

08-869-CD

Theodore Gallaher vs Nicole Gallaher

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THEODORE F. GALLAHER, JR.
101 Swank Street
Irvington, PA 16656

Plaintiff

CIVIL DIVISION

No. 08 - 869 - CD

vs.

CUSTODY CONSENT ORDER

NICOLE GALLAHER
259 Duman Road
P.O. Box 118
Belsano, PA 15922

Defendant

Filed on Behalf of:

Plaintiff, THEODORE F.
GALLAHER, JR.

Counsel of Record for This
Party:

PAUL COLAVECCHI, ESQUIRE
Pa. I.D. #83274

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THEODORE F. GALLAHER, JR.
101 Swank Street
Irvington, PA 16656

Plaintiff

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CUSTODY CONSENT ORDER

NICOLE GALLAHER
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Defendant

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Plaintiff, THEODORE F.
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Party:

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LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 3CC
01/20/08 Atty Colavecchi
MAY 13 2008
60

William A. Shaw
Prothonotary/Clerk of Courts

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

THEODORE F. GALLAHER, JR. :
Plaintiff :
:
vs. : No. 2008-869-CD
:
NICOLE GALLAHER :
Defendant :
:

CUSTODY CONSENT ORDER

AND NOW, this 12th day of May, 2008, the
above parties having reached agreement as to the custody of the
minor child, Theodore F. Gallaher, III, born on April 14, 2008, it
is the Order of this Court as follows:

1. Plaintiff, Theodore F. Gallaher, Jr., hereinafter referred
to as "Father," and Defendant, Nicole Gallaher, hereinafter
referred to as "Mother," shall share joint legal custody of the
parties minor child, Theodore F. Gallaher, III.

Legal custody is defined as a legal right to make major
decisions affecting the best interest of the minor child, including
but not limited to, medical, religious and educational decisions
and wherein each parent shall have equal access to any and all

medical, dental, ocular, mental health, school and health records. Medical, dental, ocular and mental health providers and school administrators shall accept a copy of this Order as authorization to release to either parent, any documentation and/or records as may be requested. In addition, it is understood by both parents that they shall communicate fully with the other in an effort to ensure that all directives pertaining to the minor child from physicians, dentists and teachers are followed absolutely and that all information pertaining to any prescriptions the child may be on is exchanged between the parties.

2. Mother shall have primary physical custody of the minor child, subject to Father's periods of partial custody, as follows:

a. Father shall have physical custody beginning with Wednesday, Thursday, Friday and Saturday from 4:00 p.m. to 4:00 p.m. and alternating the next week on Tuesday, Thursday, Friday and Saturday from 4:00 p.m to 4:00 p.m. from month to month.

b. Unless otherwise agreed upon by the parties, the parties shall share transportation. The party receiving custody of the child shall provide transportation.

3. Holidays

a. Thanksgiving - Father shall have custody of the child from 9:00 a.m. until 3:00 p.m.

b. Christmas - In even number years, Mother shall have the child from Christmas Eve commencing at 6:00 p.m. until Christmas Day at 1:30 p.m. Father shall receive custody of the child on Christmas Day at 1:30 p.m. until 10:00 a.m. the next morning.

In odd number years, Father shall have the child from Christmas Eve at 6:00 p.m. until Christmas Day at 1:30 p.m. Mother shall receive custody of the child on Christmas Day at 1:30 p.m. until 10:00 a.m. the next morning.

c. Easter - In even number years, Mother shall have custody of the child from Easter Eve at 6:00 p.m. until Easter Day at 1:30 p.m.

In odd number years, Father shall have custody of the child from Easter Eve at 6:00 p.m. until Easter Day at 1:30 p.m.

d. Memorial Day - The party who has custody of the child the weekend prior to the holiday shall have custody until 1:30 p.m.

e. Fourth of July - Father shall have custody of the child each year.

f. Labor Day - Mother shall have custody of the child each year.

g. Father's Day - Father shall have custody of the child each year for a period of no less than eight hours.

h. Mother's Day - Father shall have custody of the child each year for a period of no less than eight hours.

I. Birthdays - Father and Mother shall share custody of the child on each respective birthday for no less than eight hours unless otherwise agreed. Each parent shall share time with the child on his birthday, taking into consideration school hours and other activities in which the child may be involved.

4. Both parties agree they shall accommodate each other regarding any special family events or activities.

5. Both parties agree they will not interfere with the child having a relationship with his maternal and paternal extended families respectively.

6. If either Father or Mother plan a vacation during the year, each party agrees to notify the other at least one month prior to said date. Each party agrees to no more than fourteen days for vacation, barring any unforeseen circumstances.

7. Each party at all times shall inform the other party of his or her current address and telephone number.

8. If the child is residing at a residence other than the parties, Mother and Father will contact the other party to advise him or her of the child's whereabouts and provide a valid telephone number.

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CLEARFIELD, PA

9. Both parties shall communicate with each other with regard to the well-being and best interest of their child and shall not communicate through the child.

10. Each party shall keep the other informed of the progress of the child's educational and social activities.

11. Neither party shall malign or speak in a derogatory fashion about the other party in the presence of the child, nor will he or she permit anyone else to do so. Each parent will exercise his or her best efforts to promote a healthy relationship between the child and themselves and with each of their families. The parties are directed to conduct themselves in a reasonable and appropriate manner at all times during their interactions with each other and their family members concerning custody of the child and issues relating to the child's care and nurture.

12. During either parties custody of the child, if the child has a serious injury or illness which requires medical attention, that party shall immediately notify the other parent.

13. Neither party shall consume alcoholic beverages prior to or during the time the child is in their custody.

14. Neither party shall use any type of tobacco nor shall they allow anyone to use tobacco in the presence of the child, which shall include the residence or structure where the child is located or in any automobile in which the child is transported.

15. When the parties agree, the periods of physical custody of either party with the child can be modified by agreement of the parties to meet the changing needs and activities of the child.

16. The parties agree to alternate each year claiming the child as a dependent for tax exemption purposes. Father shall claim the child as a dependent in even numbered years and Mother shall claim the child as a dependent in odd numbered years.

BY THE COURT:

Paul E. Cleary
JUDGE

We, the undersigned, hereby acknowledge our consent to the entry of the above Order.

Theodore F. Gallaher Jr.
THEODORE F. GALLAHER, JR.

Nicole Gallaher
NICOLE GALLAHER

FILED

MAY 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/13/08

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 Other

Special Instructions:

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

THEODORE F. GALLAHER, JR.,
Plaintiff

vs.

No. 08-869-CD

NICOLE GALLAHER,
Defendant

PETITION FOR MODIFICATION AND
ENFORCEMENT OF CUSTODY
CONSENT ORDER

Filed on behalf of

Defendant

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
Clearfield, PA 16830
(814) 765-8972

FILED
O 11:16 a.m. 6K
AUG 25 2008 3cc Atty

William A. Shaw
Prothonotary/Clerk of Courts

(6P)

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

THEODORE F. GALLAHER, JR., :
Plaintiff :
: :
vs. : No. 08-869-CD
: :
NICOLE GALLAHER, :
Defendant :
:

ORDER OF COURT

You, THEODORE F. GALLAHER, JR., have been sued in court to obtain custody of the following child: Theodore F. Gallaher, III, d.o.b. 4/14/08.

You are ordered to appear in person at Clearfield County Courthouse on Friday, September 26, 2008 at 9:30 A.M. for a conference. Please report to the Court Administrator's Office, 2nd Floor, Clearfield County Courthouse, Clearfield, Pennsylvania. You will be directed as to where the conference will be held.

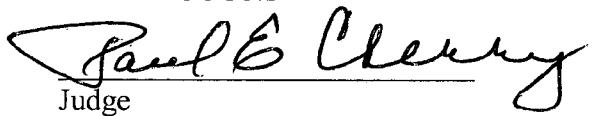
If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

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

Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641, Ext. 5982

BY THE COURT

Date: August 26, 2008


Paul E. Cleary
Judge

FILED 30C
01:47:01 Atty Kubista
AUG 27 2008
(6P)
William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/27/08

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:

AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Date: _____

Court Administrator

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

THEODORE F. GALLAHER, JR., :
Plaintiff :
: :
vs. : No. 08-869-CD
: :
NICOLE GALLAHER, :
Defendant :
:

PETITION FOR MODIFICATION AND ENFORCEMENT
OF CUSTODY CONSENT ORDER

NOW COMES the Defendant, NICOLE GALLAHER, by and through her attorneys, Belin, Kubista & Ryan LLP, and sets forth the following Petition for Modification and Enforcement of Custody Consent Order and in support thereof would aver as follows:

1. Petitioner is Nicole Gallaher, an adult individual, currently residing at 259 Duman Road, Belsano, Pennsylvania, hereinafter "Mother".
2. Respondent is Theodore F. Gallaher, Jr., an adult individual, currently residing at 101 Swank Street, Irvona, Pennsylvania, hereinafter "Father".
3. Mother and Father are the parents of one (1) minor child; namely, Theodore F. Gallaher, III, d.o.b. April 14, 2008.
4. That the parties entered into a Custody Consent Order dated May 12, 2008. A copy of said Order is attached hereto as Exhibit "A" and incorporated herein by reference as though set forth in full.
5. That Mother wishes to modify the Custody Consent Order based on the following:

a) The Order of May 12, 2008 sets forth errors in paragraph 2(a) regarding Father's periods of physical custody. Mother would propose that Father get the child every other weekend from Friday at 4:00 p.m. until Sunday at 4:00 p.m. as Father has only participated in one weekday visit since the Order of May 12, 2008 was entered.

b) Mother would request that paragraph 3, entitled "Holidays" specifically in regards to paragraph 3(d), (e), (f) as well as New Year's Day be modified in that they be shared by the parties on an even/odd basis in that in even numbered years, Mother would have the child for Memorial Day and Labor Day while Father would have the child for New Year's Day and Fourth of July. In odd numbered years, Father would have the child for Memorial Day and Labor Day and Mother would have the child for New Year's Day and Fourth of July;

c) Paragraph 3(h) of the Order contains a mistake regarding Mother's Day in that the provision indicated that Father should have the child on Mother's Day when, indeed, it should read that "Mother" has custody of the child on Mother's Day;

d) During the exchanges, Mother has given Father direction as to when the pediatrician has indicated the child is to have cereal and what items to eat, however, Father fails to abide by Mother's direction which has resulted in the child becoming ill with diarrhea;

WHEREFORE, Petitioner requests Your Honorable Court to enter an Order modifying the May 12, 2008 Order as requested herein.

ENFORCEMENT

6. Paragraph 1 through 5 are incorporated herein by reference as though set forth in full.

7. That Father has failed to abide by the Custody Consent Order dated May 12, 2007 as paragraph 8 sets forth that if the child resides at a residence other than the parties,

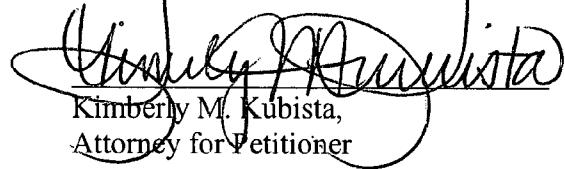
the parties will contact the other party to advise him or her of the child's whereabouts and provide a valid telephone number.

8. That Father has failed to provide Mother with knowledge of the child's whereabouts or a valid telephone number.

9. That it is believed that Father always has a third party with him to care for the child instead of he himself caring for the child.

WHEREFORE, Petitioner requests Your Honorable Court to direct: a) Father to provide Mother with the whereabouts and telephone number of where the child will be during Father's care; b) direct Father to take care of the child on his own in order that the two (2) can bond as opposed to having a third party care for the child.

BELIN, KUBISTA & RYAN LLP



Kimberly M. Kubista,
Attorney for Petitioner

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

Date

8/22/08

Nicole Gallaher

Nicole Gallaher

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

THEODORE F. GALLAHER, JR. :	
Plaintiff :	
vs.	: No. 2008-369-CD
NICOLE GALLAHER :	
Defendant :	

CUSTODY CONSENT ORDER

AND NOW, this 12th day of May, 2008, the above parties having reached agreement as to the custody of the minor child, Theodore F. Gallaher, III, born on April 14, 2008, it is the Order of this Court as follows:

1. Plaintiff, Theodore F. Gallaher, Jr., hereinafter referred to as "Father," and Defendant, Nicole Gallaher, hereinafter referred to as "Mother," shall share joint legal custody of the parties minor child, Theodore F. Gallaher, III.

Legal custody is defined as a legal right to make major decisions affecting the best interest of the minor child, including but not limited to, medical, religious and educational decisions and wherein each parent shall have equal access to any and all

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COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

EXHIBIT

tabbed

A

medical, dental, ocular, mental health, school and health records. Medical, dental, ocular and mental health providers and school administrators shall accept a copy of this Order as authorization to release to either parent, any documentation and/or records as may be requested. In addition, it is understood by both parents that they shall communicate fully with the other in an effort to ensure that all directives pertaining to the minor child from physicians, dentists and teachers are followed absolutely and that all information pertaining to any prescriptions the child may be on is exchanged between the parties.

- 2. Mother shall have primary physical custody of the minor child, subject to Father's periods of partial custody, as follows:

a. Father shall have physical custody beginning with Wednesday, Thursday, Friday and Saturday from 4:00 p.m. to 4:00 p.m. and alternating the next week on Tuesday, Thursday, Friday and Saturday from 4:00 p.m to 4:00 p.m. from month to month.

b. Unless otherwise agreed upon by the parties, the parties shall share transportation. The party receiving custody of the child shall provide transportation.

3. Holidays

a. Thanksgiving - Father shall have custody of the child from 9:00 a.m. until 3:00 p.m.

b. Christmas - In even number years, Mother shall have the child from Christmas Eve commencing at 6:00 p.m. until Christmas Day at 1:30 p.m. Father shall receive custody of the child on Christmas Day at 1:30 p.m. until 10:00 a.m. the next morning.

~~b. Christmas~~ In odd number years, Father shall have the child from Christmas Eve at 6:00 p.m. until Christmas Day at 1:30 p.m. Mother shall receive custody of the child on Christmas Day at 1:30 p.m. until 10:00 a.m. the next morning.

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e. Fourth of July - Father shall have custody of the child each year.

f. Labor Day - Mother shall have custody of the child each year.

g. Father's Day - Father shall have custody of the child each year for a period of no less than eight hours.

h. Mother's Day - Father shall have custody of the child each year for a period of no less than eight hours.

I. Birthdays - Father and Mother shall share custody of the child on each respective birthday for no less than eight hours unless otherwise agreed. Each parent shall share time with the child on his birthday, taking into consideration school hours and other activities in which the child may be involved.

4. Both parties agree they shall accommodate each other regarding any special family events or activities.

5. Both parties agree they will not interfere with the child having a relationship with his maternal and paternal extended families respectively.

6. If either Father or Mother plan a vacation during the year, each party agrees to notify the other at least one month prior to said date. Each party agrees to no more than fourteen days for vacation, barring any unforeseen circumstances.

7. Each party at all times shall inform the other party of his or her current address and telephone number.

8. If the child is residing at a residence other than the parties, Mother and Father will contact the other party to advise him or her of the child's whereabouts and provide a valid telephone number.

9. Both parties shall communicate with each other with regard to the well-being and best interest of their child and shall not communicate through the child.

10. Each party shall keep the other informed of the progress of the child's educational and social activities.

11. Neither party shall malign or speak in a derogatory fashion about the other party in the presence of the child, nor will he or she permit anyone else to do so. Each parent will exercise his or her best efforts to promote a healthy relationship between the child and themselves and with each of their families. The parties are directed to conduct themselves in a reasonable and appropriate manner at all times during their interactions with each other and their family members concerning custody of the child and issues relating to the child's care and nurture.

12. During either parties custody of the child, if the child has a serious injury or illness which requires medical attention, that party shall immediately notify the other parent.

13. Neither party shall consume alcoholic beverages prior to or during the time the child is in their custody.

14. Neither party shall use any type of tobacco nor shall they allow anyone to use tobacco in the presence of the child, which shall include the residence or structure where the child is located or in any automobile in which the child is transported.

15. When the parties agree, the periods of physical custody of either party with the child can be modified by agreement of the parties to meet the changing needs and activities of the child.

16. The parties agree to alternate each year claiming the child as a dependent for tax exemption purposes. Father shall claim the child as a dependent in even numbered years and Mother shall claim the child as a dependent in odd numbered years.

BY THE COURT:

/s/ Paul E. Cherry

JUDGE

We, the undersigned, hereby acknowledge our consent to the entry of the above Order.

Theodore F. Gallaher Jr.
THEODORE F. GALLAHER, JR.

Nicole Gallaher
NICOLE GALLAHER

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

MAY 13 2008

Attest.

William A. Cherry
Prothonotary/
Clerk of Courts

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

THEODORE F. GALLAHER, JR., :
Plaintiff :
: vs. : No. 08-869-CD
: :
NICOLE GALLAHER, :
Defendant :
:

CERTIFICATE OF SERVICE

Filed on behalf of

Defendant

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO cc
0110:51 AM
AUG 28 2008
WM

William A. Shaw
Prothonotary/Clerk of Courts

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

THEODORE F. GALLAHER, JR., :
Plaintiff :
: No. 08-869-CD
vs. :
: NICOLE GALLAHER,
Defendant :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Petition for Modification and Enforcement of Custody Consent Order by first-class, postage prepaid mail on the 27th day of August, 2008 to the following:

Paul Colavecchi, Esquire
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

Kimberly M. Kubista
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THEODORE F. GALLAHER,
Plaintiff

vs.

NICOLE GALLAHER
Defendant

CIVIL DIVISION

No. 2008 - 869 - cd

PETITION FOR LEAVE TO WITHDRAW
AS COUNSEL

Filed on Behalf of:

Plaintiff, Theodore F. Gallaher

Counsel of Record for This
Party:

PAUL COLAVECCHI, ESQUIRE
Pa. I.D. #83274

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

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& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED
12/30/08
SEP 16 2008
Atty P. Colavecchi

W.A. Shaw
Prothonotary/Clerk of Courts

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

THEODORE F. GALLAHER, JR. :
Plaintiff :
:
vs. : No. 08 - 869 - CD
:
NICOLE GALLAHER :
Defendant :

O R D E R

AND NOW, this 18th day of September, 2008, upon consideration of the foregoing Petition for Leave to Withdraw as Counsel, a Rule is hereby issued upon Theodore F. Gallaher, Jr., to Show Cause why the Petition should not be granted. Rule Returnable the 9th day of October, 2008, for written response.

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND AND MARKET STREETS
CLEARFIELD, PA 16830
814/765-2641 EXT. 5982

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P.O. BOX 131
CLEARFIELD, PA

BY THE COURT:

JUDGE

FILED
O 10:59 a.m. GIC (60)
SEP 19 2008

2cc Atty
William A. Shaw
Prothonotary/Clerk of Courts P. Colavecchi

FILED

SEP 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9-19-08

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

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

THEODORE F. GALLAHER, JR. :
Plaintiff :
:
vs. : No. 08 - 869 - CD
:
NICOLE GALLAHER :
Defendant :

PETITION FOR LEAVE TO WITHDRAW AS COUNSEL

NOW COMES, Paul Colavecchi, Esquire, Attorney for Plaintiff, Theodore F. Gallaher, Jr., Plaintiff above named, and moves the Honorable Court as follows:

1. Paul Colavecchi, Esquire was retained by Plaintiff in April 2008 concerning a custody matter.
2. A proposed Custody Consent Order was prepared on behalf of Plaintiff concerning his minor son, Theodore F. Gallaher, III.
3. A Custody Consent Order was executed by all parties and filed with the court on May 12, 2008.
4. The matter for which Paul Colavecchi, Esquire was retained has been completed.

WHEREFORE, Paul Colavecchi, Esquire, respectfully requests leave of court to withdraw as Counsel for Theodore F. Gallaher, Jr., Plaintiff above named.



PAUL COLAVECCHI, ESQUIRE

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

THEODORE F. GALLAHER, JR.,
Plaintiff

vs. : No. 08-869-CD

NICOLE GALLAHER,
Defendant

CONSENT ORDER

Filed on behalf of

Defendant

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
Clearfield, PA 16830
(814) 765-8972

FILED *3cc*
014-00291 Amy Kubista
OCT 23 2008

S
William A. Shaw
Prothonotary/Clerk of Courts

610

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

THEODORE F. GALLAHER, JR., :
Plaintiff :
: :
vs. : No. 08-869-CD
: :
NICOLE GALLAHER, :
Defendant :
:

CONSENT ORDER

NOW THIS 23rd day of October, 2008, upon agreement of the parties,
it is hereby ORDERED and DECREED as follows:

1. Nicole Gallaher, hereinafter "Mother" and Theodore F. Gallaher, Jr., hereinafter "Father" are the parents of one (1) minor child; namely, Theodore F. Gallaher, III, d.o.b. April 14, 2008.
2. That Mother and Father shall share legal custody. In regard to the parties having joint legal custody of the child, the Court follows the definitions provided by Pa.R.C.P. 1915.1(b) which states that "legal custody means the legal right to make major decisions affecting the best interest of the minor child, including but not limited to, medical, religious and educational decisions" and wherein each parent shall have equal access to any and all medical, dental, school and legal records. Medical and dental providers – as well as school administrations – shall accept this Order as authorization to release documentation to each parent. In addition, it is understood by both parents, that they shall communicate fully with the other in an effort to assure that all directives pertaining to the minor child from physicians, dentists and teachers are followed absolutely and all information pertaining to any prescriptions the child is on is exchanged between the parties.

3. The parties shall share physical custody on a rotating basis as follows:

Week I: Mother shall have the child each Sunday at 4:00 p.m. until Monday at 4:00 p.m. Father shall have the child from 4:00 p.m. on Monday until Tuesday at 4:00 p.m. Mother shall have the child from 4:00 p.m. on Tuesday until Wednesday at 4:00 p.m. Father will have the child from 4:00 p.m. on Wednesday until Thursday at 4:00 p.m. Mother shall have the child from 4:00 p.m. on Thursday until Friday at 4:00 p.m. Father shall have the child from 4:00 p.m. on Friday until Sunday at 4:00 p.m.

Week II: Mother shall have the child each Sunday at 4:00 p.m. until Tuesday at 4:00 p.m. Father shall have the child from 4:00 p.m. on Tuesday until Friday at 4:00 p.m. Mother shall have the child from 4:00 p.m. on Friday until Monday at 4:00 p.m.

4. The parties shall share the holidays as follows:

a) Thanksgiving: Father shall have custody of the child from 9:00 a.m. until 3:00 p.m.

b) Christmas: In even numbered years, Mother shall have the child from Christmas Eve commencing at 6:00 p.m. until Christmas Day at 1:30 p.m. Father shall receive custody of the child on Christmas Day at 1:30 p.m. until 10:00 a.m. the next morning.

In odd numbered years, Father shall have the child from Christmas Eve at 6:00 p.m. until Christmas Day at 1:30 p.m. Mother shall receive custody of the child on Christmas Day at 1:30 p.m. until 10:00 a.m. the next morning.

c) Easter: In even numbered years, Mother shall have custody of the child from Easter Eve at 6:00 p.m. until Easter Day at 1:30 p.m.

In odd numbered years, Father shall have custody of the child from Easter Eve at 6:00 p.m. until Easter Day at 1:30 p.m.

5. The parties shall share Memorial Day, Fourth of July, Labor Day and New Year's Day in that in even numbered years, Mother shall have the child for Memorial Day and Labor Day while Father shall have the child for New Year's Day and Fourth of July. In odd numbered years, Father shall have the child for Memorial Day and Labor Day and Mother shall have the child for New Year's Day and Fourth of July. Should the child not be in the parent's custody on a particular holiday that they are given, then that parent shall have the child for an eight (8) hour period.

6. Mother shall have the child on Mother's Day and Father shall have the child on Father's Day for a period of no less than eight hours.

7. Father and Mother shall share custody of the child on each respective birthday for no less than eight hours unless otherwise agreed. Each parent shall share time with the child on his birthday, taking into consideration school hours and other activities in which the child may be involved.

8. Both parties agree they shall accommodate each other regarding any special family events or activities.

9. Both parties agree they will not interfere with the child having a relationship with his maternal and paternal extended families respectively.

10. If either Father or Mother plan a vacation during the year, each party agrees to notify the other at least one month prior to said date. Each party agrees to no more than fourteen days for vacation, barring any unforeseen circumstances.

11. Each party at all times shall provide the other with the child's whereabouts and a telephone number where they can be reached in case of an emergency.

12. If the child is residing at a residence other than the parties, Mother and Father will contact the other party to advise him or her of the child's whereabouts and provide a valid telephone number.

13. Both parties shall communicate with each other with regard to the well-being and best interest of their child and shall not communicate through the child. Should there be medical instructions/feeding instructions for the child, each parent shall abide by such directions.

14. Each party shall keep the other informed of the progress of the child's educational and social activities.

15. Neither party shall malign or speak in a derogatory fashion about the other party in the presence of the child, nor shall he or she permit anyone else to do so. Each parent will exercise his or her best efforts to promote a healthy relationship between the child and themselves and with each of their families. The parties are directed to conduct themselves in a reasonable and appropriate manner at all times during their interactions with each other and their family members concerning custody of the child and issues relating to the child's care and nurture.

16. During the parties' custody of the child, if the child has a serious injury or illness which requires medical attention, that party shall immediately notify the other parent.

17. Neither party shall consume alcoholic beverages prior to or during the time the child is in their custody.

18. Neither party shall use any type of tobacco nor shall they allow anyone to use tobacco in the presence of the child, which shall include the residence or structure where the child is located or in any automobile in which the child is transported.

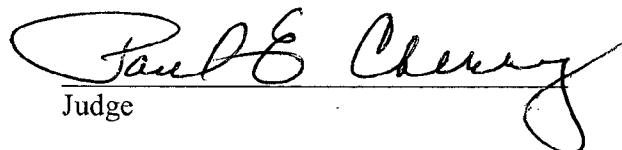
19. When the parties agree, the periods of physical custody of either party with the child can be modified by agreement of the parties to meet the changing needs and activities of the child.

20. Unless otherwise agreed upon by the parties, the parties shall share transportation. The party receiving custody of the child shall provide transportation.

21. Father shall be present for all of his periods of partial custody and shall provide all care for the child during his periods of custody. In the event Father is unable to be present, Mother shall have first option to have the child during his absence.

22. This Order shall supersede any prior Custody Order.

BY THE COURT



Judge

We hereby stipulate to the above set forth Consent Order.

Paul Colavecchi

Kimberly M. Kubista

Theodore F. Gallaher, Jr.
Theodore F. Gallaher, Jr.

Nicole Gallaher
Nicole Gallaher

FILED

OCT 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: *10/23/08*

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

THEODORE F. GALLAHER,
Plaintiff
vs.

NICOLE GALLAHER
Defendant

CIVIL DIVISION

No. 2008 - 869 - cd

ORDER

Filed on Behalf of:

Plaintiff, Theodore F. Gallaher

Counsel of Record for This
Party:

PAUL COLAVECCHI, ESQUIRE
Pa. I.D. #83274

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
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& COLAVECCHI
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(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED *acc*
014:00 3d Atty P. Colavecchi
NOV 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

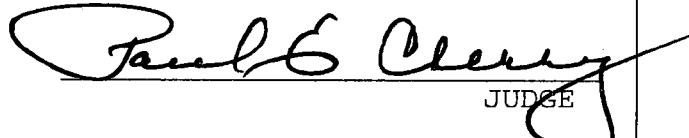
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

THEODORE F. GALLAHER, JR. Plaintiff :
vs. : No. 08 - 869 - CD
NICOLE GALLAHER Defendant :

O R D E R

AND NOW, this 10th day of November, 2008,
upon consideration of the foregoing Petition for Leave to Withdraw
as Counsel, it is hereby ORDERED and DECREED that the Petition of
Paul Colavecchi, Esquire for leave to withdraw as Counsel for
Plaintiff, Theodore F. Gallaher, Jr., be, and hereby is granted.

BY THE COURT:


JUDGE

FILED

NOV 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/12/08

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

THEODORE F. GALLAHER, JR.,
Plaintiff
vs.

CIVIL DIVISION
No. 08 - 869 - CD

NICOLE GALLAHER,
Defendant

*PRAECIPE TO WITHDRAW AS
LEGAL COUNSEL*

Filed on Behalf of:

Plaintiff, THEODORE F.
GALLAHER, JR.

Counsel of Record for This
Party:

PAUL COLAVECCHI, ESQUIRE
Pa. I.D. #83274

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01/30/08 AMY Colavecchi
NOV 18 2008

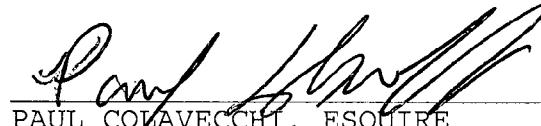
S William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

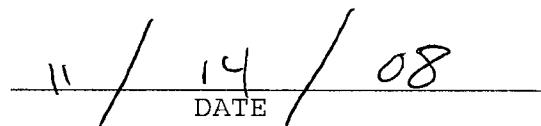
THEODORE F. GALLAHER, :
Plaintiff : No. 08 - 869 - CD
vs. :
NICOLE GALLAHER, :
Defendant :

PRAECIPE TO WITHDRAW AS LEGAL COUNSEL

Please withdraw my appearance on behalf of the Plaintiff,
Theodore F. Gallaher, in the above-captioned action as per the
Order of Court dated November 10, 2008.


PAUL COLAVECCHI, ESQUIRE

Attorney for Defendant


11 / 14 / 08
DATE