an answer, requiring an answer to every motion, or requiring a cover sheet or a backer for any motion or answer.

*Comment:* For the definition of "motion," see Rule 103.

See Rule 1005 for the procedures for pretrial applications for relief in the Philadelphia Municipal Court.

"Rules to Show Cause" and "Rules Returnable" were abolished in 2004 because the terminology is arcane, and the concept of these "rules" has become obsolete. These "rules" have been replaced by the plain language "notice of hearings" provided in Rule 577(A)(2).

Pursuant to paragraphs (A)(2)(f) and (B)(3)(c), and Rule 576(B)(4), all filings by the parties must include a certificate of service setting forth the date and manner of service, and the names, addresses, and phone numbers of the persons served.

Although paragraph (B)(1) does not require an answer to every motion, the rule permits a judge to order an answer in a specific case. See Rule 114 for the requirements for the filing and serving of orders, and for making docket entries.

Paragraph (B)(1) changes prior practice by providing that the failure to answer a motion in a criminal case never constitutes an admission. Although this prohibition applies in all cases, even those in which an answer has been ordered in a specific case or is required by the rules, the judge would have discretion to impose other appropriate sanctions if a party fails to file an answer ordered by the judge or required by the rules.

Paragraph (C), added in 2006, sets forth the format requirements for all motions, answers, and briefs filed in criminal cases. These new format requirements are substantially the same as the format requirements in Pennsylvania Rule of Appellate Procedure 124(a) and Pennsylvania Rule of Civil Procedure 204.1.

The format requirements in paragraph (C) are not intended to apply to pre-printed and computer-generated forms prepared by the Administrative Office of Pennsylvania Courts; to charging documents; to documents routinely used by court-related agencies; or to documents routinely prepared or utilized by the courts.

*Pro se* defendants may submit handwritten documents that comply with the other requirements in paragraph (C) and are clearly readable.

Paragraph (D), titled "Unified Practice," was added in 2004 to emphasize that local rules must not be inconsistent with the

statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all criminal rules through Rule 105 (Local Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Rule 105 *Comment*. The term "local rule" includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Rule 105(A).

The prohibition on local rules mandating cover sheets was added because cover sheets are no longer necessary with the addition of the Rule 576(B)(1) requirement that the court administrator be served a copy of all motions and answers.

Although paragraph (D) precludes local rules that require a proposed order be included with a motion, a party should consider whether to include a proposed order. Proposed orders may aid the court by defining the relief requested in the motion or answer.

*Note:* Former Rule 9020 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 574 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Former Rule 9021 adopted October 21, 1983, effective January 1, 1984; renumbered Rule 575 and amended March 1, 2000, effective April 1, 2001; Rules 574 and 575 combined as Rule 575 and amended March 3, 2004, effective July 1, 2004; amended July 7, 2006, effective February 1, 2007.

## Rule 576. Filing and Service by Parties

### (A) Filing

(1) All written motions and any written answers, and any notices or documents for which filing is required, shall be filed with the clerk of courts.

(2) Filing shall be by:

(a) personal delivery to the clerk of courts; or  
(b) mail addressed to the clerk of courts. Except as provided by law, filing by mail shall be timely only when actually received by the clerk of courts within the time fixed for filing.

(3) The clerk of courts shall accept all written motions, answers, notices, or documents presented for filing. When a document, which is filed pursuant to paragraph (A)(1), is received by the clerk of courts, the clerk shall time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and promptly shall place the document in the criminal case file.

(4) In any case in which a defendant is represented by an attorney, if the defendant submits for filing a written motion, notice, or document that has not been signed by the defendant's attorney, the clerk of courts shall accept it for filing, time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and place the document in the criminal case file. A copy of the time stamped document shall be forwarded to the defendant's attorney and the attorney for the Commonwealth within 10 days of receipt.

(5) If a defendant submits a document *pro se* to a judge without filing it with the clerk of courts, and the document requests some form of cognizable legal relief,

Exhibit "A"

6.) That on April 17, 1998, Petitioner mailed William A. Shaw, Prothonotary a letter asking if the Clearfield County Sheriff make service as of yet.  
(see Exhibit F)

7.) That on April 22, 1998, David S. Meholic, Court Administrator, mailed Petitioner a letter stating that the Court will not accept a Praecept for Writ proceeding in Forma Pauperis, and he states "In the future, should your filings be plagued with any improprieties whatsoever, this office will not absorb the expense to return such paperwork to you. Moreover documents(s) improperly submitted in the future will be destroyed and discarded."

(see Exhibit G)

RULES:

8.) That Pennsylvania Rules of Civil Procedure, Rule 1007, Commencement of Action, provides that:

An Action may be commenced by filing with the Prothonotary:

- (1) A Praecept for a Writ of Summons;
- (2) A Complaint; or
- (3) An agreement for an amicable action.

(Pa. R. Civ. P. 1007)

9.) That Pennsylvania Rules of Civil Procedure, Rule 240 (b), In Forma Pauperis, provides that:

b) A party who is without financial resources to pay the costs of litigation is entitled to Proceed in Forma Pauperis.

