

08-216-CB
State Farm vs Wal-Mart Transp.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

State Farm Mutual Automobile
Insurance Company
(Plaintiff)

P.O. Box 2371
(Street Address)

Bloomington, IL 61702
(City, State ZIP)

CIVIL ACTION

No. 08-216-CD

Type of Case: Negligence

Type of Pleading: Civil Action Complaint

vs.

Wal-Mart Transportation, LLC
(Defendant)

Filed on Behalf of:

Plaintiff, State Farm
(Plaintiff/Defendant)

+ Vaughn Ray Linder
Street Address Defendant

+ Pennsylvania Electric Company
City, State ZIP Defendant

+ Verizon Wireless
Defendant

FILED pd \$95.00
m/2:10 cm 3cc ATT
FEB 06 2008 2cc snff
WM

William A. Shaw
Prothonotary/Clerk of Courts

Leslie Britt, Esquire
(Filed by)

223 N. Monroe St, Media, PA 19063
(Address)

610-565-7050
(Phone)

Leslie Britt
(Signature)

03-07-269

THE LAW OFFICES OF STEWART C. CRAWFORD & ASSOCIATES
BY: Leslie Britt, Esquire
ATTORNEY I.D. # 86591
223 North Monroe Street
Media, PA 19063
Telephone: (610) 565-7050

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

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY	:	IN CIVIL LAW
P.O. Box 2371	:	
Bloomington, IL 61702	:	NO.
:		
v.	:	
:		
WAL-MART TRANSPORTATION, LLC	:	
2601 South Indian Meridan Road	:	
Pauls Valley, OK 73075	:	
:		
And	:	
:		
VAUGHN RAY LINDER	:	
RR2 Box 470	:	
Lawrenceville, PA 16929	:	
:		
And	:	
:		
PENNSYLVANIA ELECTRIC COMPANY	:	
820 South 4 th Street	:	
Clearfield, PA 16830	:	
:		
And	:	
:		
VERIZON WIRELESS	:	
350 Granite Street, 2 nd Floor	:	
Braintree, MA 02184	:	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are further 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.

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plaza al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma sus defensas o sus objeciones a las demandas en contra de su persona. Ses avisado que si usted no se defiende la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiera que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTA AVISO A UN ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO Y NO PUEDEPAGAR LOS SERVICIOS DE UN ABOGADO, DEBE COMUNICARSE CON LA SIGUIENTE OFICINA PARA AVERIGUAR DONDE PUEDE OBTENER AYUDA LEGAL.

**DAVID S. MEHOLICK
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PA 16830
(814) 765-2641 EXT. 5982**

03-07-269

THE LAW OFFICES OF STEWART C. CRAWFORD & ASSOCIATES
BY: Leslie Britt, Esquire
ATTORNEY I.D. # 86591
223 North Monroe Street
Media, PA 19063
Telephone: (610) 565-7050

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

STATE FARM MUTUAL AUTOMOBILE :	IN CIVIL LAW
INSURANCE COMPANY :	
P.O. Box 2371 :	
Bloomington, IL 61702 :	NO.
⋮	
v. :	
⋮	
WAL-MART TRANSPORTATION, LLC :	
2601 South Indian Meridan Road :	
Pauls Valley, OK 73075 :	
⋮	
And :	
⋮	
VAUGHN RAY LINDER :	
RR2 Box 470 :	
Lawrenceville, PA 16929 :	
⋮	
And :	
⋮	
PENNSYLVANIA ELECTRIC COMPANY:	
820 South 4 th Street :	
Clearfield, PA 16830 :	
⋮	
And :	
⋮	
VERIZON WIRELESS :	
350 Granite Street, 2 nd Floor :	
Braintree, MA 02184 :	
⋮	

CIVIL ACTION COMPLAINT

1. Plaintiff, State Farm Mutual Automobile Insurance Company, is an insurance company licensed and authorized to do business in the Commonwealth of Pennsylvania with one of its principal places of business at the above captioned address.
2. Defendant, Wal-Mart Transportation, LLC, is the owner of the motor vehicle involved in this accident and, at all times pertinent hereto, had as a principle place of business the above-captioned address
3. Defendant, Vaughn Ray Linder, is an adult individual and at all times relevant hereto resided at the above-captioned address and was the operator of the motor vehicle involved in this accident and did so as an agent, servant, workman or employee of the business and on the behalf of the Owner.
4. Defendant, Pennsylvania Electric Company, is a business entity authorized to do business in Pennsylvania, with a principal place of business at the above captioned address.
5. Defendant, Verizon Wireless, is a business entity authorized to do business in Pennsylvania, with a principal place of business at the above captioned address.
6. On February 14, 2006, Plaintiff provided liability insurance, insuring against the risk of loss to Robert E. and Sandra E. Bowery, hereinafter referred to as named insureds.
7. On the aforesaid date, the insured vehicle was parked on Clearfield Curwensville Highway at or near the intersection with Washington Avenue in Clearfield, Pennsylvania.
8. On the aforesaid date, Defendant Linder was traveling on Clearfield Curwensville Highway. Defendant Linder's vehicle carelessly caught the electrical wires, causing the utility pole to break and the wires to be pulled down onto the insured vehicle causing damages.
9. Plaintiff becomes liable for damages that arose out of this incident.
10. Due to this incident, expenses were incurred for damage to the insured vehicle, towing, storage and car rental.
11. Pursuant to the principles of equity, the statutory and the common law, Plaintiff is subrogated for all money paid and seeks recovery of these sums totaling \$8,552.14.

COUNT I-NEGLIGENCE

PLAINTIFF v. VAUGHN RAY LINDER

12. Plaintiff incorporates paragraphs 1 through 11 inclusive as is fully set forth at length herein.
13. The Defendant(s) is/are negligent and careless and the sole cause of this incident in that the Defendants:
 - (a). Operated the vehicle at an unsafe rate of speed;
 - (b). were inattentive;
 - (c) failed to make proper observation;
 - (d). violated local laws and the laws of the Commonwealth.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT II-NEGLIGENCE

PLAINTIFF v. WALMART TRANSPORTATION, LLC

14. Plaintiff incorporates paragraphs 1 through 13 inclusive as is fully set forth at length herein.
15. The Defendant Wal-Mart Transportation, LLC is liable under the Doctrine of Respondeat Superior for the negligence of the Defendant Linder.
16. Defendant Wal-Mart was negligent in entrusting this motor vehicle to someone who Defendant Wal-Mart knew or could have known was a dangerous, unlicensed, inexperienced or careless motor vehicle operator.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT III-NEGLIGENCE

PLAINTIFF v. PENNSYLVANIA ELECTRIC COMPANY

17. Plaintiff incorporates paragraphs 1 through 16 inclusive as is fully set forth at length herein.

18. Defendant Pennsylvania Electric is liable under the Doctrine of Respondeat Superior for the negligence of one of its employees, identity unknown, who did:

- (a). fail to properly and adequately maintain the utility pole;
- (b). fail to properly inspect the utility pole for any possible defects;
- (c). fail to discover dangerous and unsafe conditions it knew could have known existed;
- (d). fail to protect Plaintiff and others of a dangerous condition.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT IV-NEGLIGENCE

PLAINTIFF v. VERIZON WIRELESS

19. Plaintiff incorporates paragraphs 1 through 18 inclusive as is fully set forth at length herein.

20. Defendant Verizon is liable under the Doctrine of Respondeat Superior for the negligence of one of its employees, identity unknown, who did:

- (a). fail to properly and adequately maintain the electrical wires;
- (b). fail to properly inspect the electrical wires for any possible defects;
- (c). fail to discover dangerous and unsafe conditions it knew could have known existed;
- (d). fail to protect Plaintiff and others of a dangerous condition.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

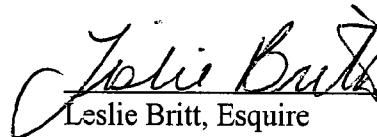


Leslie Britt, Esquire
Attorney for Plaintiff

DATE: 1/28/2008

VERIFICATION

The undersigned hereby states that she is an authorized agent of Plaintiff insurance company in this action and verifies that the statements contained in the foregoing Complaint are true and correct. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



Leslie Britt, Esquire
Attorney for Plaintiff

Date: 1/28/2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE	:
INSURANCE COMPANY	:
	:
Plaintiff	:
	:
VS.	:
	:
WAL-MART TRANSPORTATION, LLC and	: Docket # 08-216-CV
VAUGHN RAY LINDER and	:
PENNSYLVANIA ELECTRIC COMPANY and	:
VERIZON WIRELESS	: Jury Trial Demanded
	:
Defendants	:

ENTRY OF APPEARANCE

Kindly enter our appearance on behalf of Defendant **Pennsylvania Electric Company** in the above-captioned case.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD, P.C.

