

08-189-CD

Keith O'Neill vs Haley White al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KEITH O'NEILL  
Plaintiff,

v.

HALEY WHITE, MARY WHITE, &  
GERALD WHITE, Jr.  
Defendants

CASE NUMBER: 08-189-CD

CIVIL ACTION LAW

PRAECIPE FOR  
WRIT OF SUMMONS

David L. Beyer, Esquire  
104 S Center Street # 316  
Ebensburg, PA 15931  
(814) 471-7702  
PA ID # 79709  
Attorney for Plaintiff

**PRAECIPE FOR WRIT OF SUMMONS**

To the Prothonotary:

Kindly issue a writ of summons in the above-captioned action.

FILED

M 11:01 AM  
FEB 04 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Any pd 45.00  
rec'd wnt  
to Any



Attorney for Plaintiff  
David L. Beyer, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

COPY

KEITH O'NEILL

Plaintiff,

vi.

HALEY WHITE, MARY WHITE, &

GERALD WHITE, Jr.

Defendants

CASE NUMBER: 08-189-CD

CIVIL ACTION LAW

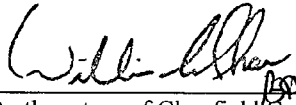
WRIT OF SUMMONS

David L. Beyer, Esquire  
104 S Center Street # 316  
Ebensburg, PA 15931  
(814) 471-7702  
PA ID # 79709  
Attorney for Plaintiff

**WRIT OF SUMMONS**

To: Haley White, Mary White, & Gerald White, Jr.

You are hereby notified that Keith O'Neill as commenced an action against you.

 2/4/08  
Prothonotary of Clearfield County

FILED

MAR 24 2008

~18:30/2  
William A. Shaw  
Prothonotary/Clerk of Courts

no c/c @

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE, MARY WHITE and  
GERALD WHITE, Jr.,  
Defendants

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:

Praecipe for Entry of  
Appearance

Filed on Behalf of:

Defendants

Counsel of Record for This  
Party:

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

Dated: 03/19/08

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

KEITH O'NEILL,

Plaintiff

vs.

No. 2008-189 CD

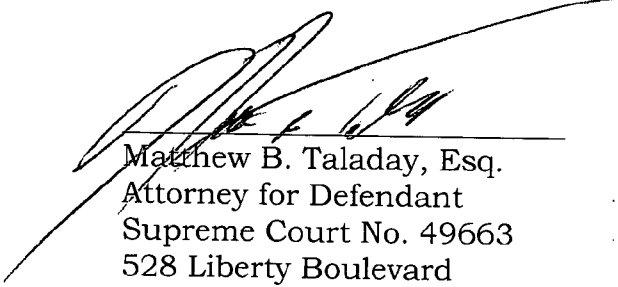
HALEY WHITE, MARY WHITE and  
GERALD WHITE, Jr.,  
Defendants

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendant,  
Haley White, Mary White and Gerald White, Jr., in the above captioned  
matter.

Dated: March 19, 2008



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

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

KEITH O'NEILL,

Plaintiff

vs.

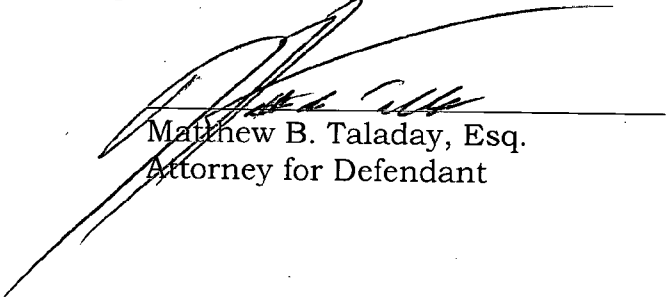
No. 2008-189 CD

HALEY WHITE, MARY WHITE and  
GERALD WHITE, Jr.,  
Defendants

**CERTIFICATE OF SERVICE**

I certify that on the 19th day of March, 2008, a true and correct copy of Defendants' Praecipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KEITH O'NEILL  
Plaintiff,

v.

HALEY S. WHITE  
Defendant

) CASE NUMBER: 2008-189-CD  
)  
)

) TYPE OF COURT: Civil  
)

) JURY TRIAL DEMANDED  
)

) COMPLAINT  
)


**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 days after this counterclaim and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

IF YOU DO NOT HAVE A LAWYER, CONTACT:

Mid-Penn Legal Services  
211 1/2 East Locust Street  
Clearfield, PA 16830

  
David L. Beyer, Esquire

FILED NO CC  
3/11/23/04  
APR 03 2008 @K

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KEITH O'NEILL	)	CASE NUMBER: 2008-189-CD
Plaintiff,	)	
	)	TYPE OF COURT: Civil
v.	)	
	)	JURY TRIAL DEMANDED
HALEY S. WHITE	)	
Defendant	)	COMPLAINT
	)	
	)	David L. Beyer, Esquire
	)	104 S Center Street # 316
	)	Ebensburg, PA 15931
	)	(814) 471-7702
	)	PA ID # 79709
	)	Attorney for Plaintiff

**COMPLAINT**

AND NOW, comes your Plaintiff, KEITH O'NEILL by and through his counsel, David L. Beyer, Esquire and files the within complaint, and in support thereof avers as follows:

1. The Plaintiff, KEITH O'NEILL is an adult individual who resides at 458 Gates Road Fallen Timber, PA 16639.
2. The Defendant, HALEY SHANNON WHITE, is an adult individual who resides at 3858 Morrisdale Airport Highway, P.O. Box 201 Morrisdale, PA 16868.
3. The above named Defendant was the negligent driver of a 1999 Mercury Coup, bearing a Pennsylvania registration/license plate number GCH1034 with an expiration date of 05/06 on February 14, 2006.
4. On or about February 14, 2006 at approximately 0720 hours Plaintiff was driving in a careful and prudent manner, properly restrained, in Morris Township, Clearfield County, Pennsylvania in his 1994 Dodge Intrepid.
5. As Plaintiff was driving in said County on State Route 53 and Pleasant Meadow Road as described above the named Defendant negligently and carelessly proceeded through a stop sign without stopping to ascertain if it was safe to proceed and her vehicle struck Plaintiff's vehicle severely injuring Plaintiff.