(Pa. R. Civ. P. 240 (b))

10.) That Pennsylvania Rules of Civil Procedure Rule 240, In Forma Pauperis, no where states that in order to Proceed in Forma Pauperis status, a Plaintiff must file a Civil Complaint instead of a Praecept for Writ of Summons.

Exhibit "B"

(4-25)

11.) That Pennsylvania Rules of Civil Procedure, Rule 205.2 provides that:

No Pleading or other Legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the Prothonotary based on a requirement of a Local Rule of Civil Procedure or Judicial Administration.

(Pa. R. Civ. P. 205.2)

12.) That the Petitioner can not file a Civil Complaint at this time, because the issues/facts that will be mentioned within the future complaint arise out of the Petitioner's criminal conviction in the Court of Common Pleas of Clearfield County, docketed at Criminal Docket no. 95-396-CRA is currently under appeal in the Pennsylvania Supreme Court at no. ? W.D. Allocatur Docket, 1998.

ARGUMENTS:

13.) that on March 11, 1998, the Petitioner files a Praecept for Writ of Summons and required forms with the Clearfield County Prothonotary (foregoing paragraph number 1). On March 13, 1998, David S. Hanolick, Court Administrator, by means of letter advises Petitioner that the Court will not consider In Forma Pauperis for waiving of such fees without submitting a Formal Civil Complaint (foregoing paragraph number 2). On March 27, 1998, the Prothonotary mailed Petitioner a letter stating that the In Forma Pauperis forms submitted by Petitioner do not meet the Petition requirements (foregoing paragraph number 4). On April 1, 1998, Petitioner mailed a "Petition to Proceed In Forma Pauperis status" to the Prothonotary (foregoing paragraph number 5). Then on April 22, 1998, the Court Administrator mails Petitioner a letter stating the Court will not accept Praecipes In Forma Pauperis status without a civil complaint (foregoing paragraph number 7). Penna.R.Civ. Proc.1007, lets the Petitioner commence an action by filing a Praecept for Writ of Summons (foregoing paragraph number 8).

Exhibit "B"  
(S-25)

Penna.R.Civ.Proc.240 (b) permits Petitioner to commence civil action in Forma Pauperis status if Petitioner is without financial resources to pay the costs of litigation (foregoing paragraph number 9). Penna.R.Civ. Proc.240 does not require for Petitioner to file a civil complaint if proceeding in Forma Pauperis (foregoing paragraph number 10). Penna.R.Civ.Proc.205.2 provides that the Prothonotary shall not refuse to accept any legal paper based upon a Local Rule of Civil Procedure or Judicial Administration (foregoing paragraph number 11). The Petitioner cannot file a complaint until Pa. Supreme Court Appeal Proceeding is completed. And if Defendants file a "Præcipe for Rule" the Petitioner will file an "Application for Stay" pending the outcome of the Pennsylvania Supreme Court Appeal, being that ~~some~~ some issues to be raised are currently under Appeal in the Pennsylvania Supreme Court.

Therefore, it is respectfully requested that this Honorable Court, issue an Order of Court, thereby directing the Clearfield County Prothonotary to accept and file (the original date of receipt of Præcipe for Writs, March 13, 1998) the enclosed Præcipe for Writs as timely filed (because the Statute of Limitations ended on March 14, 1998).

Respectfully Submitted,

Daniel L. Spuck

Daniel L. Spuck, CZ-4325  
S.C.I.- Rockview  
Box A/Route 26  
Bellefonte, Pennsylvania  
16823-0320

Dated: May 14, 1998

Exhibit "B"

(6-25)



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURT HOUSE  
1 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

PHONE: (814) 765-2641  
FAX: 1-814-765-6089

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

March 13, 1998

Mr. Daniel L. Spuck  
Box A  
Inmate #C24825  
SCI-Rockview  
Bellefonte, PA 16823

RE: Filing of Praecept for Writ

Dear Mr. Spuck:

Your recent filing of Praecept for Writ is being returned to you for failure to accompany said documents with a check or money order made payable to the Prothonotary of Clearfield County, William A. Shaw, for the applicable filing fee amount(s). For your reference, I have enclosed a copy of the Prothonotary's filing fee schedule.

As was previously explained to you in prior correspondence from this office, the Court will not consider IFP (In Forma Pauperis) for the waiving of such fee(s) without submitting a formal civil complaint.

Respectfully yours,

David S. Meholick  
Court Administrator

w/Enclosures:



PRINTED ON RECYCLED PAPER

(14-25)

Exhibit C

W. A. SHAW  
PROTHONOTARY  
AND  
CLERK OF COURTS

## OFFICE OF PROTHONOTARY AND CLERK OF COURTS

## CLEARFIELD COUNTY



P. O. Box 549  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-2641 Ext. 19

DAVID S. AMMERMAN  
SOLICITOR

March 27, 1998

Daniel L. Spuck CZ-4825  
SCI - Rockview  
Box A  
Route 26  
Bellefonte, PA 16823-0820

In Re: Filing IFP and Writs of Summons

Dear Mr. Spuck:

Please be advised that we are not able to file your Praecipes for Writs of Summons as submitted. The Prothonotary is not required to accept for filing any documents without the appropriate fee or an Informa Pauperis Petition & Affidavit. The forms you submitted do not meet the Petition requirements. The Honorable John K. Reilly, Jr., will not review your IFP Petition without an accompanying Petition or Complaint. Therefore you must submit either a Complaint or the filing fee of \$ 55.00.

