

08-1225-CD

Michael Sobol vs Charles Croyle et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,

Plaintiff,

vs.

CHARLES CROYLE and ANN CROYLE,
SR.,

Defendants.

CIVIL DIVISION

No.: 2008-1225-CD

COMPLAINT

Code: 003

Filed on behalf of Plaintiff:
MICHAEL SOBOL

Counsel of Record for this Party:

JEFFREY A. PRIBANIC
PA ID No.: 56808

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

FOX

FILED pd \$95.00 Atty
m/11:25 am 2cc Shff
JUL 03 2008
USC 1cc Atty

William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL SOBOL,		CIVIL DIVISION
Plaintiff,		No.:
vs.		
CHARLES CROYLE and ANN CROYLE,		
SR.,		
Defendants.		

NOTICE TO DEFEND

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 an 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.**

OFFICE OF THE COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PA 16830
PHONE: 814-765-2641, Ext. 1303

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

MICHAEL SOBOL,]	CIVIL DIVISION
]	
Plaintiff,]	No.:
]	
vs.]	
]	
CHARLES CROYLE and ANN CROYLE,]	
SR.,]	
]	
Defendants.]	

COMPLAINT

AND NOW, comes Michael Sobol, by and through his counsel, Jeffrey A. Pribanic, Esquire, and Pribanic & Pribanic, L.L.C., and files the following COMPLAINT IN CIVIL ACTION and in support thereof avers as follows:

1. Plaintiff, Michael Sobol, is an adult individual resident of Clearfield County, Pennsylvania.
2. Defendants, Charles Croyle and Ann Croyle, Sr., upon information and belief, are adult individuals residing at 3286 Six Mile Road, Philipsburg, Clearfield County, Pennsylvania 16866-8212.
3. On or about December 22, 2006, Defendants were in sole control of their driveway located at 3286 Six Mile Road, Philipsburg, Centre County, Pennsylvania, 16866-8212 and undertook the management, care, construction and supervision thereof.
4. Plaintiff, on or about December 22, 2006, while walking on the afore mentioned driveway to retrieve his mail, tripped and fell as a result of loose brick in the

driveway, causing Plaintiff to sustain severe and serious injuries which are described more fully herein.

COUNT I

MICHAEL SOBOL v. CHARLES CROYLE

Plaintiff, Michael Sobol, incorporates by reference Paragraphs 1 through 4 of the Complaint as though fully set forth herein and further avers that:

5. The area in which Plaintiff fell was located within a path which he used on a routine basis to retrieve his mail.

6. Defendant knew or should have known of the hazardous condition posed thereby.

7. Defendant knew and/or should have known that the above condition posed an unreasonable risk of harm to Plaintiff and others and should have expected that because of the deteriorated condition of the driveway that Defendant's invitees would fall or be unable to protect themselves against it.

8. The Defendant having control and possession over the aforementioned premises, was responsible for the design, construction and maintenance of said driveway and knew or should have known that the conditions and circumstances in and around the driveway constituted a dangerous condition of the driveway.

9. Defendant failed to exercise reasonable care to protect Plaintiff and its other invitees with respect to the condition of the premises in that Defendant:

- (a) did not maintain the driveway area therein in a good and usable condition;
- (b) failed to correct or repair the dangerous condition after receiving actual notice that other invitees had fallen over and been injured in the same area;

- (c) failed to mark or otherwise render the area more conspicuous and thereby lessen the danger that it would not be noticed by Defendant's invitees; and
- (d) failed to warn Plaintiff and other invitees using the driveway of the dangerous condition presented by the condition existing thereon;

10. As a direct result of the fall and Defendant's negligence as set forth above,

Plaintiff has suffered the following damages:

- (a) serious and painful injuries including, *inter alia*, back injuries;
- (b) past, present and future physical and mental pain, suffering and inconvenience with respect to the above injuries;
- (c) lost earnings and lost future earnings and reduced earning capacity;
- (d) past medical expenses and future medical expenses of an indeterminate amount;
- (e) diminished life expectancy and loss of the pleasures and enjoyment of life;
- (f) loss of the feeling of well being;
- (g) disfigurement and/or scarring;
- (h) worry, anxiety, apprehension and frustration; and
- (i) emotional upset.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in an amount not in excess of the jurisdiction of the Board of Arbitrators of this Court.

COUNT II

MICHAEL SOBOL v. ANN CROYLE, SR.

Plaintiff, Michael Sobol, incorporates by reference Paragraphs 1 through 10 of the Complaint as though fully set forth herein and further avers that:

11. The area in which Plaintiff fell was located within a path which he used on a routine basis to retrieve his mail.

12. Defendant knew or should have known of the hazardous condition posed thereby.

13. Defendant knew and/or should have known that the above condition posed an unreasonable risk of harm to Plaintiff and others and should have expected that because of the deteriorated condition of the driveway that Defendant's invitees would fall or be unable to protect themselves against it.

14. The Defendant having control and possession over the aforementioned premises, was responsible for the design, construction and maintenance of said driveway and knew or should have known that the conditions and circumstances in and around the driveway constituted a dangerous condition of the driveway.

15. Defendant failed to exercise reasonable care to protect Plaintiff and its other invitees with respect to the condition of the premises in that Defendant:

- (a) did not maintain the driveway area therein in a good and usable condition;
- (b) failed to correct or repair the dangerous condition after receiving actual notice that other invitees had fallen over and been injured in the same area;
- (c) failed to mark or otherwise render the area more conspicuous and thereby lessen the danger that it would not be noticed by Defendant's invitees; and

- (d) failed to warn Plaintiff and other invitees using the driveway of the dangerous condition presented by the condition existing thereon;

16. As a direct result of the fall and Defendant's negligence as set forth above, Plaintiff has suffered the following damages:

- (a) serious and painful injuries including, *inter alia*, back injuries;
- (b) past, present and future physical and mental pain, suffering and inconvenience with respect to the above injuries;
- (c) lost earnings and lost future earnings and reduced earning capacity;
- (d) past medical expenses and future medical expenses of an indeterminate amount;
- (e) diminished life expectancy and loss of the pleasures and enjoyment of life;
- (f) loss of the feeling of well being;
- (g) disfigurement and/or scarring;
- (h) worry, anxiety, apprehension and frustration; and
- (i) emotional upset.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in an amount not in excess of the jurisdiction of the Board of Arbitrators of this Court.

RESPECTFULLY SUBMITTED:



JEFFREY A. PRIBANIC
Counsel for Plaintiff

VERIFICATION TO COMPLAINT

Plaintiff verifies that he is the Plaintiff in the foregoing action; that the foregoing Complaint is based upon information which he has furnished to his counsel and information which has been gathered by his counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of the Plaintiff. Plaintiff has read the Complaint and to the extent that the Complaint is based upon information which he has given to his counsel, it is true and correct to the best of his knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, he has relied upon counsel in making this Affidavit. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

6-27-08
Date

Michael G. Sobol
MICHAEL SOBOL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1225-CD

MICHAEL SOBOL

VS

CHARLES CROYLE and ANN CROYLE, SR.
COMPLAINT

SERVICE # 1 OF 2

SERVE BY: 08/02/2008

HEARING:

PAGE: 104374

DEFENDANT: CHARLES CROYLE
ADDRESS: 3286 SIX MILE ROAD
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

7/18/08 *hp*

SHERIFF'S RETURN

NOW, 7/24/08 AT 1025 AM PM SERVED THE WITHIN

COMPLAINT ON CHARLES CROYLE, DEFENDANT

BY HANDING TO Charles Croyle, self

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

ADDRESS SERVED 1 N. 2nd st. Clearfield Pa 16830

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR CHARLES CROYLE

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO CHARLES CROYLE

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hanter
Deputy Signature

S. Hanter
Print Deputy Name

FILED
010:33/01
JUL 24 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1225-CD

MICHAEL SOBOL

VS

CHARLES CROYLE and ANN CROYLE, SR.
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 08/02/2008

HEARING:

PAGE: 104374

DEFENDANT: ANN CROYLE, SR.
ADDRESS: 3286 SIX MILE ROAD
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

7/18/08 LP

SHERIFF'S RETURN

NOW, 7/24/08 AT 1025 AM/PM SERVED THE WITHIN

COMPLAINT ON ANN CROYLE, SR., DEFENDANT

BY HANDING TO

Charles Croyle

husband

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

ADDRESS SERVED

1 N. 2nd st. Clearfield Pa 16830

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR ANN CROYLE, SR.

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO ANN CROYLE, SR.

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy J. Hunter
Deputy Signature

S. Hunter
Print Deputy Name

FILED

010:33/07
JUL 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,

Plaintiff,

v.

CHARLES CROYLE and
ANN CROYLE, SR,

Defendants.

: CIVIL ACTION - LAW

: No: 2008 - 1225 CD

: **ISSUE: Praecipe for Appearance**

: Filed on Behalf of Defendants:

: Counsel of Record for Defendants:

: **MARGOLIS EDELSTEIN**

: Stephen L. Dugas, Esquire

: PA. I.D. # 21351

: PO Box 628

: Hollidaysburg, PA 16648

: (814) 695-5064

: Fax: (814) 695-5066

FILED

JUL 31 2008

William A. Shaw

Prothonotary/Clerk of Courts

no e/c

I hereby certify that a true and correct
copy of the within was mailed on all
other counsel of record this 29th day of
July, 2008

Attorney for Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	No: 2008 - 1225 CD
CHARLES CROYLE and	:	
ANN CROYLE, SR.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

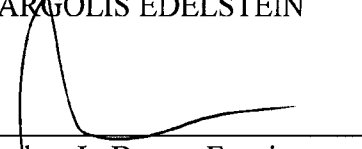
PRAECIPE FOR APPEARANCE

To: Prothonotary:

Enter our appearance for Defendants Charles Croyle and Ann Croyle, Sr. in the above captioned action.

Papers may be served at the address below.

MARGOLIS EDELSTEIN

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,

Plaintiff,

v.

CHARLES CROYLE and
ANN CROYLE, SR,

Defendants.

: CIVIL ACTION - LAW

: No: 2008 - 1225 CD

: **ISSUE: Notice of Service of Interrogatories**
: **and Request for Production of**
: **Documents**

: Filed on Behalf of Defendants:

: Counsel of Record for Defendants:

: **MARGOLIS EDELSTEIN**

: Stephen L. Dugas, Esquire

: PA. I.D. # 21351

: PO Box 628

: Hollidaysburg, PA 16648

: (814) 695-5064

: Fax: (814) 695-5066

I hereby certify that a true and correct
copy of the within was mailed on all
other counsel of record this 12th day of
August, 2008

Attorney for Defendants

FILED No cc
m/02020
AUG 15 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	No: 2008 - 1225 CD
CHARLES CROYLE and	:	
ANN CROYLE, SR.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

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

To: Prothonotary:

Take notice that Defendants served Interrogatories and First Request for Production of Documents in the above by first Class United State Mail, post pre-paid and addressed as follows:

Jeffrey A. Pribanic, Esquire
Pribanic and Pribanic
1735 Lincoln Way
White Oak, PA 15131

MARGOLIS EDELSTEIN

By: _____

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,

Plaintiff,

v.

CHARLES CROYLE and
ANN CROYLE, SR,

Defendants.

: CIVIL ACTION - LAW

:
: No: 2008 - 1225 CD

:
: ISSUE: **Answer**

:
: Filed on Behalf of Defendants:

:
: Counsel of Record for Defendants:

:
: **MARGOLIS EDELSTEIN**

: Stephen L. Dugas, Esquire

: PA. I.D. # 21351

: PO Box 628

: Hollidaysburg, PA 16648

: (814) 695-5064

: Fax: (814) 695-5066

I hereby certify that a true and correct
copy of the within was mailed on all
other counsel of record this 12th day of
August, 2008



Attorney for Defendants

FILED *no cc*
m/2:0261
AUG 15 2008 *@*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	No: 2008 - 1225 CD
CHARLES CROYLE and	:	
ANN CROYLE, SR.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

ANSWER

NOW COME Defendants, and by their Attorneys, Margolis Edelstein, file this Answer to Complaint, whereof the following is a statement:

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 1. Strict proof is demanded at time of Trial.

2. Admitted.

3. Denied as stated. It is admitted that Defendants were the owner of the premises with mailing address 3286 Six Mile Road, Philipsburg, Clearfield County, Pennsylvania 16866-8212 at various times in the past, including on December 22, 2006.

4. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 4. Strict proof is demanded at time of trial.

COUNT I

MICHAEL SOBOL v. CHARLES CROYLE

5.-10. All averments in Paragraphs 5 through 10, and all sub-paragraphs thereunder are denied, pursuant to Pa. R.C.P., Rule 1029(e), or because they constitute mere legal conclusions, or because after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.

WHEREFORE, Defendant demands that Count I of Plaintiff's Complaint be dismissed, with prejudice, together with costs of suit awarded.

COUNT II

MICHAEL SOBOL v. ANN CROYLE, SR.

11.-16. All averments in Paragraphs 11 through 16, and all sub-paragraphs thereunder are denied, pursuant to Pa. R.C.P., Rule 1029(e), or because they constitute mere legal conclusions, or because after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.

WHEREFORE, Defendant demands that Count II of Plaintiff's Complaint be dismissed, with prejudice, together with costs of suit awarded.

MARGOLIS EDELSTEIN

By: _____

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

VERIFICATION

We, Charles Croyle and Ann Croyle, do hereby Verify that have read the foregoing Answer and the statements therein are correct to the best of our personal knowledge, information or belief.

This statement and Verification are made subject to the penalties of 18 Pa. C.S., Section 4904 relating to unsworn fabrication to authorities.

Charles Croyle
Charles Croyle

Ann Croyle
Ann Croyle

Date: 08-02-08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104374
NO: 08-1225-CD
SERVICES 2
COMPLAINT

PLAINTIFF: MICHAEL SOBOL
vs.
DEFENDANT: CHARLES CROYLE and ANN CROYLE, SR.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PRIBANIC	3279	20.00
SHERIFF HAWKINS	PRIBANIC	3279	43.72

^S
FILED
013:40LM
OCT 13 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

MICHAEL SOBOL,

Plaintiff,

v.

CHARLES CROYLE and
ANN CROYLE, SR,

Defendants.

: CIVIL ACTION - LAW

: No: 2008 - 1225 CD

: ISSUE: Notice of Depositions

: Filed on Behalf of Defendants:

: Counsel of Record for Defendants:

: **MARGOLIS EDELSTEIN**

: Stephen L. Dugas, Esquire

: PA. I.D. # 21351

: PO Box 628

: Hollidaysburg, PA 16648

: (814) 695-5064

: Fax: (814) 695-5066

I hereby certify that a true and correct
copy of the within was mailed on all
other counsel of record this 5th day of
January, 2009

Attorney for Defendants

FILED

7/12/538
JAN 06 2009

5

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	No: 2008 - 1225 CD
CHARLES CROYLE and	:	
ANN CROYLE, SR.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Mr. Michael Sobol
c/o Jeffrey A. Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

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

PLEASE TAKE NOTE that the deposition of **Plaintiff Michael Sobol** shall be taken upon oral examination by an Official Court Reporter on the **2nd** day of **March, 2009** commencing at **1:00 o'clock p.m.** under the provisions of Rule 4003 of the Rules of Civil Procedure of the Commonwealth of Pennsylvania.

The deposition will take place at the **Office of Sargent's Court Reporting Service** located at **106 N. Second Street, Clearfield, PA 16830. Telephone 814-765-8711.**

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

You are invited to attend and participate.

MARGOLIS EDELSTEIN

By: 

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	No: 2008 - 1225 CD
CHARLES CROYLE and	:	
ANN CROYLE, SR.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Mrs. Dolores J. Sobol
c/o Jeffrey A. Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131

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

PLEASE TAKE NOTE that the deposition of **Plaintiff Mrs. Delores J. Sobol** shall be taken upon oral examination by an Official Court Reporter on the **2nd** day of **March, 2009** commencing at **2:00 o'clock p.m.** under the provisions of Rule 4003 of the Rules of Civil Procedure of the Commonwealth of Pennsylvania.

The deposition will take place at the **Office of Sargent's Court Reporting Service** located at **106 N. Second Street, Clearfield, PA 16830. Telephone 814-765-8711.**

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

You are invited to attend and participate.

MARGOLIS EDELSTEIN

By: 

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

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

MICHAEL SOBOL,

Plaintiff,

vs.

CHARLES CROYLE and ANN CROYLE,
SR.,

Defendants.

CIVIL DIVISION

No.: 2008-1225-CD

FIRST AMENDED COMPLAINT

Code: 003

Filed on behalf of Plaintiff:
MICHAEL SOBOL

Counsel of Record for this Party:

JEFFREY A. PRIBANIC
PA ID No.: 56808

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

FOX

4
FILED NO
m11:04/BA CC
APR 27 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

MICHAEL SOBOL,

Plaintiff,

vs.

CHARLES CROYLE and ANN CROYLE,
SR.,

Defendants.

CIVIL DIVISION

No.: 2008-1225-CD

NOTICE TO DEFEND

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 an 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.**

OFFICE OF THE COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PA 16830
PHONE: 814-765-2641, Ext. 1303

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

MICHAEL SOBOL,]	CIVIL DIVISION
]	
Plaintiff,]	No.: 2008-1225-CD
]	
vs.]	
]	
CHARLES CROYLE and ANN CROYLE,]	
SR.,]	
]	
Defendants.]	

FIRST AMENDED COMPLAINT

AND NOW, comes Michael Sobol, by and through his counsel, Jeffrey A. Pribanic, Esquire, and Pribanic & Pribanic, L.L.C., and files the following FIRST AMENDED COMPLAINT IN CIVIL ACTION and in support thereof avers as follows:

1. Plaintiff, Michael Sobol, is an adult individual resident of Clearfield County, Pennsylvania.
2. Defendants, Charles Croyle and Ann Croyle, Sr., upon information and belief, are adult individuals residing at 3286 Six Mile Road, Philipsburg, Clearfield County, Pennsylvania 16866-8212.
3. On or about December 21, 2006, Defendants were in sole control of their driveway located at 3286 Six Mile Road, Philipsburg, Centre County, Pennsylvania, 16866-8212 and undertook the management, care, construction and supervision thereof.
4. Plaintiff, on or about December 21, 2006, while walking on the afore mentioned driveway to retrieve his mail, tripped and fell as a result of loose brick in the

driveway, causing Plaintiff to sustain severe and serious injuries which are described more fully herein.

COUNT I

MICHAEL SOBOL v. CHARLES CROYLE

Plaintiff, Michael Sobol, incorporates by reference Paragraphs 1 through 4 of the First Amended Complaint as though fully set forth herein and further avers that:

5. The area in which Plaintiff fell was located within a path which he used on a routine basis to retrieve his mail.

6. Defendant knew or should have known of the hazardous condition posed thereby.

7. Defendant knew and/or should have known that the above condition posed an unreasonable risk of harm to Plaintiff and others and should have expected that because of the deteriorated condition of the driveway that Defendant's invitees would fall or be unable to protect themselves against it.

8. The Defendant having control and possession over the aforementioned premises, was responsible for the design, construction and maintenance of said driveway and knew or should have known that the conditions and circumstances in and around the driveway constituted a dangerous condition of the driveway.

9. Defendant failed to exercise reasonable care to protect Plaintiff and its other invitees with respect to the condition of the premises in that Defendant:

- (a) did not maintain the driveway area therein in a good and usable condition;
- (b) failed to correct or repair the dangerous condition after receiving actual notice that other invitees had fallen over and been injured in the same area;

- (c) failed to mark or otherwise render the area more conspicuous and thereby lessen the danger that it would not be noticed by Defendant's invitees; and
- (d) failed to warn Plaintiff and other invitees using the driveway of the dangerous condition presented by the condition existing thereon;

10. As a direct result of the fall and Defendant's negligence as set forth above, Plaintiff has suffered the following damages:

- (a) serious and painful injuries including, *inter alia*, back injuries;
- (b) past, present and future physical and mental pain, suffering and inconvenience with respect to the above injuries;
- (c) lost earnings and lost future earnings and reduced earning capacity;
- (d) past medical expenses and future medical expenses of an indeterminate amount;
- (e) diminished life expectancy and loss of the pleasures and enjoyment of life;
- (f) loss of the feeling of well being;
- (g) disfigurement and/or scarring;
- (h) worry, anxiety, apprehension and frustration; and
- (i) emotional upset.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in an amount not in excess of the jurisdiction of the Board of Arbitrators of this Court.

COUNT II

MICHAEL SOBOL v. ANN CROYLE, SR.

Plaintiff, Michael Sobol, incorporates by reference Paragraphs 1 through 10 of the First Amended Complaint as though fully set forth herein and further avers that:

11. The area in which Plaintiff fell was located within a path which he used on a routine basis to retrieve his mail.

12. Defendant knew or should have known of the hazardous condition posed thereby.

13. Defendant knew and/or should have known that the above condition posed an unreasonable risk of harm to Plaintiff and others and should have expected that because of the deteriorated condition of the driveway that Defendant's invitees would fall or be unable to protect themselves against it.

14. The Defendant having control and possession over the aforementioned premises, was responsible for the design, construction and maintenance of said driveway and knew or should have known that the conditions and circumstances in and around the driveway constituted a dangerous condition of the driveway.

15. Defendant failed to exercise reasonable care to protect Plaintiff and its other invitees with respect to the condition of the premises in that Defendant:

- (a) did not maintain the driveway area therein in a good and usable condition;
- (b) failed to correct or repair the dangerous condition after receiving actual notice that other invitees had fallen over and been injured in the same area;
- (c) failed to mark or otherwise render the area more conspicuous and thereby lessen the danger that it would not be noticed by Defendant's invitees; and

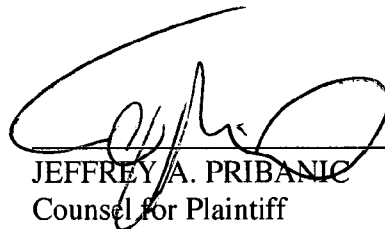
- (d) failed to warn Plaintiff and other invitees using the driveway of the dangerous condition presented by the condition existing thereon;

16. As a direct result of the fall and Defendant's negligence as set forth above, Plaintiff has suffered the following damages:

- (a) serious and painful injuries including, *inter alia*, back injuries;
- (b) past, present and future physical and mental pain, suffering and inconvenience with respect to the above injuries;
- (c) lost earnings and lost future earnings and reduced earning capacity;
- (d) past medical expenses and future medical expenses of an indeterminate amount;
- (e) diminished life expectancy and loss of the pleasures and enjoyment of life;
- (f) loss of the feeling of well being;
- (g) disfigurement and/or scarring;
- (h) worry, anxiety, apprehension and frustration; and
- (i) emotional upset.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in an amount not in excess of the jurisdiction of the Board of Arbitrators of this Court.

RESPECTFULLY SUBMITTED:



JEFFREY A. PRIBANIC
Counsel for Plaintiff

VERIFICATION TO FIRST AMENDED COMPLAINT

Plaintiff verifies that he is the Plaintiff in the foregoing action; that the foregoing First Amended Complaint is based upon information which he has furnished to his counsel and information which has been gathered by his counsel in the preparation of the lawsuit. The language of the First Amended Complaint is that of counsel and not of the Plaintiff. Plaintiff has read the First Amended Complaint and to the extent that the First Amended Complaint is based upon information which he has given to his counsel, it is true and correct to the best of his knowledge, information and belief. To the extent that the content of the First Amended Complaint is that of counsel, he has relied upon counsel in making this Affidavit. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

April 21, 2009
Date

Michael Sobol
MICHAEL SOBOL

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing has been served via first class United States mail, postage prepaid, this 23rd day of April 2009, upon the following:

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

PRIBANIC & PRIBANIC, L.L.C.


JEFFREY A. PRIBANIC
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,

Plaintiff,

v.

CHARLES CROYLE and
ANN CROYLE, SR,

Defendants.

: CIVIL ACTION - LAW
:
: No: 2008 - 1225 CD
:
: ISSUE: **Answer to First Amended**
: **Complaint**
:
:
:
:
: Filed on Behalf of Defendants:
:
: Counsel of Record for Defendants:
:
: **MARGOLIS EDELSTEIN**
: Stephen L. Dugas, Esquire
: PA. I.D. # 21351
: PO Box 628
: Hollidaysburg, PA 16648
: (814) 695-5064
: Fax: (814) 695-5066

I hereby certify that a true and correct
copy of the within was mailed on all
other counsel of record this 1st day of
May, 2009

Attorney for Defendants

FILED NOCC
MAY 05 2009 @

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,	:	CIVIL ACTION - LAW
	:	
Plaintiff,	:	
	:	
CHARLES CROYLE and	:	No: 2008 - 1225 CD
ANN CROYLE, SR.,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

ANSWER TO FIRST AMENDED COMPLAINT

NOW COME Defendants, and by their Attorneys, Margolis Edelstein, file this Answer to First Amended Complaint, whereof the following is a statement:

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 1. Strict proof is demanded at time of Trial.

2. Admitted.

3. Denied as stated. It is admitted that Defendants were the owners of the premises with mailing address 3286 Six Mile Road, Philipsburg, Clearfield County, Pennsylvania 16866-8212 at various times in the past, including on December 22, 2006. Notwithstanding, it is further averred that Plaintiff asserted ownership of, in and to the said driveway at various times.

4. After reasonable investigation, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 4. Strict proof is demanded at time of trial.

COUNT I

MICHAEL SOBOL v. CHARLES CROYLE

5.-10. All averments in Paragraphs 5 through 10, and all sub-paragraphs thereunder are denied, pursuant to Pa. R.C.P., Rule 1029(e), or because they constitute mere legal conclusions, or because after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.

WHEREFORE, Defendant demands that Count I of Plaintiff's First Amended Complaint be dismissed, with prejudice, together with costs of suit awarded.

COUNT II

MICHAEL SOBOL v. ANN CROYLE, SR.

11.-16. All averments in Paragraphs 11 through 16, and all sub-paragraphs thereunder are denied, pursuant to Pa. R.C.P., Rule 1029(e), or because they constitute mere legal conclusions, or because after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth thereof. Strict proof is demanded at time of trial.

WHEREFORE, Defendant demands that Count II of Plaintiff's First Amended Complaint be dismissed, with prejudice, together with costs of suit awarded.

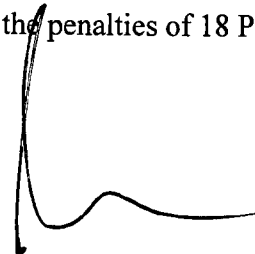
MARGOLIS EDELSTEIN

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

VERIFICATION

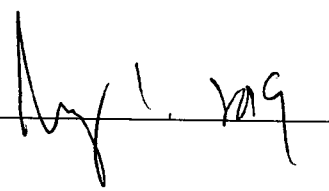
I do hereby Verify that I have read the foregoing Answer and the statements therein are correct to the best of my personal knowledge, information or belief. I make this verification as counsel for Defendants, being authorized to do so.

This statement and Verification are made subject to the penalties of 18 Pa. C.S., Section 4904 relating to unsworn fabrication to authorities.

A handwritten signature in black ink, appearing to read 'Stephen L. Dugas', written over a horizontal line.

Stephen L. Dugas, Esquire

Date: _____

A handwritten signature in black ink, appearing to read 'May 1, 2009', written over a horizontal line.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,

Plaintiff,

vs.

CHARLES CROYLE and ANN CROYLE,
SR.,

Defendants.

CIVIL DIVISION

No.: 2008-1225-CD

PRAECIPE TO SETTLE
AND DISCONTINUE

Filed on behalf of Plaintiff:
MICHAEL SOBOL

Counsel of Record for this Party:

JEFFREY A. PRIBANIC
PA ID No.: 56808

PRIBANIC & PRIBANIC, L.L.C.
1735 Lincoln Way
White Oak, PA 15131

(412) 672-5444

BAF

FILED

SEP 21 2009

William A. Shaw
Prothonotary/Clerk of Courts

1 cc Atty.
1 cert. of Disc. to Atty
(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

MICHAEL SOBOL,

Plaintiff,

v.

CHARLES CROYLE, SR. and ANNE
CROYLE,

Defendants.

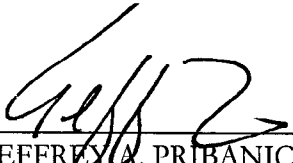
CIVIL DIVISION

No.: 2008-1225-CD

PRAECIPE TO SETTLE AND DISCONTINUE

To the Prothonotary:

Please settle and discontinue the above captioned action.



JEFFREY A. PRIBANIC
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Michael Sobol

Vs.

No. 2008-01225-CD

Charles Croyle
Ann Croyle Sr.

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 September 21, 2009, marked:

Settled and Discontinued

Record costs in the sum of \$158.72 have been paid in full by Atty. Pribanic .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of September A.D. 2009.



William A. Shaw, Prothonotary