6. The accident was solely a result of Defendant's negligence and carelessness, and occurred through no fault whatsoever of Plaintiff.
7. As a result of the above referenced collision Plaintiff suffered severe injuries to his person causing him to receive medical treatment and incur associated costs.
8. As a result of the above referenced collision Plaintiff lost wages as a truck driver, as he was unable to work for a period of time as a result of the injuries that he received in the above referenced collision, said injuries are more fully set forth herein.
9. As a result of the above referenced collision Plaintiff's vehicle received damage, and Plaintiff has not been made whole as a result of said damage without limitation Plaintiff's vehicle incurred the following damage:
  - Damage to bumper,
  - Damage to grill,
  - Damage to light,
  - Damage to hood,
  - Damage to front right tire,
  - Both air bags deployed,
  - Damage to metal underneath front of vehicle.
  - The insurance company declared the car a total loss.
10. As a result of the above referenced collision and Defendant's negligence of running a stop sign, she received a warning from Corporal John Murarik of the Pennsylvania State Police, Clearfield Pennsylvania station.

**COUNT I**  
**NEGLIGENCE**

11. Paragraphs one through 10 of the foregoing Complaint are incorporated herein as though set forth in their entirety.
12. The injuries and damages to Plaintiff hereinafter set forth were the direct and proximate result of the negligence of the Defendant named herein in any or all of the following respects.
  - In negligently and carelessly failing to stop at a properly marked stop sign,
  - In negligently and carelessly failing to first ascertain if it was safe to proceed prior to proceeding into moving traffic,
  - In negligently and carelessly driving her automobile into Plaintiff's vehicle.
13. As a direct and proximate result of the negligence and carelessness of the above named Defendant, Haley S. White, Plaintiff, Keith O'Neill, sustained the following serious injuries:
  - Injury, pain, and stiffness in his spine/neck,
  - Disk herniation at the C5-6 level requiring surgery,
  - Injury, pain, and swelling to his right fractured wrist,
  - Injury and pain in his right shoulder extending into his right thumb,
  - Constant muscle spasms and fasciculations in his right upper extremities,
  - Fasciculations in his right deltoids,
  - Decreased right touch in the right C6 dermatome and a blunted right biceps reflex,
  - Weakness in his right biceps,
  - Injuries to his bones, joints, blood vessels, tendons, ligaments, discs and back pain;
  - Stiffness with range of motion.
14. As a result of the aforesaid serious injuries and Plaintiff's worsening condition, the physician was required to perform surgery wherein Plaintiff was subject to and advised of the following risks, without limitation:
  - Infection,

- Bleeding,
  - Numbness,
  - Weakness,
  - Paralysis,
  - Loss of bowel and bladder function,
  - Loss of sexual function,
  - Spinal fluid leak,
  - Failure to improve,
  - Failure for instrumentation,
  - Need for re-surgery,
  - Heart attack,
  - Stroke,
  - Death.
15. Due to the seriousness of the injuries sustained and Plaintiff's worsening pain, suffering, and limitations, he was forced to proceed with surgery in an attempt to have his serious injury corrected, and in an attempt to lessen or eliminate his pain, without any guarantees.
16. On March 13, 2006 Doctor James P. Burke, M.D., Ph.D., performed cervical spine surgery on Plaintiff.
17. Dr. Burke was required to perform an anterior cervical discectomy and fusion at C5-6 on Plaintiff.
18. Dr. Burke utilized a plate/screw device to fuse Plaintiff's spine in a correct position.
19. Plaintiff received a cast on his right forearm due to a fracture that was a direct result of the accident set forth above and Defendant's negligence and carelessness.
20. Plaintiff has been required to spend monies for medical treatment including but not limited to, hospital treatment, medical supplies, therapy, medicines, and attendant services;
- Plaintiff has suffered and continues to suffer pain, inconvenience, mental anguish;

- Plaintiff's general health was and remains impaired,
  - Plaintiff has suffered loss and enjoyment of life,
  - Plaintiff lost enjoyment of playing with his children for a period of time,
  - Plaintiff has permanent scarring from the surgery.
21. As a result of the aforesaid negligence of the Defendant, Plaintiff also incurred the following damages without limitation, to which he seeks reimbursement:
- Lost wages,
  - Loss on value of his vehicle,
  - Pain and suffering,
  - Medical bills

Wherefore, Plaintiff, Keith O'Neill, brings this action against the named Defendant to recover damages for an amount in excess of \$50,000, together with costs, interests and counsel fees and demands a jury trial.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dave Beyer", with a stylized flourish at the end.

David L. Beyer, Esquire

**VERIFICATION**

The foregoing statements of fact are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

3-27-08

Date

Keith O'Neill

Keith O'Neill

KEITH O'NEILL,  
Petitioner

V.

## CERTIFICATE OF SERVICE

## DAVID L. BEYER, ESQUIRE

**FILED**

**APR 14 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

RECEIVED  
APR 14 2008  
CLERK OF COURTS  
JUDICIAL CENTER  
PHILADELPHIA, PA 19101

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

MAY 02 2008  
12:55/W  
William A. Shaw  
Prothonotary/Clerk of Courts  
no c/c

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE, MARY WHITE and  
GERALD WHITE, Jr.,  
Defendants

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:

Stipulation to Amend  
Case Caption

Filed on Behalf of:

Plaintiff and Defendants

Counsel of Record for These  
Parties:

David L. Beyer, Esq.  
Attorney for Plaintiff  
Supreme Court No. 79709  
104 S. Center Street #316  
Ebensburg, PA 15931  
(814) 471-7702

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

Dated: 05/01/08



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

KEITH O'NEILL,

Plaintiff

vs.

No. 2008-189 CD

HALEY WHITE, MARY WHITE and  
GERALD WHITE, Jr.,  
Defendants

STIPULATION TO AMEND CASE CAPTION

The parties by their undersigned counsel hereby stipulate  
and agree that the case caption in the above referenced matter shall be  
amended to read as follows:

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

KEITH O'NEILL,

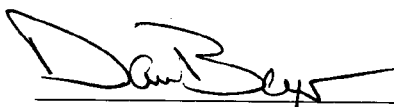
Plaintiff

vs.

No. 2008-189 CD

HALEY WHITE,

Defendant

  
David L. Beyer, Esq.  
Attorney for Plaintiff

  
Matthew B. Taladay, Esq.  
Attorney for Defendants

FILED

MAY 02 2008

William J. Prothomotary/John W. Smith

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

KEITH O'NEILL,

Plaintiff

vs.