Should we not receive a formal Civil Complaint or the \$ 55.00 filing fee within ten (10) business days we will return the unexecuted documents to you.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

WAS:ryd

(17-25)

Exhibit D



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-6089

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

April 22, 1998

Mr. Daniel L. Spuck  
CZ-4825  
SCI-Rockview  
Box A, Route 26  
Bellefonte, PA 16823-0820

RE: Daniel L. Spuck vs. Daniel H. Kamerer, et al.

Dear Mr. Spuck:

Reference is made to your most recent correspondence dated April 1, 1998. As you are well aware, you have been attempting to receive Court approval of your In Forma Pauperis request in order that you may file various praecipes for issuance of Writ of Summons. Under the provisions of the Pennsylvania Rules of Civil Procedure, specifically Rule 240 (j), "the Court may dismiss an action if it is satisfied that the action proceeding... is frivolous".

It is not possible for the Court to make a threshold determination concerning this issue unless you produce a complaint setting forth the specific nature of your allegations against the various named defendants. As such, the Court will not accept your IFP request for the purpose of filing praecipes unless a formal civil complaint accompanies your IFP application/affidavit.

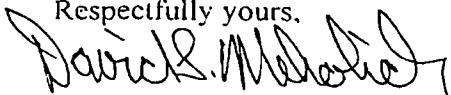
In any event, if you so desire, you may either remit the required filing fee(s) in order that your praecipes may be filed or you may submit a formal civil complaint along with your IFP petition for the Court to reconsider said request.

(23-25)

Exhibit E

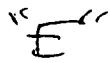
For your convenience, enclosed please find a copy of the Prothonotary's fee schedule. You will also find enclosed your Pro Se prepared writs/praecepies that are being returned to you at this time. In the future, should your filings be plagued with any improprieties, whatsoever, this office will not absorb the expense to return such paperwork to you. Moreover document(s) improperly submitted in the future will be destroyed and discarded.

Respectfully yours,



David S. Meholic  
Court Administrator

Enclosures:



(24-25)

Jurisdiction, and did not follow the precedent of the Honorable Pennsylvania Superior Court in Commonwealth v. Bangs, 393 A.2d 720, 259 Pa. Super 68 (1978) at 1 "There is no vested right in the Commonwealth, existing after the repeal of a Criminal Statute, to prosecute an [259 Pa. Super. 71] offense in existence prior to the repeal of such statute... (A)ll proceedings which have not been determined by final judgment, are wiped out by a repeal of the act under which the prosecution for the offense took place. See also Scranton City v. Rose, 60 Pa. Super 458, 462 (1915). There was no Criminal Statute of Third Degree Murder before 1970's, until after the 1968 Amendment to the Constitution. Bangs further cites "With respect to the absence of a savings clause, we note that Pennsylvania is among the handful of states presently without a general savings clause applicable to criminal prosecutions". The Superior Court of Pennsylvania reversed the Bangs Case. The Plaintiff's Case should have been reversed as well. There has still been no change to the Constitution or the general savings clause in Pennsylvania, and this defendant is Negligent as well as Liable and not Immune from this action because he is not presently following the Pennsylvania State Constitution, or the United States Constitution, and continuing to violate this Petitioner's Constitutional Rights. This defendant also is liable for seizing the Plaintiff's Legal Documents at the plaintiff's P.C.R.A. Hearing, and would not allow the plaintiff a reasonable 2 weeks to copy those legal documents, which some of those documents have still not been returned and has obstructed, and impeded the plaintiff's cases. He also made misapplications in his P.C.R.A. Order. This defendant also overworked the jury and did not feed the jury for 1<sup>1</sup>/<sub>2</sub> continuos hours after a full day of court. There is nothing in the transcribed record to show the jury was given any break or feed during their deliberations. Also numerous appeal issues by the plaintiff have never been addressed.

Centre County, Pennsylvania is liable because they are the employer of Denny Nau and Charles C. Brown, Jr. and are responsible for their actions and negligence causing the dismissal of the plaintiff's civil case.

Clearfield County, Pennsylvania is liable because they are the employer of Fredric J. Ammerman, and the Clerk of Courts and Court Administrator, and was the temporary employer of J. Michael Williamson and are responsible for all their actions and negligence, and failure to uphold and follow the United States Constitution, and the Pennsylvania Constitution. The Court Record is incomplete in the Plaintiff's Criminal Case and has prejudiced the Plaintiff's Appeals. The Clerk of Courts and Administrator of Clearfield County have obstructed and impeded the Plaintiff's Civil Case, when they failed to abide by the Pennsylvania Rules of Court and the Pennsylvania Supreme Court Rules. This defendant is liable in this civil matter.

Clinton County, Pennsylvania are liable because they are

Exhibit "F" 4<sup>th</sup> Page of <sup>Civil</sup> Complaint