BY: 

Gary L. Weber ID #37648
Attorneys for Pennsylvania Electric Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
glw@mmgws.com

FILED *m10:43/64*
FEB 21 2008 *60*

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

GARY L. WEBER, hereby certifies that on this 19th day of February, 2008,
he mailed the foregoing **Entry of Appearance** to the Clearfield County Prothonotary
by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

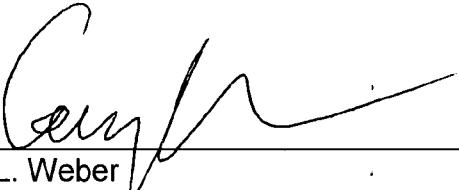
BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

The Law Offices of Stewart C. Crawford & Associates
Attention: Leslie Britt, Esquire
223 North Monroe Street
Media, PA 19063

Wal-Mart Transportation, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

Vaughn Ray Linder
RR 2 Box 470
Lawrenceville, PA 16929

Verizon Wireless
350 Granite Street, 2nd Floor
Braintree, MA 02184



Gary L. Weber

JK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

State Farm Mutual Automobile
Insurance Company
P.O Box 2371
Bloomington, IL 61702

CIVIL ACTION
CD
NO. 08-216-EV

vs.

Pennsylvania Electric Company
820 South 4th Street
Clearfield, PA 16830

Preliminary Objections

Filed on Behalf of:
Pennsylvania Electric Company
(Defendant)

Mitchell, Mitchell, Gallagher,
Weber & Southerd P.C.
Gary L. Weber, Esquire
10 West Third Street
Williamsport, PA 17701
570-323-8404



Gary L. Weber

FILED 100
m 19 2008 Atty Weber
MAR 03 2008
Clerk
William A. Shaw
Prothonotary/Clerk of Courts

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY
Plaintiff

VS.

WAL-MART TRANSPORTATION, LLC and
VAUGHN RAY LINDER and
PENNSYLVANIA ELECTRIC COMPANY and
VERIZON WIRELESS
Defendants

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

:

:

:Docket # 08-216-CV

:

:

:Jury Trial Demanded

:

FILED ^{cc}
014:00 AM
MAR 04 2008 Weber
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 4 day of March, 2008, upon
consideration of the foregoing motion, it is hereby ordered that:

- (1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;
- (2) the respondent shall file an answer to the motion within _____ days of this date;
- (3) the motion shall be decided under Pa.R.C.P. 206.7;
- (4) depositions and all other discovery shall be completed within _____ day of this date;
- (5) an evidentiary hearing on disputed issues of material fact shall be held on _____, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. _____;
- (6) argument shall be held on April 21, 2008, in Courtroom No. 1 11:00 AM of the Clearfield County Courthouse; and
- (7) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE	:
INSURANCE COMPANY	:
	:
Plaintiff	:
	:
VS.	:
	<i>CD</i>
WAL-MART TRANSPORTATION, LLC and	:
VAUGHN RAY LINDER and	:
PENNSYLVANIA ELECTRIC COMPANY and	:
VERIZON WIRELESS	Jury Trial Demanded
	:
Defendants	:

ORDER

And now this _____ of _____, 2008 Defendant Pennsylvania
Electric Company's Preliminary Objections are granted and the complaint is dismissed
as to Pennsylvania Electric Company.

By the Court,

Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE	:
INSURANCE COMPANY	:
	:
Plaintiff	:
	:
VS.	:
	:
WAL-MART TRANSPORTATION, LLC and	:Docket # 08-216-CV
VAUGHN RAY LINDER and	:
PENNSYLVANIA ELECTRIC COMPANY and	:
VERIZON WIRELESS	:Jury Trial Demanded
	:
Defendants	:

PRELIMINARY OBJECTIONS OF PENNSYLVANIA ELECTRIC COMPANY

1. On February 6, 2008, plaintiff State Farm Mutual Automobile Insurance Company filed a complaint seeking to recover damages for amounts it paid to its insured for vehicle damage.
2. The sole factual allegation with respect to the circumstances of the accident giving rise to the claim are found in paragraph 8 of the complaint, which reads as follows:

On [February 14, 2006] Defendant Linder was traveling on Clearfiled Curwensville highway. Defendant Linder's vehicle carelessly caught the electrical wires, causing the utility pole to break and wires to be pulled down onto the insured vehicle causing damages.

COUNT I
LEGAL INSUFFICIENCY OF A PLEADING

3. The averments of paragraphs 1-2 are incorporated herein by reference.
4. In Count III of the complaint, plaintiff alleges that Pennsylvania Electric

Company, through one of its employees, failed to maintain the utility pole, failed to inspect the utility pole, failed to discover dangerous and unsafe conditions and failed to protect plaintiff and others of a dangerous condition.

5. Plaintiff has alleged no facts which support any of the claims of negligence against Pennsylvania Electric Company.

6. The alleged facts support only claims of negligence on the part of defendant Linder in the operation of his vehicle.

7. The allegations of negligence against Pennsylvania Electric Company are boilerplate, without any substance.

8. Plaintiff has not stated a claim against Pennsylvania Electric Company.

WHEREFORE, Pennsylvania Electric Company requests the Court to sustain its preliminary objection and dismiss the complaint as to Pennsylvania Electric Company.

COUNT II
INSUFFICIENT SPECIFICITY OF A PLEADING

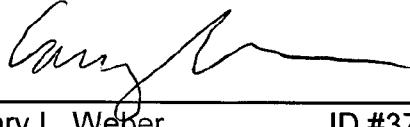
9. The averments of paragraphs 1-8 are incorporated herein by reference.

10. As set forth above, plaintiff's complaint is boilerplate and there are no facts alleged that support any claim of negligence on the part of Pennsylvania Electric Company or its employees.

11. The defendant, Pennsylvania Electric Company, is unable to answer the complaint without any information concerning the specific act or omission that plaintiff claims constituted negligence.

WHEREFORE, defendant Pennsylvania Electric Company requests the Court to dismiss the complaint against Pennsylvania Electric Company or, in the alternative, order a more specific pleading.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD, P.C.

BY 

Gary L. Weber ID #37648
Attorneys for Pennsylvania Electric Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
glw@mmgws.com

CERTIFICATE OF SERVICE

GARY L. WEBER, hereby certifies that on this 28th day of February, 2008,
he mailed the foregoing **Preliminary Objections of Pennsylvania Electric Company**
to the Clearfield County Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

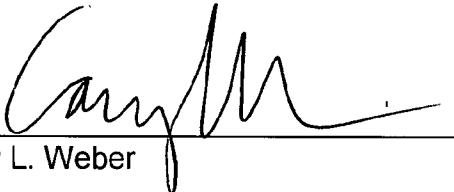
BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

The Law Offices of Stewart C. Crawford & Associates
Attention: Leslie Britt, Esquire
223 North Monroe Street
Media, PA 19063

Wal-Mart Transportation, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

Vaughn Ray Linder
RR 2 Box 470
Lawrenceville, PA 16929

Verizon Wireless
350 Granite Street, 2nd Floor
Braintree, MA 02184



Gary L. Weber

FILE #03-07-269

THE LAW OFFICES OF STEWART C. CRAWFORD & ASSOCIATES
BY: LESLIE BRITT, ESQUIRE
ATTORNEY I.D. # 86591
223 NORTH MONROE STREET
MEDIA, PA 19063
TELEPHONE: (610) 565-7050

ATTORNEY FOR PLAINTIFF
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

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

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY
P.O. Box 2371
Bloomington, IL 61702

IN CIVIL LAW

NO. 2008-00216-CD

v.

WAL-MART TRANSPORTATION, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

FILED NO
M 11/14/08
MAR 13 2008
W.A. Shaw
Prothonotary/Clerk of Courts

And

VAUGHN RAY LINDER
RR2 Box 470
Lawrenceville, PA 16929

And

PENNSYLVANIA ELECTRIC COMPANY
820 South 4th Street
Clearfield, PA 16830

And

VERIZON WIRELESS
350 Granite Street, 2nd Floor
Braintree, MA 02184

CERTIFICATE OF SERVICE

I, LESLIE BRITT, Esquire, Attorney for Plaintiff, hereby certify that a true and correct copy of the Civil Action Complaint filed in the above-entitled action was served upon defendant Wal-Mart Transportation, LLC at the address set forth below by certified mail on February 14, 2008 and upon defendant Verizon Wireless at the address set forth below by certified mail on February 15, 2008.

