

08-1130-CD  
Lawrence Twp. Vs Vasile Muntean

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
non-profit corporation,  
Plaintiff,

v.

VASILF MUNTEAM, an  
individual,  
Defendant.

\* No. 08- 1130 -CD

\* Type of Pleading:

\* **COMPLAINT**

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820

\* &  
\* Trudy G. Lumadue, Esq.  
\* Pa I.D. 202049

\* NADDEO & LEWIS, LLC.  
\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

Dated: June 20, 2008

**FILED**

02:47 P.M. 6K

JUN 20 2008

WM  
William A. Shaw  
Prothonotary/Clerk of Courts

ATTY PAID

95.00

2CC ATTY

NADDEO

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

LAWRENCE TOWNSHIP VOLUNTEER \*  
FIRE COMPANY NO. 1, a \*  
non-profit corporation, \*  
Plaintiff, \*

v. \*

No. 08-

-CD

VASILF MUNTEAM, an \*  
Individual, \*  
Defendant. \*

**NOTICE**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. 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 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  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

LAWRENCE TOWNSHIP VOLUNTEER \*  
FIRE COMPANY NO. 1, a \*  
non-profit corporation, \*  
Plaintiff, \*  
\*  
v. \* No. 08- -CD  
\*  
VASILF MUNTEAM, an \*  
Individual, \*  
Defendant. \*

COMPLAINT

NOW COMES the Plaintiff, Lawrence Township Fire Company No. 1, and by its attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff, Lawrence Township Volunteer Fire Company No. 1, is a non-profit corporation with a principal address of 321 Mill Road, Clearfield, Pennsylvania 16830.

2. That the Defendant, Vasilf Munteam, is an adult individual who resides at 3216 West Evans Drive, Phoenix, Arizona 85053.

3. That Plaintiff operates under the auspices of the Township of Lawrence Clearfield County, Pennsylvania which finances Plaintiff and adopts ordinances which control the operations of Plaintiff.

4. That on or about February 19, 2002, Lawrence Township adopted Ordinance No. 2002-01 entitled Recovery of Rescue Costs a copy of which is attached hereto as Exhibit "A."

5. That on or about December 28, 2006 Lawrence Township adopted a *Rescue Billing Rate Schedule* as required by Ordinance No. 2002-01. A true and correct copy of *2007 Rescue Billing Rate Schedual (sic)* is attached hereto as Exhibit "B."

6. That on or about July 18, 2007 at approximately 5:05 a.m., E.D.S.T., the Defendant, Vasilf Munteam, was the operator of a loaded commercial Kenworth, tractor-trailer vehicle bearing Arizona Registration No. AB63591, the same being owned by Nicolae Radoi of 3216 West Evans Drive, Phoenix, Arizona 85053.

7. That on the said date and at or about the said time, the Defendant was travelling east on Route 322 being named Race Street, and was proceeding through the Maple Avenue intersection travelling at or near house number 201.

8. That the location where Defendant was travelling had just transitioned from five lanes of traffic to a three lane (one lane travelling west, one lane traveling east and a turning lane) macadam roadway and proceeds in a generally east-west direction through a residential area.

9. That on the aforesaid date and at or about the said time, there were no adverse weather conditions and the road surface was dry.

10. That on the aforesaid date and at or about the said time, the Defendant failed to negotiate a right hand curve

in the roadway, crossed over a concrete medial, crossed over both oncoming lanes of traffic and impacted with a concrete curb on the west bound side of Route 322.

11. That Defendant's vehicle then continued over the curb as described in Paragraph 10, traveled 74 feet across the lawn of a residence located at 201 Race Street, impacted this residence and continued moving shearing off landscape and trees, crossed a driveway, then impacted with the residence located at 165 Race Street and caused the east wall of the residence at 165 Race Street to strike the side of the residence located at 161 Race Street.

12. That as a result of the collision described in Paragraphs 10 and 11 hereof which is incorporated herein by reference, considerable structural damage resulted to the residence located at 201 Race Street.

13. That as a result of the collision described in Paragraphs 10 and 11 hereof which are incorporated herein by reference, the residence located at 165 Race Street was displaced approximately 12 feet seven inches from its constructed foundation.

14. That as a result of the collision described in Paragraphs 10 and 11 hereof which are incorporated herein by reference, the residence located at 161 Race Street was

displaced approximately 13 inches from its constructed foundation.

15. That as a result of the collision described in Paragraphs 10 and 11 hereof which are incorporated herein by reference, the Plaintiff was required to expend monies for the cost of rescuing the Defendant and victims of the accident.

16. That Defendant was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident which necessitated the rescue costs to be expended by Plaintiff, as follows:

A. That the Defendant failed to have his vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that he operated his vehicle upon Race Street, Lawrence Township, Clearfield County, Pennsylvania, with careless disregard for the safety of others.

D. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that he operated his vehicle upon Race Street, Lawrence Township,

Clearfield County, Pennsylvania, in willful or wanton disregard for the safety of the person or property of others.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3309, 75 Pa.C.S.A. Section 3309, and supplements thereto, in that he failed to operate his vehicle entirely within a single lane of a roadway laned for traffic and moved his vehicle from his lane of travel without first ascertaining that the movement could be made with safety.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3362, 75 Pa.C.S.A. Section 3362, and supplements thereto, in that he exceeded the posted speed limit.

G. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3361, 75 Pa.C.S.A. Section 3361, and supplements thereto, in that he failed to operate his vehicle at a speed which was safe and appropriate under the conditions of his travel.

17. That the costs necessitated for rescue which Defendant was required to expend as a result of the collision described in Paragraphs 10 and 11 hereof, are detailed on the Lawrence Township Vol. Fire Cc. #1 Invoice No. 0707003422 and

total the amount of \$30,621.66. A true and correct copy of said  
Invoice is attached hereto as Exhibit "C."

WHEREFORE, the Plaintiff, Lawrence Township Volunteer Fire  
Company No. 1, claims damages from the Defendant, Vasilf  
Munteam, in the amount of \$30,621.66 with costs and interests  
thereon. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiff

V E R I F I C A T I O N

I, Michael Errigo, verify that I am the President of Lawrence Township Volunteer Fire Company No. 1, a nonprofit corporation, and that I am authorized to execute this verification and further that the statements made in the foregoing Complaint are true and correct upon my personal knowledge or information and belief. 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.

