

08-204-CD  
E. Carmella al vs Kiristi Clark

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

ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
vs. : No. 2008 - 204 - CD  
KRISTI L. CLARK, :  
Defendant : Type of Pleading: Complaint  
: :  
: Filed on behalf of: Elizabeth Carmella,  
: and Angelo L. Carmella, Plaintiffs  
: : Counsel of Record for this party:  
: HOPKINS HELTZEL LLP  
: : DAVID J. HOPKINS, ESQUIRE  
: Attorney at Law  
: Supreme Court No. 42519  
: : 100 Meadow Lane, Suite 5  
: DuBois, Pennsylvania 15801  
: : (814) 375-0300

February 5, 2008

ATTY PAID 95.00  
03:01 P.M. '08  
FEB 01 2008 ~~RECEC-TO SHF~~  
William A. Shaw  
Prothonotary/Clerk of Courts  
1cc TO ATTY

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

ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
:  
vs. : No.  
:  
KRISTI L. CLARK, :  
Defendant :  
:

**NOTICE**

TO DEFENDANT:

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

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

Office of the Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
vs. : No.  
KRISTI L. CLARK, :  
Defendant :  
:

**COMPLAINT**

AND NOW, comes the Plaintiffs, Elizabeth Carmella and Angelo L. Carmella, by and through their attorneys, Hopkins Heltzel LLP, and says as follows:

**COUNT I**

1. Plaintiffs, Elizabeth Carmella and Angelo L. Carmella, husband and wife, are adult individuals who reside at 1015 S. Main Street, DuBois, Pennsylvania 15801.
2. Defendant, Kristi Clark, is an adult individual, who resides at 1047 River Road, Olanta, Pennsylvania 16863.
3. On or about September 30, 2006, Plaintiff was the driver of a motor vehicle traveling north on Commons Drive, DuBois, Pennsylvania as it approaches Midway Drive. Commons Drive is a through street not controlled by stop signs. Midway Drive is controlled by stop signs.
4. At the same time, Defendant was operating a motor vehicle along Midway Drive near its intersection with Commons Drive.
5. As Plaintiff, Elizabeth Carmella, entered the intersection of Midway Drive, she

was struck by Defendant. Defendant had entered the intersection without slowing down and was traveling in the range of 50 to 55 miles per hour when she struck Plaintiff's motor vehicle causing Plaintiff's vehicle to spin and strike a third vehicle before coming to rest.

6. At the time of the collision, Defendant was operating her motor vehicle in a negligent, careless and reckless manner.

7. The negligence, carelessness and recklessness of Defendant consisted of the following:

a. Traveling at a rate of speed in excess of the permitted speed limit along Midway Drive;

b. Failing to stop at the stop sign controlling the intersection of Midway Drive and Commons Drive;

c. Operating her motor vehicle without due regard to the rights, safety, well being and position of Plaintiff under the then current circumstances;

d. Failing to control or stop her motor vehicle prior to striking Plaintiff's motor vehicle;

e. Operating her motor vehicle in violation of the Motor Vehicle Code of the Commonwealth of Pennsylvania; and

f. Striking Plaintiff's vehicle with her vehicle.

8. As a direct, proximate, natural, foreseeable and probable consequence of Defendant's negligence, carelessness and reckless conduct, Plaintiff, Elizabeth Carmella was placed in a position of immediate peril and suffered injuries.

9. As a result of the aforesaid collision, Plaintiff, Elizabeth Carmella, suffered the following injuries:

- a. thirteen (13) stitches to her left temple;
- b. remarkable bruising throughout her face, leg and left ankle;
- c. anxiety over driving;
- d. scarring on her left temple; and
- e. other injuries that have not yet developed.

10. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has suffered, and will suffer in the future, great pain, agony and inconvenience.

11. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has incurred, and will in the future incur, expenses for medical treatment and physical therapy in an amount not yet ascertained.

12. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has suffered loss in the quality of her life.

13. As a direct and proximate result of Defendant's negligence, carelessness and reckless conduct, Plaintiff has suffered serious injuries within the meaning of Commonwealth of Pennsylvania statutes.

14. Defendant, Kristi L. Clark, is liable for Plaintiff's injuries described herein inasmuch as Plaintiff's injuries are the direct, proximate, natural, foreseeable and probable consequences of Defendant's negligence, carelessness and reckless conduct.

WHEREFORE, Plaintiffs, Elizabeth Carmella and Angelo L. Carmella, respectfully demand judgment against Defendant for compensatory damages in an amount exceeding \$20,000.00, costs of suit, interest and such further relief as the Court may deem just and equitable.