WAL-MART TRANSPORTATION, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

VERIZON WIRELESS
350 Granite Street, 2nd Floor
Braintree, MA 02184

3/11/08

DATE

Leslie Britt

LESLIE BRITT, ESQUIRE

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$.58

Certified Fee

2.65

Return Receipt Fee
(Endorsement Required)

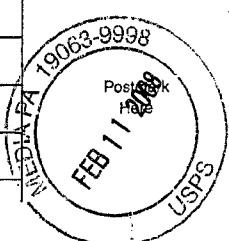
2.15

Restricted Delivery Fee
(Endorsement Required)

2.15

Total Postage & Fees

5.38



WAL-MART TRANSPORTATION LLC
2601 S INDIAN MERIDIAN RD
PAULS VALLEY OK 73075-9643

See Reverse for Instructions

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$.58

Certified Fee

2.65

Return Receipt Fee
(Endorsement Required)

2.15

Restricted Delivery Fee
(Endorsement Required)

2.15

Total Postage & Fees

5.38

Postmark
Here

WAL-MART TRANSPORTATION LLC
2601 S INDIAN MERIDIAN RD
PAULS VALLEY OK 73075-9643

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

WAL-MART TRANSPORTATION LLC
2601 S INDIAN MERIDIAN RD
PAULS VALLEY OK 73075-9643

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Deliver

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

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number:

(Transfer from service label)

7007 0220 0002 2566 9901

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

WAL-MART TRANSPORTATION LLC
2601 S INDIAN MERIDIAN RD
PAULS VALLEY OK 73075-9643

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent
 Addressee

B. Received by (Printed Name)

Jerry Brum

C. Date of Delivery

2-14-08

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

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number:

(Transfer from service label)

7007 0220 0002 2566 9901

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.58
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.38

Sen.
Site
or P
City
VERIZON WIRELESS
350 GRANITE ST 2ND FL
BRAINTREE MA 02184

PSF

19063-9998
Postmark Here
FEB 11 2004
USPS



**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.58
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.38

Postmark
Here

Sen.
Site
or P
City
VERIZON WIRELESS
350 GRANITE ST 2ND FL
BRAINTREE MA 02184

PSF

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

VERIZON WIRELESS
350 GRANITE ST 2ND FL
BRAINTREE MA 02184

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7007 0220 0002 2566 9918

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

VERIZON WIRELESS
350 GRANITE ST 2ND FL
BRAINTREE MA 02184

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

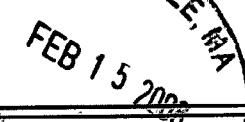
Agent
 Addressee

B. Received by (Printed Name)

B. Zappi

C. Date of Delivery

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



3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7007 0220 0002 2566 9918

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

FILE #03-07-269

THE LAW OFFICES OF STEWART C. CRAWFORD & ASSOCIATES

BY: LESLIE BRITT, ESQUIRE

ATTORNEY I.D. # 86591

223 NORTH MONROE STREET

MEDIA, PA 19063

TELEPHONE: (610) 565-7050

ATTORNEY FOR PLAINTIFF

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

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

STATE FARM MUTUAL AUTOMOBILE : IN CIVIL LAW
INSURANCE COMPANY :
P.O. Box 2371 :
Bloomington, IL 61702 : NO. 2008-00216-CD

v.

WAL-MART TRANSPORTATION, LLC :
2601 South Indian Meridan Road :
Pauls Valley, OK 73075 :
And :
:

VAUGHN RAY LINDER :
RR2 Box 470 :
Lawrenceville, PA 16929 :
And :
:

PENNSYLVANIA ELECTRIC COMPANY :
820 South 4th Street :
Clearfield, PA 16830 :
And :
:

VERIZON WIRELESS :
350 Granite Street, 2nd Floor :
Braintree, MA 02184 :
And :
:

FILED
M 11/14/08
MAR 13 2008
NO CC
(6P)

William A. Shaw
Prothonotary/Clerk of Courts

AMENDED CIVIL ACTION COMPLAINT

1. Plaintiff, State Farm Mutual Automobile Insurance Company, is an insurance company licensed and authorized to do business in the Commonwealth of Pennsylvania with one of its principal places of business at the above captioned address.

2. Defendant, Wal-Mart Transportation, LLC, is the owner of the motor vehicle involved in this accident and, at all times pertinent hereto, had as a principle place of business the above-captioned address
3. Defendant, Vaughn Ray Linder, is an adult individual and at all times relevant hereto resided at the above-captioned address and was the operator of the motor vehicle involved in this accident and did so as an agent, servant, workman or employee of the business and on the behalf of the Owner.
4. Defendant, Pennsylvania Electric Company, is a business entity authorized to do business in Pennsylvania, with a principal place of business at the above captioned address and owned and maintained the utility pole involved in this accident.
5. Defendant, Verizon Wireless, is a business entity authorized to do business in Pennsylvania, with a principal place of business at the above captioned address and owned and maintained the electrical and/or telephone wires involved in this accident.
6. On February 14, 2006, Plaintiff provided liability insurance, insuring against the risk of loss to Robert E. and Sandra E. Bowery, hereinafter referred to as named insureds.
7. On the aforesaid date, the insured vehicle was parked on Clearfield Curwensville Highway at or near the intersection with Washington Avenue in Clearfield, Pennsylvania.
8. On the aforesaid date, the vehicle owned by Defendant, Wal-Mart Transportation, LLC, and driven by Defendant Linder was traveling on Clearfield Curwensville Highway. Defendants' vehicle carelessly caught the wires hanging from a negligently maintained and partially rotted utility pole, causing the utility pole to break and the wires to be pulled down onto the insured vehicle causing damages.
9. Plaintiff becomes liable for damages that arose out of this incident.
10. Due to this incident, expenses were incurred for damage to the insured vehicle, towing, storage and car rental.
11. Pursuant to the principles of equity, the statutory and the common law, Plaintiff is subrogated for all money paid and seeks recovery of these sums totaling \$8,552.14.

COUNT I-NEGLIGENCE

PLAINTIFF v. VAUGHN RAY LINDER

12. Plaintiff incorporates paragraphs 1 through 11 inclusive as is fully set forth at length herein.
13. The Defendants is negligent and careless and the sole cause of this incident in that the Defendant:
 - (a) Operated the vehicle at an unsafe rate of speed;
 - (b) Was inattentive;
 - (c) Failed to make proper observation;
 - (d) Violated local laws and the laws of the Commonwealth.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT II-NEGLIGENCE

PLAINTIFF v. WALMART TRANSPORTATION, LLC

14. Plaintiff incorporates paragraphs 1 through 13 inclusive as is fully set forth at length herein.
15. The Defendant Wal-Mart Transportation, LLC is liable under the Doctrine of Respondeat Superior for the negligence of the Defendant Linder.
16. Defendant Wal-Mart was negligent in entrusting this motor vehicle to someone who Defendant Wal-Mart knew or could have known was a dangerous, unlicensed, inexperienced or careless motor vehicle operator.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT III-NEGLIGENCE

PLAINTIFF v. PENNSYLVANIA ELECTRIC COMPANY

17. Plaintiff incorporates paragraphs 1 through 16 inclusive as is fully set forth at length herein.

18. Defendant Pennsylvania Electric is liable under the Doctrine of Respondeat Superior for the negligence of one of its employees, identity unknown, who did:

- (a) Failed to properly and adequately maintain the utility pole;
- (b) Failed to properly inspect the utility pole for any possible defects;
- (c) Failed to discover dangerous and unsafe conditions it knew could have known existed;
- (d) Failed to protect Plaintiff and others of a dangerous condition.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT IV-NEGLIGENCE

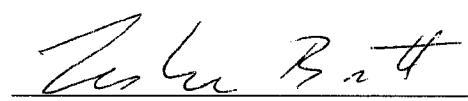
PLAINTIFF v. VERIZON WIRELESS

19. Plaintiff incorporates paragraphs 1 through 18 inclusive as is fully set forth at length herein.

20. Defendant Verizon is liable under the Doctrine of Respondeat Superior for the negligence of one of its employees, identity unknown, who did:

- (a) Failed to properly and adequately maintain the electrical and/or telephone wires;
- (b) Failed to properly inspect the electrical and/or telephone wires for any possible defects;
- (c) Failed to discover dangerous and unsafe conditions it knew could have known existed;
- (d) Failed to protect Plaintiff and others of a dangerous condition.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

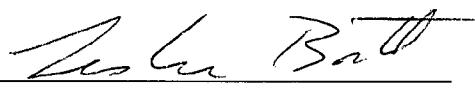


Leslie Britt
LESLIE BRITT, ESQUIRE
ATTORNEY FOR PLAINTIFF
State Farm Mutual Automobile Insurance Company

DATE: 3/11/08

VERIFICATION

The undersigned hereby states that she is an authorized agent of Plaintiff insurance company in this action and verifies that the statements contained in the foregoing Amended Complaint are true and correct. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



LESLIE BRITT, ESQUIRE
ATTORNEY FOR PLAINTIFF
State Farm Mutual Automobile Insurance Company

DATE: 3/11/08

CERTIFICATE OF SERVICE

LESLIE BRITT, hereby certifies that on March 11, 2008 she mailed the foregoing **Amended Complaint** in this matter to the Clearfield County Prothonotary by U.S. Mail, postage prepaid, first class rates.

She further certifies that a true and correct copy has been mailed to the following by U.S. Mail, postage prepaid, first class rates this same date.

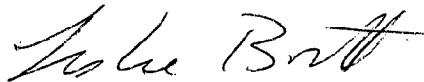
BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

WAL-MART TRANSPORTATION, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

VAUGHN RAY LINDER
RR2 Box 470
Lawrenceville, PA 16929

GARY L. WEBER, ESQUIRE
10 West Third Street
Williamsport, PA 17701

VERIZON WIRELESS
350 Granite Street, 2nd Floor
Braintree, MA 02184



LESLIE BRITT, ESQUIRE

HARVEY, PENNINGTON LTD.
BY: ERNEST J. BERNABEI, III
IDENTIFICATION NO.: 46359
1800 JOHN F. KENNEDY BLVD., SUITE 1300
PHILADELPHIA, PA 19103
(215) 563-4470

**Attorneys for Defendant,
Verizon Pennsylvania Inc. (incorrectly identified as Verizon Wireless))**

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Plaintiff

v.
VERIZON WIRELESS, ET AL.