Lawrence Township Vol. Fire Co.  
No.1

By: Michael Errigo  
Michael Errigo  
President

Dated: June 19, 2008

ORDINANCE NO. # 2002 - C1

AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, CLEARFIELD COUNTY, AND COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING LAWRENCE TOWNSHIP FIRE COMPANY NO. 1 TO CHARGE THE COST OF CERTAIN EMERGENCY RESCUE SERVICES PROVIDED TO PERSON(S) OR OTHER ENTITIES NECESSITATING USE OF EMERGENCY RESCUE SERVICES AND/OR THE PERSON(S) OR OTHER ENTITIES' INSURANCE CARRIER UNDER THE NAME OF THE TOWNSHIP OF LAWRENCE IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES CODE

WHEREAS, the Township of Lawrence has within its boundaries a certain Volunteer Fire Department, LAWRENCE TOWNSHIP FIRE COMPANY NO. 1 (hereinafter referred to as the "Fire Department"); and

WHEREAS, the Township of Lawrence supports the said Fire Department financially; and

WHEREAS, the Township of Lawrence recognizes the necessity of maintaining the financial integrity of the said Fire Department; and

WHEREAS, said Fire Department is equipped to utilize certain emergency rescue tools and equipment as a means of saving lives and property; and

WHEREAS, the purchase of said tools and equipment is a high and unusual expense for said Fire Department; and

WHEREAS, the necessity of utilizing the same usually results from an act of negligence; and

WHEREAS, the said Fire Department has requested the Township Supervisors of the Township of Lawrence to authorize it

Exhibit "A"

to effectuate a recovery for the cost of said tools and equipment and the wear and tear upon such, for the cost of the specialized training required for the use of such, and for the replacement of materials that were used or exhausted when its utilization is the result of an act of negligence; and

WHEREAS, frequently, said person(s) has insurance coverage to effectuate the cost of utilization of said tools, equipment and material usage by the Fire Department; and

WHEREAS, the Lawrence Township Supervisors have recommended that the Fire Department be authorized to utilize said tools, equipment, and materials, and to effectuate the recovery of said costs thereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Lawrence, Clearfield County, Pennsylvania, in lawful session assembled and acting throughout as follows:

SECTION 1. That the Township Supervisors of the Township of Lawrence, by the adoption of this Ordinance, authorize the Fire Department of the Township of Lawrence to utilize tools, equipment and materials as a means to save lives and property.

SECTION 2. That the Township Supervisors of the Township of Lawrence do hereby authorize the utilization of said tools, equipment and materials both within the Township and outside the geographic boundaries thereof.

SECTION 3. That the Township Supervisors of the Township of Lawrence hereby authorize the Fire Department to attempt to effectuate a recovery of the cost of said tools, equipment and materials from any person(s) necessitating the utilization thereof.

SECTION 4. That the Fire Department shall have the authority to bill either an individual, corporation (profit or non-profit), municipal subdivision or insurance carrier for the same.

SECTION 5. That the Fire Department shall have the authority to bill a neighboring municipality for the utilization of said tools, equipment and materials when utilization has been requested by said municipality regardless of whether the cause of said utilization has been an act of negligence.

SECTION 6. In the event that an obligor fails to pay the statement for tools, equipment and materials, the proper Officers and Officials of the Fire Department are hereby authorized to commence the appropriate Civil Action in order to effectuate a recovery of the same and may utilize the offices of the local District Justice of the Civil Division of the Court of Common Pleas of Clearfield County, Pennsylvania, in order to effectuate a recovery of the cost of the tools, equipment and materials, proper interest and court costs.

SECTION 7. That the following is a list of specific billable items, including but not limited to the following:

Hazardous	Material	Control/Foam;	Hazardous	Material
Control/Absorbent	Materials;	Air Bags;	Hydraulic	Spreaders;
Hydraulic	Cutters;	Hydraulic	Rams;	Various Hand Tools,
Tools;	Rope	Rescue	Equipment;	Comes-A-Long/Chains;
Equipment;	Pumps;	ram	fans,	pipe
hooks,	axes,	saws,	pulls,	hose,
salvage	ladders,	SCBA	portable	pumps,
tarps,	equipment,	heat	guns	or heat
and/or	detectors	adapters,	and	any
services	deemed	necessary	other	equipment
deemed	necessary	by	the	Fire
by	the	Fire	Department.	Department.
the	tools,	equipment	and	materials
the	to	be	pre-	be
the	established	by	the	approved
the	by	the	Fire	by
the	Supervisors	and	will	the
the	be	on	file	Lawrence
the	at	the	Township	Office.

SECTION 8. That any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of said conflict.

SECTION 9. Date of Effect. This Ordinance shall be effective upon adoption.

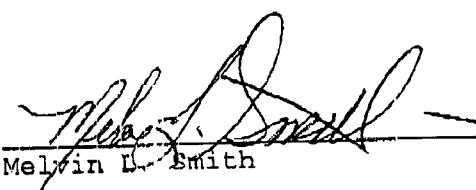
Adopted this 19<sup>th</sup> day of February, 2002.

ATTEST:

LAWRENCE TOWNSHIP OF SUPERVISORS

Barbara S. Steffey  
Secretary

William D. Lawhead  
William D. Lawhead

  
\_\_\_\_\_  
Melvin L. Smith

  
\_\_\_\_\_  
Edward E. Brown

## **2007 RESCUE BILLING RATE SCHEDUAL**

RESCUE	\$250 PER HOUR
ENGINE	\$250 PER HOUR
TRUCK	\$250 PER HOUR
UTILITY	\$100 PER HOUR
BOAT	\$100 PER HOUR

All hydraulics and pneumatics will be billed a flat rate per call

O-CUTTERS	\$100
COMBINATION CUTTERS	\$100
SPREADERS	\$100
RAM WITH EXTENSION	\$100
PORTABLE HYDRALIC GAS UNIT	\$250
HIGH PRESSURE AIR BAGS	\$250
AIR SHURES OR AIR STRUTS	\$250
LANDING ZONE	\$500
PORTABLE LIGHTING	\$20 PER UNIT
FIXED LIGHTING	\$25 PER HALF HOUR
PLASTIC CRIBBING	\$250

All consumables, including but not limited to pads, booms, zip zorb, lumber, hydraulic oil, fuel, rope, bits, blades, tarps, gloves, and wooden cribbing shall be billed at current rate plus 15%, and the cost of shipping.

Any non-consumable item lost, damaged, or destroyed while in the process of Rescue Operations, shall be billed at current retail price plus the cost of shipping. Non-consumable items shall include, but not limited to Fire Rated Coats, Pants, Gloves, Boots, or Helmets. This list shall also include, but not limited to fire service hose, hydraulic hose, pneumatic hose, hand tools, electric tools, hydraulic tools, pneumatic tools, exhaust fans, negative and positive pressure fans, plastic cribbing, stabilization equipment, personal breathing apparatus and all communication devices.



Jeremy Ruffner,  
Lawrence Township Rescue Chief  
12-28-06

*Exhibit "B"*

# Lawrence Township Vol. Fire Co. #1

29 Mill Road \* Clearfield, PA 16830  
tel: 814-765-8683 fax: 814-765-4055

INVOICE # 0707003422

Tax ID # 25-1288131

CLAIM # L912986

**Bill To:**

NAME CANAL INSURANCE COMPANY  
ADDRESS PO BOX 7  
CITY,STATE,ZIP GREENVILLE, SC 29602  
PHONE 864-242-5365 EXT - 5418

INVOICE DATE 7/19/2007

CONTACT DEAN TOBIAS

Description	Item	Quantity	Total Price
4X8	PYLWOOD	10	\$ 233.80
2X4 8'	LUMBER	10	\$ 30.00
4X4 8'	TREATED LUMBER	47	\$ 385.55
4X6 8'	LUMBER	20	\$ 94.00
VARIOUS	SAWZALL BLADES	57	\$ 701.78
METAL	EXCALIBUR BLADES	10	\$ 167.00
LEATHER GLOVE	SUEDE LEATHER PALM GLOVE	10	\$ 38.80
PARATECK BITS	PARATECK AIR HAMMER BITS	2	\$ 318.00
TURTLE TILE	PLASTIC CRIBBING	VARIOUS	\$ 800.00
FIRE - DEX GLOVES	FIRE SERVICE GLOVES	12	\$ 467.88
G XTREAM FIRE GEAR	FIRE SERVICE COAT & PANTS	3 SETS	\$ 4,350.00
CHAIN SAW BLADES	1 STANDARD - 2 DIAMOND TIP	3 TOTAL	\$ 210.00
1 INCH WEBBING	RESCUE WEBBING	120'	\$ 69.98
5/8 KERNMANTLE ROPE	RESCUE ROPE	150'	\$ 169.99
SURVIVOR LIGHT	STREAMLIGHT SURVIVOR FLASHLIGHT	3	\$ 374.97
FIRE LINE TAPE	FIRE LINE BARRIER TAPE	4 PACK	\$ 43.96
AIR SURE	SABILIZATION SYSTEM	4 UNIT KIT	\$ 7,000.00
TIN SNIPS	LEFT AND RIGHT HAND TIN SNIPS	2	\$ 58.94
ABSORBENT BOOMS	LARGE ABSORBANT BOOM	4	\$ 38.00
ABSORBENT PADS	2X2 ABSORBANT PADS	100	\$ 27.00
WOOD CRIBBING	WOOD CRIBBING	20	\$ 60.00
JACK PLATE	18'X18' JACK PLATE	1	\$ 35.00
30' HURST HYDRO LINE	HURST HYDRALIC LINE	2	\$ 900.00
AIR BAG CONTROL LINE	HIGH PRESSURE AIR BAG LINE	1	\$ 250.00
WIRE CUTTERS	9 INCH WIRE CUTTERS	1	\$ 12.00
RAZOR KNIFE	SAFETY RAZOR KNIFE	1	\$ 5.76
SAFETY FENCING	ORANGE SAFETY FENCE (RENTAL)	1	\$ 487.25
PORTABLE LIGHTING	PORTABLE LIGHTING	6	\$ 120.00
2 POUND HAMMER	2 POUND SLEDGE HAMMER	1	\$ 18.00
TARPS	VARIOUS SIZES	8	\$ 59.00
LUMBER DELIVERY	LUMBER DELIVERY CHARGE	1	\$ 100.00
HURST HYDRO OIL	HURST HYDRALIC OIL	2 GALLONS	\$ 320.00
PORTA-POWER	PORTABLE POWER UNIT	1	\$ 700.00
RESCUE 5	7 HOURS IN SERVICE	7	\$ 1,750.00
RESCUE 25	6 1/2 HOURS IN SERVICE	6.5	\$ 1,625.00
ENGINE RESCUE 30	3 HOURS IN SERVICE	3	\$ 750.00
RESCUE 8	6 1/2 HOURS IN SERVICE	6.5	\$ 1,625.00
TOWER 6	6 1/2 HOURS IN SERVICE	6.5	\$ 1,625.00
RESCUE 11	4 HOURS IN SERVICE	4	\$ 1,000.00

*It's a pleasure doing business with you!*

*Exhibit "C"*

18-44-44

RESCUE 1	7 HOURS IN SERVICE	7	\$	1,750.00
URST COMBI UNIT	HURST HYDRALIC COMBINATION UNT	2	\$	200.00
HURST RAM UNIT	HURST HYDRALIC RAMS WITH EXT	3	\$	300.00
HURST CUTTERS	HURST HYDRALIC "O" CUTTERS	1	\$	100.00
BRADY CUTTER	BRADY CUTTERS	1	\$	100.00
HYDRO PEDDLE CUTTER	BRADY PEDDLE CUTTER	1	\$	100.00
BRADY SPREADER	BRADY HYDRALIC SPREADER	1	\$	100.00
AMKUS CUTTER	AMKUS HYDRALIC CUTTER	1	\$	100.00
AMKUS SPREADER	AMKUS SPREADER	1	\$	500.00
PORTABLE HYDRALIC	PORTABLE HYDRALIC GAS UNIT	2	\$	250.00
AIR BAGS	HIGH PRESSURE AIR BAGS	5	\$	

TOTAL AMOUNT DUE: \$ 30,621.66

PLEASE REMIT PAYMENT TO:

Lawrence Township Vol. Fire Co #1  
 C/O: Jeremy Ruffner  
 321 Mill Road  
 Clearfield, PA 16830

TERMS - Due Upon Receipt Please

*It's a pleasure doing business with you!*

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
non-profit corporation,  
Plaintiff,

v.

VASILF MUNTEAM, an  
individual,  
Defendant.

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\* No. 08-1130-CD  
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\* Type of Pleading:  
\*

\* **PETITION FOR LEAVE TO  
FILE AN AMENDED COMPLAINT**  
\*

\* Filed on behalf of:  
\* Plaintiff  
\*

\* Counsel of Record for  
\* this party:  
\*

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\* &  
\* Trudy G. Lumadue, Esq.  
\* Pa I.D. 202049  
\*

\* NADDEO & LEWIS, LLC.  
\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601  
\*

Dated: July 23, 2008

FILED *2cc*  
*07/11/03 10:21 Atty Naddeo*  
JUL 23 2008  
C  
William A. Shaw  
Prothonotary/Clerk of Courts

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

LAWRENCE TOWNSHIP VOLUNTEER \*  
FIRE COMPANY NO. 1, a \*  
non-profit corporation, \*  
Plaintiff, \*

v. \* No. 08-1130-CD

VASILF MUNTEAM, an \*  
individual, \*

Defendant. \*

RULE

AND NOW, this 25<sup>th</sup> day of July, 2008, it is hereby ORDERED that a Rule be granted upon the Defendant, Vasilf Munteam, to show cause why the relief requested in Plaintiff's Petition for Leave to File an Amended Complaint should not be granted.

Rule Returnable and argument thereon to be held the 4<sup>th</sup> of September, 2008, at 9:00 A.m., in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION 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 PETITIONER OR MOVANT. 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  
CLEARFIELD, PA 16830  
(814) 765-2641, Ext. 5982

BY THE COURT,

Judge J. Commerman

FILED <sup>acc</sup>  
JUL 25 2008 Attn:Naddoo  
(50)

**FILED**

**JUL 25 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/25/08

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 DIVISION

LAWRENCE TOWNSHIP VOLUNTEER \*  
FIRE COMPANY NO. 1, a \*  
non-profit corporation, \*  
Plaintiff, \*  
\*  
v. \* No. 08-1130-CD  
\*  
VASILF MUNTEAM, an \*  
individual, \*  
Defendant. \*

**PETITION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

NOW COMES the Petitioner, Lawrence Township Fire Company No. 1, and by its attorney, James A. Naddeo, Esquire, sets forth the following:

1. That Petitioner filed the above-captioned action on or about June 20, 2008.
2. That Plaintiff has attempted but has not yet effected service upon Defendant, Vasilf Munteam.
3. That Plaintiff's Complaint as filed names one Defendant, Vasilf Munteam.
4. That Plaintiff failed to name necessary parties in its Complaint.
5. That no prejudice or harm will come to any party by allowing an Amended Complaint to be filed.

WHEREFORE, Petitioner, Lawrence Township Fire Company No. 1, requests that the Your Honorable Court grant it leave to file an amended complaint.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Petitioner

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
non-profit corporation,  
Plaintiff,

v.

VASILF MUNTEAM, an  
individual,  
Defendant.

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\* No. 08-1130-CD  
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\* Type of Pleading:

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\* CERTIFICATE OF SERVICE  
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\* Filed on behalf of:  
\* Plaintiff  
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\* Counsel of Record for  
\* this party:  
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\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\* &  
\* Trudy G. Lumadue, Esq.  
\* Pa I.D. 202049  
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\* NADDEO & LEWIS, LLC.  
\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601  
\*

\*  
\*

FILED No. 1  
9/11/00 LM  
JUL 29 2008  
WMA

William A. Shaw  
Prothonotary/Clerk of Courts

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
Non-profit corporation,

vs.

\*  
\*  
\*  
\*

\* No. 08-1130-CD

VASILF MUNTEAM, an  
Individual,  
Defendant.

\*  
\*  
\*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a Petition for Leave to File an Amended Complaint was served on the following and in the following manner on the 29<sup>th</sup> day of July, 2008:

First-Class Mail, Postage Prepaid

Vasilf Munteam  
3216 West Evans Drive  
Phoenix, AZ 85053

Certified Mail, Restricted Delivery

Vasilf Munteam  
3216 West Evans Drive  
Phoenix, AZ 85053

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Petitioner

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

LAWRENCE TOWNSHIP VOLUNTEER :  
FIRE COMPANY NO. 1, a non-profit :  
Corporation, :  
Plaintiff, : No. 08-1130-CD  
VASILE MUNTEAM, an individual, : JURY TRIAL DEMANDED  
Defendant. :

**ENTRY OF APPEARANCE**

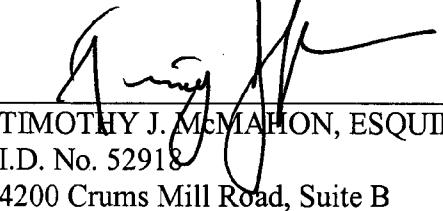
TO THE PROTHONOTARY:

Kindly enter the appearance of the undersigned as counsel on behalf of the Defendant,  
Vasile Munteam, with respect to the above-referenced matter.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

DATE: 8/11/08

BY: 

TIMOTHY J. McMAHON, ESQUIRE  
I.D. No. 52918  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112  
(717) 651-3505

*Attorney for Defendant,  
Vasile Munteam*

FILED No CC  
08/12/2008  
AUG 15 2008 COPY to CIA  
William A. Shaw  
Prothonotary/Clerk of Courts  
60

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

LAWRENCE TOWNSHIP VOLUNTEER :  
FIRE COMPANY NO. 1, a non-profit :  
Corporation,  
Plaintiff, : No. 08-1130-CD  
VASILE MUNTEAM, an individual, : JURY TRIAL DEMANDED  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I, Cindy Sowers, an employee of Marshall, Dennehey, Warner, Coleman & Goggin, do hereby certify that on this 11 day of August, 2008, I served a copy of the foregoing document via First Class United States mail, postage prepaid, as follows:

James A. Naddeo, Esquire  
Trudy G. Lumadue, Esquire  
Naddeo & Lewis, LLC  
207 E. Market St.  
P.O. Box 352  
Clearfield, PA 16830

Cindy Sowers  
Cindy Sowers

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
non-profit corporation,  
Plaintiff,

v.

VASILF MUNTEAM, an  
individual,  
Defendant.

\*

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No. 08-1130-CD

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Type of Pleading:

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**MOTION FOR HEARING**

\*

\*

\*

\*

\*

Filed on behalf of:

Plaintiff

\*

\*

\*

\*

Counsel of Record for  
this party:

\*

\*

\*

\*

\*

James A. Naddeo, Esq.

Pa I.D. 06820

&

Trudy G. Lumadue, Esq.

Pa I.D. 202049

\*

\*

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\*

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NADDEO & LEWIS, LLC.

207 E. Market Street

P.O. Box 552

Clearfield, PA 16830

(814) 765-1601

\*

\*

FILED  
01345ON ICC  
SEP 29 2008 Atty Naddeo

William A. Shaw  
Prothonotary/Clerk of Courts

64

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

LAWRENCE TOWNSHIP VOLUNTEER \*  
FIRE COMPANY NO. 1, a \*  
Non-profit corporation, \*  
Plaintiff, \*  
v. \* No. 08 - 1130 - CD  
\*  
VASILE MUNTEAM, an \*  
Individual, \*  
Defendant. \*

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon  
consideration of the foregoing Motion for Hearing filed by James  
A. Naddeo, attorney of record for Plaintiff, it is hereby ordered  
that a hearing be scheduled before this Court for the \_\_\_\_\_ day of  
\_\_\_\_\_, 2008, at \_\_\_\_\_.m. in Courtroom No. \_\_\_\_ Clearfield  
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

\_\_\_\_\_  
Judge

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

LAWRENCE TOWNSHIP VOLUNTEER	*
FIRE COMPANY NO. 1, a	*
Non-profit corporation,	*
Plaintiff,	*
v.	*
	No. 08 - 1130 - CD
	*
VASILE MUNTEAM, an	*
Individual,	*
Defendant.	*

**MOTION FOR HEARING**

TO THE HONORABLE JUDGE OF THE COURT

NOW COMES the Plaintiff, Lawrence Township Volunteer Fire Company No. 1, and by its attorney, James A. Naddeo, hereby moves the Court to set a date for hearing of Plaintiff's Petition for Leave to file an Amended Complaint sets forth the following:

1. Plaintiff filed a Petition with the Court on July 23, 2008 for leave to amend its Complaint.

2. The alleged purpose for this amendment was to join the owner of the vehicle operated by the Defendant, Vasile Munteam.

3. No appearance had been entered for Defendant, Vasile Munteam, at the time Plaintiff's Petition was filed.

4. Petitioner served Defendant with a copy of its Petition to Amend on July 29, 2008 by first-class mail and by certified mail, restricted delivery.

5. An appearance was entered by Timothy J. McMahon on behalf of Defendant on August 11, 2008.

6. A hearing upon Plaintiff's Petition to Amend was scheduled for September 4, 2008 at 9:00 a.m.

7. Counsel for Defendant was never served with a copy of Plaintiff's Petition and Order.

8. Plaintiff's counsel discussed the issue of Plaintiff's request to amend by telephone prior to the hearing date of September 4, 2008.

9. Plaintiff's counsel understood that counsel of record for Defendant was willing to sign a Stipulation permitting Plaintiff to amend its Complaint.

10. Counsel also discussed whether defense counsel would be willing to accept service on behalf of the Defendant to be added as a party to this case.

11. Plaintiff's counsel was informed that defense counsel did not have authority to accept service but was reasonably certain that the responsible carrier would give him authority to accept service.

12. Counsel agreed that Plaintiff's counsel was to prepare a proposed Stipulation and submit the proposed stipulation to defense counsel for review.

13. A Stipulation was forwarded to defense counsel on September 4, 2008. A copy of said Stipulation is attached hereto as Exhibit "A."

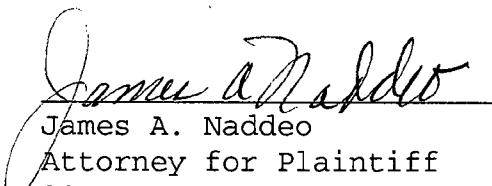
14. A follow-up letter was directed to defense counsel inquiring as to his failure to respond to the Stipulation submitted for his review on September 12, 2008. A copy of said letter is attached hereto as Exhibit "B."

15. Plaintiff has received no response from defense counsel to Plaintiff's inquiry.

16. Plaintiff is unable to move this case forward until this matter is resolved.

WHEREFORE, counsel for Plaintiff respectfully requests that the Court set another date for hearing upon Plaintiff's Petition for Leave to Amend its Complaint.

NADDEO & LEWIS, LLC

  
James A. Naddeo  
Attorney for Plaintiff  
207 East Market Street  
PO Box 552  
Clearfield, PA 16830

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
Non-profit corporation,  
Plaintiff,

v.

VASILF MUNTEAM, an  
Individual,  
Defendant.

**DRAFT**

\* No. 08-1130-CD

\*  
\*  
\*  
\*  
\*

STIPULATION

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_ 2008 counsel of record do hereby stipulate as follows:

1. Plaintiff shall be permitted to file an Amended Complaint for the purpose of adding Nicolae Radol, the owner of the vehicle operated by Vasile Muntean as a party Defendant.

2. Plaintiff shall have 10 days from the date of this Stipulation to file its Amended Complaint.

3. Timothy J. McMahon, Attorney of Record for Vasile Muntean will accept service of the Amended Complaint on behalf of the original Defendant, Vasile Muntean and the Defendant to be added, Nicolae Radol as a party to this action.

Exhibit "A"

---

James A. Naddeo, Esq.  
Attorney for Plaintiff

---

Timothy J. McMahon, Esq.  
Attorney for Defendant

**NADDEO & LEWIS, LLC**

ATTORNEYS AT LAW  
207 EAST MARKET STREET  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

JAMES A. NADDEO  
LINDA C. LEWIS  
Trudy G. Lumadue

(814) 765-1601  
FAX: (814) 765-8142  
naddeolaw@atlanticbbn.net

September 15, 2008

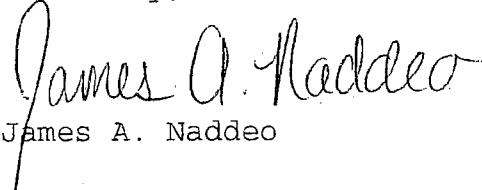
Timothy J. McMahon, Esquire  
Marshall, Dennehey, Warner,  
Coleman & Goggin  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112

RE: Lawrence Township Volunteer Fire Co. #1 v.  
Vasile Munteam

Dear Mr. McMahon:

Where do you stand with the Stipulation that was sent to you on September 4, 2008? If you feel the Stipulation requires revisions please feel free to modify in accordance with the spirit of our agreement.

Sincerely,

  
James A. Naddeo

JAN/arb

Cc: Lawrence Township Volunteer Fire Co. # 1

Exhibit "B"

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
Non-profit corporation,  
Plaintiff,

\*  
\*  
\*  
\*

\* No. 08-1130-CD

v.

VASILF MUNTEAM, an  
Individual,  
Defendant.

\*  
\*  
\*  
\*

FILED 200  
01347511 Atty Nadeau  
OCT 03 2008

William A. Shaw  
Prothonotary/Clerk of Courts

STIPULATION

AND NOW this 3rd day of October 2008 counsel of record do hereby stipulate as follows:

1. Plaintiff shall be permitted to file an Amended Complaint for the purpose of adding Nicolae Radol, the owner of the vehicle operated by Vasile Muntean as a party Defendant.

2. Plaintiff shall have 10 days from the date of this Stipulation to file its Amended Complaint.

3. Timothy J. McMahon, Attorney of Record for Vasile Muntean will accept service of the Amended Complaint on behalf of the original Defendant, Vasile Muntean and the Defendant to be added, Nicolae Radol as a party to this action.

James A. Naddeo  
James A. Naddeo, Esq.  
Attorney for Plaintiff

Timothy J. McMahon  
Timothy J. McMahon, Esq.  
Attorney for Defendant

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
non-profit corporation,  
Plaintiff,

V.

VASILE MUNTEAN t/d/b/a  
VASA TRANSPORTATION, and  
NICOLAE RADOL, an individual,  
Defendants.

272

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No. 08-1130-CD

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Type of Pleading:

4

Filed on behalf of:

六

Counsel of Record for  
this party:

5

James A. Naddeo, Esq.  
Pa I.D. 06820

16

Trudy G. Lumadue, Esq.  
Pa I.D. 202049

1

NADDEO & LEWIS, LLC.  
207 E. Market Street  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

Dated: October 13, 2008

FILED 3CC  
01/10/2008 Atty Madden  
S OCT 13 2008 (610)  
William A. Shaw  
Prothonotary/Clerk of Courts

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

LAWRENCE TOWNSHIP VOLUNTEER \*  
FIRE COMPANY NO. 1, a \*  
non-profit corporation, \*  
Plaintiff, \*

v. \* No. 08-1130-CD

\*  
VASILE MUNTEAN t/d/b/a \*  
VASA TRANSPORTATION, and \*  
NICOLAE RADOL, an individual, \*  
Defendants. \*

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. 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 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  
Market and Second Streets  
Clearfield, PA 16830  
(814) 765-2641, ext. 5982

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

LAWRENCE TOWNSHIP VOLUNTEER \*  
FIRE COMPANY NO. 1, a \*  
non-profit corporation, \*  
Plaintiff, \*  
\*  
v. \* No. 08-1130-CD  
\*  
VASILE MUNTEAN t/d/b/a \*  
VASA TRANSPORTATION, and \*  
NICOLAE RADOL, an individual, \*  
Defendants. \*

AMENDED COMPLAINT

NOW COMES the Plaintiff, Lawrence Township Fire Company No. 1, and by its attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff, Lawrence Township Volunteer Fire Company No. 1, is a non-profit corporation with a principal address of 321 Mill Road, Clearfield, Pennsylvania 16830.
2. That the Defendant, Vasile Muntean t/d/b/a Vasa Transportation (hereinafter referred to as "Muntean") with a principal place of business located at 3216 West Evans Drive, Phoenix, Arizona 85053.
3. That Defendant, Nicolae Radol is an adult individual who resides at 3216 West Evans Drive, Phoenix, Arizona 85053.
4. That Plaintiff operates under the auspices of the Township of Lawrence Clearfield County, Pennsylvania which

finances Plaintiff and adopts ordinances which control the operations of Plaintiff.

COUNT I

Lawrence Township Volunteer Fire Company  
No. 1 v. Vasile Muntean t/d/b/a Vasa Transportation

5. That on or about February 19, 2002, Lawrence Township adopted Ordinance No. 2002-01 entitled Recovery of Rescue Costs a copy of which is attached hereto as Exhibit "A."

6. That on or about December 28, 2006 Lawrence Township adopted a *Rescue Billing Rate Schedule* as required by Ordinance No. 2002-01. A true and correct copy of *2007 Rescue Billing Rate Schedual (sic)* is attached hereto as Exhibit "B."

7. That on or about July 18, 2007 at approximately 5:05 a.m., E.D.S.T., the Defendant, Muntean, was the operator of a loaded commercial Kenworth, tractor-trailer vehicle bearing Arizona Registration No. AB63591, the same being owned by Nicolae Radol of 3216 West Evans Drive, Phoenix, Arizona 85053.

8. That on the said date and at or about the said time, the Defendant was travelling east on Route 322 being named Race Street, and was proceeding through the Maple Avenue intersection travelling at or near house number 201.

9. That the location where Defendant was travelling had just transitioned from five lanes of traffic to a three lane (one lane travelling west, one lane traveling east and a turning

lane) macadam roadway and proceeds in a generally east-west direction through a residential area.

10. That on the aforesaid date and at or about the said time, there were no adverse weather conditions and the road surface was dry.

11. That on the aforesaid date and at or about the said time, the Defendant failed to negotiate a right hand curve in the roadway, crossed over a concrete medial, crossed over both oncoming lanes of traffic and impacted with a concrete curb on the west bound side of Route 322.

12. That Defendant's vehicle then continued over the curb as described in Paragraph 12, traveled 74 feet across the lawn of a residence located at 201 Race Street, impacted this residence and continued moving shearing off landscape and trees, crossed a driveway, then impacted with the residence located at 165 Race Street and caused the east wall of the residence at 165 Race Street to strike the side of the residence located at 161 Race Street.

13. That as a result of the collision described in Paragraphs 12 and 13 hereof which is incorporated herein by reference, considerable structural damage resulted to the residence located at 201 Race Street.

14. That as a result of the collision described in Paragraphs 12 and 13 hereof which are incorporated herein by

reference, the residence located at 165 Race Street was displaced approximately 12 feet seven inches from its constructed foundation.

15. That as a result of the collision described in Paragraphs 12 and 13 hereof which are incorporated herein by reference, the residence located at 161 Race Street was displaced approximately 13 inches from its constructed foundation.

16. That as a result of the collision described in Paragraphs 12 and 13 hereof which are incorporated herein by reference, the Plaintiff was required to expend monies for the cost of rescuing the Defendant and victims of the accident.

17. That Defendant was guilty of the following negligence, recklessness and carelessness which was the proximate cause of the accident which necessitated the rescue costs to be expended by Plaintiff, as follows:

A. That the Defendant failed to have his vehicle under proper control;

B. That the Defendant failed to maintain a proper lookout;

C. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3714, 75 Pa. C.S.A. Section 3174 and supplements thereto in that he operated his vehicle upon Race Street, Lawrence Township,

Clearfield County, Pennsylvania, with careless disregard for the safety of others.

D. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3736, 75 Pa. C.S.A. Section 3736, and supplements thereto, in that he operated his vehicle upon Race Street, Lawrence Township, Clearfield County, Pennsylvania, in willful or wanton disregard for the safety of the person or property of others.

E. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3309, 75 Pa.C.S.A. Section 3309, and supplements thereto, in that he failed to operate his vehicle entirely within a single lane of a roadway laned for traffic and moved his vehicle from his lane of travel without first ascertaining that the movement could be made with safety.

F. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3362, 75 Pa.C.S.A. Section 3362, and supplements thereto, in that he exceeded the posted speed limit.

G. That the Defendant violated the Motor Vehicle Code of 1976, June 17, P.L. 162, Section 3361, 75 Pa.C.S.A. Section 3361, and supplements thereto, in that he failed to

operate his vehicle at a speed which was safe and appropriate under the conditions of his travel.

18. That the costs necessitated for rescue which Defendant was required to expend as a result of the collision described in Paragraphs 10 and 11 hereof, are detailed on the *Lawrence Township Vol. Fire Co. #1 Invoice No. 0707003422* and total the amount of \$30,621.66. A true and correct copy of said Invoice is attached hereto as Exhibit "C."

WHEREFORE, the Plaintiff, Lawrence Township Volunteer Fire Company No. 1, claims damages from the Defendant, Muntean, in the amount of \$30,621.66 with costs and interests thereon. Jury Trial Demanded.

COUNT II  
Lawrence Township Volunteer Fire  
Company No. 1 v. Nicolae Radol

19. Plaintiff incorporates by reference Paragraphs one through 18 as if the same were set forth in full herein.

20. That at all times referred to herein, the Defendant, Muntean, was acting in furtherance of and was engaged in an activity to the joint benefit of himself and Defendant, Nicolae Radol, with the express or implied authority from Defendant, Nicolae Radol, for him to do so.

WHEREFORE, the Plaintiff, Lawrence Township Volunteer Fire Company No. 1, claims damages from the Defendant, Nicolae

Radol, in the amount of \$30,621.66 with costs and interests thereon. Jury Trial Demanded.

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiff

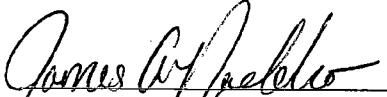
V E R I F I C A T I O N

I, James A. Naddeo, attorney for plaintiff, have read the foregoing Amended Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

I am authorized to make this verification on behalf of Plaintiff because of my position as counsel of record and the source of my information is Michael Errigo, President of Lawrence Township Volunteer Fire Company No. 1.

By:



James A. Naddeo, Esquire  
Attorney for Plaintiff

Dated:

10/10/08

ORDINANCE NO. # 2002 - C1

AN ORDINANCE OF THE TOWNSHIP OF LAWRENCE, CLEARFIELD COUNTY, AND COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING LAWRENCE TOWNSHIP FIRE COMPANY NO. 1 TO CHARGE THE COST OF CERTAIN EMERGENCY RESCUE SERVICES PROVIDED TO PERSON(S) OR OTHER ENTITIES NECESSITATING USE OF EMERGENCY RESCUE SERVICES AND/OR THE PERSON(S) OR OTHER ENTITIES' INSURANCE CARRIER UNDER THE NAME OF THE TOWNSHIP OF LAWRENCE IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES CODE

WHEREAS, the Township of Lawrence has within its boundaries a certain Volunteer Fire Department, LAWRENCE TOWNSHIP FIRE COMPANY NO. 1 (hereinafter referred to as the "Fire Department"); and

WHEREAS, the Township of Lawrence supports the said Fire Department financially; and

WHEREAS, the Township of Lawrence recognizes the necessity of maintaining the financial integrity of the said Fire Department; and

WHEREAS, said Fire Department is equipped to utilize certain emergency rescue tools and equipment as a means of saving lives and property; and

WHEREAS, the purchase of said tools and equipment is a high and unusual expense for said Fire Department; and

WHEREAS, the necessity of utilizing the same usually results from an act of negligence; and

WHEREAS, the said Fire Department has requested the Township Supervisors of the Township of Lawrence to authorize it

Exhibit "A"

to effectuate a recovery for the cost of said tools and equipment and the wear and tear upon such, for the cost of the specialized training required for the use of such, and for the replacement of materials that were used or exhausted when its utilization is the result of an act of negligence; and

WHEREAS, frequently, said person(s) has insurance coverage to effectuate the cost of utilization of said tools, equipment and material usage by the Fire Department; and

WHEREAS, the Lawrence Township Supervisors have recommended that the Fire Department be authorized to utilize said tools, equipment, and materials, and to effectuate the recovery of said costs thereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Lawrence, Clearfield County, Pennsylvania, in lawful session assembled and acting throughout as follows:

SECTION 1. That the Township Supervisors of the Township of Lawrence, by the adoption of this Ordinance, authorize the Fire Department of the Township of Lawrence to utilize tools, equipment and materials as a means to save lives and property.

SECTION 2. That the Township Supervisors of the Township of Lawrence do hereby authorize the utilization of said tools, equipment and materials both within the Township and outside the geographic boundaries thereof.

SECTION 3. That the Township Supervisors of the Township of Lawrence hereby authorize the Fire Department to attempt to effectuate a recovery of the cost of said tools, equipment and materials from any person(s) necessitating the utilization thereof.

SECTION 4. That the Fire Department shall have the authority to bill either an individual, corporation (profit or non-profit), municipal subdivision or insurance carrier for the same.

SECTION 5. That the Fire Department shall have the authority to bill a neighboring municipality for the utilization of said tools, equipment and materials when utilization has been requested by said municipality regardless of whether the cause of said utilization has been an act of negligence.

SECTION 6. In the event that an obligor fails to pay the statement for tools, equipment and materials, the proper Officers and Officials of the Fire Department are hereby authorized to commence the appropriate Civil Action in order to effectuate a recovery of the same and may utilize the offices of the local District Justice of the Civil Division of the Court of Common Pleas of Clearfield County, Pennsylvania, in order to effectuate a recovery of the cost of the tools, equipment and materials, proper interest and court costs.

SECTION 7. That the following is a list of specific billable items, including but not limited to the following: Hazardous Material Control/Foam; Hazardous Material Control/Absorbent Materials; Air Bags; Hydraulic Spreaders; Hydraulic Cutters; Hydraulic Rams; Various Hand Tools, Air Tools; Rope Rescue Equipment; Comes-A-Long/Chains; Lighting Equipment; Pumps; ram fans, pipe pulls, hose, portable pumps, hooks, axes, saws, ladders, salvage tarps, SCBA equipment, heat gun or heat detection devices, adapters, and any other equipment and/or services deemed necessary by the Fire Department. The rates for these tools, equipment and materials are to be pre-established by the Fire Department and approved by the Supervisors and will be on file at the Lawrence Township Office.

SECTION 8. That any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of said conflict.

SECTION 9. Date of Effect. This Ordinance shall be effective upon adoption.

Adopted this 19<sup>th</sup> day of February, 2002.

ATTEST:

LAWRENCE TOWNSHIP OF SUPERVISORS

Barbara S. Steffens  
Secretary

William D. Lawhead  
William D. Lawhead

Malvin L. Smith  
Malvin L. Smith

Edward E. Brown  
Edward E. Brown

## **2007 RESCUE BILLING RATE SCHEDUAL**

RESCUE	\$250 PER HOUR
ENGINE	\$250 PER HOUR
TRUCK	\$250 PER HOUR
UTILITY	\$100 PER HOUR
BOAT	\$100 PER HOUR

All hydraulics and pneumatics will be billed a flat rate per call

O-CUTTERS	\$100
COMBINATION CUTTERS	\$100
SPREADERS	\$100
RAM WITH EXTENSION	\$100
PORTABLE HYDRALIC GAS UNIT	\$250
HIGH PRESSURE AIR BAGS	\$250
AIR SHURES OR AIR STRUTS	\$250
LANDING ZONE	\$500
PORTABLE LIGHTING	\$20 PER UNIT
FIXED LIGHTING	\$25 PER HALF HOUR
PLASTIC CRIBBING	\$250

All consumables, including but not limited to pads, booms, zip zorb, lumber, hydraulic oil, fuel, rope, bits, blades, tarps, gloves, and wooden cribbing shall be billed at current rate plus 15%, and the cost of shipping.

Any non-consumable item lost, damaged, or destroyed while in the process of Rescue Operations, shall be billed at current retail price plus the cost of shipping. Non-consumable items shall include, but not limited to Fire Rated Coats, Pants, Gloves, Boots, or Helmets. This list shall also include, but not limited to fire service hose, hydraulic hose, pneumatic hose, hand tools, electric tools, hydraulic tools, pneumatic tools, exhaust fans, negative and positive pressure fans, plastic cribbing, stabilization equipment, personal breathing apparatus and all communication devices.

  
Jeremy Ruffner,  
Lawrence Township Rescue Chief  
12-28-06

*Exhibit "B"*

Lawrence Township Vol. Fire Co. #1

29 Mill Road \* Clearfield, PA 16830  
tel: 814-765-8683 fax: 814-765-4055

INVOICE # 0707003422

Tax ID # 25-1288131

CLAIM # L912986

Bill To:

NAME CANAL INSURANCE COMPANY  
ADDRESS PO BOX 7  
CITY, STATE, ZIP GREENVILLE, SC 29602  
PHONE 864-242-5365 EXT - 5418

INVOICE DATE 7/19/2007

CONTACT DEAN TOBIAS

Description	Item	Quantity	Total Price
4X8	PYLWOOD	10	\$ 233.80
2X4 8'	LUMBER	10	\$ 30.00
4X4 8'	TREATED LUMBER	47	\$ 385.55
4X4 8'	LUMBER	20	\$ 94.00
4X6 8'	SAWZALL BLADES	67	\$ 701.78
VARIOUS	EXCALIBUR BLADES	10	\$ 167.00
METAL	SUEDE LEATHER PALM GLOVE	10	\$ 38.80
LEATHER GLOVE	PARATECK AIR HAMMER BITS	2	\$ 318.00
PARATECK BITS	PLASTIC CRIBBING	VARIOUS	\$ 800.00
TURTLE TILE	FIRE SERVICE GLOVES	12	\$ 467.88
FIRE - DEX GLOVES	FIRE SERVICE COAT & PANTS	3 SETS	\$ 4,350.00
G XTREME FIRE GEAR	1 STANDARD - 2 DIAMOND TIP	3 TOTAL	\$ 210.00
CHAIN SAW BLADES	RESCUE WEBBING	120'	\$ 69.98
1 INCH WEBBING	RESCUE ROPE	150'	\$ 169.99
5/8 KERNMANTLE ROPE	STREAMLIGHT SURVIVOR FLASHLIGHT	3	\$ 374.97
SURVIVOR LIGHT	FIRE LINE BARRIER TAPE	4 PACK	\$ 43.96
FIRE LINE TAPE	SABILIZATION SYSTEM	4 UNIT KIT	\$ 7,000.00
AIR SURE	LEFT AND RIGHT HAND TIN SNIPS	2	\$ 58.94
TIN SNIPS	LARGE ABSORBANT BOOM	4	\$ 38.00
ABSORBENT BOOMS	2X2 ABSORBANT PADS	100	\$ 27.00
ABSORBENT PADS	WOOD CRIBBING	20	\$ 60.00
WOOD CRIBBING	18'X18' JACK PLATE	1	\$ 35.00
JACK PLATE	HURST HYDRAULIC LINE	2	\$ 900.00
30' HURST HYDRO LINE	HIGH PRESSURE AIR BAG LINE	1	\$ 250.00
AIR BAG CONTROL LINE	9 INCH WIRE CUTTERS	1	\$ 12.00
WIRE CUTTERS	SAFETY RAZOR KNIFE	1	\$ 5.76
RAZOR KNIFE	ORANGE SAFETY FENCE (RENTAL)	1	\$ 487.25
SAFETY FENCING	PORTABLE LIGHTING	6	\$ 120.00
PORTABLE LIGHTING	2 POUND SLEDGE HAMMER	1	\$ 18.00
12 POUND HAMMER	VARIOUS SIZES	8	\$ 59.00
TARPS	LUMBER DELIVERY CHARGE	1	\$ 100.00
LUMBER DELIVERY	HURST HYDRAULIC OIL	2 GALLONS	\$ 320.00
HURST HYDRO OIL	PORTABLE POWER UNIT	1	\$ 700.00
PORTA-POWER			
RESCUE 5	7 HOURS IN SERVICE	7	\$ 1,750.00
RESCUE 25	6 1/2 HOURS IN SERVICE	6.5	\$ 1,625.00
ENGINE RESCUE 30	3 HOURS IN SERVICE	3	\$ 750.00
RESCUE 8	6 1/2 HOURS IN SERVICE	6.5	\$ 1,625.00
TOWER 6	6 1/2 HOURS IN SERVICE	6.5	\$ 1,625.00
RESCUE 11	4 HOURS IN SERVICE	4	\$ 1,000.00

It's a pleasure doing business with you!

Exhibit "C"

18,644.44

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

LAWRENCE TOWNSHIP VOLUNTEER \*  
FIRE COMPANY NO. 1, a \*  
non-profit corporation, \*  
Plaintiff, \*

v. \* No. 08-1130-CD  
\* \*

VASILE MUNTEAN t/d/b/a \*  
VASA TRANSPORTATION, and \*  
NICOLAE RADOL, an individual, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Amended Complaint was served on the following and in the following manner on the 13<sup>th</sup> day of October, 2008:

First-Class Mail, Postage Prepaid

Timothy J. McMahon, Esquire  
Marshall, Dennehey, Warner, Colman & Goggin  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112

NADDEO & LEWIS, LLC

By James A. Naddeo  
James A. Naddeo  
Attorney for Plaintiff

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

LAWRENCE TOWNSHIP VOLUNTEER :  
FIRE COMPANY NO. 1, a non-profit :  
Corporation, :  
Plaintiff, : No. 08-1130-CD  
VASILE MUNTEAM t/d/b/a VASA :  
TRANSPORTATION, and NICOLAE :  
RADOL, an individual, :  
Defendants. : JURY TRIAL DEMANDED

S **FILED** ICC Atty  
mjl:50/mMcMahon  
OCT 27 2008

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

William A. Shaw  
Prothonotary/Clerk of Courts

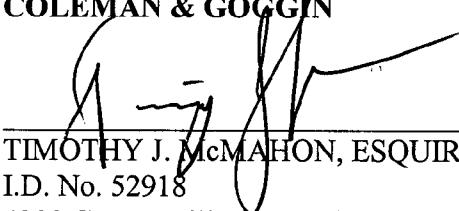
Kindly enter the appearance of the undersigned as counsel on behalf of the Defendants,  
Vasile Munteam t/d/b/a Vasa Transportation and Nicolae Radol with respect to the above-  
referenced matter.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

DATE: 10/22/08

BY:

  
\_\_\_\_\_  
TIMOTHY J. McMAHON, ESQUIRE  
I.D. No. 52918  
4200 Crums Mill Road, Suite B  
Harrisburg, PA 17112  
(717) 651-3505

*Attorney for Defendants,  
Vasile Munteam t/d/b/a Vasa Transportation  
and Nicolae Radol*

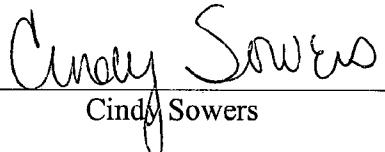
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

LAWRENCE TOWNSHIP VOLUNTEER :  
FIRE COMPANY NO. 1, a non-profit :  
Corporation, :  
Plaintiff, : No. 08-1130-CD  
VASILE MUNTEAM, an individual, : JURY TRIAL DEMANDED  
Defendant. :  
:

**CERTIFICATE OF SERVICE**

I, Cindy Sowers, an employee of Marshall, Dennehey, Warner, Coleman & Goggin, do hereby certify that on this 22 day of October, 2008, I served a copy of the foregoing document via First Class United States mail, postage prepaid, as follows:

James A. Naddeo, Esquire  
Trudy G. Lumadue, Esquire  
Naddeo & Lewis, LLC  
207 E. Market St.  
P.O. Box 352  
Clearfield, PA 16830

  
\_\_\_\_\_  
Cindy Sowers

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

LAWRENCE TOWNSHIP VOLUNTEER  
FIRE COMPANY NO. 1, a  
non-profit corporation,  
Plaintiff,

v.

VASILE MUNTEAN t/d/b/a  
VASA TRANSPORTATION, and  
NICOLAE RADOL, an individual,  
Defendants.

\*

\*

\*

\*

\*

\* No. 08-1130-CD

\*

\*

\*

\*

\*

\* Type of Pleading:

\* **PRAECIPE TO SETTLE  
AND DISCONTINUE**

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. 06820  
\* &  
\* Trudy G. Lumadue, Esq.  
\* Pa I.D. 202049

\* NADDEO & LEWIS, LLC.  
\* 207 E. Market Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

\*

FILED NO CC  
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William A. Shaw  
Prothonotary/Clerk of Courts  
to Atty  
610

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

COPY

CIVIL DIVISION

**Lawrence Township Volunteer Fire Company No. 1**

Vs.

No. 2008-01130-CD

**Vasilf Munteam**

**Vasa Transportation**

**Nicolae Radol**

**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 December 17, 2008, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$95.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of December A.D. 2008.



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