

08-286-CD
Randon Shugarts al vs N. Davis

FILED

FEB 19 2008

013:30/4
William A. Shaw
Prothonotary/Clerk of Courts

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

vs.

Norman Davis,
Defendant.

*

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* No. 2008- 286 - C.D.

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* Type of Case: Civil: Motor Vehicle

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* Type of Pleading: Praeclipe for Writ of Summons

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* Filed on Behalf of: Plaintiffs

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*

* Counsel of Record for this Party:

* John Sughrue, Esquire
* Attorney I. D. No. 01037
* 23 North Second Street
* Clearfield, PA 16830
* Phone: (814) 765-1704
* Fax: (814) 765-6959

*

* Other Counsel of Record:

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3 WENT TO ATTY
ISSUED WRT TO
SHAW +
F TO ATTY

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

vs.

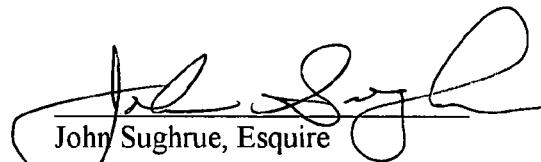
Norman Davis,
Defendant.

*
*
*
* No. 2008-_____ -C.D.
*
* Type of case: Motor Vehicle
*

PRAECIPE FOR WRIT OF SUMMONS

TO: WILLIAM A. SHAW, PROTHONOTARY.

Kindly issue a Writ of Summons in a civil action in the above-captioned matter directed to Norman Davis, Defendant. The amount in controversy is in excess of \$20,000. A jury trial is demanded. Certify the Writ of Summons to the Sheriff of Clearfield County with directions to serve the same on Defendant, Norman Davis at his residence, 520 Baneyville Road, Clearfield, Clearfield County, Pennsylvania, 16830.



John Sughrue, Esquire
Attorney for Plaintiff(s)

Attorney I. D. #01037
23 North Second Street
Clearfield, PA 16830
Phone: (814) 765-1704
Fax: (814) 765-6959

cc: Chester A. Hawkins, Sheriff

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

FILED

FEB 19 2008

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

*

*

*

vs.

*

No. 2008-280-C.D.

*

Norman Davis,
Defendant.

*

*

Type of case: Motor Vehicle

*

William A. Shaw
Prothonotary/Clerk of Courts

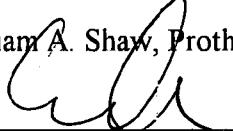
WRIT OF SUMMONS

TO: NORMAN DAVIS, DEFENDANT

You are hereby notified that Randon Lee Shugarts and Debra L. Shugarts, his wife, have commenced a civil action against you. It was filed on February 19, 2008 in the Prothonotary's Office, at the above captioned number, Clearfield County Courthouse, Clearfield, Pennsylvania.

Date: February 19, 2008

William A. Shaw, Prothonotary

By: 

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

Seal of the Court

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDON LEE SHUGARTS and : Type of Case: Civil Action
DEBRA L. SHUGARTS, his wife, :
: No. 2008-²⁸⁶~~289~~-CD
vs. :
: Type of Pleading:
NORMAN DAVIS, : Praecipe for Entry of
Defendant : Appearance
: Filed on Behalf of:
: Defendant
: Counsel of Record for This
: Party:
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P.O. Box 487
: DuBcis, PA 15801
: (814) 371-7768

Dated: 04/08/08

FILED NO CC
M1049663
APR 09 2008
64

William A. Shaw
Prothonotary/Clerk of Courts

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

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs.

No. 2008-289-CD

NORMAN DAVIS,

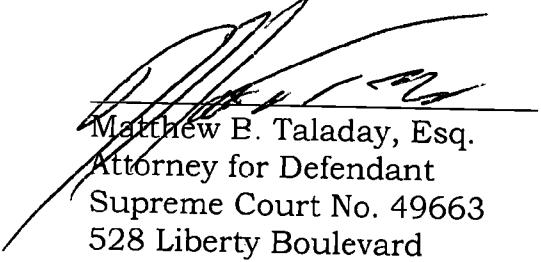
Defendant

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Defendant Norman
Davis in the above captioned matter.

Dated: 04/08/08


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

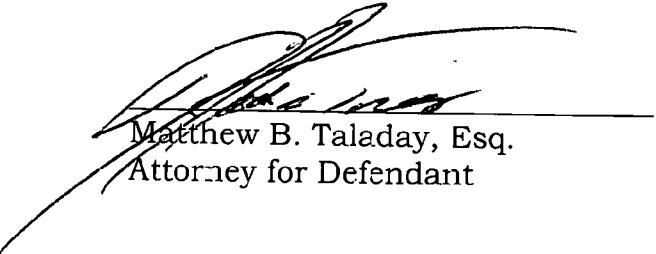
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
: vs. : No. 2008-289-CD
NORMAN DAVIS, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 8th day of April, 2008, a true and correct copy of Defendant's Praeclipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

John Sughrue, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs.

NORMAN DAVIS,
Defendant

: Type of Case: Civil Action
: No. 2008-²⁸⁶289-CD
: Type of Pleading:
: Praecipe for Rule to
: File Complaint
: Filed on Behalf of:
: Defendant
: Counsel of Record for This
: Party:
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

Dated: April 8, 2008

FILED ^{16cc}
^{m 10:49 AM}
APR 09 2008 2 Rules to
William A. Shaw
Prothonotary/Clerk of Courts
Atty Taladay
(68)

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

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs. : No. 2008-289-CD

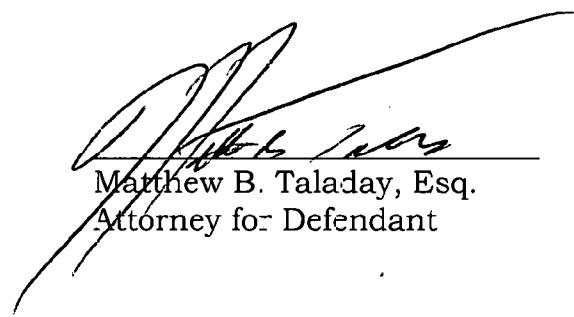
NORMAN DAVIS,
Defendant

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please enter a rule upon Plaintiff to file a Complaint within twenty (20) days of service thereof or suffer the entry of a judgment of non pros.

