

08-30-CD

Robert Mallon vs Virginia Rose

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

ROBERT P. MALLON, :
Plaintiff :
: Vs. : No. 2008-30-CD
: :
VIRGINA ROSE, :
Defendant :
:

COMPLAINT TO ESTABLISH
PATERNITY AND FOR GENETIC
TESTING

Filed on behalf of

Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
Clearfield, PA 16830
(814) 765-8972

FILED *Atty Paid \$95.00*
03:15P.M. 6K *4cc to Atty*
JAN 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT P. MALLON,
Plaintiff

Vs.
VIRGINA ROSE,
Defendant

No. 08-30-CD

FILED
03-51-08
JAN 14 2008

NOTICE OF HEARING AND ORDER

William A. Shaw
Prothonotary/Clerk of Courts
4CC Atty Kubista

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled below. If you fail to do so, the case may proceed against you and a final order may be entered against you granting the relief requested by Plaintiff.

Plaintiff and Defendant are directed to appear on the 7th day of February, 2008, at 11:00 A.m., Clearfield County Courthouse, Courtroom 2 for a hearing on Plaintiff's request for genetic testing. If you fail to appear as ordered, the court may enter an order in your absence requiring you and your child to submit to genetic tests.

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

Court Administrator
Clearfield County Courthouse
Market & Second Streets
Clearfield, PA 16830
(814) 765-2641, ext. 1300

BY THE COURT

January 14, 2008

Judge

Paul E. Cherry

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

ROBERT P. MALLON,	:	
Plaintiff	:	
	:	
Vs.	:	No.
	:	
VIRGINA ROSE,	:	
Defendant	:	

COMPLAINT TO ESTABLISH PATERNITY
AND FOR GENETIC TESTING

NOW COMES, ROBERT P. MALLON, Plaintiff above named, and by and through his attorneys, Belin, Kubista & Ryan LLP, requests genetic testing and to establish paternity pursuant to 23 Pa. C.S.A. Section 4343 and in support of the request states that:

1. Plaintiff is an adult individual who resides at 47 Goshen Road, Clearfield, Clearfield County, Pennsylvania.
2. Defendant is an adult individual who resides at 309 Turnpike Avenue, Apt. 3 , Clearfield, Clearfield County, Pennsylvania.
3. The parties had engaged in a relationship which allegedly resulted in Defendant becoming pregnant.
4. That Defendant indicated to Plaintiff that he was indeed the father of the child.
5. That Defendant's due date was January 2, 2008.
6. That in the months leading up to said due date, Defendant refused to communicate anything about her pregnancy to Plaintiff and then reversed her story indicating that Plaintiff may not be the father of the child.

7. That Plaintiff believes that the child is his biological child, however, he would like to have paternity testing completed to confirm the same.

8. That it is further believed that Defendant gave birth to the child and Plaintiff has no information and is unable to obtain any information pertaining to the birth of the child or the welfare of the child.

9. That Defendant was not married at the time the child was conceived and born.

10. That Defendant is not now married.

11. It is not believed that there is any custody, support or other action involving the paternity of the child now pending in any jurisdiction.

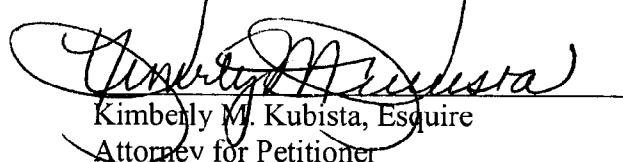
12. There has not been a determination by any court as to the paternity of the child in any prior support, custody, divorce or other action.

13. That Plaintiff agrees to pay all costs associated with the genetic testing directly to the testing facility in accordance with the procedures established by that facility.

14. That Plaintiff is concerned that Defendant may give the child up for adoption or take such other measures regarding the child and he wishes to determine paternity.

WHEREFORE, Plaintiff requests Your Honorable Court to enter an Order placing a rule upon Defendant to show cause why she should not be directed to submit to genetic testing and to make the child available for genetic testing.

BELIN, KUBISTA & RYAN LLP



Kimberly M. Kubista, Esquire
Attorney for Petitioner

I verify that the statements made in the foregoing pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

1-11-08
Date

Robert P. Mallon
Robert P. Mallon

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

ROBERT P. MALLON, :
Plaintiff :
Vs. :
: No. 2008-30-CD
VIRGINA ROSE, :
Defendant :
:

CERTIFICATE OF SERVICE

File on behalf of

Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
1/25/04
JAN 28 2004
WAS

William A. Shaw
Prothonotary/Clerk of Courts

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

ROBERT P. MALLON,

Plaintiff

Vs.

