

08-355-CD
Capital Ins. Co. vs Leila Welder

OFFICE OF THE PROTHONOTARY AND CLERK OF COURTS
CLEARFIELD COUNTY

B. Kane Esq.

WILLIAM A. SHAW
PROTHONOTARY
AND
CLERK OF COURTS

JACKI KENDRICK
DEPUTY PROTHONOTARY



JOHN SUGHRUE
SOLICITOR

LYNN MILLER
ADMINISTRATIVE ASSISTANT

PO BOX 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 5013
FAX (814) 765-2641

To: All Concerned Parties

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 2136 Thank you.

William A. Shaw, Prothonotary

DATE: 7-21-13

 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

CAPITOL INSURANCE COMPANY, as
subrogee for MELANIE CARLIN,

CIVIL DIVISION

No. 08-355-CD

Plaintiff,

COMPLAINT IN CIVIL ACTION

v.

LEILA WELDER,

Filed on behalf of Plaintiff,
Capitol Insurance Company,
as subrogee for Melanie Carlin

Defendant.

Counsel of Record for this Party:

Brian S. Kane
PA I.D. No.: 65715

Dapper, Baldasare, Benson,
Behling & Kane, P.C.
Four Gateway Center, 10th Floor
444 Liberty Avenue
Pittsburgh, PA 15222-1225

(412) 456-5555
(412) 456-2109 – FAX

MAY 15, 2009 Document
Reinstated/Reissued to Sheriff/Attorney
for service. Cah

Deputy Prothonotary

FILED *Att'y pd.
m11/01/09
FEB 29 2009*
FEB 29 2009
S C Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITOL INSURANCE COMPANY, as CIVIL DIVISION
subrogee for MELANIE CARLIN,
No. _____
Plaintiff,

v.

LEILA WELDER,

Defendant.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claim 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 claim 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 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 OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Clearfield County Lawyer Referral Service
100 South Street
Harrisburg, PA 17101
(1-800-692-7375)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITOL INSURANCE COMPANY, as CIVIL DIVISION
subrogee for MELANIE CARLIN,

No. _____

Plaintiff,

v.

LEILA WELDER,

Defendant.

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiff, Capitol Insurance Company, as subrogee for Melanie Carlin, by and through its attorneys, Dapper, Baldasare, Benson, Behling & Kane, P.C., and files a Complaint, averring as follows:

1. The Plaintiff, Capitol Insurance, as subrogee for Melanie Carlin, is an insurance company with a corporate residence of 1120 Welsh Road, Suite 220, North Wales, Pennsylvania 15954.

2. The Plaintiff is the insurer of a 2005 Chevrolet Silverado bearing Vehicle Identification No. 1GCHK29U75E201533 and bearing Pennsylvania Registration Plate marked YMH3459.

3. The owner of the aforesaid 2005 Chevrolet Silverado was Melanie Carlin (hereinafter referred to as "Carlin"), an adult individual residing at 1400 Pine Glen Road, Kartause, Pennsylvania 16845.

4. The Defendant, Leila Welder (hereinafter referred to as "Welder"), is an adult individual residing at 347 Surveyor Run Road, Clearfield, Pennsylvania 16830.

5. The events complained of herein occurred on November 16, 2006, at 4:25 p.m. on Route 1016 in Keewaydin, Covington Township, Pennsylvania.

6. At the time and place aforesaid, Plaintiff's insured, Carlin, was lawfully traveling North of SR1016.

7. At the time and place aforesaid, Defendant Welder negligently, carelessly and recklessly operated her 1998 Chevy Cavalier in a southerly direction on SR1016, when she failed to stop at a stop sign and pulled into the intersection striking the 2005 Chevrolet Silverado operated by Carlin.

8. At the time and place aforesaid, Defendant, Welder operated the 1998 Chevy Cavalier in such a reckless, careless and negligent manner so as to strike and collide with Carlin's 2005 Chevrolet Silverado, thereby causing damage to the aforesaid 2005 Chevrolet Silverado.

9. The said collision resulted from the negligence, carelessness and recklessness of Defendant Welder as a result of the following:

- (a) In failing to keep a sharp lookout for the presence of vehicles on or about the roadway;
- (b) In failing to take evasive action in order to avoid impact with Carlin's vehicle;
- (c) In operating her motor vehicle in a negligent manner;
- (d) In failing to have her motor vehicle under proper control;
- (e) In continuing to operate her motor vehicle in a direction toward Carlin's vehicle when she saw, or in the exercise of reasonable diligence should have seen, that further operation in that direction would result in a collision;
- (f) In that she was inattentive and failed to maintain a sharp lookout of the road and the conditions surrounding her;

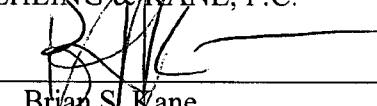
- (g) In failing to operate the brakes in such a manner so as to avoid colliding with Carlin's vehicle;
- (h) In operating her vehicle in a careless and reckless manner;
- (i) In failing to stop, turn aside the vehicle or take appropriate actions so that the collision between said motor vehicle and Carlin's vehicle would be avoided;
- (j) In failing to observe where said motor vehicle was being operated; and
- (k) In operating her motor vehicle in violation of the Pennsylvania Motor Vehicle Code.

As a result of said negligence, careless and recklessness, Plaintiff incurred damages on behalf of Carlin in the sum of \$4,090.31.

WHEREFORE, the Plaintiff, Capitol Insurance Company, as subrogee for Melanie Carlin, demands judgment against the Defendant, Leila Welder, in the sum of Four Thousand One Hundred Ninety Dollars and Thirty-One Cents (\$4,090.31) plus interest and cost of suit. Plaintiff requests damages not in excess of the compulsory arbitration limits for Clearfield County.

Respectfully submitted,

DAPPER, BALDASARE, BENSON,
BEHLING & KANE, P.C.

By: 

Brian S. Kane
PA I.D. No.: 65715

Four Gateway Center, 10th Floor
444 Liberty Avenue
Pittsburgh, PA 15222-15222
(412) 456-5555

*(Counsel for Plaintiff,
Capitol Insurance Company, as
subrogee for Melanie Carlin)*

VERIFICATION

I, **BRENDA TOEPEL**, verify that I am authorized to make this Verification on behalf of **CAPITOL INSURANCE COMPANY** that the Verification is based on the records and information available to **CAPITOL INSURANCE COMPANY**, and the statements contained in the foregoing **COMPLAINT IN CIVIL ACTION** are true and correct to the best of my knowledge, information and belief.

This statement of verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities which provides that if I knowingly make false statements, I may be subject to criminal penalties.

Brenda Toepel on behalf of
Brenda Toepel *Capital*
Capitol Insurance Company *Invo.*

Dated: 2-12-08

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

103822

CAPITOL INSURANCE COMPANY, as subrogee for MELANIE CARLIN

Case # 08-355-CD

vs.

LEILA WELDER

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW June 23, 2008 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO LEILA WELDER, DEFENDANT. ATTEMPTED NOT HOME

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	DAPPER	3294	10.00
SHERIFF HAWKINS	DAPPER	3294	18.00

FILED

JUN 23 2008

0/2245/1

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

CAPITOL INSURANCE COMPANY, as
subrogee for MELANIE CARLIN,

CIVIL DIVISION

No. 08-355-CD

Plaintiff,

COMPLAINT IN CIVIL ACTION

v.

LEILA WELDER,

Filed on behalf of Plaintiff,
Capitol Insurance Company,
as subrogee for Melanie Carlin

Defendant.

Counsel of Record for this Party:

Brian S. Kane
PA I.D. No.: 65715

Dapper, Baldasare, Benson,
Behling & Kane, P.C.
Four Gateway Center, 10th Floor
444 Liberty Avenue
Pittsburgh, PA 15222-1225

(412) 456-5555
(412) 456-2109 – FAX

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

FEB 29 2008

Attest.



William L. Lutz
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITOL INSURANCE COMPANY, as CIVIL DIVISION
subrogee for MELANIE CARLIN,
No. _____
Plaintiff,

v.

LEILA WELDER,

Defendant.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claim 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 claim 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 claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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Harrisburg, PA 17101
(1-800-692-7375)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITOL INSURANCE COMPANY, as CIVIL DIVISION
subrogee for MELANIE CARLIN,
No. _____

Plaintiff,

v.

LEILA WELDER,

Defendant.

COMPLAINT IN CIVIL ACTION

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1. The Plaintiff, Capitol Insurance, as subrogee for Melanie Carlin, is an insurance company with a corporate residence of 1120 Welsh Road, Suite 220, North Wales, Pennsylvania 15954.

2. The Plaintiff is the insurer of a 2005 Chevrolet Silverado bearing Vehicle Identification No. 1GCHK29U75E201533 and bearing Pennsylvania Registration Plate marked YMH3459.

3. The owner of the aforesaid 2005 Chevrolet Silverado was Melanie Carlin (hereinafter referred to as "Carlin"), an adult individual residing at 1400 Pine Glen Road, Kartause, Pennsylvania 16845.

4. The Defendant, Leila Welder (hereinafter referred to as "Welder"), is an adult individual residing at 347 Surveyor Run Road, Clearfield, Pennsylvania 16830.

5. The events complained of herein occurred on November 16, 2006, at 4:25 p.m. on Route 1016 in Keewaydin, Covington Township, Pennsylvania.

6. At the time and place aforesaid, Plaintiff's insured, Carlin, was lawfully traveling North of SR1016.

7. At the time and place aforesaid, Defendant Welder negligently, carelessly and recklessly operated her 1998 Chevy Cavalier in a southerly direction on SR1016, when she failed to stop at a stop sign and pulled into the intersection striking the 2005 Chevrolet Silverado operated by Carlin.

8. At the time and place aforesaid, Defendant, Welder operated the 1998 Chevy Cavalier in such a reckless, careless and negligent manner so as to strike and collide with Carlin's 2005 Chevrolet Silverado, thereby causing damage to the aforesaid 2005 Chevrolet Silverado.

9. The said collision resulted from the negligence, carelessness and recklessness of Defendant Welder as a result of the following:

- (a) In failing to keep a sharp lookout for the presence of vehicles on or about the roadway;
- (b) In failing to take evasive action in order to avoid impact with Carlin's vehicle;
- (c) In operating her motor vehicle in a negligent manner;
- (d) In failing to have her motor vehicle under proper control;
- (e) In continuing to operate her motor vehicle in a direction toward Carlin's vehicle when she saw, or in the exercise of reasonable diligence should have seen, that further operation in that direction would result in a collision;
- (f) In that she was inattentive and failed to maintain a sharp lookout of the road and the conditions surrounding her;

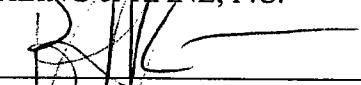
- (g) In failing to operate the brakes in such a manner so as to avoid colliding with Carlin's vehicle;
- (h) In operating her vehicle in a careless and reckless manner;
- (i) In failing to stop, turn aside the vehicle or take appropriate actions so that the collision between said motor vehicle and Carlin's vehicle would be avoided;
- (j) In failing to observe where said motor vehicle was being operated; and
- (k) In operating her motor vehicle in violation of the Pennsylvania Motor Vehicle Code.

As a result of said negligence, careless and recklessness, Plaintiff incurred damages on behalf of Carlin in the sum of \$4,090.31.

WHEREFORE, the Plaintiff, Capitol Insurance Company, as subrogee for Melanie Carlin, demands judgment against the Defendant, Leila Welder, in the sum of Four Thousand One Hundred Ninety Dollars and Thirty-One Cents (\$4,090.31) plus interest and cost of suit. Plaintiff requests damages not in excess of the compulsory arbitration limits for Clearfield County.

Respectfully submitted,

DAPPER, BALDASARE, BENSON,
BEHEING & KANE, P.C.

By: 

Brian S. Kane
PA I.D. No.: 65715

Four Gateway Center, 10th Floor
444 Liberty Avenue
Pittsburgh, PA 15222-15222
(412) 456-5555

*(Counsel for Plaintiff,
Capitol Insurance Company, as
subrogee for Melanie Carlin)*

VERIFICATION

I, **BRENDA TOEPEL**, verify that I am authorized to make this Verification on behalf of **CAPITOL INSURANCE COMPANY** that the Verification is based on the records and information available to **CAPITOL INSURANCE COMPANY**, and the statements contained in the foregoing **COMPLAINT IN CIVIL ACTION** are true and correct to the best of my knowledge, information and belief.

This statement of verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities which provides that if I knowingly make false statements, I may be subject to criminal penalties.

Brenda Toepel on behalf of
Brenda Toepel Capital Inns.
Capitol Insurance Company

Dated: 2.12.08

FILED
MAY 18 2009
ml 9-30/3
William A. Shaw
Prothonotary/Clerk of Courts
No 4/4
1 REINSTATE
COMPLAINT TO
SHERIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, 1 REINSTATE
PENNSYLVANIA

CAPITOL INSURANCE COMPANY, as
subrogee for MELANIE CARLIN

CIVIL DIVISION

No. 08-355-CD

Plaintiff,

**PRAECIPE TO REINSTATE THE
COMPLAINT AGAINST LEILA WELDER**

v.

LEILA WELDER
347 Surveyor Run Road
Clearfield, Pennsylvania 16830

Filed on behalf of Plaintiff,
Capitol Insurance Company,
as subrogee for Melanie Carlin

Counsel of Record for this Party:

Defendant.

Brian S. Kane
PA I.D. No.: 65715

Dapper, Baldasare, Benson,
Behling & Kane, P.C.
Four Gateway Center, 10th Floor
444 Liberty Avenue
Pittsburgh, PA 15222-1225

(412) 456-5555
(412) 456-2109 – FAX

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITOL INSURANCE COMPANY, as CIVIL DIVISION
subrogee for MELANIE CARLIN,
No. 08-355-CD
Plaintiff,

v.

LEILA WELDER,
Defendant.

PRAECIPE TO REINSTATE THE COMPLAINT IN CIVIL ACTION

To the Prothonotary:

Kindly reinstate the Plaintiff's Complaint in Civil Action filed in the above-captioned matter against Leila Welder, an adult individual residing at 347 Surveyor Run Road, Clearfield, Pennsylvania 16830.

Respectfully submitted,

DAPPER, BALDASARE, BENSON &
KANE, P.C.

BY



Brian S. Kane, Esquire
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-355-CD

CAPITOL INSURANCE COMPANY, as subrogee for MELANIE CARLIN
vs
LEILA WELDER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/17/2009 HEARING: PAGE: 105684

DEFENDANT: LEILA WELDER
ADDRESS: 347 SURVEYOR RUN ROAD
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 6-1-04 - 11:06 - N/H
6-2-09 - 10:12 AM - N/H SHERIFF'S PETITION

SHERIFF'S RETURN

NOW, 6-9-09 AT 2:04 AM / PM SERVED THE WITHIN

COMPLAINT ON LEILA WELDER, DEFENDANT

BY HANDING TO Clair Welder Husband

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 347 Surveyor Run Road
Clearfield, Pa. 16830

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT FOR LEILA WELDER

AT (ADDRESS)

I MAKE RETURN OF **NOT FOUND** AS TO LEILA WELDER

THE MARKET FOR THE RETURN OF NOT FOUND ACTS TO ELIS VWEDE

REASON UNABLE TO EDUCATE

SWORN TO BEFORE ME THIS

DAY OF 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Answers: CHESTER A. HAWKINS SHERIFF

Deputy Signature

James E. Davis
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105684
NO: 08-355-CD
SERVICES 1

COMPLAINT

PLAINTIFF: CAPITOL INSURANCE COMPANY, as subrogee for MELANIE CARLIN
vs.
DEFENDANT: LEILA WELDER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	DAPPER	3756	10.00
SHERIFF HAWKINS	DAPPER	3756	15.00

FILED
SEP 25 2009
0/11/10
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009



Chester A. Hawkins
Sheriff

CA

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

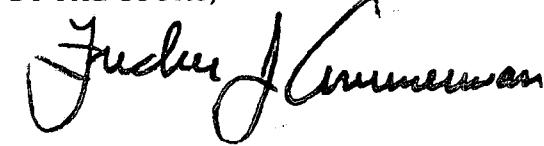
CAPITOL INSURANCE COMPANY and * NO. 2008-355-CD
MELANIE CARLIN *
Plaintiffs *
vs. *
LEILA WELDER *
Defendant *

ORDER

NOW, this 15th day of May, 2013, it is the ORDER of this Court that a **status conference** be and is hereby scheduled for the **27th day of June, 2013 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

If this case has been concluded, the moving party is directed to file the appropriate Praecipe with the Prothonotary of Clearfield County to finalize that status of the case.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
MAY 16 2013
William A. Shaw
Prothonotary/Clerk of Courts
616

ICC Atty
B. Kane
ICC
deft

DATE: 5-16-13

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

MAY 16 2013

William A. Shaw
Prothonotary/Clerk of Courts

Jeff

347 Surveyor Run Rd
Clearfield 16830

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

CAPITOL INSURANCE COMPANY;)
MELANIE CARLIN)
)
VS.) NO. 2008-355-CD
)
LEILA WELDER)

O R D E R

NOW this 27th day of June, 2013, this being the date set for call of List of Inactive Cases; the Plaintiff, nor anyone on their behalf, has appeared; the Defendant has appeared, pro se, and represented that the matter was settled and that she made payment as was requested; and due to inactivity, the case is dismissed.

The Prothonotary shall code the matter in Full Court as Z-DISPMA.

BY THE COURT



President Judge

FILED

S 019:35pm
Z JUL 02 2013

2CC Atty B. Kane

2CC doft

William A. Shaw
Prothonotary/Clerk of Courts

612

DATE: 7.21.13

You are responsible for serving all appropriate parties.
 The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

FILED

JUL 02 2013

William A. Shaw
Prothonotary/Clerk of Courts

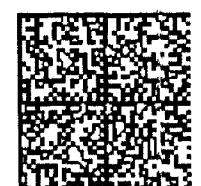
Jeff
347 Surveyor Run Rd
Clearfield 16830

William A. Shaw
Prothonotary/Clerk of Courts
Po Box 549
Clearfield, PA 16830.

LED
FILED
JUL 11 2013
38CM

William A. Shaw
Prothonotary/Clerk of Courts

RETURN TO
SENDER



Hasler
07/02/2013
Mailed From 16830
US POSTAGE

RETURN TO SENDER

RETURN TO
SENDER

Brian S. Kane, Esq.
Pietragallo, Bosick & Gordon
38th Floor
One Oxford Centre
Pittsburgh, PA 15219

4521533451 COSE

RETURN TO
SENDER

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

CAPITOL INSURANCE COMPANY;)
MELANIE CARLIN)
VS.) NO. 2008-355-CD
LEILA WELDER)

O R D E R

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The Prothonotary shall code the matter in Full Court as Z-DISPMA.

BY THE COURT,

/S/ Fredric J Ammerman

President Judge
I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JUL 02 2013

Attest,

William L. Chan
Prothonotary/
Clerk of Courts

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

CAPITOL INSURANCE COMPANY;)
MELANIE CARLIN)
VS.) NO. 2008-355-CD
LEILA WELDER)

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BY THE COURT,
/S/ Fredric J Ammerman

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**I hereby certify this to be a true
and attested copy of the original
statement filed in this case.**

JUL 02 2013

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William L. Chan
Prothonotary/
Clerk of Courts