No. 2008-189 CD

HALEY WHITE, MARY WHITE and  
GERALD WHITE, Jr.,

Defendants

**ORDER**

AND NOW, this 5<sup>th</sup> day of May, 2008, upon

Stipulation of the parties,

IT IS HEREBY ORDERED AND DECREED that the case  
caption in the above docketed matter shall read as follows:

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

KEITH O'NEILL,

Plaintiff

vs.

No. 2008-189 CD

HALEY WHITE,

Defendant

BY THE COURT,

Paul E Cherry

**FILED**

013:56/ Amy Taladay  
MAY 05 2008

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

MAY 05 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 5/5/08

☒ 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:

FILED

MAY 09 2008

0/11:00/CP  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

No C/C

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:

Certificate of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

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

Dated: 05/08/08

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

No. 2008-189 CD

**CERTIFICATE OF SERVICE**

I certify that on the 8th day of May, 2008, a Court certified Court Order amending case caption was sent via first class mail, postage prepaid, to the following:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

VA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,  
Plaintiff  
  
vs.  
  
HALEY WHITE,  
Defendant

Type of Case: Civil Action  
  
No. 2008-189-CD  
  
Type of Pleading:  
Preliminary  
Objections  
  
Filed on Behalf of:  
Defendant  
  
Counsel of Record for This  
Party:  
Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
528 Liberty Boulevard  
P.O. Box 487  
DuBois, PA 15801  
(814) 371-7768

Dated: 05-09-08

FILED  
MAY 12 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

KEITH O'NEILL,	:	
Plaintiff	:	
	:	
vs.	:	No. 2008-189 CD
	:	
HALEY WHITE,	:	
Defendant	:	

**PRELIMINARY OBJECTIONS**

AND NOW, comes the Defendant, Haley White, by her attorneys, Hanak, Guido and Taladay, and hereby files the within Preliminary Objections:

1. Paragraph 10 of Plaintiff's Complaint references a warning to the Defendant by a Pennsylvania State Police Corporal and therefore contains a matter which is inadmissible, irrelevant and inappropriate.
2. Paragraph 14 of Plaintiff's Complaint alleges Plaintiff was subjected to "risk" as the result of undergoing surgery but alleges no manifestations or factualization of these risks, therefore the matters set forth in paragraph 14 are not an appropriate element of damages and as such should be stricken.
3. The "wherefore" clause and pray for relief contained in Plaintiff's Complaint asks for damages in excess of \$50,000.00. The



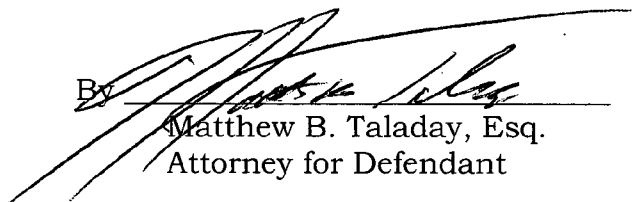
arbitration limit of this Court is \$20,000.00, and therefore, Plaintiff's Complaint contains an inappropriate prayer for relief.

WHEREFORE, it is respectfully requested that Defendant's Preliminary Objections be granted and Plaintiff's Complaint be stricken.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

A handwritten signature in dark ink, appearing to read 'Matthew B. Taladay', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'M'.

Matthew B. Taladay, Esq.  
Attorney for Defendant

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

KEITH O'NEILL,

Plaintiff

vs.

No. 2008-189 CD

HALEY WHITE,

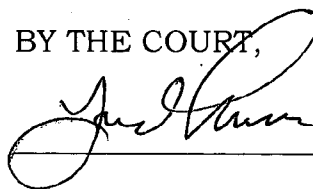
Defendant

**SHOW CAUSE ORDER**

AND NOW, this 19 day of May, 2008, upon  
consideration of Defendant's Preliminary Objections,

IT IS HEREBY ORDERED that the Rule is hereby entered  
upon Keith O'Neill to show cause, if any, why the Defendant's  
Preliminary Objections should not be granted. Rule returnable by  
written answer on or before the 3<sup>rd</sup> day of June, 2008.  
Argument, if required, will be held on the 12<sup>th</sup> day of  
June, 2008 at 3:30 0 m. in Courtroom No. 1 of  
the Clearfield County Courthouse.

BY THE COURT,



FILED<sup>4CC</sup>  
04:00 PM  
MAY 14 2008  
Atty Taladay

William A. Shaw  
Prothonotary/Clerk of Courts

CP

FILED

MAY 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 5/14/08

☒ You are responsible for serving all appropriate parties.

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

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

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

\_\_\_\_ Special Instructions:

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

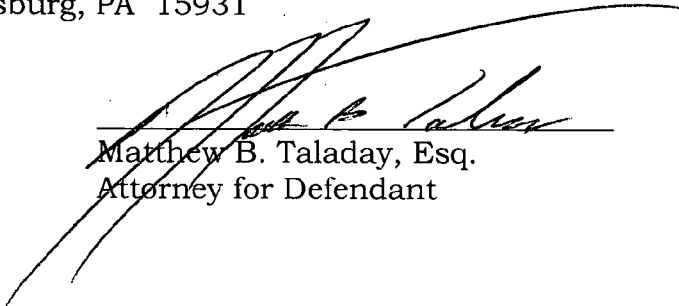
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:

No. 2008-189 CD

**CERTIFICATE OF SERVICE**

I certify that on the 9th day of May, 2008, a true and correct copy of Defendant's Preliminary Objections was sent via first class mail, postage prepaid, to the following:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

FILED <sup>icc</sup>

MAY 15 2008

William A. Shaw  
Prothonotary/Clerk of Courts

*Any Beyer*

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

KEITH O'NEILL,  
Petitioner

V.

HALEY WHITE,  
Respondent

CASE NO. 2008-189 CD

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Answer to Defendant's Preliminary Objections filed in the above captioned matter was mailed on the following individual(s) on the date and in the manner set forth below:

Hanak, Guido and Taladay  
Matthew Taladay, Esquire  
528 Liberty Blvd  
PO Box 487  
DuBois, PA 15801

Date 5-13-08

FIRST CLASS MAIL

5-13-08  
DATE

*David L. Beyer*

DAVID L. BEYER, ESQUIRE

FILED 200  
MAY 15 2008  
Beyer

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

William A. Shaw  
Prothonotary/Clerk of Courts

KEITH O'NEILL  
Plaintiff,

v.

HALEY S. WHITE  
Defendant

CASE NUMBER: 2008-189-CD

TYPE OF COURT: Civil

JURY TRIAL DEMANDED

Answer to Preliminary Objections

David L. Beyer, Esquire  
104 S Center Street # 316  
Ebensburg, PA 15931  
(814) 471-7702  
PA ID # 79709  
Attorney for Plaintiff

**ANSWER TO DEFENDANT'S PRELIMINARY OBJECTIONS**

AND NOW, comes your Plaintiff, KEITH O'NEILL by and through his counsel, David L. Beyer, Esquire and files the within Answer to Defendant's Preliminary Objections and in support thereof avers as follows:

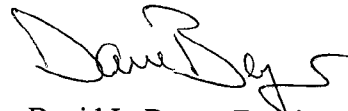
1. Denied. Plaintiff denies that a traffic warning given to the Defendant by a Pennsylvania State Police Corporal is inadmissible, irrelevant, and inappropriate. If this case goes to trial Corporal John Murarik will be called to testify that he interviewed the parties and conducted an investigation into the accident, and that as a result of his investigation, he determined that the Defendant, Ms. White proceeded through a stop sign without first stopping to ascertain if it was safe to proceed, thus negligently hitting Plaintiff's automobile with hers. This fact is consistent with Plaintiff's version of what occurred on the date of the accident, and was the major factor that caused the accident, and same is properly pled.
2. Denied. Plaintiff denies the preliminary objection set forth on a two-prong basis. First, Plaintiff does aver in his complaint that he has suffered and continues to suffer pain, inconvenience and mental anguish. He also avers that his general health was and remains impaired, that he has permanent scarring from the accident and from the surgery. These are clearly allegations that resulted from the

negligence of the named Defendant, as well as from the surgery itself. Secondly, Plaintiff avers that he properly pled the risks of surgery and that they are issues that the jury is permitted to consider as appropriate elements of damages for the reasons set forth in his complaint, including but not limited to mental anguish.

3. Denied. Plaintiff properly requested a jury trial in his complaint. He also requested damages in excess of \$50,000.00. The pleading properly satisfies the arbitration limit addressed by Defense counsel. Further, this matter is clearly not a case that is appropriate for arbitration.

Wherefore, Plaintiff, Keith O'Neill, respectfully requests that defendant's preliminary objections be denied and dismissed, and that defendant be ordered to file an answer to his complaint within 20 days from the date of the court order.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "David Beyer", with a stylized flourish at the end.

David L. Beyer, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:

Notice of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

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

Dated: 05/16/08

FILED

MAY 19 2008

M/8:30/um

William A. Shaw

Prothonotary/Clerk of Courts

CD



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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

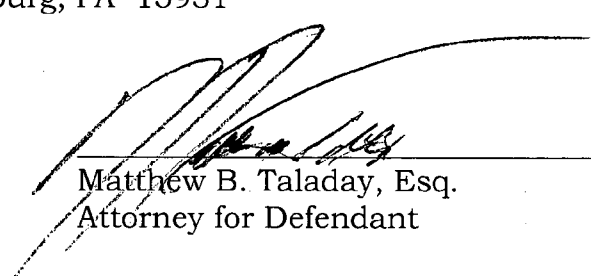
Defendant

No. 2008-189 CD

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 16th day of May, 2008, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:  
Certificate of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

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

Dated: 05/19/08

FILED NO  
m/12:28:01 CC  
MAY 20 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

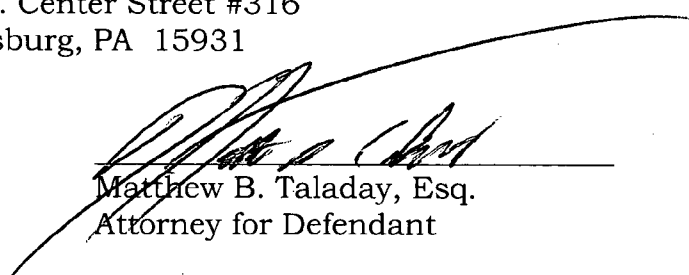
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No. 2008-189 CD

**CERTIFICATE OF SERVICE**

I certify that on the 19th day of May, 2008, a Court certified  
Court Order scheduling Argument on Preliminary Objections was sent  
via first class mail, postage prepaid, to the following:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL

Docket No. 2008-189 CD

VS

HALEY WHITE

This Case is presently scheduled for: Argument Court on June 12, 2008 at 3:30 p.m. in Courtroom No. 1

- 1) Reason for Request: Attorney Beyer is scheduled to be out of town during the time period of June 9 through June 13
- 2)
- 3) If less than 10 days, reason for untimely filing:
- 4) Number of prior Continuances: 0 Attorney Beyer  
0 Attorney Taladay

Requesting Attorney

(Print) David L. Beyer

(Sign) David Beyer

Opposing Counsel

(Print) \_\_\_\_\_ Attorney Matthew Taladay

(Sign) agrees with continuance per telephone on 5/21/08

FILED

MAY 27 2008

William A. Shaw  
Prothonotary/Clerk of Courts

ORDER

AND NOW, THIS 29<sup>th</sup> DAY OF May, 2008, the above continuance request is granted. This matter is rescheduled on July 18, 2008, at 2:00 p.m.

FILED

O 2:33 p.m. GK

MAY 30 2008

William A. Shaw  
Prothonotary/Clerk of Courts

2cc Amy

BEYER

GK

By the Court,

Frederick J. Ammann

J.

FILED

MAY 27 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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 OF CLEARFIELD COUNTY, PENNSYLVANIA**

DOCKET # 103767  
NO: 08-189-CD  
SERVICE # 1 OF 3  
PRAECIPE & WRIT OF SUMMONS

PLAINTIFF: KEITH O'NEILL  
vs.  
DEFENDANT: HALEY WHITE, MARY WHITE & GERALD WHITE

**SHERIFF RETURN**

---

NOW, February 29, 2008 AT 9:00 AM SERVED THE WITHIN PRAECIPE & WRIT OF SUMMONS ON HALEY WHITE DEFENDANT AT 3858 MORRISDALE ALLPORT HWY., MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GERALD WHITE, FATHER A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & WRIT OF SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

**FILED**  
02:45p.m GK  
JUN 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 103767  
NO: 08-189-CD  
SERVICE # 2 OF 3  
PRAECIPE & WRIT OF SUMMONS

PLAINTIFF: KEITH O'NEILL

vs.

DEFENDANT: HALEY WHITE, MARY WHITE & GERALD WHITE

**SHERIFF RETURN**

---

NOW, February 29, 2008 AT 9:00 AM SERVED THE WITHIN PRAECIPE & WRIT OF SUMMONS ON MARY WHITE DEFENDANT AT 3858 MORRISDALE ALLPORT HWY., MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GERALD WHITE, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & WRIT OF SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

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

DOCKET # 103767  
NO: 08-189-CD  
SERVICE # 3 OF 3  
PRAECIPE & WRIT OF SUMMONS

PLAINTIFF: KEITH O'NEILL  
vs.  
DEFENDANT: HALEY WHITE, MARY WHITE & GERALD WHITE

**SHERIFF RETURN**

NOW, February 29, 2008 AT 9:00 AM SERVED THE WITHIN PRAECIPE & WRIT OF SUMMONS ON GERALD WHITE JR. DEFENDANT AT 3858 MORRISDALE ALLPORT HWY., MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GERALD WHITE JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL PRAECIPE & WRIT OF SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103767  
NO: 08-189-CD  
SERVICES 3  
PRAECIPE & WRIT OF SUMMONS

PLAINTIFF: KEITH O'NEILL  
vs.  
DEFENDANT: HALEY WHITE, MARY WHITE & GERALD WHITE

SHERIFF RETURN

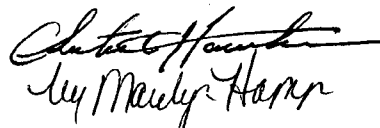
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BEYER	1599	30.00
SHERIFF HAWKINS	BEYER	1599	43.54

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



Chester A. Hawkins  
Sheriff

## COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL

Docket No. 2008-189 CD

VS

HALEY WHITE

This Case is presently scheduled for: Argument Court on July 18, 2008 at 2:00 p.m.

- 1) Reason for Request: Attorney Beyer previously selected a jury for a criminal trial in Blair County, which is scheduled to be held on Monday, July 21, 2008. However, the defendant in the matter now wishes to plead guilty. Attorney Beyer was notified this morning that the plea has been scheduled for this afternoon.
- 2) If less than 10 days, reason for untimely filing: Attorney Beyer was just notified this morning of the plea.
- 3) Number of prior Continuances: 1 Attorney Beyer  
0 Attorney Taladay

Requesting Attorney

(Print) David L. Beyer

(Sign)



Opposing Counsel

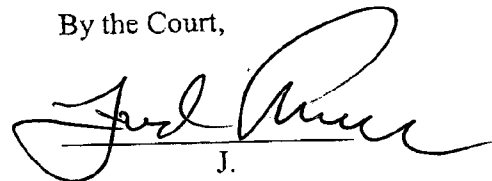
(Print) \_\_\_\_\_ Attorney Matthew Taladay

(Sign) agrees with continuance per telephone on 7/18/08

## ORDER

AND NOW, THIS 18 DAY OF July, 2008, the above continuance request is granted. This matter is rescheduled on August 18, 2008, at 10:00 a.m. ~~p.m.~~

By the Court,

  
J.

FILED 4CC  
0123664  
JUL 18 2008

Att. Beyer  
(610)

FILED

JUL 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/8/08

☒ 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:

**DAVID L. BEYER, Esquire**

Attorney at Law  
104 South Center Street  
Suite 316  
Ebensburg, PA 15931  
Phone: (814) 471-7702  
Fax: (814) 471-7703

**FAX COVER SHEET**

To: Clearfield County Court Administrator  
Attn: Rhonda

FAX# (814) 765-7649

# Of pages including cover page 2

From: Dave Beyer/Amanda *Amanda*

Date: 7-18-08

RE: Continuance Request  
Case No.: 2008-189 CD

Rhonda:

As per our recent telephone discussion.

If there are any questions or concerns please contact me at  
(814) 242-0979.

Thank you!

CM

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:

Motion to Compel  
Discovery

Filed on Behalf of:  
Defendant

Counsel of Record for These  
Parties:

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

Dated: 07/23/08

FILED NO CC

M 110:34821  
JUL 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

KEITH O'NEILL,	:	
Plaintiff	:	
	:	
vs.	:	No. 2008-189 CD
	:	
HALEY WHITE,	:	
Defendant	:	

**MOTION TO COMPEL DISCOVERY**

AND NOW comes Defendant, Haley White, by her attorneys, Hanak, Guido and Taladay and hereby petition this Honorable Court to compel discovery averring as follows:

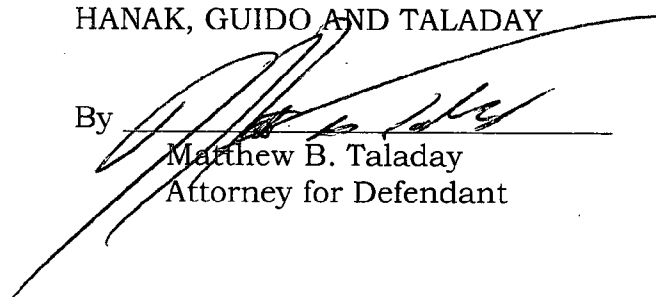
1. Interrogatories and Request for Production of Documents were served by first class mail on counsel for Plaintiff on May 16, 2008. A copy of the Notice of Service is attached hereto as Exhibit "A".
2. To date, no discovery responses have been filed.
3. The discovery responses are more than thirty days overdue.
5. Defendant requests this Honorable Court to issue an Order compelling Counsel for Plaintiff to provide full and complete discovery responses within thirty days of the date of this Order, upon failure of which the Court may impose sanctions.

WHEREFORE, it is respectfully requested that this Motion to  
Compel Discovery be granted.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By



Matthew B. Taladay  
Attorney for Defendant

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

No. 2008-189 CD

**ORDER**

AND NOW, this 24<sup>th</sup> day of July, 2008, upon  
consideration of Defendant's Motion to Compel Discovery,

IT IS HEREBY ORDERED that the Motion is granted.  
Plaintiff shall forthwith produce and supply full and complete discovery  
responses within thirty (30) days from the date of this Order. In the  
event that Plaintiff fails to abide by this Order, this Court may, upon  
further Petition of Defendant, impose appropriate sanctions.

BY THE COURT,

*Judith J. Zimmerman*  
J.

FILED

01337301  
JUL 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

2CC  
Amy Taladay  
60



DATE: 7/24/08

☒ You are responsible for serving all appropriate parties.

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

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

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

\_\_\_ Special Instructions:

**FILED**

**JUL 24 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:  
Notice of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

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

Dated: 05/16/08

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

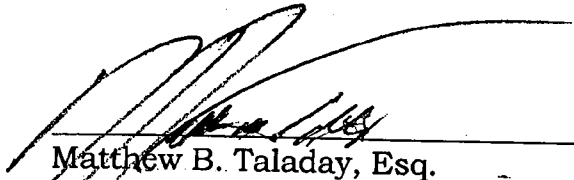
Defendant

No. 2008-189 CD

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiff, via United States mail, first class, postage pre-paid, this 16th day of May, 2008, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiff:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

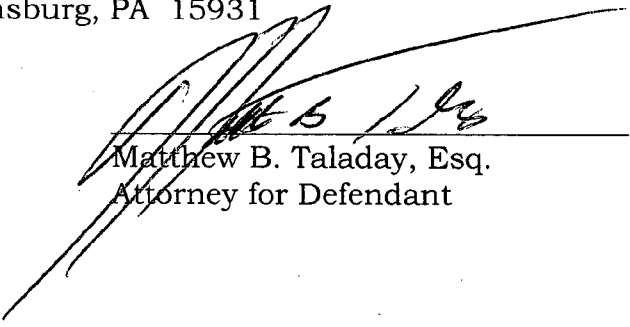
Defendant

No. 2008-189 CD

**CERTIFICATE OF SERVICE**

I certify that on the 23rd day of July, 2008, a true and correct copy of the foregoing Motion to Compel Discovery was sent via first class mail, postage prepaid, to the following:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:  
Certificate of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

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

Dated: 08/07/08

FILED <sup>NO</sup> CC  
m10:3/61  
AUG 08 2008  
(51)

William A. Shaw  
Prothonotary/Clerk of Courts

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

No. 2008-189 CD

**CERTIFICATE OF SERVICE**

I certify that on the 7th day of August 2008, a Court certified Court Order to compel discovery dated July 24, 2008 was sent via first class mail, postage prepaid, to the following:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

CM

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

KEITH O'NEILL

:

VS.

: NO. 08-189-CD

HALEY WHITE

:

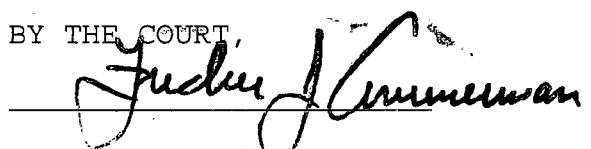
O R D E R

AND NOW, this 18th day of August, 2008, following argument on the Defendant's Preliminary Objections to Plaintiff's Complaint, it is the ORDER of this Court that the said Preliminary Objections be and are hereby granted to the extent that the Plaintiff shall have no more than twenty (20) days from this date in which to file an Amended Complaint which will remove the provisions of Paragraph 10 concerning the alleged warning to the Defendant by the state police;

Paragraph 14 of the Complaint is hereby dismissed. However, the Plaintiff is at liberty to incorporate the provisions of Paragraph 14 in the claim for mental anguish as set forth within Paragraph 20;

The Amended Complaint shall contain appropriate wherefore clause setting forth that the Plaintiff is seeking relief in an amount in excess of Twenty Thousand (\$20,000.00) Dollars.

BY THE COURT,

  
President Judge

FILED

2008  
AUG 20 2008

Atty's: Beyer  
Taladay

CD

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

AUG 20 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/20/08

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

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

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

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

\_\_\_ Special Instructions:



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KEITH O'NEILL	)	CASE NUMBER: 2008-189-CD
Plaintiff,	)	
	)	TYPE OF COURT: Civil
	)	
v.	)	JURY TRIAL DEMANDED
	)	
HALEY S. WHITE	)	FIRST AMENDED
Defendant	)	COMPLAINT


**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 days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

IF YOU DO NOT HAVE A LAWYER, CONTACT:

**Mid-Penn Legal Services  
211 ½ East Locust Street  
Clearfield, PA 16830**

  
David L. Beyer, Esquire  
Attorney for Plaintiff

**FILED** NOCC  
m 11/15/24  
AUG 25 2008 @

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KEITH O'NEILL	)	CASE NUMBER: 2008-189-CD
Plaintiff,	)	
	)	TYPE OF COURT: Civil
v.	)	
	)	JURY TRIAL DEMANDED
HALEY S. WHITE	)	
Defendant	)	FIRST AMENDED
	)	COMPLAINT
	)	
	)	David L. Beyer, Esquire
	)	104 S Center Street # 316
	)	Ebensburg, PA 15931
	)	(814) 471-7702
	)	PA ID # 79709
	)	Attorney for Plaintiff

**COMPLAINT**

AND NOW, comes your Plaintiff, KEITH O'NEILL by and through his counsel, David L. Beyer, Esquire and files the within complaint, and in support thereof avers as follows:

1. The Plaintiff, KEITH O'NEILL is an adult individual who resides at 458 Gates Road Fallen Timber, PA 16639.
2. The Defendant, HALEY SHANNON WHITE, is an adult individual who resides at 3858 Morrisdale Airport Highway, P.O. Box 201 Morrisdale, PA 16868.
3. The above named Defendant was the negligent driver of a 1999 Mercury Coup, bearing a Pennsylvania registration/license plate number GCH1034 with an expiration date of 05/06 on February 14, 2006.
4. On or about February 14, 2006 at approximately 0720 hours Plaintiff was driving in a careful and prudent manner, properly restrained, in Morris Township, Clearfield County, Pennsylvania in his 1994 Dodge Intrepid.
5. As Plaintiff was driving in said County on State Route 53 and Pleasant Meadow Road as described above the named Defendant negligently and carelessly proceeded through a stop sign without stopping to ascertain if it was safe to proceed and her vehicle struck Plaintiff's vehicle severely injuring Plaintiff.

6. The accident was solely a result of Defendant's negligence and carelessness, and occurred through no fault whatsoever of Plaintiff.
7. As a result of the above referenced collision Plaintiff suffered severe injuries to his person causing him to receive medical treatment and incur associated costs.
8. As a result of the above referenced collision Plaintiff lost wages as a truck driver, as he was unable to work for a period of time as a result of the injuries that he received in the above referenced collision, said injuries are more fully set forth herein.
9. As a result of the above referenced collision Plaintiff's vehicle received damage, and Plaintiff has not been made whole as a result of said damage without limitation Plaintiff's vehicle incurred the following damage:
  - Damage to bumper,
  - Damage to grill,
  - Damage to light,
  - Damage to hood,
  - Damage to front right tire,
  - Both air bags deployed,
  - Damage to metal underneath front of vehicle.
  - The insurance company declared the car a total loss.

**COUNT I**  
**NEGLIGENCE**

10. Paragraphs one through nine of the foregoing Complaint are incorporated herein as though set forth in their entirety.
11. The injuries and damages to Plaintiff hereinafter set forth were the direct and proximate result of the negligence of the Defendant named herein in any or all of the following respects.
  - In negligently and carelessly failing to stop at a properly marked stop sign,

- In negligently and carelessly failing to first ascertain if it was safe to proceed prior to proceeding into moving traffic,
  - In negligently and carelessly driving her automobile into Plaintiff's vehicle.
12. As a direct and proximate result of the negligence and carelessness of the above named Defendant, Haley S. White, Plaintiff, Keith O'Neill, sustained the following serious injuries:
- Injury, pain, and stiffness in his spine/neck,
  - Disk herniation at the C5-6 level requiring surgery,
  - Injury, pain, and swelling to his right fractured wrist,
  - Injury and pain in his right shoulder extending into his right thumb,
  - Numbness,
  - Constant muscle spasms and fasciculations in his right upper extremities,
  - Fasciculations in his right deltoids,
  - Decreased right touch in the right C6 dermatome and a blunted right biceps reflex,
  - Weakness in his right biceps,
  - Injuries to his bones, joints, blood vessels, tendons, ligaments, discs and back pain;
  - Stiffness with range of motion.
13. Due to the seriousness of the injuries sustained and Plaintiff's worsening pain, suffering, and limitations, Plaintiff was forced to be operated on in an attempt to have his serious injury corrected and in an attempt to lessen or eliminate his pain, without any guarantees.
14. On March 13, 2006 Doctor James P. Burke, M.D., Ph.D., performed cervical spine surgery on Plaintiff.
15. Dr. Burke was required to perform an anterior cervical discectomy and fusion at C5-6 on Plaintiff.
16. Dr. Burke utilized a plate/screw device to fuse Plaintiff's spine in a correct position.

17. Plaintiff received a cast on his right forearm due to a fracture that he received that was a direct result of the accident set forth above and Defendant's negligence and carelessness.

18. Plaintiff has been required to spend monies for medical treatment including but not limited to, hospital treatment, medical supplies, therapy, medicines, and attendant services;

- Plaintiff has suffered and continues to suffer pain, inconvenience, mental anguish;
- Plaintiff's general health was and remains impaired,
- Plaintiff has suffered loss and enjoyment of life,
- Plaintiff lost enjoyment of playing with his children for a period of time,
- Plaintiff has permanent scarring from the surgery.

19. As set forth above, as result of the aforesaid serious injuries and Plaintiff's worsening condition, Dr. Burke was required to perform surgery wherein Plaintiff was subject to and advised of the following risks set forth herein without limitation, as a result being advised of said risks, without limitation, Plaintiff suffered mental anguish:


- Infection,
- Bleeding,
- Numbness,
- Weakness,
- Paralysis,
- Loss of bowel and bladder function,
- Loss of sexual function,
- Spinal fluid leak,
- Failure to improve,
- Failure for instrumentation,
- Need for re-surgery,
- Heart attack,
- Stroke,
- Death.

19. As a result of the aforesaid negligence of the Defendant, Plaintiff also incurred the following damages without limitation, to which he seeks reimbursement:

- Lost wages,
- Loss on value of his vehicle,
- Pain and suffering,
- Medical bills

Wherefore, Plaintiff, Keith O'Neill, brings this action against the named Defendant to recover damages for an amount in excess of \$20,000, together with costs, interests and counsel fees and demands a jury trial.

Respectfully Submitted,



David L. Beyer, Esquire

**VERIFICATION**

The foregoing statements of fact are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

8-22-08  
Date

Keith O'Neill  
Keith O'Neill

FILED

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

AUG 27 2008

W/10:20/2

William A. Shaw

Prothonotary/Clerk of Courts

W/ C/L

(610)

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:  
Certificate of  
Service

Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

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

Dated: 08/26/08



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

KEITH O'NEILL,	:	
Plaintiff	:	
	:	
vs.	:	No. 2008-189 CD
	:	
HALEY WHITE,	:	
Defendant	:	

**CERTIFICATE OF SERVICE**

I certify that on the 26th day of August 2008, an original Notice of Deposition, a copy of which is attached hereto, was sent via first class mail, postage prepaid, to the following:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931

Matthew B Taladay  
Matthew B. Taladay, Esq.  
Attorney for Defendant

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

No. 2008-189 CD

**NOTICE OF DEPOSITION**

TO: KEITH O'NEILL  
c/o David L. Beyer, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Monday, October 13, 2008 at 1:30 p.m.** at the law office of Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.

Matthew B. Taladay  
Matthew B. Taladay, Esq.  
Attorney for Defendant

cc: Schreiber Reporting Service

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:

Answer to Amended  
Complaint and New  
Matter

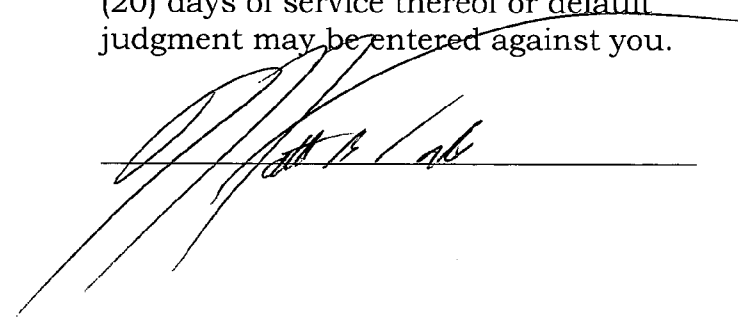
Filed on Behalf of:  
Defendant

Counsel of Record for This  
Party:

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

Dated: October 1, 2008

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



**FILED** *NO CC*  
*11030611*  
OCT 02 2008 *610*

William A. Shaw  
Prothonotary/Clerk of Courts

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

KEITH O'NEILL,	:	
Plaintiff	:	
	:	
vs.	:	No. 2008-189 CD
	:	
HALEY WHITE,	:	
Defendant	:	

**ANSWER TO AMENDED COMPLAINT**

AND NOW, comes the Defendant, Haley White, by her attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiff's Amended Complaint as follows:

1. Upon information and belief, admitted.
2. Admitted.
3. Denied as stated. It is admitted that on February 14, 2006 Defendant was the driver of a 1999 Mercury Coup, bearing registration number GCH 1034.
4. Upon information and belief, admitted.
5. Denied as stated. It is admitted that on February 14, 2006 a collision occurred between the vehicle operated by the Plaintiff and that of the Defendant. Defendant admits liability for the collision. It is, however, denied that Defendant proceeded through a stop sign without stopping.

6. This paragraph constitutes a conclusion of law to which no response is required.

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

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

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

### **Count I**

#### **Negligence**

10. Defendant incorporates by reference her responses to paragraphs 1 through 9 above as if set forth in full.

11. Denied pursuant to Pa.R.C.P. Rule 1029(e). By way of further answer, however, Defendant White admits responsibility for the collision.

12. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial.

13. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial.

14. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial.

15. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial.

16. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial.

17. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial.

18. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial. By way of further answer, Plaintiff's claims for medical treatment are barred or limited by application of the anti-subrogation provisions set forth in §1722 of the Pennsylvania Motor Vehicle Financial Responsibility Law.

19. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial.

19. [sic] After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of Plaintiff's Amended Complaint, and, therefore, the same are denied and strict proof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in her favor.

**NEW MATTER**

20. Plaintiff's claims are barred or limited by application of the provisions of the Motor Vehicle Financial Responsibility Law relating to subrogation of first party benefits.

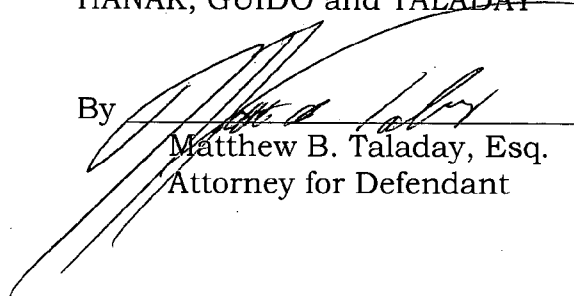
A JURY TRIAL IS DEMANDED.

WHEREFORE, Defendant White demands judgment in her favor.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By

  
Matthew B. Taladay, Esq.  
Attorney for Defendant



**VERIFICATION**

I, **Haley White**, do hereby verify that I have read the foregoing Answer to Amended Complaint and New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 9/27/08

Haley S. White  
Haley White

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

KEITH O'NEILL,

Plaintiff

vs.

No. 2008-189 CD

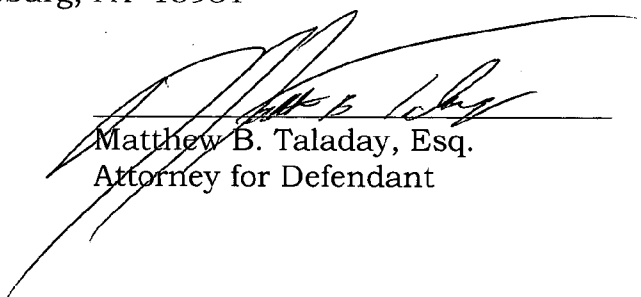
HALEY WHITE,

Defendant

**CERTIFICATE OF SERVICE**

I certify that on the 1st day of October 2008, a true and correct copy of the foregoing Answer to Amended Complaint and New Matter was sent via first class mail, postage prepaid, to the following:

David L. Beyer, Esq.  
Attorney for Plaintiff  
104 S. Center Street #316  
Ebensburg, PA 15931



Matthew B. Taladay, Esq.  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

KEITH O'NEILL  
Plaintiff,

v.

HALEY S. WHITE  
Defendant

CASE NUMBER: 2008-189-CD

TYPE OF COURT: Civil

JURY TRIAL DEMANDED

Answer to New Matter

David L. Beyer, Esquire  
104 S Center Street # 316  
Ebensburg, PA 15931  
(814) 471-7702

PA ID # 79709

Attorney for Plaintiff

**ANSWER TO DEFENDANT'S NEW MATTER**

AND NOW, comes your Plaintiff, KEITH O'NEILL by and through his counsel, David L. Beyer, Esquire and files the within Answer to Defendant's New Matter, incorporates the averments previously made in his Amended Complaint herein and in support thereof avers as follows:

20. Denied. After reasonable investigation Plaintiff is without sufficient information to form a belief as to the truth of the portion of the allegation averring that he is barred from his claims and strict proof thereof is demanded at trial. By way of further answer, Plaintiff admits that there is a subrogation lien relating to first party benefits of medical expenses as a result of Defendant's negligence, and same may limit his ability to collect same pursuant to the Motor Vehicle Financial Responsibility Law relating to subrogation.


FILED  
m/11:45 am Beyer  
OCT 17 2008

William A. Shaw  
Prothonotary/Clerk of Courts

W.

Wherefore, Plaintiff, Keith O'Neill, respectfully requests that defendant's New Matter be denied and dismissed, and that judgment be entered in his favor as previously set forth in Plaintiff's Amended Complaint.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Beyer", with a long horizontal flourish extending to the right.

David L. Beyer, Esquire  
Attorney for Plaintiff

VERIFICATION

The foregoing statements of fact are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

10-13-08

Date

Keith O'Neill

Keith O'Neill

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

Type of Case: Civil Action

No. 2008-189-CD

Type of Pleading:

Praecipe for

Discontinuance

Filed on Behalf of:

Plaintiff

Counsel of Record for This

Party:

David L. Beyer, Esq.

Supreme Court No. 79709

104 S. Center Street #316

Ebensburg, PA 15931

(814) 471-7702

Dated: 06/24/09

FILED

JUN 25 2009

William A. Shaw  
Prothonotary/Clerk of Courts

No CC  
1 Cert of disc  
issued to Att  
Taladay.  
Copy to CIA

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

KEITH O'NEILL,

Plaintiff

vs.

HALEY WHITE,

Defendant

:  
:  
:  
:  
:  
:  
:

No. 2008-189 CD

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Please mark the above case settled and discontinued.



David L. Beyer, Esq.  
Attorney for Plaintiff

**FILED**

**JUN 25 2009**

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Keith O'Neill

Vs.  
Haley White

No. 2008-00189-CD

COPY

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA  
County of Clearfield

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

Settled and discontinued

Record costs in the sum of \$95.00 have been paid in full by David L. Beyer Esq.

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



um

William A. Shaw, Prothonotary