Dated: April 8, 2008


Matthew B. Taladay, Esq.
Attorney for Defendant

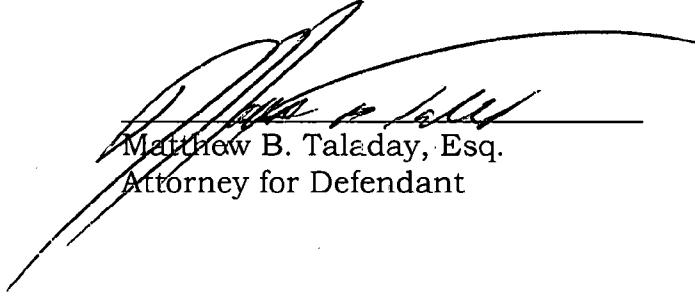
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
:
vs. : No. 2008-289-CD
:
NORMAN DAVIS, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 8th day of April, 2008, a true and correct copy of Defendant's Praecipe for Rule to File Complaint was sent via first class mail, postage prepaid, to the following:

John Sughrue, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

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

COPY

Randon Lee Shugarts
Debra L. Shugarts

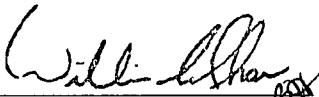
Vs.
Norman Davis

Case No. 2008-00286-CD

RULE TO FILE COMPLAINT

TO: Randon Lee Shugarts and Debra L. Shugarts

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William A. Shaw, Prothonotary

Dated: April 9, 2008

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs.

NORMAN DAVIS,
Defendant

Type of Case: Civil Action

No. 2008-286-CD

Type of Pleading:
Certificate of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

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

Dated: 04/16/08

FILED NOCC
M 103164
APR 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

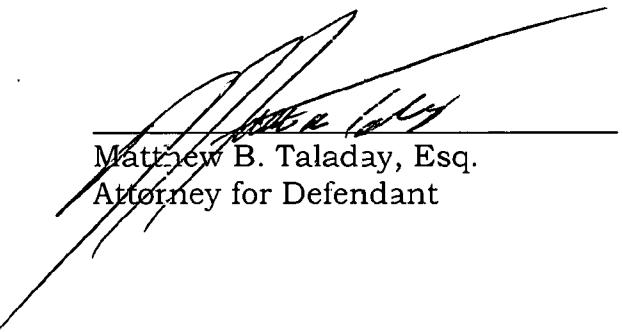
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
: vs. : No. 2008-286-CD
: :
NORMAN DAVIS, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 16th day of April, 2008, a true and correct copy of Rule to File Complaint was sent via first class mail, postage prepaid, to the following:

John Sughrue, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

FILED

MAY 06 2008

110-261
William A. Shaw
Prothonotary/Clerk of Courts

No. C10 (6)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs.

NORMAN DAVIS,
Defendant

Type of Case: Civil Action

No. 2008-286-CD

Type of Pleading:
Notice of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

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

Dated: 05/05/08

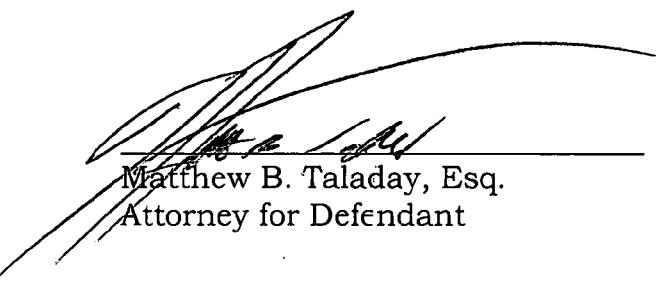
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
vs. : No. 2008-286-CD
NORMAN DAVIS, :
Defendant :
.

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being
counsel of record for Defendant, do hereby certify that I propounded on
Plaintiffs, via United States mail, first class, postage pre-paid, this 5th
day of May, 2008, Defendant's FIRST SET OF DISCOVERY MATERIALS
to the below indicated person, at said address, being counsel of record
for the Plaintiffs:

John Sughrue, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

vs.

Norman Davis,
Defendant.

No. 2008-269-C.D.

* * * * *

* **Type of Pleading:** Complaint

* * * * *

* Filed on Behalf of: Plaintiffs

11

* Counsel of Record for this Party:

* John Sughrue, Esquire
* Attorney I. D. No. 01037
* 23 North Second Street
* Clearfield, PA 16830
* Phone: (814) 765-1704
* Fax: (814) 765-6959

* Other Counsel of Record

Other Counsel of Record:
* Matthew B. Taladay, Esquire
* Attorney I.D. No. 49663
* Hanak, Guido and Taladay
* 528 Liberty Boulevard
* P.O. Box 487
* DuBois, PA 15801

FILED *acc*
03/16/08 Atty Sughrae
MAY 06 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

vs.
Norman Davis,
Defendant.

*
*
*
*
* No. 2008-286-C.D.

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*
* Type of case: Motor Vehicle

NOTICE

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(s). 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 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.

Court Administrator's Office
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641, Extension 5982

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

Randon Lee Shugarts and *
Debra L. Shugarts, his wife, *
Plaintiffs, *
*
vs. * No. 2008-286-C.D.

Norman Davis, *
Defendant. * Type of case: Motor Vehicle
*
*

COMPLAINT

AND NOW, comes RANDON LEE SHUGARTS and DEBRA L. SHUGARTS, above named Plaintiffs, by their attorney, John Sughrue, and files this Complaint in a civil action against the above named Defendant, upon causes of action whereof the following are statements:

COUNT I

Randon Lee Shugarts, Husband/Plaintiff vs. Norman Davis, Defendant.

1. The Husband/Plaintiff, RANDON LEE SHUGARTS, is an adult individual presently residing at 415 Maple Avenue, Clearfield County, Clearfield, Pennsylvania, 16830.
2. The Defendant, NORMAN DAVIS, was at all times pertinent hereto, an adult individual whose last known address was 520 Baneyville Road, Clearfield County, Clearfield, Pennsylvania, 16830.
3. The events and conduct complained of herein occurred on or about Friday, March 3, 2006, at or about 6:50 p.m. at a point located on Maple Avenue (Township Road No. 887) in the area approximately of residential dwelling numbered 415 Maple Avenue, in Lawrence Township, Clearfield County, Pennsylvania.

4. At said time and place, there existed in said locality a public street known as Maple Avenue improved with an asphalt or concrete surface which extends generally in a north-south direction through Lawrence Township and consists of one lane for northbound traffic and one lane for southbound traffic.

5. At said time and place and at all times pertinent hereto, the Defendant was operating a 1997 Ford motor vehicle on said Maple Avenue and was traveling in a northerly direction.

6. At said time and place and at all times pertinent hereto, Husband/Plaintiff was a passenger in Defendant's motor vehicle.

7. At said time and place, the Defendant operated his motor vehicle in such a negligent, reckless, and careless manner as to cause or permit it to travel off of Maple Avenue and to collide with a tree and a motor vehicle owned by Dennis D. Ferrari, parked in a driveway at 425 Maple Avenue, thereby causing Husband/Plaintiff to sustain serious and permanent injuries and damages as hereinafter more fully set forth.

8. The injuries and damages sustained by Husband/Plaintiff, as hereinafter set forth, were caused by and were the direct and proximate result of the negligence and carelessness of the Defendant generally, and in the following particulars:

- A. In failing to maintain his vehicle on the paved portion of Maple Avenue established for northbound traffic;
- B. In causing or permitting his vehicle to leave the Maple Avenue roadway, travel through grass and strike a tree;
- C. In causing or permitting his motor vehicle to travel from the Maple Avenue roadway and strike the Ferrari vehicle parked in the driveway;
- D. In failing to have his vehicle under proper control;

- E. In failing to bring his motor vehicle to a safe stop prior to striking the tree and the Ferrari vehicle;
- F. In failing to stop or take evasive action with his vehicle when he knew or by the exercise of reasonable care should have known that to continue forward would cause a collision between his vehicle and the tree and/or the Ferrari vehicle;
- G. In failing to maintain a proper lookout;
- H. In failing to stop his motor vehicle within a safe distance when he knew or by the exercise of reasonable care should have known that to continue forward would cause a collision between the tree and his vehicle;
- I. In failing to stop his vehicle on Maple Avenue when he knew or by the exercise of reasonable care should have known that the street had ended at a dead-end and to continue northbound would cause it to collide with the tree and/or the Ferrari vehicle;
- J. In failing to turn or stop his vehicle and return his vehicle to the Maple Avenue roadway when the Defendant knew or by the exercise of reasonable care should have known that to proceed would result in a collision;
- K. In driving his motor vehicle in a careless and/or reckless manner within the definition of *Pennsylvania Motor Vehicle Code*;
- L. In driving or operating his motor vehicle in an impaired condition caused by alcohol consumption in violation of the *Pennsylvania Motor Vehicle Code*;
- M. In failing to adequately warn Husband/Plaintiff of the impending collision;

- N. In operating his vehicle without the caution and due regard for the rights, safety and position of the Husband/Plaintiff reasonably required under the circumstances there and then existing;
- O. In failing to stop his vehicle within the assured cleared distance ahead when the Defendant knew or by the exercise of reasonable care should have known that to proceed would result in a collision;
- P. In failing to comply with the rules of the road regulating motor vehicle traffic and more fully set forth in *Pennsylvania Statutes and Codes*, all of which are incorporated herein by reference.

9. As a direct and proximate result of the Defendant's negligence as aforesaid, the Husband/Plaintiff sustained the following serious and permanent injuries:

- A. Fractures of the bones of the right hand;
- B. Crushing trauma to the bones and soft tissue, including ligaments and cartilage of the right hand and right wrist;
- C. Severe sprain of the right wrist;
- D. Blunt force trauma to the torso, including chest, stomach and rib areas;
- E. Bruises and contusions to the shoulders, chest and stomach;
- F. Deep bruises and possible fractures to the ribs on the right side;
- G. Multiple sprains, injuries and damages to the muscle tissues and ligaments about the body, including the neck, chest wall, stomach, back, right arm, right wrist and right hand;
- H. Bruises and contusions to the tissue of his body;

- I. Blunt force traumatic injuries to the nerves of his right hand, right wrist and right arm;
- J. Arthritis and other degenerative disease of the right hand, including fingers, right wrist and right arm;
- K. Aggravation and/or activation of a pre-existing condition, either active or latent of an arthritic or degenerative disease condition in the right hand, right wrist, right arm, right shoulder and neck and upper back;
- L. Other serious and possibly permanent injuries.

10. The Defendant's negligence as aforesaid and the Plaintiff's injuries resulting therefrom as aforesaid are the direct and legal cause of the Plaintiff incurring the following damages:

- A. He has in the past expended in excess of \$30,000 with respect to and may in the future be required to expend additional sums of money for medical and surgical services, hospitalization, nursing services, medical supplies, therapy and rehabilitation services, appliances, medicines, drugs, transportation, lodging and other services and merchandise related to his medical treatment, care, rehabilitation and cure;
- B. Husband/Plaintiff was temporarily fully disabled and unable to work at his regular job as a chainsaw operator and supervisor of personnel engaged in the business of cutting and clearing utility right-of-ways, thereby resulting in the loss of income at the rate of \$15.00 per hour;

- C. He has sustained the permanent partial loss of the use of his right hand, including loss of feeling, numbness, loss of flexibility and motion, loss of strength and flexibility;
- D. As a direct result of the injuries to his right hand and the permanent damage thereto as aforesaid, Husband/Plaintiff has in the past and will in the future be permanently unable to perform the jobs and tasks that he performed immediately prior to such injuries related to his employment as a climber and chainsaw operator in the right-of-way clearance business;
- E. Husband/Plaintiff has in the past and will continue in the future to permanently endure significant pain, suffering and inconvenience;
- F. His earning power and earning capacity have been reduced and permanently impaired;
- G. His general health, strength, and vitality have been impaired and permanently diminished and his ability to enjoy and live a full and beneficial life has been impaired and permanently diminished;
- H. Such other damages as are provided under the law and under the circumstances of this case.

11. At said time and place and at all times pertinent hereto, Husband/Plaintiff was not a licensed driver in the Commonwealth of Pennsylvania or any other state in the USA and was not the owner of any registered motor vehicle. Accordingly, at all times pertinent hereto, Husband/Plaintiff did not own an automobile, first party benefit or liability insurance policy.

WHEREFORE, Husband/Plaintiff, RANDON LEE SHUGARTS, claims damages of the Defendant in a sum in excess of \$50,000, together with interest and costs of suit and further, DEMANDS A JURY TRIAL ON ALL MATTERS AND ISSUES RAISED HEREIN.

COUNT II

Debra L. Shugarts, Wife/Plaintiff vs. Norman Davis, Defendant.

12. Paragraphs 1 through 11 are incorporated herein by reference as though the same were set forth herein at length, verbatim.

13. The Wife/Plaintiff, DEBRA L. SHUGARTS, is an adult individual presently residing with and at all times pertinent hereto was residing with her Husband/Plaintiff at 415 Maple Avenue, Clearfield County, Clearfield, Pennsylvania, 16830.

14. Wife/Plaintiff was and continues to be the lawful wife of Husband/Plaintiff at all times pertinent hereto.

15. As a result of Wife/Plaintiff's relationship to Husband/Plaintiff, she has and had at all times pertinent hereto, a duty to provide for the health, maintenance, support and general welfare of the Husband/Plaintiff.

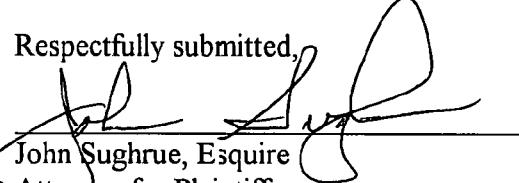
16. The Defendant's negligence and the Husband/Plaintiff's injuries and damages resulting therefrom, as foresaid, are the direct and legal cause of the Wife/Plaintiff incurring the following damages:

A. She has in the past and may in the future be required to spend sums of money for medical and surgical services, hospitalization, medical supplies, appliances, medicines, drugs, transportation, lodging and other services and merchandise related to Husband/Plaintiff's medical treatment, therapy, rehabilitation and pursuit of a cure;

- B. Wife/Plaintiff has in the past and may in the future be required to provide personal services, care and transportation to Husband/Plaintiff as he undergoes future treatment and pursuit of a cure;
- C. Wife/Plaintiff's enjoyment of life and her relationship with her husband was for a period of time following the injury temporarily diminished;
- D. Other damages to which she is entitled under the law and under the circumstances of this case.

WHEREFORE, Wife/Plaintiff, DEBRA L. SHUGARTS, claims damages of the Defendant in a sum in excess of \$8,000.00 together with interest and costs of suit and further, DEMANDS A JURY TRIAL ON ALL MATTERS AND ISSUES RAISED HEREIN.

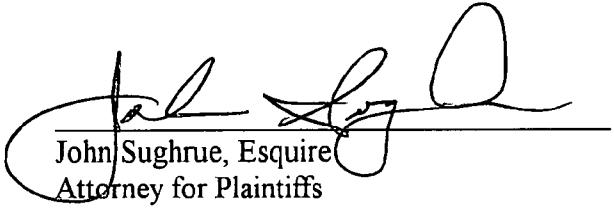
Respectfully submitted,


John Sughrue, Esquire
Attorney for Plaintiffs

VERIFICATION

I, John Sughrue, Attorney for Plaintiffs, state that I am acquainted with the facts set forth in the foregoing COMPLAINT and that the same are true and correct to the best of my knowledge, information, and belief. I further state that this verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities; and that in furtherance of judicial expedience, because the client is unavailable to execute a Verification in time to file this pleading, I am making this verification in order to expedite the pleading. A Verification executed by the Plaintiffs will be filed in due course.

Date: May 6, 2008


John Sughrue, Esquire
Attorney for Plaintiffs

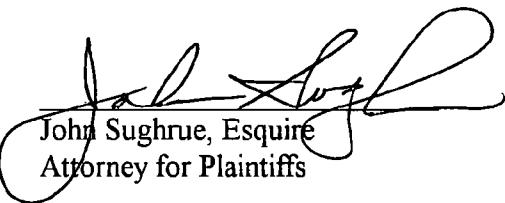
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on May 6, 2008, I caused a true and correct copy of the COMPLAINT to be served on the following and in the manner indicated below:

By United States Mail, First Class, Postage Prepaid
Addressed as Follows:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

Date: May 6, 2008



John Sughrue, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,
Plaintiffs

vs.

NORMAN DAVIS,
Defendant

Type of Case: Civil Action

No. 2008-286-CD

Type of Pleading:
Answer and New
Matter

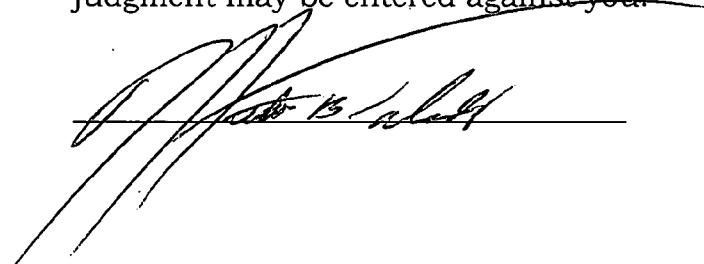
Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

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

Dated: 05/21/08

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



FILED
MAY 22 2008
NOCC
GP

William A. Shaw
Prothonotary/Clerk of Courts

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

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
Plaintiffs :
vs. : No. 2008-286-CD
NORMAN DAVIS, :
Defendant :
.

ANSWER

AND NOW, comes the Defendant, Norman Davis, by his
attorneys, Hanak, Guido and Taladay, and hereby responds to Plaintiffs'
Complaint as follows:

Count I

**Randon Lee Shugarts, Husband/Plaintiff
vs.
Norman Davis, Defendant**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Denied as stated. It is admitted that the motor vehicle
operated by Defendant and in which Plaintiff was a passenger collided

with a tree and a motor vehicle near 425 Maple Avenue. However, Defendant denies all allegations of negligence and carelessness in accordance with Pa.R.C.P. Rule 1029(e).

8. Denied. Defendant denies all allegations of carelessness or negligence in accordance with Pa.R.C.P. Rule 1029(e).

9. Defendant denies all allegations of negligence as set forth above. With regard to the remaining allegations of paragraph 9, the Defendant is, after reasonable investigation, without information sufficient to form a belief as to the allegations of paragraph 9 of the Complaint, and therefore, the same are denied and strict proof thereof is demanded at the time of trial.

10. Defendant denies all allegations of negligence as set forth above. With regard to the remaining allegations of paragraph 10, the Defendant is, after reasonable investigation, without information sufficient to form a belief as to the allegations of paragraph 10 of the Complaint, and therefore, the same are denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, Defendant is without information sufficient to form a belief as to the allegations of paragraph 11 of the Complaint, and therefore, the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant, Norman Davis, demands judgment in his favor.

Count II

Debra L. Shugarts, Wife/Plaintiff
vs.
Norman Davis, Defendant

12. Paragraphs 1 through 11 above are incorporated by reference as if set forth in full.

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

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

15. This paragraph sets forth a conclusion of law to which no response is required.

16. Defendant denies all allegations of negligence in accordance with Pa.R.C.P. Rule 1029(e). With regard to the remaining allegations of paragraph 16, the Defendant is, after reasonable investigation, without information sufficient to form a belief as to the allegations of paragraph 16 of the Complaint, and therefore, the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendant demands judgment in his favor.

NEW MATTER

17. Plaintiffs' claims are barred or limited by application of the Pennsylvania Motor Vehicle Financial Responsibility Law as it relates to pleading, proof and recovery of medical bills and lost wages paid through collateral sources.

18. Plaintiffs' claims are barred or limited by application of the Pennsylvania Motor Vehicle Financial Responsibility Law as it relates to reasonable and necessary charges for medical expense.

19. If Defendant is determined to be negligent, then Plaintiffs' claims are barred or limited by his own comparative negligence which is as follows:

- (a) In knowingly and voluntarily riding with the Defendant when he knew or should have known that Defendant had been consuming alcoholic beverages;
- (b) In furnishing Defendant with alcoholic beverages when he knew or should have known that to do so would impair Defendant's ability to operate a motor vehicle; and
- (c) In knowingly and voluntarily riding with Defendant when he knew or should have known that Defendant was not in proper condition to operate a vehicle.

20. The Defendant's loss of consciousness and the subsequent collision are the result of an unforeseeable medical condition for which Defendant is not responsible.

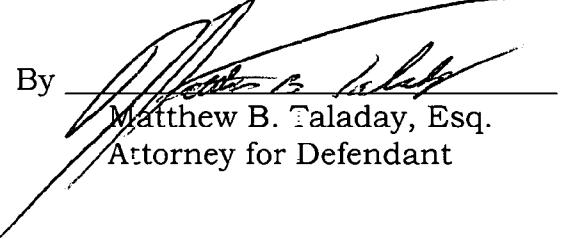
WHEREFORE, Defendant demands judgment in his favor.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Defendant

VERIFICATION

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

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

Date: 5-12-08

Norman Davis
Norman Davis

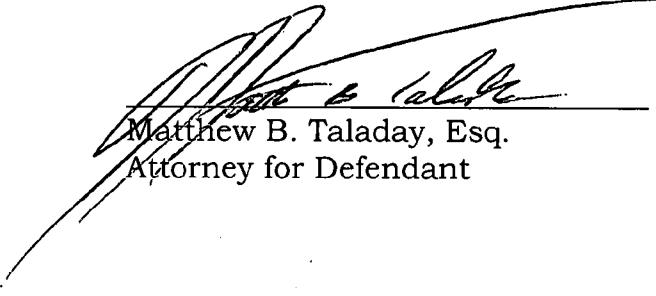
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
vs. : No. 2008-286-CD
NORMAN DAVIS, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 21st day of May 2008, a true and correct
copy of the foregoing Answer and New Matter was sent via first class
mail, postage prepaid, to the following:

John Sughrue, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103793
NO: 08-289-CD
SERVICE # 1 OF 1
WRIT OF SUMMONS

PLAINTIFF: RANDON LEE SHUGARTS and DEBRA L. SHUGARTS
vs.
DEFENDANT: NORMAN DAVIS

SHERIFF RETURN

NOW, February 28, 2008 AT 11:55 AM SERVED THE WITHIN WRIT OF SUMMONS ON NORMAN DAVIS DEFENDANT AT OTHER SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CHERYL K. DAVIS, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: SNYDER /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	SUGHRUE	6647	10.00
SHERIFF HAWKINS	SUGHRUE	6647	20.41

FILED
03:40pm
JUN 17 2008
CS

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

Chester A. Hawkins
by Marilyn Harr
Chester A. Hawkins
Sheriff

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

Randon Lee Shugarts and Debra L. Shugarts, his wife, Plaintiffs,	*
	*
	*
	*
vs.	* No. 2008-286-C.D.
	*
	*
Norman Davis, Defendant.	* Type of case: Motor Vehicle
	*
	*

PLAINTIFFS' REPLY TO NEW MATTER

AND NOW, comes the Plaintiffs, by their Attorney, John Sughrue, and files this Reply to Defendant's New Matter as follows:

17. Plaintiffs acknowledge that their claims are subject to the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law. The extent to which any claim is barred or limited as it relates to pleading, proof and recovery of medical bills and lost wages paid through collateral sources, are questions of law to which no further response is required.

18. Plaintiffs acknowledge that their claims are subject to the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law. All medical expenses incurred by the Plaintiffs were reasonable and necessary for the reasons set forth in the original Complaint, all of which are incorporated herein by reference. The extent to which claims may be barred or limited by said law is a question of law to which no further response is required.

19. Denied. It is denied that the Plaintiffs were negligent in any respect, generally and in the following particulars:

- (a.) It is denied that Plaintiff Husband was negligent in knowingly and voluntarily riding with the Defendant with knowledge that the Defendant had been consuming alcoholic beverages. It is denied that Plaintiff Husband's riding with the Defendant when he knew Defendant had consumed alcoholic beverages constitutes negligence and strict proof of the same, if relevant, is demanded at the trial of this action;
- (b.) It is acknowledged that both the Plaintiff Husband and Defendant consumed alcoholic beverages. Plaintiff Husband may have purchased an alcoholic beverage for Defendant's consumption prior to Defendant driving. It is denied that the Plaintiff Husband furnished Defendant with beverages in violation of the law or any known duty. It is denied that Plaintiff Husband was negligent in purchasing a beverage for Defendant. On the contrary, both Plaintiff Husband and Defendant are over the age of 21 and may lawfully acquire and consume alcoholic beverages. It is denied Plaintiff Husband knew or should have known that Defendant's ability to operate a motor vehicle was impaired or was being impaired. On the contrary, Defendant indicated to Plaintiff Husband that he was not impaired and was able to operate a motor vehicle;
- (c.) It is denied that Plaintiff Husband was negligent in knowingly and voluntarily riding with Defendant and it is denied that Plaintiff Husband knew or should have known that Defendant was not in proper condition to operate a vehicle.

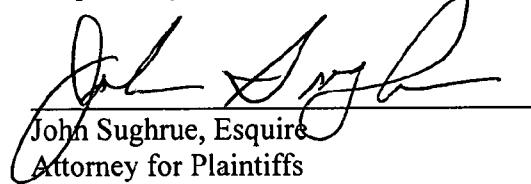
On the contrary, Defendant indicated he was able to operate a motor vehicle and Plaintiff Husband rode with Defendant believing Defendant was in proper condition to operate a motor vehicle.

Further, if Defendant was not in proper condition to operate a motor vehicle he should not have undertaken to do so. With respect to Defendant's factual allegations contained in this paragraph, the same are denied. On the contrary, the facts are as set forth in the original Complaint, all of which are incorporated herein by reference.

20. Denied. After reasonable investigation, Plaintiff Husband is without information or knowledge sufficient to form a belief as to the truthfulness of the allegations of paragraph 20 of Defendant's New Matter for the reason that the same is exclusively within the knowledge of the Defendant. Therefore, the same is denied and strict proof thereof, if relevant, is demanded at the trial of this action.

WHEREFORE, Plaintiffs request the Honorable Court to enter Judgment in their favor and against the Defendant in accordance with the prayer of the original Complaint.

Respectfully submitted,



John Sughrue, Esquire
Attorney for Plaintiffs

VERIFICATION

I, RANDON LEE SHUGARTS, Husband/Plaintiff, verify that the statements made in this PLAINTIFFS' REPLY TO NEW MATTER are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: July 17, 2008


Randon Lee Shugarts, Husband/Plaintiff

CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on July 18, 2008, I caused a true and correct copy of the PLAINTIFFS' REPLY TO NEW MATTER to be served on the following and in the manner indicated below:

By United States Mail, First Class, Postage Prepaid
Addressed as Follows:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

Date: July 18, 2008



John Sughrue, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs.

NORMAN DAVIS,
Defendant

Type of Case: Civil Action

No. 2008-286-CD

Type of Pleading:
Motion to
Compel Discovery

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

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

Dated: 08/19/08

FILED *CC*
M/J/11/15 8:01 Atty Taladay
AUG 20 2008

GR
William A. Shaw
Prothonotary/Clerk of Courts

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

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs. : No. 2008-286-CD

NORMAN DAVIS, :
Defendant :
:

MOTION TO COMPEL DISCOVERY

AND NOW comes Defendant, Norman Davis, by his
attorneys, Hanak, Guido and Taladay and hereby petition this Honorable
Court to compel discovery averring as follows:

1. At prior Pre-Trial Conference held in this matter,
Counsel for Plaintiff indicated that trial was premature because Plaintiff
was still treating for his injuries.

2. On May 5, 2008 Interrogatories and
Request for Production of Documents were served by Defendant upon
Plaintiff. A copy of the Notice of Service is attached hereto as Exhibit "A".

3. To date, no discovery responses have been provided.
4. Defendant requests this Honorable Court to issue an
Order compelling Counsel for Plaintiff to provide full and complete
discovery responses within thirty days of the date of this Order, upon
failure of which the Court may impose sanctions.

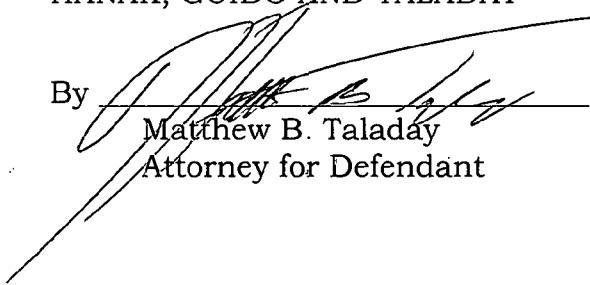
WHEREFORE, it is respectfully requested that this Motion to
Compel Discovery be granted.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

By

Matthew B. Taladay
Attorney for Defendant



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

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs. : No. 2008-286-CD

NORMAN DAVIS,
Defendant

ORDER OF COURT

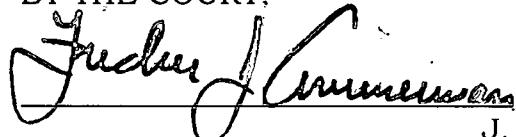
AND NOW, this 21ST day of AUGUST, 2008,

upon consideration of Defendant's Motion to Compel Discovery,

IT IS HEREBY ORDERED that the Motion is granted.

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

BY THE COURT,


J. Commonwealth

FILED
014:00:51
AUG 21 2008
(GR)

William A. Shaw
Prothonotary/Clerk of Courts
100 Atty Tola day

FILED

AUG 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/21/08

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

RANDON LEE SHUGARTS and : Type of Case: Civil Action
DEBRA L. SHUGARTS, his wife, :
vs. : No. 2008-286-CD
: Type of Pleading:
NORMAN DAVIS, : Notice of
Defendant : Service
: Filed on Behalf of:
: Defendant
: Counsel of Record for This
: Party:
: Matthew B. Taladay, Esq.
: Supreme Court No. 49663
: Hanak, Guido and Taladay
: 528 Liberty Boulevard
: P.O. Box 487
: DuBois, PA 15801
: (814) 371-7768

Dated: 05/05/08

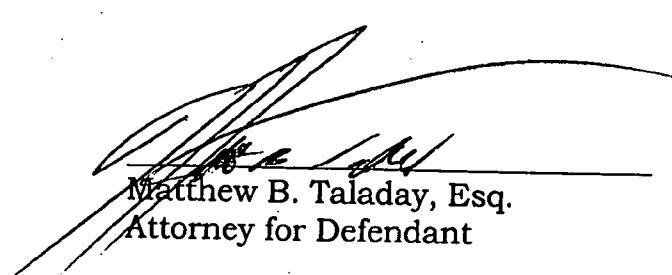
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
: vs. : No. 2008-286-CD
NORMAN DAVIS, :
Defendant :
:

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for Defendant, do hereby certify that I propounded on Plaintiffs, via United States mail, first class, postage pre-paid, this 5th day of May, 2008, Defendant's FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiffs:

John Sughrue, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

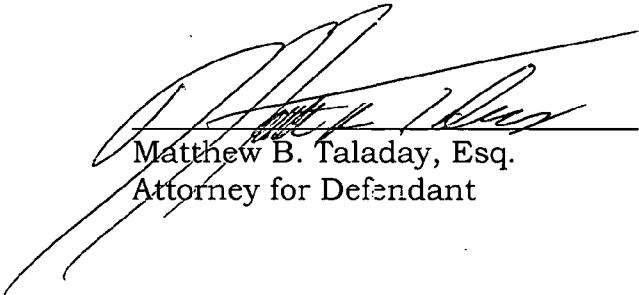
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
vs. : No. 2008-286-CD
NORMAN DAVIS, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 19th day of August, 2008, a true and correct copy of Defendant's Motion to Compel Discovery was sent via first class mail, postage prepaid, to the following:

John Sughrue, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

FILED

AUG 27 2008

W/ 10:00 AM

William A. Shaw
Prothonotary/Clerk of Courts
No. 4/C (610)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs.

NORMAN DAVIS,
Defendant

Type of Case: Civil Action
No. 2008-286-CD
Type of Pleading:
Certificate of
Service
Filed on Behalf of:
Defendant
Counsel of Record for This
Party:
Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBcis, PA 15801
(814) 371-7768

Dated: 08/26/08

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

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs. : No. 2008-286-CD

NORMAN DAVIS,
Defendant

CERTIFICATE OF SERVICE

I certify that on the 26th day of August, 2008, a true and correct copy of Order of Court dated August 21, 2008 was sent via first class mail, postage prepaid, to the following:

John Sughrue, Esq.
Attorney for Plaintiffs
23 North Second Street
Clearfield, PA 16830

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

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

vs.

Norman Davis,
Defendant.

284
No. 2008-269-C.D.

* **Type of Case:** Civil: Motor Vehicle

* **Type of Pleading:** Certificate of Service for
Plaintiffs' Answers to
Interrogatories

* **Filed on Behalf of:** Plaintiffs

* **Counsel of Record for this Party:**

* John Sughrue, Esquire
* Attorney I. D. No. 01037
* 23 North Second Street
* Clearfield, PA 16830
* Phone: (814) 765-1704
* Fax: (814) 765-6959

* **Other Counsel of Record:**

* Matthew B. Taladay, Esquire
* Attorney I.D. No. 49663
* Hanak, Guido and Taladay
* 528 Liberty Boulevard
* P.O. Box 487
* DuBois, PA 15801

FILED 300
01/10/12 BY Atty Sughrue
SEP 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

*
*
*

vs. * No. 2008-286-C.D.

*
*
*

Norman Davis,
Defendant. * Type of case: Motor Vehicle

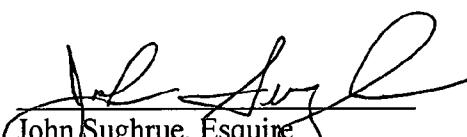
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on September 22, 2008, I caused a true and correct copy of the PLAINTIFFS' ANSWERS TO INTERROGATORIES to be served on the following and in the manner indicated below:

By United States Mail, First Class, Postage Prepaid
Addressed as Follows:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

Date: September 22, 2008



John Sughrue, Esquire
Attorney for Plaintiffs

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

vs.

No. 2008-269-C.D.

Norman Davis,
Defendant.

* **Type of Case:** Civil: Motor Vehicle

* **Type of Pleading:** Certificate of Service for
* Answer to Request for
* Production of Documents

* Filed on Behalf of: Plaintiffs

* **Counsel of Record for this Party:**

* John Sughrue, Esquire
* Attorney I. D. No. 01037
* 23 North Second Street
* Clearfield, PA 16830
* Phone: (814) 765-1704
* Fax: (814) 765-6959

* Other Counsel of Record:

* Matthew B. Taladay, Esquire
* Attorney I.D. No. 49663
* Hanak, Guido and Taladay
* 528 Liberty Boulevard
* P.O. Box 487
* DuBois, PA 15801

FILED 300
010:12 PM SEP 23 2001
Amy Seghers

William A. Shaw
Prothonotary/Clerk of Courts

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

Randon Lee Shugarts and *
Debra L. Shugarts, his wife, *
Plaintiffs, *
*
vs. * No. 2008-286-C.D.
*
*
Norman Davis, *
Defendant. * Type of case: Motor Vehicle

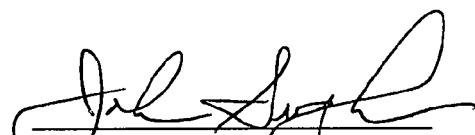
CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on September 22, 2008, I caused a true and correct copy of the ANSWER TO REQUEST FOR PRODUCTION OF DOCUMENTS to be served on the following and in the manner indicated below:

By United States Mail, First Class, Postage Prepaid
Addressed as Follows:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801

Date: September 22, 2008



John Sughrue, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

vs.

NORMAN DAVIS,
Defendant

Type of Case: Civil Action

No. 2008-286-CD

Type of Pleading:
Certificate of
Service

Filed on Behalf of:
Defendant

Counsel of Record for This
Party:

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

Dated: 10/10/08

5
FILED *nmcc*
OCT 13 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

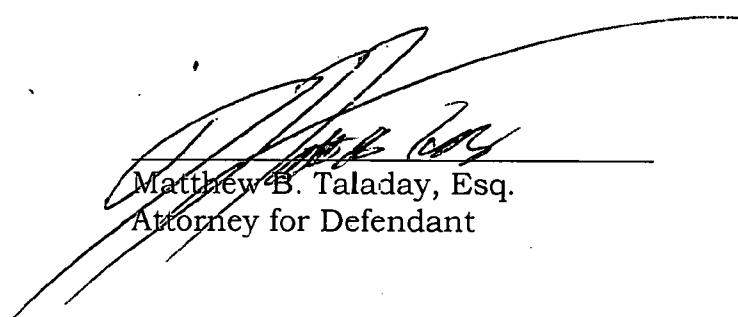
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
vs. : No. 2008-286-CD
NORMAN DAVIS, :
Defendant :
:

CERTIFICATE OF SERVICE

I certify that on the 10th day of October, 2008, two original
Notice of Deposition, copies of which are attached hereto, were sent via
first class mail, postage prepaid, to the following:

John Sughrue, Esq.
Attorney for Plaintiffs
225 East Market Street
Clearfield, PA 16830


Matthew B. Taladay, Esq.
Attorney for Defendant

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

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :

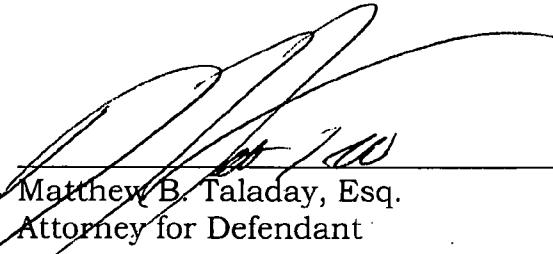
vs. : No. 2008-286-CD

NORMAN DAVIS, :
Defendant :

NOTICE OF DEPOSITION

TO: RANDON LEE SHUGARTS
c/o John Sughrue, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Wednesday, November 12, 2008 at 9:30 a.m.** at the law office of John Sughrue, Esq., 225 East Market Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay, Esq.
Attorney for Defendant

cc: Schreiber Reporting Service

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

RANDON LEE SHUGARTS and
DEBRA L. SHUGARTS, his wife,

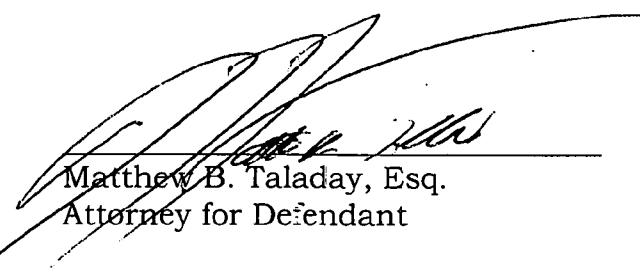
vs. : No. 2008-286-CD

NORMAN DAVIS,
Defendant

NOTICE OF DEPOSITION

TO: DEBRA L. SHUGARTS
c/o John Sughrue, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Wednesday, November 12, 2008 at 9:30 a.m.** at the law office of John Sughrue, Esq., 225 East Market Street, Clearfield, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.


Matthew B. Taladay, Esq.
Attorney for Defendant

cc: Schreiber Reporting Service

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

FILED
M184201 NO CC
MAR 29 2010
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

2008-286-CD

03/26/10

CASE NUMBER TYPE TRIAL REQUESTED DATE PRESENTED
ESTIMATED TRIAL TIME

Date Complaint Jury Non-Jury
Filed: Arbitration 1 Days

05/06/08

PLAINTIFF(S)

RANDON LEE SHUGARTS and DEBRA L. SHUGARTS

DEFENDANT(S)

NORMAN DAVIS

Check Block if
a Minor is a
Party to the
Case

ADDITIONAL DEFENDANT(S)

()

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

PLAINTIFF

05/06/08

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

more than

\$ 50,000.00 yes no

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.

FOR THE PLAINTIFF

TELEPHONE NUMBER

JOHN SUGHRUE, ESQ.

(814) 765-1704

FOR THE DEFENDANT

TELEPHONE NUMBER

MATTHEW B. TALADAY, ESQ.

(814) 371-7768

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

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

RANDON LEE SHUGARTS and DEBRA L. SHUGARTS :

vs.

:No. 2008-0286-CD

NORMAN DAVIS

:

OR D E R

AND NOW, this 30th day of March, 2010, it is the Order of the

Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for Wednesday, April 28, 2010 at 10:00 A.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for July 22, 2010 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


PAUL E. CHERRY
Judge

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William A. Shaw
Prothonotary/Clerk of Courts

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Sughrue
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William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/31/10

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs.

vs.

Norman Davis,
Defendant.

*
*
*
*
* 286
No. 2008-269-C.D.

286

No. 2008-269-C.D.

* **Type of Case:** Civil: Motor Vehicle

*

* **Type of Pleading:** Motion to Continue Case To
* Next Trial Term

* Filed on Behalf of: Plaintiffs

*

六

* Counsel of Record for this Party:

* John Sughrue, Esquire

* Attorney I. D. No. 0103

* 225 East Market Street

* Clearfield, PA 16830

* Phone: (814) 765-17

*

* Other Counsel of Record:

* Matthew B. Tolodoff, Esquire

* Attorney I.D. No. 48663

* Attorney I.D. No. 49003

Hanak, Guido and Far
* 528 Liberty Boulevard

* P.O. Box 487

* P.O. Box 167

* Phone: (814) 371-7768

* Fax: (814) 371-1974

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Atty Sughrue
William A. Shaw
Prothonotary/Clerk of Courts
(6)

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

Randon Lee Shugarts and
Debra L. Shugarts, his wife,
Plaintiffs,

vs.
Norman Davis,
Defendant.

*
*
*
*
* No. 2008-286-C.D.