**COUNT II**

15. The Plaintiffs incorporate paragraphs 1 through 14 of this Complaint by reference and makes them a part hereof.

16. Solely because of Defendant's negligence, Plaintiff, Angelo L. Carmella, as husband of Elizabeth Carmella, has been obliged, and probably will in the future be obliged, to expend various sums of money for medicine and medical attention in and about endeavoring to treat and cure his wife of her injuries.

17. By reason of his wife's injuries, Plaintiff, Angelo L. Carmella, has been, and probably will in the future be, deprived of the assistance, society, and consortium of his wife, all of which has been, and probably will in the future be, to his great financial damage and loss.

WHEREFORE, Plaintiff, Angelc L. Carmella, claims damages from Defendant in an amount in excess of \$20,000.00, costs cf suit, interest and such other and further relief as the Court deems fair, just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiffs, Elizabeth Carmella and Angelo L. Carmella, by their undersigned counsel, hereby demand a trial by jury of twelve people.

Respectfully submitted,

  
David J. Hopkins, Esquire  
Attorney for Plaintiffs

VERIFICATION

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

Elizabeth Carmella  
Elizabeth Carmella

Angelo L. Carmella  
Angelo L. Carmella

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,  
Plaintiffs,

CIVIL ACTION - LAW

Number 204 of 2008, C. D.

vs.

Type of Case: Civil Division

KRISTI L. CLARK,

Type of Pleading: Appearance

Defendant.

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

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EB 2/7/2008  
NO CC  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,  
Plaintiffs,

vs.

KRISTI L. CLARK,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

\*

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\* Number 204 of 2008, C. D.

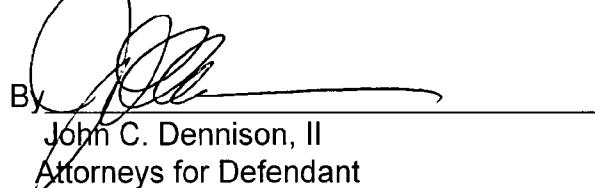
APPEARANCE

TO WILLIAM SHAW, PROTHONOTARY:

Enter our Appearance on behalf of Kristi L. Clark, the Defendant in the above  
captioned matter.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

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

ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
vs. : No. 2008-00204 C.D.  
KRISTI L. CLARK, :  
Defendant : Type of Pleading: Answer to New Matter  
: Filed on behalf of: Elizabeth Carmella,  
: and Angelo L. Carmella, Plaintiffs  
: Counsel of Record for this party:  
: HOPKINS HELTZEL LLP  
: DAVID J. HOPKINS, ESQUIRE  
: Attorney at Law  
: Supreme Court No. 42519  
: 100 Meadow Lane, Suite 5  
: DuBois, Pennsylvania 15801  
: (814) 375-0300

3/11/08  
m/11/08  
NO CC  
GK

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

ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
vs. : No. 2008-00204 C.D.  
KRISTI L. CLARK, :  
Defendant :  
.

**ANSWER TO NEW MATTER**

AND NOW, comes the Plaintiffs, Elizabeth Carmella and Angelo L. Carmella, by and through their attorneys, Hopkins Heltzel LLP, and answers the New Matter of Defendant as follows:

15. Denied. Plaintiffs deny the Motor Vehicular Financial Responsibility Act bars or diminishes any claim or cause of action that Plaintiffs have presented in their Complaint.

16. Denied. Plaintiffs did not select limited tort, but rather the full tort option. To the extent Plaintiffs may have selected the limited tort option, Plaintiffs claims are nevertheless valid inasmuch as Plaintiff has suffered serious injury within the meaning of the Motor Vehicular Financial Responsibility Act.

17. Denied. Plaintiffs suffered serious injury as defined under Pennsylvania law.

Respectfully submitted,

  
\_\_\_\_\_  
David J. Hopkins, Esquire  
Attorney for Plaintiffs

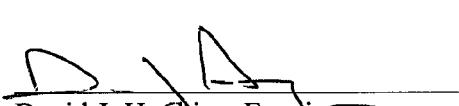
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL DIVISION)

ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
vs. : No. 2008-00204 C.D.  
KRISTI L. CLARK, :  
Defendant :  
:

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of Plaintiff's Answer to New Matter, filed on behalf of Elizabeth Carmella and Angelo L. Carmella, was forwarded by first class mail, postage prepaid, on the 13 day of March, 2008, to all counsel of record, addressed as follows:

John C. Dennison, II, Esquire  
Dennisen, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
\_\_\_\_\_  
David J. Hopkins, Esquire  
Attorney for Plaintiff

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,  
Plaintiffs,

CIVIL ACTION - LAW

Number 204 of 2008, C. D.

vs.