Defendants

NO: 2008-00216-CD

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Defendant, Verizon Pennsylvania Inc.
(incorrectly identified as Verizon Wireless), in the above captioned action.


ERNEST J. BERNABEI, III
Attorney for Defendant,
Verizon Pennsylvania Inc.
(incorrectly identified as Verizon Wireless)

ED no cc
m/12/4567
APR 03 2008
Copy to
William A. Shaw
Prothonotary/Clerk of Courts
CIA

CERTIFICATE OF SERVICE

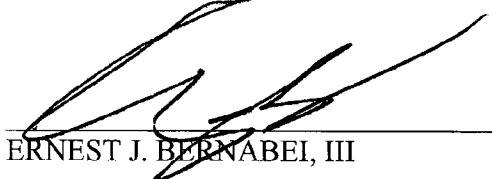
I hereby certify that I caused a true and correct copy of the foregoing Entry of Appearance to be served by United States First Class Mail, postage prepaid, on March 31, 2008, upon:

Leslie Britt, Esquire
Law Offices of Stewart C. Crawford & Associates
223 North Monroe Street
Media, PA 19063

Wal-Mart Transportation LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

Philadelphia Electric Company
820 South 4th Street
Clearfield, PA 16830

Vaughn Ray Linder
RR2, Box 470
Lawrenceville, PA 16929



ERNEST J. BERNABEI, III

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE :
INSURANCE COMPANY :
Plaintiff :
VS. :
WAL-MART TRANSPORTATION, LLC and :
VAUGHN RAY LINDER and :
PENNSYLVANIA ELECTRIC COMPANY and :
VERIZON WIRELESS :
: Docket # 08-216-^{CD}EV
: Jury Trial Demanded

NOTICE TO PI FAD TO THE ENCL QSED CROSS-CL AIM

To:

**Wal-Mart Transportation, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075**

**Vaughn Ray Linder
RR 2 Box 470
Lawrenceville, PA 16929**

**Verizon Wireless
350 Granite Street, 2nd Floor
Braintree, MA 02184**

YOU are hereby notified and required to plead to the Cross-claim within twenty (20) days from the date of service hereof.

NOTE: YOU are hereby warned that if you fail to plead as notified and required, the action will proceed without you and you will be liable to have a default judgment entered against you in your absence.

MITCHELL MITCHELL GALLAGHER
WEBER & SOUTHDARD P.C.

BY:

Gary L. Weber ID#37648
Attorneys for Defendant Pennsylvania Electric
Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404

31242611
APR 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty Weber

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE	:
INSURANCE COMPANY	:
	:
Plaintiff	:
	:
VS.	:
	:
WAL-MART TRANSPORTATION, LLC and	:Docket # 08-216-CV
VAUGHN RAY LINDER and	:
PENNSYLVANIA ELECTRIC COMPANY and	:
VERIZON WIRELESS	:Jury Trial Demanded
	:
Defendants	:

ANSWER AND CROSS-CLAIM

1. Admitted
2. Admitted
3. Admitted
4. Admitted that Pennsylvania Electric Company is a business entity authorized to do business in Pennsylvania and that it has a place of business at the address set forth in the amended complaint. Admitted that the utility pole was owned and maintained by Pennsylvania Electric Company. By way of further answer, to the extent that the averments of this paragraph infer that Pennsylvania Electric Company maintained all of the wires on said pole, said inference is denied. Pennsylvania Electric Company maintained electric wires on said pole but did not maintain other wires or cables which were attached to said pole by other companies pursuant to a joint use agreement.
5. Admitted except that it is denied that Verizon Wireless owned or maintained

electrical wires extending from the pole.

6. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

7. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

8. Denied that the utility pole owned by defendant Pennsylvania Electric Company was either negligently maintained or partially rotted. To the contrary, said pole was properly maintained and was in sound condition. It is also denied that the utility pole broke or that wires were pulled down due to any negligence of Pennsylvania Electric Company or any defect in the utility pole; to the contrary, said utility pole was snapped due to the negligence of the defendants Wal-mart Transportation and Linder in operating the vehicle and due to the negligence of Verizon in connecting its line to a pole. The remainder of the paragraph is admitted.

9. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

10. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

11. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

COUNT I
NEGLIGENCE
PLAINTIFF VS. VAUGH RAY LINDER

12. The averments of paragraphs 1-11 of this answer are incorporated herein by reference.

13. Admitted

COUNT II
NEGLIGENCE
PLAINTIFF VS. WAL-MART TRANSPORTATION LLC

14. The averments of paragraphs 1-13 of this answer are incorporated herein by reference.

15. Admitted

16. Admitted

COUNT III
NEGLIGENCE
PLAINTIFF V. PENNSYLVANIA ELECTRIC COMPANY

17. The averments of paragraphs 1-16 of this answer are incorporated herein by reference.

18. Denied pursuant to Pa. R. C. P. No. 1029 (e).

COUNT VI
NEGLIGENCE
PLAINTIFF VS. VERIZON WIRELESS

19. The averments paragraphs 1-18 are incorporated herein by reference.

20. Admitted

CROSS-CLAIM
PLAINTIFF V. VAUGHN RAY LINDER , WAL-MART TRANSPORTATION LLC &
VERIZON WIRELESS

21. The averments of paragraphs 1-20 of this answer are incorporated herein by reference.

22. Pennsylvania Electric Company incorporates herein the averments of paragraphs 13, 15, 16 and 20 of the complaint.

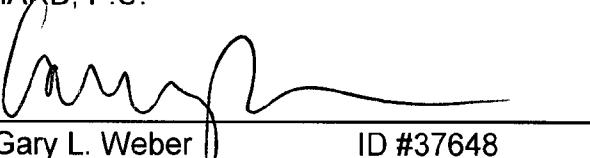
23. The plaintiff's damages, if any there were, are solely the result of the negligence of Vaughn Ray Linder, Wal-mart Transportation, LLC and Verizon Wireless.

24. To the extent that Pennsylvania Electric Company is found to owe damages

to plaintiff, Pennsylvania Electric Company is entitled to be indemnified or for contribution from Vaughn Ray Linder, Wal-mart Transportation LLC and Verizon Wireless due to their negligence.

WHEREFORE, Pennsylvania Electric Company requests the Court to find in its favor and against plaintiff, or in the alternative, to find in its favor against Vaughn Ray Linder, Wal-mart Transportation LLC and/or Verizon Wireless for indemnity or contribution.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD, P.C.

BY: 

Gary L. Weber ID #37648
Attorneys for Pennsylvania Electric Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
glw@mmgws.com

VERIFICATION

Chris Carson hereby verifies that he is a Claims Representative for the Defendant in the foregoing action, and as such, states that the facts set forth in the foregoing **Answer and New Matter** are true and correct to the best of his knowledge or information and belief and that this verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.


Chris Carson

DATED: 3/31/08

CERTIFICATE OF SERVICE

GARY L. WEBER, hereby certifies that on this 1st day of April, 2008,
he mailed the foregoing **Answer and New Matter** to the Clearfield County
Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

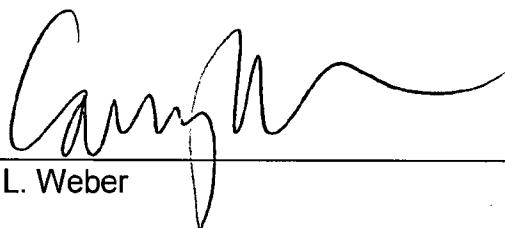
BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

The Law Offices of Stewart C. Crawford & Associates
Attention: Leslie Britt, Esquire
223 North Monroe Street
Media, PA 19063

Wal-Mart Transportation, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

Vaughn Ray Linder
RR 2 Box 470
Lawrenceville, PA 16929

Verizon Wireless
350 Granite Street, 2nd Floor
Braintree, MA 02184



Gary L. Weber

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

Plaintiff

VS.

**WAL-MART TRANSPORTATION, LLC and
VAUGHN RAY LINDER and
PENNSYLVANIA ELECTRIC COMPANY and
VERIZON WIRELESS**

: Docket # 08-216-*CD*
CV

: Jury Trial Demanded

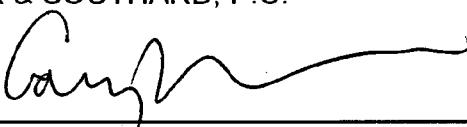
Defendants

PRAECIPE TO ATTACH A VERIFICATION TO ANSWER AND CROSS-CLAIM

TO THE PROTHONOTARY:

Kindly enter the attached verification of the Chris Carson, Claims Representative to the Answer and Cross-claim, in the above referenced matter.

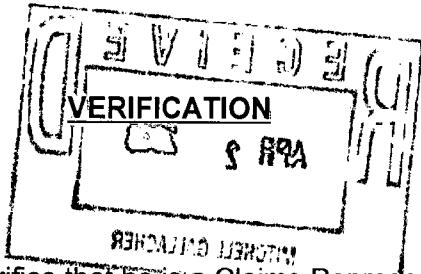
MITCHELL MITCHELL GALLAGHER
WEBER & SOUTHDARD, P.C.