*
*
* Type of case: Motor Vehicle
*
*

MOTION TO CONTINUE CASE TO NEXT TRIAL TERM

To the Honorable Paul E. Cherry, Judge of said Court:

AND NOW, come Plaintiffs by their Attorney, John Sughrue, and respectfully moves the Court to continue Jury Selection and Trial in the above captioned matter to the next regular term of Court and in support thereof represents the following:

1. Plaintiffs need additional time to secure, for use at trial, the testimony of the treating physician, Dr. Mark Nartatez, and are attempting to secure a second objective evaluation of the current condition of Plaintiff's right hand.

2. The Plaintiffs are otherwise not prepared to proceed at this time and generally and for the following reasons:

A. A period of time was allowed to pass in order to determine whether or not Plaintiff's ongoing difficulties with his right hand would resolve itself;

B. Plaintiffs' Counsel is a sole practitioner and other litigation interfered with Plaintiffs' ability to complete preparation of their case for presentation at trial;

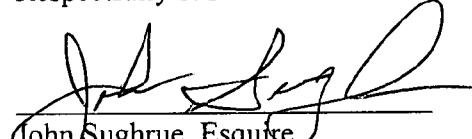
C. Pending results of the independent evaluation, Plaintiffs' Counsel is hopeful that the matter may be amicably resolved between the parties;

3. Based on communications, Plaintiff Counsel believes that Defense Counsel will not object to transferring this to the Fall Trial Court session;

4. Plaintiff Counsel is now in position to allocate the time and resources necessary to prepare this case for settlement and/or trial between now and the next session of Court.

WHEREFORE, Plaintiff Counsel respectfully moves the Honorable Court to continue selection of jury in this matter to the next regularly scheduled session of Court.

Respectfully submitted:



John Sughrue, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

AND NOW, I do hereby certify that on April 21, 2010, I caused a true and correct copy of MOTION TO CONTINUE CASE TO NEXT TRIAL TERM to be served on the following and in the manner indicated below:

By Facsimile and United States Mail, First Class, Postage Prepaid
Addressed as Follows:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
Fax: 814-371-1974

Date: April 21, 2010



John Sughrue, Esquire
Attorney for Plaintiffs

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

Randon Lee Shugarts and *
Debra L. Shugarts, his wife, *
Plaintiffs, *
*
vs. * No. 2008-286-C.D.

Norman Davis, *
Defendant. * Type of case: Motor Vehicle
*
*

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o 13:55 (C)
William A. Shaw
Prothonotary/Clerk of Courts
1 CEN re
ATTY. (60)

ORDER

AND NOW, to wit: this 26th day of April, 2010, upon consideration of Plaintiff's Motion to Continue Case to Next Trial Term, a Rule is hereby issued upon Defendant, to show cause, if any, why the Prayer of the said Motion should not be granted.

RULE RETURNABLE on the 12 day of July, 2010, for filing written response.

ARGUMENT ON THE MERITS of said Motion shall be held AT THE CURRENTLY SCHEDULED PRE-TRIAL CONFERENCE on the 28th day of April, 2010 at 10:00 o'clock a.m. at Clearfield County Courthouse, 1 N. 2nd Street, Clearfield, Pennsylvania.

BY THE COURT:

Paul E. Cleary
Judge

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

RANDON LEE SHUGARTS and
DEBRA L. SHUGARS, his wife,
Plaintiffs

NO. 2008-286-CD

V.
NORMAN DAVIS

ORDER

AND NOW, this 28th day of April, 2010, following Pre-Trial Conference, it is the
ORDER of this Court that this matter shall be and is hereby CONTINUED.

Pre-Trial Conference shall be and is hereby scheduled for June 15, 2010 at 1:00
P.M. in Judge's Chambers, Clearfield County Courthouse, Clearfield, Pennsylvania.

Jury Selection shall be and is hereby scheduled for July 22, 2010, beginning at
9:00 A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

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04/29/2010
APR 29 2010

William A. Shaw
Prothonotary/Clerk of Courts

2cc
Attns: Sughrue
Taladay

60

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FILED

APR 29 2010

William A. Straw
Prothonotary/Clerk of Courts

DATE: 4/29/10

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 Other
 Special Instructions:

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

RANDON L. SHUGARTS and : NO. 2008-286-CD
DEBRA L. SHUGARTS :
: V. :
: :
NORMAN DAVIS :
:

ORDER

AND NOW, this 15th day of June, 2010, the Court being advised that an agreement has been reached, it is the ORDER of this Court that Pre-Trial Conference scheduled June 15, 2010 and Jury Selection scheduled July 22, 2010 shall be and are hereby cancelled.

BY THE COURT,


PAUL E. CHERRY,

JUDGE

FILED 06/16/2010 2:00 PM
S JUN 16 2010 Attn: Sughrue
William A. Shaw
Prothonotary/Clerk of Courts Talada
(610) 0

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FILED

JUN 16 2010

William A. Shaw
Prosecutor/Clerk of Courts

DATE: 6/16/10

You are responsible for serving all appropriate parties.
 The Prosecutor'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

RANDON LEE SHUGARTS and : Type of Case: Civil Action
DEBRA L. SHUGARTS, his wife, :
: No. 2008-286-CD
: vs.
: :
NORMAN DAVIS, : Type of Pleading:
Defendant : Praeclipe for
: Discontinuance
: :
: Filed on Behalf of:
: Plaintiffs
: :
: Counsel of Record for This
: Party:
: John Sughrue, Esq.
: Supreme Court No. 01037
: 225 East Market Street
: Clearfield, PA 16830
: (814) 765-1704

Dated:

June 30, 2010

5 **FILED** 1 CC & 1 Cert.
6 01049301 11 1 2010 of Disc.
7 William A. Shaw
Prothonotary/Clerk of Courts
8 to Atty
9 Sughrue
10 (60)

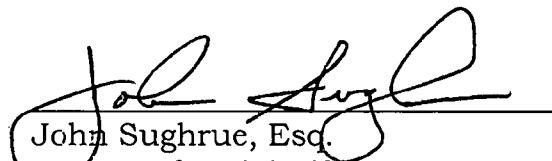
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

RANDON LEE SHUGARTS and :
DEBRA L. SHUGARTS, his wife, :
:
vs. : No. 2008-286-CD
:
NORMAN DAVIS, :
Defendant :
:

PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Kindly mark the above referenced case settled, ended and discontinued.



John Sughrue, Esq.
Attorney for Plaintiffs

COPY

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

CIVIL DIVISION

**Randon Lee Shugarts
Debra L. Shugarts**

Vs. **No. 2008-00286-CD**
Norman Davis

CERTIFICATE OF DISCONTINUATION

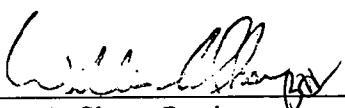
Commonwealth of PA
County of Clearfield

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 July 14, 2010, marked:

Settled, Ended and Discontinued

Record costs in the sum of \$95.00 have been paid in full by John Sughrue, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 14th day of July A.D. 2010.



William A. Shaw, Prothonotary