

08-916-CD

Erie Insurance vs Wadell Finney Jr

FILED

PAUL F. D'EMILIO, ESQUIRE
ATTORNEY I.D. #16654
PAUL M. SCHOFIELD, JR., ESQUIRE
ATTORNEY I.D. #81894
905 W. SPROUL ROAD, SUITE 105
SPRINGFIELD, PA 19064
(610) 338-0338

THIS IS ARBITRATION MATTER

MAY 16 2008
m/12/15/08
William A. Shaw
Prothonotary/Clerk of Courts
2 cents to
Atty

ATTORNEY FOR PLAINTIFF

ERIE INSURANCE EXCHANGE AS
SUBROGEE OF RICHARD TEATS AND
VERONICA TEATS
100 ERIE PLACE
ERIE, PA 16530

COMMON PLEAS COURT OF
CLEARFIELD COUNTY

VS.

NO. 2008-916-CD

WADELL FINNEY, JR.
3556 OLD 51 ROAD LOT 31
SANDOVAL, IL 62882

CIVIL ACTION

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGEMENT 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 TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER. 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 REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641, EXT. 51

LAWYER REFERRAL SERVICE:
PENNSYLVANIA LAWYER REFERRAL SERVICE
(800) 692-7375

7

June 30, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

Aug 25, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

1941

1927

1861

200-11-9-25

Deputy Promotional
for service.

Printed (Not Returned to Special Attorney
for Service)

PAUL F. D'EMILIO, ESQUIRE
ATTORNEY I.D. #16654
PAUL M. SCHOFIELD, JR., ESQUIRE
ATTORNEY I.D. #81894
905 W. SPROUL ROAD, SUITE 105
SPRINGFIELD, PA 19064
(610) 338-0338

THIS IS ARBITRATION MATTER

ATTORNEY FOR PLAINTIFF

ERIE INSURANCE EXCHANGE AS
SUBROGEE OF RICHARD TEATS AND
VERONICA TEATS
100 ERIE PLACE
ERIE, PA 16530

COMMON PLEAS COURT OF
CLEARFIELD COUNTY

VS.

NO.

WADELL FINNEY, JR.
3556 OLD 51 ROAD LOT 31
SANDOVAL, IL 62882

CIVIL ACTION

NOTICE UNDER THE FAIR DEBT COLLECTION PRACTICES ACT,
15 U.S.C. §1601 (AS AMENDED)
THE PENNSYLVANIA UNFAIR TRADE PRACTICES ACT
AND CONSUMER PROTECTION LAW,
73 PA.CON.STAT.ANN. §201, ET. SEQ. ("THE ACTS")

IN AS MUCH AS THE ACTS MAY APPLY, PLEASE BE ADVISED
THAT THIS COMMUNICATION IS FROM A DEBT COLLECTOR.
THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

COMPLAINT

The Plaintiff, Erie Insurance Exchange, by its attorney Paul F. D'Emilio, Esquire, bring this action upon a cause whereof the following is a statement:

1. The Plaintiff, Erie Insurance Exchange, "Erie" is a Corporation authorized to do business in the Commonwealth of Pennsylvania, with a mailing address of P.O. Box 605, Murrysville, PA 15668.

Plaintiff brings this action as subrogee of Richard Teats and Veronica Teats, herein the ("Insured") under a policy of insurance #Q011404721, issued by Plaintiff.

2. Defendant, Wadell F. Finney Jr., is an individual residing at 3556 Old 51 Road Lot 31, Sandoval, IL 62882.

3. On or about August 21, 2006, a motor vehicle owned and operated by the

Defendant was traveling southbound on I-80, Lawrence Township, Pennsylvania, when he lost control of the vehicle and struck Plaintiff's Insured causing the damages herein after mentioned.

4. As a result of the aforesaid Plaintiff's Insured suffered injuries. All of which caused him and will for an indefinite time in the future, great pain and agony and prevented him and probably will in the future, from daily activities.

5. As a result of the injuries to Plaintiff's Insured and Defendant's failure to maintain financial responsibility as required by law, Plaintiff has been obligated to pay to the Insured a sum of **Two Hundred Thirty Eight and 42/100 (\$238.42) Dollars** pursuant to the uninsured motorist's provisions of their insurance policy.

6. The Insured's vehicle was a total loss and Defendant is liable to Plaintiff for the damages as allowed by law thereto being is **Four Thousand Two Hundred Eleven and 34/100 (\$4,211.34) Dollars** plus the insured's deductible of **Five Hundred and 00/100 Dollars (\$500.00)** less salvage received of **Sixty 00/100 (\$60.00) Dollars** for a total of **Four Thousand Six Hundred Fifty One and 34/100 (\$4,651.34) Dollars**.

7. The occurrence was the result of the negligence of the Defendant Wadell F. Finney Jr., in that he:

- a. did fail to have the motor vehicle under proper and adequate control;
- b. did operate the motor vehicle at an excessive rate of speed;
- c. did fail to apply the brakes in time to avoid the collision;
- d. did negligently apply the brakes;
- e. did fail to operate the vehicle in accordance with existing conditions;
- f. did fail to observe Insured's property;
- g. did fail to keep a reasonable lookout for other vehicles lawfully on the road;
- h. did operate the motor vehicle without due regard for the rights, safety and


position of the Insured at the point of aforesaid;

- i. did operate the vehicle without Insurance;
- j. did fail to maintain financial responsibility; and
- k. did violate the various statutes and laws of the Commonwealth of

Pennsylvania and County of Clearfield pertaining to the operation of motor vehicles.

WHEREFORE, Plaintiff demands judgment against the Defendant upon each count in an amount not in excess of Fifty Thousand and 00/100 (\$50,000.00) dollars together with costs of suit.

Date: _____



Paul F. D'Emilio, Esquire
Identification No.: 16654
e-mail address: pauld@demiliolaw.com
Paul M. Schofield, Jr., Esquire
Identification No.: 81894
e-mail address: pauls@demiliolaw.com
905 W. Sproul Road, Suite 105
Springfield, PA 19064
Telephone No.: 610-338-0338
Fax No.: 610-338-0303

VERIFICATION

, Subrogation Representative with Erie Insurance
Exchange in the above captioned matter verifies that the facts contained in the
foregoing Complaint 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: 5-1-08

Quinn Martin
Subrogation Representative

William A. Shaw
Prothonotary/Clerk of Courts

MAY 16 2008

FILED

PAUL F. D'EMILIO, ESQUIRE
ATTORNEY I.D. #16654
PAUL M. SCHOFIELD, JR., ESQUIRE
ATTORNEY I.D. #81894
905 W. SPROUL ROAD, SUITE 105
SPRINGFIELD, PA 19064
(610) 338-0338

THIS IS ARBITRATION MATTER

ATTORNEY FOR PLAINTIFF

ERIE INSURANCE EXCHANGE AS
SUBROGEE OF RICHARD TEATS AND
VERONICA TEATS
100 ERIE PLACE
ERIE, PA 16530

COMMON PLEAS COURT OF
CLEARFIELD COUNTY

VS.

NO. 2008-916-CD

WADELL FINNEY, JR.
3556 OLD 51 ROAD LOT 31
SANDOVAL, IL 62882

CIVIL ACTION

PRAECIPE TO REINSTATE THE COMPLAINT

TO THE PROTHONOTARY, C.P.:

Kindly reinstate the **Complaint** in the above-captioned matter.


PAUL F. D'EMILIO, ESQUIRE
ATTORNEY FOR PLAINTIFF

FILED *Noce*
JUN 30 2008 *mt: 41/62 Atty pd. \$7.00*
William A. Shaw
Prothonotary/Clerk of Courts *1 Compl. Reinstated to Atty*

PAUL F. D'EMILIO, ESQUIRE
ATTORNEY I.D. #16654
PAUL M. SCHOFIELD, JR., ESQUIRE
ATTORNEY I.D. #81894
905 W. SPROUL ROAD, SUITE 105
SPRINGFIELD, PA 19064
(610) 338-0338

THIS IS ARBITRATION MATTER

ATTORNEY FOR PLAINTIFF

ERIE INSURANCE EXCHANGE AS
SUBROGEE OF RICHARD TEATS AND
VERONICA TEATS
100 ERIE PLACE
ERIE, PA 16530

COMMON PLEAS COURT OF
CLEARFIELD COUNTY

VS.

NO. 2008-916-CD


WADELL FINNEY, JR.
3556 OLD 51 ROAD LOT 31
SANDOVAL, IL 62882

CIVIL ACTION

PRAECIPE TO REINSTATE THE COMPLAINT

TO THE PROTHONOTARY, C.P.:

Kindly reinstate the **Complaint** in the above-captioned matter.


PAUL F. D'EMILIO, ESQUIRE
ATTORNEY FOR PLAINTIFF

FILED *Atty pd. \$7.00*
M/11:56 AM
AUG 25 2008 *2 cc's / Complaint*
William A. Shaw
Prothonotary/Clerk of Courts *Reinstated to*
Atty @

PAUL F. D'EMILIO, ESQUIRE
ATTORNEY I.D. #16654
PAUL M. SCHOFIELD, JR., ESQUIRE
ATTORNEY I.D. #81894
905 W. SPROUL ROAD, SUITE 105
SPRINGFIELD, PA 19064
(610) 338-0338

THIS IS ARBITRATION MATTER

ATTORNEY FOR PLAINTIFF

ERIE INSURANCE EXCHANGE AS
SUBROGEE OF RICHARD TEATS AND
VERONICA TEATS
100 ERIE PLACE
ERIE, PA 16530

COMMON PLEAS COURT OF
CLEARFIELD COUNTY

VS.

NO. 2008-916-CD


WADELL FINNEY, JR.
3556 OLD 51ROAD LOT 31
SANDOVAL, IL 62882


CIVIL ACTION

ORDER TO DISCONTINUE AND END

TO THE PROTHONOTARY, P.C.:

Kindly mark the above entitled matter discontinued and ended upon
payment of your cost only.


Paul F. D'Emilio, Esquire
Attorney for Plaintiff

³ FILED *ICC + ICert*
m/12:23pm of disc issued
MAR 16 2009 *to A44*
 *D'Emilio*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Erie Insurance Exchange
Richard Teats
Veronica Teats

Vs.
Wadell Finney Jr.

No. 2008-00916-CD

COPY

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 March 16, 2009, marked:

Discontinued and ended

Record costs in the sum of \$109.00 have been paid in full by Paul F. D'Emilio Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 16th day of March A.D. 2009.



LM

William A. Shaw, Prothonotary