Type of Case: Civil Division

KRISTI L. CLARK,

Type of Pleading: Answer and New Matter

Defendant.

Filed on Behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

110-3784 NOV  
LAW  
Commonwealth Court of Pennsylvania

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,  
Plaintiffs,

vs.

KRISTI L. CLARK,  
Defendant.

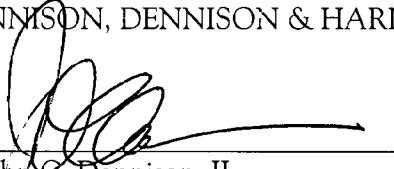
\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law  
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\*  
\* Number 204 of 2008, C. D.

NOTICE TO PLEAD

TO: Elizabeth Carmella and Angelo L. Carmella, Plaintiffs

You are hereby notified to plead to the within New Matter within twenty (20) days  
from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER

By 

John C. Dennison, II  
Attorneys for Defendant

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,  
Plaintiffs,

vs.

KRISTI L. CLARK,  
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law  
\*  
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\* Number 204 of 2008, C. D.

#### ANSWER AND NEW MATTER

AND NOW, comes the Defendant, KRISTI L. CLARK, by her attorneys, Dennison, Dennison & Harper, who file the following Answer and New Matter to the Plaintiffs' Complaint:

1. With respect to the averments of Paragraph 1 of Plaintiffs' Complaint, it is admitted that the Plaintiffs are adult individuals who reside at the address as set forth therein. However, with respect to the marital status of the Plaintiffs, after reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the truth of said averments, and said averments are therefore denied.

2. The averments of Paragraph 2 of Plaintiffs' Complaint are admitted.
3. The averments of Paragraph 3 of Plaintiffs' Complaint are admitted.
4. The averments of Paragraph 4 of Plaintiffs' Complaint are admitted.
5. The averments of Paragraph 5 of Plaintiffs' Complaint are denied pursuant to

Pa.R.C.P. 1029(e) and no further answer is required thereto.

6. The averments of Paragraph 6 of Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.
7. The averments of Paragraph 7 of Plaintiffs' Complaint, including subparts a. through f., are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.
8. The averments of Paragraph 8 of Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.
9. The averments of Paragraph 9 of Plaintiffs' Complaint, including subparts a. through e., are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.
10. The averments of Paragraph 10 of Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.
11. The averments of Paragraph 11 of Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.
12. The averments of Paragraph 12 of Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.
13. The averments of Paragraph 13 of Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.
14. The averments of Paragraph 14 of Plaintiffs' Complaint are denied pursuant to Pa.R.C.P. 1029(e) and no further answer is required thereto.

WHEREFORE, the Defendant demands judgment against the Plaintiffs.

## NEW MATTER

In further answer to the averments of Plaintiffs' Complaint, the Defendant avers the following New Matter:

15. The provisions of Sections of the Motor Vehicular Financial Responsibility Act (75 Pa.C.S.A. 1701, et. seq.), as amended, are incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of Plaintiffs.

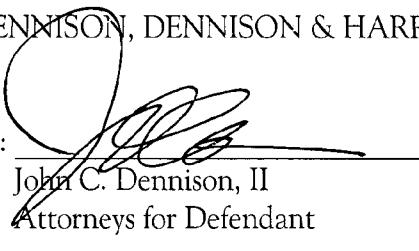
16. With respect to any claim or cause of action set forth in Plaintiffs' Complaint, the Plaintiffs had selected the "Limited Tort" Option pursuant to Section 1705 of the Motor Vehicular Financial Responsibility Act.

17. Any and all claims and causes of action of Plaintiffs for pain and suffering and other nonmonetary damages are barred as the Plaintiff, Elizabeth Carmella, did not sustain a "serious injury," as defined under Pennsylvania Law, in the accident set forth in Plaintiffs' Complaint.

WHEREFORE, the Defendant demands judgment against the Plaintiffs.

DENNISON, DENNISON & HARPER

By:

  
John C. Dennison, II

Attorneys for Defendant

I verify that the statements made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C. S. Section 4904, relating to unsworn falsification to authorities.

Kristi L. Clark  
Kristi L. Clark

Dated: 3/3/08, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103729  
NO: 08-204-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: ELIZABETH CARMELLA and ANGELO L. CARMELLA  
vs.  
DEFENDANT: KRISTI L. CLARK

**SHERIFF RETURN**

NOW, February 14, 2008 AT 2:23 PM SERVED THE WITHIN COMPLAINT ON KRISTI L. CLARK DEFENDANT AT 1417 RIVER ROAD, OLANTA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BRYAN CLARK, BROTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	HOPKINS	18284	10.00
SHERIFF HAWKINS	HOPKINS	18284	29.52

Sworn to Before Me This

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

So Answers,

William A. Shaw  
Prothonotary/Clerk of Courts

*Chester A. Hawkins*  
*Leighlyn Harry*  
Chester A. Hawkins  
Sheriff

0/2:30pm  
MAY 30 2008  
(LM)

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL TRIAL LISTING

JUN 20 2008

13:2014  
William A. Shaw  
Notary/Clerk of Courts

## CERTIFICATE OF READINESS

## TO THE PROTHONOTARY

DATE PRESENTED 6-20-08		
CASE NUMBER	TYPE TRIAL REQUESTED	ESTIMATED TRIAL TIME

Date Complaint Filed:  Jury  Non-Jury  
 Arbitration \_\_\_\_\_ 2 days/hours  
February 5, 2008

**PLAINTIFF(S)**  
ELIZABETH CARMELLA and

ANGELO L. CARMELLA ( ) Check block if a Minor  
DEFENDANT(S) is a Party to the Case

KRISTI L. CLARK ( ) 2008 - 204 CD  
ADDITIONAL DEFENDANT(S)

\_\_\_\_\_ ( )

JURY DEMAND FILED BY: \_\_\_\_\_ DATE JURY DEMAND FILED: \_\_\_\_\_

Plaintiff February 5, 2008

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

More than  
& \$20,000.00 ( ) yes (x) no N/A

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:

David J. Hopkins, Esquire

FOR THE PLAINTIFF

**TELEPHONE NUMBER**

David J. Hopkins, Esquire

(814) 375-0300

FOR THE DEFENDANT

**TELEPHONE NUMBER**

John C. Dennison, II, Esquire

(814) 849-8316

**FOR ADDITIONAL DEFENDANT**

**TELEPHONE NUMBER**

FILED  
MAY 20 2006  
William A. Sherrill  
Prothonotary/Clerk of Courts

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

ELIZABETH CARMELLA :  
ANGELO L. CARMELLA :  
:  
vs. : No. 08-204-CD  
:  
KRISTI L. CLARK :  
:

ORDER

AND NOW, this 11 day of July, 2008, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for Thursday, July 17, 2008 at 10:45 A.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for July 24, 2008 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

14  
FILED ICC Attn's:  
07/11/2008 Hopkins  
JUL 11 2008 Dennison  
William A. Shaw  
Notary/Clerk of Courts

2008

JUL 1 1 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/1/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

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

ELIZABETH CARMELLA  
ANGELO L. CARMELLA,  
Plaintiffs  
vs.  
KRISTI L. CLARK,  
Defendant

\*  
\*  
\*  
\*  
\* NO. 08-204-CD  
\*  
\*

ORDER

NOW, this 17<sup>th</sup> day of July, 2008, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Pending finalization of the 2009 Court calendar, Jury Selection is scheduled for January 6, 2009 in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury trial is hereby scheduled for January 8 and 9, 2009, commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial which has not previously been provided to opposing counsel shall be delivered within no more than sixty (60) days prior to trial. Failure to comply will result in the witness not being available for use at trial.

FILED  
0125164  
JUL 18 2008

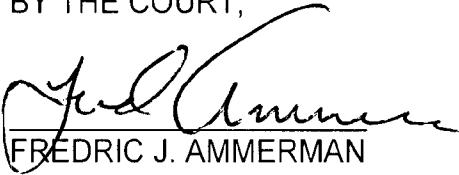
William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atlys: Hopkins  
Dennison

6K

5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.
6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.
7. The parties hereby agree to the authenticity of any and all medical records and bills which were previously provided through the discovery process. No party shall be required to produce a Medical Records witness for purposes of authentication.
8. Copies of any exhibits to be offered at time of trial which have not been previously listed in the parties' discovery process or in pre-trial statements shall be provided to opposing counsel by no later than fifteen (15) days prior to trial.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

JUL 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/18/08

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:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,

Plaintiffs,

vs.

KRISTI L. CLARK,

Defendant.

CIVIL ACTION - LAW

Number 2008 - 204 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of  
Deposition of Plaintiff, Elizabeth Carmella

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

3/11/2011  
m/10:15/wm  
William A. Shan  
Prothonotary/Clerk of Courts  
No C/C

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,

Plaintiffs,

vs.

KRISTI L. CLARK,

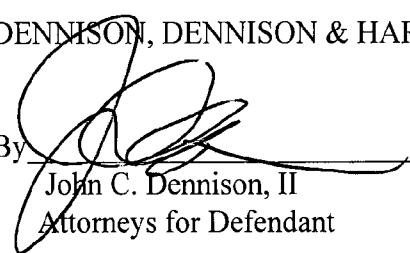
Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law  
\*  
\*  
\*  
\*  
\*  
\* No. 2008 - 204 C.D.

### NOTICE OF DEPOSITION

TO: ELIZABETH CARMELLA  
c/o David J. Hopkins, Esquire  
HOPKINS HELTZEL LLP  
100 Meadow Lane, Suite 5  
DuBois, PA 15801

Take notice that the deposition of **ELIZABETH CARMELLA** will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on Friday, September 5, 2008, at 9:00 a.m., at HOPKINS HELTZEL LLP, 100 Meadow Lane, Suite 5, DuBois, PA 15801. The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

DENNISON, DENNISON & HARPER  
By   
John C. Dennison, II  
Attorneys for Defendant

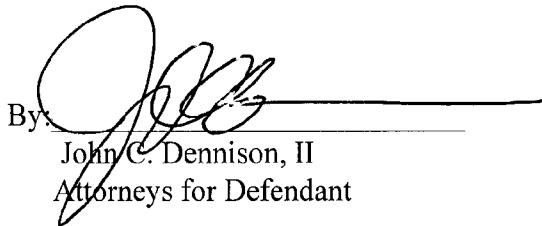
CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of July, 2008, a true and correct copy of the foregoing Notice of Deposition for Elizabeth Carmella, Plaintiff, was mailed by United States mail, first class, postage prepaid, addressed to the following:

David J. Hopkins, Esquire  
HOPKINS HELTZEL LLP  
100 Meadow Lane, Suite 5  
DuBois, PA 15801

Sargent's Court Reporting, Inc.  
210 Main Street  
Johnstown, PA 15901

DENNISON, DENNISON & HARPER

By   
John C. Dennison, II  
Attorneys for Defendant

(RW)

11/28/2008

m/10:15/wn

William A. Shaw  
Prothonotary/Clerk of Court  
No 4C

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,

Plaintiffs,

vs.

KRISTI L. CLARK,

Defendant.

CIVIL ACTION - LAW

Number 2008 - 204 C.D.

Type of Case: Civil Division

Type of Pleading: Notice of  
Deposition of Plaintiff, Angelo L. Carmella

Filed on behalf of: Defendant

Counsel of Record for this Party:  
John C. Dennison, II

Supreme Court Number: 29408

DENNISON, DENNISON & HARPER  
293 Main Street  
Brookville, Pennsylvania 15825  
(814) 849-8316

ELIZABETH CARMELLA and  
ANGELO L. CARMELLA,

Plaintiffs,

vs.

KRISTI L. CLARK,

Defendant.

\* In the Court of Common Pleas of  
\* Clearfield County, Pennsylvania  
\* Civil Action - Law

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\* No. 2008 - 204 C.D.

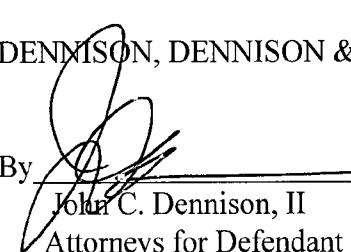
### NOTICE OF DEPOSITION

TO: ANGELO L. CARMELLA  
c/o David J. Hopkins, Esquire  
HOPKINS HELTZEL LLP  
100 Meadow Lane, Suite 5  
DuBois, PA 15801

Take notice that the deposition of **ANGELO L. CARMELLA** will be taken pursuant to the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on Friday, September 5, 2008, at 10:00 a.m., at HOPKINS HELTZEL LLP, 100 Meadow Lane, Suite 5, DuBois, PA 15801. The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

DENNISON, DENNISON & HARPER

By

  
John C. Dennison, II  
Attorneys for Defendant

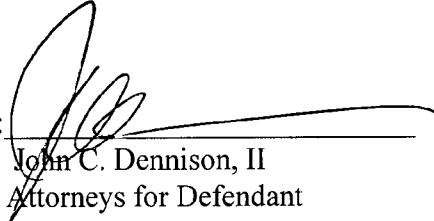
## CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_\_ day of July, 2008, a true and correct copy of the foregoing Notice of Deposition for Angelo L. Carmella, Plaintiff, was mailed by United States mail, first class, postage prepaid, addressed to the following:

David J. Hopkins, Esquire  
HOPKINS HELTZEL LLP  
100 Meadow Lane, Suite 5  
DuBois, PA 15801

Sargent's Court Reporting, Inc.  
210 Main Street  
Johnstown, PA 15901

DENNISON, DENNISON & HARPER

By:   
John C. Dennison, II  
Attorneys for Defendant

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

ELIZABETH CARMELLA AND :  
ANGELO CARMELLA :  
Plaintiff, :  
vs. : NO. 08-204-C.D.  
KRISTI CLARK :  
Defendant, :  
: :  
: :  
: :

**SCHEDULING ORDER**

AND NOW, this 8<sup>th</sup> day of January 2009, it is hereby ORDERED that Civil Jury Selection in the captioned matter be and is hereby scheduled for Thursday, January 15, 2009 at 10:30 A.M. in Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

Civil Jury Trial in the above captioned matter be is hereby scheduled for March 23 and 24, 2009 commencing at 9:00 A.M. each day in Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



Fredric J. Ammerman,  
President Judge

1/4/09 ADL  
1CC Atlys:  
Hopkins  
Dennison

S  
Court of Common  
Pleas of Clearfield County

Faxed to both attys  
by CA 1-8-09.

18109

1. ACP You are responsible for serving all appropriate parties.

2. You, the Procurator's Office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney  Other

Special Instructions:

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

ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
vs. : No. 2008-00204 C.D.  
KRISTI L. CLARK, :  
Defendant :  
: Type of Pleading: Praeclipe to Discontinue  
: Filed on behalf of: Elizabeth Carmella and  
: Angelo L. Carmella, Plaintiffs  
: Counsel of Record for this party:  
: HOPKINS HELTZEL LLP  
: DAVID J. HOPKINS, ESQUIRE  
: Attorney at Law  
: Supreme Court No. 42519  
: LEA ANN HELTZEL, ESQUIRE  
: Attorney at Law  
: Supreme Court No. 83998  
: 100 Meadow Lane, Suite 5  
: DuBois, Pennsylvania 15801  
: (814) 375-0300

3 ICC + 1 Cert of  
0/9.45 cm disc issued  
to Atty Hopkins  
William A. Shaw  
Prothonotary Clerk of Courts  
Copy to CJA

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

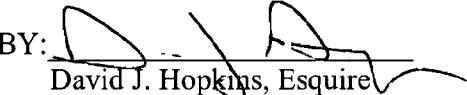
ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
vs. : No. 2008-00204 C.D.  
KRISTI L. CLARK, :  
Defendant :  
:

**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY:

Kindly mark the above captioned civil action settled and discontinued.

HOPKINS HELTZEL LLP

BY:   
David J. Hopkins, Esquire

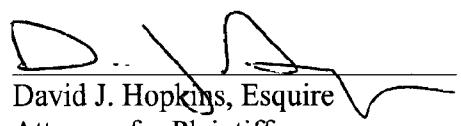
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL DIVISION)

ELIZABETH CARMELLA and :  
ANGELO L. CARMELLA, :  
Plaintiffs :  
vs. : No. 2008-00204 C.D.  
KRISTI L. CLARK, :  
Defendant :  
.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing Praeclipe to Discontinue, filed on behalf of Elizabeth Carmella and Angelo L. Carmella, was forwarded on the 29<sup>th</sup> day of January, 2009, by United States Mail, first class, postage prepaid, to all counsel of record, addressed as follows:

John C. Dennison, II, Esquire  
Dennison, Dennison & Harper  
293 Main Street  
Brookville, PA 15825

  
David J. Hopkins, Esquire  
Attorney for Plaintiffs  
Supreme Court No. 42519

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Elizabeth Carmella**  
**Angelo L. Carmella**

vs. No. 2008-00204-CD  
**Kristi L. Clark**

**CERTIFICATE OF DISCONTINUATION**

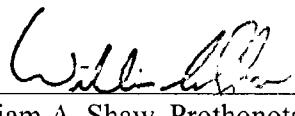
Commonwealth of PA  
County of Clearfield

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 January 30, 2009, marked:

Discontinued

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of January A.D. 2009.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary