

08-1175-CD

Kathleen Hanzlik vs Dorothy Knapp

No. 1175 of 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

PENNSYLVANIA

CIVIL ACTION - LAW

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP

Defendant.

: No. 1175 of 2008
:
: TYPE OF CASE:
:
: **AUTOMOBILE ACCIDENT**
:
: TYPE OF PLEADING:
:
: **COMPLAINT**
:
: FILED ON BEHALF OF:
:
: Plaintiff
:
: COUNSEL OF RECORD OF
: PARTY:
:
: LAURA J. TOCCI, ESQUIRE
: SUPREME COURT NO. 46844
: ltocci@yourlawfirm.net
:
: FIRM NAME:
: McMillen, Urick, Tocci, Fouse & Jones
: ADDRESS: 2131 Brodhead Road
: Aliquippa, PA 15001
:
: TELEPHONE: (724) 378-1380
: (724) 375-6683
:
: FAX: (724) 375-5099

FILED

in 2:20 p.m. OK 1 Compl. to SHFE.

JUN 26 2008

ATTY PAID 95.00

William A. Shaw

Prothonotary/Clerk of Courts

No. _____ of 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

P E N N S Y L V A N I A

CIVIL ACTION - LAW

KATHLEEN A. HANZLIK,

:

Plaintiff,

:

vs.

:

No. _____ of 2008

DOROTHY J. KNAPP,

:

Defendant.

:

To: Dorothy J. Knapp,

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
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51

COMPLAINT

COMES NOW, the Plaintiff, Kathleen A. Hanzlik, by her undersigned attorney and avers the following:

1. That the Plaintiff, Kathleen A. Hanzlik, is an adult individual residing at 102 East Shaffer Road, Apartment B, Aliquippa, Beaver County, Pennsylvania 15001.
2. That the Defendant, Dorothy J. Knapp, is an adult individual residing at 10033 Bennetts Valley Highway, Penfield, Clearfield County, Pennsylvania 15849.
3. That at the time of the accident hereinafter complained of, the Plaintiff, Kathleen A. Hanzlik, was the owner and operator of a 2000 Chevrolet S-10 pick-up truck bearing Pennsylvania Registration Plate Number YGB5181.
4. That at the time of the accident hereinafter complained of, the Defendant, Dorothy Knapp, was the owner and operator of a 1992 Geo Prizm automobile bearing Pennsylvania Registration Plate Number GDL3734.
5. That at the time of the occurrences hereinafter complained of SR 255 is a public roadway extending in a general north and south direction in Huston Township, Clearfield County, Pennsylvania.
6. That the accident hereinafter complained of occurred on or about October 12, 2006, at approximately 6:00 p.m. on the said SR 255.
7. That at the time of the occurrences hereinafter complained of, the Plaintiff, Kathleen A. Hanzlik, was operating her aforesaid automobile in a southern direction on SR 255, when the Defendant negligently, carelessly and recklessly, while traveling north on said SR 255, fell asleep and crossed the center line and into the southbound lane causing her vehicle to strike

and collide with the front end of Plaintiff's vehicle. The impact resulted in the Plaintiff's truck rolling onto its side and caused severe and serious injuries to the person of the Plaintiff, all of which are more fully set hereinafter.

8. That the damages and injuries sustained as hereinafter complained of were the direct and proximate result of the carelessness, recklessness and negligence of the Defendant, Dorothy J. Knapp, generally and in the following particulars:

- a. in that the said Defendant, Dorothy J. Knapp, was an inexperienced and incompetent operator of said vehicle;
- b. in that said vehicle was operated in a careless, reckless and negligent manner so as to cause same to cross over into the opposite lane of travel and strike the Plaintiff's vehicle;
- c. in failing to have said vehicle under such control so as to avoid a collision with other vehicles lawfully on the roadway;
- d. in failing to exercise the high degree of diligence and care required in the operation of motor vehicles;
- e. in failing to keep her vehicle in the appropriate lane of travel;
- f. in falling asleep while operating her vehicle upon a public roadway;
- g. in operating said vehicle at said time and place in such a manner as to violate the Motor Vehicle Code of the Commonwealth of Pennsylvania, more specifically, §3301 "Driving on Right Side of Roadway" and §3714 "Careless Driving";
- h. in failing to provide said vehicle with good and sufficient brakes and other proper and necessary appliances and equipment;
- i. in failing to have the vehicle under proper control;
- j. in that the Defendant failed to keep a sharp lookout ahead and failed to observe and view the highway and traffic conditions; and
- k. in failing to have said vehicle under such control so as to be able to safely stop same with the assured clear distance ahead.

9. That by reason of the aforesaid carelessness, recklessness and negligence of the Defendant, the Plaintiff, Kathleen A. Hanzlik, suffered severe and permanent injuries to her person which have rendered her injured, infirm and impaired and which injuries consist of the following:

- a. significant bruising over the volar aspect of right forearm;
- b. chronic cervical strain and sprain;
- c. chronic thoracic strain and sprain
- d. chronic right trapezial strain;
- e. radiating right trapezial pain;
- f. edema over the clavicle, sternoclavicular joint;
- g. right arm pain and paresthesias;
- h. right shoulder pain and limitations;
- i. right periscapular pain and clavicle pain;
- j. right shoulder rotator cuff tendinitis;
- k. tendinopathy of the rotator cuff;
- l. right AC joint sprain/inflammation;
- m. depression;
- n. weight gain;
- o. neuropraxia of the nerve roots or plexus on right;
- p. headaches;
- q. disc protrusion at C4-5 with indentation of the anterior cord;
- r. loss of upper body strength and movement;
- s. general shock to the nerves and entire nervous system.

10. That as a result of said injuries the plaintiff was required to receive medical care and treatment, surgery, medicines, hospitalization, x-rays, medical appliances and other proper and necessary things in an effort to restore her health and she has been informed and verily believes that she will, by reason of said injuries, be required to undergo additional and similar medical care and treatment for the rest of her life..

11. That as a result of the aforesaid injuries sustained by Plaintiff, she has incurred expenses for medical care and treatment, hospitalization, x-rays, medicines, medical appliances and other proper and necessary things in an effort to restore her health and she

has been informed and verily believes that she will, by reason of said injuries, be required to spend monies for additional and similar medical care and treatment for the rest of her life. Plaintiff has incurred medical bills which exceeded her first party medical pay coverage. 12.

12. That as a result of the aforesaid injuries and the consequences thereof, the Plaintiff suffered mental anguish, great physical pain and agony, inconvenience, and embarrassment, and she has been informed and verily believes that she will continue to suffer mental anguish, great physical pain and agony, inconvenience, and embarrassment for the rest of her life; that her general health, strength and vitality have been permanently impaired to her great loss and damage.

13. That as a result of the aforesaid injuries, Plaintiff, Kathleen A. Hanzlik, has been and/or may be deprived of the ordinary pleasures of life.

14. That as a result of the aforesaid injuries and the consequences thereof, Plaintiff has suffered severe and permanent damage to her earning capacity.

15. That at the time of the within accident, Plaintiff was insured under a policy of automobile insurance with the GEICO Insurance Company which provided the full tort option.

WHEREFORE, Plaintiff, Kathleen A. Hanzlik, demands judgment in her favor and against the Defendant in an amount greater than Twenty-five Thousand (\$25,000.00) Dollars, plus interest and costs of suit.

Respectfully submitted,

McMILLEN, URICK, TOCCI, FOUSE & JONES

By: 

Laura J. Tocci, Esquire

VERIFICATION

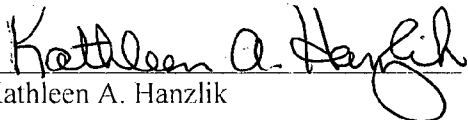
COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF BEAVER

) SS:
)

I verify that the statements made in the Complaint are true and correct; that the attached Complaint is based upon information which has been gathered by my Counsel in the preparation of the lawsuit. The language of it is that of Counsel and not of myself. I have read it and to the extent that it is based upon information, which I have given to my Counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of it is that of Counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATED: 6-24-08


Kathleen A. Hanzlik

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1175-CD

KATHLEEN A. HANZLIK
vs
DOROTHY J. KNAPP

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 07/26/2008 HEARING: PAGE: 104344

DEFENDANT: DOROTHY J. KNAPP
ADDRESS: 10033 BENNETTS VALLEY HIGHWAY
PENFIELD, PA 15849

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

7-9-08 - 1:52 PM - N/H
SPOKE W/ 16 YR OLD

SHERIFF'S RETURN

NOW, THIS 10th DAY of JULY 2008 AT 12:50 AM/PM **SERVED** THE WITHIN

COMPLAINT ON DOROTHY J. KNAPP, DEFENDANT

BY HANDING TO Dorothy J. Knapp / Defendant

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

ADDRESS SERVED 10033 Bennetts Valley Highway Penfield Pa 15849

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR DOROTHY J. KNAPP

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO DOROTHY J. KNAPP

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Jerome M. Neuhub
Deputy Signature

Jerome M. Neuhub
Print Deputy Name

631-5872
FILED
03:55 PM OK
JUL 10 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104344
NO: 08-1175-CD
SERVICES 1
COMPLAINT

PLAINTIFF: KATHLEEN A. HANZLIK
vs.
DEFENDANT: DOROTHY J. KNAPP

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	McMILLEN	16930	10.00
SHERIFF HAWKINS	McMILLEN	16930	55.86

⁵
FILED
09:30 AM
OCT 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

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

KATHLEEN A. HANZLIK,

Plaintiff,

DOROTHY J. KNAPP

Defendant.

No. 1175 of 2008

TYPE OF PLEADING:
**PRAECIPE FOR ENTRY OF
APPEARANCE**

TYPE OF CASE:
CIVIL

FILED ON BEHALF OF:
**DEFENDANT
DOROTHY J. KNAPP**

COUNSEL OF RECORD FOR
FOR THIS PARTY:
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED
m112:5261
JAN 06 2009

NOCC
(610)

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

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No. 1175 of 2008

JURY TRIAL DEMANDED

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, Dorothy J. Knapp, in the above-captioned matter.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: January 5, 2009

By:



Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

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No. 1175 of 2008

JURY TRIAL DEMANDED

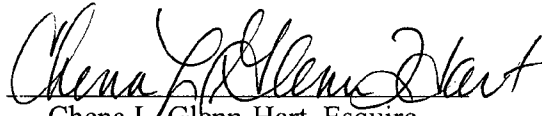
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praecipe for Entry of Appearance on behalf the Defendant Dorothy J. Knapp, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 5th day of January, 2009, to the attorney of record:

Laura J. Tocci, Esquire
McMillen, Urick, Tocci, Fouse & Jones
2131 Brodhead Road
Aliquippa, PA 15001

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

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

KATHLEEN A. HANZLIK,

Plaintiff,

DOROTHY J. KNAPP

Defendant.

No. 1175 of 2008

TYPE OF PLEADING:
**DEFENDANT'S ANSWER WITH
NEW MATTER TO PLAINTIFF'S
COMPLAINT**

TYPE OF CASE:
CIVIL

FILED ON BEHALF OF:
**DEFENDANT
DOROTHY J. KNAPP**

COUNSEL OF RECORD FOR
FOR THIS PARTY:
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED

JAN 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

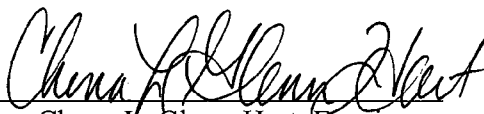
No. 1175 of 2008

NOTICE TO PLEAD

TO: Kathleen A. Hanzlik
c/o Laura J. Tocci, Esquire
McMillen, Urick, Tocci, Fouse & Jones
2131 Brodhead Road
Aliquippa, PA 15001

YOU ARE HEREBY notified to file a written response to the enclosed New Matter to Counterclaim within twenty (20) days from the date of service hereof or a judgment may be entered against you.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
Chena L. Glenn-Hart, Esquire
I.D. No. 82750
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: January 5, 2009

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

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No. 1175 of 2008

DEFENDANT'S ANSWER WITH NEW MATTER TO
PLAINTIFF'S COMPLAINT

AND NOW, comes Defendant Dorothy J. Knapp, by and through her attorneys,
McQuaide, Blasko, Fleming & Faulkner, Inc., to file the instant Answer with New Matter to
Plaintiff's Complaint, and in support thereof avers as follows:

1. Denied. After reasonable investigation, Defendant is without knowledge and
information sufficient to form a belief as to the truth of the allegations at paragraph 1. The same
are, therefore, denied and strict thereof demanded.

2. Admitted.

3. Admitted in part and denied in part. It is admitted that at the time of the accident
in question, Plaintiff was operating a 2000 Chevrolet S-10 pickup truck, Pennsylvania License
Plate Number YGB5181. As to the remainder of the allegations at paragraph 3, after reasonable
investigation, Defendant is without knowledge and information sufficient to form a belief as to
the remaining allegations at paragraph 3. The same are therefore denied and strict proof thereof
demanded.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted in part and denied in part. It is admitted that prior to the accident, Plaintiff's vehicle was traveling in a southerly direction on State Route 255 and Defendant's vehicle was traveling in a northerly direction on State Route 255 before contact was made between the vehicles. The remainder of the allegations at paragraph 7 are denied. After reasonable investigation, Defendant is without knowledge and information sufficient to form a belief as to the truth of the remaining allegations at paragraph 7. The same are therefore denied and strict proof thereof demanded. The allegations at paragraph 7 are also denied pursuant to Pa.R.C.P. 1029(e).

8 (a-k). Denied. The allegations at paragraph 8 (a-k) are denied pursuant to Pa.R.C.P. 1029(e).

9 (a-s). Denied. After reasonable investigation Defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations at paragraph 9(a-s). The same are therefore denied and strict proof thereof demanded. The allegations at paragraph 9(a-s) are also denied pursuant to Pa.R.C.P. 1029(e).

10. Denied. After reasonable investigation, Defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations at paragraph 10. The same are therefore denied and strict proof thereof demanded.

11. Denied. After reasonable investigation, Defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations at paragraph 11. The same are therefore denied and strict proof thereof demanded.

12. Denied. After reasonable investigation, Defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations at paragraph 12. The same are therefore denied and strict proof thereof demanded.

13. Denied. After reasonable investigation, Defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations at paragraph 13. The same are therefore denied and strict proof thereof demanded.

14. Denied. After reasonable investigation, Defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations at paragraph 14. The same are therefore denied and strict proof thereof demanded.

15. Denied. After reasonable investigation, Defendant is without knowledge and information sufficient to form a belief as to the truth of the allegations at paragraph 15. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant, Dorothy J. Knapp, respectfully requests that honorable Court enter judgment in her favor and dismiss Plaintiff's Complaint, with prejudice and costs of suit.

NEW MATTER

16. The averments at paragraph 1 through 15 of this Answer with New Matter are incorporated by reference as though set forth at length herein.

17. Defendant hereby asserts and raises all those defenses and/or limitations on damages available to her by reason of the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended.

18. To the extent Plaintiff is insured under a policy bearing the Limited Tort Option, this claim is barred or reduced accordingly.

19. To the extent Plaintiff's medical expenses have been paid or are payable under a policy of insurance, the same may not be pled, proven or recovered in the instant action.

20. To the extent Plaintiff's lost wages, if any, have been paid or are payable under a policy of insurance, the same may not be pled, proven or recovered in the instant action.

WHEREFORE, Defendant Dorothy J. Knapp respectfully requests that this Honorable Court enter judgment in her favor and dismiss Plaintiff's Complaint, with prejudice and costs of suit.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: January 5, 2009

VERIFICATION

The undersigned verifies that she is authorized to make this Verification on her own behalf, and that the statements made in the foregoing Answer with New Matter to Plaintiff's Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, related to unsworn falsification to authority.

Dorothy J. Knapp
DOROTHY J. KNAPP

Dated: 07/25/08

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

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No. 1175 of 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answer With New Matter to Plaintiff's Complaint in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 5th day of January, 2009, to the attorney of record:

Laura J. Tocci, Esquire
McMillen, Urick, Tocci, Fouse & Jones
2131 Brodhead Road
Aliquippa, PA 15001

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:


Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

PENNSYLVANIA

CIVIL ACTION - LAW

S
FILED
JAN 26 2009
11:30 AM
William A. Shaw
Prothonotary/Clerk of Courts
I sent to [initials]
Attm

KATHLEEN A. HANZLIK,

: No. 1175 of 2008

Plaintiff,

: TYPE OF CASE:

: **AUTOMOBILE ACCIDENT**

vs.

: TYPE OF PLEADING:

: **PLAINTIFFS' REPLY TO NEW
MATTER**

DOROTHY J. KNAPP

: FILED ON BEHALF OF:

Defendant.

: Plaintiff

: COUNSEL OF RECORD OF
PARTY:

: LAURA J. TOCCI, ESQUIRE
SUPREME COURT NO. 46844
: ltocci@yourlawfirm.net

: FIRM NAME:
McMillen, Urick, Tocci, Fouse & Jones
: ADDRESS: 2131 Brodhead Road
Aliquippa, PA 15001

: TELEPHONE: (724) 378-1380
(724) 375-6683

: FAX: (724) 375-5099

PLAINTIFFS' REPLY TO NEW MATTER

AND NOW COMES the Plaintiff, Kathleen A. Hanzlik, by and through her undersigned counsel and files the within Reply to New Matter and in support thereof aver the following:

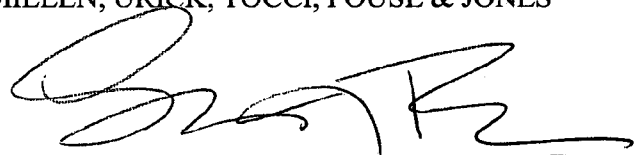
16. Paragraph sixteen (16) of Defendants New Matter does not require a response. Plaintiff incorporates her complaint filed within.
17. Paragraph seventeen (17) of Defendants New Matter is a conclusion of law to which no responsive pleading is required.
18. Paragraph eighteen (18) of Defendant new Matter is denied. It is denied that Plaintiff was insured under a policy bearing the Limited Tort Option but to the contrary at the time of the within accident, Plaintiff was insured under a policy of automobile insurance with the GEICO Insurance Company which provided the full tort option.
19. Paragraph nineteen (19) is a Conclusion of Law to which no responsive pleading is required.
20. Paragraph twenty (20) is a Conclusion of Law to which no responsive pleading is required.

WHEREFORE, Plaintiff, demands judgment in her favor and against the Defendant for an amount in excess of Twenty-five Thousand and 00/100 (\$25,000.00) Dollars, plus interest and costs of suit.

Respectfully submitted,

McMILLEN, URICK, TOCCI, FOUSE & JONES

BY:



Laura J. Tocci, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Plaintiffs' Reply to New Matter* in the aforementioned case was sent to the following by first class mail, postage prepaid, this 13th day of January, 2009:

Chena I. Glenn-Hart, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801

McMILLEN, URICK, TOCCI, FOUSE & JONES

BY: 

Laura J. Tocci, Esq.
Attorney for the Plaintiff

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF BEAVER)

SS:

I verify that the statements made in the *Plaintiff's Reply to New Matter* are true and correct; that the attached *Plaintiff's Reply to New Matter* is based upon information which has been gathered by my counsel in the preparation of the lawsuit. The language of it is that of counsel and not of myself. I have read it and to the extent that it is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of it is that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DATED: 1-21-09

Kathleen A. Hanzlik
Kathleen A. Hanzlik

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

KATHLEEN A. HANZLIK,

Plaintiff,

DOROTHY J. KNAPP

Defendant.

No. 1175 of 2008

TYPE OF PLEADING:
CERTIFICATE OF SERVICE

TYPE OF CASE:
CIVIL

FILED ON BEHALF OF:
DEFENDANT
DOROTHY J. KNAPP

COUNSEL OF RECORD FOR
FOR THIS PARTY:
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

S **FILED** No CC.
m 12:00pm
APR 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

No. 1175 of 2008

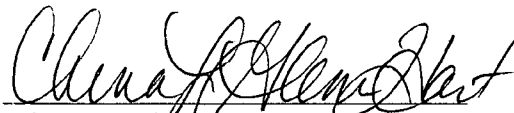
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things Directed to in the above-referenced matter was mailed by U.S. First Class Mail, postage paid, this 17th day of April, 2009, to the attorney of record:

Laura J. Tocci, Esquire
McMillen, Urick, Tocci, Fouse & Jones
2131 Brodhead Road
Aliquippa, PA 15001

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-49266

Attorneys for Defendant

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

KATHLEEN A. HANZLIK,

Plaintiff,

DOROTHY J. KNAPP

Defendant.

No. 1175 of 2008

TYPE OF PLEADING:
CERTIFICATE PREREQUISITE

TYPE OF CASE:
CIVIL

FILED ON BEHALF OF:
DEFENDANT
DOROTHY J. KNAPP

COUNSEL OF RECORD FOR
FOR THIS PARTY:
CHENA L. GLENN-HART, ESQ.
I.D. NO. 82750
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926

FILED NoCC.
m/11.456m
APR 27 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

No. 1175 of 2008

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

As a prerequisite to service of subpoenas for documents and things pursuant to Rule 4009.22, Defendant certifies that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto were mailed or delivered to the party at least twenty days prior to the date on which the subpoenas are sought to be served;
- 2) a copy of the notice of intent, including the proposed subpoenas, are attached to this certificate;
- 3) Plaintiff's attorney has waived the 20-day objection period; and
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: April 23, 2009

Attorneys for Defendant

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

No. 1175 of 2008

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

TO: *Gail Fisher, M.D.*
Attention: Medical Records Custodian
4815 Liberty Avenue, Suite 222
Pittsburgh, PA 15224

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

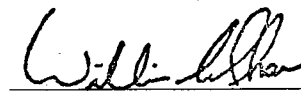
If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

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

NAME: *Chena L. Glenn-Hart, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *82750*
ATTORNEY FOR: *Defendant*

BY THE COURT:

Dated: April 20, 2009



William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

DOCUMENTS TO BE PRODUCED

Any and all records from 2003 to present regardless of treating physician on Kathleen Hanzlik, (Date of Birth: 5/7/1960; Social Security No. 182-48-5487), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Kathleen Hanzlik's health status (regardless of source), etc. **We reserve the right to obtain copies of radiology films using this subpoena after we have had an opportunity to review any records or radiology reports that are received in response to this request.**

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

No. 1175 of 2008

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

TO: Barbara Suchonic
Allegheny Specialty Network
320 East North Avenue
7th Floor South Tower
Pittsburgh, PA 15212

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

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

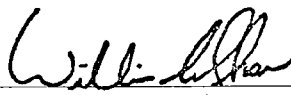
If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

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

NAME: Chena L. Glenn-Hart, Esquire
ADDRESS: 811 University Drive, State College, PA 16801
TELEPHONE: (814) 238-4926
SUPREME CT ID#: 82750
ATTORNEY FOR: Defendant

BY THE COURT:

Dated: April 20, 2009


William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

DOCUMENTS TO BE PRODUCED

Any and all records from 2003 to present regardless of treating physician on Kathleen Hanzlik, (Date of Birth: 5/7/1960; Social Security No. 182-48-5487), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Kathleen Hanzlik's health status (regardless of source), etc. **We reserve the right to obtain copies of radiology films using this subpoena after we have had an opportunity to review any records or radiology reports that are received in response to this request.**

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

No. 1175 of 2008

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

TO: *Tri-Care*
Attention: Records Custodian
P.O. Box 33
Glen Burnie, MD 21060

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

at: *McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801*

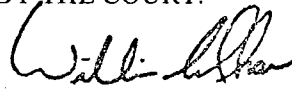
You may deliver or mail legible copies of the documents or produce things by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek, in advance, the reasonable cost of preparing the copies or producing the things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

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

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

NAME: *Chena L. Glenn-Hart, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *82750*
ATTORNEY FOR: *Defendant*

BY THE COURT:



Dated: April 20, 2009

Wm
William Shaw, Prothonotary/Clerk
Civil Division
[Seal of the Court]

DOCUMENTS TO BE PRODUCED

Any and all health insurance records from 2003 to present regardless of treating physician on **Kathleen Hanzlik**, (Date of Birth: 5/7/1960; Social Security No. 182-48-5487), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Kathleen Hanzlik's health status (regardless of source), etc.

Kathleen Hanzlik received health insurance coverage through her former husband, Robert Hanzlik, Social Security No. 177-46-3832, who was the participating member.

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

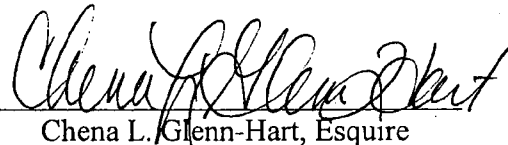
No. 1175 of 2008

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

Defendant intends to serve subpoenas identical to those attached to this notice to Tri-Care, Gail Fisher, M.D. and Barbara Suchonic-Allegheny Specialty Network. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: April 17, 2009

Attorneys for Defendant

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

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP,

Defendant.

:
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:

No. 1175 of 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Tri-Care, Gail Fisher, M.D. and Barbara Suchonic-Allegheny Specialty Network, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 23rd day of April, 2009, to the attorney of record:

Laura J. Tocci, Esquire
McMillen, Urick, Tocci, Fouse & Jones
2131 Brodhead Road
Aliquippa, PA 15001

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

PENNSYLVANIA

CIVIL ACTION - LAW

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

DOROTHY J. KNAPP

Defendant.

: No. 1175 of 2008
:
: TYPE OF CASE:
:
: AUTOMOBILE ACCIDENT
:
: TYPE OF PLEADING:
:
: **PRAECIPE TO SETTLE,
DISCONTINUE, AND SATISFY**
:
: FILED ON BEHALF OF:
:
: Plaintiff
:
: COUNSEL OF RECORD OF
PARTY:
:
: LAURA J. TOCCI, ESQUIRE
SUPREME COURT NO. 46844
:
: ltocci@yourlawfirm.net
:
: FIRM NAME:
McMillen, Urick, Tocci, Fouse & Jones
:
: ADDRESS: 2131 Brodhead Road
Aliquippa, PA 15001
:
: TELEPHONE: (724) 378-1380
:
(724) 375-6683
:
: FAX: (724) 375-5099

⁵ FILED No CC
m/1:31pm 1 CeA of disc
JUL 09 2009 Bill of costs
to AMY TOCCI
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

PENNSYLVANIA

CIVIL ACTION - LAW

KATHLEEN A. HANZLIK,

Plaintiff,

vs.

No. 1175 of 2008

DOROTHY J. KNAPP

Defendant.

PRAECIPE TO SETTLE, DISCONTINUE AND SATISFY

TO: Prothonotary

Please settle, discontinue and satisfy the above captioned case and mark it off the docket.

Respectfully submitted,

McMILLEN, URICK, TOCCI & FOUSE



Laura J. Tocci, Esquire
Attorney for Plaintiff

Date

July 7, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Praecipe to Settle, Discontinue and Satisfy* has been served upon all counsel of records on this the
7 day of July, 2009 by U.S. First Class Mail.

Chena I. Glenn-Hart, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801

A handwritten signature in black ink, appearing to read 'Laura J. Tocci', written over a horizontal line.

Laura J. Tocci
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Q
C
L
/

Kathleen A. Hanzlik

Vs.

No. 2008-01175-CD

Dorothy J. Knapp

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 July 9, 2009, marked:

Settled, discontinued and satisfied

Record costs in the sum of \$95.00 have been paid in full by Laura J. Tocci Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of July A.D. 2009.



LM

William A. Shaw, Prothonotary

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

Q
C
L
J
L

BILL OF COSTS

Kathleen A. Hanzlik,

Vs.

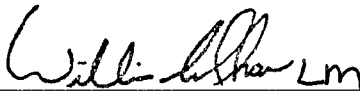
2008-01175-CD

Dorothy J. Knapp,

Total \$95.00

<u>Amount</u>	<u>Document</u>	<u>Paid By</u>
\$95.00	Civil Complaint	Laura J. Tocci Esq
\$		
\$		
\$		
\$		

Certified from the record this 9th July, 2009.


WILLIAM A. SHAW
PROTHONOTARY