No. 2008-30-CD

VIRGINIA ROSE,

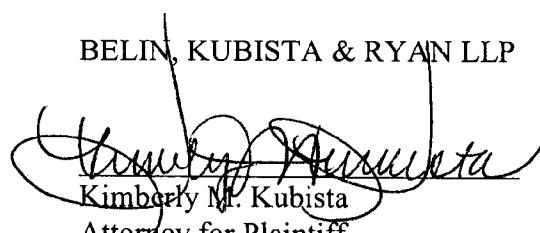
Defendant

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Complaint to Establish Paternity and for Genetic Testing in the above captioned matter by certified mail, restricted delivery on the 25th day of January, 2008 to the following:

Virginia Rose
309 Turnpike Ave., Apt. 3
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP


Kimberly M. Kubista
Attorney for Plaintiff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Virginia Rose
309 Turnpike Ave.
Apt. 3
Clearfield, PA 16830

2. Article No.

(Transfer) 7006 0100 0002 9104 6208

COMPLETE THIS SECTION ON REVERSE**A. Signature**

Virginia J Rose

1 JAN 2005
U.S. MAIL
Agent C
Priority
Express
Delivery

B. Received by (Printed Name)

Virginia J Rose

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UA

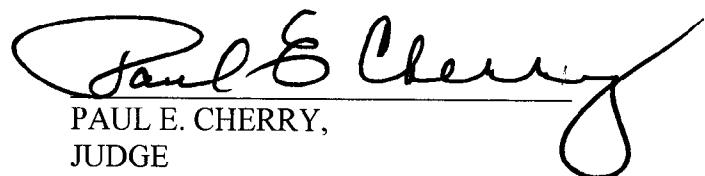
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ROBERT P. MALLON : NO. 08-30-CD
V. :
VIRGINIA ROSE :
:

ORDER

AND NOW, this 6th day of February, 2008, the Court having been advised by Kimberly M. Kubista, Esquire, counsel for Plaintiff, that an agreement has been reached with regard to this matter, it is the ORDER of this Court that Hearing on Plaintiff's Complaint to Establish Paternity scheduled for Thursday, February 7, 2008, be and is hereby cancelled. It is the further ORDER of this Court that the parties shall submit to the Court a signed Stipulation within ten (10) days of this date.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

cc: Atty
019-39801 K. Kubista
FEB 7 2008
William A. Shaw Prothonotary/Clerk of Courts 308 Turnpike Ave.
Apt. 3 Clearfield, PA 16830
(6K)

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

ROBERT P. MALLON, :
Plaintiff :
: Vs. : No. 2008-30-CD
: :
VIRGINIA ROSE, :
Defendant :
:

ORDER

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
Clearfield, PA 16830
(814) 765-8972

1/3/11 *4CC*
Bd Atty Kubista
GK
Attn: A. Shaw
Secretary/Clerk of Courts

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

ROBERT P. MALLON, :
Plaintiff :
Vs. : No. 2008-30-CD
VIRGINIA ROSE, :
Defendant :
:

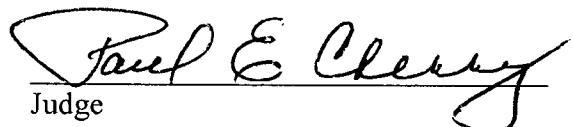
ORDER

NOW, this 11th day of February, 2008, the parties having agreed to the entry of this Order, it is the ORDERED of this Court as follows:

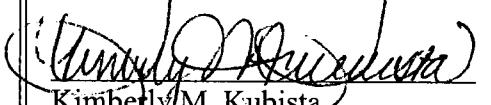
1. Robert P. Mallon ("Plaintiff") and Virginia Rose ("Defendant") are hereby ordered to appear at the Clearfield County Domestic Relations Office on such date and at such time as they are directed, and shall undergo genetic testing to determine the paternity of the minor child. Defendant shall bring said child to the Domestic Relations Office for the testing.
2. The Clearfield County Domestic Relations Office shall administer the testing in accordance with its standard procedures, and shall notify the parties and counsel, being Kimberly M. Kubista for Plaintiff and Girard Kasubick for Defendant, as to the results.

3. The cost for the testing shall be paid by Plaintiff.

BY THE COURT

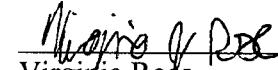

Paul E. Cherry
Judge

We hereby agree to the above set forth Stipulation and Order.


Kimberly M. Kubista


Girard Kasubick


Robert P. Mallon


Virginia Rose