BY: 

Gary L. Weber ID #37648
Attorneys for Pennsylvania Electric Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
glw@mmgsw.com

FILED
m79:0/b4 *WCC*
APR 07 2008 *(GP)*

William A. Shaw
Prothonotary/Clerk of Courts

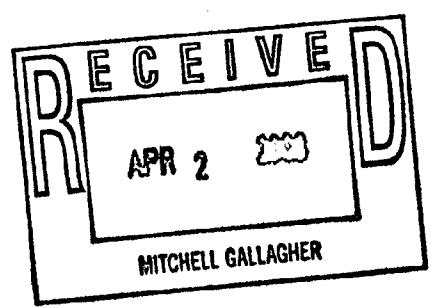


Chris Carson hereby verifies that he is a Claims Representative for the Defendant in the foregoing action, and as such, states that the facts set forth in the foregoing **Answer and New Matter** are true and correct to the best of his knowledge or information and belief and that this verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.



Chris Carson

DATED: 3/31/08



CERTIFICATE OF SERVICE

GARY L. WEBER, hereby certifies that on this 3rd day of April, 2008,
he mailed the foregoing **Praecipe to Attach a Verification to the Answer and Cross-claim** to the Clearfield County Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following by U.S. Mail, postage prepaid, first class rates this same date:

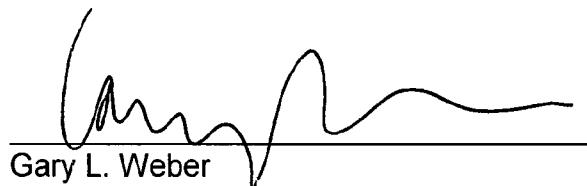
BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

The Law Offices of Stewart C. Crawford & Associates
Attention: Leslie Britt, Esquire
223 North Monroe Street
Media, PA 19063

Wal-Mart Transportation, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

Vaughn Ray Linder
RR 2 Box 470
Lawrenceville, PA 16929

Verizon Wireless
350 Granite Street, 2nd Floor
Braintree, MA 02184



A handwritten signature in black ink, appearing to read "Gary L. Weber", is written over a horizontal line. The signature is fluid and cursive, with a prominent initial 'G' and 'L'.

Stephen E. Geduldig, Esquire
E-mail: sggeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAVER, LLP
305 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999

FAX (717) 237-7105

FILED NO CC
M 11:03 PM
APR 21 2008 Copy to CJA
William A. Shaw
Prothonotary/Clerk of Courts
GC

Attorneys for Defendant:
VAUGHN RAY LINDER

STATE FARM MUTUAL AUTOMOBILE : IN THE COURT OF COMMON PLEAS OF
INSURANCE COMPANY, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff :
: :
v. : No. 08-216-CD
: :
WAL-MART TRANSPORTATION, LLC :
and VAUGHN RAY LINDER and :
PENNSYLVANIA ELECTRIC :
COMPANY and VERIZON WIRELESS, :
Defendants : JURY TRIAL DEMANDED

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of Stephen E. Geduldig, Esquire, Stephanie L. Hersperger, Esquire, and Thomas, Thomas & Hafer, LLP, as attorneys for Defendant, Vaughn Ray Linder, in the above-captioned matter, reserving our right to answer or otherwise plead to Plaintiff's Complaint.

Respectfully submitted,

THOMAS, THOMAS & HAVER, LLP

By:


STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

STEPHANIE L. HERSPERGER, ESQUIRE
Attorney I.D. No. 78735

Attorneys for Defendant,
VAUGHN RAY LINDER

4/17/08
576424.2

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the 17th day of April, 2008, on all counsel of record as follows:

Leslie Britt, Esquire
LAW OFFICES OF STEWARD C. CRAWFORD & ASSOCS.
223 North Monroe Street
Media, Pennsylvania 19063

Attorneys for Plaintiff

Gary L. Weber, Esquire
MITCHELL, MITCHELL, GALLAGHER
10 West Third Street
Williamsport, Pennsylvania 17701-6513

Attorneys for Defendant, PA Electric Company

Verizon Wireless
350 Granite Street, Second Floor
Braintree, MA 02184

Defendant, Verizon Wireless

THOMAS, THOMAS & HAVER, LLP



Stephen E. Geduldig, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE :
INSURANCE COMPANY :
Plaintiff :
VS. :
WAL-MART TRANSPORTATION, LLC and : Docket # 08-216-CD
VAUGHN RAY LINDER and :
PENNSYLVANIA ELECTRIC COMPANY and :
VERIZON WIRELESS : Jury Trial Demanded
Defendants :
VS. :
VERIZON PENNSYLVANIA, INC., :
Additional Defendant :
M 11:12 PM
APR 23 2008
FILED
Weber
Icc Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
RK

NOTICE TO DEFEND

TO: Verizon Pennsylvania, Inc.
1717 Arch Street 47th Floor
Philadelphia, PA 19103

YOU have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an attorney for 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 Defendants. 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH THE INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

IF YOU DO NOT HAVE A LAWYER CONTACT:

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street, P.O. Box 186
Harrisburg, PA 17108-0186
Telephone (800) 692-7375

IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR
LEGAL AID THROUGH:

North Penn Legal Services
329 Market Street
Williamsport PA 17701
(570) 323-8741

MITCHELL MITCHELL GALLAGHER WEBER &
SOUTHARD, P.C.

BY


Gary L. Weber ID #37648
Attorney for Pennsylvania Electric Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY	:
	:
Plaintiff	:
	:
VS.	:
	Docket # 08-216-CD
WAL-MART TRANSPORTATION, LLC and	:
VAUGHN RAY LINDER and	:
PENNSYLVANIA ELECTRIC COMPANY and	:
VERIZON WIRELESS	Jury Trial Demanded
	:
Defendants	:
	:
VS.	:
	:
VERIZON PENNSYLVANIA, INC.,	:
	:
Additional Defendant	:

ADDITIONAL DEFENDANT COMPLAINT

1. State Farm Mutual Automobile Insurance Company with an address of P.O Box 2371, Bloomington, Illinois has filed a complaint alleging that it is an insurance company licensed to do business in the Commonwealth of Pennsylvania. See the amended civil action complaint attached hereto as Exhibit "A".
2. State Farm further alleges that on February 14, 2006, it provided automobile insurance to Robert and Sandra Bowery.
3. State Farm further alleges that defendant Wal-mart Transportation, LLC, 2601 South Indian Meridan Road, Pauls Valley, Oklahoma, 73075, was the owner of a motor vehicle involved in an accident on the aforesaid date.
4. State Farm further alleges that Vaughn Ray Linder, is an adult individual who

resides at RR 2, Box 470, Lawrenceville, PA 16929. Linder is alleged to be the operator of the vehicle owned by Wal-Mart Transportation, LLC on the date of the incident alleged in the complaint.

5. State Farm further alleges that Pennsylvania Electric Company, 820 South 4th Street, Clearfield, PA 16830, was the owner of a utility pole that was involved in an accident.

6. State Farm further alleges that Verizon Wireless, 350 Granite Street, 2nd Floor, Braintree, MA 02184, was a business entity authorized to do business in Pennsylvania and that Verizon Wireless owned and maintained electrical and/or telephone wires involved in the accident.

7. The complaint alleges that on February 14, 2006, the vehicle owned by Robert and Sandra Bowery was damaged when the Wal-Mart Transportation vehicle, driven by Vaughn Ray Linder carelessly caught wires hanging from a utility pole causing the utility pole to break and the wires to be pulled down on the Bowery vehicle.

8. State Farm further alleges that it was required to pay to Robert and Sandra Bowery the sum of \$8552.14 for repairs, towing, storage and car rental with respect to their vehicle, and that State Farm is subrogated to the Bowerys' interests to recover damages.

9. Pennsylvania Electric Company has filed an answer to the amended complaint denying that it was in any way negligent in the maintenance of its utility pole or any of the wires that it was responsible for maintaining. See answer and cross-claim attached hereto as Exhibit "B".

10. The aforesaid answer and cross-claim does assert a cross-claim against all

of the co-defendants on the basis that, if State Farm is able to establish the averments of negligence in paragraphs 13, 15, 16 and 20 of the complaint, then those defendants are solely responsible for the alleged damages.

11. In the alternative, upon information and belief, the proper entity responsible for maintenance of certain utility wires on the poles in question and the connections between the wires and the poles is the additional defendant Verizon Pennsylvania, Inc.

12. Upon information and belief, Verizon Pennsylvania, Inc was negligent for the reasons set fourth in paragraph 20 of the amended complaint, which paragraph is incorporated herein by reference.

13. Upon information and belief, Verizon Pennsylvania, Inc, was negligent for failing to maintain the connections between the wires and the poles thereby allowing wires to hang low from said poles.

14. Under the circumstances alleged by State Farm and as further alleged above, Verizon Pennsylvania, Inc, may be solely liable to the plaintiff.

15. To the extent that Pennsylvania Electric Company is found to owe damages to plaintiff, Pennsylvania Electric Company is entitled to be indemnified by, or to obtain contribution from Verizon Pennsylvania, Inc.

WHEREFORE, Pennsylvania Electric Company requests the Court to find in its favor against plaintiff, or in the alternative, to find in its favor against Verizon Pennsylvania, Inc. for indemnity or contribution.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD, P.C.

BY: 

Gary L. Weber ID #37648
Attorneys for Pennsylvania Electric Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
glw@mmgws.com

VERIFICATION

Chris Carson hereby verifies that he is a Claims Representative for the Defendant Pennsylvania Electric Company in the foregoing action, and as such, states that the facts set forth in the foregoing **Additional Defendant Complaint** are true and correct to the best of his knowledge or information and belief and that this verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.



Chris Carson

DATED: 4/16/08

COPY

FILE #03-07-269

THE LAW OFFICES OF STEWART C. CRAWFORD & ASSOCIATES

BY: LESLIE BRITT, ESQUIRE

ATTORNEY I.D. # 86591

223 NORTH MONROE STREET

MEDIA, PA 19063

TELEPHONE: (610) 565-7050

ATTORNEY FOR PLAINTIFF

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

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

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY
P.O. Box 2371
Bloomington, IL 61702

IN CIVIL LAW

NO. 2008-00216-CD

v.

WAL-MART TRANSPORTATION, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

And

VAUGHN RAY LINDER
RR2 Box 470
Lawrenceville, PA 16929

And

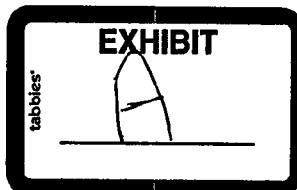
PENNSYLVANIA ELECTRIC COMPANY
820 South 4th Street
Clearfield, PA 16830

And

VERIZON WIRELESS
350 Granite Street, 2nd Floor
Braintree, MA 02184

AMENDED CIVIL ACTION COMPLAINT

1. Plaintiff, State Farm Mutual Automobile Insurance Company, is an insurance company licensed and authorized to do business in the Commonwealth of Pennsylvania with one of its principal places of business at the above captioned address.



2. Defendant, Wal-Mart Transportation, LLC, is the owner of the motor vehicle involved in this accident and, at all times pertinent hereto, had as a principle place of business the above-captioned address
3. Defendant, Vaughn Ray Linder, is an adult individual and at all times relevant hereto resided at the above-captioned address and was the operator of the motor vehicle involved in this accident and did so as an agent, servant, workman or employee of the business and on the behalf of the Owner.
4. Defendant, Pennsylvania Electric Company, is a business entity authorized to do business in Pennsylvania, with a principal place of business at the above captioned address and owned and maintained the utility pole involved in this accident.
5. Defendant, Verizon Wireless, is a business entity authorized to do business in Pennsylvania, with a principal place of business at the above captioned address and owned and maintained the electrical and/or telephone wires involved in this accident.
6. On February 14, 2006, Plaintiff provided liability insurance, insuring against the risk of loss to Robert E. and Sandra E. Bowery, hereinafter referred to as named insureds.
7. On the aforesaid date, the insured vehicle was parked on Clearfield Curwensville Highway at or near the intersection with Washington Avenue in Clearfield, Pennsylvania.
8. On the aforesaid date, the vehicle owned by Defendant, Wal-Mart Transportation, LLC, and driven by Defendant Linder was traveling on Clearfield Curwensville Highway. Defendants' vehicle carelessly caught the wires hanging from a negligently maintained and partially rotted utility pole, causing the utility pole to break and the wires to be pulled down onto the insured vehicle causing damages.
9. Plaintiff becomes liable for damages that arose out of this incident.
10. Due to this incident, expenses were incurred for damage to the insured vehicle, towing, storage and car rental.
11. Pursuant to the principles of equity, the statutory and the common law, Plaintiff is subrogated for all money paid and seeks recovery of these sums totaling \$8,552.14.

COUNT I-NEGLIGENCE

PLAINTIFF v. VAUGHN RAY LINDER

12. Plaintiff incorporates paragraphs 1 through 11 inclusive as is fully set forth at length herein.
13. The Defendants is negligent and careless and the sole cause of this incident in that the Defendant:
 - (a) Operated the vehicle at an unsafe rate of speed;
 - (b) Was inattentive;
 - (c) Failed to make proper observation;
 - (d) Violated local laws and the laws of the Commonwealth.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT II-NEGLIGENCE

PLAINTIFF v. WALMART TRANSPORTATION, LLC

14. Plaintiff incorporates paragraphs 1 through 13 inclusive as is fully set forth at length herein.
15. The Defendant Wal-Mart Transportation, LLC is liable under the Doctrine of Respondeat Superior for the negligence of the Defendant Linder.
16. Defendant Wal-Mart was negligent in entrusting this motor vehicle to someone who Defendant Wal-Mart knew or could have known was a dangerous, unlicensed, inexperienced or careless motor vehicle operator.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT III-NEGLIGENCE

PLAINTIFF v. PENNSYLVANIA ELECTRIC COMPANY

17. Plaintiff incorporates paragraphs 1 through 16 inclusive as is fully set forth at length herein.

18. Defendant Pennsylvania Electric is liable under the Doctrine of Respondeat Superior for the negligence of one of its employees, identity unknown, who did:

- (a) Failed to properly and adequately maintain the utility pole;
- (b) Failed to properly inspect the utility pole for any possible defects;
- (c) Failed to discover dangerous and unsafe conditions it knew could have known existed;
- (d) Failed to protect Plaintiff and others of a dangerous condition.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

COUNT IV-NEGLIGENCE

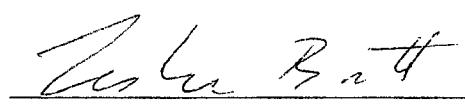
PLAINTIFF v. VERIZON WIRELESS

19. Plaintiff incorporates paragraphs 1 through 18 inclusive as is fully set forth at length herein.

20. Defendant Verizon is liable under the Doctrine of Respondeat Superior for the negligence of one of its employees, identity unknown, who did:

- (a) Failed to properly and adequately maintain the electrical and/or telephone wires;
- (b) Failed to properly inspect the electrical and/or telephone wires for any possible defects;
- (c) Failed to discover dangerous and unsafe conditions it knew could have known existed;
- (d) Failed to protect Plaintiff and others of a dangerous condition.

WHEREFORE, Plaintiff demands judgment for \$8,552.14 plus interest and costs of suit.

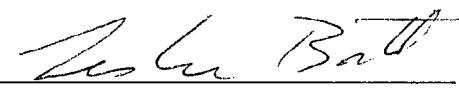


Leslie Britt
LESLIE BRITT, ESQUIRE
ATTORNEY FOR PLAINTIFF
State Farm Mutual Automobile Insurance Company

DATE: 3/11/08

VERIFICATION

The undersigned hereby states that she is an authorized agent of Plaintiff insurance company in this action and verifies that the statements contained in the foregoing Amended Complaint are true and correct. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



LESLIE BRITT, ESQUIRE
ATTORNEY FOR PLAINTIFF
State Farm Mutual Automobile Insurance Company

DATE: 3/11/08

CERTIFICATE OF SERVICE

LESLIE BRITT, hereby certifies that on March 11, 2008 she mailed the foregoing **Amended Complaint** in this matter to the Clearfield County Prothonotary by U.S. Mail, postage prepaid, first class rates.

She further certifies that a true and correct copy has been mailed to the following by U.S. Mail, postage prepaid, first class rates this same date.

BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

WAL-MART TRANSPORTATION, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

VAUGHN RAY LINDER
RR2 Box 470
Lawrenceville, PA 16929

GARY L. WEBER, ESQUIRE
10 West Third Street
Williamsport, PA 17701

VERIZON WIRELESS
350 Granite Street, 2nd Floor
Braintree, MA 02184

*3/11/08
Leslie Britt*

Leslie Britt
LESLIE BRITT, ESQUIRE

THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

Plaintiff :

VS. :

WAL-MART TRANSPORTATION, LLC and : Docket # 08-216-CV

VAUGHN RAY LINDER and :

PENNSYLVANIA ELECTRIC COMPANY and :

VERIZON WIRELESS : Jury Trial Demanded

Defendants :

NOTICE TO PLEAD TO THE ENCLOSED CROSS-CLAIM

To:

**Wal-Mart Transportation, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075**

**Vaughn Ray Linder
RR 2 Box 470
Lawrenceville, PA 16929**

**Verizon Wireless
350 Granite Street, 2nd Floor
Braintree, MA 02184**

YOU are hereby notified and required to plead to the Cross-claim within twenty (20) days from the date of service hereof.

NOTE: YOU are hereby warned that if you fail to plead as notified and required, the action will proceed without you and you will be liable to have a default judgment entered against you in your absence.

**MITCHELL MITCHELL GALLAGHER
WEBER & SOUTHDARD P.C.**

BY:


Gary L. Weber ID#37648
Attorneys for Defendant Pennsylvania Electric
Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404





THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

STATE FARM MUTUAL AUTOMOBILE	:
INSURANCE COMPANY	:
 Plaintiff	:
 VS.	:
 WAL-MART TRANSPORTATION, LLC and	:Docket # 08-216-CV
VAUGHN RAY LINDER and	:
PENNSYLVANIA ELECTRIC COMPANY and	:
VERIZON WIRELESS	:Jury Trial Demanded
 Defendants	:

ANSWER AND CROSS-CLAIM

1. Admitted
2. Admitted
3. Admitted
4. Admitted that Pennsylvania Electric Company is a business entity authorized to do business in Pennsylvania and that it has a place of business at the address set forth in the amended complaint. Admitted that the utility pole was owned and maintained by Pennsylvania Electric Company. By way of further answer, to the extent that the averments of this paragraph infer that Pennsylvania Electric Company maintained all of the wires on said pole, said inference is denied. Pennsylvania Electric Company maintained electric wires on said pole but did not maintain other wires or cables which were attached to said pole by other companies pursuant to a joint use agreement.

5. Admitted except that it is denied that Verizon Wireless owned or maintained

electrical wires extending from the pole.

6. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

7. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

8. Denied that the utility pole owned by defendant Pennsylvania Electric Company was either negligently maintained or partially rotted. To the contrary, said pole was properly maintained and was in sound condition. It is also denied that the utility pole broke or that wires were pulled down due to any negligence of Pennsylvania Electric Company or any defect in the utility pole; to the contrary, said utility pole was snapped due to the negligence of the defendants Wal-mart Transportation and Linder in operating the vehicle and due to the negligence of Verizon in connecting its line to a pole. The remainder of the paragraph is admitted.

9. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

10. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

11. After reasonable investigation, the answering defendant is without knowledge or information sufficient to form a belief as to the truth of this averment.

COUNT I
NEGLIGENCE
PLAINTIFF VS. VAUGH RAY LINDER

12. The averments of paragraphs 1-11 of this answer are incorporated herein by reference.

13. Admitted

COUNT II
NEGLIGENCE
PLAINTIFF VS. WAL-MART TRANSPORTATION LLC

14. The averments of paragraphs 1-13 of this answer are incorporated herein by reference.

15. Admitted

16. Admitted

COUNT III
NEGLIGENCE
PLAINTIFF V. PENNSYLVANIA ELECTRIC COMPANY

17. The averments of paragraphs 1-16 of this answer are incorporated herein by reference.

18. Denied pursuant to Pa. R. C. P. No. 1029 (e).

COUNT VI
NEGLIGENCE
PLAINTIFF VS. VERIZON WIRELESS

19. The averments paragraphs 1-18 are incorporated herein by reference.

20. Admitted

CROSS-CLAIM
PLAINTIFF V. VAUGHN RAY LINDER, WAL-MART TRANSPORTATION LLC &
VERIZON WIRELESS

21. The averments of paragraphs 1-20 of this answer are incorporated herein by reference.

22. Pennsylvania Electric Company incorporates herein the averments of paragraphs 13, 15, 16 and 20 of the complaint.

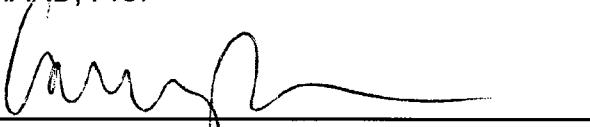
23. The plaintiff's damages, if any there were, are solely the result of the negligence of Vaughn Ray Linder, Wal-mart Transportation, LLC and Verizon Wireless.

24. To the extent that Pennsylvania Electric Company is found to owe damages

to plaintiff, Pennsylvania Electric Company is entitled to be indemnified or for contribution from Vaughn Ray Linder, Wal-mart Transportation LLC and Verizon Wireless due to their negligence.

WHEREFORE, Pennsylvania Electric Company requests the Court to find in its favor and against plaintiff, or in the alternative, to find in its favor against Vaughn Ray Linder, Wal-mart Transportation LLC and/or Verizon Wireless for indemnity or contribution.

MITCHELL MITCHELL GALLAGHER WEBER
SOUTHARD, P.C.

BY: 

Gary L. Weber ID #37648
Attorneys for Pennsylvania Electric Company
10 West Third Street
Williamsport, PA 17701
(570) 323-8404
glw@mmgws.com

VERIFICATION

Chris Carson hereby verifies that he is a Claims Representative for the Defendant in the foregoing action, and as such, states that the facts set forth in the foregoing **Answer and New Matter** are true and correct to the best of his knowledge or information and belief and that this verification is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.


Chris Carson

DATED: 3/31/08

CERTIFICATE OF SERVICE

GARY L. WEBER, hereby certifies that on this 1st day of April, 2008,
he mailed the foregoing **Answer and New Matter** to the Clearfield County
Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

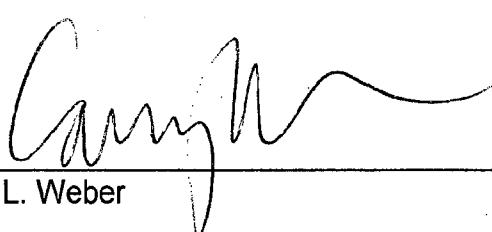
BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

The Law Offices of Stewart C. Crawford & Associates
Attention: Leslie Britt, Esquire
223 North Monroe Street
Media, PA 19063

Wal-Mart Transportation, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

Vaughn Ray Linder
RR 2 Box 470
Lawrenceville, PA 16929

Verizon Wireless
350 Granite Street, 2nd Floor
Braintree, MA 02184



Gary L. Weber

CERTIFICATE OF SERVICE

GARY L. WEBER, hereby certifies that on this 18th day of April, 2008,

he mailed the foregoing **Additional Defendant Complaint** to the Clearfield County
Prothonotary by U.S. Mail, postage prepaid, first class rates.

He further certifies that a true and correct copy has been mailed to the following
by U.S. Mail, postage prepaid, first class rates this same date:

BY U.S. MAIL, POSTAGE PREPAID, FIRST CLASS RATES:

The Law Offices of Stewart C. Crawford & Associates
Attention: Leslie Britt, Esquire
223 North Monroe Street
Media, PA 19063

Wal-Mart Transportation, LLC
2601 South Indian Meridan Road
Pauls Valley, OK 73075

Vaughn Ray Linder
RR 2 Box 470
Lawrenceville, PA 16929

Verizon Wireless
350 Granite Street, 2nd Floor
Braintree, MA 02184



Gary L. Weber

FILE # 03-07-269

LAW OFFICES OF STEWART C. CRAWFORD & ASSOCIATES

BY: Stewart C. Crawford, ESQUIRE

ATTORNEY I.D. NO. 09827

223 NORTH MONROE STREET

MEDIA, PA 19063

TELEPHONE: (610) 565-7050

ATTORNEY FOR PLAINTIFF

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

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

:
:
IN CIVIL ACTION

v.

:
:
NO.: 2008-00216-CD

WALMART TRANSPORTATION

&

RAY LINDER

&

PENNSYLVANIA ELECTRIC CO.

1CC&1Cert of
FILED disc issued to
MAY 27 2008 Atty Crawford
Copy to CJA
William A. Shaw
Prothonotary/Clerk of Courts

ORDER TO SETTLE, DISCONTINUE AND END

TO THE PROTHONOTARY:

Please mark the record in the above-captioned matter as "Settled, Discontinued and
Ended" upon payment of costs.

DATE: 5/22/2008

Stewart C. Crawford

Stewart C. Crawford, ESQUIRE
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

State Farm Mutual Automobile Insurance Company

Vs.

No. 2008-00216-CD

Wal-Mart Transportation LLC
Vaughn Ray Linder
Pennsylvania Electric Company
Verizon Wireless

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 May 27, 2008, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$95.00 have been paid in full by Stewart C. Crawford Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 27th day of May A.D. 2008.



LM

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103726
NO: 08-216-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

VS.

DEFENDANT: WAL-MART TRANSPORTATION, LLC, VAUGHN RAY LINDER, PENNSYLVANIA ELECTRIC COMPANY, VERIZON WIRELESS

SHERIFF RETURN

NOW, February 12, 2008, SHERIFF OF TIOGA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON VAUGHN RAY LINDER.

NOW, March 03, 2008 AT 2:05 PM SERVED THE WITHIN COMPLAINT ON VAUGHN RAY LINDER, DEFENDANT. THE RETURN OF TIOGA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED

03/10/08
JUN 18 2008

WM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103726
NO: 08-216-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
vs.

DEFENDANT: WAL-MART TRANSPORTATION, LLC, VAUGHN RAY LINDER, PENNSYLVANIA ELECTRIC
COMPANY, VERIZON WIRELESS

SHERIFF RETURN

NOW, February 13, 2008 AT 9:40 AM SERVED THE WITHIN COMPLAINT ON PENNSYLVANIA ELECTRIC
COMPANY DEFENDANT AT 820 SOUTH 4TH ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY
HANDING TO RICHARD L. KIMMY JR., OPERATION MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103726
NO. 08-216-CD
SERVICES 2
COMPLAINT

PLAINTIFF: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

VS.

DEFENDANT: WAL-MART TRANSPORTATION, LLC, VAUGHN RAY LINDER, PENNSYLVANIA ELECTRIC COMPANY, VERIZON WIRELESS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	CRAWFORD	12436	20.00
SHERIFF HAWKINS	CRAWFORD	12436	32.00
TIOGA CO.	CRAWFORD	12437	100.00
TIOGA CO.	CRAWFORD	12785	4.02

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



by Marley Hump

Chester A. Hawkins
Sheriff

TIOGA COUNTY SHERIFF'S OFFICE

Office Phone:
570-724-3491

JOHN L. PERRY, SHERIFF
116 MAIN STREET
WELLSBORO, PENNSYLVANIA 16901

Prison Phone:
570-724-5911

THOMAS G. SMITH
Chief Deputy

BRUCE CAHILLY
Solicitor

SHERIFF'S RETURN

P - 91-08

STATE FARM MUTUAL AUTOMOBILE INS No: CLEARFIELD COUNTY
PLAINTIFF

VS

Writ: NOTICE / COMPLAINT

VAUGHN RAY LINDER

DEFENDANT

NOW, March 3 , 2008 at 2:05 PM served the within

NOTICE / COMPLAINT

upon VAUGHN RAY LINDER

at RR#2 BOX 470 (11230 RT 49)

LAWRENCEVILLE, PA

by handing to COLLEEN LINDER - WIFE

a true and attested copy of the original NOTICE / COMPLAINT

and made known to HER the contents thereof.

3 ATTEMPTS

So answers,

Sheriff

Thomas G. Smith
Deputy Sheriff

Sworn and Subscribed before me

this 1st day of

May 20 08

Jill R. McNett

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Jill R. McNett, Notary Public
Wellsboro Boro, Tioga County
My Commission Expires July 14, 2009

Member, Pennsylvania Association of Notaries

TIOGA COUNTY SHERIFF'S OFFICE

Office Phone:
570-724-3491

JOHN L. PERRY, SHERIFF
116 MAIN STREET
WELLSBORO, PENNSYLVANIA 16901

Prison Phone:
570-724-5911

THOMAS G. SMITH
Chief Deputy

BRUCE CAHILLY
Solicitor

**RETURN OF SERVICE
ATTORNEY/PLAINTIFF NOTIFICATION**

P - 91-08

OTHER SHERIFF'S

STATE FARM MUTUAL AUTOMOBILE INS No: CLEARFIELD COUNTY
PLAINTIFF

VS

Writ: NOTICE / COMPLAINT

VAUGHN RAY LINDER

DEFENDANT

Served:

VAUGHN RAY LINDER by handing to
COLLEEN LINDER - WIFE
March 3, 2008 2:05 PM
RR#2 BOX 470 (11230 RT 49)
LAWRENCEVILLE, PA
3 ATTEMPTS

So Answers THOMAS G SMITH, CHEIF DEPUTY SHERIFF

TIOGA COUNTY SHERIFF'S OFFICE

Office Phone:
570-724-3491

JOHN L. PERRY, SHERIFF
116 MAIN STREET
WELLSBORO, PENNSYLVANIA 16901

Prison Phone:
570-724-5911

THOMAS G. SMITH
Chief Deputy

05/01/2008

BRUCE CAHILLY
Solicitor

SHERIFF'S STATEMENT OF COSTS

P - 91-08

OTHER SHERIFF'S

STATE FARM MUTUAL AUTOMOBILE INS

No: CLEARFIELD COUNTY

PLAINTIFF

VS

Writ: NOTICE / COMPLAINT

VAUGHN RAY LINDER

DEFENDANT(S)

DATE	DESCRIPTION	DISBURSED	RECEIVED
02/14/2008	ADVFEES PD- RECEIPT# 12759	100.00	A
02/14/2008	DOCKET	9.00	
03/03/2008	TRAVEL- 3 ATTEMPTS	83.52	
03/03/2008	SERVICE	9.00	
03/03/2008	NOTARY	2.50	
03/31/2008	ADVFEES PD- RECEIPT# 13104	4.02	A
		=====	=====
TOTALS:		104.02	104.02

CHARGES EQUAL ADVANCE FEES. NO REFUNDS OR ADDITIONAL
ADVANCE FEES DUE.

DATE: 05/01/2008

SHDKTPRT

CIVIL DOCKET

P - 91-08

PAGE: 1

RECEIVED: 02/14/2008

CLOSED..: 03/31/2008

STATE FARM MUTUAL AUTOMOBILE INS

NO: CLEARFIELD COUNTY

PLAINTIFF(S)

VS

Writ: NOTICE / COMPLAINT

VAUGHN RAY LINDER

DEFENDANT(S)

OTHER SHERIFF'S

DATE	DESCRIPTION	CHARGED	ADVANCE
		AMOUNT	Fee PAID
02/14/2008	ADVFEED DOCKET RECEIPT# 12759	100.00	*
02/14/2008	DOCKET	9.00	
03/03/2008	TRAVEL- 3 ATTEMPTS	83.52	
03/03/2008	SERVICE	9.00	
03/03/2008	NOTARY	2.50	
03/31/2008	ADVFEED DOCKET RECEIPT# 13104	4.02	*
	TOTALS:	104.02	104.02

NOW, March 3 , 2008 at 2:05 PM served the within

NOTICE / COMPLAINT

upon VAUGHN RAY LINDER

at RR#2 BOX 470 (11230 RT 49) LAWRENCEVILLE, PA

by handing to COLLEEN LINDER - WIFE

a true and attested copy of the original NOTICE / COMPLAINT

and made known to HER the contents thereof.

3 ATTEMPTS

So Answers, THOMAS G SMITH, CHEIF DEPUTY SHERIFF _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104075
NO: 08-216-CD
SERVICE # 1 OF 1
COMPLAINT TO JOIN ADDITIONAL DEFENDANT

PLAINTIFF: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY
VS.

DEFENDANT: WAL-MART TRANSPORTATION, LLC al
-VS- VERIZON PENNSYLVANIA, INC., Addl. Deft.

SHERIFF RETURN

NOW, April 24, 2008, SHERIFF OF PHILADELPHIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT TO JOIN ADDITIONAL DEFENDANT ON VERIZON PENNSYLVANIA, INC..

NOW, May 07, 2008 AT 10:00 AM SERVED THE WITHIN COMPLAINT TO JOIN ADDITIONAL DEFENDANT ON VERIZON PENNSYLVANIA, INC., DEFENDANT. THE RETURN OF PHILADELPHIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED

03-2187
AUG 04 2008

WM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104075
NO: 08-216-CD
SERVICES 1
COMPLAINT TO JOIN ADDITIONAL DEFENDANT

PLAINTIFF: STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

vs.

DEFENDANT: WAL-MART TRANSPORTATION, LLC al
-VS- VERIZON PENNSYLVANIA, INC., Addl. Deft.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MITCHELL	1140	10.00
SHERIFF HAWKINS	MITCHELL	1140	21.00
PHILADELPHIA CO.	MITCHELL	1139	116.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

Sheriff's # 67246

AFFIDAVIT OF SERVICE

Plaintiff

State Farm Mutual Automobile
vs. INSURANCE Co

Defendant

Verizon Pennsylvania, Inc
1717 Arch St 47th fl.
Phila PA

Court Name CP

County Name Clearefield
State PA

Case # 08-216-CD

COMMONWEALTH OF PENNSYLVANIA: SS: COUNTY OF PHILADELPHIA

That on 5/7 at 10:00 am/pm service of (document)
COMPLAINT was made upon (defendant)
VERizon PA by serving to and leaving with (name of
defendant or person served, and relationship/title) STEVE BACHMAN
LEGAL DEPT at (address) 1717 Arch St phila pa
in the City and County of Philadelphia, Commonwealth of Pennsylvania.

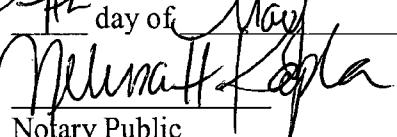
NOT FOUND:

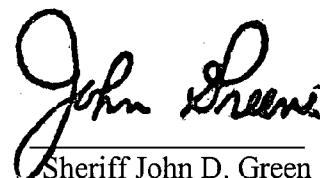
That on _____ at _____ am/pm service was not made because:
_____ moved _____ no answer _____ expired _____ unknown _____ vacant
other: _____

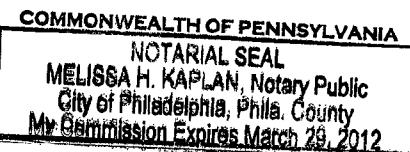

Michael
Gallagher

Deputy Sheriff Process Server

Sworn to and Subscribed to before me this
1st day of May, 2008


Melissa H. Kaplan
Notary Public


John D. Green
Sheriff John D. Green





CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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TERM & NO. 08-216-CD

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

COMPLAINT TO JOIN ADDITIONAL DEFENDANT

vs.

WAL-MART TRANSPORTATION, LLC al
-VS- VERIZON PENNSYLVANIA, INC., Addl. Deft.

**SERVE BY: 05/23/08
COURT DATE:**

MAKE REFUND PAYABLE TO MITCHELL GALLAGHER, ATTY.

SERVE: VERIZON PENNSYLVANIA, INC.

ADDRESS: 1717 ARCH STREET 47th FLOOR, PHILADELPHIA, PA 19103

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF PHILADELPHIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, April 24, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA