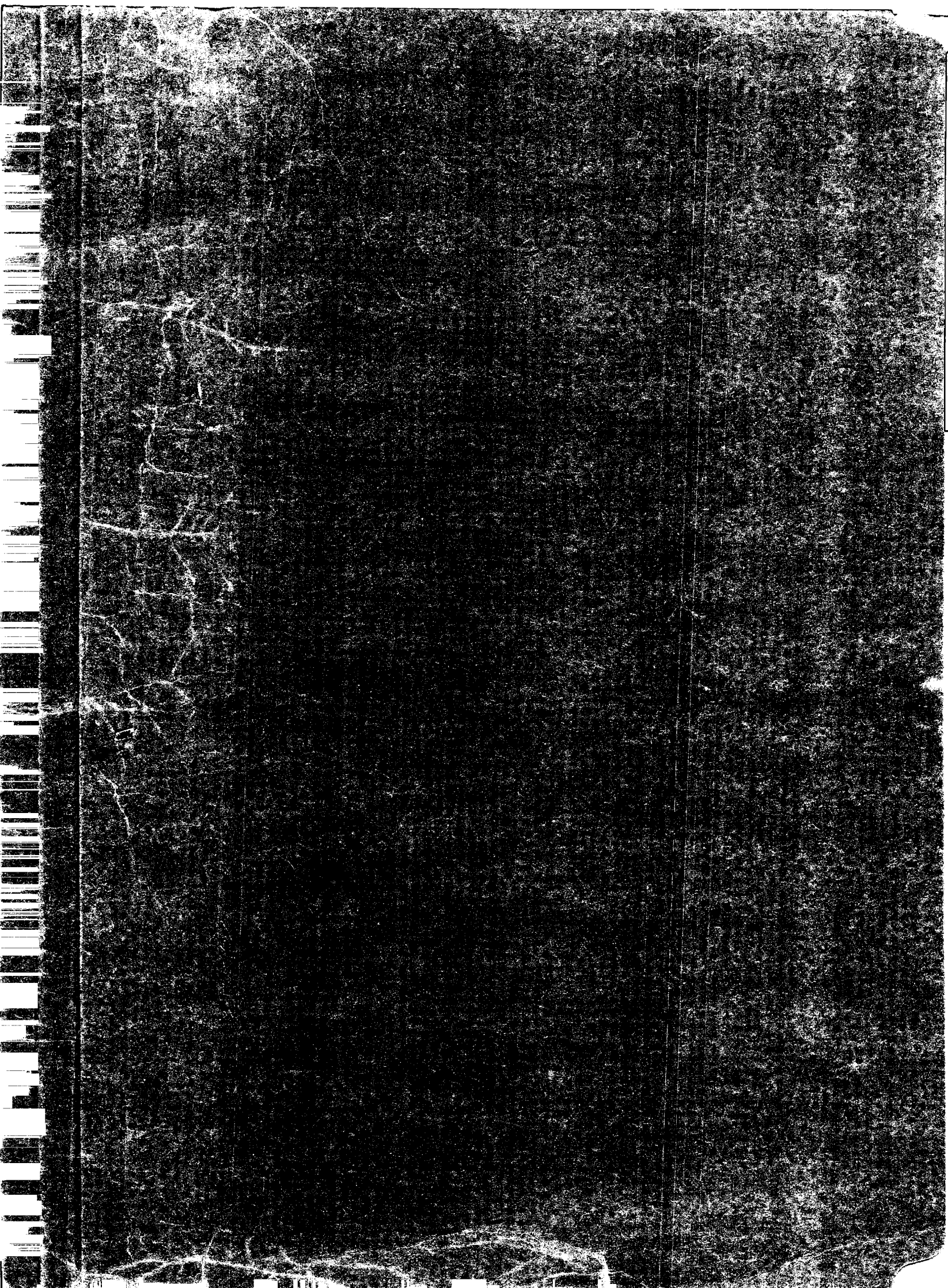


08-1440-CD

Ricardo Caruso vs Richard J. Powell



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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08 - 1440 - CD

FILED *EC*
01/31/08
AUG 04 2008
1 CENT w/
William A. Shaw
Prothonotary/Clerk of Courts
15 WATTI TC

ATTY.

Type of Pleading:

**PRAECIPE FOR WRIT OF
SUMMONS**

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

&

Trudy G. Lumadue, Esq.
Pa I.D. 202949

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

Sept. 3, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service *William A. Shaw* GK
Deputy Prothonotary

Dated: August 4, 2008

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08 - - CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

PRAECIPE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:


Please issue a writ of summons against the following:

Richard J. Powell, an individual of 146 Oliver Street,
Swoyersville, Pennsylvania 18704, Luzerne County; Estes Express
Lines, a Virginia corporation, with its principal address at 3901
West Broad Street, Richmond, Virginia 23230 and a registered agent
in Pennsylvania known as Corporation Service Company located at
2704 Commerce Drive, Harrisburg, Pennsylvania 17110, Dauphin
County; BALJINDER SINGH, an individual of 101-32 120th Street,
Richmond Hills, New York 11419; RAJINDER SINGH, an individual, of
15246 Radiance Drive, Noblesville, Indiana 46060; GURPREET SINGH,
an individual of 15265 Radiance Drive, Noblesville, Indiana 46060--

4693; and TWIN FLAG EXPRESS, INC., a New Jersey corporation, with a principal address of 140-60 Beech Avenue, Apt 4I, Flushing, New York, 11355 and a business address of 15246 Radiance Drive, Noblesville, Indiana 46060.

NADDEO & LEWIS, LLC

By


James A. Naddeo, Esquire
Attorney for Plaintiffs

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

SUMMONS

**Ricardo F. Caruso and
Tatiana Caruso, Husband and Wife**

Vs.

NO.: 2008-01440-CD

**Richard J. Powell an Individual;
Estes Express Lines, a Virginia corporation;
Baljinder Singh, an individual;
Rajinder Singh; an individual;
Gurpreet Singh, an individual; and
Twin Flag Express, Inc., a New Jersey Corporation**

**TO: RICHARD J. POWELL
ESTES EXPRESS LINES
BALJINDER SINGH
RAJINDER SINGH
GURPREET SINGH
TWIN FLAG EXPRESS, INC.**

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 8/4/2008

William A. Shaw
Prothonotary

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
814-765-1601

FILED
AUG 04 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

AFFIDAVIT OF SERVICE

Filed on behalf of:
Plaintiffs

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
013:4134
AUG 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

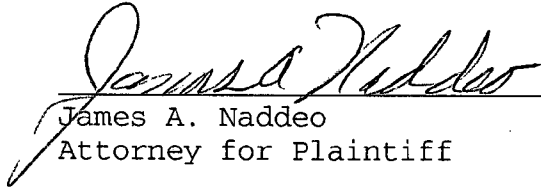
RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

AFFIDAVIT

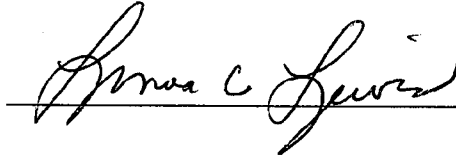
COMMONWEALTH OF PENNSYLVANIA)
SS
COUNTY OF CLEARFIELD)

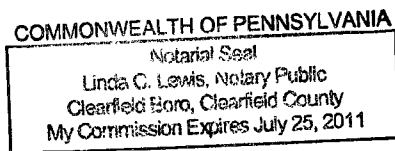
James A. Naddeo, Esquire, being duly sworn according to law, deposes and states that a certified copy of Summons filed in the above-captioned action was served upon the Defendant, Twin Flags Express, Inc., in accordance with Pa. R.C.P. 403 and 404 by first-class mail, RESTRICTED DELIVERY, return receipt requested the same being returned to Naddeo & Lewis, LLC on August 7, 2008, at the Defendant's address of 15246 Radiance Drive, Noblesville, Indiana 46060 as appears from the receipt of Certified Mail

attached hereto.


James A. Naddeo
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 13th day of August, 2008.


Linda C. Lewis



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Twin Flags Express, Inc.
15246 Radiance Drive
Noblesville, IN 46060

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Rozell*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. Article Number

(Transfer from service label)

7007 2560 0002 6020 6726

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

AFFIDAVIT OF SERVICE

Filed on behalf of:
Plaintiffs

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*
013:4187
AUG 13 2008
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

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No. 08-1440-CD

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
SS
COUNTY OF CLEARFIELD)

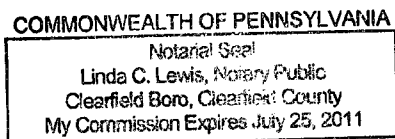
James A. Naddeo, Esquire, being duly sworn according to law, deposes and states that a certified copy of Summons filed in the above-captioned action was served upon the Defendant, Rajinder Singh, in accordance with Pa. R.C.P. 403 and 404 by first-class mail, RESTRICTED DELIVERY, return receipt requested at the Defendant's address of 15246 Radiance Drive, Noblesville, Indiana 46060 and the same being returned to Naddeo & Lewis, LLC on August 7, 2008, as appears from the receipt of Certified Mail

attached hereto.


James A. Naddeo
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 13th day of August, 2008.





SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

2. Article Number
(Transfer from service label)

7007 2560 0002 6020 6757

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

AFFIDAVIT OF SERVICE

Filed on behalf of:
Plaintiffs

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
03:41 PM
AUG 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

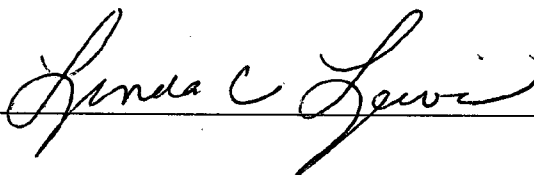
James A. Naddeo, Esquire, being duly sworn according to law, deposes and states that a certified copy of Summons filed in the above-captioned action was served upon the Defendant, Estes Express Lines, in accordance with Pa. R.C.P. 403 and 404 by first-class mail, RESTRICTED DELIVERY, return receipt requested on August 6, 2008, at the Defendant's address of 3901 West Broad Street, Richmond, Virginia 23530 as appears from the receipt of Certified Mail

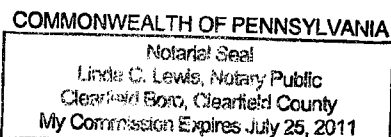
attached hereto.



James A. Naddeo
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 13th day of August, 2008.





SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Estes Express Lines
3901 West Broad Street
Richmond, VA 23230

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Robert Salame

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below.

☐ Yes

☐ No

AUG 06 2008

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Insured Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. Article Number

(Transfer from service label)

7007 2560 0002 6020 6771

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

AFFIDAVIT OF SERVICE

Filed on behalf of:
Plaintiffs

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
013426
AUG 15 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

AFFIDAVIT

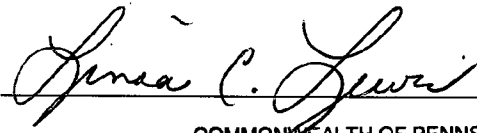
COMMONWEALTH OF PENNSYLVANIA)
SS
COUNTY OF CLEARFIELD)

James A. Naddeo, Esquire, being duly sworn according to law, deposes and states that a certified copy of Summons filed in the above-captioned action was served upon the Defendant, Gurpreet Singh, in accordance with Pa. R.C.P. 403 and 404 by first-class mail, RESTRICTED DELIVERY, return receipt requested on August 11, 2008, at the Defendant's address of 15265 Radiance Drive, Noblesville, Indiana 46060 as appears from the receipt of Certified Mail

attached hereto.


James A. Naddeo
Attorney for Plaintiff

SWORN and SUBSCRIBED before me this 15th day of August, 2008.



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Linda C. Lewis, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires July 25, 2011

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gurpreet Singh
15265 Radiance Dr
Noblesville, IN 46060

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ X☒ Agent☐ Addressee

B. Received by (Printed Name)

GURPREET SINGH

C. Date of Delivery

8-11-08

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,

Plaintiffs,

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH,
an individual; GURPREET SINGH,
an individual; and TWIN FLAG EXPRESS,
INC., a New Jersey corporation,

Defendants.

CIVIL DIVISION

No. 2008-1440-CD

Issue No.

PRAECIPE FOR APPEARANCE

Code:

Filed on behalf of Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Christopher J. McCabe, Esquire
PA I.D. # 89378

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NO ee
m/18:40/SD
AUG 20 2008 (GL)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA)	CIVIL DIVISION
CARUSO, Husband and Wife,)	
)	No. 2008-1440-CD
Plaintiffs,)	
)	
v.)	
)	
RICHARD J. POWELL, an individual;)	
ESTES EXPRESS LINES, a Virginia)	
corporation; BALJINDER SINGH, an)	
individual; RAJINDER SINGH, an)	
individual; GURPREET SINGH, an)	
individual; and TWIN FLAG EXPRESS,)	
INC., a New Jersey corporation,)	
)	
Defendants.)	

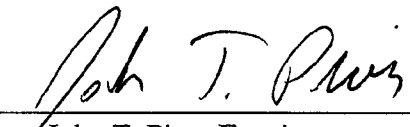
PRAECIPE FOR APPEARANCE

TO THE PROTHONOTARY:

Kindly enter our appearance on behalf of the defendants, BALJINDER SINGH and
TWIN FLAG EXPRESS, INC., regarding the above-referenced matter.

A JURY TRIAL IS DEMANDED.

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Christopher J. McCabe, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

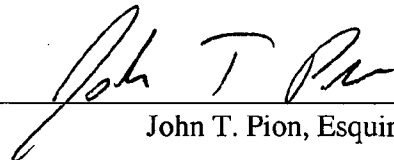
Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Praecipe for Appearance was served upon counsel of record by U.S. mail, postage prepaid, this
18th day of August, 2008, as follow:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
(*Counsel for Plaintiffs*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By _____
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,

Plaintiffs,

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH,
an individual; GURPREET SINGH,
an individual; and TWIN FLAG EXPRESS,
INC., a New Jersey corporation,

Defendants.

CIVIL DIVISION

No. 2008-1440-CD

Issue No.

**PRAECIPE FOR RULE
TO FILE A COMPLAINT**

Code:

Filed on behalf of Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Christopher J. McCabe, Esquire
PA I.D. # 89378

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NO CC

7/18/08 4:47 PM
AUG 20 2008

Rule to Atty Pion

William A. Shaw
Prothonotary/Clerk of Courts

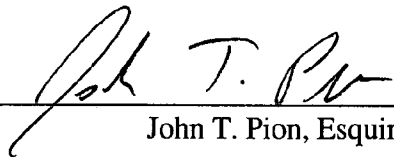
CK

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing Praecipe for Rule to File a Complaint was served upon counsel of record by U.S. mail, postage prepaid, this 18th day of August, 2008, as follow:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
(*Counsel for Plaintiffs*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

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

COPY

Ricardo F. Caruso
Tatiana Caruso

Vs.


Case No. 2008-01440-CD

Richard J. Powell
Estes Express Lines
Baljinder Singh
Rajinder Singh
Gurpreet Singh
Twin Flag Express, Inc.

RULE TO FILE COMPLAINT

TO: Ricardo F. Caruso and Tatiana Caruso

YOU ARE HEREBY RULED to file a Complaint in the above-captioned matter within twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William A. Shaw, Prothonotary

Dated: August 20, 2008

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999

FILED
m71:0364
AUG 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

ICC 21 Rule to
Att. Geduldig
(60)

FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

**RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,**

Plaintiffs

v.

**RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; SINGH BALJINDER, an
individual; RAJINDER BALJINDER, an
individual; GEPERTT BALJINDER, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,**

Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD
:
:
:
: JURY TRIAL DEMANDED

PRAECIPE AND RULE TO FILE A COMPLAINT

TO THE PROTHONOTARY OF SAID COURT:

Please issue a Rule on Plaintiff to file a Complaint in the above case within twenty (20) days after service of the Rule or suffer a judgment of *non pros*.

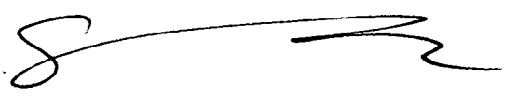
Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

8/13/08

617252.1

By:


STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530


STEPHANIE L. HERSPERGER, ESQUIRE
Attorney I.D. No. 78735

Attorneys for Defendants,
**RICHARD J. POWELL and ESTES
EXPRESS LINES**

RULE

08-1440-CD

NOW, August 21, 2008, RULE IS ISSUED AS ABOVE.



Prothonotary

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999

FILED NO CC
m11:0330
AUG 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

**RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,**

Plaintiffs

v.

**RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; SINGH BALJINDER, an
individual; RAJINDER BALJINDER, an
individual; GEPERTT BALJINDER, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,**

Defendants

: **IN THE COURT OF COMMON PLEAS OF**
: **CLEARFIELD COUNTY, PENNSYLVANIA**
:
:
: **CIVIL ACTION -- LAW**
: **NO. 2008-01440-CD**
:
:
: **JURY TRIAL DEMANDED**

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of Stephen E. Geduldig, Esquire, Stephanie L. Hersperger, Esquire, and Thomas, Thomas & Hafer, LLP, as attorneys for Defendants, Richard J. Powell and Estes Express Lines, in the above-captioned matter, reserving our right to answer or otherwise plead to Plaintiffs' Complaint.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

8/13/08

617249.1

By: 

STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

STEPHANIE L. HERSPERGER, ESQUIRE
Attorney I.D. No. 78735

Attorneys for Defendants,
**RICHARD J. POWELL and ESTES
EXPRESS LINES**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the 13th day of August, 2008, on all counsel of record as follows:

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, Pennsylvania 16830

Attorneys for Plaintiffs

Mr. Singh Baljinder
101-32 120th Street, First Floor
Richmond Hills, New York 11419

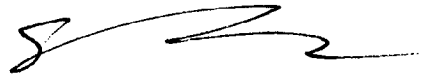
Mr. Rajinder Baljinder
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Mr. Geppert Baljinder
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Twin Flag Express
15246 Radiance Drive
Noblesville, IN 46060

Defendants

THOMAS, THOMAS & HAFFER, LLP



Stephen E. Geduldig, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,

Plaintiffs,

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH,
an individual; GURPREET SINGH,
an individual; and TWIN FLAG EXPRESS,
INC., a New Jersey corporation,

Defendants.

CIVIL DIVISION

No. 2008-1440-CD

Issue No.

NOTICE OF SERVICE

Code:

Filed on behalf of Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Christopher J. McCabe, Esquire
PA I.D. # 89378

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

FILED NO CC
m/12:46
AUG 25 2008
(127)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA)	CIVIL DIVISION
CARUSO, Husband and Wife,)	
)	No. 2008-1440-CD
Plaintiffs,)	
)	
v.)	
)	
RICHARD J. POWELL, et al.,)	
)	
Defendants.)	

NOTICE OF SERVICE

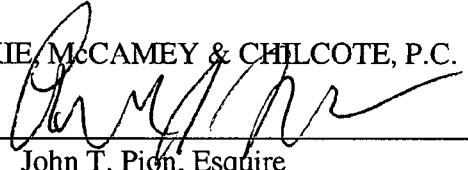
PLEASE TAKE NOTICE that the original and two (2) true and correct copies of Defendants' First Set of Interrogatories, Defendants' Second Set of Interrogatories, Defendants' Expert Interrogatories, and Defendants' First Request for Production of Documents Directed to Plaintiff were forwarded this ____ day of August, 2008, via first class mail, postage prepaid, to counsel of record addressed as follows:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
(*Counsel for Plaintiffs*)

True and correct copies were forwarded to:

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer, LLP
305 N. Front Street
P.O. Box 999
Harrisburg, PA 17101-1216

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
John T. Pion, Esquire
Christopher J. McCabe, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

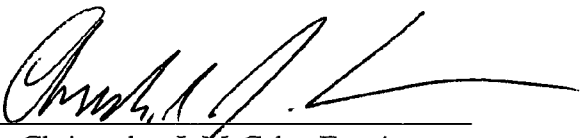
CERTIFICATE OF SERVICE

I, Christopher J. McCabe, hereby certify that a true and correct copy of the foregoing
Notice of Service was served upon counsel of record by U.S. mail, postage prepaid, this
22nd day of August, 2008, as follow:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
(*Counsel for Plaintiffs*)

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer, LLP
305 N. Front Street
P.O. Box 999
Harrisburg, PA 17101-1216

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Christopher J. McCabe, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

Attorneys for Defendants,
**RICHARD J. POWELL and ESTES
EXPRESS LINES**

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999

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

AUG 21 2008

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; SINGH BALJINDER, an
individual; RAJINDER BALJINDER, an
individual; GEPERTT BALJINDER, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,

Defendants

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

:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

:
: JURY TRIAL DEMANDED

PRAECIPE AND RULE TO FILE A COMPLAINT

TO THE PROTHONOTARY OF SAID COURT:

Please issue a Rule on Plaintiff to file a Complaint in the above case within twenty
(20) days after service of the Rule or suffer a judgment of *non pros*.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

8/13/08

By:

[Signature]
STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

STEPHANIE L. HERSPERGER, ESQUIRE
Attorney I.D. No. 78735

Attorneys for Defendants,
**RICHARD J. POWELL and ESTES
EXPRESS LINES**

RULE

08-1440-CD

NOW, August 21, 2008, RULE IS ISSUED AS ABOVE.

William L. Sha

Prothonotary

SL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **RULE TO FILE COMPLAINT** was served by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the 26th day of August, 2008, on all counsel of record as follows:

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, Pennsylvania 16830

Attorneys for Plaintiffs

John T. Pion, Esquire
DICKIE McCAMEY
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222-5402

Attorneys for Defendants, Baljinder Singh

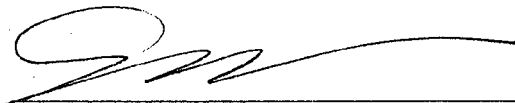
Mr. Rajinder Baljinder
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Mr. Geppert Baljinder
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Twin Flag Express
15246 Radiance Drive
Noblesville, IN 46060

Defendants

THOMAS, THOMAS & HAFFER, LLP



Stephen E. Geduldig, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PRAECIPE SERVING THE EXECUTED RULE TO FILE A COMPLAINT EXECUTED BY THE CLEARFIELD COUNTY PROTHONOTARY ON AUGUST 21, 2008**, was served by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the 26th day of August, 2007, on all counsel of records as follows:

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, Pennsylvania 16830

Attorneys for Plaintiffs

John T. Pion, Esquire
DICKIE McCAMEY
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222-5402

Attorneys for Defendants, Baljinger Singh

Mr. Rajinder Baljinder
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Mr. Geppert Baljinder
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Twin Flag Express
15246 Radiance Drive
Noblesville, IN 46060

Defendants

THOMAS, THOMAS & HAFFER, LLP



Stephen E. Geduldig, Esquire

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

PRAECIPE TO REINSTATE

Filed on behalf of:
Plaintiffs

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

013:4067
SEP 03 2008

William A. Shaw
Prothonotary/Clerk of Courts

Att'y pd. \$7.00
SCC as reinstated
to Att'y Naddeo

CK

Dated: September 3, 2008

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08 -1440- CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

PRAECIPE TO REINSTATE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please reinstate the Summons issued in the above-
captioned case.

NADDEO & LEWIS, LLC

By



James A. Naddeo

Attorney for Plaintiffs

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

SUMMONS

**Ricardo F. Caruso and
Tatiana Caruso, Husband and Wife**

Vs.

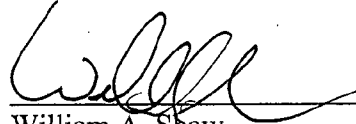
NO.: 2008-01440-CD

**Richard J. Powell an Individual;
Estes Express Lines, a Virginia corporation;
Baljinder Singh, an individual;
Rajinder Singh; an individual;
Gurpreet Singh, an individual; and
Twin Flag Express, Inc., a New Jersey Corporation**

TO: RICHARD J. POWELL
ESTES EXPRESS LINES
BALJINDER SINGH
RAJINDER SINGH
GURPREET SINGH
TWIN FLAG EXPRESS, INC.

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 8/4/2008



William A. Shaw

Prothonotary

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
814-765-1601

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD *

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Praecept to Reinstate was served on the
following and in the following manner on the 3rd day of
September, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

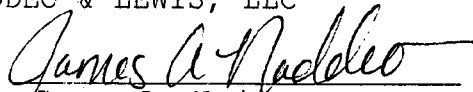
Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By:



James A. Naddeo

Attorney for Plaintiffs

FILED

SEP 11 2008

William A. Shaw
Prothonotary/Clerk of Courts
1 sent to Anna

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,

Plaintiffs,

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH,
an individual; GURPREET SINGH,
an individual; and TWIN FLAG EXPRESS,
INC., a New Jersey corporation,

Defendants.

CIVIL DIVISION

No. 2008-1440-CD

Issue No.

AFFIDAVIT OF SERVICE

Code:

Filed on behalf of Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Christopher J. McCabe, Esquire
PA I.D. # 89378

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA)	CIVIL DIVISION
CARUSO, Husband and Wife,)	
)	No. 2008-1440-CD
Plaintiffs,)	
)	
v.)	
)	
RICHARD J. POWELL, an individual;)	
ESTES EXPRESS LINES, a Virginia)	
corporation; BALJINDER SINGH, an)	
individual; RAJINDER SINGH, an)	
individual; GURPREET SINGH, an)	
individual; and TWIN FLAG EXPRESS,)	
INC., a New Jersey corporation,)	
)	
Defendants.)	

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA	:	
	:	SS:
COUNTY OF ALLEGHENY	:	

Before me, the undersigned authority, personally appeared John T. Pion, Esquire, who deposes and says that he mailed the original Rule to File a Complaint in the above-entitled action to James A. Naddeo, Esquire, P.O. Box 552, Clearfield, Pennsylvania 16830, on or about the 26th

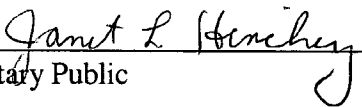
day of August, 2008, by Certified Mail, Return Receipt Requested. A copy of the signed Return Receipt is attached hereto and marked Exhibit A.

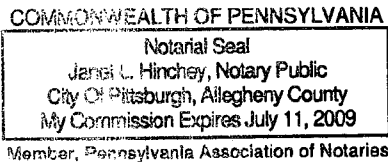
By


John T. Pion, Esquire

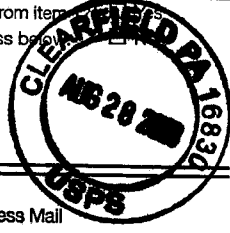
Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

SWORN TO and subscribed
before me this 8th day
of September, 2008.


Notary Public



Caruso-Rule

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <i>x Heather Swatsworth</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Heather Swatsworth</i> C. Date of Delivery</p> <p>D. Is delivery address different from item label? <input type="checkbox"/> Yes If YES, enter delivery address below</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to: <i>James A. Naddo, Esq.</i> <i>P.O. Box 552</i> <i>Clearfield, PA 16830</i>			
2. Article Number (Transfer from service label)		<i>7007 6710 6004 8703 4149</i>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

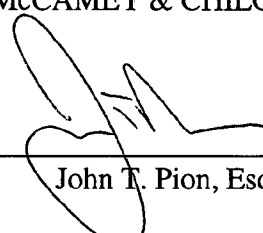
EXHIBIT A

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing Affidavit of Service was served upon counsel of record by U.S. mail, postage prepaid, this 8th day of September, 2008, as follow:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
(*Counsel for Plaintiffs*)

DICKIE, McCAMEY & CHILCOTE, P.C.

By  _____
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

FILED^{4CC}

SEP 03 2008

William A. Shaw
Prothonotary/Clerk of Courts

Dated: September 3, 2008

No. 08-1440-CD

Type of Pleading:

**PETITION FOR EXTENSION OF
TIME**

Filed on behalf of:
Plaintiffs

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

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

FILED

SEP 16 2008

0/12:05 / 60
William A. Shaw

Prothonotary/Clerk of Courts

4 cent to Atty

RULE

AND NOW, this 4 day of September 2008, it is hereby
ORDERED that a Rule be granted upon the Defendants, Richard J. Powell,
Estes Express, Baljinder Singh and Twin Flags Express, Inc., to show
cause why the relief requested by the Plaintiffs in their Petition for
Extension of Time should not be granted.

Rule Returnable and argument thereon to be held the 26th of
September, 2008, at 11:00 A.m., in Courtroom 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania.

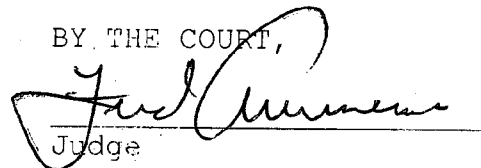
NOTICE

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

FILED

SEP 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9-16-08

☒ 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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

PETITION FOR EXTENSION OF TIME

NOW COME the Plaintiffs, Ricardo F. Caruso and Tatiana Caruso, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. On or about August 4, 2008, plaintiffs commenced this action by filing a Praecipe for Writ of Summons.

2. On or about August 13, 2008, Attorneys Stephen E. Geduldig and Stephanie L. Hersperger of the firm Thomas, Thomas & Hafer, LLP entered an appearance on behalf of Defendants, Richard J. Powell and Estes Express Lines.

3. On or about August 18, 2008, Attorneys John T. Pion and Christopher J. McCabe of the firm Dickie, McCamey & Chilcote, P.C. entered an appearance on behalf of Defendants, Baljinder Singh and Twin Flag Express, Inc.

4. Plaintiffs have filed Affidavits of Service as to the following Defendants: Estes Express, Rajinder Singh, Twin Flags Express, Inc. and Gurpreet Singh.

5. Plaintiffs have not yet effected service upon Richard J. Powell or Baljinder Singh such that an affidavit of service is able to be filed by plaintiffs. (In the case of Richard J. Powell, Clearfield County Sheriff is responsible for personally serving Mr. Powell and has not yet filed an affidavit of service.)

6. On or about August 20, 2008, plaintiffs were ruled to file a Complaint by the Clearfield County Prothonotary at the request of Defendants, Baljinder Singh and Twin Flag Express, Inc.

7. On or about August 21, 2008, plaintiffs were ruled to file a Complaint by the Clearfield County Prothonotary at the request of Defendants, Richard J. Powell and Estes Express.

8. At the earliest Plaintiffs are presently ruled to file a Complaint on or before September 10, 2008.

9. On or about August 22, 2008, Defendants, Baljinder Singh and Twin Flag Express, Inc. served two sets of written interrogatories and one request for production of documents upon plaintiffs.

10. Said interrogatories contain 73 inquiries to plaintiffs by the named defendants and are not limited in scope in any discernable fashion.

11. At this juncture Plaintiffs request this Court to grant them an extension of time within which to file a Complaint

as Plaintiffs have not been able to effectuate service upon all defendants and the filing of a Complaint is premature.


12. Consequently, Plaintiffs further request this Court to grant them an extension of time within which to file answers to defendants' discovery until 30 days after the pleadings are closed as discovery is premature at this point in the case.

13. Pursuant to Rule 4005 of the Pennsylvania Rules of Civil Procedure when a plaintiff files interrogatories prior to the filing of a Complaint the same are required to be limited in scope to the purpose of preparing a complaint.

14. Plaintiffs respectfully submit that in congruence with Pa. R.C.P. 4005 that Defendants should be required to wait until the pleadings are closed to file interrogatories or in the alternative that Plaintiffs be granted an appropriate extension until after the pleadings are closed to file their answers to the same.

WHEREFORE, Plaintiffs respectfully request that a rule be issued upon Defendants, Baljinder Singh, Twin Flag Express, Inc., Richard J. Powell and Estes Express, to show cause why the relief requested herein should not be granted.

NADDEO & LEWIS, LLC

By 
James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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

SEP 18 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Petition for Extension of Time was served on
the following and in the following manner on the 18th day of
September, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

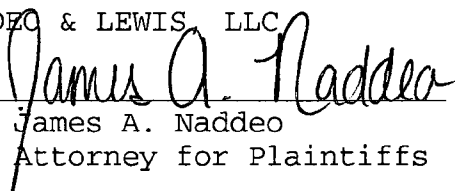
Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Unable to admit or deny whether Plaintiffs have effected service on Defendant Powell or Defendant Singh. Note that Powell is an employee of Defendant Estes, which HAS been served.

6. Admitted.

7. Admitted.

8. Admitted that Plaintiffs' Complaint should have been filed by September 10, 2008, which it has not; and Plaintiffs have not secured an extension to file a Complaint.

9. Admitted.

10. Admitted.

11. Denied. The filing of the Complaint is not premature. The principal Defendant trucking companies have been served. That some Defendants have not been served has nothing to do with Plaintiffs' ability to file a Complaint.

12. Denied. Responding to any Defendant's discovery has nothing to do with whether Plaintiffs have effectuated service on a couple of Defendants. Plaintiffs' responses to discovery are not contingent on service of a writ of summons.

13. Admitted that there is a specific rule of procedure limiting Plaintiffs' pre-Complaint discovery.

14. Denied. Significant is that the rule which limits Plaintiffs with regard to pre-Complaint discovery mentions nothing about Defendant and pre-Complaint discovery and, just as importantly the Supreme Court chose not to enact a separate "congruent" rule limiting defendants' pre-Complaint discovery. Therefore, it would not be proper for the Court to create a "rule" which the Supreme Court did not see fit to enact.

NEW MATTER

15. The Petition was filed September 3, 2008.

16. The Petition allegedly was served on undersigned counsel on September 18, 2008, according to the certificate of service signed by Attorney Naddeo.

17. However, Defendant Estes did not receive a copy of said Petition until it accompanied this Court's September 4 (sic), 2008 Rule to Show Cause, received in counsel's office on September 19, 2008.


Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

9/22/08

627501.1

By: _____


STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

STEPHANIE L. HERSPERGER, ESQUIRE
Attorney I.D. No. 78735

Attorneys for Defendants,
RICHARD J. POWELL and ESTES
EXPRESS LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,

Defendants

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

:
: CIVIL ACTION -- LAW

: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by
depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the
22nd day of September, 2008, on all counsel of record as follows:

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, Pennsylvania 16830

Attorneys for Plaintiffs

John T. Pion, Esquire
DICKIE McCAMEY
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222-5402

Attorneys for Defendants, Baljinder Singh


Mr. Rajinder Singh
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Mr. Gurpreet Singh
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Twin Flag Express
15246 Radiance Drive
Noblesville, IN 46060

Defendants

THOMAS, THOMAS & HAFFER, LLP


Stephen E. Geduldig, Esquire

617265.1

TO WHOM IT MAY CONCERN

I am Gurpreet Singh resident of 15265 Radiance Drive, Noblesville, IN 46060. I am receiving some letters regarding this case Ricardo F. Caruso and Tatiana Caruso, Husband and Wife, Plaintiffs, Vs. Gurpreet Singh Defendant. These letters are sent by the Court, /S/ Fredric J Ammerman.

With Due respect I want to clarify that I am not involved in this case at all. I am not the driver neither the owner of the trucks involved. I wasn't even there when this accident took place. Twin Flag Express Inc, Corporation of New Jersey doesn't belong to me either. So I request to remove my name from this case as I am not at all involved in this case. I will be thankful to you for the same.

Sincerely,

Gurpreet Singh

Gurpreet Singh

09/23/2008

STATE OF INDIANA
COUNTY OF HAMILTON

[Signature] Notary Public September 23, 2008

ROBERTA MCSEKE (DAVIS)

MY COMMISSION EXPIRES JUNE 29, 2014

FILED *2cc Atty Nadaleo*
6/10/08 *cm*
SEP 26 2008 *cm*

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

RICARD F. CARUSO AND }
TATIANA CARUSO }
VS } NO. 08-1440-CD
RICHARD J. POWELL, AN }
INDIVIDUAL; ESTES EXPRESS }
LINES, A VIRGINIA CORPORATION, }
BALJINDER SINGH, AN INDIVIDUAL }
GURPREET SINGH, AN INDIVIDUAL, }
AND TWIN FLAG EXPRESS, INC., }
A NEW JERSEY CORPORATION }

O R D E R

NOW, this 26th day of September, 2008, following argument on the Plaintiff's Petition for Extension of time, it is the ORDER of this Court that said Petition be and is hereby GRANTED and that Plaintiff shall file a complaint within no more than Forty-five (45) Days from this date. Plaintiff shall not be required to respond to Defendant's discovery request until such time as the pleadings have been closed.

FILED
SEP 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

cc: Attys: Naddoo
Geduldigh Hersperger
Pion

cc: Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

cc: Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

BY THE COURT,
Justice J. Cunningham
President Judge

FILED

SEP 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/29/08

____ You are responsible for serving all appropriate parties.

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

Plaintiff(s) X Plaintiff(s) Attorney _____ Other _____
Defendant(s) X Defendant(s) Attorney _____

____ Special Instructions:

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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*
03:50 PM
SEP 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

Dated: September 29, 2008

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Interrogatories Addressed to Defendant, Rajinder Singh was served on the following and in the following manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By:



James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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 10 cc
013:50/61
SEP 29 2008
William A. Shaw
Prothonotary/Clerk of Courts

Dated: September 29, 2008

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Interrogatories Addressed to Defendant,
Twin Flag Express, Inc. was served on the following and in the
following manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid

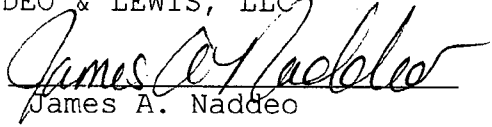
Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By: 
James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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

013506
SEP 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

Dated: September 29, 2008

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Interrogatories Addressed to Defendant,
Gurpreet Singh was served on the following and in the following
manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

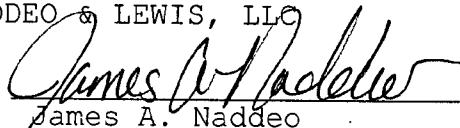
Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By:


James A. Naddeo

Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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
0/3:50391
SEP 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

Dated: September 29, 2008

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Request for Production of Documents
Directed to Defendant, Rajinder Singh was served on the following
and in the following manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

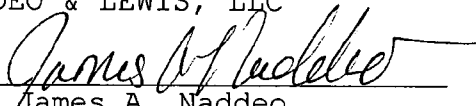
Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By:


James A. Naddeo

Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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*
013:5031
SEP 29 2008
LY

William A. Shaw
Prothonotary/Clerk of Courts

Dated: September 29, 2008

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Request for Production of Documents
Directed to Defendant, Gurpreet Singh was served on the following
and in the following manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid


Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By: 
James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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*
03:50 PM
SEP 29 2008
William A. Shaw
Prothonotary/Clerk of Courts

Dated: September 29, 2008

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Request for Production of Documents Directed to Defendant, Twin Flag Express, Inc. was served on the following and in the following manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By: 

- Life Flight Air Medical Transport; and
- Pennsylvania State Police.

2. A true and correct file copy of the Notice of Intent, including copies of the proposed subpoenas, are attached to this Certificate.

3. The twenty (20) day period for filing and serving objections to said subpoenas expired without any objections being raised for the subpoenas which will be served are identical to the subpoenas attached to the Notice of Intent.

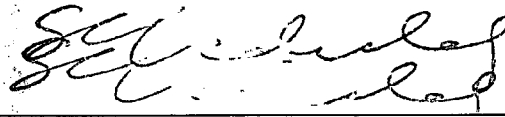
Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

Date

10/13/08

By:



STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

Attorneys for Defendants

Defendants intend to serve subpoenas identical to the ones attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned objections to the subpoenas.

If no objections are made, the subpoenas will be served.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

Date:

9/19/08



STEPHEN E. GEDULDIG, ESQUIRE

Attorney I.D. No. 43530

STEPHANIE HERSPERGER

Attorney I.D. No. 78735

Attorneys for Defendants

RICHARD J. POWELL and ESTES EXPRESS
LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

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

TO: BUREAU OF DRIVER LICENSING/DRIVER RECORD SERVICES, P.O. Box 68695, Harrisburg, PA 17106-8695

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

Complete certified driver record of Ricardo Caruso (DOB 12/27/57); driver no. 17982771, in connection with the completed Request for Driver Information Form DL-503.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

:
: JURY TRIAL DEMANDED

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

TO: PROGRESSIVE, 300 Oxford Drive, Suite 400, Monroeville, PA 15146

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

Any and all claims file materials including, but not limited to medical records, log notes, claims information, payout information, first party file benefits, and all other documents without limitation with respect to claim no. 069055200, DOI 8/11/06, regarding Ricardo Caruso.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

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

TO: ROBERT MARTINI, JR., D.C., 1243 Skytop Mountain Rd., Suite One, Port Matilda, PA 16870

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

Complete copy of the entire medical chart/file regarding Ricardo Caruso (DOB 12/27/57), including, but not limited to: office notes, doctors' records/reports/correspondence/notes/memoranda, hospital records/reports, physical therapy records/reports, radiology reports and films, prescriptions, telephone messages, correspondence, psychological and/or psychiatric records/reports/correspondence, from his very first visit to the present.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,

Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

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

TO: JAMES O'BRYON, M.D., 5 N. Third Street, Reynoldsville, PA 18581

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

Complete copy of the entire medical chart/file regarding Ricardo Caruso (DOB 12/27/57), including, but not limited to: office notes, doctors' records/reports/correspondence/notes/memoranda, hospital records/reports, physical therapy records/reports, radiology reports and films, prescriptions, telephone messages, correspondence, psychological and/or psychiatric records/reports/correspondence, from his very first visit to the present.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,

Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

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

TO: WILLIAM FERNAN, Ph.D., 501 Arch Street Extension, St. Marys, PA 15857

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

Complete copy of the entire medical chart/file regarding Ricardo Caruso (DOB 12/27/57), including, but not limited to: office notes, doctors' records/reports/correspondence/notes/memoranda, hospital records/reports, physical therapy records/reports, radiology reports and films, prescriptions, telephone messages, correspondence, psychological and/or psychiatric records/reports/correspondence, from his very first visit to the present.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,

Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

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

TO: DuBOIS REGIONAL MEDICAL CENTER, P.O. Box 447, DuBois, PA 15801

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

Complete copy of the entire medical chart/file regarding Ricardo Caruso (DOB 12/27/57), including, but not limited to: office notes, doctors' records/reports/correspondence/notes/memoranda, hospital records/reports, physical therapy records/reports, radiology reports and films, prescriptions, telephone messages, correspondence, psychological and/or psychiatric records/reports/correspondence, from his very first visit to the present.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION -- LAW
NO. 2008-01440-CD

JURY TRIAL DEMANDED

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

TO: DRS. ZIMMERMAN, HIGGINS & HOWELLS, 501 Howard Ave., Altoona, PA 16601

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

Complete copy of the entire medical chart/file regarding Ricardo Caruso (DOB 12/27/57), including, but not limited to: office notes, doctors' records/reports/correspondence/notes/memoranda, hospital records/reports, physical therapy records/reports, radiology reports and films, prescriptions, telephone messages, correspondence, psychological and/or psychiatric records/reports/correspondence, from his very first visit to the present.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION -- LAW
NO. 2008-01440-CD

JURY TRIAL DEMANDED

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

TO: ALTOONA HOSPITAL, 620 Howard Ave., Altoona, PA 16601

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

Complete copy of the entire medical chart/file regarding Ricardo Caruso (DOB 12/27/57), including, but not limited to: office notes, doctors' records/reports/correspondence/notes/memoranda, hospital records/reports, physical therapy records/reports, radiology reports and films, prescriptions, telephone messages, correspondence, psychological and/or psychiatric records/reports/correspondence, from his very first visit to the present.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION -- LAW
NO. 2008-01440-CD

JURY TRIAL DEMANDED

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

TO: LIFE FLIGHT AIR MEDICAL TRANSPORT, Geisinger Medical Center, 100 N. Academy Ave.,
Danville, PA 17822

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

Complete copy of the entire medical chart/file regarding Ricardo Caruso (DOB 12/27/57), including, but
not limited to: office notes, doctors' records/reports/correspondence/notes/memoranda, hospital
records/reports, physical therapy records/reports, radiology reports and films, prescriptions, telephone
messages, correspondence, psychological and/or psychiatric records/reports/correspondence, from his
very first visit to the present.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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
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service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

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

TO: PENNSYLVANIA STATE POLICE, c/o Commissioner Jeffrey Miller, 1800 Elmerton Ave.,
Harrisburg, PA 17110

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

Any and all documents, photographs, diagrams, videotapes, audiotapes and/or all other documentation, including investigation materials regarding incident no. G07-1044207 for an accident which occurred on 8/11/06.

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the 19th day of September, 2008, on all counsel of record as follows:

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, Pennsylvania 16830
Attorneys for Plaintiffs

John T. Pion, Esquire
DICKIE McCAMEY
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222-5402
Attorneys for Defendants, Baljinder Singh

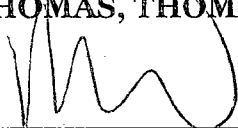
Mr. Rajinder Singh
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Mr. Gurpreet Singh
101-32 120th Street, First Floor
Richmond Hills, New York 11419

Twin Flag Express
15246 Radiance Drive
Noblesville, IN 46060
Defendants

THOMAS, THOMAS & HAFFER, LLP

Date: _____



Renee K. Hostetter, Paralegal
for Stephen E. Geduldig, Esquire

CERTIFICATE OF SERVICE

I, **RENEE K. HOSTETTER, PARALEGAL** of the law firm of **THOMAS, THOMAS, & HAFER, LLP** do certify that I served the foregoing document on the following person(s), by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania addressed as follows:

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, Pennsylvania 16830
Attorneys for Plaintiffs

John T. Pion, Esquire
DICKIE McCAMEY
Two PPG Place, Suite 400
Pittsburgh, Pennsylvania 15222-5402
Attorneys for Defendants, Baljindger Singh

Mr. Rajinder Singh
15246 Radiance Drive
Noblesville, Indiana 46060

Mr. Gurpreet Singh
15246 Radiance Drive
Noblesville, Indiana 46060

Twin Flag Express
15246 Radiance Drive
Noblesville, Indiana 46060
Defendants

THOMAS, THOMAS & HAFER, LLP

Date: 10/13/18



Renee K. Hostetter, Paralegal

FILED

11/12/30/08
NOV 03 2008

Cent. to Art. 1
William A. Shaw
Prothonotary/Clerk of Courts
copy to C/A

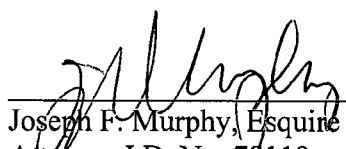
COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso, Husband and Wife	:	In the Court of Common Pleas of Clearfield County, Pennsylvania
	:	
Plaintiffs	:	
	:	Civil Action
v.	:	
	:	No. 2008-01440-CD
Richard J. Powell; Estes Express Lines, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express, Inc.	:	Jury of 12 Demanded
Defendants	:	

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance for defendants Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express, Inc. in the above-captioned case and designate 2000 Linglestown Road, Suite 301, Harrisburg, PA 17110 as the place notices and papers other than original process may be served.



Joseph F. Murphy, Esquire
Attorney I.D. No. 78119

DATE: October 30, 2008

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

CERTIFICATE OF SERVICE

I, BETH MYERS, of FORRY, ULLMAN, ULLMAN & FORRY, P.C., attorneys
for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express,
Inc, certify that the foregoing **Entry of Appearance**, served, this date, by first-class mail,
postage prepaid, addressed as follows:

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer
305 N. Front Street
Harrisburg, PA 17101

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830

I understand that the statements herein are made subject to the penalties of 18 Pa.
C.S.A. Section 4904 relating to unsworn falsification to authorities.

FORRY ULLMAN

By: 

BETH MYERS, PARALEGAL

DATE: October 30, 2008

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

FILED

NOV 05 2008

0/10:55/2
William A. Shaw
Prothonotary/Clerk of Courts

2 cent to
ATTN

Type of Pleading:

**MOTION FOR EXTENSION OF
TIME**

Filed on behalf of:
Plaintiffs

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: November 5, 2008

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

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No. 08-1440-CD

MOTION FOR EXTENSION OF TIME

NOW COME the Plaintiffs, Ricardo F. Caruso and Tatiana Caruso, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. On or about September 26, 2008, your Honorable Court granted plaintiffs' petition for an extension of time within which to file a Complaint for the purpose of affording plaintiffs time to determine the appropriate parties to this action.

2. On or about September 26, 2008, plaintiffs promptly served discovery upon the potential defendants associated with Twin Flag Express, Inc. for the limited purpose of determining the appropriate parties to this action..

3. Defendants, Twin Flag Express, Inc., Baljinder Singh, Gurpreet Singh, and Rajinder Singh, were all required to answer plaintiffs limited discovery on or before October 27, 2008.

4. Plaintiffs have received answers only from Defendant, Gurpreet Singh (pro se).

5. On or about October 30, 2008, plaintiffs inquired to counsel of record, Attorney John Pion, for Twin Flag Express, Inc. and Baljinder Singh, and to Rajinder Singh as to when answers to the discovery might be expected. A true and correct copy of letter of Counsel to Plaintiff dated October 30, 2008 is attached hereto as Exhibit "A."

6. Plaintiffs have heard no response to the discovery or the letter of inquiry, except that plaintiffs did receive a letter indicating that Attorney Joseph Murphy would be representing Defendants, Twin Flags Express, Inc., Rajinder Singh, Gurpreet Sing, and Baljinder Singh¹. A copy of entry of appearance filed by Attorney Joseph Murphy of Forry Ullman was also provided to plaintiffs. A true and correct copy of letter of Attorney Joseph Murphy dated October 30, 2008 is attached hereto as Exhibit "B."

7. Plaintiffs' complaint is due to be filed on or before November 10, 2008.

¹ Noting that Attorney John Pion had previously filed an entry of appearance as to Defendants, Twin Flag Express, Inc. and Baljinder Singh. No entry of appearance had previously been entered as to Rajinder Singh or Gurpreet Singh.

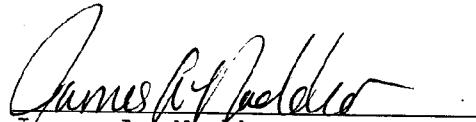
8. Plaintiffs remain unable to determine the appropriate parties to this action (i.e. more particularly correct owners of vehicles involved in this accident).

9. Plaintiffs respectfully request additional time within which to file an appropriate complaint.

WHEREFORE, Plaintiffs respectfully request that Your Honorable Court enter an Order extending the time within which plaintiffs are required to file a complaint.

NADDEO & LEWIS, LLC

By


James A. Naddeo
Attorney for Plaintiffs

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. Lumaduc

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

October 30, 2008

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

RE: Caruso, et ux v. Baljinder Singh, et al
Clearfield County No. 2008-1440-CD

Gentlemen:

You, the Defendants, Twin Flag Express, Inc. and Rajinder Singh, were served with interrogatories and request for production of documents on September 26, 2008. These interrogatories were fashioned to assist our client's preparation of a complaint. The Court at hearing of plaintiffs' petition for extension of time to file a complaint granted plaintiffs request for extension. The extension granted provided sufficient time for service of this discovery to you, your time to answer and thereafter our drafting of a complaint considering said answers.

~~Pursuant to the Pennsylvania Rules of Civil Procedure,~~
your answers to the discovery were due on Monday, October 27, 2008. Please advise when you intend to provide the requisite answers and responses to discovery. If we do not receive appropriate answers to the requested discovery on or before November 4, 2008, we will be filing a motion to compel with a request for an extension of time within which to file the complaint.

Sincerely,

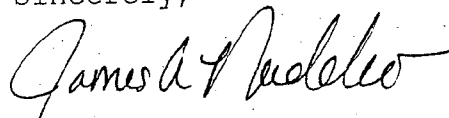

James A. Naddeo

Exhibit "A"

JAN/tgl

Cc: Richard Caruso
Stephen E. Geduldig, Esq.

2000 Linglestown Road | Suite 3C1 | Harrisburg, PA 17110
PH 717.441.9257 | FX 717.441.0814

Forry|Ullman
Attorneys at Law

NOV 03 2008

JOSEPH F. MURPHY, ESQUIRE

VOICEMAIL EXTENSION 1103
E-MAIL: jmurphy@foryullman.com

October 30, 2008

Prothonotary
Clearfield County Court of Common Pleas
230 East Market Street
Clearfield, PA 16830

Re: Ricardo Caruso vs. Twin Flag Express, Inc., et al.
Docket No.: 2008-01440-CD
Our File No.: LG1008

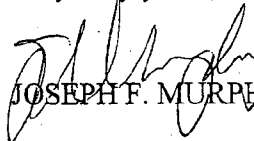
Dear Sir or Madam:

Enclosed please find an original and one copy of my entry of appearance in the above-captioned case. Please time stamp these documents, enter the original upon the docket, and return a time-stamped copy to me in the self-addressed, stamped envelope, which I am also enclosing with this letter. By copy of this letter I am serving counsel for the other parties with this entry of appearance.

It is my understanding that the parties have filed documents, including, but not limited to a petition to conduct pre-complaint discovery. I would greatly appreciate it if you would provide me with copies of the docket, with the exception of the writ of summons, which has already been provided to me. If there is any cost associated with reproducing these documents, we will certainly pay those costs.

Thank you for your assistance in this case.

Very truly yours,


JOSEPH F. MURPHY

JFM:LT/kg

Enclosures

cc: Stephen Geduldig, Esq.
James A. Naddeo, Esq.

Exhibit "B"

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Motion for Extension of Time was served on the
following and in the following manner on the 5th day of November,
2008:

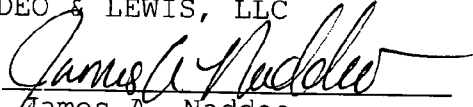
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Ferry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo

Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

ORDER

Filed on behalf of:
Plaintiffs

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 3cc
0/3:25/01 Amy Naddeo
NOV 06 2008

§ William A. Shaw
Prothonotary/Clerk of Courts

Dated: November 5, 2008

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

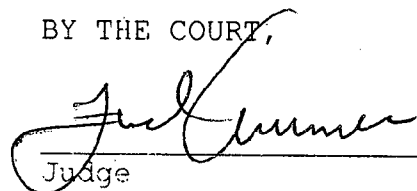
No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

ORDER

AND NOW, this 6th day of November, 2008, upon
consideration of the Motion for Extension of Time filed by
Plaintiffs it is the ORDER of this Court that said Motion be and is
hereby GRANTED and that Plaintiff shall file a complaint within no
more than Ten (10) Days from the date that Defendants, Twin Flag
Express, Inc., Baljinder Singh and Rajinder Singh, serve upon
Plaintiffs appropriate answers to discovery served upon the same
Defendants by Plaintiff on September 26, 2008 as appears from
Certificates of Services filed of record in this matter.

BY THE COURT,


Judge

FILED

NOV 06 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/16/08

K 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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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

5
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William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Order was served on the following and in the
following manner on the 7th day of November, 2008:

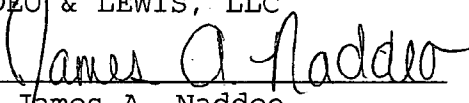
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

REC'D OCT 30 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,

Plaintiffs,

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH,
an individual; GURPREET SINGH,
an individual; and TWIN FLAG EXPRESS,
INC., a New Jersey corporation,

Defendants.

CIVIL DIVISION

No. 2008-1440-CD

Issue No.

**PRAECIPE FOR WITHDRAWAL
OF APPEARANCE**

Code:

Filed on behalf of Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

Counsel of record for these parties:

John T. Pion, Esquire
PA I.D. # 43675

Christopher J. McCabe, Esquire
PA I.D. # 89378

DICKIE, MCCAMEY & CHILCOTE, P.C.
Firm #067
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

(412) 281-7272

JURY TRIAL DEMANDED

3
FILED 2cc Atty
m/11/5/08 Pion
NOV 10 2008
William A. Shaw
Prothonotary Clerk of Courts
Copy to CIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICARDO F. CARUSO and TATIANA)	CIVIL DIVISION
CARUSO, Husband and Wife,)	
)	No. 2008-1440-CD
Plaintiffs,)	
)	
v.)	
)	
RICHARD J. POWELL, an individual;)	
ESTES EXPRESS LINES, a Virginia)	
corporation; BALJINDER SINGH, an)	
individual; RAJINDER SINGH, an)	
individual; GURPREET SINGH, an)	
individual; and TWIN FLAG EXPRESS,)	
INC., a New Jersey corporation,)	
)	
Defendants.)	

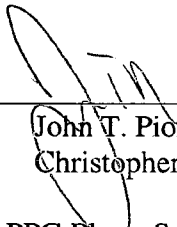
PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

KINDLY withdraw our appearance on behalf of Defendants, BALJINDER SINGH and TWIN FLAG EXPRESS, INC., in the above-entitled action.

A JURY TRIAL IS DEMANDED.

DICKIE, McCAMEY & CHILCOTE, P.C.

By  _____
John T. Pion, Esquire
Christopher J. McCabe, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

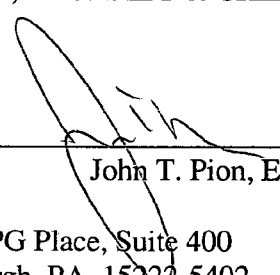
CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing
Praecipe for Withdrawal of Appearance was served upon counsel of record by U.S. mail, postage
prepaid, this 5 day of November, 2008, as follow:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
(*Counsel for Plaintiffs*)

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer, LLP
305 N. Front Street
P.O. Box 999
Harrisburg, PA 17101-1216
(*Counsel for Defendants,*
Richard J. Powell and Estes Express Lines)

DICKIE, McCAMEY & CHILCOTE, P.C.

By  _____
John T. Pion, Esquire

Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

Counsel for Defendants
BALJINDER SINGH and
TWIN FLAG EXPRESS, INC.

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

5 FILED 7cc
0/3:40LM 7 reinstated with
NOV 19 2008 to Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading:

PRAECIPE TO REINSTATE

Filed on behalf of:
Plaintiffs

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

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08 -1440- CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

PRAECIPE TO REINSTATE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please reinstate the Summons issued in the above-
captioned case.

NADDEO & LEWIS, LLC

By



James A. Naddeo

Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Praecipe to Reinstate was served on the
following and in the following manner on the 19th day of
November, 2008:

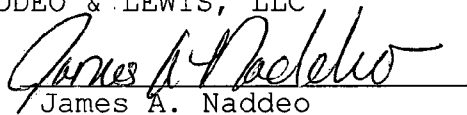
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo

Attorney for Plaintiffs

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

SUMMONS

Ricardo F. Caruso and
Tatiana Caruso, Husband and Wife

Vs.

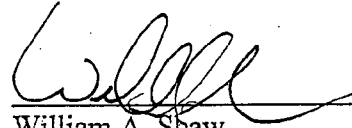
NO.: 2008-01440-CD

Richard J. Powell an Individual;
Estes Express Lines, a Virginia corporation;
Baljinder Singh, an individual;
Rajinder Singh; an individual;
Gurpreet Singh, an individual; and
Twin Flag Express, Inc., a New Jersey Corporation

TO: RICHARD J. POWELL
ESTES EXPRESS LINES
BALJINDER SINGH
RAJINDER SINGH
GURPREET SINGH
TWIN FLAG EXPRESS, INC.

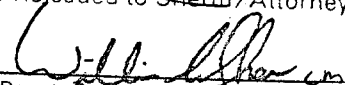
To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

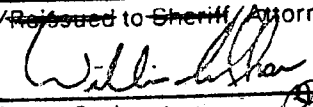
Date: 8/4/2008


William A. Shaw
Prothonotary

Issuing Attorney:

James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
814-765-1601

11-19-08 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA
9/3/08 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

MOTION TO COMPEL

Filed on behalf of:
Plaintiffs

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
DEC 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

Dated: December 15, 2008

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

MOTION TO COMPEL

NOW COME the Plaintiffs, Ricardo F. Caruso and Tatiana Caruso, Husband and Wife, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. On or about September 26, 2008, Plaintiffs filed the instant action against Defendants, Baljinder Singh, Gurpreet Singh, and Twin Flag Express, Inc.


2. On or about September 26, 2008, Plaintiffs served Defendants, Baljinder Singh, Gurpreet Singh, and Twin Flag Express, Inc., with Interrogatories and Requests for Production of Documents. True and correct copies of the same are attached collectively hereto as Exhibit "A."

3. That the Defendants, Baljinder Singh, Gurpreet Singh, and Twin Flag Express, Inc., have offered no verified response to Plaintiffs as to either the Interrogatories or the Requests for Production of Documents.

4. Pursuant to the requirements of Pa.R.C.P. 4006 and 4009.12 Plaintiffs are entitled to have the Interrogatories and the Requests for Production of Documents answered.

WHEREFORE, Plaintiffs respectfully request your Honorable Court to enter an Order directing Defendants, Baljinder Singh, Gurpreet Singh, and Twin Flag Express, Inc., to answer Plaintiffs' Interrogatories and Requests for Production of Documents as served to Defendants, Baljinder Singh, Gurpreet Singh, and Twin Flag Express, Inc.

NADDEO & LEWIS, LLC

By 
James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
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an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

INTERROGATORIES ADDRESSED TO DEFENDANT, RAJINDER SINGH

Demand is hereby made that you answer the following interrogatories under oath or verification pursuant to the Pa. R.C.P. No. 4005 and 4006 within thirty (30) days from service hereof. The answering party is under a duty to supplement their responses under the following conditions:

The party must supplement his response with respect to any question, directly addressed to the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called as an expert witness at trial.

A party or expert witness must amend a prior response if he obtains information upon the basis of which:

(a) He knows that the response was incorrect when made; or,

(b) He knows that the response, though correct when made, is no longer true.

Exhibit "A"

I. DEFINITIONS

The following definitions are usage that applies to all of the Interrogatories contained herein:

A. The singular and masculine form of any noun or pronoun shall embrace, and be read and applied as, the plural or feminine or neuter as circumstances may make appropriate.

B. "Document" refers to all types of written, recorded or graphic matter, however produced or reproduced.

C. "Person" refers to any person, firm, corporation, partnership, proprietorship, association or agency.

D. "Identify" when used:

1. In reference to a person, means to state the full name, full title, last known resident address, last known business address and last known occupation and business affiliation.

2. In reference to documents, means to state with respect to each and every document, the type of document, author's name, recipient's name, date of preparation, present or last known custodian and location, and title and identification code or number of the file in which the document is kept.

II. INTERROGATORIES

1. Please state whether you are the owner of the 2001 Kenworth, Studio Sleeper, tractor/large truck with Registration in the state of New Jersey to No. AA322L (attached is applicable portion of police report for reference), the same having been involved in an automobile accident on August 11, 2006.

ANSWER:

2. Please state whether you are the owner of the trailer that was attached to the tractor/large truck described in question number one above on the date of the automobile accident, said trailer bearing Registration in the state of New Jersey with Tag No. TAM604 and issued in the year 2007.

ANSWER:

3. Please state and describe in detail your relationship to Defendant, Baljinder Singh at the time of the accident on August 11, 2006.

ANSWER:

4. Please state whether you have a business relationship of any kind with Defendant, Baljinder Singh.

ANSWER:

5. If the answer to question number four is "Yes," please describe the business relationship in detail.

ANSWER:

6. Please state whether Baljinder Singh was engaged in an activity to or for your benefit at the time of the accident which occurred on August 11, 2006.

ANSWER:

7. If your answer to question number six is "Yes," please describe in detail the activity in which Baljinder Singh was engaged and how it was to your benefit.

ANSWER:

Dated: September 26, 2008

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo, Esquire

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

New

Crash Number

AA 530 2

Police Use Only

21-1044207

Page:

04

Change/
Continuation

P111544165

Unit Info	Type	<input type="checkbox"/> Motor Vehicle in Transport	<input type="checkbox"/> Hit & Run Vehicle	<input checked="" type="checkbox"/> Illegally Parked	<input type="checkbox"/> Legally Parked	<input type="checkbox"/> Non-Motorized	Commercial Vehicle <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, Complete Form C)		
	Unit	<input type="checkbox"/> Pedestrian	<input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc.	<input type="checkbox"/> Disabled From Previous Crash	<input type="checkbox"/> Train	<input type="checkbox"/> Phantom Vehicle			
(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)									
Vehicle Driver / Pedestrian Information	Unit No	03	First Name	BALDWIN	MI		Date of Birth (MM-DD-YYYY)	10-25-1977	
	Do you?	0	Last Name	SINGH				Telephone Number	718-766-9069
	Address / City / State							Zip	11411
	1032120th ST. F.L.S. RICHMOND HILL, NY.								
	Driver License Number							State	Class
	S48823876							NY	A
Vehicle Driver / Pedestrian Information	Alcohol/Drugs Suspected			Driver or Pedestrian Physical Condition					
	<input checked="" type="checkbox"/> No <input type="checkbox"/> Alcohol <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Unknown			<input checked="" type="checkbox"/> Apparently Normal <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Illegally Drug Use <input type="checkbox"/> Sick <input type="checkbox"/> Fatigue <input type="checkbox"/> Asleep <input type="checkbox"/> Medication <input type="checkbox"/> Unknown					
	Alcohol Test Type			Primary Vehicle Code Violation					
	<input checked="" type="checkbox"/> Test Not Given <input type="checkbox"/> Blood <input type="checkbox"/> Breath <input type="checkbox"/> Urine <input type="checkbox"/> Other <input type="checkbox"/> Unknown if Test Given			3111 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
	Alcohol Test Results			Driver Presence					
	<input type="checkbox"/> Test Refused <input type="checkbox"/> Test Given, Contaminated Results <input type="checkbox"/> Unknown Result			1=Driver Operated Vehicle <input checked="" type="checkbox"/> 2=No Driver 3=Driver Fled Scene 4=Hit and Run 5=Unknown					
Owner/Driver									
00=Not Applicable 01=Private Vehicle Owned/Leased by Driver 02=Private Vehicle Not Owned/Leased by Driver 03=Rented Vehicle 04=State Police Vehicle 05=PENNDOT Vehicle 06=Other State Gov Veh 07=Municipal Police Veh 08=Other Municipal Government Vehicle 09=Federal Gov Veh 98=Other 99=Unknown									

Vehicle Information	Same as Driver	Q	Owner First Name	BALDWIN	Owner Last Name or Business Name (If Pedestrian, skip this Section)	SINGH
	Address / City / State / Zip					Vehicle Make
	15146 RADIANCE DR. NOBLESVILLE, IN. 46060					KENWORTH
	VIN					Model Year
	1NNA089X41J870743					2001
	Vehicle Model					Studio Sleepers
	Licenses: Plate					Reg. State
	A3224					ND
	Est. Speed					Vehicle Towed
	000					Yes <input type="checkbox"/> No <input type="checkbox"/>
Insurance						
Insurance Company						
INS. CO. of PA.						
Policy No						
8039428-0P						
Trailer						
No. of Trailing Units						
1						
Type						
7						
1=Towing Pass. Veh 2=Towing Truck 3=Towing Utility Trailer 4=Mobile/Modular Home 5=Camper 6=Full Trailer 7=Semi-Trailer 8=Other 9=Unknown						
Tag No						
TAM604						
Tag Year						
2007						
Tag St						
ND						
Direction of Travel						
E						
Vehicle Position						
111						
Movement						
06						
See Overlay						
Special Usage						
21						
Vehicle Color						
05						
06=Yellow 07=Silver 08=Gold 09=Brown 10=Orange 11=Purple 12=Other 99=Unknown						
Vehicle Type						
05						
01=Automobile 02=Motorcycle 03=Bus 04=Small Truck (If "02", Complete Form M, Section 26) (If "04" or "05", Complete Form M, Section 27) 05=Large Truck 06=SLV 07=Van 10=Snowmobile 11=Farm Equip 12=Construction Equip 13=ATV 18=Other Type Spec Veh 19=Unk. Type Spec Veh 20=Unicycle, Bicycle, Tricycle 21=Other Pedalcycle 22=Horse & Buggy 23=Horse & Rider 24=Train 25=Trolley 98=Other 99=Unknown						
12=Commercial Passenger Carrier 13=Taxi 21=Tractor Trailer 22=Twin Trailer 23=Triple Trailer 24=Modified Veh 99=Unknown						
Initial Impact Point						
1						
00=Non-Collision 01-12=Clock Points 13=Yes						
Damage Indicator						
3						
0=None 2=Functional 1=Minor 3=Disabling 9=Unknown						
Gradient						
1						
1=Level 2=Uphill 3=Downhill 4=Bottom of Hill 5=Top of Hill 6=Unknown						
Road Alignment						
1						
1=Straight 2=Curved 9=Unknown						

VERIFICATION

I verify that the statements made in the foregoing answers to interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

Rajinder Singh
Defendant

Dated

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Interrogatories Addressed to Defendant, Rajinder Singh was served on the following and in the following manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid

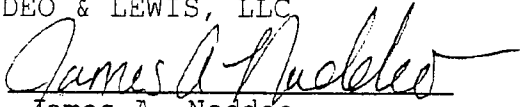
Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By: 
James A. Naddeo
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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: September 29, 2008

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

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an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

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First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**


Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
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Two PPG Place, Suite 400
Pittsburgh, PA 15222
**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
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Defendants.

REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT, RAJINDER SINGH

Plaintiffs by their attorney, James A. Naddeo, direct the following Request for Production of Documents to Defendant, Rajinder Singh.

Defendant is hereby requested to produce, for inspection and copying, the documents requested below at the office of Naddeo & Lewis, LLC, James A. Naddeo, Esquire, 207 East Market Street, Clearfield, Pennsylvania 16830, within thirty (30) days of the date of service of this Request.

DEFINITIONS

1. "Document(s)" when used herein shall be used in its broadest sense and shall mean and include any and all written, recorded, graphic or tangible matter, whether produced by hand recorded, or reproduced, or whether electronically produced or reproduced, and without limiting the generality of the foregoing,

shall include all correspondence, memoranda, whether external or internal, records, reports, graphs, brochures, technical data, contracts, agreements, diagrams, maps, accounting records, accounting ledgers, financial statements, financial journals, check records, checks, tax records, photographs, films, telegrams, specifications, manuals, papers, letters, notes, notations, notebooks, minutes, or summaries of meetings, schedules, transcripts, diaries, publications, directives, instructions, computations, purchase orders, tabulations, invoices, bills, credit memos, receipts of delivery, mortgage documents, test records, laboratory reports, bills of lading, sketches, computer printouts, published sales aids, blueprints, plans design drawings, product brochures, sales literatures, records of shipment, advertisements, test films, laboratory notebooks, quality control tests, production records, and any drafts, revisions or amendments or copies of the above that are either in the knowledge, possession, custody, control or subject to the control of the Plaintiff, her representatives, agents or counsel.

2. In producing documents, please specify the paragraph to which the documents relate.

3. For each document otherwise falling within this Request which defendant contends are excludable from discovery, please note with the objection to production the following:

- (a) The date of the document;
- (b) Its general nature, (e.g. letter, memorandum, test results, etc.);
- (c) The name(s) of the author(s);
- (d) The name(s) of the recipient(s) of

the document and of any drafts or copies thereof;

(e) The person(s) having present custody thereof;

(f) The basis for such claim of privilege or exclusion.

REQUESTS

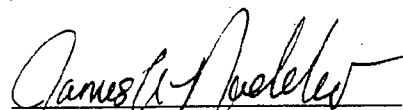
1. Please provide copies of all documents which evidence your ownership status, if any, as to the 2001 Kenworth, Studio Sleeper, tractor/large truck with Registration in the state of New Jersey to No. AA322L (see attached applicable portion of police report to interrogatories for reference), the same having been involved in an automobile accident on August 11, 2006.

2. Please provide copies of all documents which evidence your ownership status, if any, as to the trailer that was attached to the tractor/large truck described in question number one above on the date of the automobile accident, said trailer bearing Registration in the state of New Jersey with Tag No. TAM604 and issued in the year 2007.

This request is deemed to be continuing and requires a supplemental response as you, your attorneys, or representatives to obtain any additional documents concerning the categories requested prior to the time of trial.

Naddeo & Lewis, LLC

By


James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
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an individual; GURPREET
SINGH, an individual; and
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New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Request for Production of Documents
Directed to Defendant, Rajinder Singh was served on the following
and in the following manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
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**Attorneys for Defendants,
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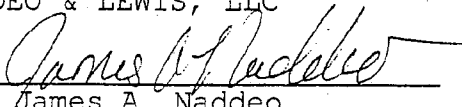
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**Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.**

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By:


James A. Naddeo

Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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.
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(814) 765-1601

Dated: September 29, 2008

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v. *

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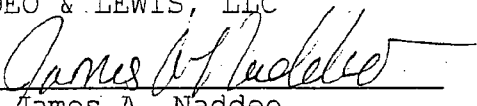
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NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

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SINGH, an individual; and
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Defendants.

No. 08-1440-CD

INTERROGATORIES ADDRESSED TO DEFENDANT, GURPREET SINGH

Demand is hereby made that you answer the following interrogatories under oath or verification pursuant to the Pa. R.C.P. No. 4005 and 4006 within thirty (30) days from service hereof. The answering party is under a duty to supplement their responses under the following conditions:

The party must supplement his response with respect to any question, directly addressed to the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called as an expert witness at trial.

A party or expert witness must amend a prior response if he obtains information upon the basis of which:

(a) He knows that the response was incorrect when made; or,

(b) He knows that the response, though correct when made, is no longer true.

I. DEFINITIONS

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A. The singular and masculine form of any noun or pronoun shall embrace, and be read and applied as, the plural or feminine or neuter as circumstances may make appropriate.

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D. "Identify" when used:

1. In reference to a person, means to state the full name, full title, last known resident address, last known business address and last known occupation and business affiliation.

2. In reference to documents, means to state with respect to each and every document, the type of document, author's name, recipient's name, date of preparation, present or last known custodian and location, and title and identification code or number of the file in which the document is kept.

II. INTERROGATORIES

1. Please state whether you are the owner of the 2001 Kenworth, Studio Sleeper, tractor/large truck with Registration in the state of New Jersey to No. AA322L (attached is applicable portion of police report for reference), the same having been involved in an automobile accident on August 11, 2006.

ANSWER:

2. Please state whether you are the owner of the trailer that was attached to the tractor/large truck described in question number one above on the date of the automobile accident, said trailer bearing Registration in the state of New Jersey with Tag No. TAM604 and issued in the year 2007.

ANSWER:

3. Please state and describe in detail your relationship to Defendant, Baljinder Singh at the time of the accident on August 11, 2006.

ANSWER:

4. Please state whether you have a business relationship of any kind with Defendant, Baljinder Singh.

ANSWER:

5. If the answer to question number four is "Yes," please describe the business relationship in detail.

ANSWER:

6. Please state whether Baljinder Singh was engaged in an activity to or for your benefit at the time of the accident which occurred on August 11, 2006.

ANSWER:

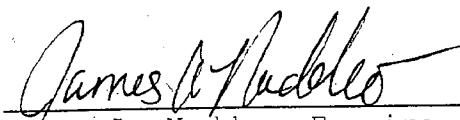
7. If your answer to question number six is "Yes," please describe in detail the activity in which Baljinder Singh was engaged and how it was to your benefit.

ANSWER:

Dated: September 26, 2008

NADDEO & LEWIS, LLC

By


James A. Naddeo, Esquire

Crash Number

 Change/
Continuation

100-443887-100

P1154465

Vehicle Information

VERIFICATION

I verify that the statements made in the foregoing answers to interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

Gurpreet Singh
Defendant

Dated

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
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RICHARD J. POWELL an
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LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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: September 29, 2008

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Interrogatories Addressed to Defendant,
Gurpreet Singh was served on the following and in the following
manner on the 26th day of September, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
*Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines*

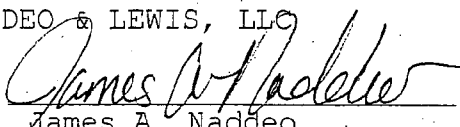
Rajinder Singh
15246 Radiance Drive
Noblesville, IN 46060

John T. Pion, Esquire
DICKIE, MCCAMEY & CHILCOTE, PC
Two PPG Place, Suite 400
Pittsburgh, PA 15222
*Attorneys for Defendants,
Baljinder Singh & Twin Flag
Express, Inc.*

Gurpreet Singh
15265 Radiance Drive
Noblesville, IN 46060

NADDEO & LEWIS, LLC

By:


James A. Naddeo

Attorney for Plaintiffs

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Defendants.

REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO DEFENDANT, GURPREET SINGH

Plaintiffs by their attorney, James A. Naddeo, direct the following Request for Production of Documents to Defendant, Gurpreet Singh.

Defendant is hereby requested to produce, for inspection and copying, the documents requested below at the office of Naddeo & Lewis, LLC, James A. Naddeo, Esquire, 207 East Market Street, Clearfield, Pennsylvania 16830, within thirty (30) days of the date of service of this Request.

DEFINITIONS

1. "Document(s)" when used herein shall be used in its broadest sense and shall mean and include any and all written, recorded, graphic or tangible matter, whether produced by hand recorded, or reproduced, or whether electronically produced or reproduced, and without limiting the generality of the foregoing,

shall include all correspondence, memoranda, whether external or internal, records, reports, graphs, brochures, technical data, contracts, agreements, diagrams, maps, accounting records, accounting ledgers, financial statements, financial journals, check records, checks, tax records, photographs, films, telegrams, specifications, manuals, papers, letters, notes, notations, notebooks, minutes, or summaries of meetings, schedules, transcripts, diaries, publications, directives, instructions, computations, purchase orders, tabulations, invoices, bills, credit memos, receipts of delivery, mortgage documents, test records, laboratory reports, bills of lading, sketches, computer printouts, published sales aids, blueprints, plans design drawings, product brochures, sales literatures, records of shipment, advertisements, test films, laboratory notebooks, quality control tests, production records, and any drafts, revisions or amendments or copies of the above that are either in the knowledge, possession, custody, control or subject to the control of the Plaintiff, her representatives, agents or counsel.

2. In producing documents, please specify the paragraph to which the documents relate.

3. For each document otherwise falling within this Request which defendant contends are excludable from discovery, please note with the objection to production the following:

- (a) The date of the document;
- (b) Its general nature, (e.g. letter, memorandum, test results, etc.);
- (c) The name(s) of the author(s);
- (d) The name(s) of the recipient(s) of

the document and of any drafts or copies thereof;

(e) The person(s) having present custody thereof;

(f) The basis for such claim of privilege or exclusion.

REQUESTS

1. Please provide copies of all documents which evidence your ownership status, if any, as to the 2001 Kenworth, Studio Sleeper, tractor/large truck with Registration in the state of New Jersey to No. AA322L (see attached applicable portion of police report to interrogatories for reference), the same having been involved in an automobile accident on August 11, 2006.

2. Please provide copies of all documents which evidence your ownership status, if any, as to the trailer that was attached to the tractor/large truck described in question number one above on the date of the automobile accident, said trailer bearing Registration in the state of New Jersey with Tag No. TAM604 and issued in the year 2007.

This request is deemed to be continuing and requires a supplemental response as you, your attorneys, or representatives to obtain any additional documents concerning the categories requested prior to the time of trial.

Naddeo & Lewis, LLC

By



James A. Naddeo
Attorney for Plaintiffs

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New Jersey Corporation, *
Defendants. *

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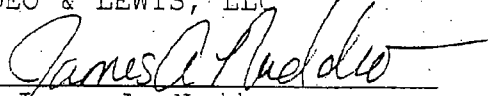
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NADDEO & LEWIS, LLC

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Type of Pleading:

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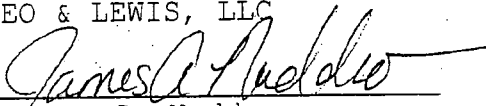
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DIRECTED TO DEFENDANT, TWIN FLAG EXPRESS, INC.

Plaintiffs by their attorney, James A. Naddeo, direct the following Request for Production of Documents to Defendant, Twin Flag Express, Inc.

Defendant is hereby requested to produce, for inspection and copying, the documents requested below at the office of Naddeo & Lewis, LLC, James A. Naddeo, Esquire, 207 East Market Street, Clearfield, Pennsylvania 16830, within thirty (30) days of the date of service of this Request.

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1. "Document(s)" when used herein shall be used in its broadest sense and shall mean and include any and all written, recorded, graphic or tangible matter, whether produced by hand recorded, or reproduced, or whether electronically produced or reproduced, and without limiting the generality of the foregoing,

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the document and of any drafts or copies thereof;

(e) The person(s) having present custody thereof;

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REQUESTS


1. Please provide copies of all documents which evidence Twin Flag Express, Inc.'s ownership status, if any, as to the 2001 Kenworth, Studio Sleeper, tractor/large truck with Registration in the state of New Jersey to No. AA322L (see attached applicable portion of police report to interrogatories for reference), the same having been involved in an automobile accident on August 11, 2006.

2. Please provide copies of all documents which evidence Twin Flag Express, Inc.'s ownership status, if any, as to the trailer that was attached to the tractor/large truck described in question number one above on the date of the automobile accident, said trailer bearing Registration in the state of New Jersey with Tag No. TAM604 and issued in the year 2007.

This request is deemed to be continuing and requires a supplemental response as you, your attorneys, or representatives to obtain any additional documents concerning the categories requested prior to the time of trial.

Naddeo & Lewis, LLC

By


James A. Naddeo
Attorney for Plaintiffs

BY:

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SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
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Defendants.

No. 08-1440-CD

INTERROGATORIES ADDRESSED TO DEFENDANT, TWIN FLAG EXPRESS, INC.

Demand is hereby made that you answer the following interrogatories under oath or verification pursuant to the Pa. R.C.P. No. 4005 and 4006 within thirty (30) days from service hereof. The answering party is under a duty to supplement their responses under the following conditions:

The party must supplement his response with respect to any question, directly addressed to the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called as an expert witness at trial.

A party or expert witness must amend a prior response if he obtains information upon the basis of which:

(a) He knows that the response was incorrect when made; or,

(b) He knows that the response, though correct when made, is no longer true.

I. DEFINITIONS

The following definitions are usage that applies to all of the Interrogatories contained herein:

A. The singular and masculine form of any noun or pronoun shall embrace, and be read and applied as, the plural or feminine or neuter as circumstances may make appropriate.

B. "Document" refers to all types of written, recorded or graphic matter, however produced or reproduced.

C. "Person" refers to any person, firm, corporation, partnership, proprietorship, association or agency.

D. "Identify" when used:

1. In reference to a person, means to state the full name, full title, last known resident address, last known business address and last known occupation and business affiliation.

2. In reference to documents, means to state with respect to each and every document, the type of document, author's name, recipient's name, date of preparation, present or last known custodian and location, and title and identification code or number of the file in which the document is kept.

II. INTERROGATORIES

1. Please state whether you are the owner of the 2001 Kenworth, Studio Sleeper, tractor/large truck with Registration in the state of New Jersey to No. AA322L (attached is applicable portion of police report for reference), the same having been involved in an automobile accident on August 11, 2006.

ANSWER:

2. Please state whether you are the owner of the trailer that was attached to the tractor/large truck described in question number one above on the date of the automobile accident, said trailer bearing Registration in the state of New Jersey with Tag No. TAM604 and issued in the year 2007.

ANSWER:

3. Please state and describe in detail your relationship to Defendant, Baljinder Singh at the time of the accident on August 11, 2006.

ANSWER:

4. Please state whether you have a business relationship of any kind with Defendant, Baljinder Singh.

ANSWER:

5. If the answer to question number four is "Yes," please describe the business relationship in detail.

ANSWER:

6. Please state whether Baljinder Singh was engaged in an activity to or for your benefit at the time of the accident which occurred on August 11, 2006.

ANSWER:

7. If your answer to question number six is "Yes," please describe in detail the activity in which Baljinder Singh was engaged and how it was to your benefit.

ANSWER:

Dated: September 26, 2008

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo, Esquire

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

New

Crash Number

AA 530 2

Police Use Only

51-1044207

Page:

04

Change/
Continuation

P111544165

Unit Info	<input type="checkbox"/> Motor Vehicle in Transport		<input type="checkbox"/> Hit & Run Vehicle		<input checked="" type="checkbox"/> Illegally Parked		<input type="checkbox"/> Legally Parked		<input type="checkbox"/> Non - Motorized		Commercial Vehicle <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, Complete Form C)								
	<input type="checkbox"/> Pedestrian		<input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc		<input type="checkbox"/> Disabled From Previous Crash		<input type="checkbox"/> Train		<input type="checkbox"/> Phantom Vehicle										
(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)																			
Vehicle Driver / Pedestrian Information	Unit No	First Name				MI	Date of Birth (MM-DD-YY)												
	03	BALDWIN					10 25 1977												
	Driver?	Last Name				Telephone Number													
	0	SINGH				718-766-9069													
	Address / City / State										Zip								
	10132 120th ST. FL.S. RICHMOND HILLS, NY										11411								
	Driver License Number										State		Class						
	S48823876										NY		A						
	Alcohol/Drugs Suspected										Driver or Pedestrian Physical Condition								
	<input checked="" type="checkbox"/> No <input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Medication <input type="checkbox"/> Alcohol <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Unknown										<input checked="" type="checkbox"/> Apparently Normal <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Fatigue <input type="checkbox"/> Medication <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Sick <input type="checkbox"/> Asleep <input type="checkbox"/> Unknown								
Alcohol Test Type										Primary Vehicle Code Violation				Charged?					
<input checked="" type="checkbox"/> Test Not Given <input type="checkbox"/> Breath <input type="checkbox"/> Other <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Unknown if Test Given										311				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Alcohol Test Results										Driver Presence									
<input type="checkbox"/> Test Refused <input type="checkbox"/> Unknown Results <input type="checkbox"/> Test Given, Contaminated Results										<input checked="" type="checkbox"/> 1=Driver Operated Vehicle <input type="checkbox"/> 2=No Driver <input type="checkbox"/> 3=Driver Had Scene <input type="checkbox"/> 4=Hit and Run <input type="checkbox"/> 5=Unknown									
Owner/Driver																			
00=Not Applicable 01=Private Vehicle Owned/Leased by Driver 02=Private Vehicle Not Owned/Leased by Driver 03=Rented Vehicle 04=State Police Vehicle 05=PENNDOT Vehicle 06=Other State Gov Veh 07=Municipal Police Veh 08=Other Municipal Government Vehicle 09=Federal Gov Veh 98=Other 99=Unknown																			
Vehicle Information	Same as Driver										Owner First Name				Owner Last Name or Business Name (If Pedestrian, skip this Section)				
	Q										BALDWIN				SINGH				
	Address / City / State / Zip										Vehicle Make				*Make Code				
	15146 RADIANCE DR. NOBLESVILLE, IN. 46060										KENDRICK				85				
	VIN										Model Year				Vehicle Model				
	1K1KAC89X411J870743										2001				STUDIO SLIPPER				
	License Plate										Reg. State		Est. Speed		Vehicle Towed		Towed By		
	A13224										ND		000		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		KEES		
	Insurance										Insurance Company				Policy No				
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown										INS. CO of PA.				8039428-0P				
Trailer?										Tag No				Tag Year		Tag St			
<input type="checkbox"/> No. of Trailing Units: <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10										TAM604				2007		NJ			
Direction of Travel										*Vehicle Position				*Movement		*See Overlay		Special Usage	
E										111				06				21	
Vehicle Color										Vehicle Type				Special Usage					
05										05=Large Truck 06=SUV 07=Van 10=Snowmobile 11=Farm Equip 12=Construction Equip 13=ATV 18=Other Type Spec Veh 19=Unk. Type Spec Veh				00=Not Applicable 01=Fire Veh 02=Ambulance 03=Police 08=Other Emergency Vehicle 11=Pupil Transport 12=Commercial Passenger Carrier 13=Taxi 21=Tractor Trailer 22=Tractor Trailer 23=Triple Trailer 31=Modified Veh 99=Unknown					
01=Blue 02=Red 03=White 04=Green 05=Black 06=Yellow 07=Silver 08=Gold 09=Brown 10=Orange 11=Purple 12=Other 99=Unknown										01=Automobile 02=Motorcycle 03=Bus 04=Small Truck (If "02", Complete Form M, Section 26) (If "20" or "21", Complete Form M, Section 27)									
Initial Impact Point										Damage Indicator				Gradient		Road Alignment			
11										3 0=None 2=Functional 1=Minor 3=Disabling 9=Unknown				1=Level 2=Uphill		1=Straight 2=Curved 9=Unknown			

VERIFICATION

I verify that as _____, I am authorized to make statements on behalf of the corporation, Twin Flag Express, Inc. and that the statements made in the foregoing answers to interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

Twin Flag Express, Inc.

Title:

Name:

Dated

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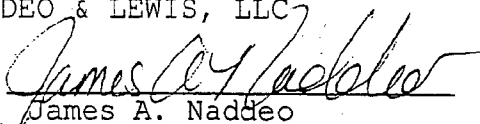
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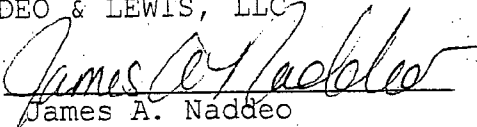
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v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Motion to Compel was served on the following
and in the following manner on the 15th day of December, 2008:

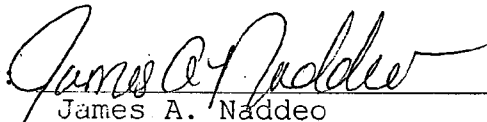
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By


James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

FILED

DEC 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

No. 08-1440-CD

Type of Pleading:

ORDER

Filed on behalf of:
Plaintiffs

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: December 15, 2008

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

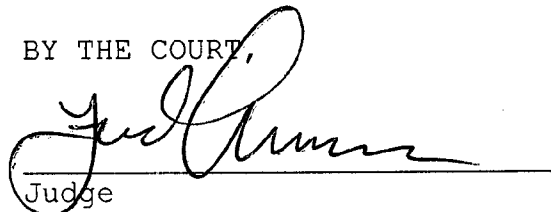
No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

ORDER

AND NOW, this 16 day of Dec, 2008, upon
consideration Motion to Compel filed on behalf of Plaintiffs, it
is hereby ORDERED that the Defendants, Baljinder Singh, Gurpreet
Singh, and Twin Flag Express, Inc., are directed to serve
answers to the discovery presently served upon them by
Plaintiffs to all parties to this action no later than 20
_____ days from the date of this Order. *FJA*

BY THE COURT,


Judge

FILED

DEC 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/16/08

☒ 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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

5 FILED No CC.
0/10:45 LM
DEC 18 2008

William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
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v.

No. 08-1440-CD

RICHARD J. POWELL an
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an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Order dated December 16, 2008 was served on the
following and in the following manner on the 18th day of
December, 2008:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:

James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104506
NO: 08-1440-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: RICARDO F. CARUSO and TATIANA CARUSO husband & wife
vs.
DEFENDANT: RICHARD J. POWELL al

SHERIFF RETURN

NOW, August 07, 2008, SHERIFF OF LUZERNE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON RICHARD J. POWELL.

NOW, August 11, 2008 AT 3:19 PM SERVED THE WITHIN SUMMONS ON RICHARD J. POWELL, DEFENDANT. THE RETURN OF LUZERNE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

5
FILED
019:00Lm
JAN 06 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104506
NO: 08-1440-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: RICARDO F. CARUSO and TATIANA CARUSO husband & wife
vs.
DEFENDANT: RICHARD J. POWELL al

SHERIFF RETURN

NOW, August 07, 2008, SHERIFF OF DAUPHIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON ESTES EXPRESS LINES.

NOW, August 12, 2008 AT 10:53 AM SERVED THE WITHIN SUMMONS ON ESTES EXPRESS LINES, DEFENDANT. THE RETURN OF DAUPHIN COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104506
NO: 08-1440-CD
SERVICES 2
SUMMONS

PLAINTIFF: RICARDO F. CARUSO and TATIANA CARUSO husband & wife
vs.
DEFENDANT: RICHARD J. POWELL al

SHERIFF RETURN

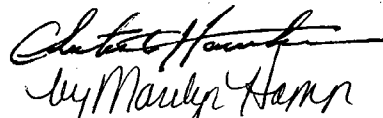
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	1642	20.00
SHERIFF HAWKINS	NADDEO	1642	29.00
LUZERNE CO.	NADDEO	1644	32.00
NOTARY	NADDEO	1644	5.00
DAUPHIN CO.	NADDEO	1643	47.25

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

Luzerne County Sheriff's Department
Luzerne County Courthouse



200 North River Street
Wilkes-Barre, Pennsylvania 18711
(570) 825-1651

CLEARFIELD COUNTY

08-1440-CD

RICARDO F. CARUSO, ET UX

VS

RICHARD H. POWELL

STATE OF PENNSYLVANIA
LUZERNE COUNTY, SS:

JIM JOYCE, DEPUTY SHERIFF, for SHERIFF of said county, being duly sworn
according to law, deposes and says, that on MONDAY the 11TH day of
AUGUST 08 at 3:19 PM, prevailing time, he served the within
SUMMONS

upon RICHARD H. POWELL
the within named, by handing to STEPHANIE POWELL an adult member
of the household, whose relationship to the within named is that of HIS DAUGHTER
at HIS RESIDENCE, 146 OLIVER STREET, SWOYERSVILLE,

in the County of Luzerne, State of Pennsylvania, a true and attested copy and making known the contents thereof.

Sworn to and subscribed before me

this 12TH day of AUGUST 20 08

Catherine M. Guarnieri
COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Catherine M. Guarnieri, Notary Public
Notary Public
Lehigh Valley Borough, Luzerne County
Commission Expires February 14, 2012

Michael A. Savoninas
Sheriff of Luzerne County
by [Signature]
Deputy Sheriff of Luzerne County, Pennsylvania

LUZERNE COUNTY SHERIFF'S OFFICE

200 N RIVER STREET

WILKES-BARRE, PA 18701

TR# 8 REG# 05 OP# 17 08/14/2008
08/14/2008 09:24:23

Othr County Civ Proc

ACCOUNT#: 100.4197.36206

FINANCE Receipt#: 169974

TR LINE#: 1

5274

AMT: 19.00

Other Cnty Srv Form

ACCOUNT#: 100.4197.36207

FINANCE Receipt#: 169974

TR LINE#: 2

5274

AMT: 1.00

Mileage - Deputy #5

ACCOUNT#: 100.00.235024

FINANCE Receipt#: 169974

TR LINE#: 3

5274

AMT: 12.00

Tendered

CHECK: 1644 32.00

CHANGE: .00

TOTAL: 32.00

-- THANK YOU --



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 104506

RICARDO F. CARUSO and TATIANA CARUSO husband & wife

TERM & NO. 08-1440-CD

SUMMONS

VS.

RICHARD J. POWELL al

SERVE BY: 09/03/08
COURT DATE:

MAKE REFUND PAYABLE TO NADDEO & LEWIS, LLC

SERVE: RICHARD J. POWELL

ADDRESS: 146 OLIVER ST., SWOYERSVILLE, PA 18704

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF LUZERNE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, August 07, 2008.

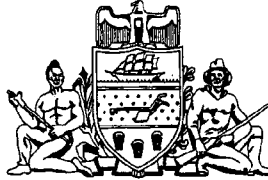
RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

Office of the Sheriff

Mary Jane Snyder
Real Estate Deputy

William T. Tully
Solicitor



Charles E. Sheaffer
Chief Deputy

Michael W. Rinehart
Assistant Chief Deputy

Dauphin County
Harrisburg, Pennsylvania 17101
ph: (717) 780-6590 fax: (717) 255-2889

Jack Lotwick
Sheriff

Commonwealth of Pennsylvania

: RICARDO & TATIANA CARUSO
VS

County of Dauphin

: ESTES EXPRESS LINES

Sheriff's Return

No. 2008-T-1736

OTHER COUNTY NO. 081440CD

And now: AUGUST 12, 2008 at 10:53:00 AM served the within WRIT OF SUMMONS upon
ESTES EXPRESS LINES by personally handing to JENNIFER SMITH 1 true attested copy of the
original WRIT OF SUMMONS and making known to him/her the contents thereof at 2704
COMMERCE DRIVE HARRISBURG PA 17110
CUSTOMER SERVICE ASSOC.

Sworn and subscribed to
before me this 14TH day of August, 2008

NOTARIAL SEAL
MARY JANE SNYDER, Notary Public
Highspire, Dauphin County
My Commission Expires Sept 1, 2010

So Answers,

Sheriff of Dauphin County, Pa.

By

Deputy Sheriff

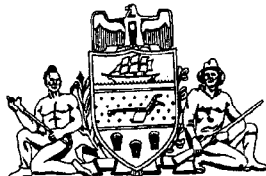
Deputy: W CONWAY

Sheriff's Costs: \$47.25 8/11/2008

Office of the Sheriff

Mary Jane Snyder
Real Estate Deputy

William T. Tully
Solicitor



Dauphin County
Harrisburg, Pennsylvania 17101
ph: (717) 780-6590 fax: (717) 255-2889

Jack Lotwick
Sheriff

Charles E. Sheaffer
Chief Deputy

Michael W. Rinehart
Assistant Chief Deputy

Commonwealth of Pennsylvania

County of Dauphin

: RICARDO & TATIANA CARUSO
VS
: ESTES EXPRESS LINES

Sheriff's Return

No. 2008-T-1736

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COMMERCE DRIVE HARRISBURG PA 17110
CUSTOMER SERVICE ASSOC.

Sworn and subscribed to
before me this 14TH day of August, 2008

NOTARIAL SEAL
MARY JANE SNYDER, Notary Public
Harrisburg, Dauphin County
My Commission Expires Sept 1, 2010

So Answers,

Sheriff of Dauphin County, Pa.

By

Deputy Sheriff

Deputy: W CONWAY

Sheriff's Costs: \$47.25 8/11/2008



COUNTY OF DAUPHIN
HARRISBURG, PA.

J.R. LOTWICK
SHERIFF OF DAUPHIN COUNTY

OFFICAL RECEIPT

File #

Case Number

Document Type

2008-T-1736

WRIT OF SUMMONS

Operator: 2555
Primary
Defendant: **ESTES EXPRESS LINES**

Cash Accounting

Rec. Date	Cat.	Transaction Type	Deposit Type	Receipt Number	Check From	Amount
8/11/2008	Deposit County	Civil Action-Notice	Check	08-31004	NADDEO & LEWIS	\$47.25

Total Number of Rows: 1

Total Paid \$47.25

RECD. BY *J.R. Lotwick*



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
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SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 104506

RICARDO F. CARUSO and TATIANA CARUSO husband & wife

vs.

RICHARD J. POWELL et al

TERM & NO. 08-1440-CD

SUMMONS

SERVE BY: 09/03/08
COURT DATE:

MAKE REFUND PAYABLE TO NADDEO & LEWIS, LLC

SERVE: ESTES EXPRESS LINES

ADDRESS: 2704 COMMERCE DRIVE, HARRISBURG, PA 17110

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF DAUPHIN COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, August 07, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

**PRAECIPE TO WITHDRAW
MOTION TO COMPEL**

Filed on behalf of:
Plaintiffs

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

JAN 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
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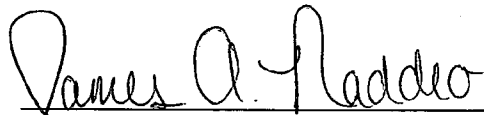
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RICHARD J. POWELL an
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an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

PRAECIPE TO WITHDRAW MOTION TO COMPEL

TO THE PROTHONOTARY:

Please withdraw the Motion to Compel filed on behalf
of Ricardo and Tatiana Caruso.



James A. Naddeo, Esquire
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
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v.

No. 08-1440-CD

RICHARD J. POWELL an
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Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Praecipe to Withdraw Motion to Compel was
served on the following and in the following manner on the 12th
day of January, 2009:

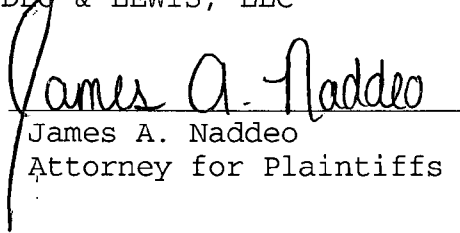
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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RICARDO F. CARUSO and TATIANA
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RICHARD J. POWELL an
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an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

COMPLAINT

Filed on behalf of:
Plaintiffs

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

03:39 PM
JAN 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

Dated: January 16, 2009

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
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LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

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*

No. 08-1440-CD

COMPLAINT

NOW COME the Plaintiffs, Ricardo F. Caruso and Tatiana Caruso, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. That the Plaintiffs are Ricardo F. Caruso and Tatiana Caruso, husband and wife, who reside at 405 Spruce Street, Clearfield, Pennsylvania 16830.

2. That the Defendant, Richard J. Powell, is an adult individual who resides at 146 Oliver Street, Swoyersville, Pennsylvania 18704.

3. That the Defendant, Estes Express Lines, is a Virginia corporation having a registered business agent and office located at 2704 Commerce Drive, Harrisburg, Pennsylvania 17110.

4. That the Defendant, Baljinder Singh, is an adult individual who resides at 15249 Radiance Drive, Noblesville, Indiana 46060.

5. That the Defendant, Rajinder Singh, is an adult individual who resides at 15246 Radiance Drive, Noblesville, Indiana 46060.

6. That the Defendant, Twin Flag Express, Inc., is a New Jersey Corporation having a principal address of 140-60 Beech Avenue, Apt.4I, Flushing, New York and a business address of 15246 Radiance Drive, Noblesville, Indiana 46060.

7. That on or about August 11, 2006 at approximately 5:30 a.m., E.D.S.T., the Plaintiff, Ricardo F. Caruso, was the owner and operator of a 1996 Chevrolet, Geo Metro bearing Pennsylvania Registration No. FTR 2571.

8. That on the said date and at or about the said time, Defendant, Richard J. Powell, was the operator of a 2000 International, 8000 tractor-trailer bearing North Carolina Registration No. LL9927 and said trailer bearing a Tag No. T115301 of the year 2007.

9. That Defendant, Estes Express Lines, is the owner of the vehicle operated by Defendant, Richard J. Powell, as described at Paragraph 8 above.

10. That on said date and at or about the said time, Plaintiff, Ricardo Caruso, was traveling East on Interstate 80 at or near a rest area approximately one mile from Snowshoe Borrow.

11. That on said date and at or about the said time, Plaintiff, Ricardo Caruso, was merging right onto a ramp leading to an eastbound rest area when his vehicle was struck from behind at the rear (left) by the vehicle operated by Defendant, Richard J. Powell.

12. That the impact by the vehicle operated by Defendant Powell caused Plaintiff's vehicle to be pushed to the right, travel onto the shoulder of the roadway until it struck the guide rail and then continued to travel along the shoulder of the roadway until it struck the rear of a parked third vehicle operated by Defendant, Baljinder Singh.

13. At the time of the accident as described herein, Plaintiff was traveling on Interstate 80 in his lane of travel and safely merging right to enter the rest area.

14. At the time of the accident as described herein it was dark and without streetlights, there were no adverse weather conditions and the roadway was dry.

COUNT I - NEGLIGENCE

RICARDO F. CARUSO v. RICHARD J. POWELL

15. Plaintiff incorporates by reference Paragraphs 1 through 14 above as if set forth in full herein.

16. That the Defendant Powell was careless when he struck Plaintiff's vehicle from behind and that he failed to operate his vehicle providing for an assured clear distance from the vehicle Plaintiff was operating.

17. The accident was directly and proximately caused by the negligence and carelessness of Defendant Powell, which consisted, among other things, of the following:

(a) operating a motor vehicle in a careless, reckless and negligent manner;

(b) operating a motor vehicle without assuring a clear distance from the vehicle traveling in front of him;

(c) operating a motor vehicle with no warning of approach or intended direction;

(d) operating a motor vehicle without due regard to the rights, safety, and position of the plaintiff;

(e) operating a motor vehicle in a careless manner;

(f) failing to keep a proper lookout;

(g) not yielding the vehicle he was operating to a vehicle traveling in front of him;

(h) driving too fast for conditions;

(i) failing to notice the motor vehicle of the plaintiff;

(j) upon noticing the motor vehicle of the plaintiff, failing to yield the right-of-way to the plaintiff's vehicle;

(k) failing to apply the brakes of the vehicle he operated in sufficient time to avoid striking plaintiff's vehicle;

(l) overtaking a vehicle on the left when it was not safe to do so;

(l) operating a motor vehicle in disregard of the rules of the road and the laws of the Commonwealth of Pennsylvania,

including but not limited to Motor Vehicle Code 75 Pa.C.S. § 3303, 3310, 3334 and 3361.

18. At all times material hereto, Plaintiff acted with due care and was not contributory negligent.

19. As a result of Defendant Powell's negligence, Plaintiff sustained the following injuries, some or all of which may be permanent: multiple abrasions and contusions including but not limited to serious injury to his head including basilar skull fracture with resulting brain injuries and effects including but not limited to: bells palsy, memory loss, dementia due to head trauma, cognitive deficiency and deterioration, traumatic headache disorder, partial complex seizure disorder, severe mixed headaches, fatigability, anxiety disorder, depressive disorder, disorientation and confusion; injury to his left ear with loss of audition in left ear; neck sprain; injury to left forearm and abdominal wall contusion.

20. As a result of Defendant's negligence, Plaintiff has suffered great bodily pain and suffering, as well as mental anxiety and nervousness, to his great detriment and loss.

21. That Plaintiff continues to experience symptoms from his severe head injury the resulting effects and diagnoses from the same, as well as his ear injury.

22. As a result of Defendant's negligence, Plaintiff has sustained serious and permanent injury, for the treatment of which he has incurred medical bills and expenses and will be

required to incur future medical costs and expenses to treat his ongoing injuries.

23. As a result of Defendant's negligence, Plaintiff has suffered a loss of earnings and earning capacity.

24. As a result of Defendant's negligence, Plaintiff has suffered an interruption of his daily habits and pursuits to his great and permanent detriment and loss.

25. Plaintiff has made a demand for compensation of the aforesaid injuries and losses, which Defendant has failed and refused and still refuses to pay.

26. That the Plaintiff claims a reasonable amount for the following:

- A. Pain and suffering: past, present and future;
- B. Privation and inconvenience: past, present and future;
- C. Medical expenses: past, present and future;
- D. Lost wages;
- E. Impairment of earning power;
- F. All other damages allowable by law.

WHEREFORE, Plaintiff, Ricardo F. Caruso, demands judgment against Defendant, Richard J. Powell, in an amount in excess of Twenty Five Thousand(\$25,000.00) Dollars exclusive of interest and costs. Jury Trial Demanded.

COUNT II. - LOSS OF CONSORTIUM
TATIANA CARUSO V. RICHARD J. POWELL

27. Plaintiff, Tatiana Caruso, incorporates by reference Paragraphs 1 through 26 of this Complaint with the same force and effect as if set forth at length.

28. As a result of the injuries to her husband, Ricardo F. Caruso, Plaintiff, Tatiana Caruso has been and/or may be compelled to expend monies for medical aid, medicines and the like in an effort to cure him.

29. As a result of the injuries to her husband, Plaintiff, Tatiana Caruso, has been and/or may be compelled to expend monies for hiring help to perform the duties of the household previously performed by her husband.

30. As a result of the injuries to her husband, Plaintiff, Tatiana Caruso, has been and will be deprived of her husband's aid, comfort, society, companionship and affection.

31. As a direct and proximate result of the injuries to her husband, Plaintiff, Tatiana Caruso, has suffered and/or continues to suffer from her husband's loss of earnings and/or earning capacity and/or may in the future suffer from his loss of earnings and/or earning capacity.

WHEREFORE, Plaintiff, Tatiana Caruso, claims of Defendant, Richard J. Powell, damages in an amount in excess of \$25,000, exclusive of interests and costs.

COUNT III - NEGLIGENCE

RICARDO F. CARUSO v. ESTES EXPRESS LINES

32. That the Plaintiff incorporates Paragraphs 1 through 26 of this Complaint by reference and makes them a part hereof.

33. That at all times referred to herein, the Defendant, Richard J. Powell, was acting within the course of his employment and under the supervision and direction of the Defendant, Estes Express Lines.

WHEREFORE, Plaintiff, Ricardo F. Caruso, demands judgment against Defendant, Estes Express Lines, in an amount in excess of Twenty Five Thousand(\$25,000.00) Dollars exclusive of interest and costs. Jury Trial Demanded.

COUNT IV - LOSS OF CONSORTIUM

TATIANA CARUSO V. ESTES EXPRESS LINES

34. That the Plaintiff, Tatiana Caruso, incorporates Paragraphs 1 through 31 and Paragraph 33 of this Complaint as if set forth in full herein.

WHEREFORE, Plaintiff, Tatiana Caruso, claims of Defendant, Estes Express Lines, damages in an amount in excess of \$25,000, exclusive of interests and costs.

COUNT V - NEGLIGENCE

RICARDO F. CARUSO v. BALJINDER SINGH

35. Plaintiff incorporates by reference Paragraphs 1 through 14 of this Complaint as if set forth in full herein.

36. That on said date and at or about the said time Defendant, Baljinder Singh, was the operator of a 2001 Kenworth,

Studio Sleeper tractor-trailer bearing North Jersey Registration No. AA322L and said trailer bearing a Tag No. P70002 of the year 2007.

37. That the tractor-trailer operated by Defendant, Baljinder Singh, as described in Paragraph 36 hereof is owned by Defendant, Rajinder Singh.

38. That on said date and at or about the said time Defendant, Baljinder Singh, had parked the vehicle he was operating along the shoulder of the road leading to the rest area from Interstate 80 as described at Paragraph 11 hereof and had fallen asleep in the vehicle.

39. That on said date and at or about said time, when Plaintiff, Ricardo Caruso's, vehicle was forced onto the shoulder of the roadway due to the impact described at Paragraphs 11 and 12 hereof that the shoulder of the roadway was obstructed by the vehicle operated by Defendant, Baljinder Singh, which was not permitted to be parked at this location.

40. That Plaintiff was not able to avoid striking the vehicle operated by Defendant, Baljinder Singh, as described at Paragraph 12 hereof.

41. Defendant, Baljinder Singh, was careless when he parked along the roadway at a location at which a vehicle is not permitted to be parked.

42. The accident was directly and proximately caused by the negligence and carelessness of Defendant, Baljinder Singh, which consisted, among other things, of the following:

(a) parking a motor vehicle in a careless, reckless and negligent manner;

(b) parking a motor vehicle without due regard to the rights, safety, and position of the Plaintiff;

(e) operating and parking a motor vehicle in a careless manner;

(i) failing to notice the motor vehicle of the plaintiff;

(l) operating a motor vehicle in disregard of the rules of the road and the laws of the Commonwealth of Pennsylvania, including but not limited to Motor Vehicle Code 75 Pa.C.S. § 3353.

43. At all times material hereto, Plaintiff acted with due care and was not contributory negligent.

44. As a result of Defendant, Baljinder Singh's, negligence, Plaintiff sustained the following injuries, some or all of which may be permanent: multiple abrasions and contusions including but not limited to serious injury to his head including basilar skull fracture with resulting brain injuries and effects including but not limited to: bells palsy, memory loss, dementia due to head trauma, cognitive deficiency and deterioration, traumatic headache disorder, partial complex seizure disorder, severe mixed headaches, fatigability, anxiety disorder,

depressive disorder, disorientation and confusion; injury to his left ear with loss of audition in left ear; neck sprain; injury to left forearm and abdominal wall contusion.

45. As a result of Defendant, Baljinder Singh's, negligence, Plaintiff has suffered great bodily pain and suffering, as well as mental anxiety and nervousness, to his great detriment and loss.

46. That Plaintiff continues to experience symptoms from severe head injury the resulting effects and diagnoses from the same, as well as his ear injury.

47. As a result of Defendant, Baljinder Singh's, negligence, Plaintiff has sustained serious and permanent injury, for the treatment of which he has incurred medical bills and expenses and will be required to incur future medical costs and expenses to treat his ongoing injuries.

48. As a result of Defendant, Baljinder Singh's, negligence, Plaintiff has suffered a loss of earnings and or earning capacity.

49. As a result of Defendant, Baljinder Singh's, negligence, Plaintiff has suffered an interruption of his daily habits and pursuits to his great and permanent detriment and loss.

50. Plaintiff has made a demand for compensation of the aforesaid injuries and losses, which Defendant has failed and refused and still refuses to pay.

51. That the Plaintiff claims a reasonable amount for the following:

- G. Pain and suffering: past, present and future;
- H. Privation and inconvenience: past, present and future;
- I. Medical expenses: past, present and future;
- J. Lost wages;
- K. Impairment of earning power;
- L. All other damages allowable by law.

WHEREFORE, Plaintiff, Ricardo F. Caruso, demands judgment against Defendant, Baljinder Singh, in an amount in excess of Twenty Five Thousand(\$25,000.00) Dollars exclusive of interest and costs. Jury Trial Demanded.

COUNT VI - LOSS OF CONSORTIUM
TATIANA CARUSO V. BALJINDER SINGH

52. Plaintiff, Tatiana Caruso, incorporates by reference Paragraphs 1 through 14 and Paragraphs 36 through 51 of this Complaint with the same force and effect as if set forth at length herein.

53. As a result of the injuries to her husband, Ricardo F. Caruso, Plaintiff, Tatiana Caruso has been and/or may be compelled to expend monies for medical aid, medicines and the like in an effort to cure him.

54. As a result of the injuries to her husband, Plaintiff, Tatiana Caruso, has been and/or may be compelled to expend monies

for hiring help to perform the duties of the household previously performed by her husband.

55. As a result of the injuries to her husband, Plaintiff, Tatiana Caruso, has been and will be deprived of her husband's aid, comfort, society, companionship and affection.

56. As a direct and proximate result of the injuries to her husband, Plaintiff, Tatiana Caruso, has suffered and/or continues to suffer from her husband's loss of earnings and/or earning capacity and/or may in the future suffer from his loss of earnings and/or earning capacity.

WHEREFORE, Plaintiff, Tatiana Caruso, claims of Defendant, Baljinder Singh, damages in an amount in excess of \$25,000, exclusive of interests and costs.

COUNT VII - NEGLIGENCE

RICARDO F. CARUSO v. TWIN FLAG EXPRESS, INC.

57. That the Plaintiff incorporates 1 through 14 and Paragraphs 36 through 51 of this Complaint with the same force and effect as if set forth at length herein.

58. That at all times referred to herein, the Defendant, Baljinder Singh, was acting within the course of his employment and under the supervision and direction of the Defendant, Twin Flag Express, Inc.

WHEREFORE, Plaintiff, Ricardo F. Caruso, demands judgment against Defendant, Twin Flag Express, Inc., in an amount in

excess of Twenty Five Thousand(\$25,000.00) Dollars exclusive of interest and costs. Jury Trial Demanded.

COUNT VIII - LOSS OF CONSORTIUM

TATIANA CARUSO V. TWIN FLAG EXPRESS, INC.

59. That the Plaintiff, Tatiana Caruso, incorporates Paragraphs 1 through 14, 36 through 51, 53 through 56 and 58 of this Complaint as if set forth in full herein.

WHEREFORE, Plaintiff, Tatiana Caruso, claims of Defendant, Twin Flag Express, Inc., damages in an amount in excess of \$25,000, exclusive of interests and costs.

COUNT IX - NEGLIGENCE

RICARDO F. CARUSO v. RAJINDER SINGH

60. That the Plaintiff incorporates Paragraphs 1 through 14 and Paragraphs 36 through 51 of this Complaint with the same force and effect as if set forth at length herein.

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

WHEREFORE, Plaintiff, Ricardo F. Caruso, demands judgment against Defendant, Rajinder Singh, in an amount in excess of Twenty Five Thousand(\$25,000.00) Dollars exclusive of interest and costs. Jury Trial Demanded.

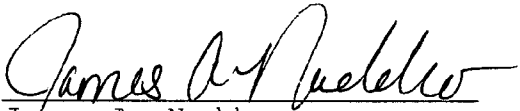
COUNT X - LOSS OF CONSORTIUM
TATIANA CARUSO V. RAJINDER SINGH

62. That the Plaintiff, Tatiana Caruso, incorporates Paragraphs 1 through 14, 36 through 51, 53 through 56 and 61 of this Complaint as if set forth in full herein.

WHEREFORE, Plaintiff, Tatiana Caruso, claims of Defendant, Rajinder Singh, damages in an amount in excess of \$25,000, exclusive of interests and costs.

Respectfully submitted,

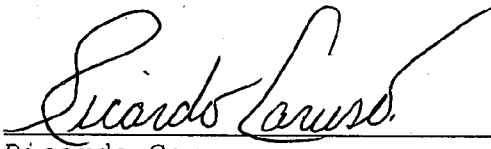
NADDEO & LEWIS, LLC

By: 
James A. Naddeo
Attorney for Plaintiffs

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

I, Ricardo Caruso, Plaintiff, verify 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.

By:



Ricardo Caruso
Plaintiff

Dated:

1-16-09

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD *

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Complaint was served on the following and in
the following manner on the 16th day of January, 2009:

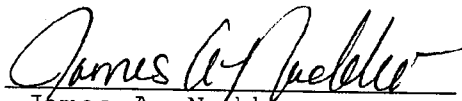
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

ACCEPTANCE OF SERVICE

Filed on behalf of:
Plaintiffs

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
01/31/08
JAN 10 2008
William A. S.
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

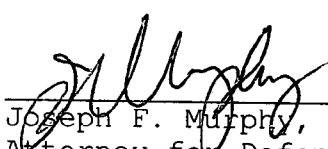
v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

ACCEPTANCE OF SERVICE

I, Joseph F. Murphy, Esquire, do hereby accept service
of Summons issued in the above-captioned case on behalf of
Defendant, Baljinder Singh.


Joseph F. Murphy, Esquire
Attorney for Defendant

Date: 1/14/09

Defendant's attorney, agent,

or person trusted to the above-captioned case on behalf of

the undersigned, Baljinder Singh, do hereby accept service

FILED

JAN 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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: January 30, 2009

FILED

JAN 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

2cc
Amy Naddeo

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that true and correct copies of the following documents: 1) Plaintiffs' Answers to First Set of Interrogatories Directed to Plaintiff by Defendants, Baljinder Singh and Twin Flag Express, Inc.; 2) Plaintiffs' Answers to Second Set of Interrogatories Directed to Plaintiff by Defendants, Baljinder Singh and Twin Flag Express, Inc.; 3) Plaintiffs Answers to Expert Interrogatories Directed to Plaintiff by Defendants, Baljinder Singh and Twin Flag Express, Inc.; 4) Plaintiffs' Responses to First Request for Production of Documents to Plaintiff by Defendants, Baljinder Singh and Twin Flag Express, Inc.; 5) Plaintiffs' Answers to Interrogatories of Defendants, Richard J. Powell and Estes Express Lines (Set I); 6) Plaintiffs' Responses to Request for Production of Documents of Defendants, Richard J.

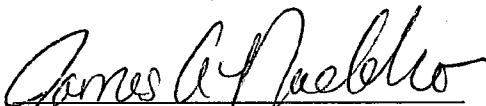
Powell and Estes Express Lines (Set I) were served on the following and in the following manner on the 30th day of January, 2009:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Ferry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By: 
James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

FILED
FEB 19 2009
013:26
William A. Shaw
Prothonotary/Clerk of Courts
no 46

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

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: February 19, 2009

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiffs' Answers to Interrogatories of Defendants, Richard J. Powell and Estes Express Lines (Set II) was served on the following and in the following manner on the 19th day of February, 2009:

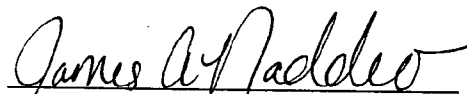
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:



James A. Naddeo
Attorney for Plaintiffs

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
305 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999

FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

**RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,**

Plaintiffs

v.

**RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,**

Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD
:

: JURY TRIAL DEMANDED

5
FILED 1cc Att.
m/12.17m Geduldig
FEB 25 2009
(SM)

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE TO PLEAD

TO: Plaintiffs and their counsel:

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED **NEW MATTER** WITHIN TWENTY (20) DAYS OF SERVICE HEREOF OR A
JUDGMENT OF *NON PROS* MAY BE ENTERED AGAINST YOU.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

By: 

STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530
STEPHANIE L. HERSPERGER, ESQUIRE
Attorney I.D. No. 78735
Attorneys for Defendants,
**RICHARD J. POWELL and ESTES
EXPRESS LINES**

2/20/09
661136.2

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
305 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999

FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,

Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD
:
:
:
:
: JURY TRIAL DEMANDED

NOTICE TO PLEAD

TO: Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh and Twin Flag Express, Inc., and their counsel:

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED **CROSSCLAIMS** WITHIN TWENTY (20) DAYS OF SERVICE HEREOF OR
A JUDGMENT OF *NON PROS* MAY BE ENTERED AGAINST YOU.

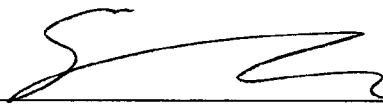
Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

2/20/09

661136.3

By:



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Attorney I.D. No. 43530
STEPHANIE L. HERSPERGER, ESQUIRE
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**RICHARD J. POWELL and ESTES
EXPRESS LINES**

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Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,

Defendants

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

:

:

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: CIVIL ACTION -- LAW

: NO. 2008-01440-CD

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: JURY TRIAL DEMANDED

**ANSWER AND NEW MATTER AND CROSSCLAIMS
OF DEFENDANTS, RICHARD J. POWELL and
ESTES EXPRESS LINES, TO PLAINTIFFS' COMPLAINT**

AND NOW, come Defendants, Richard J. Powell and Estes Express Lines, by and through their undersigned counsel, Stephen E. Geduldig, Esquire, and Stephanie L. Hersperger, Esquire, of Thomas, Thomas & Haer, LLP, and file the following Answer and New Matter to Plaintiffs' Complaint:

1. Denied pursuant to Pa. R.C.P. 1029(e).

2. Admitted.

3. Admitted in part, denied in part. It is admitted that Defendant, Estes Express Lines, is a Virginia corporation. However, its principal place of business is located at 3901 West Broad Street, Richmond, Virginia 23260.

4. As these allegations are directed to other than Answering Defendants, no response is required. If a response is required, same are denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

5. As these allegations are directed to other than Answering Defendants, no response is required. If a response is required, same are denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

6. As these allegations are directed to other than Answering Defendants, no response is required. If a response is required, same are denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

7. Denied pursuant to Pa. R.C.P. 1029(e).

8. Admitted that on August 11, 2006, Defendant, Richard J. Powell, was operating a 2000 International, 8000 tractor, bearing North Carolina registration number LL9927, and hauling a trailer bearing tag number T115301. To the extent that paragraph 8 of Plaintiffs' Complaint purports to aver additional facts, same are denied pursuant to Pa. R.C.P. 1029(e).

9. Admitted.

10. Admitted in part, denied in part. It is admitted that at the time of the accident, Plaintiff, Ricardo Caruso, was traveling east on or around Interstate 80 near a rest area near Snowshoe Borrow (sic). To the extent that paragraph 10 of Plaintiffs'

Complaint purports to aver additional facts, same are denied pursuant to Pa. R.C.P. 1029(e).

11. Admitted in part, denied in part. It is admitted that at the time of the accident, the vehicle driven by Plaintiff, Ricardo Caruso, was contacted by the truck operated by Mr. Powell. To the extent that paragraph 11 of Plaintiffs' Complaint purports to aver additional facts, same are denied pursuant to Pa. R.C.P. 1029(e).

12. Admitted in part, denied in part. It is admitted that after Mr. Powell's truck contacted the vehicle operated by Plaintiff, Ricardo Caruso, it struck an illegally parked truck operated at that time by one or other of the non-Estes Defendants. To the extent that paragraph 12 of Plaintiffs' Complaint purports to aver additional facts, same are denied pursuant to Pa. R.C.P. 1029(e).

13. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

14. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT I – NEGLIGENCE
RICARDO F. CARUSO v. RICHARD J. POWELL

15. No response is required as this is a paragraph of incorporation.

16. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

17(a)-(l)(sic). Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

18. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

19. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

20. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

21. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).
22. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).
23. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).
24. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).
25. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).
26. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT II – LOSS OF CONSORTIUM
TATIANA CARUSO v. RICHARD J. POWELL

27. No response is required as this is a paragraph of incorporation.
28. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).
30. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).
31. Denied as legal conclusions and pursuant to Pa. R.C.P. 1029(e).

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT III – NEGLIGENCE
RICARDO F. CARUSO v. ESTES EXPRESS LINES

32. No response is required as this is a paragraph of incorporation.
33. Admitted.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT IV – LOSS OF CONSORTIUM
TATIANA CARUSO v. ESTES EXPRESS LINES

34. No response is required as this is a paragraph of incorporation.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT V – NEGLIGENCE
RICARDO F. CARUSO v. BALJINDER SINGH

35-51. No response is required as these allegations are directed to other than Answering Defendant.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT VI – LOSS OF CONSORTIUM
TATIANA CARUSO v. BALJINDER SINGH

52-56. No response is required as these allegations are directed to other than Answering Defendant.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT VII – NEGLIGENCE
RICARDO F. CARUSO v. TWIN FLAG EXPRESS, INC.

57-58. No response is required as these allegations are directed to other than Answering Defendant.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT VIII – LOSS OF CONSORTIUM
TATIANA CARUSO v. TWIN FLAG EXPRESS, INC.

59. No response is required as these allegations are directed to other than Answering Defendant.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT IX – NEGLIGENCE
RICARDO F. CARUSO v. RAJINDER SINGH

60-61. No response is required as these allegations are directed to other than Answering Defendant.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

COUNT X – LOSS OF CONSORTIUM
TATIANA CARUSO v. RAJINDER SINGH

62. No response is required as these allegations are directed to other than Answering Defendant.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

NEW MATTER

63. Defendants, Richard J. Powell and Estes Express Lines, incorporate herein by reference, as if fully set forth at length, Paragraphs 1 through 62 of their Answer to Plaintiffs' Complaint.

64. Plaintiffs' Complaint may have failed to allege a cause of action against Answering Defendants.

65. Plaintiffs' claim may be barred or limited by his own comparative negligence.

66. Plaintiffs' alleged damages may be diminished, reduced or barred by his failure to mitigate the alleged damages.

67. Plaintiffs' injuries and damages may be limited by application of the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law.

68. Some or all of Plaintiffs' alleged injuries and damages were caused by third parties over whom neither Answering Defendant had any control or right of control.

69. Answering Defendants plead a credit for any monies advanced.

70. Defendant's conduct may be excused because Mr. Powell was confronted by a sudden emergency not of his own making.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

CROSSCLAIMS

71. Defendants, Richard J. Powell and Estes Express Lines, incorporate herein by reference, as if fully set forth at length, Paragraphs 1 through 70 of their Answer and New Matter to Plaintiffs' Complaint.

72. If the averments contained in the Plaintiffs' Complaint are established, said averments being specifically denied as they may relate to Richard J. Powell and Estes Express Lines, then the injuries and damages complained of were caused solely by the Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh and Twin Flag Express, Inc.

73. Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh and Twin Flag Express, Inc. have been joined herein to protect Defendants, Richard J. Powell and Estes Express Lines, rights of indemnity and contribution, and Defendants, Richard J. Powell and Estes Express Lines, aver that the above-said Defendants are alone liable to the Plaintiffs, or in the alternative, that the above-said Defendants are liable over to Defendants, Richard J. Powell and Estes Express Lines, or jointly and severally liable on the Plaintiffs' causes of action.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that Plaintiffs' Complaint be dismissed in its entirety and judgment entered in their favor.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

2/20/09

661136.1

By: _____

STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

STEPHANIE L. HERSPERGER, ESQUIRE
Attorney I.D. No. 78735

Attorneys for Defendants,
**RICHARD J. POWELL and ESTES
EXPRESS LINES**

VERIFICATION

I, Richard J. Powell, hereby verify that the averments made in the foregoing document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

2/20/09

Richard J. Powell
Richard J. Powell

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,

Defendants

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

:
:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by
depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania,
on the 24 day of February, 2009, on all counsel of record as follows:

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, Pennsylvania 16830

Attorneys for Plaintiffs

Joseph F. Murphy, Esquire
FORRY ULLMAN
2000 Linglestown Road, Suite 301
Harrisburg, Pennsylvania 17110

**Attorneys for Defendant, Twin Flag Express, Baljinder Singh,
Rajinder Singh and Gurpreet Singh**

THOMAS, THOMAS & HAFFER, LLP



Stephen E. Geduldig, Esquire

617265.1

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440- CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

ANSWER TO NEW MATTER

NOW COME the Plaintiffs, Ricardo F. Caruso and Tatiana Caruso, and by their attorneys, Naddeo & Lewis, LLC, set forth the following:

63. No answer required.

64. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is denied and to the contrary it is alleged that Plaintiffs' Complaint states an actionable cause against all Defendants.

65. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is denied and to the contrary it is alleged that

Plaintiff committed no acts of negligence which were the proximate cause of the accident.

66. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is denied and to the contrary it is alleged that Plaintiff within his physical limitations made every reasonable effort to litigate his damages.

67. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is admitted.

68. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is denied and to the contrary it is alleged that the Plaintiff's injuries and damages were proximately caused by the concurrent negligence of all Defendants.

69. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is admitted.

70. States a conclusion of law to which no answer is required. To the extent that an answer may be required, said allegation is denied and on the contrary it is alleged that Defendant Powell's negligence was the proximate cause of the accident and resulting injuries to the Plaintiff as set forth in Plaintiffs' Complaint which is incorporated herein by reference.

WHEREFORE, Plaintiffs request damages as set forth in
their Complaint.

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

I, Ricardo Caruso, Plaintiff, verify that the statements made in the foregoing Answer to New Matter 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.

By:


Ricardo Caruso
Plaintiff

Dated:

02/27/09

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Answer to New Matter was served on the
following and in the following manner on the 27th day of
February, 2009:

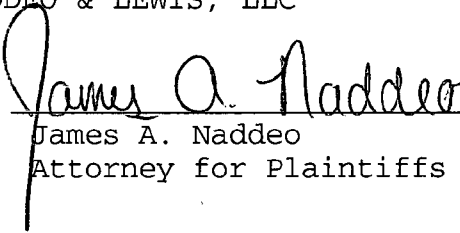
First-Class Mail, Postage Prepaid.

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

**ANSWER WITH NEW MATTER OF DEFENDANTS BALJINDER SINGH,
RAJINDER SINGH, AND TWIN FLAG EXPRESS, INC. TO PLAINTIFFS'
COMPLAINT WITH CROSS CLAIM**

NOTICE TO PLEAD

You are hereby notified to plead to the within new matter and cross claim within twenty (20) days from the date of service hereof or a default judgment may be entered against you.

ANSWER

1. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph, and the same are, therefore, denied, strict proof being demanded at trial, if relevant.

2. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph, and the same are, therefore, denied, strict proof being demanded at trial, if relevant.

FILED
MAR 23 2009 1:14 P.M. OK
S. WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS
2008-01440-CD
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

3. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph, and the same are, therefore, denied, strict proof being demanded at trial, if relevant.

4. Admitted.

5. Admitted.

6. Admitted.

7. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph, and the same are, therefore, denied, strict proof being demanded at trial, if relevant.

8. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph, and the same are, therefore, denied, strict proof being demanded at trial, if relevant.

9. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph, and the same are, therefore, denied, strict proof being demanded at trial, if relevant.

10. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph, and the same are, therefore, denied, strict proof being demanded at trial, if relevant.

11. After reasonable investigation, answering defendants are without sufficient knowledge or information to form a belief as to the truth of the averments contained in this paragraph, and the same are, therefore, denied, strict proof being demanded at trial, if relevant.

12. The averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e)..

13. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

14. The averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

COUNT I – NEGLIGENCE

RICARDO F. CARUSO v. RICHARD J. POWELL

15. Answering defendants incorporate herein by reference their answers to paragraphs 1 through 14 above, as though more fully set forth at length.

16-26. The averments contained in these paragraphs and subparagraphs are directed to defendants other than answering defendants. Accordingly, no response is required.

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT II – LOSS OF CONSORTIUM

TATIANA CARUSO v. RICHARD J. POWELL

27. Answering defendants incorporate herein by reference their answers to paragraphs 1 through 26 above, as though more fully set forth at length.

28-31. The averments contained in these paragraphs and subparagraphs are directed to defendants other than answering defendants. Accordingly, no response is required.

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT III – NEGLIGENCE

RICARDO F. CARUSO v. ESTES EXPRESS LINES

32. Answering defendants incorporate herein by reference their answers to paragraphs 1 through 31 above, as though more fully set forth at length.

33. The averments contained in this paragraph are directed to defendants other than answering defendants. Accordingly, no response is required.

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT IV – LOSS OF CONSORTIUM

TATIANA CARUSO v. ESTES EXPRESS LINES

34. Answering defendants incorporate herein by reference their answers to paragraphs 1 through 33 above, as though more fully set forth at length.

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT V – NEGLIGENCE

RICARDO F. CARUSO v. BALJINDER SINGH

35. Answering defendants incorporate herein by reference their answers to paragraphs 1 through 14 above, as though more fully set forth at length.

36. Admitted, except that the tractor trailer was registered in the State of New Jersey. [

37. Admitted, except that the tractor trailer was registered in the State of New Jersey.

38. The averments contained in this paragraph are denied generally, pursuant to P.A.R.C.P. 1029(e).

39. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments contained in this paragraph are denied generally, pursuant to P.A.R.C.P. 1029(e).

40. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments contained in this paragraph are denied generally, pursuant to P.A.R.C.P. 1029(e).

41. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required,

the averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

42.a-1. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

43. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

44. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

45-49. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

50. The averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

51.g-1. The averments contained in this paragraph are denied generally, pursuant to PA.R.C.P. 1029(e).

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT VI – LOSS OF CONSORTIUM

TATIANA CARUSO v. BALJINDER SINGH

52. Answering defendants incorporate herein by reference their answers to paragraphs 1 through 14 and 36 through 51 above, as though more fully set forth at length.

53-56. The averments contained in this paragraph are legal conclusions to which no responsive pleading is required. To the extent that a responsive pleading is required, the averments contained in this paragraph are denied generally, pursuant to P.A.R.C.P. 1029(e).

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT VII – NEGLIGENCE

RICARDO F. CARUSO v. TWIN FLAG EXPRESS, INC.

57. The answers to paragraphs 1 through 14 and paragraphs 36 through 51 of this answer are incorporated herein by reference as if fully set forth at length.

58. It is admitted that defendant Baljinder Singh was acting within the course of his employment with Twin Flag Express, Inc. at the time of the subject accident. The remainder of the averments contained in this paragraph are denied generally, pursuant to P.A.R.C.P. 1029(e).

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT VIII – LOSS OF CONSORTIUM

TATIANA CARUSO v. TWIN FLAG EXPRESS, INC.

59. Answering defendants incorporate herein their answers to paragraphs 1 through 14, 36 through 51, 53 through 56, and 58 of plaintiffs' complaint, as if the same were set forth fully at length.

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT IX – NEGLIGENCE

RICARDO F. CARUSO v. RAJINDER SINGH

60. Answering defendants incorporate herein their answers to paragraphs 1 through 14 and 36 through 51 of plaintiffs' complaint, as if the same were set forth in full.

61. The averments contained in this paragraph are specifically denied. As set forth earlier, defendant Baljinder Singh was in the course and scope of his employment with defendant Twin Flag Express, Inc. It is specifically denied that defendant Baljinder Singh was acting as an agent of defendant Rajinder Singh at the time of the accident.

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

COUNT X – LOSS OF CONSORTIUM

TATIANA CARUSO v. RAJINDER SINGH

62. Answering defendants incorporate herein by reference their answers to paragraphs 1 through 14, 36 through 51, 53 through 56, and 61 of plaintiffs' complaint, as if the same were fully set forth at length.

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

NEW MATTER

63. Answering defendants incorporate herein by reference their answers to paragraphs 1 through 62 above, as though fully set forth at length.

64. Plaintiffs may have failed to state a cause of action upon which relief can be granted.

65. The applicable statute of limitations may have expired prior to the proper institution of this action.

66. Answering defendants were not negligent, careless, or reckless.

67. Any acts or omissions of answering defendants alleged to constitute negligence or recklessness were not substantial causes or factors of the subject incident and/or did not result in the injuries and/or losses alleged by plaintiffs.

68. The incident and/or damages described in plaintiffs' complaint may have been caused or contributed to by plaintiffs.

69. The negligent acts or omissions of other individuals and/or entities may have constituted intervening, superseding causes of the damages and/or injuries alleged to have been sustained by plaintiffs.

70. Plaintiff Ricardo F. Caruso may have been contributorily negligent.

71. The incident, injuries and/or damages alleged to have been sustained by plaintiffs were not proximately caused by answering defendants.

72. Plaintiffs may not have properly mitigated their damages.

73. If plaintiffs suffered injuries and damages as described for the reasons set forth in the complaint, said injuries and damages were caused or contributed to by conditions over which answering defendants had no control and for which they are not responsible.

74. If plaintiffs suffered injuries and damages as set forth in the complaint, said injuries and damages may have been caused by the negligent acts or omissions of other individuals or entities, which constituted the proximate or superseding cause of said injuries and damages.

75. This action is barred or otherwise limited by the Motor Vehicle Financial Responsibility Law, Title 75 PA.C.S. §1701 et seq., either as originally promulgated or as amended by Act No. 1990-6. Defendants plead this law and the amendments thereto as a complete, or, in the alternative, partial defense to plaintiffs' civil action.

WHEREFORE, answering defendants respectfully request that plaintiffs' complaint be dismissed, in its entirety, and judgment entered in favor of answering defendants and against all other parties.

NEW MATTER CROSS CLAIM, PURSUANT TO PA.R.C.P. 1031.1

ANSWERING DEFENDANTS v. RICHARD J. POWELL and

ESTES EXPRESS LINES

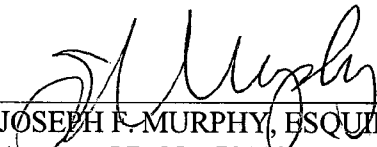
76. If the allegations in plaintiffs' complaint against defendants Richard J. Powell and Estes Express Lines are found to be true, then in that event said co-defendants are liable to plaintiffs for any damages that plaintiffs may have sustained.

77. If defendants Richard J. Powell and/or Estes Express Lines are found to be in any way liable to plaintiffs, any negligence on the part of answering defendants being expressly denied, then co-defendants Richard J. Powell and/or Estes Express Lines are solely liable to plaintiffs, or jointly liable with answering defendants to plaintiffs, or are liable over to answering defendants by way of contribution or indemnity for any verdict that plaintiffs may recover.

WHEREFORE, answering defendants respectfully request that co-defendants Richard J. Powell and Estes Express Lines be found to be solely liable to plaintiffs, or, if answering defendants should be found in any way liable to plaintiffs, such liability being expressly denied, then co-defendants Richard J. Powell and Estes Express Lines be found to be jointly and severally liable with answering defendants, or be found to be liable over to answering defendants for contribution or indemnity for any verdict which may be recovered by plaintiffs.

FORRY, ULLMAN, ULLMAN & FORRY, P.C.

By:



JOSEPH F. MURPHY, ESQUIRE
Attorney I.D. No. 78119
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110
(717) 441-9257
Attorneys for Defendant

DATE: 3/20/09

VERIFICATION

I, Rajinder Singh, do hereby verify that the foregoing Answer with New Matter was prepared with the assistance and advice of counsel, upon whose advice I have relied; that the Answer with New Matter, subject to inadvertent or undiscovered errors, is based upon and therefore limited by the records and information still in existence, presently recollected and thus far discovered in the preparation of this Answer with New Matter and the defense of this case; that the language of the Answer with New Matter is that of counsel; that subject to the limitations set forth herein, the averments of the Answer with New Matter are true and correct to the best of my knowledge, information and belief. I understand that false statements made in the foregoing document are subject to the penalties of Title 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Date: 2/21/09

Rajinder Singh
RAJINDER SINGH

Ricardo F. Caruso and Tatiana Caruso,	:	In the Court of Common Pleas of
Husband and Wife	:	Clearfield County, Pennsylvania
	:	
Plaintiffs	:	
	:	Civil Action
v.	:	
	:	No. 2008-01440-CD
Richard J. Powell; Estes Express Lines, Baljinder	:	
Singh, Rajinder Singh, Gurpreet Singh, and Twin	:	
Flag Express, Inc.	:	
Defendants	:	Jury of 12 Demanded

CERTIFICATE OF SERVICE

I, BETH MYERS, of FORRY, ULLMAN, ULLMAN & FORRY, P.C., attorneys for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express, Inc, certify that the foregoing **Answer with New Matter to Plaintiff's Complaint with Cross Claim**, served, this date, by first-class mail, postage prepaid, addressed as follows:

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer
305 N. Front Street
Harrisburg, PA 17101

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

FORRY ULLMAN

By:

BETH MYERS, PARALEGAL

DATE: 3-20-09

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

REPLY TO NEW MATTER FILED BY BALJINDER SINGH, RAJINDER SINGH AND
TWIN FLAG EXPRESS, INC.

NOW COME the Plaintiffs, Ricardo F. Caruso and Tatiana Caruso, and by their attorney, James A. Naddeo, Esquire, set forth the following in reply to new matter filed by Baljinder Singh, Rajinder Singh and Twin Flag Express, Inc.:

63. No answer is required. To the extent an answer may be required, Plaintiffs incorporate the averments of Paragraphs 1 through 62 of their complaint as if the same were set forth at length herein.

64. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. To the contrary, Plaintiffs have stated several claims upon which relief may be granted.

65. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. To the contrary, the accident occurred on August 11, 2006 and the applicable statute of limitations is two years from the date of the tortious conduct causing injury. Plaintiffs filed their complaint within the statute of limitations.

66. States conclusions of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, defendants were negligent as detailed in the body of plaintiffs' complaint which plaintiff incorporates herein by reference as if the same were set forth at length.

67. States conclusions of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, defendants' acts are substantial factors and causes of the accident and injuries as described in plaintiffs' complaint.

68. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, plaintiffs did not cause or contribute to the injuries of plaintiff and/or the damages averred in the complaint in any manner whatsoever.

69. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, plaintiffs are aware of no third

party whose acts or omissions may have constituted intervening or superseding causes of the damages suffered by plaintiffs.

70. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, plaintiff was operating his vehicle within the rules of the road as defined by the Commonwealth of Pennsylvania and was not contributorily negligent.

71. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, the incident and resulting injuries were directly caused by the negligent acts of defendants.

72. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, plaintiffs have taken all measures available to mitigate their damages.

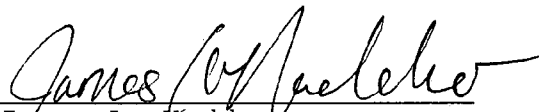
73. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, plaintiff is aware of no cause or contributing condition which would not have been under the control of the defendants in this action.

74. States a conclusion of law to which no answer is required. To the extent an answer may be required said averment is denied. On the contrary, plaintiffs are aware of no third party whose acts or omissions may have constituted intervening or superseding causes of the damages averred by plaintiffs.

WHEREFORE, Plaintiff, Ricardo F. Caruso, requests judgment against Defendants, Baljinder Singh, Rajinder Singh and Twin Flag Express, Inc., in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars exclusive of interest and costs. Jury Trial Demanded.

Respectfully submitted,

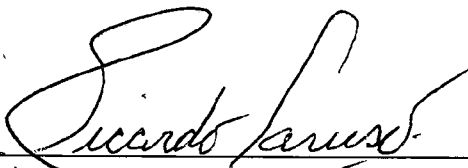
NADDEO & LEWIS, LLC

By: 
James A. Naddeo
Attorney for Plaintiffs

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

I, Ricardo F. Caruso, Plaintiff verify that the statements made in the foregoing Reply to New Matter 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.

By:



Ricardo F. Caruso
Plaintiff

Dated:

March 25th, 2009

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Reply to New Matter was served on the following
and in the following manner on the 2nd day of April, 2009:

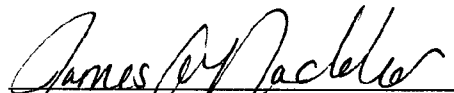
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:



James A. Naddeo
Attorney for Plaintiffs

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

FILED

APR 03 2009

William A. Shaw
Prothonotary/Clerk of Courts

**ANSWER TO DEFENDANTS, BALJINDER SINGH, RAJINDER SINGH, AND
TWIN FLAG EXPRESS, INC. TO CROSS-CLAIM OF DEFENDANTS POWELL
AND ESTES**

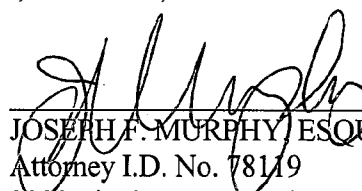
71. Answering defendants incorporate herein their answers to plaintiff's
Complaint as if fully set forth at length.

72 and 73. The averments contained in these paragraphs are legal conclusions to
which no responsive pleading is required. To the extent that a responsive pleading is
required, the averments contained in this paragraph are denied generally, pursuant to Pa.
R.C.P. 1029(e).

WHEREFORE, answering defendants respectfully request that this Honorable
Court dismiss all claims against answering defendants, with prejudice.

FORRY, ULLMAN, ULLMAN & FORRY, P.C.

By:


JOSEPH F. MURPHY ESQUIRE
Attorney I.D. No. 78119
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110
(717) 441-9257
Attorneys for Defendant

DATE: 3-31-09

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

CERTIFICATE OF SERVICE

I, BETH MYERS, of FORRY, ULLMAN, ULLMAN & FORRY, P.C., attorneys
for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express,
Inc, certify that the foregoing **ANSWER TO DEFENDANTS, BALJINDER SINGH,
RAJINDER SINGH, AND TWIN FLAG EXPRESS, INC. TO CROSS-CLAIM OF
DEFENDANTS POWELL AND ESTES**, served, this date, by first-class mail, postage
prepaid, addressed as follows:

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer
305 N. Front Street
Harrisburg, PA 17101

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830

I understand that the statements herein are made subject to the penalties of 18 Pa.

C.S.A. Section 4904 relating to unsworn falsification to authorities.

FORRY ULLMAN

By:

BETH MYERS, PARALEGAL

DATE: 03-31-09

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
305 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999

FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

7 FILED no CC
MT 12:50 PM
APR 22 2009
William A. Shaw
Prothonotary/Clerk of Courts

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

:
:
:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

:
:
:
:
:
: JURY TRIAL DEMANDED

**CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA
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 Subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party on or about April 6, 2009, to serve subpoenas upon the following:

- Woodmen of The World Insurance
- Progressive Insurance
- PA UC Board of Review
- Hunter Truck and Sales
- Brock Income Tax Service

2. A true and correct file copy of the Notice of Intent, including copies of the proposed subpoenas, are attached to this Certificate.


3. The twenty (20) day period for filing and serving objections to said subpoenas expired without any objections being raised for the subpoenas which will be served are identical to the subpoenas attached to the Notice of Intent.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

4/20/09
Date

By:


STEPHEN E. GULDIG, ESQUIRE
Attorney I.D. No. 43530

Attorneys for Defendants

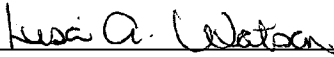
CERTIFICATE OF SERVICE

I, **LISA A. WATSON, PARALEGAL** of the law firm of **THOMAS, THOMAS, & HAFFER, LLP** do certify that I served the foregoing document on the following person(s), by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania addressed as follows:

James A. Naddeo, Esquire
P. O.Box 552
Clearfield, PA 16830
Attorneys for Plaintiffs

Joseph F. Murphy, Esquire
FORRY ULLMAN
2000 Linglestown Road, Suite 301
Harrisburg, PA 17110
**Attorneys for Defendants Twin Flag Express,
Baljinder Singh, Rajinder Singh
and Gurpreet Singh**

Date: April 20, 2009



Lisa A. Watson, Paralegal for
Stephen E. Geduldig, Esquire

THOMAS, THOMAS & HAFFER LLP

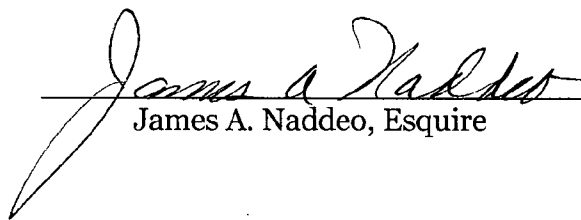
James A. Naddeo, Esquire

February 26, 2009

Page 2

I, James A. Naddeo, Esquire, counsel for Plaintiff, Ricardo F. Caruso, do hereby agree to waive the 20 Day Notice of Intent rule allowing counsel for Defendant to serve subpoenas upon Woodmen of The World Insurance; Progressive Insurance; PA UC Board of Review; Hunter Truck and Sales; and Brock Income Tax Service.

DATE: April 17, 2009


James A. Naddeo, Esquire

FILED

APR 22 2009

William A. Shaw
Prothonotary/Clerk of Courts

123

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

Dated: May 8, 2009

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

FILED No cc
013:3581
MAY 08 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE


I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Answers to Supplemental Interrogatories of Defendants, Richard J. Powell and Estes Express Lines were served on the following and in the following manner on the 8th day of May, 2009:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By: 
James A. Naddeo
Attorney for Plaintiffs

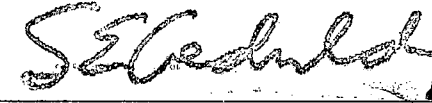
3. The twenty (20) day period for filing and serving objections to said subpoenas expired without any objections being raised for the subpoenas which will be served are identical to the subpoenas attached to the Notice of Intent.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

6/1/09
Date

By:



STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

Attorneys for Defendants

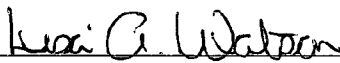
CERTIFICATE OF SERVICE

I, **LISA A. WATSON, PARALEGAL** of the law firm of **THOMAS, THOMAS, & HAFFER, LLP** do certify that I served the foregoing document on the following person(s), by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania addressed as follows:

James A. Naddeo, Esquire
P. O.Box 552
Clearfield, PA 16830
Attorneys for Plaintiffs

Joseph F. Murphy, Esquire
FORRY ULLMAN
2000 Linglestown Road, Suite 301
Harrisburg, PA 17110
**Attorneys for Defendants Twin Flag Express,
Baljinder Singh, Rajinder Singh
and Gurpreet Singh**

Date: June 1, 2009



Lisa A. Watson, Paralegal for
Stephen E. Geduldig, Esquire

THOMAS, THOMAS & HAFFER LLP

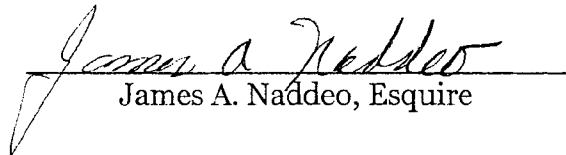
James A. Naddeo, Esquire

May 13, 2009

Page 2

I, James A. Naddeo, Esquire, counsel for Plaintiff, Ricardo F. Caruso, do hereby agree to waive the 20 Day Notice of Intent rule allowing counsel for Defendant to serve subpoenas upon: Indiana Regional Medical Center, DRMC Primary Care Associates, Kelli Graeff MD

DATE: May 27, 2009


James A. Naddeo, Esquire

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

Dated: July 17, 2009

FILED No CC
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JUL 17 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiffs' Responses to Request for Production of Documents of Defendants, Richard J. Powell and Estes Express Lines (Set II) were served on the following and in the following manner on the 17th day of July, 2009:


First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

JUL 17 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

Dated: July 17, 2009

5 FILED NOCC
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JUL 17 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE


I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Answers to Interrogatories of Defendants, Richard J. Powell and Estes Express Lines (Set II) were served on the following and in the following manner on the 17th day of July, 2009:

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By: 
James A. Naddeo
Attorney for Plaintiffs

FILED

JUL 17 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Interrogatories Addressed to Defendant, Baljinder Singh was served on the following and in the following manner on the 6th day of August, 2009.

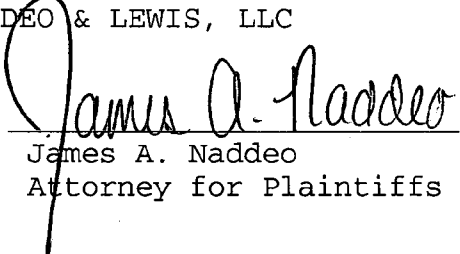
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

AUG 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

5 FILED NO CC
013378H
AUG 06 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Interrogatories Addressed to Defendant,
Richard J. Powell was served on the following and in the
following manner on the 6th day of August, 2009.

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
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Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:

James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

FILED

AUG 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
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RICHARD J. POWELL an
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LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

MOTION TO COMPEL

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

September 2, 2009

FILED

01/31/2009
SEP 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

MOTION TO COMPEL

NOW COME the Plaintiffs, Ricardo F. Caruso and Tatiana Caruso, Husband and Wife, and by their attorney, James A. Naddeo, Esquire, set forth the following:

1. On or about September 26, 2008, Plaintiffs filed the instant action against Defendants, Baljinder Singh, Gurpreet Singh, and Twin Flag Express, Inc.

2. On or about August 6, 2009, Plaintiffs served Defendant, Baljinder Singh with Interrogatories. True and correct copy of certificate of service is attached hereto as Exhibit "A."

3. That the Defendant, Baljinder Singh, served Objections of Defendant Baljinder Singh to Plaintiff's Interrogatories to Plaintiffs on August 20, 2009. True and correct copy of Objections of Defendant Baljinder Singh to Plaintiff's Interrogatories is attached hereto as Exhibit "B."

4. The interrogatories served by Plaintiffs to which Defendant, Baljinder Singh, objected have been excerpted and are attached collectively hereto as Exhibit "C."

5. With respect to the request at interrogatory 1(s) regarding crimes of moral turpitude, Plaintiffs represent that any crime which involves fraud, deceit and/or lends itself to indicate the veracity of Defendant is discoverable as the same is relevant and may lead to the discovery of relevant information that Plaintiffs may utilize to impeach the credibility of Defendant should he be called to testify at trial.


6. That Plaintiffs would withdraw the requests at interrogatories 45 and 47 to the extent that the same go beyond the expert reports which Plaintiffs are entitled to pursuant to Pa.R.C.P. 4010(b). Plaintiffs are entitled to have copies of any and all medical examinations of Plaintiffs conducted at the request of Defendant(s) pursuant to Rule 4010(b) whether or not the same are used at trial.

7. That Plaintiffs are entitled to have all other interrogatories to which Defendant, Baljinder Singh, has objected answered to the extent that the same do not include attorney-client privileged information. For example, interrogatory 38 requests information regarding reports of the accident made by the Defendant to others and the details of said reports. Other than any report Defendant made to an attorney this information is discoverable and should be provided.

8. All other objections by Defendant are unfounded and Plaintiffs represent that they are entitled to the information requested.

WHEREFORE, Plaintiffs respectfully request your Honorable Court to enter an Order directing Defendant, Baljinder Singh, to answer Plaintiffs' interrogatories subject to the minor limitations agreed to herein.

NADDEO & LEWIS, LLC

By 
James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Motion to Compel was served on the following
and in the following manner on the 2nd day of September, 2009.

First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

Filed
8-6-09

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
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SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

Exhibit "A"

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD *

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Interrogatories Addressed to Defendant, Baljinder Singh was served on the following and in the following manner on the 6th day of August, 2009.

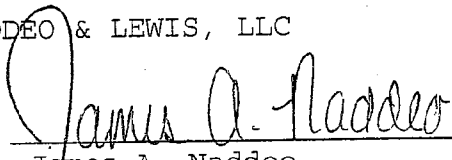
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Harrisburg, PA 17108
*Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines*

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
*Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh*

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

AUG 24 2009

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

**OBJECTIONS OF DEFENDANT BALJINDER SINGH TO PLAINTIFF'S
INTERROGATORIES**

1. (n), (o), (p), and (r) Defendant objects to this interrogatory in that it violates defendant's right to privacy. In addition, some or all of the information requested may not be relevant to this action, nor reasonably calculated to lead to the discovery of admissible evidence. Defendant will only provide such information so far as it bears upon his ability to safely operate a motor vehicle.

1. (s) Defendant objects to providing any information with regard to any convictions "of a crime of moral turpitude," as such information is not relevant to the claims or defenses in this case, and not reasonably calculated to lead to the discovery of admissible evidence.

33. Defendant objects to providing the information requested as it is violative defendant's right to privacy.

38. Defendant objects to this interrogatory to the extent that it seeks information that is protected from disclosure by virtue of the attorney/client privilege.

Exhibit "B"

44. Answering defendant objects to this interrogatory to the extent that it seeks information beyond the scope of permissible discovery pursuant to Pa.R.C.P. 4003.3 and the attorney/client privilege.

45. Defendant objects to this interrogatory in that the information requested is beyond the scope of permissible discovery, pursuant to Pa.R.C.P. 4003.5.

47. Defendant objects to this interrogatory in that the information requested is beyond the scope of permissible discovery, pursuant to Pa.R.C.P. 4003.5.

FORRY, ULLMAN, ULLMAN & FORRY, P.C.

By:



JOSEPH F. MURPHY, ESQUIRE

Attorney I.D. No. 78119

2000 Linglestown Road

Suite 301

Harrisburg, PA 17110

(717) 441-9257

Attorneys for Defendant

DATE: 8-20-07

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

CERTIFICATE OF SERVICE

I, BETH MYERS, of FORRY, ULLMAN, ULLMAN & FORRY, P.C., attorneys
for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express,
Inc, certify that the foregoing OBJECTIONS OF DEFENDANT BALJINDER SINGH TO
PLAINTIFF'S INTERROGATORIES, served, this date, by first-class mail, postage
prepaid, addressed as follows:

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer
305 N. Front Street
Harrisburg, PA 17101

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830

I understand that the statements herein are made subject to the penalties of 18 Pa.
C.S.A. Section 4904 relating to unsworn falsification to authorities.

FORRY ULLMAN

By:

BETH MYERS, PARALEGAL

DATE: 8-20-09

The following definitions are usage that applies to all of the Interrogatories contained herein:

A. The singular and masculine form of any noun or pronoun shall embrace, and be read and applied as, the plural or feminine or neuter as circumstances may make appropriate.

B. "Document" refers to all types of written, recorded or graphic matter, however produced or reproduced.

C. "Person" refers to any person, firm, corporation, partnership, proprietorship, association or agency.

D. "Identify" when used:

1. In reference to a person, means to state the full name, full title, last known resident address, last known business address and last known occupation and business affiliation.

2. In reference to documents, means to state with respect to each and every document, the type of document, author's name, recipient's name, date of preparation, present or last known custodian and location, and title and identification code or number of the file in which the document is kept.

II. INTERROGATORIES

1. State:

(a) Your name, age, date and place of birth;

(b) Any other name by which you have ever been known;

(c) Your present address and your address at the time of the accident;

(d) Your marital status at the time of the accident;

(e) Your present marital status;

(f) Your Social Security Number;

(g) Whether you are a licensed driver and, if so, where and when were you first licensed;

(h) Any and all restrictions on your driver's license at the time of the accident and at present;

(i) Your operator's license number;

(j) Whether you have received any citations for violating the rules of the road of any state within the United States in the last seven years;

(k) If your answer is yes to 1(j) please state for each citation:

i. The date upon which the citation was received

ii. The reason the citation was issued (what was the violation)

iii. The location where you were cited

iv. Whether or not you pled guilty and paid the citation

v. If you did not plead guilty what was the result of your not guilty plea. Please explain how the matter was handled and what result occurred in the end.

(1) Whether your license has ever been revoked

(m) If your answer to 1(1) is yes please state:

i. when your license was revoked

ii. for how long was it revoked

iii. for what reason was it revoked

iv. what steps were required for you in order to have your license reinstated

(n) Whether you have any physical defects, and if so, their nature and duration;

(o) Whether you had taken any medication within the 24 hours preceding the accident. If yes, identify the medication, the amount taken and the condition for which it was taken;

(p) Whether you had taken any other drugs, within the 24 hours preceding the accident. If yes, identify the drugs, the amount taken and the time so taken;

(q) Whether you had consumed any alcoholic beverages within the 8 hours preceding the accident. If yes, state when, what type of alcoholic beverage, where you consumed it and how much you consumed.

(r) Whether you are under the care of a physician, psychiatrist or psychologist at the time of the accident and, if so, the name and address of the physician, psychiatrist or psychologist or other mental health provider.

(s) Whether or not you have ever been convicted of a crime of moral turpitude or crimen falsi, and if so, please state the county, court, term number and charges;

INJURIES RELATING TO THE ACCIDENT

33. State in detail all injuries you sustained in the accident or as a result thereof.

34. Have you contacted anyone regarding injuries sustained by any other party in this action? If so, state the name of such persons and the substance of any information received from said person.

35. State whether you saw plaintiff subsequent to this accident in question and, if your answer is in the affirmative, set forth:

(a) the date you saw plaintiff;

(b) the places at which you saw either plaintiff;
and

(c) The identity and condition of the plaintiff at this time.

STATEMENTS

37. Please state the nature of any oral statements made by any witness to the accident (including yourself) concerning the occurrence. Please state when, where and to whom the statements were made.

38. Did you report the accident to any person or entity? If so:

(a) To whom was the report made;

(b) What are the contents of the report;

(c) State the date and time that the report was made;

TRIAL PREPARATION MATERIAL

44. Have you or anyone on your behalf including but not limited to attorneys and insurance adjusters, conducted any investigation of the accident which is the subject matter of the complaint? If the answer is in the affirmative, please:

(a) State the names and addresses of each such person, and the employer of each person, who conducted any investigation;

(b) State the subject matter of the investigation;

(c) State the dates of the investigation;

(d) Describe all notes, reports, or other documents prepared during or as a result of the investigations and the identity of the person who have possession thereof;

(e) Attach copies of any and all documents, memoranda, notes, photographs and statements as a result of the investigation.

EXPERTS

45. Identify by name and address any experts with whom you have consulted who will not be called upon to testify.

46. Identify by name and address any experts with whom you have consulted who will be called upon to testify at trial.

47. As to the experts in question No. 45 state:

(a) The background and qualifications of each said expert, listing the schools attended, years of attendance, degrees received, and experience in any particular field of specialization or expertise.

(b) Please attach copies of any and all documents which record the background and qualifications you describe in answer to 47(a).

(c) The subject matter upon which each expert will testify;

(d) The substance of all the facts and all the opinions to which each expert will testify;

(e) The grounds for each expert's opinion.

(f) Identify and describe any documents which the expert has developed for the purposes of this litigation, including any report made by the expert.

(g) Please attach a copy of said report identified in answer to 47(f).

INSURANCE

48. State whether you are covered by any type of insurance, including any excess or umbrella insurance, in connection with this accident:

If the answer is affirmative, state the following with respect to each policy:

(a) The name of the insurance carrier(s) that issued each policy of insurance;

(b) The named insured under each policy and the policy number;

(c) The type of each policy and the effective dates;

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

ORDER

AND NOW this 4th day of September, 2009, upon
consideration of the Motion to Compel filed by James A. Naddeo,
attorney of record for Plaintiffs, it is the Order of this Court
that this case will be heard before the Court on the 5th day
of October, 2009, at 9:30 A.M.,
at the Clearfield County Courthouse, Clearfield, Pennsylvania,
Courtroom No. 1.

$\frac{1}{2}$ hour has been allotted for this hearing.

BY THE COURT,

FILED

SEP 08 2009

William A. Shaw
Prothonotary/Clerk of Courts

3cc
Atty Naddeo

(64)

Judge

Judith J. Zimmerman

FILED

SEP 08 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/8/09

☒ 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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
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SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

FILED No
010502/4 CC
SEP 24 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
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No. 08-1440-CD

RICHARD J. POWELL an
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SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Rule was served on the following and in the
following manner on the 24th day of September, 2009.

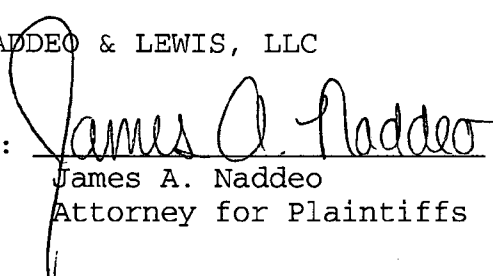
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Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

SEP 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
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RICHARD J. POWELL an
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LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

**PRAECIPE TO WITHDRAW
MOTION TO COMPEL**

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

Dated: October 1, 2009

⁵ FILED
0/3:40/01 CC
OCT 01 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

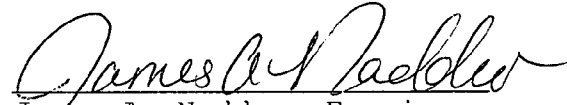
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an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

PRAECIPE TO WITHDRAW MOTION TO COMPEL

TO THE PROTHONOTARY:

Please withdraw the Motion to Compel filed on behalf
of Ricardo and Tatiana Caruso and against Defendant, Baljinder
Singh, on September 2, 2009, **without prejudice** to plaintiff to
file the same or praecipe for the scheduling of argument of the
same in the future.

NADDEO & LEWIS, LLC


James A. Naddeo, Esquire
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Praecept to Withdraw was served on the
following and in the following manner on the 1st day of October,
2009.

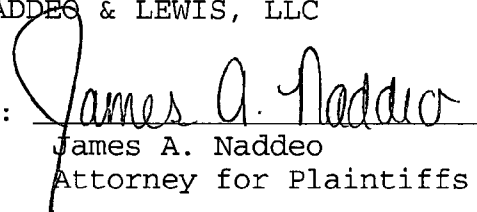
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108
**Attorneys for Defendants,
Richard J. Powell & Estes
Express Lines**

Joseph F. Murphy
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110
**Attorneys for Defendants,
Twin Flag Express, Inc.,
Baljinder Singh, Rajinder
Singh and Gurpreet Singh**

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

OCT 01 2009

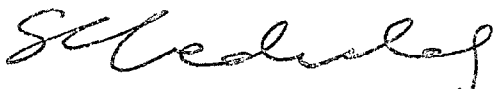
**William A. Straw
Prothonotary/Clerk of Courts**

3. The twenty (20) day period for filing and serving objections to said subpoenas expired without any objections being raised for the subpoenas which will be served are identical to the subpoenas attached to the Notice of Intent.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

2/5/10
Date

By: 
STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

Attorneys for Defendants

CERTIFICATE OF SERVICE

I, **LISA A. WATSON, PARALEGAL** of the law firm of **THOMAS, THOMAS, & HAFFER, LLP** do certify that I served the foregoing document on the following person(s), by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania addressed as follows:

James A. Naddeo, Esquire
P. O. Box 552
Clearfield, PA 16830
Attorneys for Plaintiffs

Joseph F. Murphy, Esquire
FORRY ULLMAN
2000 Linglestown Road, Suite 301
Harrisburg, PA 17110
**Attorneys for Defendants Twin Flag Express,
Baljinder Singh, Rajinder Singh
and Gurpreet Singh**

Date: 2/5/10

Lisa A. Watson
Lisa A. Watson, Paralegal for
Stephen E. Geduldig, Esquire

FORRY ULLMAN
Joseph Murphy, Esq.
Atty. I.D. No. 78119
2000 Linglestown Rd., Suite 301
Harrisburg, PA 17110

Attys. for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh and Twin Flag Express, Inc.

FILED

m/ 11:10 am
JUN 28 2010

William A. Shaw
Prothonotary/Clerk of Courts

RICARDO F. CARUSO and	:	IN THE COURT OF COMMON PLEAS
TATIANO CARUSO h/w	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiffs	:	
vs.	:	CIVIL ACTION-LAW
	:	No. -- 2008-01440 CD
RICHARD J. POWELL, ESTES EXPRESS	:	
Lines, BALJINDER SINGH, RAJINDER	:	
SINGH, GURPREET SINGH and	:	
TWIN FLAG EXPRESS, INC.	:	
Defendants	:	

CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA
PURSUANT TO Pa. R.C.P. 4009.22


As a prerequisite to service of a Subpoena to Produce Documents and things pursuant to Pa. R.C.P. 4009.22, Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh and Twin Flag Express certify that:

- (1) A Notice of Intent to Serve Subpoena with a copy of the Subpoena (directed to Mt. Nittany Medical Center for EMS report) attached thereto was mailed or delivered to each party;
- (2) A copy of the Notice of Intent, including the proposed Subpoena, is attached to this certificate;
- (3) Counsel for Plaintiffs and Counsel for Co-defendants, Richard Powell and Estes Express Lines have no objections to the Subpoena and have waived the twenty-day waiting period for service of same, and;
- (4) Copies of the Waivers of Twenty-Day Waiting Period are attached hereto.

FORRY ULLMAN

Date: 6/24/10

By:


Joseph F. Murphy, Esquire
Attorney for Defendants, Singh (s) and
Twin Flag Express, Inc.

FORRY ULLMAN
JOSEPH F. MURPHY, ESQUIRE
Attorney I.D. No. 78119
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110
(717) 441-9527
Attorneys for Defendants, Baljinder Singh, Rajinder Singh,
Gurpreet Singh and Twin Flag Express, Inc.

Ricardo F. Caruso and Tatiano Caruso	:	In the Court of Common Pleas
husband/wife	:	Clearfield County, Pennsylvania
Plaintiffs	:	
vs.	:	No. 2008 - 01440 CD
Richard J. Powell, Estes Express Lines,	:	
Baljinder Singh, Rajinder Singh, Gurpreet	:	
Singh, and Twin Flag Express, Inc.	:	
Defendants	:	

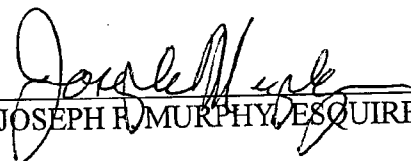
NOTICE OF INTENT TO SERVE A SUBPOENA
TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY
PURSUANT TO RULE 4009.21

Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh and Twin Flag Express, Inc., intend to serve a Subpoena identical to the Subpoena attached to this Notice. (Subpoena is directed to Mt. Nittany Medical Center re request for EMS report from Medic Unit 24 a/k/a Medic 2448). You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

FORRY ULLMAN

Dated: June 16, 2010

By:


JOSEPH F. MURPHY, ESQUIRE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ricardo F. Caruso
Tatiana Caruso
Plaintiff(s)

Vs.

Richard J. Powell
Estes Express Lines
Baljinder Singh
Rajinder Singh
Gurpreet Singh
Twin Flag Express, Inc.
Defendant(s)

No. 2008-01440-CD

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

TO: Mt. Nittany Medical Center, 1800 East Park Ave, State College, PA
16803

Attn: Pre-Hosp. (Name of Person or Entity)
Services - Richard Kelley

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

See "Attachment to Subpoena to Mt. Nittany Med. Ct."

(Address)

You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you
to comply with it.

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

NAME: Joseph F. Murphy, Esq./Forry Ullman

ADDRESS 2000 Linglestown Rd.

Ste. 301, Harrisburg, PA 17110

TELEPHONE: (717) 441-9257 (Ext. 103)

SUPREME COURT ID # 78119

ATTORNEY FOR: Deft's, Baljinder, Rajinder & Gurpreet Singh
and Twin Flag Express, Inc.

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Monday, June 14, 2010
Seal of the Court

Deputy

**ATTACHMENT TO SUBPOENA TO PRODUCE
DOCUMENTS TO MT. NITTANY MEDICAL CENTER**

Any and all records, including, but not limited to, the patient care report (s), EMS report re log #: 0601578 relative to the care/transport of Ricardo Caruso (DOB: 12/27/57, address: 405 Spruce St., Clearfield, PA) - by Mt. Nittany Medic Unit 24 (aka Medic 2448) in connection with a motor vehicle accident on August 11, 2006 at/near mile marker 146 on Rt. 80 East, Centre County, Snow Shoe Township, Pennsylvania.

Ricardo Caruso vs. Powell, Estes Express Lines, et al
Clearfield Cty, C.C.P., No. 2008 - 01440-CD

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

CERTIFICATE OF SERVICE

I, Joseph F. Murphy, of FORRY, ULLMAN, ULLMAN & FORRY, P.C., attorneys
for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express,
Inc, certify that the foregoing Notice of Intent to Serve Subpoena was served, this date, by
facsimile and first-class mail, postage prepaid, addressed as follows:

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer
305 N. Front Street
Harrisburg, PA 17101

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830

I understand that the statements herein are made subject to the penalties of 18 Pa.
C.S.A. Section 4904 relating to unsworn falsification to authorities.

FORRY ULLMAN

By:


JOSEPH F. MURPHY

DATE: June 16, 2010

FORRY ULLMAN
JOSEPH F. MURPHY, ESQUIRE
Attorney I.D. No. 78119
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110
(717) 441-9527
Attorneys for Defendants, Baljinder Singh, Rajinder Singh,
Gurpreet Singh and Twin Flag Express, Inc.

Ricardo F. Caruso and Tatiano Caruso	:	In the Court of Common Pleas
husband/wife	:	Clearfield County, Pennsylvania
Plaintiffs	:	
vs.	:	
	:	No. 2008- -01440 CD
Richard J. Powell, Estes Express Lines,	:	
Baljinder Singh, Rajinder Singh, Gurpreet	:	
Singh and Twin Flag Express, Inc.	:	
Defendants	:	

**WAIVER OF TWENTY (20) DAY WAITING PERIOD
RELATIVE TO NOTICE OF INTENT TO SERVE SUBPOENA**

I hereby agree to waive the twenty (20) day waiting period pursuant to Defendants' Notice of Intent to Serve a Subpoena to Produce Documents - (subpoena is directed to Mt. Nittany Medical Center re EMS report from Medic Unit 24 a/k/a Medic 2448).

Dated: 6/22/10

By: 

FORRY ULLMAN
 JOSEPH F. MURPHY, ESQUIRE
 Attorney I.D. No. 78119
 2000 Linglestown Road
 Suite 301
 Harrisburg, PA 17110
 (717) 441-9527
 Attorneys for Defendants, Baljinder Singh, Rajinder Singh,
 Gurpreet Singh and Twin Flag Express, Inc.

Ricardo F. Caruso and Tatiano Caruso	:	In the Court of Common Pleas
husband/wife	:	Clearfield County, Pennsylvania
Plaintiffs	:	
vs.	:	
	:	No. 2008- -01440 CD
Richard J. Powell, Estes Express Lines,	:	
Baljinder Singh, Rajinder Singh, Gurpreet	:	
Singh and Twin Flag Express, Inc.	:	
Defendants	:	

**WAIVER OF TWENTY (20) DAY WAITING PERIOD
 RELATIVE TO NOTICE OF INTENT TO SERVE SUBPOENA**

I hereby agree to waive the twenty (20) day waiting period pursuant to Defendants'
 Notice of Intent to Serve a Subpoena to Produce Documents - (subpoena is directed to Mt.
 Nittany Medical Center re EMS report from Medic Unit 24 a/k/a Medic 2448).

Dated: _____

6/17/10

By: _____



Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

CERTIFICATE OF SERVICE

I, Joseph F. Murphy, of FORRY, ULLMAN, ULLMAN & FORRY, P.C., attorneys
for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express,
Inc, certify that the foregoing Certificate Prerequisite to Service of Subpoena was served,
this date, by first-class mail, postage prepaid, addressed as follows:

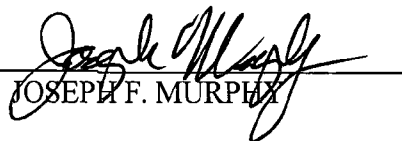
Stephen Geduldig, Esquire
Thomas, Thomas & Hafer
305 N. Front Street
Harrisburg, PA 17101

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830

I understand that the statements herein are made subject to the penalties of 18 Pa.
C.S.A. Section 4904 relating to unsworn falsification to authorities.

FORRY ULLMAN

By:


JOSEPH F. MURPHY

DATE: June 24, 2010

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
305 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999
FAX (717) 237-7105

FILED
m 11:07 AM
AUG 05 2010
icc Amy

William A. Shaw
Prothonotary/Clerk of Courts

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD
:
:
:

: JURY TRIAL DEMANDED

**MOTION OF DEFENDANTS, RICHARD J. POWELL AND ESTES EXPRESS
LINES, FOR SANCTIONS ASSOCIATED WITH PLAINTIFF'S FAILURE TO
APPEAR FOR HIS PROPERLY SCHEDULED INDEPENDENT MEDICAL
EXAMINATION ON TWO PRIOR OCCASIONS, AND TO COMPEL
PLAINTIFF TO ATTEND INDEPENDENT MEDICAL EXAMINATION**

AND NOW, come Defendants, Richard J. Powell and Estes Express Lines ("Moving Defendants"), by and through their legal counsel, Thomas, Thomas and Hafer, LLP, and file the instant Motion for Sanctions associated with Plaintiff's Failure to Appear for his Properly Scheduled Independent Medical Examination on Two Prior Occasions, and to Compel an Independent Medical Examination, and in support of same, aver as follows:

1. This action was commenced by the filing of a Complaint on or about, January 16, 2009. Plaintiffs' Complaint alleges negligence on the part of Defendants in connection with a motor vehicle accident, which occurred on August 11, 2006, in the eastbound lane of Interstate 80 at or near a rest area approximately one mile from Snow Shoe Borough, Centre County, Pennsylvania.

2. Plaintiff, Ricardo Caruso, allegedly¹ sustained injuries to his head, which resulted in memory loss, dementia, cognitive deficiency and deterioration, traumatic headache disorder, partial complex seizure disorder, severe mixed headaches, fatigability, anxiety disorder, depressive disorder, disorientation and confusion, and injuries to his neck, left ear, left forearm and abdominal wall. Plaintiff contends he is now permanently disabled as a result of these injuries.

3. As allowed by the Pennsylvania Rule of Civil Procedure No. 4010, counsel for Moving Defendants scheduled the first Independent Medical Examination ("IME") of Plaintiff with a Pennsylvania licensed neuropsychologist, Peter C. Badgio, Ph.D. Dr. Badgio's office is located at 950 Haverford Road, Suite 305, Bryn Mawr, Pennsylvania, 19010. The set date and time for the IME was Monday, April 12, 2010, at 9:00 a.m. A true and correct copy of counsel for Moving Defendants' correspondence to counsel for Plaintiffs confirming the IME is attached hereto and marked as Exhibit "A."

4. Plaintiff did not object to the IME.

5. Due to the length of the trip, Plaintiff's counsel did request Defendants to arrange for transportation for his client. Accordingly, Moving Defendants hired a

¹ Whether Plaintiff sustained a head injury is the central dispute. Defendants strenuously deny the existence of any head injury.

transportation company, Point to Point, to transport Plaintiff from his home at 405 Spruce Street, Clearfield, Pennsylvania, to Dr. Badgio's office in Bryn Mawr, Pennsylvania.

6. Plaintiff refused to share with Point to Point his telephone number so they could confirm his pick-up with him personally. Therefore, Point to Point contacted Plaintiff's counsel and confirmed the IME, on the Friday before April 9, 2010, and that Point to Point would pick Plaintiff up at 4:15 a.m.

7. Point to Point showed up at the pre-arranged time of 4:15 a.m., on Monday, April 12, 2010, at 405 Spruce Street, Clearfield, Pennsylvania and rang Plaintiff's doorbell. Nobody responded to this. Point to Point waited for one hour at the house. However, Plaintiff never presented for the pre-arranged ride. See Affidavit of Pete Perfetti of Point to Point, a true and correct copy which is attached hereto and marked as Exhibit "B."

8. It also is believed that Plaintiff never contacted Point to Point or anyone else, including his counsel, to inquire where Point to Point was at the designated time, although he claims that Point to Point never showed.

9. Dr. Badgio charged a \$1,450.00 "no show" fee for the April 12, 2010, neuropsychological IME since he had not scheduled other patients during that time period. A true and correct copy of Dr. Badgio's invoice is attached hereto and marked as Exhibit "C." In order to facilitate the next IME, and giving Plaintiff the benefit of the doubt, that one time, as to his claim that Point to Point must not have attempted to pick him up from the correct address, said invoice was paid by Moving Defendants.

10. Subsequently, Moving Defendants' counsel rescheduled Plaintiff's IME for Friday, July 23, 2010. A true and correct copy of the letter of counsel for Moving Defendants dated June 10, 2010, directed to Plaintiffs' counsel, is attached hereto and marked as Exhibit "D." Due to the transportation issue with the first IME, Moving

Defendants requested that Plaintiff obtain his own transportation for the second IME, and agreed to reimburse Plaintiff for that expense.

11. Plaintiff's counsel confirmed that his client was available for the second IME, as evidence by his June 10, 2010, letter, a true and correct copy which is attached hereto and marked as Exhibit "E."

12. Again, Plaintiff did not object to the IME.

13. On July 22, 2010, the day prior to the second scheduled IME, Defense counsel faxed a letter to Plaintiff's counsel to confirm the date, time and place of the IME. A true and correct copy of the letter dated July 22, 2010, is attached hereto and marked as Exhibit "F."

14. On Friday, July 23, 2010, Dr. Badgio contacted Dawn Jarvis, Paralegal for Thomas, Thomas & Hafer at 9:20 a.m. and left a voice mail message stating that Plaintiff had not shown for the IME. At 9:25 a.m., on the same day, Dr. Badgio contacted Attorney Geduldig and stated that Plaintiff had not shown, nor had he called to say he was late, or not coming to the IME.

15. At approximately 9:30 a.m. on July 23, 2010, after speaking to Dr. Badgio, counsel for Moving Defendants telephoned and spoke to counsel for Plaintiff and advised him that Plaintiff had not appeared for his IME.

16. Counsel for Plaintiff indicated that Plaintiff was aware of the scheduled IME, and that he had not telephoned to indicate that he would or could not be there, and that he did not know why Plaintiff did not appear at Dr. Badgio's office.

17. Again, because Dr. Badgio had not scheduled any patients during the time period he had set aside for the neuropsychological testing and evaluation scheduled for Plaintiff on July 23, 2010, Dr. Badgio charged another \$1,450.00 "no show" fee. A true

and correct copy of the invoice for the second IME is attached hereto and marked as Exhibit "G." Said invoice has, again, been paid by Moving Defendants.

18. Plaintiff agreed to submit to an IME with Dr. Badgio, and yet, on two separate occasions, failed to appear, i.e. when Point to Point arrived at his residence to drive him to the first scheduled IME, and at Dr. Badgio's office for the second scheduled IME.

19. Pennsylvania Rules of Civil Procedure 4010(a) provides, in pertinent part:

When the mental or physical condition of a party ...is in controversy, the court in which the action is pending may Order the party to submit to a physical or mental examination by an examiner... The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions and scope of the examination and the person or persons by whom it is to be made.

Pa. R.C.P. No. 4010(a)(2)(3).

20. Plaintiff's alleged neuropsychological conditions are "in controversy" as contemplated by Rule 4010, so that good cause exists for this Court to compel Plaintiff to attend an independent medical examination; and, besides, Plaintiff has never raised any objection to Defendants' right to same.

21. Plaintiff's alleged neurological condition is the basis for his claims of disability, inability to work, and loss of life's pleasures, all of which he contends is due to the fault of Moving Defendants. In order for Moving Defendants to be able to properly defend this case, Moving Defendants require that Plaintiff be examined and tested by an independent neuropsychological expert regarding Plaintiff's claims.

22. For these reasons, Moving Defendants first request that this Honorable Court enter an order compelling Plaintiff to appear for his IME within 30 days from the date of

the Court's Order, with Dr. Badgio, at a date and time chosen by defense counsel and that is convenient to Dr. Badgio.

23. Secondly, Moving Defendants request that this Honorable Court enter an Order that Plaintiff reimburse Moving Defendants for the two "no show" fees as indicated on the attached invoices, and also all attorneys' fees and costs related to the scheduling and cancellation of same, and attendant to the filing and defending of this Motion. See itemized list of fees and costs, a true and correct copy which is attached hereto and marked as Exhibit "H".

24. Pennsylvania Rule of Civil Procedure 4019(a)(1)(vii) provides that the Court, upon motion, may enter an appropriate sanctions order if a party "fails to make discovery"

25. Pennsylvania Rule of Civil Procedure 4019(a)(2) further provides that a failure described in Subsection (a) will not be excused on the ground that the discovery was objectionable unless the party failing to act filed an appropriate objection or motion for protective order.

26. If the Court finds that a party failed to comply with an appropriate discovery request as described in Subsection (a) of Pa.R.C.P. No. 4019, Subsection (c) provides that the Court may preclude the claim associated with the violation or enter any "such order with regard to the failure to make discovery as is just." Pa.R.C.P. No. 4019(c)(2)(5).

27. In determining what type of sanction is appropriate, the Court should consider factors such as the nature of the violation, the length of the delay and its reasons, any prejudice that may have resulted from the delay, and whether the prejudice can be cured. McGovern v. Hosp. Serv. Ass'n of Northeastern Pa., 785 A.2d 1012 (Pa. Super. 2010).

28. The nature of the violation is that Plaintiff has failed to appear for two neuropsychology examinations, which examinations are crucial for Moving Defendants to properly defend against Plaintiff's damages claim, including his claim of a permanent disability.

29. There is no reasonable excuse for Plaintiff's failure to appear for his properly scheduled IME with Dr. Badgio on July 23, 2010. Counsel for Plaintiff's legal counsel also acknowledged that his client was aware of said IME.²

30. Moreover, Plaintiff's most recent failure lends credence to the fact that his first aborted IME is a result of his conduct and not the far fetched excuse that the transportation company must have gone to the wrong address.

31. Plaintiff's failure to cooperate and appear for two properly scheduled IMEs, evidences a pattern of utter disdain for the Rules of Civil Procedure.

32. Plaintiff's total disregard for the Rules of Civil Procedure also has resulted in prejudice to Moving Defendants in that they have incurred thousands of dollars in costs and have been delayed in defending this case. See McCarthy v. Central Fulton County Sch. Dist., 27 Pa. D.&C.4th 185, 190 (CCP Fulton Co. 1994) (citing McSloy v. Jeanes Hospital, 546 A.2d 684, 687 (Pa. Super. 1998) (explaining that prejudice can be shown when a party experiences evidentiary difficulties and incurs costs due to the opposing party's lack of due diligence).

33. The only way the prejudice to Moving Defendants can be partially cured is for this Honorable Court to sanction Plaintiff to require him to pay for the costs incurred by Moving Defendants associated with the two IMEs he failed to appear for, to compel him to

² Plaintiff, who is believed to have a cell phone, did not call Dr. Badgio's office at any time.

attend an IME with Dr. Badgio, and if he again fails to appear for same, to preclude Plaintiff's damages claim.

34. In weighing all of the factors, it is submitted that this Honorable Court, in its sound discretion, should enter an order compelling Plaintiff to appear for his IME and awarding as a sanction the costs incurred by Moving Defendants due to Plaintiff's prior intentional failure to appear for his properly scheduled IMEs. See Pugh v. Coleman, 2006 Phila. Ct. Com. Pl. LEXIS 64 (CCP Phila. 2006) (precluding plaintiff from presenting evidence at trial due to her failure to appear for a deposition, her IME and a hearing); Haefner v. Sprague, 20 Phila. 157 (CCP Phila. 1989) (denying removal of non suit, in part, based on plaintiff's failure to appear for an examination, and noting that he had to reimburse defendants for the costs associated with same); Wachovia Bank, N.A. v. Dixon, 80 Pa. D.&C.4th 513 (CCP Berks Co. 2006) (granting sanctions in the nature of attorney's fees to defendant for plaintiff's failure to appear for deposition); and Henderson v. Henderson, 42 Pa. D.&C.4th 63 (CCP Montgomery Co. 1998) (striking defendant's pleadings as a discovery sanction for her repeated failure to appear for depositions).

35. Plaintiff is represented in this matter by James A. Naddeo, Esquire, Post Office Box 552, Clearfield, Pennsylvania, 16830. His telephone number is: (814) 765-1601.

36. Defendants are represented in this matter by Stephen E. Geduldig, Esquire and Stephanie Hersperger, Esquire, Thomas, Thomas & Hafer, LLP, 305 North Front Street, Harrisburg, Pennsylvania, 17108. Their telephone is: (717) 237-7119.

37. I have read the following Motion and to the best of my knowledge, information and belief, there are good grounds to support such motion and it is not interposed merely for delay.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, move this Honorable Court to order Plaintiff to attend an Independent Medical Examination with Peter C. Badgio, Ph.D. or suffer the imposition of sanctions pursuant to Pa.R.C.P. 4019.


Additionally, Defendants, Richard J. Powell and Estes Express Lines, move this Honorable Court to order Plaintiff to pay for both "no show" fees totaling \$2,900.00 and all associated attorneys fees and costs totaling \$584.94, for a total sum of \$3,448.94, or suffer the imposition of further sanctions.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

8-2-10
835914.2

By:


STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

STEPHANIE HERSPERGER, ESQUIRE
Attorney I.D. No. 78735

Attorneys for Defendants,
**RICHARD J. POWELL and
ESTES EXPRESS LINES**

Lisa A. Watson, Paralegal
(717) 255-7238
lwatson@tthlaw.com

March 4, 2010

VIA FACSIMILE 814-765-8142

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, PA 16830

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD
TTH File No. 221-70044

Dear Mr. Naddeo:

This letter is to inform you that we have scheduled Plaintiff, Ricardo Caruso, for a comprehensive neuropsychology exam with Peter Badgio Ph.D.

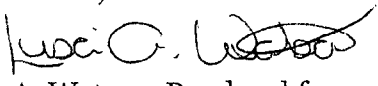
The exam is scheduled for **Monday, April 12, 2010 @ 9:00 a.m.** and is scheduled to last a full day. His office is located at **950 Haverford Rd., Suite 305, Bryn Mawr, PA, 19010.**

Please make sure your client arrives approximately 15 minutes early for the exam.
Thank you.

Very truly yours,

THOMAS, THOMAS & HAFFER LLP

By:


Lisa A. Watson, Paralegal for
Stephen E. Geduldig, Esquire

law: 623952.19

Enclosures

cc: Joseph F. Murphy, Esquire (w/enc.)

TRANSACTION REPORT

P.01/01

MAR/04/2010/THU 02:48 PM

FAX(TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
001	MAR/04	02:47PM	18147658142	0:01:11	2	OK	G3 1521

**THOMAS, THOMAS & HAFFER** LLP
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

TO: James Naddeo, Esquire**FROM:** Lisa A. Watson**FAX:** 814-765-8142**RE:** Caruso v. Estes**DATE:** March 4, 2010

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET:

IF PAGES ARE NOT RECEIVED AS INDICATED, PLEASE CONTACT:

Lisa Watson AT 717-255-7238 OR lwatson@tthlaw.com.☐ ORIGINAL WILL FOLLOW ☒ WILL NOT FOLLOW**MESSAGE:** Lisa Watson, Paralegal

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367434.1



THOMAS, THOMAS & HAFFER^{LLP}
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

TO: James Naddeo, Esquire

FROM: Lisa A. Watson

FAX: 814-765-8142

RE: Caruso v. Estes

DATE: March 4, 2010

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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Lisa Watson AT 717-255-7238 OR lwatson@tthlaw.com.

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MESSAGE: Lisa Watson, Paralegal

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367434.1

FROM
MAY/04/2010/TUE 09:02 AM TT&H - HBC

(TUE)MAY 4 2010 10:52/ST. 10:48/No. 7525954485 P 2
FAX No. 717 237 7105 P. 001

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
905 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999

FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,
Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

:
: JURY TRIAL DEMANDED

**AFFIDAVIT OF PETE PERFETTI, ASSISTANT DIRECTOR OF POINT TO
POINT NATIONWIDE TRANSPORTATION AND TRANSLATION SERVICES**

1. On March 8, 2010, Lisa Watson, a paralegal employed with Thomas, Thomas & Hafer, scheduled transportation to pick up Plaintiff, Ricardo Caruso, at his home at 405 Spruce Street, Clearfield, PA, 16830.

2. Plaintiff was to be transported to a neuropsychological exam with Peter Badgio, Ph.D., at 950 Haverford Road, Suite 305, Bryn Mawr, PA, 10910.

3. This exam was to take place on April 12, 2010, beginning at 9:00 a.m.

FROM
MAY/04/2010/TUE 09:02 AM TT&H - HBC

(TUE)MAY 4 2010 10:52/ST. 10:48/No. 7525954465 P 3

FAX No. 717 237 7105

P. 002

4. On March 23, 2010, Ashley from Plaintiff Counsel's office called Point to Point to confirm the scheduling of transportation for Plaintiff.

5. Ashley was informed that Plaintiff was scheduled and that a confirmation call would be placed to Plaintiff Counsel's office on the day before the scheduled pick up.

6. Ashley also wanted to know what type of vehicle would be transporting Plaintiff and she was notified that this information would be provided to her when the confirmation call was made the day prior to the scheduled pick up.

7. With the scheduled pick up to take place on a Monday, on Friday, April 9, 2010, Plaintiff Counsel's office was called, and the scheduled pick up and transport of Plaintiff was confirmed, for Monday, April 12, 2010, at 4:15 a.m.

8. Plaintiff counsel's office indicated that Plaintiff would be contacted and confirmed the pre-trip with him, due to the fact that Point to Point did not have a telephone number to contact Plaintiff directly.

9. On Monday, April 12, 2010, the Point to Point driver, arrived at the home of Plaintiff at 4:15 a.m., at 405 Spruce Street, Clearfield, PA.

10. The Point to Point driver rang the door bell and there was no answer. There were no lights on inside the home.

11. The driver then called and informed Point to Point headquarters that there was no response from inside the home.

12. Plaintiff's telephone number was not available and therefore, no phone call could be made.

FROM

MAY/04/2010/TUE 09:02 AM TT&H - HBC

(TUE)MAY 4 2010 10:52/ST. 10:48/No. 7525954465 P 4

FAX No. 717 237 7105

P. 003

13. Point to Point headquarters instructed its driver, to remain at the home for one hour before being released from the assignment.

14. At 7:30 a.m. on Monday, April 12, 2010, Point to Point placed a telephone call to Lisa Watson, paralegal at Thomas, Thomas & Hafer, and informed her via a voicemail that Plaintiff was a no show and then provided documentation regarding the same.

VERIFICATION

I, Pete Perfetti, Assistant Director, of Point to Point Nationwide Transportation and Translation Services, hereby verify that the averments made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

May 4, 2010

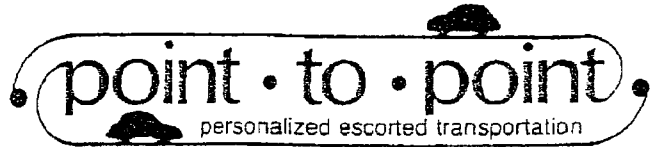
By:



Pete Perfetti, Assistant Director
Point to Point Nationwide
Transportation and
Translation Services

FROM

(TUE) MAY 4 2010 10:52/ST. 10:48/No. 7525954465 P 1



Serving Bucks, Chester, Delaware, Montgomery & Philadelphia Counties

319 North Pottstown Pike, Suite 309
Exton, PA 19341
(610) 594-7930
Fax: (610) 594-1432

JUST THE FAX.

ATTN:

Down

COMPANY

Thomas Loma

FAX NO:

717 237 7105

FROM:

Roll

DATE:

5/4/2010

NUMBER OF PAGES

(Includes Cover Page)

Peter C. Badgio, Ph.D.

950 Haverford Road
Suite 305
Bryn Mawr, PA 19010

Invoice

DATE	INVOICE #
4/12/2010	1526

BILL TO
Thomas Thomas & Hafer ATTN: Stephen E. Gouldig, Esq P.O. Box 999 Harrisburg, PA 17108

For Services Re:	Ricardo Caruso
------------------	----------------

ITEM	DESCRIPTION	QTY	AMOUNT
Cancellation	NO-SHOW for 04/12/10 Neuropsychological IME @ 1/2 exam fee		1,450.00
Please reference Invoice number on all payments.		Total	\$1,450.00

Tax I.D. Number: 023-48-9158

TRANSACTION REPORT

P.01/01

JUN/10/2010/THU 07:29 AM

FAX (TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	JUN/10	07:28AM	18147658142	0:00:42	1	OK	G3 3042

TTH THOMAS, THOMAS & HAFFER LLP
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

Stephen E. Geduldig
(717) 237-7119
sgeduldig@tthlaw.com

June 10, 2010

Via Facsimile No. (814) 765-8142
And Regular Mail

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, PA 16830

Re: **Caruso v. Powell, et al**
Clearfield County No. 2008-01440-CD
TTH File No. 221-70044

Dear Mr. Naddeo:

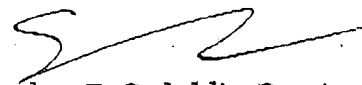
Dr. Badgio has indicated to us that the earliest available date for the "new" IME is Friday, July 23, 2010, beginning at 9:00 a.m. and lasting all day.

Please confirm, as soon as possible, that this date is available for your client to travel and attend the IME in Bryn Mawr, Pennsylvania. He should make his own arrangements to travel.

Sincerely,

THOMAS, THOMAS & HAFFER LLP

By:


Stephen E. Geduldig, Esquire

SEG:dej
623952.23

cc: Joseph F. Murphy, Esquire
Via Regular Mail



THOMAS, THOMAS & HAFFER LLP
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

Stephen E. Geduldig
(717) 237-7119
sgeduldig@tthlaw.com

June 10, 2010

Via Facsimile No. (814) 765-8142
And Regular Mail

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, PA 16830

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD
TTH File No. 221-70044

Dear Mr. Naddeo:


Dr. Badgio has indicated to us that the earliest available date for the "new" IME is Friday, July 23, 2010, beginning at 9:00 a.m. and lasting all day.

Please confirm, as soon as possible, that this date is available for your client to travel and attend the IME in Bryn Mawr, Pennsylvania. He should make his own arrangements to travel.

Sincerely,

THOMAS, THOMAS & HAFFER LLP

By:


Stephen E. Geduldig, Esquire

SEG:dej

623952.23

cc: Joseph F. Murphy, Esquire
Via Regular Mail



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

JAMES A. NADDEO
LINDA C. LEWIS

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

June 10, 2010

Stephen E. Geduldig, Esquire
Thomas, Thomas & Hafer, LLP
PO Box 999
Harrisburg, PA 17108


Re: Caruso v. Powell, et al
No. 2008-1440-CD

Dear Mr. Geduldig:

My client can be available on July 23, 2010 at 9:00
a.m. for his examination by Dr. Badgio.

You have provided me with the date and time for the
exam. Should I assume the place will be the same as previously
scheduled?

Sincerely,


James A. Naddeo

JAN/arb

Cc: Mr. & Mrs. Ricardo Caruso



THOMAS, THOMAS & HAFFER LLP
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

Dawn E. Jarvis, Paralegal
(717) 441-7060
djarvis@tthlaw.com

July 22, 2010

Via Facsimile No. (814) 765-8142

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, PA 16830

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD
TTH File No. 221-70044

Dear Mr. Naddeo:

This letter is sent as a reminder of the IME scheduled for Mr. Caruso tomorrow, July 23, 2010, at 9:00 a.m. with Peter C. Badgio, Ph.D., 950 Haverford Road, Suite 305, Bryn Mawr, Pennsylvania, 19010.

Please contact me with any questions.

Sincerely,

THOMAS, THOMAS & HAFFER LLP

By: 

Dawn E. Jarvis, Pa.C.P.
Litigation Paralegal for
Stephen E. Geduldig, Esquire

SEG:dej
623952.22

cc: Joseph F. Murphy, Esquire
Via E-mail: jmurphy@forryullman.com

TRANSACTION REPORT

P.01/01

JUL/22/2010/THU 07:50 AM

FAX(TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	JUL/22	07:49AM	18147658142	0:01:13	2	OK	G3 4126

HARRISBURG
BETHLEHEM
PITTSBURGH



ATTORNEYS AT LAW
www.tthlaw.com

TO: James A. Naddeo, Esquire (814) 765-8142
FROM: Dawn Jarvis, Paralegal
RE: Caruso v. Powell, et al.
DATE: July 22, 2010

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 2

IF PAGES ARE NOT RECEIVED AS INDICATED, PLEASE CONTACT:
Connie Spaniol AT 717-255-7637 OR cspaniol@tthlaw.com.

☐ ORIGINAL WILL FOLLOW ☐ xxxWILL NOT FOLLOW

MESSAGE:

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487381.1

Peter C. Badgio, Ph.D.

950 Haverford Road
Suite 305
Bryn Mawr, PA 19010**Invoice**

DATE	INVOICE #
7/26/2010	1590

BILL TO
Thomas Thomas & Hafer ATTN: Stephen E. Gouldig, Esq P.O. Box 999 Harrisburg, PA 17108

For Services Re:	Ricardo Caruso
------------------	----------------

ITEM	DESCRIPTION	QTY	AMOUNT
Cancellation	NO-SHOW for 07/23/10 Neuropsychological IME @ 1/2 exam fee		1,450.00
Please reference Invoice number on all payments.			
Total			\$1,450.00

Tax I.D. Number: 023-48-9158

Summary of Attorney's Fees and Costs

Date	Initials	Description	Total Hours	Hourly Rate	Total Fee
03/08/10	LAW	Prepare correspondence to opposing counsel offering transportation to and from the IME exam for Plaintiff, Ricardo Caruso	.10	\$85	\$8.50
03/08/10	LAW	Telephone call to Point to Point Transportation in preparation of arrangements for Plaintiff to attend Neuropsychological exam	.10	\$85	\$8.50
03/08/10		Postage expense			.44
03/09/10	LAW	Receive and review correspondence from claims adjuster regarding transportation to Neuropsychological exam of Plaintiff	.10	\$85	\$8.50
03/23/10	SEG	Receipt and review of correspondence from Attorney Naddeo regarding Plaintiff's Gannett Flemming records and confirming he will attend his exam with Dr. Badgio	.10	\$195	\$19.50
04/12/10	LAW	Telephone call to opposing counsel regarding no show of Plaintiff for transportation to his exam	.10	\$85	\$8.50
04/12/10	LAW	Telephone call to Dr. Badgio regarding Plaintiff not presenting for Neuropsychological exam and report to Attorney Geduldig regarding same	.20	\$85	\$17.00
04/12/10	LAW	Receipt and review documentation from Point to Point Transportation regarding pick up of Plaintiff for transport to Neuropsychological exam with Dr. Badgio	.20	\$85	\$17.00
04/12/10	LAW	Prepare a draft of Affidavit concerning transportation of Plaintiff to his Neuropsychological exam for review and approval of Attorney Geduldig	.40	\$85	\$34.00
04/13/10	SEG	Receipt and review letter from Attorney Naddeo regarding Caruso missing his IME appointment	.10	\$195	\$19.50
04/26/10	SEG	Correspondence from Attorney Naddeo regarding Caruso dodging IME	.10	\$195	\$19.50
04/26/10	SEG	Correspondence to Attorney Naddeo regarding payment of no show fee	.10	\$195	\$19.50

Date	Initials	Description	Total Hours	Hourly Rate	Total Fee
04/27/10	SEG	Review and revise draft Affidavit of Point to Point transportation regarding Plaintiff's failure to post for pick up to IME	.30	\$195	\$58.50
04/28/10	LAW	Telephone call with Ron Cirillo from Point to Point Transportation regarding verification of additional information regarding missed transport of Plaintiff	.20	\$85	\$17.00
05/04/10	DEJ	Telephone call to and from Ron Cirillo of Point to Point Transportation Services and changes to the Affidavit regarding no show of Plaintiff	.20	\$85	\$17.00
05/04/10	DEJ	Receipt and review of signed fax and Affidavit from Ron Cirillo of Point to Point relating the IME transportation issue	.10	\$85	\$8.50
05/04/10	DEJ	Preparation of correspondence directed to Plaintiff's counsel submitting a signed Affidavit from Point to Point confirming that they were present to transport Plaintiff to his IME	.10	\$85	\$8.50
05/25/10	DEJ	Telephone call to and from Point to Point with regard to Plaintiff's counsel's letter requesting additional information regarding Plaintiff's home description	.10	\$85	\$8.50
05/26/10	SEG	Correspondence from Attorney Naddeo regarding dispute regarding fee for Badgio exam	.10	\$195	\$19.50
05/26/10	DEJ	Several telephone calls with Pete Perfetti of Point to Point Transportation in an effort to answer Plaintiff's counsel questions submitted to our firm on May 13, 2010 relating to his client's no show for the IME	.20	\$85	\$17.00
05/26/10	DEJ	Preparation of draft correspondence directed to Plaintiff's counsel regarding Point to Point, the request for Plaintiff's telephone number and our second request to have Plaintiff voluntarily submit for an IME	.20	\$85	\$17.00
05/27/10	SEG	Revise letter to Plaintiff's counsel regarding resolving dispute over allegedly missed pick up for IME	.20	\$195	\$39.00
05/27/10	DEJ	Preparation of electronic	.10	\$85	\$8.50

Date	Initials	Description	Total Hours	Hourly Rate	Total Fee
		correspondence directed to Attorney Murphy relating to the correspondence our office sent to Plaintiff's counsel regarding Plaintiff's recent aborted IME and associative supportive information regarding "at fault" issues			
05/28/10	DEJ	Telephone call from Pete Perfetti of Point to Point with some information from his driver regarding how specifics and description needed pursuant to Plaintiff's request	.10	\$85	\$8.50
05/28/10	DEJ	Telephone call to Dr. Badgio regarding IME, Plaintiff's request, and no show information	.10	\$85	\$8.50
05/28/10	DEJ	Lengthy telephone conference with Peter Perfetti to confirm GPS units with driver, written documentation to provide proof of contact with Plaintiff's attorney, how the driver verified the address at the time of pick up, what the next step would be, and will we file law suit	.20	\$85	\$17.00
05/28/10	DEJ	Telephone call to Chuck Shank at Fullington regarding IME and possible transportation issues	.10	\$85	\$8.50
06/01/10	SEG	Correspondence to clients regarding how to handle aborted IME costs	.10	\$195	\$19.50
06/01/10	DEJ	Preparation of correspondence directed to Attorney Naddeo requesting Plaintiff submit open dates in June and July 2010 for "new" IME and provide his own transportation to and from same	.10	\$85	\$8.50
06/07/10	SEG	Correspondence from Attorney Naddeo regarding Badgio IME	.10	\$195	\$19.50
06/09/10	DEJ	Preparation of facsimile correspondence directed to Plaintiff's counsel regarding Dr. Badgio and upcoming IME specifics	.10	\$85	\$8.50
06/09/10	DEJ	Telephone call from and to Dr. Badgio regarding IME specifics relating to Plaintiff and additional information requested by the doctor	.10	\$85	\$8.50
06/16/10	DEJ	Telephone call to Plaintiff's	.10	\$85	\$8.50

Date	Initials	Description	Total Hours	Hourly Rate	Total Fee
		correspondence directed to Attorney Murphy relating to the correspondence our office sent to Plaintiff's counsel regarding Plaintiff's recent aborted IME and associative supportive information regarding "at fault" issues			
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06/09/10	DEJ	Telephone call from and to Dr. Badgio regarding IME specifics relating to Plaintiff and additional information requested by the doctor	.10	\$85	\$8.50
06/16/10	DEJ	Telephone call to Plaintiff's	.10	\$85	\$8.50

Date	Initials	Description	Total Hours	Hourly Rate	Total Fee
		counsel relating to their June 10, 2010 correspondence, confirmation of same and requesting additional information relating to IME			
06/22/10	DEJ	Telephone call to Dr. Badgio in response to his message left for DEJ relating to Plaintiff's IME and additional needed documentation before he can proceed with same	.10	\$85	\$8.50
07/19/10	DEJ	Telephone call to Dr. Badgio regarding the upcoming IME, whether Plaintiff has contacted him and payment of his account	.10	\$85	\$8.50
07/21/10	DEJ	Telephone call from Dr. Badgio regarding "no show" payment and upcoming IME conference	.10	\$85	\$8.50
07/22/10	DEJ	Preparation of correspondence directed to Plaintiff's counsel confirming that his client will be attending the IME with Dr. Badgio rescheduled for tomorrow	.10	\$85	\$8.50
		TOTAL	4.7		\$548.94

838549.1

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

:

:

: CIVIL ACTION -- LAW

: NO. 2008-01440-CD

:

:

:

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: JURY TRIAL DEMANDED

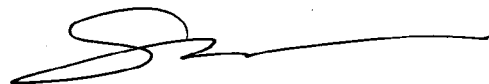
CERTIFICATE OF CONCURRENCE

I certify that I spoke with counsel for Plaintiffs on August 2, 2010, to advise that Defendants were filing a Motion to Compel and for sanctions, and confirmed that counsel for Plaintiffs does not concur with said Motion.

8-2-10

835914.4

By:



Stephen E. Geduldig, Esquire

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION OF DEFENDANTS, RICHARD J. POWELL and ESTES EXPRESS LINES, FOR SANCTIONS ASSOCIATED WITH PLAINTIFF'S FAILURE TO APPEAR FOR HIS PROPERLY SCHEDULED INDEPENDENT MEDICAL EXAMINATION ON TWO PRIOR OCCASIONS AND TO COMPEL PLAINTIFF TO ATTEND INDEPENDENT MEDICAL EXAMINATION** was served by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the 7th day of August, 2010, on all counsel of record as follows:

James A. Naddeo, Esquire
Post Office Box 552
Clearfield, Pennsylvania 16830
Attorneys for Plaintiffs

Joseph F. Murphy, Esquire
FORRY ULLMAN
2000 Linglestown Road, Suite 301
Harrisburg, Pennsylvania 17110
**Attorneys for Defendant, Twin Flag Express, Baljinder Singh,
Rajinder Singh and Gurpreet Singh**

THOMAS, THOMAS & HAFFER, LLP


Stephen E. Geduldig, Esquire 617265.1

FILED

AUG 05 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO S. CARUSO and
TATIANA CARUSO, husband and wife,
Plaintiffs,

NO. 2008-1440-C.D.

vs.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
Individual; RAJINDER SINGH, an
Individual; GURPREET SINGH, an
Individual; and TWIN FLAG EXPRESS,
A New Jersey Corporation,
Defendants,

FILED

AUG 06 2010

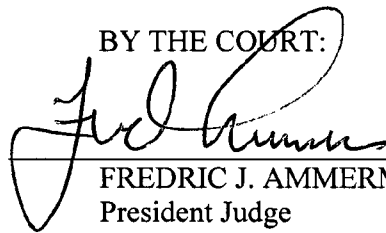
5 0/2:20/60 (60)
William A. Shaw
Prothonotary/Clerk of Courts
4 (Clerk to Att)

ORDER

AND NOW, this 6 day of August 2010, upon review and consideration of the Defendant's Motion For Sanctions and to Compel Plaintiff's Independent Medical Examination; it is the ORDER of this court that argument on said Motion shall be and is hereby scheduled for **Wednesday, September 1, 2010 at 3:00 P.M.** in Courtroom No. 1, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

Thirty minutes has been reserved for this proceeding.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED
AUG 06 2010
William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6-6-10
X You are responsible for serving all appropriate parties.
The Prothonotary's office has provided service to the following parties:
Plaintiff(s) _____ Defendant(s) Attorney _____
Plaintiff(s) _____ Defendant(s) Attorney _____
Other _____
Special Instructions: _____
Prothonotary/Clerk of Courts

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,
Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNA.

:
:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

:
:
:
:
:
: JURY TRIAL DEMANDED

ORDER

AND NOW, on this _____ day of _____, 2010, upon consideration of the Motion of Defendants, Richard J. Powell and Estes Express Lines, for Sanctions and to Compel Plaintiff's Independent Medical Examination with Peter C. Badgio, Ph.D., it is hereby **ORDERED** that Plaintiff, Ricardo S. Caruso, is directed to present himself to Peter C. Badgio, Ph.D., for the purposes of an Independent Medical Examination within thirty (30) days of the date of this Order, on a date and time convenient to Dr. Badgio.

Plaintiff, Ricardo S. Caruso, **ALSO** is **ORDERED** to reimburse Defense Counsel, Thomas, Thomas & Hafer, LLP, the sum of \$_____ for the costs and fees associated with Plaintiff's failure to appear for his properly scheduled Independent Medical Examination with Dr. Badgio on two prior occasions.

BY THE COURT:

J. 835914.3

cc: James A. Naddeo, Esquire, Attorney for Plaintiffs
Post Office Box 552
Clearfield, Pennsylvania 16830

Stephen E. Geduldig, Esquire, Attorney for Defendants, Powell and Estes
THOMAS, THOMAS & HAFER
P.O. Box 999
Harrisburg, Pennsylvania 17108-0999

Joseph F. Murphy, Esquire, Attorneys for Defendants, Twin Flag Express and
the Singh Defendants
FORRY ULLMAN
2000 Linglestown Road, Suite 301
Harrisburg, Pennsylvania 17110

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

FILED *nc*
013:34
AUG 12 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Interrogatories Addressed to Defendant, Twin Flag Express, Inc. (Set Two) and Second Request for Production of Documents Directed to Defendant, Twin Flag Express, Inc. was served on the following in the following manner on the 12th day of August, 2010.

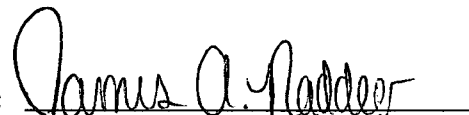
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFER, LLP
P.O. Box 999
Harrisburg, PA 17108

Joseph Murphy, Esquire
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

AUG 12 2010

**William A. Straw
Prothonotary/Clerk of Courts**

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

FILED

013529/01
AUG 19 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

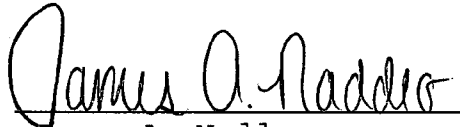
I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Second Request for Production of Documents Directed to Defendant, Twin Flag Express, Inc. was served on the following in the following manner on the 19th day of August, 2010.

First-Class Mail, Postage Prepaid

Joseph Murphy, Esquire
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

AUG 19 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

FILED 3cc AHY
01 10:40am Naddeo
AUG 26 2010

William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading:

MOTION FOR CONTINUANCE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

MOTION FOR CONTINUANCE

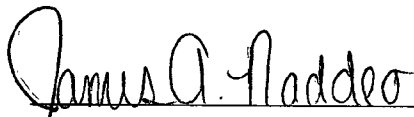
NOW COMES James A. Naddeo, Esquire, Attorney of record
for the Plaintiffs and hereby moves this Honorable Court for a
continuance of the Hearing scheduled for Wednesday, September 1,
2010 and sets forth as follows:

1. That Petitioner is attorney of record for Plaintiffs,
2. That a hearing upon the Motion of Defendant, Estes
Express Lines requesting Sanctions is presently scheduled to be
heard on Wednesday, September 1, 2010 at 3:00 p.m.
3. That your Petitioner has filed with this Motion a
Petition for Leave to Withdraw as counsel for the Plaintiffs.
4. That Petitioner discussed this continuance with counsel
for Estes Express Lines.

5. That counsel for Estes Express Lines has no objection to a continuance of the hearing scheduled for Wednesday, September 1, 2010 at 3:00 p.m.

WHEREFORE, counsel for Plaintiff respectfully requests that the Hearing on Defendant, Estes Express Lines' Motion for Sanctions presently scheduled for Wednesday, September 1, 2010 at 3:00 p.m. be continued.

Respectfully submitted,

A handwritten signature in dark ink, reading "James A. Naddeo". The signature is written in a cursive style with a large, looping initial "J".

James A. Naddeo, Esquire
Attorney for Plaintiff

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Motion for Continuance was served on the following in the following manner on the 26th day of August, 2010.

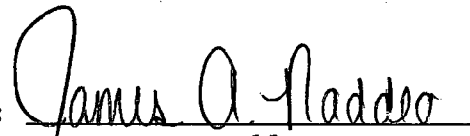
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108

Joseph Murphy, Esquire
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

FILED 3cc AH
9/10:38m Naddeo
AUG 26 2010

William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading:

**PETITION TO WITHDRAW
AS COUNSEL**

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

PETITION TO WITHDRAW AS COUNSEL

NOW COMES James A. Naddeo, Esquire, attorney of record
for the Plaintiffs, Ricardo F. Caruso and Tatiana Caruso, and sets
forth the following:

1. That your Petitioner is substitute counsel for
John G. Achille, Esquire who was discharged by Plaintiffs.

2. That during his representation of Plaintiffs Mr.
Achille incurred out-of-pocket expenses in the amount of
\$1,230.00.

3. That your Petitioner agreed to reimburse Mr.
Achille for his out-of-pocket expenses out of any settlement or
verdict.

4. That your Petitioner has also invested out-of-
pocket expenses in the amount of \$3,430.09.

5. That throughout Petitioner's representation of Plaintiffs the Plaintiff, Ricardo Caruso has been uncooperative, combatant and at time threatening to Petitioner's office staff.

6. That Petitioner met with Plaintiffs on Thursday, August 19, 2010 to prepare for a hearing scheduled upon Defendant, Estes Express Lines' Motion for Sanctions which is scheduled to be heard on Wednesday, September 1, 2010 at 3:00 p.m.

7. That during the course of the conference referred to in paragraph 6 Plaintiff, Ricardo Caruso became hostile, threatening and condemnatory of Petitioner's representation of his interests.

8. That both Plaintiffs despite Petitioner's efforts refuse to recognize Defendant's right to subject Plaintiff, Ricardo Caruso to an Independent Medical Examination.

9. That your Petitioner was required to order Plaintiff, Ricardo Caruso from Petitioner's office.

10. That Petitioner then made a conscientious effort to explain the ramifications of this litigation to Plaintiff, Tatiana Caruso.

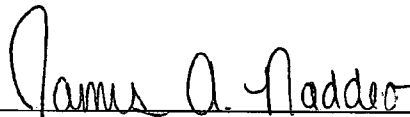
11. That while Plaintiff, Tatiana Caruso was polite and receptive it was clear that her understanding of Plaintiffs' circumstances was not appreciated.

12. That your Petitioner is unable because of the deterioration of the attorney/client relationship to effectively represent the interests of Plaintiffs.

WHEREFORE, Petitioner respectfully requests Your Honorable Court to enter a Rule upon Plaintiffs to show cause why he should not be allowed to withdraw as counsel and further show cause why Petitioner and prior counsel should not be reimbursed for their out-of-pocket expenses.

NADDEO & LEWIS, LLC

BY:


James A. Naddeo, Esquire
Attorney for Plaintiffs

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
true and correct copy of Petition to Withdraw as Counsel was
served on the following in the following manner on the 26th day
of August, 2010.

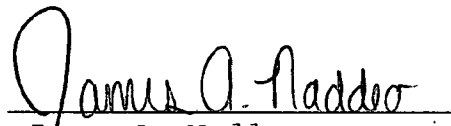
First-Class Mail, Postage Prepaid

Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108

Joseph Murphy, Esquire
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

AUG 26 2010

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

RICARDO S. CARUSO and
TATIANA CARUSO, husband and wife,

vs.

NO. 2008-1440-CD

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
Individual; RAJINDER SINGH, an
Individual; GURPREET SINGH, an
Individual; and TWIN FLAG EXPRESS,
A New Jersey Corporation,

FILED

AUG 30 2010
6:13:20 PM
William A. Snow
Prothonotary/Clerk of Court

CLERK TO NADDER
GEOULDS
J. Munnery

SCHEDULING ORDER

AND NOW, this 30th day of August 2010, it is the ORDER of the Court
that the hearing on the above captioned case scheduled for September 1, 2010, shall
be and is hereby re-scheduled for the 13th day of October, 2010 at 11:00 o'clock
A.M. in Courtroom #1 of the Court of Common Pleas of Clearfield County,
Pennsylvania.

One half hour has been set aside for this hearing.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED
AUG 30 2010
William A. Shaw
Prothonotary/Clerk of Courts

DATE: _____

☒ 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:

Josiah Munday
2060 Lincolnton Road
Harris 17110 Ste 301

CA

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

FILED

4 AUG 30 2010
6/3:40/2
William A. Shaw
Prothonotary/Clerk of Courts
3 Cent P ATT

ORDER

AND NOW, this 27 day of August, 2010, upon
consideration of the forgoing Petition, it is hereby ordered that:

(1) a rule is hereby issued upon Respondents, Ricardo
F. Caruso and Tatiana Caruso, to Show Cause why the Petitioner,
James A. Naddeo, is not entitled to the relief requested;

(2) the Respondent shall file an answer to the petition
within twenty (20) days of service upon the Respondent;

(3) the petition shall be decided under Pa. R.C.P. No.
206.7;

(4) notice of the entry of this order shall be provided
to all parties by the Petitioner.

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 FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY FOR PERSON FILING THE PETITION. 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 THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
Second & Market Street
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 50-51

BY THE COURT,



Judge

FILED

AUG 30 2010

William A. Shaw
Probationary Clerk of Courts

DATE: _____

☒ You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

CA

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

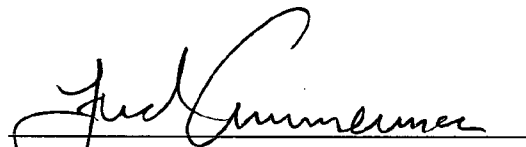
FILED

AUG 30 2010
0/3:40/16
William A. Shaw
Prothonotary/Clerk of Courts
3 sent to Ann

ORDER

AND NOW this 27th day of August, 2010, upon consideration of the Motion of James A. Naddeo, Esquire, attorney of record for Plaintiffs, seeking a continuance of the hearing set upon the Motion for Sanctions filed by Defendant, Estes Express Lines, it is the Order of this Court that said hearing be continued pending resolution of Plaintiffs' counsel's Petition for Leave to Withdraw as Counsel on behalf of the Plaintiffs but in no event more than 60 days from the hearing upon Plaintiffs' counsel's Petition to Withdraw.

BY THE COURT,


Judge

FILED
AUG 30 2000
William A. Shay
Presiding Clerk of Courts

DATE: _____
You are responsible for serving all appropriate parties.
The Preliminary's office has provided service to the following parties:
Plaintiff(s) _____
Defendant(s) _____
Plaintiff's Attorney _____
Defendant's Attorney _____
Other _____
Special Instructions: _____

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

FILED

SEP 01 2010
0/10:55/4
William A. Shaw
Prothonotary/Clerk of Courts
no 9/c

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Petition to Withdraw as Counsel was served on
the following in the following manner on the 1st day of
September, 2010.

First-Class Mail, Postage Prepaid

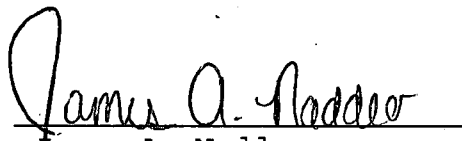
Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108

Joseph Murphy, Esquire
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110

Ricardo and Tatiana Caruso
405 Spruce Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

SEP 01 2011

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO³ and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
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LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

FILED

SEP 01 2010
William A. Shaw
Prothonotary/Clerk of Courts
we 9c

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Motion for Continuance and Scheduling Order was
served on the following in the following manner on the 1st day of
September, 2010.

First-Class Mail, Postage Prepaid

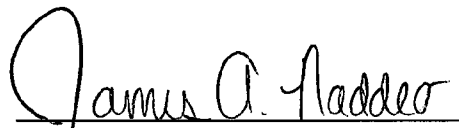
Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFER, LLP
P.O. Box 999
Harrisburg, PA 17108

Joseph Murphy, Esquire
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110

Ricardo and Tatiana Caruso
405 Spruce Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

William A. Sear
Prothonotary/Clerk of Courts

SEP 01 1991

FILED

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

**MOTION TO MAKE RULE
ABSOLUTE**

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

FILED 3cc Atty
Naddeo
12:17pm
SEP 27 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

MOTION TO MAKE RULE ABSOLUTE

NOW COMES your Petitioner, James A. Naddeo, Esquire, in
the above-captioned case and sets forth the following:

1. Your Petitioner filed a Petition for Leave to
Withdraw on August 26, 2010.

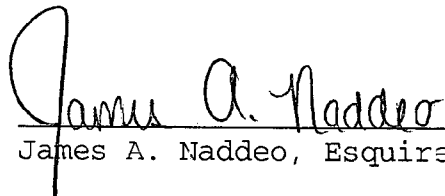
2. That your Honorable Court entered a Rule to show
cause why Petitioner should not be granted leave to withdraw as
counsel on August 27, 2010.

3. That all parties were properly served with a copy of
said Petition and Order on September 1, 2010.

4. That neither the Plaintiffs nor counsel of record for
the Defendants in this action have filed a response to the Rule
entered by the Court.

WHEREFORE, Petitioner respectfully requests that your Honorable Court make Petitioner's Rule Absolute and enter the Order attached to this Motion.

Respectfully submitted,


James A. Naddeo, Esquire

FILED

SEP 27 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA *
CARUSO, Husband and Wife, *
Plaintiffs, *

v. *

No. 08-1440-CD *

RICHARD J. POWELL an *
Individual; ESTES EXPRESS *
LINES, a Virginia *
Corporation; BALJINDER SINGH, *
an individual; RAJINDER SINGH, *
an individual; GURPREET *
SINGH, an individual; and *
TWIN FLAG EXPRESS, INC., a *
New Jersey Corporation, *
Defendants. *

FILED 3cc
0112:34 BY Atty Naddeo
SEP 28 2010
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 27th day of September, 2010, neither the
Plaintiffs nor counsel of record for the Defendants have filed a
response to the Rule to Show Cause as to why James A. Naddeo,
Esquire should not be granted leave to withdraw as counsel for the
Plaintiffs it is the ORDER of this Court that said Rule be and is
hereby made absolute. James A. Naddeo, Esquire is granted leave to
withdraw as counsel for the Plaintiffs. Said counsel is further
ORDERED to relinquish Plaintiffs' file to whomever Plaintiffs'
direct upon payment of counsel's out-of-pocket expenses in the
amount of \$3,430.09.

BY THE COURT,

Paul E Cherry
Judge

FILED

SEP 28 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/28/10

☒ 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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

FILED
010-3637-CC
SEP 29 2010
William A. Straw
Prothonotary/Clerk of Courts

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Motion to Make Rule Absolute was served on the
following in the following manner on the 28th day of September,
2010.

First-Class Mail, Postage Prepaid

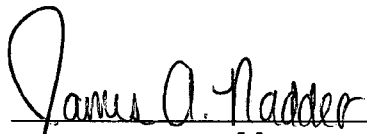
Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108

Joseph Murphy, Esquire
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110

Ricardo and Tatiana Caruso
405 Spruce Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

SEP 29 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

No. 08-1440-CD

Type of Pleading:

**PRAECIPE TO WITHDRAW
APPEARANCE**

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

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

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

5
3cc
FILED
010:2830
SEP 29 2010
William A. Shaw
Prothonotary/Clerk of Courts
Copy to CIA

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

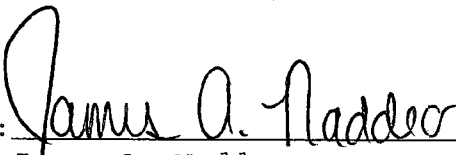
PRAECIPE TO WITHDRAW APPEARANCE

TO THE PROTHONOTARY:

Please withdraw my Appearance on behalf of the
Plaintiffs in the above captioned case.

NADDEO & LEWIS, LLC

BY:


James A. Naddeo

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

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,
Plaintiffs,

v.

No. 08-1440-CD

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia
Corporation; BALJINDER SINGH,
an individual; RAJINDER SINGH,
an individual; GURPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants.

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Praecept to Withdraw Appearance was served on
the following in the following manner on the 29th day of
September, 2010.

First-Class Mail, Postage Prepaid

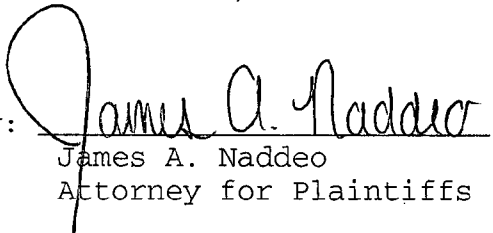
Stephen E. Geduldig, Esquire
THOMAS, THOMAS & HAFFER, LLP
P.O. Box 999
Harrisburg, PA 17108

Joseph Murphy, Esquire
Forry Ullman
2000 Linglestown Road, Ste 301
Harrisburg, PA 17110

Ricardo and Tatiana Caruso
405 Spruce Street
Clearfield, PA 16830

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

FILED

SEP 29 2010

William A. Shaw
Prothonotary/Clerk of Courts

FILED

OCT 15 2010

William A. Shaw
Notary Public/Clerk of Courts

No 466

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

RICARD F. CARUSO and TATIANA
CARSO, Husband and Wife,

Plaintiffs,

CASE NUMBER: 08-1440-CD.

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia Corporation;
BAIJINDER SINGH, an
Individual; RAJINDER SINGH,
an individual; GRUPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,

Defendants.

TYPE OF PLEADING:
PRAECIPE FOR ENTRY
OF APPEARANCE

FILED ON BEHALF OF:
Ricardo F. Caruso and Tatiana
Caruso, Husband and Wife, Plaintiffs

COUNSEL OF RECORD:
Jason M. Schiffman, Esquire
Pa. I.D. #207103

SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219
412/288-9444

FIRM I.D. #466

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

RICARD F. CARUSO and TATIANA
CARSO, Husband and Wife,

Plaintiffs,

CASE NUMBER: 08-1440-CD.

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia Corporation;
BAIJINDER SINGH, an
Individual; RAJINDER SINGH,
an individual; GRUPREET
SINGH, an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,

TYPE OF PLEADING:
PRAECIPE FOR ENTRY
OF APPEARANCE

FILED ON BEHALF OF:
Ricardo F. Caruso and Tatiana
Caruso, Husband and Wife, Plaintiffs

Defendants.

PRAECIPE FOR ENTRY OF APPEARANCE

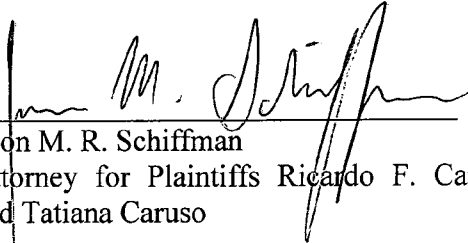
TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly enter the appearance of Jason M. Schiffman, Esquire on behalf of the Plaintiffs,
Ricardo F. Caruso and Tatiana Caruso in the above case.

RESPECTFULLY SUBMITTED:

SCHIFFMAN & WOJDOWSKI

By:

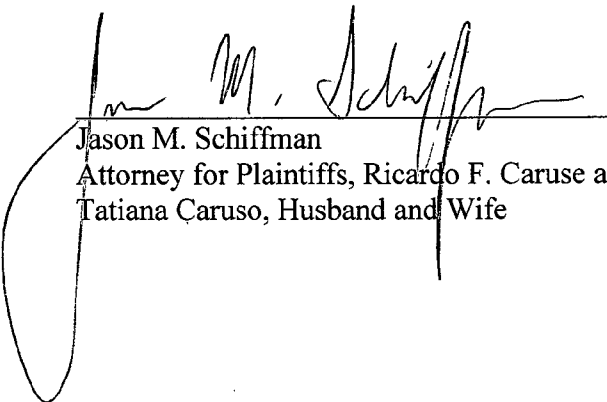

Jason M. R. Schiffman
Attorney for Plaintiffs Ricardo F. Caruso
and Tatiana Caruso

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeceptum for Entry of Appearance was served upon counsel of record by mailing the same via first class mail, postage pre-paid this 12th day of October, 2010, addressed as follows:

Stephen E. Geduldig, Esquire
Thomas, Thomas & Hafer, LLP
P.O. Box 999
Harrisburg, PA 17108

Joseph Murphy, Esquire
Forry & Ullman
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110



Jason M. Schiffman
Attorney for Plaintiffs, Ricardo F. Caruse and
Tatiana Caruso, Husband and Wife

FORRY ULLMAN

BY: Joseph F. Murphy, Esquire
Attorney I.D. No. 78119
540 Court Street
PO Box 542
Reading, PA 19603
(610) 568-1427
jmurphy@forryullman.com

LC-1058

5 FILED
MAR 04 2011
10:42 AM
William A. Shaw
Prothonotary/Clerk of Courts
NO CC
copy to
CIA

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet.Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

PRAECIPE FOR CHANGE OF ADDRESS

Kindly change the address of the undersigned counsel to:

Joseph F. Murphy, Esquire
FORRY ULLMAN, PC
540 Court Street
PO Box 542
Reading, PA 19603

as the place where papers, process and notices may be served.

FORRY, ULLMAN, ULLMAN & FORRY, P.C.

By:


JOSEPH F. MURPHY, ESQUIRE

Dated: 3/2/11

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

CERTIFICATE OF SERVICE

I, JOSEPH F. MURPHY, ESQUIRE, being duly sworn according to law, deposes and says that I have forwarded my Praecipe for Change of Address, by mailing the same via U.S. first class mail, postage prepaid, addressed to the following:

Carl R. Shiffman, Esquire
SHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219

Stephen Geduldig, Esquire
THOMAS THOMAS & HAER
305 N. Front Street
Harrisburg, PA 17101

FORRY ULLMAN

Date: 3/2/11

By:


JOSEPH F. MURPHY, ESQUIRE

FORRY ULLMAN

By: Joseph F. Murphy, Esquire

Attorney I.D. No. 78119

540 Court Street, P.O. Box 542

Reading, PA 19603

(610) 568-1427

jmurphy@forryullman.com

Attorneys for Defendants: Baljinder Singh, Rajinder Singh

Gupreet Singh and Twin Flag Express

FILED

NOV 28 2011

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA

As a prerequisite to service of a subpoena for documents and things pursuant to Rule
4009.22, Defendants, Singh and Twin Flag Express, Inc., certifies that:

1. A Notice of Intent to Serve a Subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least 20 days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed subpoena, is attached to the Certificate;
3. No objection to the subpoena has been received; and
4. The subpoena, which will be served, is identical to the subpoena, which attached to the Notice of Intent to Serve a Subpoena.

FORRY ULLMAN

Dated: 11/22/11

By:

JOSEPH F. MURPHY, ESQUIRE

FORRY ULLMAN

By: Joseph F. Murphy, Esquire

Attorney I.D. No. 78119

540 Court Street, P.O. Box 542

Reading, PA 19603

(610) 568-1427

jmurphy@forryullman.com

Attorneys for Defendants: Baljinder Singh, Rajinder Singh

Gupreet Singh and Twin Flag Express

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

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

We, on behalf of Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express, Inc., intend to serve a subpoena identical to the subpoena attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

FORRY ULLMAN

Dated: 11/2/11

BY:


JOSEPH F. MURPHY, ESQUIRE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Ricardo F. Caruso
Tatiana Caruso
Plaintiff(s)

Vs.

Richard J. Powell
Estes Express Lines
Baljinder Singh
Rajinder Singh
Gurpreet Singh
Twin Flag Express, Inc.
Defendant(s)

No. 2008-01440-CD

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

Sargent's Court Reporting Services, Inc., 210 Main Street, Johnstown, PA 15901

TO: Attn: Kye

(Name of Person or Entity)

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

Please provide a copy of Richard and Tatiana Caruso's July 20, 2006
deposition transcripts in the Caruso v. Fletcher v. Caruso matter, Elk County CCP.

Forry Ullman, 540 Court Street, PO Box 542, Reading, PA 19603

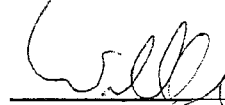
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed. You have the right to seek in advance the reasonable cost of preparing the copies or producing the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

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

NAME: JOSPEH F. MURPHY, ESQUIRE
ADDRESS: 540 COURT STREET - PO BOX 542
READING, PA 19603
610/582-1427
TELEPHONE: 78119
SUPREME COURT ID #
ATTORNEY FOR: DEFENDANTS

BY THE COURT:



Prothonotary/Clerk, Civil Division

DATE: Monday, October 31, 2011

Seal of the Court
CC: Jason Shuffman, Esquire
Stephen Geduldig, Esquire

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

FORRY ULLMAN
By: Joseph F. Murphy, Esquire
Attorney I.D. No. 78119
540 Court Street, P.O. Box 542
Reading, PA 19603
(610) 568-1427
jmurphy@forryullman.com
Attorneys for Defendants: Baljinder Singh, Rajinder Singh
Gupreet Singh and Twin Flag Express

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso, Husband and Wife	:	In the Court of Common Pleas of Clearfield County, Pennsylvania
	:	
Plaintiffs	:	
	:	Civil Action
v.	:	
	:	No. 2008-01440-CD
Richard J. Powell; Estes Express Lines, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express, Inc.	:	Jury of 12 Demanded
Defendants	:	

CERTIFICATE OF SERVICE

I, Joseph F. Murphy, and FORRY ULLMAN, attorneys for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh, and Twin Flag Express, Inc., certify that the foregoing Notice of Intent along with a copy of the proposed subpoena, were served upon the following by first class mail, postage prepaid, at the following address:

Jason Shiffman, Esquire
SHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219

Stephen Geduldig, Esquire
THOMAS THOMAS & HAER
305 N. Front Street
Harrisburg, PA 17101

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 1408 relating to falsification to authorities.

Date: 11/2/11

By:


JOSEPH F. MURPHY, ESQUIRE

• FORRY ULLMAN

By: Joseph F. Murphy, Esquire

Attorney I.D. No. 78119

540 Court Street, P.O. Box 542

Reading, PA 19603

(610) 568-1427

jmurphy@forryullman.com

Attorneys for Defendants: Baljinder Singh, Rajinder Singh

Gupreet Singh and Twin Flag Express

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

: In the Court of Common Pleas of
: Clearfield County, Pennsylvania
:

: Civil Action

: No. 2008-01440-CD

: Jury of 12 Demanded
:

CERTIFICATE OF SERVICE

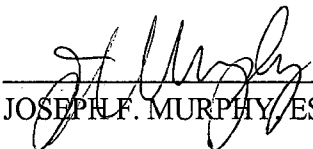
I, Joseph F. Murphy, Esquire, and Forry Ullman, hereby certifies that a copy of the Certificate Prerequisite to Service of a Subpoena, a Clearfield County Subpoena to Produce Documents and Things, and Notice of Intent was mailed by first-class mail, postage prepaid, addressed as follows:

Jason Shiffman, Esquire
SHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219

Stephen Geduldig, Esquire
THOMAS THOMAS & HAER
305 N. Front Street
Harrisburg, PA 17101

I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to falsification to authorities.

DATE: 11/22/11



JOSEPH F. MURPHY, ESQUIRE

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

RICARDO S. CARUSO,
(Plaintiff) et al.

CIVIL ACTION

405 SPRUCE ST.
(Street Address)

No. 2008-01440-CD

CLEARFIELD, PA 16830
(City, State ZIP)

Type of Case: AUTO-INJURY

Type of Pleading: CERTIFICATE OF READINESS

VS.

Filed on Behalf of:

RICHARD J. POWELL,
(Defendant) et al.

DEFENDANT POWELL AND ESTES
(Plaintiff/Defendant)

1010 STEPHEN E. GEDULDIG, ESQ.
(Street Address)

P.O. BOX 999
HARRISBURG, PA 17108
(City, State ZIP)

FILED

2008-01440-CD
JAN 23 2012
William A. Shaw
Prothonotary/Clerk of Courts
GK

STEPHEN E. GEDULDIG, ESQ.
(Filed by)

P.O. BOX 999
(Address)

HARRISBURG, PA 17108
(Phone)

717-237-7100

Stephen E. Geduldig
(Signature)

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

Civil Trial Listing/Certificate of Readiness

Plaintiff(s): RICARDO S. CARUSO AND Case Number: 2008-01440-CD
TITIANA CARUSO,
HUSBAND AND WIFE,

Defendant(s): RICHARD J. POWELL, AN
INDIVIDUAL; ESTES
EXPRESS LINES, A VIRGINIA
CORPORATION, ET AL.

To the Prothonotary:

Arbitration Limit: _____

Type Trial Requested: X Jury _____ Non-Jury _____ Arbitration

Estimated Trial Time: 3-4 DAYS

Jury Demand Filed By: PLAINTIFFS

Date Jury Demand Filed: JAN. 16, 2009

Please place the above-captioned case on the trial list. I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Alphano J. E.
(Signature)

JAN. 2012
(Date)

For the Plaintiff: JASON M. SCHIFFMAN, ESQ. 412-288-9444 Telephone Number

For the Defendant: STEPHEN E. GEDULDIG, ESQ. 717-237-7100 Telephone Number

(R. POWELL AND ESTES EXPRESS LINES)

For Additional Defendant: JOSEPH F. MURPHY, ESQ. 717-441-9257 Telephone Number

Certification of Current Address for all parties or counsel of record:

Name: <u>JASON M. SCHIFFMAN</u>	Address: <u>1300 5th AVE.</u>	City/State/Zip: <u>PITTSBURGH, PA 15219</u>
Name: _____	Address: _____	City/State/Zip: _____
Name: <u>STEPHEN E. GEDULDIG</u>	Address: <u>P.O. BOX 999</u>	City/State/Zip: <u>HARRISBURG, PA 17108</u>
Name: _____	Address: _____	City/State/Zip: _____
Name: <u>JOSEPH F. MURPHY</u>	Address: <u>P.O. BOX 542</u>	City/State/Zip: <u>READING, PA 19603</u>
Name: _____	Address: _____	City/State/Zip: _____

FILED

JAN 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

RICARDO S. CARUSO and
TATIANA CARUSO

Plaintiffs

vs.

NO. 2008-1440-CD

RICHARD J. POWELL, an Individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; ; and TWIN FLAG EXPRESS, INC.,
a New Jersey Corporation

Defendants

ORDER

AND NOW, this 25 day of January, 2012, it is the Order of the
Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for **Friday, February 24, 2012, at 3:00 PM** in Judge's
chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Civil Jury Selection in this matter shall be and is hereby
scheduled for **Tuesday, March 20, 2012 at 9:00 AM in Courtroom No. 1** of the
Clearfield County Courthouse, Clearfield, Pennsylvania. **All Plaintiffs,
Defendants, and their attorneys must be present for Jury Selection.**

FILED

JAN 26 2012

William A. Shaw
Prothonotary/Clerk of Courts

*Murphy
Schiffman
Gedueidig*

BY THE COURT:

Fred J. Ammerman
FREDRIC J. AMMERMAN

FILED

JAN 26 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/26/12

____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to:

____ T(s) X Plaintiff(s) Attorney _____ Other

____ Defendant(s) Attorney _____

____ Defendant(s) Attorney _____

FORRY ULLMAN

BY: Joseph F. Murphy, Esquire
Attorney I.D. No. 78119
540 Court Street
PO Box 542
Reading, PA 19603
(610) 568-1427
jmurphy@forryullman.com

FILED
m/ll:adum
FEB 06 2012

ICC Atty
Murphy

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,	:	In the Court of Common Pleas of
Husband and Wife	:	Clearfield County, Pennsylvania
	:	
Plaintiffs	:	
	:	Civil Action
v.	:	
	:	No. 2008-01440-CD
Richard J. Powell; Estes Express Lines, Baljinder	:	
Singh, Rajinder Singh, Gurpreet Singh, and Twin	:	Jury of 12 Demanded
Flag Express, Inc.	:	
Defendants	:	

MOTION OF DEFENDANTS BALJINDER SINGH, RAJINDER SINGH,
GURPREET SINGH AND TWIN FLAG EXPRESS, INC. TO STRIKE
CERTIFICATE OF READINESS FOR TRIAL

1. This civil action arises out of a motor vehicle accident that occurred on August 11, 2006 on I-80 in Snow Shoe Township, Centre County, Pennsylvania. (See Plaintiffs' Complaint).

2. In the Complaint, Plaintiff alleges that Defendant Richard Powell rear ended his vehicle and forced it into Defendant Twin Flag, Express, Inc.'s truck while the truck was parked on the shoulder of the entrance ramp to a rest stop.

3. Since suit was filed, the parties have engaged in discovery, including depositions, document production, and the exchange of some expert reports.

4. Most recently, the depositions of Moving Defendants Baljinder Singh and Rajinder Singh took place on January 17, 2012.

5. On January 19, 2012, counsel for Defendant Powell and Estes mailed to opposing counsel a Certificate of Readiness for Trial, which was filed on January 23, 2012. (A true correct copy of the Certificate is attached hereto as Exhibit "A").

6. In the Certificate of Readiness for Trial, counsel for Defendants Powell and Estes represented that all discovery had been completed; all necessary Parties and witnesses are available; serious settlement negotiations have been conducted; and that the case is ready in all respects for trial.

7. On January 20, 2012, counsel for Defendants Powell and Estes served Plaintiffs' counsel with six (6) authorizations permitting Defendants to obtain various documents, including tax returns and medical records. (A true and correct copy of the January 20, 2012 letter with attached authorizations is attached hereto as Exhibit "B").

8. In addition, on January 20, 2012, counsel for Moving Defendants sent a letter to counsel for Plaintiffs and Defendants Powell and Estes, requesting a voluntary discontinuance as to Defendants Gurpreet and Rajinder Singh, as there is no legal basis to maintain a cause of action against said Defendants. (A true and correct copy of the letter is attached hereto as Exhibit "C").

9. To date Plaintiff has not responded to Defendants' request for voluntary dismissal.

10. However, counsel for Defendant's Powell and Estes responded by refusing to agree to the discontinuance on the grounds that said Defendants "would risk giving up the right to insist on the presence at trial of the Representative of the corporate Defendant

and the production of corporate documents at the time of trial,” notwithstanding the fact that the corporate defendant would still be a party to the action regardless of whether Gurpreet and Rajinder Singh remain parties to this action.

11. On January 25, 2012, six days after Defendants Powell and Estes served their (undated) Certificate of Readiness for Trial upon opposing Counsel, and two days after the Certificate was filed This Honorable Court entered an Order scheduling a Pretrial Conference for February 24, 2012, and jury selection for March 20, 2012.

12. Counsel for Moving Defendants received Defendant Powell and Estes’ Certificate of Readiness for Trial on or about January 24, 2012 – on the eve of a jury trial involving Moving Defendants counsel in another case and in another county - and was unable to file this Motion to Strike until February 2, 2012.

13. The Certificate of Readiness for trial filed by Defendants Powell and Estes should be stricken for the following reasons:

a. Counsel for Defendants Powel and Estes did not provide proper notice of the filing of its (undated) Certificate of Readiness for Trial, and Moving Defendant did not have a fair opportunity to respond to the filing of the Certificate of Readiness before the Court entered its Order;

b. Discovery is not complete by Defendants Powell and Estes’ own admission in that they are in the process of obtaining additional documentation, and Moving Defendants will need such documentation, including Plaintiffs’ tax returns. Furthermore, based upon the recent depositions of Moving Defendants, and the refusal of Counsel for the opposing parties to agree to a discontinuance as to Defendants Gurpeet Singh and Rajinder Singh, said Defendants will need

additional discovery with regard to the claims against them and will likely need to file a Motion for Summary Judgment prior to trial. A jury selection date of March 20, 2012 simply does not allow Moving Defendants adequate time to conduct such discovery and file such Motions. Dispositive Motions may also be necessary as to Defendants Baljinder Singh and Twin Flags Express Inc., and additional discovery with regard to those Motions will likely be needed before the Motions can even be filed;

c. Counsel for Defendants Estes and Powell did not contact opposing Counsel in order to determine whether additional discovery would be necessary; therefore, the certification of Defendants Powell and Estes that “all discovery has been completed” is inaccurate;

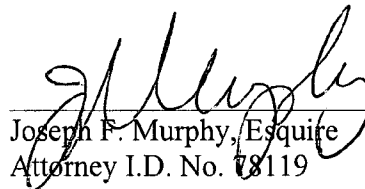
d. No settlement negotiations have been conducted; therefore, the certification of Defendants Powell and Estes that “serious settlement negotiations have been conducted” is inaccurate;

e. In light of the fact that jury selection is only a matter of weeks away, and the fact that Defendants Baljinder, Rajinder and Gurpreet Singh and Twinflag Express, Inc. all reside in the state of Indiana, Counsel for said Defendants have not yet determined whether “all necessary parties and witnesses are available”; therefore, the certification of Defendants Powell and Estes is inaccurate.

14. For all of the above-stated reasons, Moving Defendants respectfully request that This Honorable Court strike the Certificate of Readiness for Trial of Defendants Estes and Powell; continue the February 24, 2012 Pretrial Conference and the

March 20, 2012 jury selection; and schedule this matter for a Status Conference for the purpose of establishing deadlines for discovery and the filing of dispositive Motions prior to a Pretrial Conference.

WHEREFORE, For all of the above-stated reasons, Moving Defendants respectfully request that This Honorable Court strike the Certificate of Readiness for Trial of Defendants Estes and Powell; continue the February 24, 2012 Pretrial Conference and the March 20, 2012 jury selection; and schedule this matter for a Status Conference for the purpose of establishing deadlines for discovery and the filing of dispositive Motions prior to a Pretrial Conference.


Joseph F. Murphy, Esquire
Attorney I.D. No. 78119

DATE: February 3, 2012

"A"

6610045/5

TTH **THOMAS, THOMAS & HAFFER** LLP
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

Stephanie L. Hersperger
(717) 255-7239
shersperger@tthlaw.com

January 19, 2012

Jason M. Schiffman, Esquire
SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219

✓ Joseph F. Murphy
FORRY ULLMAN
P. O. Box 542
Reading, PA 19603

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD
TTH File No. 221-70044

Dear Attorneys Schiffman and Murphy:

Enclosed is a copy of the Certificate of Readiness and Prothonotary Cover Sheet, which will set this case for trial.

Please feel free to contact me with any questions.

Sincerely,

THOMAS, THOMAS & HAFFER LLP

By: 
Stephanie L. Hersperger, Esquire

SLH:dej
Enclosures
864669.21

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

RICARDO S. CARUSO,
(Plaintiff) et al.

405 SPRUCE ST.
(Street Address)

CLEARFIELD PA 16830
(City, State ZIP)

CIVIL ACTION

No. 2008-01440-CD

Type of Case: AUTO-INJURY

Type of Pleading: CERTIFICATE OF READINESS

VS.

Filed on Behalf of:

RICHARD J. POWELL,
(Defendant) et al.

DEFENDANT POWELL AND ESTES
(Plaintiff/Defendant)

110 STEPHEN E. GEDULDIG, ESQ.
(Street Address)
P.O. BOX 999
HARRISBURG, PA 17108
(City, State ZIP)

STEPHEN E. GEDULDIG, ESQ.
(Filed by)

P.O. BOX 999
(Address)

HARRISBURG, PA 17108
(Phone)

717-237-7100

Stephen E. Geduldig
(Signature)

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

Civil Trial Listing/Certificate of Readiness

Plaintiff(s): RICARDO S. CARUSO AND Case Number: 2008-01440-CD
TITIANA CARUSO,
HUSBAND AND WIFE,

Defendant(s): RICHARD J. POWELL, AN
INDIVIDUAL; ESTES
EXPRESS LINES, A VIRGINIA
CORPORATION, ET AL.

To the Prothonotary:

Arbitration Limit: _____
Type Trial Requested: X Jury _____ Non-Jury _____ Arbitration
Estimated Trial Time: 3-4 DAYS

Jury Demand Filed By: PLAINTIFFS
Date Jury Demand Filed: JAN. 16, 2009

Please place the above-captioned case on the trial list. I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Alphano 2 12
(Signature)

JAN. 2012
(Date)

For the Plaintiff: JASON M. SCHIFFMAN, ESQ. 412-288-9444 Telephone Number

For the Defendant: STEPHEN E. GEDULDIG, ESQ. 717-237-7100 Telephone Number
(R. POWELL AND ESTES EXPRESS LINES)
For Additional Defendant: JOSEPH F. MURPHY, ESQ. 717-441-9257 Telephone Number

Certification of Current Address for all parties or counsel of record:

Name: <u>JASON M. SCHIFFMAN</u>	Address: <u>1300 5th AVE.</u>	City/State/Zip: <u>PITTSBURGH, PA 15219</u>
Name: _____	Address: _____	City/State/Zip: _____
Name: <u>STEPHEN E. GEDULDIG</u>	Address: <u>P.O. BOX 999</u>	City/State/Zip: <u>HARRISBURG, PA 17108</u>
Name: _____	Address: _____	City/State/Zip: _____
Name: <u>JOSEPH F. MURPHY</u>	Address: <u>P.O. BOX 542</u>	City/State/Zip: <u>READING, PA 19603</u>
Name: _____	Address: _____	City/State/Zip: _____

"B"



THOMAS, THOMAS & HAFFER_{LLP}
Attorneys At Law

LG 1008
Street Address: 305 North Front Street, Harrisburg, PA 17101
Mailing Address: P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

Dawn E. Jarvis, Paralegal
(717) 441-7060
djarvis@tthlaw.com

January 20, 2012

Jason M. Schiffman, Esquire
SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD
TTH File No. 221-70044

Dear Attorney Schiffman:

Enclosed are the following original documents:

1. IRS 4506T-EZ requesting the 1040 tax transcripts for the years 2008, 2009, and 2010;
2. Authorization for the Release of Information directed to Steve B. Gelfand, M.D.;
3. Authorization for the Release of Information directed to Clearfield Jefferson Mental Health;
4. Authorization for the Release of Information directed to James O'Bryon, M.D. and O'Bryon Family Medicine;
5. Authorization for the Release of Information directed to DuBois Regional Medical Center; and
6. Authorization for the Release of Information directed to Neuropsychiatric Associates, Inc.

Please have your client(s) signed, where appropriate, and return them to our office. I will gladly produce copies of these records to both you and Attorney Murphy.

THOMAS, THOMAS & HAER LLP

Jason M. Schiffman, Esquire
SCHIFFMAN & WOJDOWSKI

January 20, 2012

Page 2

Please feel free to contact me with any questions you may have regarding this request.

Thank you,

THOMAS, THOMAS & HAER LLP


By:



Dawn E. Jarvis, Pa.C.P.
Litigation Paralegal for
Stephen E. Geduldig, Esquire

:dej

Enclosures

cc:  Joseph Murphy, Esquire (w/enc.)

864669.22

Form **4506T-EZ**

(Rev. January 2012)

Department of the Treasury
Internal Revenue Service**Short Form Request for Individual Tax Return Transcript**

OMB No. 1545-2154

▶ Request may not be processed if the form is incomplete or illegible.

Tip. Use Form 4506T-EZ to order a 1040 series tax return transcript free of charge, or you can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

1a Name shown on tax return. If a joint return, enter the name shown first. Ricardo F. Caruso	1b First social security number or individual taxpayer identification number on tax return 186-50-0421
2a If a joint return, enter spouse's name shown on tax return. Tatiana Caruso	2b Second social security number or individual taxpayer identification number if joint tax return 189-78-2678
3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions) 405 Spruce Street	
4 Previous address shown on the last return filed if different from line 3 (see instructions) Clearfield, PA 16830	
5 If the transcript is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number. The IRS has no control over what the third party does with the tax information.	
Third party name Dawn E. Jarvis, Pa.C.P., Thomas Thomas & Hafer LLP	Telephone number 717-441-7060
Address (including apt., room, or suite no.), city, state, and ZIP code 305 North Front Street, P. O. Box 999, Harrisburg, PA 17108	

Caution. If the tax transcript is being mailed to a third party, ensure that you have filled in line 6 before signing. Sign and date the form once you have filled in this line. Completing this step helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.

6 Year(s) requested. Enter the year(s) of the return transcript you are requesting (for example, "2008"). Most requests will be processed within 10 business days.

2008

2009

2010

☐ Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return.

Note. If the IRS is unable to locate a return that matches the taxpayer identity information provided above, or if IRS records indicate that the return has not been filed, the IRS may notify you or the third party that it was unable to locate a return, or that a return was not filed, whichever is applicable.

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am the taxpayer whose name is shown on either line 1a or 2a. If the request applies to a joint return, either husband or wife must sign. **Note.** For transcripts being sent to a third party, this form must be received within 120 days of the signature date.

**Sign
Here**

Signature (see instructions)

Date

Phone number of taxpayer
on line 1a or 2a

Spouse's signature

Date



THOMAS, THOMAS & HAFER^{LLP}
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

**AUTHORIZATION FOR RELEASE OF INFORMATION INCLUDING
MEDICAL AND PSYCHIATRIC RECORDS**

I, **RICARDO CARUSO (DOB: 12/27/1957)**, hereby authorize STEVEN B. GELFAND, M.D., to furnish to Stephen E. Geduldig, Esquire and the law office of Thomas, Thomas & Hafer LLP, located at: 305 North Front Street, P.O. Box 999, Harrisburg, Pennsylvania, 17108, or any representative thereof, any and all files, medical records, correspondence, office notes, photographs, laboratory reports, medical charts, radiology films, data, bills, substance abuse records, insurance forms, and HIV related information, and all other documents and things that relate to RICARDO CARUSO. These records are being obtained for the purpose of participation in civil litigation.

This consent is subject to revocation at any time except to the extent that the person who is to make the disclosure has already taken action in reliance on it. I hereby release the provider of said records from any legal responsibility or liability in connection with the release of the records indicated herein. I understand that if I wish to revoke this authorization, I must do so in writing to the address at the bottom of this form, to the attention of the Privacy Officer.

I understand that this authorization is to be regarded as the written consent required by the Confidentiality of HIV Related Information Act, 35 P.S. § 7607 and HIPAA, Pub. L. No. 104-191 (Aug. 21, 1996), Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 & 164. This authorization will remain in effect for the duration of the civil litigation for which it is being obtained. I also understand that the information pursuant to this authorization may be subject to the redisclosure by the recipient and may no longer be protected by the federal HIPAA Privacy Rule.

I understand that this authorization is to be regarded as the written consent required by 42 Pa. C.S. § 5944, Confidential Communications to Psychiatrists or Licensed Psychologists and HIPAA, Pub. L. No. 104-191 (Aug. 21, 1996), Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 & 164.

A photostatic copy of this Authorization shall serve in its stead.

January _____, 2012

RICARDO CARUSO
1040192.1



THOMAS, THOMAS & HAFER LLP
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

**AUTHORIZATION FOR RELEASE OF INFORMATION INCLUDING
MEDICAL AND PSYCHIATRIC RECORDS**

I, **RICARDO CARUSO (DOB: 12/27/1957)**, hereby authorize CLEARFIELD JEFFERSON MENTAL HEALTH, to furnish to **Stephen E. Geduldig, Esquire** and the law office of Thomas, Thomas & Hafer LLP, located at: 305 North Front Street, P.O. Box 999, Harrisburg, Pennsylvania, 17108, or any representative thereof, any and all files, medical records, correspondence, office notes, photographs, laboratory reports, medical charts, radiology films, data, bills, substance abuse records, insurance forms, and HIV related information, and all other documents and things that relate to **RICARDO CARUSO**. These records are being obtained for the purpose of participation in civil litigation.

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A photostatic copy of this Authorization shall serve in its stead.

January _____, 2012

RICARDO CARUSO
1040192.1

**AUTHORIZATION FOR RELEASE OF INFORMATION INCLUDING
MEDICAL AND PSYCHIATRIC RECORDS**

I, **RICARDO CARUSO (DOB: 12/27/1957)**, hereby authorize JAMES O'BRYON, M.D. and O'BRYON FAMILY MEDICINE, to furnish to Stephen E. Geduldig, Esquire and the law office of Thomas, Thomas & Hafer LLP, located at: 305 North Front Street, P.O. Box 999, Harrisburg, Pennsylvania, 17108, or any representative thereof, any and all files, medical records, correspondence, office notes, photographs, laboratory reports, medical charts, radiology films, data, bills, substance abuse records, insurance forms, and HIV related information, and all other documents and things that relate to RICARDO CARUSO. These records are being obtained for the purpose of participation in civil litigation.

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I understand that this authorization is to be regarded as the written consent required by the Confidentiality of HIV Related Information Act, 35 P.S. § 7607 and HIPAA, Pub. L. No. 104-191 (Aug. 21, 1996), Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 & 164. This authorization will remain in effect for the duration of the civil litigation for which it is being obtained. I also understand that the information pursuant to this authorization may be subject to the redisclosure by the recipient and may no longer be protected by the federal HIPAA Privacy Rule.

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A photostatic copy of this Authorization shall serve in its stead.

January _____, 2012

RICARDO CARUSO
1040192.3



THOMAS, THOMAS & HAFER LLP
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

**AUTHORIZATION FOR RELEASE OF INFORMATION INCLUDING
MEDICAL AND PSYCHIATRIC RECORDS**

I, **RICARDO CARUSO (DOB: 12/27/1957)**, hereby authorize DuBOIS REGIONAL MEDICAL CENTER, to furnish to Stephen E. Geduldig, Esquire and the law office of Thomas, Thomas & Hafer LLP, located at: 305 North Front Street, P.O. Box 999, Harrisburg, Pennsylvania, 17108, or any representative thereof, any and all files, medical records, correspondence, office notes, photographs, laboratory reports, medical charts, radiology films, data, bills, substance abuse records, insurance forms, and HIV related information, and all other documents and things that relate to RICARDO CARUSO. These records are being obtained for the purpose of participation in civil litigation.

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A photostatic copy of this Authorization shall serve in its stead.

January _____, 2012

RICARDO CARUSO
1040192.4



THOMAS, THOMAS & HAFER^{LLP}
Attorneys At Law

Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

**AUTHORIZATION FOR RELEASE OF INFORMATION INCLUDING
MEDICAL AND PSYCHIATRIC RECORDS**

I, RICARDO CARUSO (DOB: 12/27/1957), hereby authorize NEUROPSYCHIATRIC ASSOCIATES, INC., P.C., to furnish to Stephen E. Geduldig, Esquire and the law office of Thomas, Thomas & Hafer LLP, located at: 305 North Front Street, P.O. Box 999, Harrisburg, Pennsylvania, 17108, or any representative thereof, any and all files, medical records, correspondence, office notes, photographs, laboratory reports, medical charts, radiology films, data, bills, substance abuse records, insurance forms, and HIV related information, and all other documents and things that relate to RICARDO CARUSO. These records are being obtained for the purpose of participation in civil litigation.

This consent is subject to revocation at any time except to the extent that the person who is to make the disclosure has already taken action in reliance on it. I hereby release the provider of said records from any legal responsibility or liability in connection with the release of the records indicated herein. I understand that if I wish to revoke this authorization, I must do so in writing to the address at the bottom of this form, to the attention of the Privacy Officer.

I understand that this authorization is to be regarded as the written consent required by the Confidentiality of HIV Related Information Act, 35 P.S. § 7607 and HIPAA, Pub. L. No. 104-191 (Aug. 21, 1996), Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 & 164. This authorization will remain in effect for the duration of the civil litigation for which it is being obtained. I also understand that the information pursuant to this authorization may be subject to the redisclosure by the recipient and may no longer be protected by the federal HIPAA Privacy Rule.

I understand that this authorization is to be regarded as the written consent required by 42 Pa. C.S. § 5944, Confidential Communications to Psychiatrists or Licensed Psychologists and HIPAA, Pub. L. No. 104-191 (Aug. 21, 1996), Standards for Privacy of Individually Identifiable Health Information, 45 CFR Parts 160 & 164.

A photostatic copy of this Authorization shall serve in its stead.

January _____, 2012

RICARDO CARUSO
1040192.5

"C"

Forry|Ullman
Attorneys at Law

JOSEPH F. MURPHY, ESQUIRE

DIRECT DIAL: 610-568-1427
E-MAIL: jmurphy@foryullman.com

January 20, 2012

Jason Shiffman, Esquire
SHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219

Stephen Geduldig, Esquire
THOMAS THOMAS & HAFFER
305 N. Front Street
Harrisburg, PA 17101

Re: *Caruso v. Twin Flag Express, Inc., et al.*
Clearfield County C.C.P. No. 2008-01440
Claim No. 614767; D.O.L. 8/11/06
Our File No. LG1008

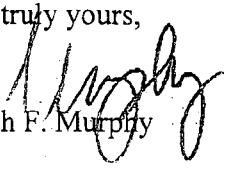
Dear Messrs. Shiffman & Geduldig:

You may recall that I forwarded a stipulation to dismiss Defendant Gurpreet Singh from this action. Mr. Geduldig returned the stipulation signed, and Mr. Shiffman advised that he would make that decision at the conclusion of the depositions of Rajinder and Baljinder Singh. Mr. Shiffman, I respectfully ask that you execute the stipulation and return it to me. I will certainly provide each of you with time-stamped copies.

In addition, as you know, Plaintiffs sued Rajinder Singh, as the owner of the vehicle that Baljinder Singh was driving at the time of this accident. Based upon the Singhs' testimony, there is no merit to the claim against him, as a corporate officer of Twin Flag. Therefore, I respectfully ask that each of you execute the enclosed stipulation to dismiss the action against Rajinder Singh only. Dismissing Mr. Singh will not in any way affect the insurance coverage available to Baljinder Singh and Twin Flag. If you have any concern about executing this stipulation, please call me to discuss the matter.

I thank you in advance for your courtesy in this case.

Very truly yours,


Joseph F. Murphy

JFM:
Enclosure

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

CERTIFICATE OF SERVICE

I, JOSEPH F. MURPHY, ESQUIRE, of FORRY, ULLMAN, ULLMAN &
FORRY, P.C., attorneys for Defendants, Baljinder Singh, Rajinder Singh, Gurpreet Singh,
and Twin Flag Express, Inc, certify that the foregoing **Motion to Strike Certificate of
Readiness for Trial**, served, this date, by first-class mail, postage prepaid, addressed as
follows:

Stephen Geduldig, Esquire
Thomas, Thomas & Hafer
305 N. Front Street
Harrisburg, PA 17101

Jason Shiffman, Esquire
SHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburg, PA 15219

I understand that the statements herein are made subject to the penalties of 18 Pa.
C.S.A. Section 4904 relating to unsworn falsification to authorities.

FORRY ULLMAN

By:


JOSEPH F. MURPHY, ESQUIRE

DATE: February ³/₈ 2012

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney Pa. I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney Pa. I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
305 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999
FAX (717) 237-7105

FILED NO CC
MTJ:07/81
FEB 08 2012

William A. Shaw
Prothonotary/Clerk of Courts

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,
Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD
:
:
:

: JURY TRIAL DEMANDED

**CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA
PURSUANT TO RULE 4009.22**

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

1. A Notice of Intent to Serve Subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party on or about January 13, 2012, in order to serve a subpoena upon *Farmers Insurance Exchange*.

2. A true and correct file copy of the Notice of Intent, including a copy of the proposed subpoenas, is attached to this Certificate as Exhibit "A."

3. The twenty (20) day period for filing objections to these subpoenas has expired, without any objections being raised.

4. The subpoena which will be served on the provider noted in No. 1 is identical to the subpoena attached to the Notice of Intent.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

February 3, 2012

By:



STEPHEN E. GEDULDIG, ESQUIRE
Attorney Pa. I.D. No. 43530

**Attorneys for Defendants
Richard J. Powell and
Estes Express Lines**

EXHIBIT "A"

Stephen E. Geduldig, Esquire
E-mail: sgeduldig@tthlaw.com
Attorney Pa. I.D. No. 43530
(717) 237-7119

Stephanie L. Hersperger, Esquire
E-mail: shersperger@tthlaw.com
Attorney Pa. I.D. No. 78735
(717) 255-7239

THOMAS, THOMAS & HAFFER, LLP
305 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999
FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS
a New Jersey Corporation,
Defendants

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: CIVIL ACTION -- LAW
: NO. 2008-01440-CD
:
:
:
:
: JURY TRIAL DEMANDED

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

To: Counsel of Record:

Defendants intend to serve a subpoena identical to the one attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned objections to the subpoenas.

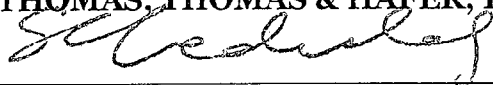
If no objections are made, the subpoena will be served.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

January 13, 2012

By:


STEPHEN E. GEDULDIG, ESQUIRE
Attorney Pa. I.D. No. 43530
STEPHANIE HERSPERGER
Attorney Pa. I.D. No. 78735
Attorneys for Defendants
RICHARD J. POWELL and
ESTES EXPRESS LINES

THOMAS, THOMAS & HAFFER, LLP
305 North Front Street
Post Office Box 999
Harrisburg, Pennsylvania 17108-0999
FAX (717) 237-7105

Attorneys for Defendants
RICHARD J. POWELL and ESTES EXPRESS LINES

RICARDO S. CARUSO and : IN THE COURT OF COMMON PLEAS OF
TATIANA CARUSO, husband : CLEARFIELD COUNTY, PENNSYLVANIA
and wife, :
Plaintiffs :
v. : CIVIL ACTION -- LAW
RICHARD J. POWELL, an individual; : NO. 2008-01440-CD
ESTES EXPRESS LINES, a Virginia :
Corporation; et al. :
Defendants : JURY TRIAL DEMANDED

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

TO: Custodian of Record, FARMERS INSURANCE EXCHANGE

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

A true and correct copy of any and all documents associated with the first party claims or property damage, or injury file for the 05/08/2011 incident, Claim No. 101861246612, Policy No. 0008372600 including but not limited to investigation documents, statements, correspondence, notes, memos, photographs, medical records, bills, payout log, property damage, settlement information, repair history and payouts, vehicle information, title history, and prescriptions with regard to Ricardo S. Caruso, (Date of Birth: 12/27/1957).

at: Thomas, Thomas & Hafer, LLP, 305 N. Front St., P.O. Box 999, Harrisburg, PA 17108
You may deliver or mail legible copies of the documents or produce things requested 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 order compelling you to comply with it.

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

NAME: Stephen E. Geduldig, Esquire
ADDRESS: P.O. Box 999, Harrisburg, PA 17108-0999
TELEPHONE: (717) 237-7119
ATTY PA ID#: 43530
ATTY FOR: Defendants

BY THE COURT:

DATE: _____
Seal of the Court

Prothonotary/Clerk, Civil Division

Deputy
1036975.1

CERTIFICATE OF SERVICE

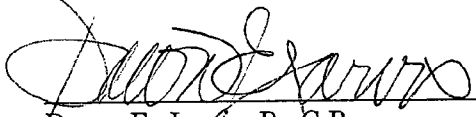
I hereby certify that a true and correct copy of the foregoing *Notice of Intent to Issue Subpoenas to Produce Documents and Things for Discovery Pursuant to Rule 4009.21* was served by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the 13th day of January 2012, on all counsel of record as follows:

Jason M. Schiffman, Esquire
SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219
Attorneys for Plaintiffs

Joseph F. Murphy, Esquire
FORRY ULLMAN
2000 Linglestown Road, Suite 301
Harrisburg, PA 17110
**Attorneys for Defendants Twin Flag Express,
Baljinder Singh, Rajinder Singh
and Gurpreet Singh**

Thomas, Thomas & Hafer LLP

By: _____


Dawn E. Jarvis, Pa.C.P.
Litigation Paralegal for
Stephen E. Geduldig, Esquire
697007.4

CERTIFICATE OF SERVICE

I, **Dawn E. Jarvis, Pa.C.P., Paralegal** of the law firm of **THOMAS, THOMAS, & HAFFER, LLP** do certify that I served the foregoing *Certificate of Prerequisite to Service of Subpoena Pursuant to Rule 4009.22* on the following person(s), by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania addressed as follows:

JASON M SCHIFFMAN ESQ
SCHIFFMAN & WOJDOWSKI
1300 FIFTH AVE
PITTSBURGH PA 15219
Attorneys for Plaintiffs

JOSEPH F MURPHY ESQ
FORRY ULLMAN
PO BOX 5422000
READING PA 19603
Attorneys for Defendants Twin Flag Express,
Baljinder Singh, Rajinder Singh
and Gurpreet Singh

February 6, 2012



Dawn E. Jarvis, Pa.C.P.
Litigation Paralegal for
Stephen E. Geduldig, Esquire

632010.4

COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife

Plaintiffs

v.

Richard J. Powell; Estes Express Lines, Baljinder
Singh, Rajinder Singh, Gurpreet Singh, and Twin
Flag Express, Inc.

Defendants

In the Court of Common Pleas of
Clearfield County, Pennsylvania

Civil Action

No. 2008-01440-CD

Jury of 12 Demanded

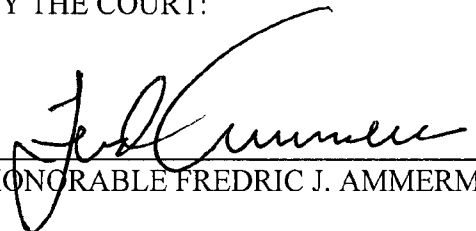
ORDERAND NOW, this 8 day of Feb., 2012, upon consideration of

the Motion to Strike filed by defendants Singh and Twin Flag Express, Inc., it is hereby

ordered that said Motion is ~~GRANTED~~. This Court's January 25, 2012 Order is hereby ~~rescinded~~, and a Status Conference shall be and is hereby scheduled for Feb. 24th, 2012 3:00 PM in Judge's Chambers, Clearfield County

Courthouse, Clearfield, PA.

BY THE COURT:



HONORABLE FREDRIC J. AMMERMAN

FILED

010:15:04
FEB 09 2012William A. Shaw
Prothonotary/Clerk of Courts

1cc Atty Murphy

GL

FILED

FEB 09 2012

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 2/9/12

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

1. Admitted that this lawsuit arises out of an accident which occurred on August
11, 2006, almost 6 years ago.

2. Admitted with the qualification that the Twin Flag Express, Inc. tractor trailer was illegally parked on the shoulder of the ramp leading to a rest stop.

3. Admitted that the parties have engaged in extensive discovery for almost 4 years. In fact, the depositions of the parties have been completed and there is no reason that this case cannot be listed for trial.

4. Admitted. These depositions were previously scheduled but then rescheduled and completed on January 17, 2012. Since the depositions of Co-Defendants, their counsel has not indicated that he has anymore discovery to complete.

5. Admitted.

6. Admitted. By way of further answer, all discovery has been completed, all parties have been deposed and should be available for trial and settlement negotiations between Defendants and Plaintiffs have taken place. This case is ready for trial.

7. Admitted. By way of further answer, obtaining updated or additional medical or employment records after the completion of discovery, but before trial, is routine practice and does not in any way imply the case is not ready for trial. Obviously, if a plaintiff is claiming ongoing medical problems or treatment, it is reasonable for the defendant to obtain updated records immediately prior, and up to the time of trial.

8. Admitted that counsel for Co-Defendants requested dismissal of Defendants Gurpreet and Rajinder Singh. Responding Defendants have stipulated to dismiss Gurpreet Singh from the case. However, it is denied that there is no legal basis for Rajinder Singh to remain as a defendant in the case.

9. Denied. Contrary to Co-Defendants' representation, their counsel previously requested dismissal of Gurpreet Singh and counsel for Defendants forwarded the executed Stipulation for his dismissal on or about December 1, 2011. Moreover, on January 25,

2012, counsel for Defendants advised counsel for Co-Defendants that he could not agree to the dismissal of Rajinder Singh, for reasons that should be already apparent to his counsel. A true and correct copy of the correspondence dated December 1, 2012, and the correspondence dated January 25, 2012, is attached hereto and marked as Exhibits "A" and "B," respectively. Briefly, Defendants cannot agree to the dismissal of Rajinder Singh, who is the sole owner of the Twin Flag Express, Inc., and who, according to his own testimony, is responsible for ensuring that Twin Flag complies with all FMCSR requirements, including retention of records. In this case, Twin Flag Express failed to comply with FMCSR retention of records requirements as to driver's logs and the personnel/drivers file of Baljinder Singh and otherwise destroyed evidence in the case. Rajinder Singh also testified as to what training he provided to Baljinder Singh and the other drivers. Rajinder Singh further testified that Baljinder Singh was not illegally parked along the shoulder of the highway because he only "stopped" for less than 10 minutes to check to see if he had a flat tire. All of this is relevant to the issue of whether Baljinder Singh was negligent in illegally parking on the shoulder of the highway and contributed to Plaintiffs' injuries. Rajinder Singh, as the sole owner of Twin Flag Express, and as the person responsible for training its drivers and ensuring its compliance with the FMCSR regulations, is a necessary party. Therefore, Defendants will not agree to dismiss him as a party, especially where there is a spoliation of evidence claims against him.

10. Denied as stated. Counsel for Co-Defendants mischaracterizes counsel for Defendants' stated reason. Defendants advised that one of the reasons that it is necessary for Rajinder Singh to remain a party is that he is the representative of the corporation, Twin Flag Express, and therefore would be the appropriate person to produce documents at trial (or testify to the lack of same as to the spoliation issue). Moreover, it is important

to note that Rajinder Singh lives in the state of Indiana, so he is outside of this Court's jurisdiction. By way of further answer, Defendants have already executed the Stipulation to Dismiss Gurpreet Singh so Co-Defendants' statement that they have not done so is a misrepresentation, or at best, is a misstatement.

11. Admitted.

12. Defendants can neither admit nor deny the statements averred in this paragraph.

13. Denied.

a. Admitted that the complete date on the Certificate of Readiness was inadvertently not filled in on the form. However, although the Certificate of Readiness was dated "January 2012" it was mailed to all counsel on the same date, January 19, 2012, that the correspondence with the Certificate of Readiness was mailed to the Prothonotary for filing. A true and correct copy of the correspondence to the Prothonotary dated January 19, 2012, and a true and correct copy of the correspondence to counsel dated January 19, 2012, is attached hereto and marked as Exhibits "C" and "D," respectively. Moreover, Defendants did provide Co-Defendants with proper notice by serving them with the Certificate of Readiness pursuant to PA Clearfield Cty. Civ. LR 212.2. There is no additional requirement for notice other than that provided in Local Rule 212.2, with which Defendants complied in this case.

Lastly, counsel for Defendants, Stephen Geduldig, Esquire, had a conversation with counsel for Co-Defendants shortly following the deposition of Trooper Haslet on October 13, 2011, at which time counsel indicated that he intended to list the case for trial in the near future. At no time after that conversation, until Co-Defendants filed their Motion to Strike, did their counsel represent that he needed to conduct more discovery. It also was

discussed on other occasions with all counsel that this case needed to be listed for trial as the accident occurred almost 6 years ago. Therefore, it is denied that Co-Defendants did not have sufficient notice.

b. Denied. As previously stated, following up and obtaining updated records does not mean that there is still outstanding discovery such as to preclude the case from being listed for trial. By way of further answer, Defendants have already signed the Stipulation to Dismiss Gurpreet Singh. As to the remaining Co-Defendants, Plaintiffs' allegations against them have been absolutely clear from the beginning of the case. Plaintiffs have alleged that Baljinder Singh, who was driving the tractor trailer on behalf of Twin Flag Express (whose sole owner is Rajinder Singh) was illegally parked on the shoulder of the highway and that this negligence contributed to Plaintiff's claimed injuries. Co-Defendants also have known that Rajinder Singh was responsible for training Twin Flag Express drivers and ensuring compliance with the FMCSR. Significantly, although apparently Co-Defendants believe that Rajinder Singh should be dismissed, they cite to no additional discovery that is necessary because Defendants have not agreed to his dismissal. To the extent that Co-Defendants wished to file a motion for summary judgment, this litigation has been ongoing for almost 4 years. Co-Defendants have had more than sufficient time to file any motion they deemed necessary.

c. Admitted that Defendants did not contact all counsel prior to filing the Certificate of Readiness and inquire as to whether there was any remaining discovery to be conducted. However, notably, counsel for Co-Defendants cannot point to any specific discovery he contends must be completed, or to any prior request to counsel for additional discovery. This is despite the fact that counsel for Defendants has indicated to all opposing

counsel, for some time, that he intended to list the case for trial in the near future and once depositions were completed.

d. Denied. Defendants have had settlement negotiations and discussions not only with current counsel for Plaintiffs, but the two prior attorneys who represented the Plaintiffs. The fact that counsel for Co-Defendants may not have had any settlement discussions with opposing counsel does not mean that there were none.

e. Denied as stated. Defendants certified that they and any witnesses they intend to call at trial are available for same.

14. Denied that this case should be stricken from the trial list. The accident at issue is almost 6 years old and this litigation has been ongoing for almost 4 years. All of the parties have been deposed, Co-Defendants cite to no specific discovery that needs to be completed, and Co-Defendants have had more than sufficient time to complete discovery. Therefore, Co-Defendants' attempt to further delay this litigation should be denied.

WHEREFORE, Defendants, Richard J. Powell and Estes Express Lines, respectfully request that this Honorable Court deny Co-Defendants' Motion to Strike the Certificate of Readiness and list this case for trial.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

2/25/12
1049887.1

By:



STEPHEN E. GEDULDIG, ESQUIRE
Attorney I.D. No. 43530

STEPHANIE HERSPERGER, ESQUIRE
Attorney I.D. No. 78735

Attorneys for Defendants,
**RICHARD J. POWELL and
ESTES EXPRESS LINES**

Stephen E. Geduldig, Esquire
(717) 237-7119
sgeduldig@tthlaw.com

December 1, 2011

Joseph F. Murphy, Esquire
FORRY ULLMAN
Post Office Box 542
Reading, Pennsylvania 19603

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD

Dear Joe:

Enclosed please find the Stipulation to dismiss Gurpreet Singh only which I have signed. Please forward a clocked-in copy of the filed Stipulation for my records. Thanks.

Very truly yours,

THOMAS, THOMAS & HAFFER LLP

By:
Stephen E. Geduldig

SEG/tk 661463.9
Enclosure

cc: Jason Shiffman, Esquire (without enclosure)

Stephen E. Geduldig, Esquire
(717) 237-7119
sgeduldig@tthlaw.com

January 25, 2012

Joseph F. Murphy, Esquire
FORRY ULLMAN
Post Office Box 542
Reading, Pennsylvania 19603

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD

Dear Joe:

In response to your request to dismiss Rajinder Singh, the owner of the vehicle, I am uncomfortable doing that at this time because by doing so, my client would risk giving up the right to insist on the presence at trial of the representative of the corporate Defendant, and the production of corporate documents at the time of trial. I can envision, if the matter goes to trial, that it may be necessary for a Twin Flags' owner or corporate officer to produce, or explain the failure to produce, certain FMCSR documents.

I am happy to discuss this with you in more detail if you like, but these are my preliminary thoughts and inclinations.

I am not sharing these thoughts at this time with Plaintiff's counsel.

Very truly yours,

THOMAS, THOMAS & HAFFER LLP

By:
Stephen E. Geduldig

SEG/tk 661463.10

Dawn E. Jarvis, Paralegal
(717) 441-7060
djarvis@tthlaw.com

January 19, 2012

Prothonotary
CLEARFIELD COUNTY COURTHOUSE
230 East Market Street
Clearfield, PA 16830

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD
TTH File No. 221-70044

Dear Prothonotary:

Enclosed please find an original and two copies of the following document:

1. Certificate of Readiness and "cover sheet."

Please file these documents and place this case for trial. I have enclosed a self-addressed, stamped envelope for you to return a court stamped copy of these documents.

If you have any questions, or need any additional information, please feel free to contact me.

Very truly yours,

THOMAS, THOMAS & HAFFER, LLP

By:

Dawn E. Jarvis, Pa.C.P.
Litigation Paralegal for
Stephanie L. Hersperger, Esquire

:dej
Enclosures
623853.10



Street Address:
305 North Front Street, Harrisburg, PA 17101
Mailing Address:
P.O. Box 999, Harrisburg, PA 17108
Phone: 717.237.7100 Fax: 717.237.7105

Stephanie L. Hersperger
(717) 255-7239
shersperger@tthlaw.com

January 19, 2012

Jason M. Schiffman, Esquire
SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219

Joseph F. Murphy
FORRY ULLMAN
P. O. Box 542
Reading, PA 19603

Re: Caruso v. Powell, et al
Clearfield County No. 2008-01440-CD
TTH File No. 221-70044

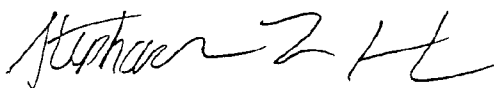
Dear Attorneys Schiffman and Murphy:

Enclosed is a copy of the Certificate of Readiness and Prothonotary Cover Sheet, which will set this case for trial.

Please feel free to contact me with any questions.

Sincerely,

THOMAS, THOMAS & HAFFER LLP

By: 
Stephanie L. Hersperger, Esquire

SLH:dej
Enclosures
864669.21

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

RICARDO S. CARUSO,
(Plaintiff) et al.

CIVIL ACTION

405 SPRUCE ST.
(Street Address)

No. 2008-01440-CD

CLEARFIELD PA 16830
(City, State ZIP)

Type of Case: AUTO-INJURY

Type of Pleading: CERTIFICATE OF READINESS

VS.

Filed on Behalf of:

RICHARD J. POWELL,
(Defendant) et al.

DEFENDANT POWELL AND ESTES
(Plaintiff/Defendant)

110 STEPHEN E. GEDULDIG, ESQ.
(Street Address)
P.O. BOX 999
HARRISBURG, PA 17108
(City, State ZIP)

STEPHEN E. GEDULDIG, ESQ.
(Filed by)

P.O. BOX 999
(Address)

HARRISBURG, PA 17108
(Phone)

717- 237-7100

Stephen E. Geduldig
(Signature)

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

Civil Trial Listing/Certificate of Readiness

Plaintiff(s): RICARDO S. CARUSO AND Case Number: 2008-01440-CD
TITIANA CARUSO,
HUSBAND AND WIFE,

Defendant(s): RICHARD J. POWELL, AN
INDIVIDUAL; ESTES
EXPRESS LINES, A VIRGINIA
CORPORATION, ET AL.

To the Prothonotary:

Arbitration Limit: _____
Type Trial Requested: X Jury _____ Non-Jury _____ Arbitration
Estimated Trial Time: 3-4 DAYS

Jury Demand Filed By: PLAINTIFFS
Date Jury Demand Filed: JAN 16, 2009

Please place the above-captioned case on the trial list. I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

Alphano J. L.
(Signature)

JAN. 2012
(Date)

For the Plaintiff: JASON M. SCHIFFMAN, ESQ. 412-288-9444 Telephone Number

For the Defendant: STEPHEN E. GEDULDIG, ESQ. 717-237-7100 Telephone Number

(R. POWELL AND ESTES EXPRESS LINES)
For Additional Defendant: JOSEPH F. MURPHY, ESQ. 717-441-9257 Telephone Number

Certification of Current Address for all parties or counsel of record:

Name: <u>JASON M. SCHIFFMAN</u>	Address: <u>1300 5th AVE.</u>	City/State/Zip: <u>PITTSBURGH, PA</u>
Name: _____	Address: _____	City/State/Zip: <u>15219</u>
Name: <u>STEPHEN E. GEDULDIG</u>	Address: <u>P.O. BOX 999</u>	City/State/Zip: <u>HARRISBURG, PA</u>
Name: _____	Address: _____	City/State/Zip: <u>17108</u>
Name: <u>JOSEPH F. MURPHY</u>	Address: <u>P.O. BOX 542</u>	City/State/Zip: <u>READING, PA</u>
Name: _____	Address: _____	City/State/Zip: <u>19603</u>

RICARDO S. CARUSO and
TATIANA CARUSO, husband
and wife,

Plaintiffs

v.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia
Corporation; BALJINDER SINGH, an
individual; RAJINDER SINGH, an
individual; GURPREET SINGH, an
individual; and TWIN FLAG EXPRESS,
a New Jersey Corporation,
Defendants

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

: CIVIL ACTION -- LAW
: NO. 2008-01440-CD

: JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **RESPONSE OF DEFENDANTS, RICHARD J. POWELL AND ESTES EXPRESS LINES, IN OPPOSITION TO CO-DEFENDANTS' MOTION TO STRIKE CERTIFICATE OF READINESS FOR TRIAL**, was served by depositing the same in the United States Mail, postage prepaid, at Harrisburg, Pennsylvania, on the 20th day of February, 2012, on all counsel of record as follows:

Jason M. Schiffman, Esquire
SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, Pennsylvania 15219
Attorneys for Plaintiffs

Joseph F. Murphy, Esquire
FORRY ULLMAN
Post Office Box 542
Reading, Pennsylvania 19603
**Attorneys for Defendant, Twin Flag Express, Baljinder Singh,
Rajinder Singh and Gurpreet Singh**

THOMAS, THOMAS & HAFFER, LLP



Stephen E. Geduldig, Esquire 617265.1

FILED

FEB 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

820

1-1-12

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FILED[®]

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,

CIVIL DIVISION

4 FEB 24 2012
01:31:50
William A. Shaw
Prothonotary/Clerk of Courts

Plaintiffs,

CASE NUMBER: 08-1440-CD. *sent to*

v.

TYPE OF PLEADING:
STATUS CONFERENCE
STATEMENT *ATTN*

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia Corporation;
BAIJINDER SINGH, an
Individual; RAJINDER SINGH,
an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,

FILED ON BEHALF OF: Ricardo F.
Caruso and Tatiana Caruso, Husband
and Wife, Plaintiffs

Defendants.

COUNSEL OF RECORD:
Jason M. Schiffman, Esquire
Pa. I.D. #207103

SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219
412/288-9444

FIRM I.D. #466

EMAIL: Schifwojdo@hotmail.com

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARUSO, Husband and Wife,

CIVIL DIVISION

Plaintiffs,

CASE NUMBER: 08-1440-CD.

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia Corporation;
BAIJINDER SINGH, an
Individual; RAJINDER SINGH,
an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,

Defendants.

PLAINTIFFS' STATUS CONFERENCE STATEMENT

AND NOW, come the Plaintiffs' Ricardo F. Caruso and Tatiana Caruso, by and through their attorneys, Schiffman & Wojdowski, and Jason M. Schiffman, Esquire, and serve the following Plaintiffs' Status Conference Statement:

I. HISTORY

On August 11, 2006, at approximately 5:30 a.m. the Plaintiff, Ricardo Caruso was operating his 1996 Chevrolet Geo Metro, traveling East on Interstate 80 at or near a rest area approximately one mile from Snowshoe Borrow. At the above date, time, and location, Defendant, Richard J. Powell was the operator of a Model Year 2000 International, 8000 tractor-trailer. Defendant, Estes Express Lines is the owner of the vehicle operated by Defendant, Richard Powell. Richard Powell is employed by Estes Express Lines.

Ricardo Caruso was merging right onto a ramp leading toward a rest area when his vehicle was struck from behind at a high rate of speed by the vehicle operated by Richard Powell. The impact by the vehicle operated by Mr. Powell caused Mr. Caruso's vehicle to be pushed to the right, travel onto the shoulder of the roadway, strike a guide rail and then continued to travel along the shoulder of the roadway until it struck the rear of an illegally parked vehicle operated by Defendant, Baljinder Singh and owned by Defendant Twin Flags Express, Inc. Baljinder Singh is employed by Twin Flags Express, Inc.

II. INJURIES

Plaintiff was diagnosed with injury to his head including basilar skull fracture, brain injuries, a fractured left fifth metacarpal, and cervical strain.

Plaintiff has resulting permanent brain injuries and effects including but not limited to: bells palsy, memory loss, dementia due to head trauma, cognitive deficiency and deterioration, traumatic headache disorder, partial complex seizure disorder, severe mixed headaches, fatigability, anxiety disorder, depressive disorder, disorientation and confusion; and injury to left ear with loss of audition in left ear.

Plaintiff has constant headaches of varying severity, occurring almost daily, sometimes to the point where he has to lie down. He loses train of thought and has difficulty finishing sentences at times.

Plaintiff Ricardo Caruso has been examined by the Social Security Disability Administration and found to be permanently disabled because of his brain injuries.

III. CASE STATUS

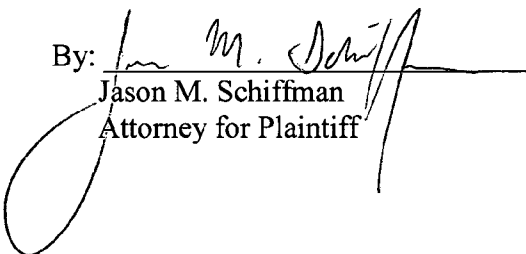
There are outstanding Interrogatories to Defendants' Experts to which responses are due shortly.

There are also outstanding Requests for Production of Documents directed to each of the Defendants.

Defendants Richard J. Powell and Estes Express Lines have made a settlement offer of Fifty Thousand Dollars which has been rejected. No settlement demand has been tendered to the Defendants.

RESPECTFULLY SUBMITTED:
SCHIFFMAN & WOJDOWSKI

By:


Jason M. Schiffman
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of a set of Requests for Production directed to Defendants Baljinder Singh, Rajinder Singh, and Twin Flags Express, Inc. and a true and correct copy of a set of Requests for Production directed to Defendants Richard J. Powell's and Estes Express Lines were served upon counsel of record by personal delivery on February 24, 2012, as follows:

Joseph Murphy, Esquire or other counsel
(Counsel for Baljinder Singh, Rajinder Singh, and Twin Flags Express, Inc.)

Stephen E. Geduldig, Esquire or other counsel
(Counsel for Defendants Richard J. Powell and Estes Express Lines)

A handwritten signature in black ink, appearing to read "Jason M. Schiffman", written over a horizontal line.

Jason M. Schiffman, Esquire
Attorney for Plaintiffs

CA

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

RICARDO F. CARUSO and TATIANA CARUSO,
Husband and Wife,
Plaintiffs

vs.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia Corporation;
BAIJINDER SINGH, an individual; RAJINDER SINGH,
an individual; and TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants

* No. 2008-1440-CD\
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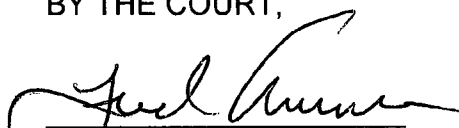
ORDER

NOW, this 2nd day of March, 2012, it is the ORDER of this Court that a
Settlement Conference is scheduled for the 11th day of May, 2012 at 9:00 a.m.,
Second Floor, Clearfield County Courthouse, with Senior Judge Charles C. Brown, Jr.,
Specially Presiding.

It is the further ORDER of this Court that the following shall be present at the
Settlement Conference:

1. Plaintiffs' counsel and Plaintiff;
2. Counsel for the Defendants;
3. The respective insurance company representative(s) do not need to be present
as long as they are immediately accessible by telephone;
4. Any Defendant whose presence is required to authorize settlement shall also be
present; and
5. All parties shall have full authority for settlement of the case.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
MAR 06 2012
William A. Straw
Prothonotary/Clerk of Courts

cc: Atty's:
Schiffman
Geduldig/Hersperger
Murphy
GL

CA

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

RICARDO F. CARUSO and TATIANA CARUSO,
Husband and Wife,
Plaintiffs

vs.

RICHARD J. POWELL, an individual;
ESTES EXPRESS LINES, a Virginia Corporation;
BAIJINDER SINGH, an individual; RAJINDER SINGH,
an individual; and TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,
Defendants

No. 2008-1440-CD\

FILED 1cc Atty: 606
MAR 06 2012 9:30 AM
Schiffman
Geduldig/Hasperger
Murphy
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

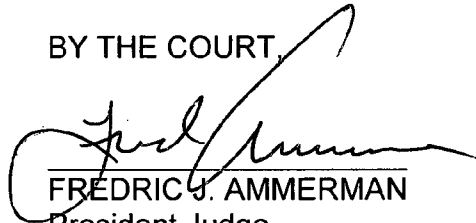
NOW, this 2nd day of March 2012, following pre-trial conference on February 24, 2012 with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on June 7, 2012 commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for **July 31, August 1, 2 and 3, 2012**, commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The

opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.

5. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

MAR 06 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/6/12

X You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to:

U.S. District Court

U.S. District Court

X Plaintiff(s) X Defendant(s) X Other

X Defendant(s) X Plaintiff(s) X Other

X Defendant(s) X Plaintiff(s) X Other

X Defendant(s) X Plaintiff(s) X Other

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FILED

4 AUG 03 2012
10:45
William A. Shaw
Prothonotary/Clerk of Courts
no 96

RICARDO F. CARUSO and TATIANA
CARSO, Husband and Wife,

CIVIL DIVISION

Plaintiffs,

CASE NUMBER: 08-1440-CD.

v.

TYPE OF PLEADING:
**PRAECIPE TO SETTLE
AND DISCONTINUE**

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia Corporation;
BAIJINDER SINGH, an
Individual; RAJINDER SINGH,
an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,

FILED ON BEHALF OF:
Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife, Plaintiffs

Defendants.

COUNSEL OR RECORD:
Jason M. Schiffman, Esquire
Pa. I.D. #207103

SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219
412/288-9444

FIRM I.D. #466

EMAIL: Schifwojdo@hotmail.com

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARSO, Husband and Wife,

Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia Corporation;
BAIJINDER SINGH, an
Individual; RAJINDER SINGH,
an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,

Defendants.

CIVIL DIVISION

CASE NUMBER: 08-1440-CD.

PRAECIPE TO SETTLE AND DISCONTINUE

TO PROTHONOTARY:

Kindly mark the above captioned matter settled and discontinued with respect to
Twin Flag Express, Inc., Baijinder Singh, an Individual and Rajinder Singh, an Individual
only.

Respectfully submitted,
SCHIFFMAN & WOJDOWSKI



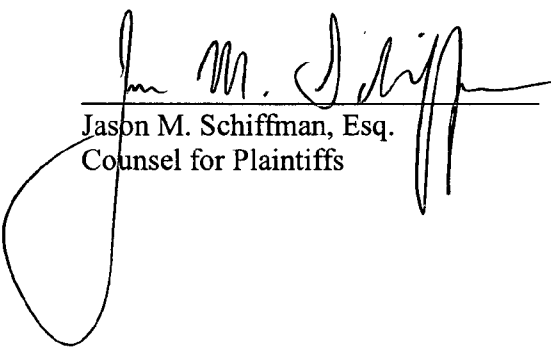
Jason M. Schiffman, Esquire
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECIPE TO SETTLE AND DISCONTINUE prepared on behalf of the Plaintiff, has been served upon the individual(s) listed below, via first class mail, postage prepaid, on July 30, 2012.

Joseph Murphy, Esquire
Forry & Ullman
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110

Stephen E. Geduldig, Esquire
Thomas, Thomas & Hafer, LLP
P.O. Box 999
305 North Front Street
Harrisburg, PA 17108



Jason M. Schiffman, Esq.
Counsel for Plaintiffs

FILED
AUG 03 2012
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARSO, Husband and Wife,

Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia Corporation;
BAIJINDER SINGH, an
Individual; RAJINDER SINGH,
an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,

Defendants.

CIVIL DIVISION

CASE NUMBER: 08-1440-CD.

TYPE OF PLEADING:
**PRAECIPE TO SETTLE
AND DISCONTINUE**

FILED ON BEHALF OF:
Ricardo F. Caruso and Tatiana Caruso,
Husband and Wife, Plaintiffs

COUNSEL OR RECORD:
Jason M. Schiffman, Esquire
Pa. I.D. #207103

SCHIFFMAN & WOJDOWSKI
1300 Fifth Avenue
Pittsburgh, PA 15219
412/288-9444

FIRM I.D. #466

EMAIL: Schifwojdo@hotmail.com

FILED

2
JUL 18 2013
mb:45 ndcc
William A. Shaw
Prothonotary/Clerk of Courts

OK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICARDO F. CARUSO and TATIANA
CARSO, Husband and Wife,

Plaintiffs,

v.

RICHARD J. POWELL an
Individual; ESTES EXPRESS
LINES, a Virginia Corporation;
BAIJINDER SINGH, an
Individual; RAJINDER SINGH,
an individual; and
TWIN FLAG EXPRESS, INC., a
New Jersey Corporation,

Defendants.

CIVIL DIVISION

CASE NUMBER: 08-1440-CD.

PRAECIPE TO SETTLE AND DISCONTINUE

TO PROTHONOTARY:

Kindly mark the above captioned matter settled and discontinued with respect to
all parties.

Respectfully submitted,
SCHIFFMAN & WOJDOWSKI

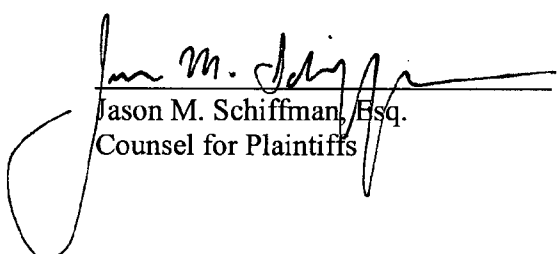

Jason M. Schiffman, Esquire
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PRAECIPE TO SETTLE AND DISCONTINUE prepared on behalf of the Plaintiffs, has been served upon the individual(s) listed below, via first class mail, postage prepaid, on 7/15/2013.

Joseph Murphy, Esquire
Forry & Ullman
2000 Linglestown Road
Suite 301
Harrisburg, PA 17110

Stephen E. Geduldig, Esquire
Thomas, Thomas & Hafer, LLP
P.O. Box 999
305 North Front Street
Harrisburg, PA 17108



Jason M. Schiffman, Esq.
Counsel for Plaintiffs