

08-571-CD  
Robert Coder vs Jordan Nesbitt

**COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA  
CIVIL ACTION - (LAW)**

No. 2008-571-CD

**ROBERT CODER,**

Plaintiff,

v.

**JORDAN NESBITT,**

Defendant.

Type of Case: Civil Action

Type of Pleading: Civil Complaint

Filed on Behalf of: Robert Coder, Plaintiff

Counsel of Record for this Party:

Adam E. Barnett, Esquire

Supreme Court No.: 203865

Nicholas, Perot, Smith, Koehler & Wall, P.C.

2527 West 26<sup>th</sup> Street, Erie, PA 16506

(814) 833-8851

Dated:

3/25/08

**FILED** pd \$95.00 Atty  
m 11:50 am 26 Sheet  
MAR 28 2008  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER,

v.

JORDAN NESBITT,

Plaintiff, : CIVIL ACTION - LAW  
: No.: \_\_\_\_\_  
Defendant. :

**NOTICE**

TO: THE ABOVE-NAMED DEFENDANT(S)

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, Pennsylvania 16830  
(814) 765-2641, Ext. 50-51

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER, :  
Plaintiff, : CIVIL ACTION - LAW  
v. :  
: No.: \_\_\_\_\_  
JORDAN NESBITT, :  
Defendant. :

**CIVIL COMPLAINT**

AND NOW, comes the Plaintiff, Robert Coder, by and through his attorneys, **Nicholas, Perot, Smith, Koehler & Wall**, and files the following Civil Complaint as follows:

1. That Plaintiff, Robert Coder is an adult individual presently residing at 23 Lord Street, DuBois, Clearfield County, Pennsylvania 15801.
2. That Defendant, Jordan Nesbitt, is an adult individual presently residing at 39 Rishel Lane, Weedville, Elk County, Pennsylvania 15868.
3. That on or about, April 9, 2006, Plaintiff was driving a 1987 Chevrolet S-10 pickup truck (hereinafter Plaintiff's vehicle), traveling south on State Route 255 Rotunda Drive, at the intersection of Showers Road, Sandy Township, Clearfield County, Pennsylvania.
4. That at the above time and place, Defendant Jordan Nesbitt was operating a 1991 Dodge Ram pickup (hereinafter Defendant's vehicle), directly behind the Plaintiff's vehicle.
5. That at the above date and place, the Plaintiff's vehicle came to a complete stop at the above intersection in order to make a left turn onto Showers Road.
6. That at the above time and place, Defendant's vehicle failed to stop, causing a collision with the rear of the Plaintiff's vehicle.
7. That the collision between the Plaintiff's vehicle and the Defendant's vehicle was caused solely by the negligence, recklessness and carelessness of Defendant in that:

- (a) He operated his vehicle at an excessive rate of speed under the circumstances;
- (b) He failed to have his vehicle under proper and reasonable control;
- (c) He operated his vehicle in such a manner as to cause it to collide with the Plaintiff's vehicle;
- (d) He failed to pay proper and reasonable attention to other vehicles as he proceeded on the roadway;
- (e) He operated his vehicle without due regard for the rights, safety and position of other vehicles, including Plaintiff's vehicle.
- (f) He failed to operate his vehicle in a safe and proper manner by colliding with Plaintiff's vehicle;
- (g) He was not physically and/or emotionally fit to operate a motor vehicle; and,
- (h) He failed to comply with the laws, rules and regulations of the Pennsylvania Motor Vehicle Code, specifically 75 Pa. C.S.A. § 3714 (Careless Driving), § 3321 (Assured Cleared Distance), and § 3323 (Following Too Closely).

8. By reason of the negligence, recklessness and carelessness of the Defendant, Plaintiff Robert Coder was violently shaken and suffered severe, serious and permanent injuries and permanent impairment of bodily functions, including:

- (a) Pain to the cervical spine;
- (b) Pain to the lumbar spine;
- (c) Pain to the thoracic spine;

- (d) Disc herniations;
- (e) Anxiety; and
- (f) Shock to nerves and nervous systems.

9. That as a direct and proximate result of the aforementioned injuries and collision, Plaintiff Robert Coder has suffered the following damages:

- (a) Plaintiff has suffered and will suffer great pain, suffering, inconvenience, mental anguish and loss of enjoyment of life's pleasures;
- (b) Plaintiff has been and will be required to expend large sums of money for medical attention, which may include physical therapy, hospitalization, medical supplies, medicines, surgical attention, surgical appliances and attendant's services;
- (c) Plaintiff has, and/or will, suffer a loss of wages and/or earning capacity; and
- (d) Plaintiff's general health, strength and vitality have been impaired.

WHEREFORE, Plaintiff Robert Coder demands judgment against Defendant Jordan Nesbitt in an amount in excess of \$30,000.00, plus interest and costs of suit.

**A JURY TRIAL OF TWELVE (12) IS HEREBY DEMANDED**

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER,

Plaintiff : CIVIL ACTION - LAW

v.

: No.: \_\_\_\_\_

JORDAN NESBITT,

Defendant. :

**VERIFICATION**

I, Robert Coder, verify that the statements made in the foregoing Civil Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Robert Coder

Date: 3-19-08

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

ROBERT CODER : CIVIL ACTION - LAW  
Plaintiff, : No 2008 - *571* *583* CD  
v. : ISSUE: Praeclipe for Appearance  
JORDAN NESBITT, :  
Defendant. : Filed on Behalf of Defendant:  
: Counsel of Record for this Defendant:  
: **MARGOLIS EDELSTEIN**  
: Stephen L. Dugas, Esquire  
: PA. I.D. # 21351  
: PO Box 628  
: Hollidaysburg, PA 16648  
: (814) 695-5054  
: Fax: (814) 695-5066

I hereby certify that a true and correct copy of the within was mailed to all other counsel of record this 1<sup>st</sup> day of May, 2008.

\_\_\_\_\_  
Attorney for Defendant

**FILED**  
*MAY 05 2008* NO CC  
*WILLIAM A. SHAW* GIC

William A. Shaw  
Prothonotary/Clerk of Courts

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

ROBERT CODER : CIVIL ACTION - LAW  
:   
Plaintiff, :  
:   
v. : No: 2008 - 571 CD  
:   
JORDAN NESBITT, :  
:   
Defendant. : JURY TRIAL DEMANDED

—

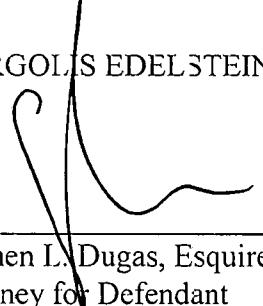
**PRAECIPE FOR APPEARANCE**

TO PROTHONOTARY:

Enter our Appearance for Defendant, Jordan Nesbitt in the above captioned action.

Papers may be served at the address set forth below.

MARGO LIS EDELSTEIN

By: 

Stephen L. Dugas, Esquire  
Attorney for Defendant  
Attorney I.D. # 21351  
PO Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

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

ROBERT CODER : CIVIL ACTION - LAW  
Plaintiff, : No: 2008 - **571** ~~583~~ CD  
v. : ISSUE: Answer to Civil Complaint  
JORDAN NESBITT, :  
Defendant. : Filed on Behalf of Defendant:  
: Counsel of Record for this Defendant:  
: **MARGOLIS EDELSTEIN**  
: Stephen L. Dugas, Esquire  
: PA. I.D. # 21351  
: PO Box 628  
: Hollidaysburg, PA 16648  
: (814) 695-5064  
: Fax: (814) 695-5066

I hereby certify that a true and correct copy of the within was mailed to all other counsel of record this 23<sup>rd</sup> day of May, 2008.

\_\_\_\_\_  
Attorney for Defendant

**FILED**  
MAY 19 2008  
MAY 27 2008  
60  
cc  
60

William A. Shaw  
Prothonotary/Clerk of Courts

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

ROBERT CODER	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	
v.	:	No: 2008 - 571 CD
	:	
JORDAN NESBITT,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**ANSWER**

NOW COMES Defendant, and by his Attorneys, Margolis Edelstein, files this Answer to Civil Complaint, whereof the following is a statement:

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 1. Strict proof is demanded at time of trial.
2. Admitted.
3. Denied pursuant to Pa. R.C.P., Rule 1029(e), or because, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.
4. Admitted as to the time, date and place of the events described. As to the balance of the averments herein, the same are Denied pursuant to Pa. R.C.P., Rule 1029(e), or because, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.
5. Denied pursuant to Pa. R.C.P., Rule 1029(e), or because, after reasonable

investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.

6. Denied as stated. It is admitted only that Plaintiff's vehicle was involved in a collision with another vehicle at the time, date and place set forth. As to the balance of the averments herein, the same are Denied pursuant to Pa. R.C.P., Rule 1029(e), or because, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.

7. All averments in this paragraph and all sub-paragraphs therein are denied pursuant to Pa. R.C.P., Rule 1029(e) or because, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.

8 - 9. All averments in these paragraphs and all sub-paragraphs therein are denied pursuant to Pa. R.C.P., Rule 1029(e) or because, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.

WHEREFORE, Defendant demands that Plaintiffs' Complaint be dismissed, with prejudice, together with costs of suit awarded.

#### NEW MATTER

By way of further and more complete answer to the Plaintiff's Civil Complaint, Defendant sets forth the following New Matter in accordance with the rules of pleading:

10. At all relevant times, Plaintiff was bound by the terms and provision of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75, Pa. C.S., Section 1701, et seq.

11. Some or all of Plaintiff's claims and damages are barred or must be reduced in

accordance with 75 Pa.C.S., Section 1722 ("Preclusion of recovering required benefits") and Section 1705 (a) ("Election of tort options") and (b) ("Application of tort options").

12. The accident described in the Civil Complaint was the result of a sudden and unanticipated emergency, thereby relieving Defendant from liability.

WHEREFORE, Defendant demands that the Civil Complaint filed against him be dismissed, with prejudice, together with costs of suit awarded.

**MARGOLIS EDELSTEIN**

By: \_\_\_\_\_

Stephen L. Dugas, Esquire  
Attorney for Defendant  
Attorney I.D. # 21351  
PO Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

**TO: Plaintiff Robert Coder:**

You are hereby notified to file a written response to the enclosed NEW MATTER within twenty (20) days from service hereof or a judgment may be entered against you.

Stephen L. Dugas, Esquire

**VERIFICATION**

I, Jordan Nesbitt hereby Verify that I reviewed the foregoing Answer and New Matter and the facts stated therein are true and correct to the best of my knowledge, information and belief.

I understand that false statements are made subject to the penalties of 18 Pa. C.S.A., Section 4904, relating to unsworn falsification to authorities.

Date: 5/15/08

  
\_\_\_\_\_  
Jordan Nesbitt

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

ROBERT CODER : CIVIL ACTION - LAW  
Plaintiff, : No: 2008 - **571** CD  
v. : ISSUE: Notice of Service of Interrogatories  
JORDAN NESBITT, :  
Defendant. : Filed on Behalf of Defendant:  
: Counsel of Record for this Defendant:  
: **MARGOLIS EDELSTEIN**  
: Stephen L. Dugas, Esquire  
: PA. I.D. # 21351  
: PO Box 628  
: Hollidaysburg, PA 16648  
: (814) 695-5064  
: Fax: (814) 695-5066

I hereby certify that a true and correct copy of the within was mailed to all other counsel of record this 23<sup>rd</sup> day of May, 2008

\_\_\_\_\_  
Attorney for Defendant

FILED  
MAY 27 2008  
NO CC  
100

William A. Shaw  
Prothonotary/Clerk of Courts

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

ROBERT CODER : CIVIL ACTION - LAW  
Plaintiff, :  
v. : No: 2008 - 571 CD  
JORDAN NESBITT, :  
Defendant. : JURY TRIAL DEMANDED

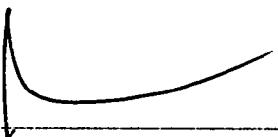
**NOTICE OF SERVICE OF INTERROGATORIES AND FIRST REQUEST FOR**  
**PRODUCTION OF DOCUMENTS**

TO PROTHONOTARY:

You are hereby notified that on the 23<sup>rd</sup> day of May, 2008, Defendant served Interrogatories and First Request for Production of Documents on the Plaintiff by mailing the original of same via First Class U S. Mail, postage prepaid, addressed to the following:

Adam E. Barnett, Esquire  
2527 West 26<sup>th</sup> Street  
Erie, PA 16506

**MARGOLIS EDELSTEIN**

By: 

Attorney for Defendant  
Stephen L. Dugas, Esquire  
PA. I.D.# 21351  
PO Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER, :  
Plaintiff, : CIVIL ACTION - LAW  
v. :  
: No.: 2008-571 CD  
JORDAN NESBITT, :  
Defendant. :

**REPLY TO NEW MATTER**

AND NOW, comes the Plaintiff, Robert Coder, by and through his attorneys, **Nicholas, Perot, Smith, Koehler & Wall, P.C.**, and file the following Reply to New Matter which is as follows:

10. The averments contained in Paragraph 10 of Defendant's New Matter are conclusions of law which no response is necessary

11. The averments contained in Paragraph 11 of Defendant's New Matter are conclusions of law which no response is necessary. In the event that a response is necessary, it is denied that some or all of Plaintiff's claims and damages are barred or must be reduced in accordance with 75 Pa.C.S., Section 1722 ("Preclusion of recovering required benefits") and Section 1705(a) ("Election of tort options") and (b) (Application of tort options").

12. The averments contained in Paragraph 12 of Defendant's New Matter are conclusions of law which no response is necessary. In the event that a response is necessary, it is denied that the accident described in the Civil Complaint was the result of a sudden and unanticipated emergency, thereby relieving Defendant from Liability.

FILED <sup>1CC</sup>  
MAY 29 2008 *Atty. Barnett*  
*110-4961* *62*

William A. Shaw  
Prothonotary/Clerk of Courts

WHEREFORE, Plaintiff, Robert Coder, demand judgment against Defendant Jordan Nesbitt in an amount in excess of \$30,000.00, plus interest and costs of suit.

**A JURY OF TWELVE (12) IS DEMANDED**

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
Pa. I.D. 203865  
2527 West 26th Street  
Erie, Pennsylvania 16506  
(814)833-8851  
*Attorney for the Plaintiff*

Date: 5/27/08

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER,

Plaintiff, : CIVIL ACTION - LAW

v.

: No.: 2008-571 CD

JORDAN NESBITT,

Defendant.

**VERIFICATION**

On this 27<sup>th</sup> day of May, 2008, I, Adam E. Barnett, Esquire, the undersigned, hereby states that he is the attorney for the Plaintiff, Robert Coder, that he is authorized to make this Verification on behalf of the Plaintiff, that the facts set forth in the foregoing Reply to New Matter, pursuant to Rule 2252(d), are true and correct, not of his own knowledge, but from information supplied to him by the Plaintiff, that the purpose of this Verification is to expedite the litigation, that a Verification of the Plaintiff will be supplied if demanded, all subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Adam E. Barnett  
Adam E. Barnett, Esquire

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER, :  
Plaintiff, : CIVIL ACTION - LAW  
v. :  
: No.: 2008-571 CD  
JORDAN NESBITT, :  
Defendant. :

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 27<sup>th</sup> day of May, 2008, a true and correct copy of the foregoing Reply to New Matter was served by First Class United States Mail, postage pre-paid to the following parties:

Stephen L. Dugas, Esquire  
Margolis Edlestein  
P.O. Box 628  
Hollidaysburg, PA 16648

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
Pa. I.D. 203865  
2527 West 26th Street  
Erie, Pennsylvania 16506  
(814)833-8851  
*Attorney for the Plaintiff*

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER,

Plaintiff : CIVIL ACTION - LAW

v.

: No.: 2008-571-CD

JORDAN NESBITT,

Defendant. :

NOTICE OF SERVICE OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION  
OF DOCUMENTS

I, Adam E. Barnett, Esquire, do hereby certify that on the 29<sup>th</sup> day of May, 2008, the original First Set of Interrogatories and Request for Production of documents directed to Defendant, Jordan Nesbitt were served upon Defendant Counsel, Stephen L. Dugas, Esquire, P.O. Box 628 Hollidaysburg, PA 16648 by United States First Class Mail, postage pre-paid.

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY:

Adam E. Barnett

Adam E. Barnett, Esquire  
Pa. I.D. 203865  
2527 West 26th Street  
Erie, Pennsylvania 16506  
(814)833-8851  
*Attorney for the Plaintiff*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103975  
NO: 08-571-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: ROBERT CODER  
vs.  
DEFENDANT: JORDAN NESBITT

**SHERIFF RETURN**

---

NOW, March 31, 2008, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JORDAN NESBITT.

NOW, April 03, 2008 AT 1:03 PM SERVED THE WITHIN COMPLAINT ON JORDAN NESBITT, DEFENDANT. THE RETURN OF ELK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

**FILED**

0/2/40cm  
JUL 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103975  
NO. 08-571-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: ROBERT CODER  
vs.  
DEFENDANT: JORDAN NESBITT

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NICHOLAS	13762	10.00
SHERIFF HAWKINS	NICHOLAS	13762	21.00
ELK CO.	NICHOLAS	13763	73.52

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

# Affidavit of Service

Robert Coder  
vs.  
Jordan Nesbitt

}

No. 571 Term, 20 08

Returnable within \_\_\_\_\_ days  
from date of service hereof.

NOW April 3 20 08 at 1:03 o'clock P.M.

served the within Complaint on Jordan Nesbitt

at 56 Russel Hideaway, Weedville, Elk County, PA

by handing to Kenneth Nesbitt, father of Jordan Nesbitt, adult in charge of residence  
a true and attested copy of the original Complaint and made  
known to him the contents thereof. Sheriff's Costs - \$73.52 PAID  
Sworn to before me this 17<sup>th</sup>

day of April A.D. 20 08  
Silvia H. Kronawetter Deputy Prothonotary  
My Commission Expires January 2, 2012

So answers,

Jeffrey C. Krieg  
Earl C Pontious  
Sheriff  
Deputy



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

PAGE 103975

TERM & NO. 08-571-CD

ROBERT CODER

COMPLAINT

vs.

JORDAN NESBITT

SERVE BY: 04/27/08  
COURT DATE:

**MAKE REFUND PAYABLE TO NICHOLAS PEROT SMITH KOERHLER & WALL, ESQ.**

**SERVE:** JORDAN NESBITT

**ADDRESS:** 39 RISHEL LANE, WEEDVILLE, PA 15868

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, March 31, 2008.

RESPECTFULLY,

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

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY PENNSYLVANIA

TS

**COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA  
CIVIL ACTION - (LAW)**

**COPY**

No. 2008-571- CD

ROBERT CODER,

Plaintiff,

v.

JORDAN NESBITT,

Defendant.

Type of Case: Civil Action

Type of Pleading: Civil Complaint

Filed on Behalf of: Robert Coder, Plaintiff

Counsel of Record for this Party:

Adam E. Barnett, Esquire

Supreme Court No.: 203865

Nicholas, Perot, Smith, Koehler & Wall, P.C.

2527 West 26<sup>th</sup> Street, Erie, PA 16506

(814) 833-8851

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

Dated: 3/25/08

MAR 28 2008

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER, :  
Plaintiff, : CIVIL ACTION - LAW  
v. :  
: No.: \_\_\_\_\_  
JORDAN NESBITT, :  
Defendant. :

**NOTICE**

TO: THE ABOVE-NAMED DEFENDANT(S)

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, Pennsylvania 16830  
(814) 765-2641, Ext. 50-51

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER,

Plaintiff, : CIVIL ACTION - LAW

v.

: No.: \_\_\_\_\_

JORDAN NESBITT,

Defendant. :

**CIVIL COMPLAINT**

AND NOW, comes the Plaintiff, Robert Coder, by and through his attorneys, **Nicholas, Perot, Smith, Koehler & Wall**, and files the following Civil Complaint as follows:

1. That Plaintiff, Robert Coder is an adult individual presently residing at 23 Lord Street, DuBois, Clearfield County, Pennsylvania 15801.
2. That Defendant, Jordan Nesbitt, is an adult individual presently residing at 39 Rishel Lane, Weedville, Elk County, Pennsylvania 15868.
3. That on or about, April 9, 2006, Plaintiff was driving a 1987 Chevrolet S-10 pickup truck (hereinafter Plaintiff's vehicle), traveling south on State Route 255 Rotunda Drive, at the intersection of Showers Road, Sandy Township, Clearfield County, Pennsylvania.
4. That at the above time and place, Defendant Jordan Nesbitt was operating a 1991 Dodge Ram pickup (hereinafter Defendant's vehicle), directly behind the Plaintiff's vehicle.
5. That at the above date and place, the Plaintiff's vehicle came to a complete stop at the above intersection in order to make a left turn onto Showers Road.
6. That at the above time and place, Defendant's vehicle failed to stop, causing a collision with the rear of the Plaintiff's vehicle.
7. That the collision between the Plaintiff's vehicle and the Defendant's vehicle was caused solely by the negligence, recklessness and carelessness of Defendant in that:

- (a) He operated his vehicle at an excessive rate of speed under the circumstances;
- (b) He failed to have his vehicle under proper and reasonable control;
- (c) He operated his vehicle in such a manner as to cause it to collide with the Plaintiff's vehicle;
- (d) He failed to pay proper and reasonable attention to other vehicles as he proceeded on the roadway;
- (e) He operated his vehicle without due regard for the rights, safety and position of other vehicles, including Plaintiff's vehicle.
- (f) He failed to operate his vehicle in a safe and proper manner by colliding with Plaintiff's vehicle;
- (g) He was not physically and/or emotionally fit to operate a motor vehicle; and,
- (h) He failed to comply with the laws, rules and regulations of the Pennsylvania Motor Vehicle Code, specifically 75 Pa. C.S.A. § 3714 (Careless Driving), § 3321 (Assured Cleared Distance), and § 3323 (Following Too Closely).

8. By reason of the negligence, recklessness and carelessness of the Defendant, Plaintiff Robert Coder was violently shaken and suffered severe, serious and permanent injuries and permanent impairment of bodily functions, including:

- (a) Pain to the cervical spine;
- (b) Pain to the lumbar spine;
- (c) Pain to the thoracic spine;

- (d) Disc herniations;
- (e) Anxiety; and
- (f) Shock to nerves and nervous systems.

9. That as a direct and proximate result of the aforementioned injuries and collision, Plaintiff Robert Coder has suffered the following damages:

- (a) Plaintiff has suffered and will suffer great pain, suffering, inconvenience, mental anguish and loss of enjoyment of life's pleasures;
- (b) Plaintiff has been and will be required to expend large sums of money for medical attention, which may include physical therapy, hospitalization, medical supplies, medicines, surgical attention, surgical appliances and attendant's services;
- (c) Plaintiff has, and/or will, suffer a loss of wages and/or earning capacity; and
- (d) Plaintiff's general health, strength and vitality have been impaired.

WHEREFORE, Plaintiff Robert Coder demands judgment against Defendant Jordan Nesbitt in an amount in excess of \$30,000.00, plus interest and costs of suit.

**A JURY TRIAL OF TWELVE (12) IS HEREBY DEMANDED**

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER, :  
v. Plaintiff, : CIVIL ACTION - LAW  
JORDAN NESBITT, : : No.: \_\_\_\_\_  
Defendant. : :

**VERIFICATION**

I, Robert Coder, verify that the statements made in the foregoing Civil Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Robert Coder

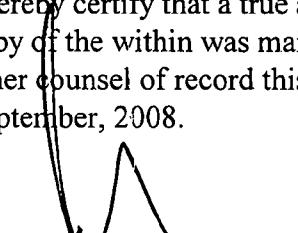
Date: 3-19-08

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

**FILED**

ROBERT CODER : CIVIL ACTION - LAW  
Plaintiff, : No: 2008 - 583 CD *5 10:05 AM* OCT 01 2008  
v. : ISSUE: Notice of Service of Answers to  
JORDAN NESBITT, : Plaintiff's First Set of Interrogatories and  
Defendant. : Request for Production. *no 41*  
: Filed on Behalf of Defendant:  
: Counsel of Record for this Defendant:  
: **MARGOLIS EDELSTEIN**  
: Stephen L. Dugas, Esquire  
: PA. I.D. # 21351  
: PO Box 628  
: Hollidaysburg, PA 16648  
: (814) 695-5064  
: Fax: (814) 695-5066

I hereby certify that a true and correct  
copy of the within was mailed to all  
other counsel of record this 24<sup>th</sup> day of  
September, 2008.

  
\_\_\_\_\_  
Attorney for Defendant

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

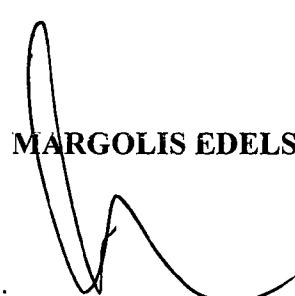
ROBERT CODER	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	
v.	:	No: 2008 - 571 CD
	:	
JORDAN NESBITT,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFF'S FIRST**  
**SET OF INTERROGATORIES AND REQUEST FOR**  
**PRODUCTION OF DOCUMENTS**

TO PROTHONOTARY:

You are hereby notified that on the 24<sup>th</sup> day of September, 2008, Defendant served Answers to Plaintiff's First Set of Interrogatories and Request for Production of Documents on the Plaintiff by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Adam E. Barnett, Esquire  
2527 West 26<sup>th</sup> Street  
Erie, PA 16506

  
**MARGOLIS EDELSTEIN**

By: \_\_\_\_\_  
Attorney for Defendant  
Stephen L. Dugas, Esquire  
PA. I.D.# 21351  
PO Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

ROBERT CODER, :  
Plaintiff, : CIVIL ACTION - LAW  
v. :  
: No.: 2008-571-CD  
JORDAN NESBITT, :  
Defendant. :

**NOTICE OF SERVICE OF PLAINTIFF'S ANSWERS TO DEFENDANT'S  
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

TO PROTHONOTARY:

You are hereby notified that on the 7<sup>th</sup> day of October, 2008, Plaintiff served Answers to Defendant's First Set of Interrogatories and Request for Production of Documents on the Defendant by mailing the original of the same via First Class U.S. Mail, postage prepaid, addressed to the following:

Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

NICHOLAS, PEROT, SMITH, KOEHLER & WALL

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
Attorneys for Plaintiff

5 **FILED** NOCC  
OCT 11 2008  
OCT 09 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

**FILED**

ROBERT CODER, : CIVIL ACTION - LAW

Plaintiff, : No: 2008 - 583 CD

v.

JORDAN NESBITT,

Defendant.

: CIVIL ACTION - LAW

571

OCT 20 2008  
S 10:00 AM  
William A. Shaw  
Prothonotary/Clerk of Court  
VV C/C (60)

: ISSUE: Notice of Deposition

: Filed on Behalf of Defendant:

: Counsel of Record for this Defendant:

: **MARGOLIS EDELSTEIN**

: Stephen L. Dugas, Esquire

: PA. I.D. # 21351

: PO Box 628

: Hollidaysburg, PA 16648

: (814) 695-5064

: Fax: (814) 695-5066

I hereby certify that a true and correct copy of the within was mailed to all other counsel of record this 17<sup>th</sup> day of October, 2008.

\_\_\_\_\_  
Attorney for Defendant

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

ROBERT CODER,	:	CIVIL ACTION - LAW
Plaintiff,	:	No: 2008 - <i>571</i> 583 CD
v.	:	
JORDAN NESBITT,	:	
Defendant.	:	JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION**

TO: Robert Coder  
c/o Adam E. Barnett, Esquire  
2527 West 26th Street  
Erie, PA 16506

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

Please take Notice that the deposition on the **29th day of October, 2008, at 1:00 o'clock p.m.** The deposition of **Plaintiff Robert Coder** shall be taken upon oral examination by an Official Court Reporter under the provisions of Rule 4003 of the Rules of Civil Procedure of the Commonwealth of Pennsylvania.

The deposition will take place at the **Office of Sargent's Court Reporting Service, Inc., 106 N. 2nd Street, 1<sup>st</sup> Floor, Clearfield, PA 16830. (814) 765-8711.**

The scope of the said deposition will include inquiry into all facts concerning the happening of the accident complained of and all other matters relevant to issues raised in the case.

You are invited to attend and participate.

**MARCOLIS EDELSTEIN**

By: \_\_\_\_\_

Attorney for Defendant  
Stephen L. Dugas, Esquire  
PA. ID # 21351  
P.O. Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER, :  
Plaintiff, : CIVIL ACTION - LAW  
v. :  
: No.: 2008-571-CD  
JORDAN NESBITT, :  
Defendant. :  
:

**NOTICE OF DEPOSITION**

TO: Lisa Nesbitt  
c/o Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

**PLEASE TAKE NOTICE** that the deposition of **Lisa Nesbitt** upon oral examination before a court reporter, has been scheduled and will be taken at the Office of Sargent's Court Reporting, 106 N. 2<sup>nd</sup> Street, 1<sup>st</sup> Floor, Clearfield, PA 16830, on **Wednesday, October 29, 2008**, commencing at **12:00 p.m.** The deposition will be taken pursuant to Rule 4007.1 of the Rules of Civil Procedure of the Commonwealth of Pennsylvania. The deposition is being taken for the purpose of submitting it into evidence in the pending case.

You may object to this oral deposition by mailing or delivering a letter listing your objections to **Nicholas, Perot, Smith, Koehler & Wall, 2527 West 26th Street, Erie, Pennsylvania, 16506**, at least seven (7) days before the date of the deposition.

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY

Adam E. Barnett

Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
Attorneys for Plaintiff

FILED NOCC  
OCT 23 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER,

Plaintiff, : CIVIL ACTION - LAW

v.

: No.: 2008-571-CD

JORDAN NESBITT,

Defendant. :

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 21<sup>st</sup> day of October, 2008, a true and correct copy of the foregoing Notice of Deposition was served by First Class U.S. Mail, postage prepaid, addressed to the following:

Lisa Nesbitt  
c/o Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

*Court Reporter:*  
Sargent's Court Reporting Service, Inc.  
210 Main Street  
Johnstown, PA 15901

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett

Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER, :  
v. Plaintiff, : CIVIL ACTION - LAW  
JORDAN NESBITT, : : No.: 2008-571-CD  
Defendant. : :

**NOTICE OF DEPOSITION**

TO: Jordan Nesbitt  
c/o Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

**PLEASE TAKE NOTICE** that the deposition of **Jordan Nesbitt** upon oral examination before a court reporter, has been scheduled and will be taken at the Office of Sargent's Court Reporting, 106 N. 2<sup>nd</sup> Street, 1<sup>st</sup> Floor, Clearfield, PA 16830, on **Wednesday, October 29, 2008**, commencing at **11:00 a.m.** The deposition will be taken pursuant to Rule 4007.1 of the Rules of Civil Procedure of the Commonwealth of Pennsylvania. The deposition is being taken for the purpose of submitting it into evidence in the pending case.

You may object to this oral deposition by mailing or delivering a letter listing your objections to **Nicholas, Perot, Smith, Koehler & Wall, 2527 West 26th Street, Erie, Pennsylvania, 16506**, at least seven (7) days before the date of the deposition.

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY

Adam E. Barnett

Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
Attorneys for Plaintiff

FILED NOCC  
m 11.30.08  
OCT 23 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER,

v.

JORDAN NESBITT,

Plaintiff,	:	CIVIL ACTION - LAW
	:	
	:	No.: 2008-571-CD
Defendant.	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 21<sup>st</sup> day of October, 2008, a true and correct copy of the foregoing Notice of Deposition was served by First Class U.S. Mail, postage prepaid, addressed to the following:

Jordan Nesbitt  
c/o Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

*Court Reporter:*  
Sargent's Court Reporting Service, Inc.  
210 Main Street  
Johnstown, PA 15901

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

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

ROBERT CODER, : CIVIL ACTION - LAW  
Plaintiff, : 571  
No: 2008 - 583 CD  
v. : ISSUE: **Notice of Deposition**  
JORDAN NESBITT, :  
Defendant. : Filed on Behalf of Defendant:  
: Counsel of Record for this Defendant:  
: **MARGOLIS EDELSTEIN**  
: Stephen L. Dugas, Esquire  
: PA. I.D. # 21351  
: PO Box 628  
: Hollidaysburg, PA 16648  
: (814) 695-5064  
: Fax: (814) 695-5066

I hereby certify that a true and correct copy of the within was mailed to all other counsel of record this 4<sup>th</sup> day of November, 2008.

\_\_\_\_\_  
Attorney for Defendant

FILED NO CC  
MILLER AD  
NOV 06 2008 GR  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

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

ROBERT CODER,	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	No: 2008 - 583 CD
	:	
v.	:	
	:	
JORDAN NESBITT,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION**

TO: Robert Coder  
c/o Adam E. Barnett, Esquire  
2527 West 26th Street  
Erie, PA 16506

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

Please take Notice that the deposition on the **9th day of December, 2008, at 1:00 o'clock p.m.** The deposition of **Plaintiff Robert Coder** shall be taken upon oral examination by an Official Court Reporter under the provisions of Rule 4003 of the Rules of Civil Procedure of the Commonwealth of Pennsylvania.

The deposition will take place at the **Office of Sargent's Court Reporting Service, Inc., 106 N. 2nd Street, 1<sup>st</sup> Floor, Clearfield, PA 16830. (814) 765-8711.**

The scope of the said deposition will include inquiry into all facts concerning the happening of the accident complained of and all other matters relevant to issues raised in the case.

You are invited to attend and participate.

**MARGOLIS EDELSTEIN**

By: \_\_\_\_\_

Attorney for Defendant  
Stephen L. Dugas, Esquire  
PA. ID # 21351  
P.O. Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER, :  
v. Plaintiff : CIVIL ACTION - LAW  
JORDAN NESBITT, : No.: 2008-571-CD  
Defendant. :  
:

**FILED**

**NOTICE OF DEPOSITION**

TO: Jordan Nesbitt  
c/o Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

NOV 14 2008  
M/12:70/  
William A. Shaw  
Prothonotary/Clerk of Courts G10  
S 1 cent TO Agency

**PLEASE TAKE NOTICE** that the deposition of **Jordan Nesbitt** upon oral examination before a court reporter, has been scheduled and will be taken at the Office of Sargent's Court Reporting, 106 N. 2<sup>nd</sup> Street, 1<sup>st</sup> Floor, Clearfield, PA 16830, on **Tuesday, December 9, 2008**, commencing at **11:00 a.m.** The deposition will be taken pursuant to Rule 4007.1 of the Rules of Civil Procedure of the Commonwealth of Pennsylvania. The deposition is being taken for the purpose of submitting it into evidence in the pending case.

You may object to this oral deposition by mailing or delivering a letter listing your objections to **Nicholas, Perot, Smith, Koehler & Wall, 2527 West 26th Street, Erie, Pennsylvania, 16506**, at least seven (7) days before the date of the deposition.

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY Adam E. Barnett

Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER, :  
Plaintiff, : CIVIL ACTION - LAW  
v. :  
: No.: 2008-571-CD  
JORDAN NESBITT, :  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 12<sup>th</sup> day of November, 2008, a true and correct copy of the foregoing Notice of Deposition was served by First Class U.S. Mail, postage prepaid, addressed to the following:

Jordan Nesbitt  
c/o Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

*Court Reporter:*  
Sargent's Court Reporting Service, Inc.  
210 Main Street  
Johnstown, PA 15901

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

PROTOMODEL/Clerk of Courts  
Milwaukee County Sheriff  
MAY 14 2008  
EFILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER, :  
Plaintiff, : CIVIL ACTION - LAW  
v. :  
: No.: 2008-571-CD  
JORDAN NESBITT, :  
Defendant. :  
:

NOTICE OF DEPOSITION

FILED

TO: Lisa Nesbitt  
c/o Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

NUV 14 2008  
m/12-30-08  
S - William A. Shaw  
Prothonotary/Clerk of Courts  
1 cent  $\rightarrow$  APL (60)

**PLEASE TAKE NOTICE** that the deposition of **Lisa Nesbitt** upon oral examination before a court reporter, has been scheduled and will be taken at the Office of Sargent's Court Reporting, 106 N. 2<sup>nd</sup> Street, 1<sup>st</sup> Floor, Clearfield, PA 16830, on **Tuesday, December 9, 2008**, commencing at **12:00 p.m.** The deposition will be taken pursuant to Rule 4007.1 of the Rules of Civil Procedure of the Commonwealth of Pennsylvania. The deposition is being taken for the purpose of submitting it into evidence in the pending case.

You may object to this oral deposition by mailing or delivering a letter listing your objections to **Nicholas, Perot, Smith, Koehler & Wall, 2527 West 26th Street, Erie, Pennsylvania, 16506**, at least seven (7) days before the date of the deposition.

Respectfully submitted,

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY Adam E. Barnett

Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER,

Plaintiff, : CIVIL ACTION - LAW

v.

: No.: 2008-571-CD

JORDAN NESBITT,

Defendant. :

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 12<sup>th</sup> day of November, 2008, a true and correct copy of the foregoing Notice of Deposition was served by First Class U.S. Mail, postage prepaid, addressed to the following:

Lisa Nesbitt  
c/o Stephen L. Dugas, Esquire  
P.O. Box 628  
Hollidaysburg, PA 16648

*Court Reporter:*  
Sargent's Court Reporting Service, Inc.  
210 Main Street  
Johnstown, PA 15901

**NICHOLAS, PEROT, SMITH, KOEHLER & WALL**

BY: Adam E. Barnett  
Adam E. Barnett, Esquire  
PA I.D. No. 203865  
2527 West 26th Street  
Erie, PA 16506  
(814) 833-8851  
*Attorneys for Plaintiff*

DA

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

ROBERT CODER, : CIVIL ACTION - LAW  
Plaintiff, : No: 2008 - ~~583~~ CD  
v. : ISSUE: Praeclipe for Trial & Certificate of  
JORDAN NESBITT, : Readiness.  
Defendant. : Filed on Behalf of Defendant:  
: Counsel of Record for this Defendant:  
: **MARGOLIS EDELSTEIN**  
: Stephen L. Dugas, Esquire  
: PA. I.D. # 21351  
: PO Box 628  
: Hollidaysburg, PA 16648  
: (814) 695-5064  
: Fax: (814) 695-5066

I hereby certify that a true and correct  
copy of the within was mailed to all  
other counsel of record this 4<sup>th</sup> day of  
May, 2009

\_\_\_\_\_  
Attorney for Defendant

FILED NO CC  
MAY 06 2009 10:57 AM  
2009 (60)

William A. Shaw  
Prothonotary/Clerk of Courts

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

ROBERT CODER	:	CIVIL ACTION - LAW
Plaintiff,	:	
v.	:	No: 2008 - 571 CD
JORDAN NESBITT,	:	
Defendant.	:	JURY TRIAL DEMANDED

**PRAECIPE FOR TRIAL LISTING**

TO PROTHONOTARY:

Please put the above captioned action on the next available Trial List.

**MARGOLIS EDELSTEIN**

By: \_\_\_\_\_

Stephen L. Dugas, Esquire  
Attorney for Defendant  
Attorney I.D. # 21351  
PO Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

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

ROBERT CODER	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	
v.	:	No: 2008 - 571 CD
	:	
JORDAN NESBITT,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

---

**CERTIFICATE OF READINESS**

TO THE PROTHONOTARY:

DATE PRESENTED: May 4, 2009  
CASE NUMBER: 2008 - 571 - CD

TYPE TRIAL REQUESTED  Jury  Non-Jury  Arbitration \_\_\_\_\_.

ESTIMATED TRIAL TIME: Two (2) days.

Date Complaint Filed: March 28, 2008

PLAINTIFF(S):

Robert Coder  Check block if a Minor  
is a Party to the Case

DEFENDANT(S):

Jordan Nesbitt

ADDITIONAL DEFENDANT(S)

N/A

JURY DEMAND FILED BY: Plaintiff

DATE JURY DEMAND FILED: March 28, 2008

---

AMOUNT AT ISSUE: In excess of limits for Arbitration.

CONSOLIDATION  yes  no DATE CONSOLIDATION ORDERED: N/A

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

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

FOR THE PLAINTIFF  
Adam F. Barnett, Esquire

TELEPHONE NUMBER  
(814) 833-8851

FOR THE DEFENDANT  
Stephen L. Dugas, Esquire

TELEPHONE NUMBER  
(814) 695-5064

FOR ADDITIONAL DEFENDANT  
N/A

TELEPHONE NUMBER

**MARGOLIS EDELSTEIN**

By: \_\_\_\_\_

Stephen L. Dugas, Esquire  
Attorney for Defendant  
PA ID No. 21351  
P.O. Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
FAX (814) 695-5066

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

ROBERT CODER :  
vs. : No. 08-571-CD  
JORDAN NESBITT :  
:

## ORDER

AND NOW, this 19<sup>th</sup> day of May, 2009, 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, June 24, 2009 at 3:00 P.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for July 23, 2009 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

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PAUL E. CHERRY  
Judge

FILED  
01/10/09  
MAY 20 2009  
S 66  
William A. Shaw  
Prothonotary/Clerk of Courts  
ACC Atlys: Barnett  
Dugas

**FILED**

**MAY 20 2009**

**William A. Shaw,  
Prothonotary/Clerk of Courts**

DATE: 5/20/09

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**

ROBERT CODER : CIVIL ACTION - LAW  
Plaintiff, : No: 2008 - 583 CD  
571  
v. : ISSUE: **Certificate Prerequisite to**  
JORDAN NESBITT, : **Service of Subpoena to Produce**  
Defendant. : Filed on Behalf of Defendant:  
: Counsel of Record for this Defendant:  
: **MARGOLIS EDELSTEIN**  
: Stephen L. Dugas, Esquire  
: PA. I.D. # 21351  
: PO Box 628  
: Hollidaysburg, PA 16648  
: (814) 695-5064  
: Fax: (814) 695-5066

I hereby certify that a true and correct copy of the within was mailed to all other counsel of record this 15<sup>th</sup> day of June, 2009.

\_\_\_\_\_  
Attorney for Defendant

**FILED** NOCC  
M10:35 AM JUN 17 2009 610  
S

William A. Shaw  
Prothonotary/Clerk of Courts

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

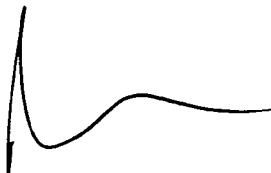
ROBERT CODER	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	
v.	:	No: 2008 - 571 CD
	:	
JORDAN NESBITT,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO**  
**RULE 4009.22**

As a Prerequisite to service of a Subpoena for documents and things pursuant to Rule 4009.22, defendant certifies that:

- (1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served,
- (2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,
- (3) no objection to the subpoena has been received, and
- (4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Date: 06/15/2009



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Stephen L. Dugas, Esquire  
Attorney for Defendant  
Attorney I.D. # 21351  
PO Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

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

ROBERT CODER	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	
v.	:	No: 2008 - 571 CD
	:	
JORDAN NESBITT,	:	
	:	
Defendant.	:	JURY TRIAL DEMANDED

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND**  
**THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoenas. If no objection is made the Subpoenas may be served.

**MARGOLIS EDELSTEIN**

Date: May 21, 2009

By: \_\_\_\_\_

Stephen L. Dugas, Esquire  
Attorney for Defendant  
PA. I.D. # 21351  
PO Box 628  
Hollidaysburg, PA 16648  
(814) 695-5064  
Fax: (814) 695-5066

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Robert Coder

Plaintiff(s)

Vs.

\*

No. 2008-00571-CD

Jordan Nesbitt

Defendant(s)

\*

\*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO  
RULE 4009.22

TO: Lynn Rubenstein or current record custodian, State  
(Name of Person or Entity)  
Farm Insurance Company

Within twenty (20) days after service of this subpoena, you are ordered by the Court to  
produce the following documents or things:

Complete copy of First Party (PIP) claim file for  
Plaintiff Robert Coder, C.I. No. 38K 877974, d/l 04/08-09/2006.

1 State Farm Drive, Concordville, PA 19331 (Address)

You may deliver or mail legible copies of the documents or produce things requested by  
this subpoena, together with the certificate of compliance, to the party making this request at the  
address listed above. You have the right to seek in advance the reasonable cost of preparing the  
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty  
(20) days after its service, the party serving this subpoena may seek a court order compelling you  
to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Stephen L. Dugas, Esquire  
ADDRESS: P.O. Box 628  
Holiday Inn PA 16548  
TELEPHONE: (814) 695-5064  
SUPREME COURT ID # 21351  
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division

William A. Shaw

Deputy

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT CODER : CIVIL ACTION - LAW  
Plaintiff, :  
v. : No: 2008 - 571 CD  
JORDAN NESBITT, :  
Defendant. : JURY TRIAL DEMANDED

**PRAECIPE FOR DISCONTINUANCE**

TO PROTHONOTARY:

Please mark the above captioned action, "SETTLED AND DISCONTINUED, WITH  
PREJUDICE."

NICHOLAS, PEROT, SMITH, KOEHLER  
AND WALL, P.C.

By: Adam E. Barnett  
Adam E. Barnett, Esquire  
Attorney for Plaintiff  
Attorney I.D. # 203865

4 FILED No CC  
m/9/38 Lm Cert of Disc issued  
AUG 10 2009 to Adam Barnett +  
W.A. Shaw  
Prothonotary/Clerk of Courts Copy to C/H

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**Robert Coder**

Vs.  
**Jordan Nesbitt**

No. 2008-00571-CD

**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 August 10, 2009, marked:

Settled and discontinued with prejudice

Record costs in the sum of \$95.00 have been paid in full by Nicholas Perot Smith  
Koehler & Wall.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at  
Clearfield, Clearfield County, Pennsylvania this 10th day of August A.D. 2009.



LM

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