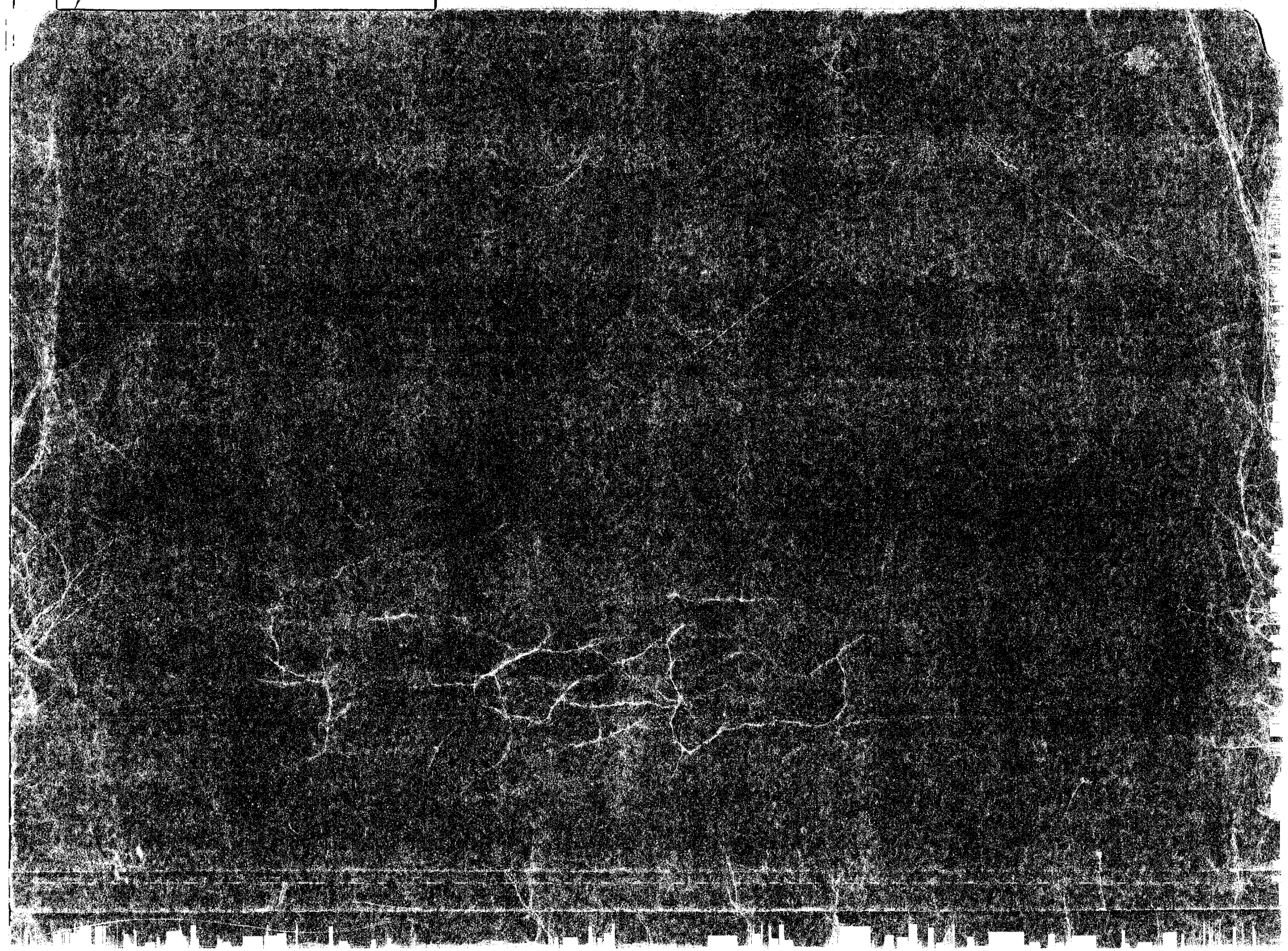
08-1667-CD
K Swatsworth al vs R&R Optical et al

08-1667-CD
K Swatsworth al vs R&R Optical et al



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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ; and
RALPH HINSON, an adult individual,

DEFENDANTS.

No. 08-1667-CD

Type of Pleading:

CIVIL COMPLAINT

Filed By:

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED Atty pd.
012:12:60 $95.00
SEP 04 2008
1 CC Atty Noble
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals; PLAINTIFFS, v. R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual, DEFENDANTS.	)	No. 08-_____-CD

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM 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 CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE , GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-_____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

CIVIL COMPLAINT

NOW COMES, the Plaintiffs, Mrs. Karen D. Swatsworth and Mrs. Elaine G. Trimpey, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their CIVIL COMPLAINT:

The Parties

1. That first Plaintiff is Karen D. Swatsworth, who does, and at all material and relevant times did reside at 126 Bonnie Court, Curwensville, Clearfield County, Pennsylvania, herein after referred to as "Mrs. Swatsworth".

2. That second Plaintiff is Elaine G. Trimpey, who does, and at all material and relevant times did reside at 1881 Keewaydin Road, Frenchville, Clearfield County, Pennsylvania, hereinafter referred to as "Mrs. Trimpey".

3. That first Defendant is R & R Optical, Inc., d/b/a Wise Eyes Optical, upon information

and belief, a duly formed and existing Pennsylvania Corporation with corporate headquarters and principal place of business, located at 237 Northland Center, State College, Centre County, Pennsylvania 16803, hereinafter referred to as "employer" and/or "Wise Eyes Optical".

4. That second defendant is Ralph Hinson, an adult individual, upon information and belief the general manager for Defendant Employer who conducts his business and can be located at the aforementioned principal office of Defendant Employer.

Background

5. That Mrs. Trimpey was born on September 29, 1946, and during August of last year was 60 years of age.

6. That Mrs. Swatsworth was born on February 17, 1950, and during August of last year was 57 years of age.

7. That Mrs. Trimpey was hired by Defendant Employer in 1988 as an optician and remained employed in various positions, including some level of management, with Defendant Employer until August 20, 2007 at which time Defendant Hinson, on behalf of Defendant Employer informed Mrs. Trimpey that she was being let go, not for cause, but because the Clearfield Store in which Mrs. Trimpey worked was being restructured.

8. That Mrs. Swatsworth was hired by Defendant Employer in 1992 as an optician and remained employed as such with Defendant Employer until August 18, 2007 at which time Defendant Hinson, on behalf of Defendant Employer informed Mrs. Swatsworth that she was being let go, not for cause, but because the Clearfield Store in which Mrs. Trimpey worked was being revamped, further informing Mrs. Swatsworth 'it was nothing she did'.

9. That at the time of her termination, Mrs. Trimpey was earning approximately Four Hundred and Sixty-Two dollars and fifty cents ($462.50) per week, with some variation, plus some fringe benefits all in an amount to be more exactly determined at time of trial.

10. That at the time of her termination, Mrs. Swatsworth was earning approximately Three Hundred Dollars ($300.00) per week, with some variation, plus some fringe benefits all in an amount to be more exactly determined at time of trial.

11. That Mrs. Swatsworth and Mrs. Trimpey believe, and therefore aver, that they were terminated by Defendants Employer and Hinson, if not entirely, at least in part because of their age and were victims of age discrimination as prohibited under applicable State and Federal law.

12. That based upon their belief, Mrs. Swatsworth and Mrs. Trimpey filed and prosecuted a claim with the Equal Employment Opportunity Commission (EEOC), which had concurrent jurisdiction with the Pennsylvania Human Relations Commission (PHRC), which determined that probable cause did exist to believe that Defendant Employer did engage in age discrimination against Mrs. Trimpey and Mrs. Swatsworth, but when the mediation process failed, issued a "right to sue letter" to each of them.

13. That Defendants Employer and Hinson hired two new employees for their business operations in the Clearfield store, within three (3) weeks of the terminations of Mrs. Swatsworth and Mrs. Trimpey, each of the replacements being younger than twenty-two (22) years of age and with little or no experience as opticians, certainly less experience than either Mrs. Swatsowrth or Mrs. Trimpey.

14. That Defendant Employer hired Defendant Hinson, upon information and belief, in April, 2007 to be the general manager of its nine (9) stores, in the Central Pennsylvania

region, employing in excess of twenty-five (25) persons.

15. That upon information and belief, Defendant Hinson made the decision to terminate the employment of Mrs. Swatsworth and Mrs. Trimpey, wholly or in part because of their ages.

16. That upon information and belief, Defendant Hinson made the decision to hire the younger, less experienced opticians for the Defendant Employer's Clearfield Store.

17. That upon information and belief, Defendant Hinson was the employee and/or agent for Defendant Employer charged with the direct responsibility to hire and fire employees such as Mrs. Trimpey and Mrs. Swatsworth, and also charged with the responsibility to manage Defendant Employer's stores, including the one in Clearfield.

18. That during their employment, neither Mrs. Swatsworth nor Mrs. Trimpey were ever subjected to Defendant Employer's discipline nor even warned of any violations of Defendant Employers' employment policies or procedures.

19. That based on the number of employees employed by Defendant Employer, it is subject to the laws provided for by the Pennsylvania Human Relations Act (42 P.S. §951 et seq.), hereinafter "PHRA", and the Age Discrimination in Employment Act of 1967 (29 U.S.C. §623, et.seq), hereinafter "ADEA".

20. That Mrs. Swatsworth and Mrs. Trimpey were each qualified for the jobs in which they were employed by Defendant Employer.

21. That the terminations of Plaintiffs in August of 2007, for no justifiable reason, was a willful, wanton, and/or reckless violation of the ADEA.

COUNT I: Swatsworth v. All Defendants;
PHRA Cause of Action

22. That the averments of paragraphs 1 - 21, inclusive, are hereby incorporated as if again fully set forth at length.

23. That as of August 18, 2007, Mrs. Swatsworth was more than forty (40) years of age and as such, was protected against discrimination concerning her employment.

24. That the decision by Defendant Hinson, on behalf of Defendant Employer to terminate the employment of Mrs. Swatsworth, because of her age, violated 42 P.S. §951, et. seq., in particular §952(a) & (b); §953 and §955.

25. That when Defendant Hinson and Defendant Employer terminated Mrs. Swatsworth, without benefit of the discipline schedule set forth in Defendant Employer's employment handbook, as set forth in Exhibit "A", it also discriminated against her on the basis of her age, also in violation of 42 P.S. §952(a) & (b); §953 and §955 .

26. That as a direct and proximate result of these discriminatory acts of the Defendants, Mrs. Swatsworth did, and continues to suffer, economic losses from her lost wages and fringe benefits, in amounts to be determined at time of trial for which she should be fully compensated.

WHEREFORE, Plaintiff Swatsworth requests that a determination be made that Defendant Hinson and/or Defendant Employer discriminated against her based upon her age concerning her employment and that the following relief be afforded her pursuant to 43 P.S. §962(c)(3):

(1) Reinstatement of Mrs. Swatsworth to her prior employment;

(2) Granting of back pay to August 18, 2007, including fringe benefits;

(3) any other relief determined to be appropriate under the circumstances; and

(4) pursuant to 43 P.S. §962(c.2), Mrs. Swatsworth's reasonable attorney's fees.

COUNT II: Trimpey v. All Defendants;
PHRA Cause of Action

27. That the averments of paragraphs 1 - 26, inclusive, are hereby incorporated as if again fully set forth at length.

28. That as of August 20, 2007, Mrs. Trimpey was more than forty (40) years of age and as such, was protected against discrimination concerning her employment.

29. That the decision by Defendant Hinson, on behalf of Defendant Employer to terminate the employment of Mrs. Trimpey, because of her age, violated 42 P.S. §951, et. seq., in particular §952(a) & (b); §953 and §955.

30. That when Defendant Hinson and Defendant Employer terminated Mrs. Trimpey, without benefit of the discipline schedule set forth in Defendant Employer's employment handbook, as set forth in Exhibit "A", it also discriminated against her on the basis of her age, also in violation of 42 P.S. §952(a) & (b); §953 and §955 .

31. That as a direct and proximate result of these discriminatory acts of the Defendants, Mrs. Trimpey did, and continues to suffer, economic losses from her lost wages and fringe benefits, in amounts to be determined at time of trial for which she should be fully compensated.

WHEREFORE, Plaintiff Trimpey requests that a determination be made that Defendant Hinson and/or Defendant Employer discriminated against her based upon her age concerning her employment and that the following relief be afforded

her pursuant to 43 P.S. §962(c)(3):

(1) Reinstatement of Mrs. Trimpey to her prior employment;

(2) Granting of back pay to August 18, 2007, including fringe benefits;

(3) any other relief determined to be appropriate under the circumstances; and

(4) pursuant to 43 P.S. §962(c.2), Mrs. Trimpey's reasonable attorney's fees.

Count III: Swatsworth v. All Defendants;
ADEA Cause of Action

32. That the averments of paragraphs 1 - 31, inclusive, are hereby incorporated as if again fully set forth at length.

33. That the defendants discriminated against Mrs. Swatsworth, in violation of the ADEA, specifically 29 U.S.C. 623(a)(1), when he, it or they terminated Mrs. Swatsworth aforementioned employment because, in whole or in part, or her age.

34. That the defendants discriminated against Mrs. Swatsworth, in violation of the ADEA, specifically 29 U.S.C. 623(a)(1), when he, it or they violated Defendant's employment practices in whole or in part because or her age.

35. That as a direct and proximate result of these discriminatory acts of the Defendants, Mrs. Swatsworth did, and continues to suffer, economic losses from her lost wages and fringe benefits, including future lost wages, in amounts to be determined at time of trial for which she should be fully compensated.

WHEREFORE, Mrs. Swatsworth requests that JUDGMENT be entered in her favor, and against each defendant, jointly and severally, in an amount in excess of Twenty Thousand Dollars ($20,000), together with interest, costs of suit, attorney's

fees and if to be establsihed willful discrimination, liquidated damages as permitted pursuant to the ADEA.

Count IV: <u>Trimpey v. All Defendants;</u>
ADEA Cause of Action

36. That the averments of paragraphs 1 - 35, inclusive, are hereby incorporated as if again fully set forth at length.

37. That the defendants discriminated against Mrs. Trimpey, in violation of the ADEA, specifically 29 U.S.C. 623(a)(1), when he, it or they terminated Mrs. Trimpey aforementioned employment because, in whole or in part, or her age.

38. That the defendants discriminated against Mrs. Trimpey, in violation of the ADEA, specifically 29 U.S.C. 623(a)(1), when he, it or they violated Defendant's employment practices in whole or in part because or her age.

39. That as a direct and proximate result of these discriminatory acts of the Defendants, Mrs. Trimpey did, and continues to suffer, economic losses from her lost wages and fringe benefits, including future lost wages, in amounts to be determined at time of trial for which she should be fully compensated.

WHEREFORE, Mrs. Trimpey requests that JUDGMENT be entered in her favor, and against each defendant, jointly and severally, in an amount in excess of Twenty Thousand Dollars ($20,000), together with interest, costs of suit, attorney's fees and if to be establsihed willful discrimination, liquidated damages as permitted pursuant to the ADEA.

<u>Miscellaneous Averments</u>

40. Jurisdiction is proper.

41. Venue is proper.

42. The defendants liability is joint and several.

Respectfully Submitted,

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-_____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

VERIFICATION

I, Elaine G. Trimpey, Plaintiff, do hereby swear and affirm that I have read the foregoing CIVIL COMPLAINT and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 2nd day of September, 2008.

By,

Elaine G. Trimpey

Elaine G. Trimpey, Plaintiff

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-_____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

VERIFICATION

I, Karen D. Swatsworth, Plaintiff, do hereby swear and affirm that I have read the foregoing CIVIL COMPLAINT and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 2nd day of September, 2008.

By,

Karen D. Swatsworth

Karen D. Swatsworth, Plaintiff

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC.; d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ; and
RALPH HINSON, an adult individual,

DEFENDANTS.

No. 08-__1667____-CD

Type of Pleading:

ACCEPTANCE OF SERVICE BY ALL DEFENDNATS

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED
9/12:55 BY NO CC
SEP 22 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

ACCEPTANCE OF SERVICE

I accept service of process, pursuant to Pa.R.Civ.P. 402(b), of the CIVIL COMPLAINT on behalf of Defendants R & R Optical, Inc., d/b/a Wise Eyes Optical, and Ralph Hinsonand certify that I am authorized to do so.

Date: 9/15/08, 2008

Respectfully Submitted,

John Ryan, Esquire
Belin & Kubista
P.O. Box 1
Clearfield, PA 16830
PA I.D.#: 38739
(814)-765-8972

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

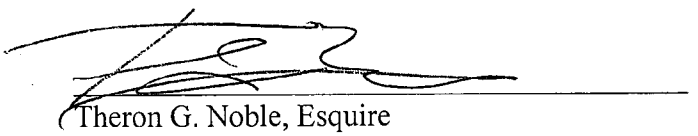
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 18th day of September, 2008, that I did mail a true and correct copy of the Defendants' ACCEPTANCE OF SERVICE to the below indicated persons, being counsel of record for all Defendants, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY	:	NO. 08-1667-CD
	:	Type of Case: CIVIL
Plaintiffs,	:	
	:	Type of Pleading: PRAECIPE FOR
vs.	:	ENTRY OF APPEARANCE
	:	
R & R OPTICAL, INC. d/b/a WISE EYES OPTICAL and RALPH HINSON, INC.,	:	Filed on behalf of: DEFENDANT RALPH HINSON
	:	
	:	Counsel of Record:
Defendants.	:	CHRISTOPHER E. MOHNEY, ESQUIRE
	:	
	:	Supreme Court No.: 63494
	:	
	:	25 EAST PARK AVENUE
	:	SUITE 6
	:	DUBOIS, PA 15801
	:	(814) 375-1044

FILED NO CC
m/10:33 BOX
SEP 24 2008
(6K)
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY	:	
Plaintiffs,	:	
vs.	:	NO. 08-1667-CD
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL and RALPH HINSON	:	
Defendants.	:	

PRAECIPE FOR ENTRY OF APPEARANCE

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Kindly enter the appearance of Christopher E. Mohney, Esquire, as counsel for Defendant RALPH HINSON in the above-captioned matter.

Respectfully submitted,

By: _____

Christopher E. Mohney, Esquire
PA. I.D. #63494
25 East Park Avenue, Suite 6
DuBois, PA 15801
(814) 375-1044

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY,	:	
Plaintiffs,	:	
vs.	:	NO. 08-1667-CD
R & R OPTICAL, INC. d/b/a WISE EYES OPTICAL and RALPH HINSON,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Christopher E. Mohney, Esquire, do hereby certify that on this 23 day of September, 2008, I caused to be served by First Class United States Mail, postage prepaid, a true and correct copy of the foregoing Praecipe for Entry of Appearance on the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

John R. Ryan, Esquire
Belin, Kubista & Ryan, LLP
15 North Front Street
P. O. Box 1
Clearfield, PA 16830

By: _____
Christopher E. Mohney, Esquire

FILED

SEP 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and :
ELAINE G. TRIMPEY, adult individuals, :
Plaintiffs :
:
vs. : NO. 08 – 1667 – C.D.
:
R & R OPTICAL, INC., d/b/a :
WISE EYES OPTICAL, a duly formed :
an existing Pennsylvania Corporation; and :
RALPH HINSON, an adult individual, :
Defendants :

FILED
OCT 10 2008
6/3:15
William A. Shaw
Prothonotary/Clerk of Courts
4 cert to Att
(610)

PRELIMINARY OBJECTIONS

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

PRELIMINARY OBJECTIONS

NOW COMES, R & R Optical, Inc. d/b/a Wise Eyes Optical, Defendant above named, and by its Attorneys, Belin, Kubista & Ryan, LLP, files Preliminary Objections to the Complaint of Plaintiffs as follows:

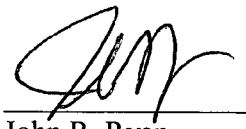
1. Plaintiffs have filed an action alleging that they were unlawfully terminated from employment by the Defendant R & R Optical, Inc. (hereinafter "R & R") in that they were victims of age discrimination.

2. The facts alleged in Paragraph 12 of Plaintiffs' Complaint are wholly irrelevant and immaterial to any of the issues of this action, and accordingly said Paragraph should be stricken pursuant to Pa. R.C.P. 1028 (a)(2).

3. Further, Plaintiffs' Complaint fails to allege with any specificity, facts which support their conclusion that they were terminated from their employment because of their age, and that they were discriminated against in that respect, and accordingly said Complaint is deficient pursuant to Pa.R.C.P. 1028 (a)(3).

WHEREFORE, Defendant requests that the Court enter an Order striking Paragraph 12 of Plaintiffs' Complaint, and directing that Plaintiffs file a more specific Complaint as to the factual basis of their belief that they were terminated because of their age.

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant R & R Optical, Inc.
d/b/a Wise Eyes Optical

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

ORDER

AND NOW, this 13 day of October, 2008, upon consideration of the foregoing Preliminary Objections filed by Defendant R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, it is the ORDER of this Court that Argument be scheduled on said Objections the 19th day of November, 2008, at 10:00 o'clock A .m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

Judge

FILED
03:53 BY
OCT 13 2008
William A. Shaw
Prothonotary/Clerk of Courts
4CC Atty Ryan

DATE: 10/13/08

X 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:

FILED

OCT 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC. d/b/a
WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
OCT 14 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

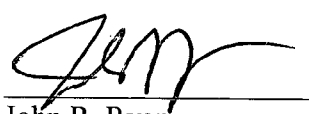
CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Preliminary Objections filed on behalf of Defendant R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL in the above captioned matter, together with a certified copy of the Order scheduling Argument, on the following parties by postage prepaid first-class United States mail, on the 14th day of October, 2008:

Theron G. Noble, Esquire
Ferraracio & Noble
301 East Pine Street
Clearfield, PA 16830
Attorney for Plaintiff

Christopher E. Mohney, Esquire
25 East Park Avenue, Suite 6
Du Bois, PA 15801
Attorney for Defendant Ralph Hinson

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant R & R Optical,
Inc. t/d/b/a Wise Eyes Optical

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ; and
RALPH HINSON, an adult individual,

DEFENDANTS.

No. 08-__1667___-CD

FILED No CC.
m/3:30 pm
OCT 23 2008
William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading:

PRAECIPE TO DISCONTINUE AS TO DEFENDANT HINSON

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals; PLAINTIFFS, v. R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual, DEFENDANTS.	)	No. 08- 1667 -CD

PRAECIPE TO DISCONTINUE AS TO DEFENDANT HINSON

To: William A. Shaw, Prothonotary

Date: October 22, 2008

Please mark the above captioned matter DISCONTINUED WITH PREJUDICE only as to Defendant Ralph Hinson. In support of the same, there is a consent and affidavit attached herewith.

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

CONSENT TO RELEASE OF DEFENDANT

R & R Optical, Inc. d/b/a Wise Eyes Optical, through and by its Attorney, Belin, Kubista & Ryan, LLP, hereby consents to the release and dismissal of all claims, with prejudice, against Ralph Hinson, in the above captioned matter.

BELIN, KUBISTA & RYAN LLP

Date: 10/10/08

John R. Ryan
Attorney for Defendant R & R Optical,
Inc. d/b/a Wise Eyes Optical

AFFIDAVIT

I, JOHN R. ROSSELLI, being duly sworn, depose and state the following:

1. I am an adult individual residing at Clearfield, Pennsylvania.

2. I am the President of R & R Optical, Inc., a corporation organized and doing business as Wise Eyes Optical under the laws of the Commonwealth of Pennsylvania.

3. On or about April 16, 2007, Ralph Hinson was hired by R & R Optical, Inc. as General Manager. Prior to that time, Ralph Hinson was the manager of a Wise Eyes store located in Bedford, Pennsylvania, for fifteen (15) years.

4. At no time in the past has Ralph Hinson had, nor does he have at the present time, any ownership interest in R & R Optical, Inc.

5. The above information is true and correct to the best of my knowledge, information and belief as President of R & R Optical, Inc.

Date: 10-10-08

John R. Rosselli

Sworn to and subscribed before me

this 10th day of October, 2008.

Kristin D. Mosch

Notary Public

My Commission Expires:

NOTARIAL SEAL
KRISTIN D. MOSCH, NOTARY PUBLIC
CLEARFIELD BORO, CLEARFIELD COUNTY
MY COMMISSION EXPIRES APRIL 21, 2011

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

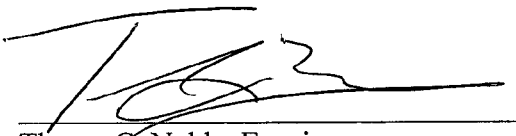
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals; PLAINTIFFS, v. R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual, DEFENDANTS.	)	No. 08-__1667___-CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 22nd day of October, 2008, that I did mail a true and correct copy of the PRAECIPE TO DISCONTINUE AS TO DEFENDANT HINSON to the below indicated persons, being counsel of record for all Defendants, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

CA

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

KAREN D. SWATSWORTH and	*	No. 08-~~1867~~ 1667-CD
ELAINE G. TRIMPEY, adult individuals,	*	
Plaintiffs	*	
vs	*	
R & R OPTICAL, INC., d/b/a WISE	*	
EYES OPTICAL, a duly formed and	*	
an existing Pennsylvania Corporation;	*	
and RALPH HINSON, an adult individual	*	
Defendants	*	

ORDER

AND NOW, this 19th day of November, 2008, following argument on the Preliminary Objections filed on behalf of the Defendants, it is the ORDER of this Court that said Preliminary Objection be and is hereby GRANTED. The provisions of paragraph 12 of the Complaint are stricken as irrelevant and immaterial other than the fact that the said averments establish jurisdiction of the Court to proceed on the Plaintiffs' claims.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED 1CC Attys: Noble Ryan
NOV 24 2008 12:20 BA
William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/24/08

____You are responsible for serving all appropriate parties.

__X__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, CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED
DEC 09 2008
M/12:10/cc
William A. Shaw
Prothonotary/Clerk of Courts
$ wc GK

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ; and
RALPH HINSON, an adult individual,

DEFENDANTS.

No. 08-1667-CD

Type of Pleading:

PRAECIPE

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

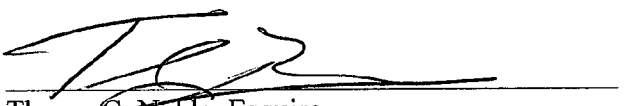
PRAECIPE TO ATTACH EXHIBIT "A" TO CIVIL COMPLAINT

To: William A. Shaw, Prothonotary

Date: December 8, 2008

Please add the attached document as Exhibit "A" to Plaintiff's CIVIL COMPLAINT, which was inadvertently not included in the original filing, but which is so referenced therein. Counsel for the Defendant, John R. Ryan, Esquire, has agreed as such pursuant to his letter, attached hereto as Exhibit "B".

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

Employee records are handled by the Officers and specified personnel as designated by them. No information on employees or employment status will be given to outside persons, agencies, or potential employers without prior consent of the employee. Employees and/or their representatives are able to review, at the main offices of the Company, their own personnel files if they make an appointment to do so.

CONCERNS / PROBLEMS

All employees are encouraged to discuss any concerns/problems which are pertinent to their employment with their immediate supervisor. If the situation cannot be resolved to the employees satisfaction, the Officers must be consulted.

WARNINGS / PROBATION

In cases of poor performance, misconduct of a minor nature or repeated minor mistakes/infractions by an employee, the following disciplinary measures shall be used by the immediate supervisor in this sequence.

1. Verbal Warning

A verbal notification from the immediate supervisor or other supervisor to an employee that certain behavior or work performance is unacceptable and subject to discipline. The immediate supervisor will retain written records of such verbal warnings.

2. Written Warning

A specific notification from the immediate supervisor to an employee that certain behavior and performance is unacceptable and subject to discipline. A copy of the written warning will be placed in the employee's personnel file. The warning will also be signed by the employee and any objection or comment of the employee will be noted. A written warning automatically places an employee on probationary status.

3. Probationary Status

A fixed period of time not to exceed ninety (90) days where specific standards and goals are established in writing by the Officers and supervisor. Performance is evaluated by the Officers and supervisor during and at the end of the probationary period, and failure to achieve satisfactory performance shall result in suspension or dismissal.

4. Suspension/Dismissal

In cases of suspension or dismissal, the employee is informed of the specific reasons and given an opportunity for a meeting with the Officers. The Officers may suspend or dismiss any employee.

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

December 4, 2008

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

RE: **Karen D. Swatsworth & Elaine G. Trimpey vs. R & R Optical, Inc, et al.**
No. 08-1667-C.D.

Dear Terry:

I am in receipt of your letter of December 2, 2008.

I have no problem with your filing Exhibit "A" separately, perhaps with an accompanying Praecipe indicating that it should be made part of the original Complaint.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

cc: John R. Rosselli, R & R Optical, Inc. (w/enc.)

SENT VIA FACSIMILE (814) 765-9377
AND REGULAR U.S. MAIL

Exhibit "B"

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 8th day of December, 2008, that I did mail a true and correct copy of Plaintiff's PRAECIPE TO ATTACH EXHIBIT "A" TO CIVIL COMPLAINT the below indicated persons, being counsel of record for all Defendants, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC. d/b/a
WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
DEC 15 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

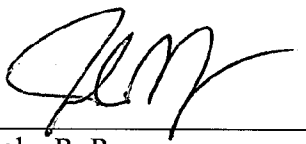
KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Answer, New Matter and Counterclaim filed on behalf of Defendant R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, in the above captioned matter, on the following party by postage prepaid first-class United States mail, on the 15th day of December, 2008:

Theron G. Noble, Esquire
Ferraracio & Noble
301 East Pine Street
Clearfield, PA 16830
Attorney for Plaintiff

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant R & R Optical,
Inc. t/d/b/a Wise Eyes Optical

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

ANSWER, NEW MATTER AND COUNTERCLAIM

Filed on behalf of:
Defendant, R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
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DEC 15 2008 Atty Ryan
William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this New Matter, Counterclaim 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 New Matter and Counterclaim or for any other claim or relief requested by the Defendant. 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 & Second Street
Clearfield, PA 16830
(814) 765-2641, ext. 1300

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

ANSWER, NEW MATTER AND COUNTERCLAIM

NOW COMES, R & R Optical, Inc., d/b/a Wise Eyes Optical, Defendant above named, and by its Attorneys, Belin, Kubista & Ryan, LLP, and files its Answer, New Matter and Counterclaim to the Complaint of the Plaintiffs as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Since the filing of Plaintiffs' Complaint, Plaintiffs have discontinued, with prejudice, all claims against Ralph Hinson individually, therefore he is no longer a party to this action and no responsive pleading is required to the averments of Paragraph 4.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted in part and denied in part. Admitted insofar as Plaintiff Swatsworth was advised that she was being terminated as part of the restructuring of the Clearfield store. It is denied that she was told by Ralph Hinson that "it was nothing she did."

9. Admitted.

10. Admitted.

11. Denied. On the contrary, both Plaintiffs were terminated for insubordination and for willful refusal to comply with the policies of the Defendant.

12. Admitted insofar as the Plaintiffs did exhaust their administrative remedies, and thus this Court has jurisdiction regarding the claims as alleged. The remaining averments of Paragraph 12 have been stricken by Order of Court dated November 19, 2008, and therefore require no response.

13. Admitted in part and denied in part. Admitted insofar as Defendant did hire two younger individuals to replace Plaintiffs. Denied in that both new hires were 23 years of age. Denied in that one was hired on September 4, 2007 and the other on October 4, 2007. It is admitted that both new hires had less experience than Plaintiffs.

14. Admitted.

15. Denied for the reasons set forth at Paragraph 11 herein above.

16. Admitted. By way of further response, said decision was within the scope of Hinson's duties as General Manager of Defendant's stores.

17. Admitted.

18. Admitted in part and denied in part. Admitted insofar as neither Plaintiff received written or verbal warnings as set forth in the written personnel policies of Defendant. Denied for reasons set forth in Defendant's New Matter set forth herein below.

19. Admitted.

20. Admitted.

21. Denied, in that the Plaintiffs were terminated for the reasons set forth at Paragraph11 herein above.

COUNT I

22. Paragraphs 1 through and including Paragraph 21 of Defendant's Answer are incorporated herein by reference as if set forth at length.

23. Admitted.

24. Denied, in that Plaintiff Swatsworth was terminated for the reasons set forth at Paragraph 11 herein above.

25. Denied for the reasons set forth at Paragraph 11 herein above.

26. Denied for the reasons set forth at Paragraph 11 herein above.

WHEREFORE, Defendant demands that Plaintiffs' Complaint be dismissed, with prejudice.

COUNT II

27. Paragraphs 1 through and including Paragraph 26 of Defendant's Answer are incorporated herein by reference as if set forth at length.

28. Admitted.

29. Denied, in that Plaintiff Trimpey was terminated for the reasons set forth at Paragraph 11 herein above.

30. Denied for the reasons set forth at Paragraph 11 herein above.

31. Denied for the reasons set forth at Paragraph 11 herein above.

WHEREFORE, Defendant requests that Plaintiffs' Complaint be dismissed, with prejudice.

COUNT III

32. Paragraphs 1 through and including Paragraph 31 of Defendant's Answer are incorporated herein by reference as if set forth at length.

33. Denied for the reasons set forth at Paragraph 11 herein above.

34. Denied for the reasons set forth at Paragraph 11 herein above.

35. Denied for the reasons set forth at Paragraph 11 herein above.

WHEREFORE, Defendant requests that Plaintiffs' Complaint be dismissed, with prejudice.

COUNT IV

36. Paragraphs 1 through and including Paragraph 35 of Defendant's Answer are incorporated herein by reference as if set forth at length.

37. Denied for the reasons set forth at Paragraph 11 herein above.

38. Denied for the reasons set forth at Paragraph 11 herein above.

39. Denied for the reasons set forth at Paragraph 11 herein above.

WHEREFORE, Defendant requests that Plaintiffs' Complaint be dismissed, with prejudice.

40. Admitted.

41. Admitted.

42. Denied in that Defendant has committed no violation of applicable Federal or State law in the termination of the Plaintiffs' employment. The remaining averments of

Paragraph 42 relate to Ralph Hinson. Plaintiffs have discontinued the action against Hinson individually, with prejudice, and therefore no response is required to these averments.

NEW MATTER

43. Paragraphs 1 through and including Paragraph 42 of Defendant's Answer are incorporated herein by reference as if set forth at length.

44. In May of 2007, Plaintiffs, together with all other store employees of Defendant, were presented with a written document which set forth a number of policies developed for the purpose of improving store procedures and efficiency.

45. Each of Defendant's employees, including Plaintiffs, reviewed and signed the said policy. Attached hereto and marked as Exhibit "A" is a true and correct copy of the policy as signed by Plaintiffs Trimpey and Swatsworth.

46. During the weeks following the implementation of the said policy, Plaintiffs willfully failed and refused to comply with the terms thereof.

47. Plaintiff Swatsworth openly questioned the policy and expressed her disapproval of the policy and her intention to disregard the policy. Further, she refused to comply with the policy as it pertained to scheduling and openly disregarded the instructions of the Clearfield store manager as to scheduling.

48. Plaintiff Swatsworth's disregard of the policy was a clear refusal to comply with company policy and negatively impacted the morale of the other store employees.

49. Plaintiff Trimpey likewise refused to comply with the policy and was openly insubordinate by refusing to participate in staff meetings held by Ralph Hinson (hererinafter "Hinson"), by refusing to participate in cross training of other employees and by refusing to perform sales and customer service.

50. At the time that the Plaintiffs were terminated from employment, the reason given by Hinson was that the store was being reorganized. In fact, the decision had been made by Hinson, and ratified by the President and Vice-President of Defendant, to terminate the Plaintiffs due to their insubordination and express refusal to comply with company policy.

51. Hinson did not specifically tell the Plaintiffs that they were being dismissed for insubordination and refusal to comply with company policy in order to avoid a confrontation at Defendant's place of business during business hours.

52. As a matter of law and fact, the Plaintiffs were at will employees subject to dismissal for any reason, or for no reason at all.

53. The age of the Plaintiffs was not a factor in their termination from employment with Defendant.

54. While the Defendant does have a written personnel policy which includes progressive disciplinary procedures, as a matter of fact Defendant has not utilized the progressive disciplinary procedures with regard to its employees since the publication of the policy. Accordingly, the fact that the disciplinary procedures were not followed in the case of the Plaintiffs is in no way indicative of any discriminatory action on the part of Defendant.

55. Further, the said policy clearly states that progressive disciplinary procedures set forth therein are to be followed in cases of "poor performance, misconduct of a minor nature or repeated minor mistakes/infractions by an employee". (See Exhibit "A" attached to Plaintiffs' Complaint).

56. The actions of the Plaintiffs which led to their dismissal were not considered "minor" in nature and therefore Defendant was not required to follow the progressive discipline procedures prior to termination of the Plaintiffs.

57. As a matter of law, Defendant had the legal right to terminate Plaintiffs for cause.

WHEREFORE, Defendant requests that Plaintiffs' Complaint be dismissed.

COUNTERCLAIM

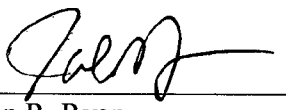
58. Paragraphs 1 through and including Paragraph 57 of Defendant's Answer and New Matter are incorporated herein by reference as if set forth at length.

59. As the result of the filing of the above captioned action by the Plaintiffs, Defendant has been required to retain the services of legal counsel and to expend sums for legal fees and costs, being both record costs and the additional costs of litigation, in a total amount to be determined at the time of trial.

60. Defendants believe and therefore aver that the actions of the Plaintiffs in commencing this litigation are in bad faith, and accordingly make a claim for an award of counsel fees and costs pursuant to 43 P.S. § 962 (4) (c.3).

WHEREFORE, Defendant requests that judgment be entered in its favor and against Plaintiffs, together with an award of counsel fees and costs incurred in the litigation of this action.

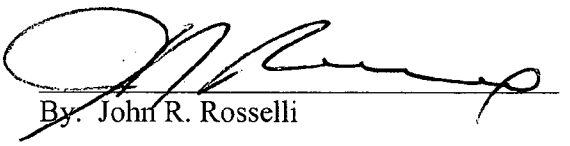
BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant R & R Optical, Inc.,
d/b/a Wise Eyes Optical

I verify that the statements made in this Answer, New Matter and Counterclaim are true and correct. I understand that false statements herein are made subject to the penalties of Pa. C.S. 4904, relating to unsworn falsification to authorities.

R & R OPTICAL, INC.



By: John R. Rosselli

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Karen Swanson 5-31-07
Name/Date

Elaine Trumpey 5-31-07
Name/Date

Lisa Johnson 5/31/07
Name/Date

Kim Weick 6-1-07
Name/Date

_____
Name/Date

_____
Name/Date

EXHIBIT "A"

R & R Optical
Personnel Policy

Training

Each employee shall be cross trained of all duties and responsibilities of each office including products, sales, dispensing and lab work. Office managers are responsible and accountable to ensure each employee is properly trained in these areas. If there is any need of additional training to any staff member, a request is recommended. All staff should feel that they have been adequately trained.

Service

It is the responsibility of all staff members to complete jobs and dispense eyewear in an efficient manner. Jobs should not be at a stand still. When jobs arrive, finish work is to be completed by ***all*** staff members available and completed in a timely manner. Specifications of all lenses must be checked upon arrival and verified for accuracy upon completion. Verifier ***must*** initial Rx card that the specifications are accurate.

One Hour/Same Day Service

One hour/same day service ***must*** be offered to all qualifying patients. Providing this service has always been what sets Wise Eyes apart from our competition. If we are not utilizing the resources that are given to us, it makes us no different than any one else. Managers are responsible and accountable for the organization of their lab to ensure this service can be performed.

It is not the sole responsibility of just one employee to complete certain tasks. All employees must participate in the above service requirements. This is key to providing exceptional customer service.

Schedules

Managers will be responsible for all scheduling of staff within their offices. Each manager is accountable for ensuring all full time employees are working 40 hours per week. Any shortage of hours in any week must be considered vacation time unless previously approved by upper management. All office managers must obtain upper management approval, all office employees must obtain approval from office manager. Any approved time off, including vacation time, must be recorded and kept with an employee file. Employee files will be maintained and kept up to date for each employee by the office manager.

We do understand the need for employees to occasionally need time off and we will do our best to accommodate each request; however, this is considered a privilege not a requirement. All appointment days must have adequate staff to provide personal service to every patient. Non appointment days are to be staffed minimally. Non appointment days should not be used as *make-up days* for any staff needing to make up hours. All employees are expected to be on time every day. Tardiness will result in disciplinary action.

Professionalism

A positive and professional attitude is expected at all times while at work or any time one is representing Wise Eyes. Patients should always have a professional, helpful and welcoming experience. All patients are to be greeted immediately upon their arrival. A patient should never witness personal conversations, loud voices or laughter from the staff, this is viewed as unprofessional. Cell phone usage is not permitted during scheduled working hours. Personal calls will be kept to a minimum.

Wise Eyes is committed to providing quality eyewear and exceptional service to every patient. Employee participation is expected and appreciated.

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

FILED
DEC 19 2008
William A. Shaw
Prothonotary/Clerk of Courts

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ; and
RALPH HINSON, an adult individual,

DEFENDANTS.

No. 08-1667-CD

Type of Pleading:

PRELIMINARY OBJECTIONS TO ANSWER, NEW MATTER & COUNTER-CLAIM

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals; PLAINTIFFS, v. R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual, DEFENDANTS.	)	No. 08-__1667___-CD

PLAINTIFFS' PRELIMINARY OBJECTIONS TO ANSWER, NEW MATTER AND COUNTER-CLAIM

AND NOW, comes the Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their PRELIMINARY OBJECTIONS TO ANSWER, NEW MATTER AND COUNTER-CLAIM:

1. This matter was commenced by the filing of a civil complaint on September 4, 2 008.

2. That following resolution of Preliminary Objections filed by the defendant, a timely responsive pleading, consisting of an Answer, New Matter and Counter-Claim was filed by the defendant on December 15, 2008.

Count I: Motion to Strike Counter-Claim

3. That Defendant pleads a counter-claim essentially asserting that Plaintiffs bring forth their causes of action is bad faith, pursuant to 43 P.S. 962(4)(c.3).

4. That a suit in the nature of a counter-claim is not the proper method for such action in

that in the unlikely event Defendant would prevail at trial on this matter, it would be entitled to attempt to seek counsel fees by Motion after said trial.

5. That permitting such action as a counter-claim discourages entitled litigants from seeking judicial intervention in direct contradiction to the "American Rule".

WHEREFORE, Plaintiffs respectfully request Defendant's Counter-Claim be stricken pursuant to Pa.R.Civ.P. 1028(a)(2) and(5).

Count II: Demurrer

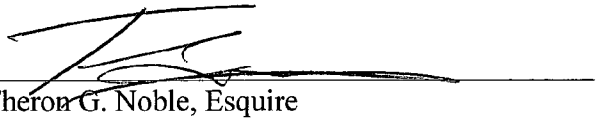
6. Plaintiffs hereby incorporate their averments to paragraphs 1 - 5, inclusive, as if the same were fully set forth at length.

7. That Equal Employment Opportunity Commission, "EEOC", in conjunction with the Pennsylvania Human Relation Commission, "PHRC", investigated Plaintiffs' claims and determined that "probable cause" existed for such claims. True and correct copies of such determinations are attached hereto as Exhibits "A" and "B".

8. That as a matter of law, it is impossible for "probable cause" to exist for a cause of action and the matter be brought in "bad faith" such that the imposition of attorney's fees pursuant to 43 P.S. 962(4)(c.3) would be permissible. See Hoy v. Angelone, et.al., 720 A.2d 745 (1998), placing the issue of counsel fees (for either party) in the sole discretion of the trial court after hearing.

WHEREFORE, Plaintiffs respectfully request Defendant's Counter-Claim be stricken pursuant to Pa.R.Civ.P. 1028(a)(4).

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Karen D. Swatsworth
126 Bonnie Court
Curwensville, PA 16833

Charging Party,

CHARGE NO: 533-2007-01790

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

[redacted]

Exhibit "A"

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above cited charge. All requirements for coverage have been met.

Charging Party had been employed by Respondent as an Optician since June 17, 1992. She claims that on August 18, 2007, Ralph Hinson, General Manager, informed her that she was being let go due to the restructuring of Respondent's Clearfield store, which was were she had been employed. She believes she has been discriminated against on the basis of her age, 57, in violation of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, in that while Respondent chose to simultaneously terminate her employment and that of another Optician who was nearly the same age, it retained Liticia Johnson, who was significantly younger and less experienced than either of them. Moreover, Respondent hired two individuals who were in their 20s as Opticians in the Clearfield store less than one month later.

Respondent denies that age was a factor in the dismissal of Charging Party. Instead, it asserts that she was dismissed for insubordination. Respondent explains that Charging Party, along with coworker Elaine Trimpey, were resistant to the changes in staff procedures, duties, and responsibilities which were formally implemented on or about May 31, 2007, with the issuance of the new personnel policy. Her continued reluctance over a period of several months to implement the changes introduced by the new General Manager, Ralph Hinson, along with a reluctance to even acknowledge his authority, were the sole reasons for her discharge.

An analysis of the evidence reveals that although there was some indication that both Charging Party and Ms. Trimpey were resistant to the changes Mr. Hinson was trying to make, Mr. Hinson, in turn, failed to follow Respondent's progressive disciplinary procedures in dealing with the matter. While employees in such situations are to at least receive a verbal warning, then a written warning, and then probationary status for 90 days prior to discharge, evidence indicates that neither Charging Party nor Ms. Trimpey were even verbally advised by Mr. Hinson or any other Respondent official that their behavior was a problem. Further, the evidence does support the allegation that Respondent elected to retain Liticia Johnson, a far less experienced Optician in her 40s, over both women. It also reveals that the same person who terminated both women, Mr. Hinson, hired two women in their early 20s less than one month later to replace them. Finally, Ms. Trimpey has credibly testified that shortly after he became General Manager Mr. Hinson asked her how long she planned to continue working for Respondent.

Based upon analysis of the evidence I have concluded that reasonable cause exits to show that Charging Party was discriminated against on the basis of her age when she was discharged on or about August 18, 2007.

Upon finding that there is reason to believe that violations have occurred, the Commission now attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. In this regard, **conciliation of the matter has now begun.** Please be advised that any reasonable offer to settle this matter will be considered. The Commission can seek an amount inclusive of full back pay (total wage loss) with interest, plus liquidated damages, benefits, reinstatement (or front pay), and actual monetary costs incurred by the Charging Party and aggrieved individuals.

Again, the Commission is postured to consider any reasonable offer during this period. If an offer has not previously been submitted, Respondent is requested to accept, reject, or submit a counteroffer to the enclosed conciliation agreement concerning Charging Party and do so within ten (10) days of the receipt of this letter. The confidentiality provisions of the ADEA and the Commission Regulations apply to information obtained during conciliation. If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

In conclusion, I would like to remind Respondent that any individual who files a charge of discrimination or who takes part in the investigative process of that charge by providing testimony or other information is protected, by statue, from retaliation.

On Behalf of the Commission,

07/31/08
Date

Joseph M. Hardiman III
Area Director

c John R. Ryan, Esq. [Attorney for Respondent]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Elaine G. Trimpey
1881 Keewaykin Road
Frenchville, PA 16836

Charging Party,

CHARGE NO: 533-2007-01780

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

[redacted]
Exhibit "B"

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above cited charge. All requirements for coverage have been met.

Charging Party had been employed by Respondent as an Optician since January 14, 1988. She claims that on August 20, 2007, Ralph Hinson, General Manager, informed her that she was being let go due to the restructuring of Respondent's Clearfield store, which was were she had been employed. She believes she has been discriminated against on the basis of her age, 60, in violation of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, in that while Respondent chose to simultaneously terminate her employment and that of another Optician who was nearly the same age, it retained Liticia Johnson, who was significantly younger and less experienced than either of them. Moreover, Respondent hired two individuals who were in their 20s as Opticians in the Clearfield store less than one month later.

Respondent denies that age was a factor in the dismissal of Charging Party. Instead, it asserts that she was dismissed for insubordination. Respondent explains that Charging Party, along with coworker Karen Swatsworth, were resistant to the changes in staff procedures, duties, and responsibilities which were formally implemented on or about May 31, 2007, with the issuance of the new personnel policy. Her continued reluctance over a period of several months to implement the changes introduced by the new General Manager, Ralph Hinson, along with a reluctance to even acknowledge his authority, were the sole reasons for her discharge.

An analysis of the evidence reveals that although there was some indication that both Charging Party and Ms. Swatsworth were resistant to the changes Mr. Hinson was trying to make, Mr. Hinson, in turn, failed to follow Respondent's progressive disciplinary procedures in dealing with the matter. While employees in such situations are to at least receive a verbal warning, then a written warning, and then probationary status for 90 days prior to discharge, evidence indicates that neither Charging Party nor Ms. Swatsworth were even verbally advised by Mr. Hinson or any other Respondent official that their behavior was a problem. Further, the evidence does support the allegation that Respondent elected to retain Liticia Johnson, a far less experienced Optician in her 40s, over both women. It also reveals that the same person who terminated both women, Mr. Hinson, hired two women in their early 20s less than one month later to replace them. Finally, Charging Party has credibly testified that shortly after he became General Manager Mr. Hinson asked her how long she planned to continue working for Respondent.

Based upon analysis of the evidence I have concluded that reasonable cause exits to show that Charging Party was discriminated against on the basis of her age when she was discharged on or about August 20, 2007.

Upon finding that there is reason to believe that violations have occurred, the Commission now attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. In this regard, **conciliation of the matter has now begun.** Please be advised that any reasonable offer to settle this matter will be considered. The Commission can seek an amount inclusive of full back pay (total wage loss) with interest, plus liquidated damages, benefits, reinstatement (or front pay), and actual monetary costs incurred by the Charging Party and aggrieved individuals.

Again, the Commission is postured to consider any reasonable offer during this period. If an offer has not previously been submitted, Respondent is requested to accept, reject, or submit a counteroffer to the enclosed conciliation agreement concerning Charging Party and do so within ten (10) days of the receipt of this letter. The confidentiality provisions of the ADEA and the Commission Regulations apply to information obtained during conciliation. If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

In conclusion, I would like to remind Respondent that any individual who files a charge of discrimination or who takes part in the investigative process of that charge by providing testimony or other information is protected, by statue, from retaliation.

On Behalf of the Commission,

04/21/08
Date

Joseph M. Hardiman III
Area Director

c John R. Ryan, Esq. [Attorney for Respondent]

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

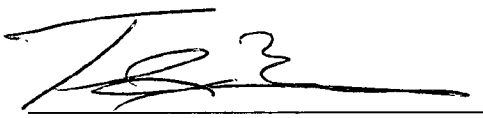
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 18th day of December, 2008, that I did mail a true and correct copy of Plaintiff's PRELIMINARY OBJECTIONS TO DEFENDANT'S ANSWER, NEW MATTER AND COUNTER-CLAIM to the below indicated persons, being counsel of record for all Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

DEFENDANT'S PRELIMINARY OBJECTIONS TO PRELIMINARY OBJECTIONS OF PLAINTIFF

Filed on behalf of:
Defendant, R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc
DEC 29 2008 Atty Ryan
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

DEFENDANT'S PRELIMINARY OBJECTIONS TO PRELIMINARY OBJECTIONS OF PLAINTIFFS

NOW COMES R & R Optical, Inc., Defendant above named, and by its Attorneys, Belin, Kubista & Ryan, LLP, files its Preliminary Objections to the Preliminary Objections of Plaintiffs as follows:

1. On or about December 15, 2008, Defendant filed a timely and responsive Answer, New Matter and Counterclaim to the Complaint of Plaintiffs.

2. Defendant's Counterclaim asserts a claim for counsel fees pursuant to the statutory authority set forth at 43 P.S. 962 (4)(c.3).

3. On December 19, 2008, Defendant through counsel was served with Preliminary Objections filed by Plaintiffs in the nature of a Motion to Strike and Demurrer to the Counterclaim of Defendant.

4. Said Preliminary Objections are improper and without basis in law or fact, and Defendant believes and therefore avers that the proper procedure is to file Preliminary Objections in response.

MOTION TO STRIKE COUNT I

5. Plaintiffs' initial Objection requests that the Court strike Defendant's Counterclaim on the basis that such a pleading "is not the proper method for such action" and that the correct procedure is to seek counsel fees by Motion after trial. Further, Plaintiffs assert that asserting a claim for counsel fees in this action "is in direct contravention" to the "American Rule."

6. Plaintiffs' Objection is totally without basis in the law, and should be stricken for the following reasons:

a. The Pennsylvania statute pursuant to which Plaintiffs' action is filed specifically authorizes an award of counsel fees to the defendant where the defendant prevails and where the trial court determines that action was filed in bad faith. See 43 P.S. 962 (4) (c.3);

b. As such, counsel fees are authorized as an item of damages, which will require proof of same to be presented at trial;

c. Under the statutory scheme, therefore, Defendant believes it is entirely proper to plead its claim so that it is properly raised and can be heard at the time of trial;

d. The statute in question makes no reference to seeking counsel fees by motion after trial as Plaintiffs contend;

e. Further, Defendant's Counterclaim in no way contravenes the "American Rule" as alleged by Plaintiffs. The "American Rule" simply provides that parties to litigation are responsible for their own counsel fees absent statutory authority to the contrary. **Mrozek v. Eiter**, 805 A.2d 535 (Pa. Super. 2002), appeal denied 573 PA. 691, 825 A.2d 639;

f. In the case at hand, there is clear statutory authority under both Pennsylvania and Federal law for such an award. See also **Wastak v. Lehigh Valley Health Network, Inc.**, CA 3, (PA 2005), 128 Fed, Appx. 928, holding that the ADEA is recognized as an exception to the "American Rule";

g. Further, Plaintiffs themselves have, in their Complaint, set forth claims for counsel fees under both 43 P.S. Section 962 (3)(c.) and the ADEA. For Plaintiffs to now argue that they may plead such a claim and Defendants may not is utter nonsense.

h. As a practical matter, the sole means by which Defendant may raise a claim for counsel fees is by the filing of a Counterclaim, which it has done.

WHEREFORE, Defendants request that Plaintffs' Motion to Strike be dismissed.

MOTION TO STRIKE COUNT II

7. Plaintiffs second Preliminary Objection is in the nature of a Demurrer, and contends that since the EEOC found that probable cause existed for a claim of age discrimination, as a matter of law they cannot be guilty of bad faith in bringing the litigation before this Court. The Objection must be stricken for the following reasons:

a. This Court, by Order dated November 19, 2008, granted Preliminary Objections filed by Defendant , holding that references in Plaintiffs' Complaint as to proceedings before the EEOC were both immaterial and irrelevant to the cause of action at hand and ordering that the references in question be stricken;

b. In so doing, this Court correctly recognized that the issue of an award of counsel fees to either party will be made or not made by this Court based upon the evidence presented and not upon what may have occurred before the EEOC;

c. Plaintiffs have attached as Exhibits "A" and "B" to their Preliminary Objections copies of correspondence from the EEOC containing statements which this Court has clearly found to be immaterial and irrelevant to this proceeding;

d. Such action is in open defiance of the clearly worded Order of this Court dated November 19, 2008 and should not be tolerated by the Court;

e. Further, in ruling upon Preliminary Objections in the nature of a demurrer, this Court is required to consider only those facts disclosed in the record and must be based solely on the pleadings. **Muia v. Fazzini**, 416 Pa. 377, 205 A.2d 856 (1965); **Barbet v. Edelstein**, 346 Pa. Super 488, 499 A.2d 1106 (1985).

f. There is nothing in the pleadings, after the Court's decision of November 19, 2008, that would permit this Court to conclude that Plaintiffs have probable cause to file this action based on findings made by the EEOC;

g. Further, it is well established that a court may not sustain a demurrer unless the law is clear that no recovery is possible, and where any theory of law will support the pleading, the objection must be denied. **Cianfrani v. Commonwealth, State Employees Retirement Board**, 505 PA. 294, 479 A.2d 468 (1984); **Firing v. Kephart**, 466 PA. 560, 353 A.2d 833 (1976).

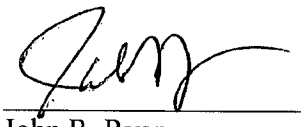
h. As set forth above, Defendant has asserted a claim for counsel fees pursuant to express statutory authority, and, as stated, above, Plaintiffs have asserted the identical claim pursuant to the same authority;

i. Accordingly, it is clear that this Court cannot grant a Demurrer to the Defendant's Counterclaim

j. Plaintiffs' attempt to circumvent this Court's ruling of November 19, 2008, by attaching letters to Preliminary Objections to order to obtain relief is in and of itself a bad faith filing and should be rejected out of hand by this Court. Further, the Court must strike the Exhibits attached to the Plaintiffs' Preliminary Objections, consistent with its previous ruling.

WHEREFORE, Defendant requests that the Court dismiss Plaintiffs' Preliminary Objection in the nature of a Demurrer, and further that the Court direct that the Exhibits attached thereto be stricken from the record in this case.

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant R & R Optical, Inc.
d/b/a Wise Eyes Optical

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

ORDER

AND NOW, this 2nd day of January, 2009, upon consideration of the Plaintiff's Preliminary Objections to Defendant's Counterclaim, and the Defendant's Preliminary Objections filed in response thereto, it is the ORDER of this Court that Argument be held on said filings on the 26th day of January, 2009, at 11:00 o'clock A.m., in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

One-half (1/2) hour is set aside for Argument of these matters.

BY THE COURT:

Fredric J. Ammerman
President Judge

FILED 3CC
02:46 BOY
JAN 02 2009 Atty Ryan
William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/2/09

X 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:

FILED

JAN 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC. d/b/a WISE EYES OPTICAL

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

5 FILED No cc.
9/10:50 cm
JAN 05 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

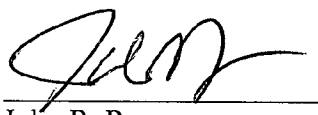
KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Defendant's Preliminary Objections to Preliminary Objections of Plaintiff filed on behalf of R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, Defendant in the above captioned matter, together with a certified copy of the Order scheduling Argument, on the following party by postage prepaid first-class United States mail, on the 5th day of January, 2009:

Theron G. Noble, Esquire
Ferraracio & Noble
301 East Pine Street
Clearfield, PA 16830
Attorney for Plaintiff

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant R & R Optical,
Inc. t/d/b/a Wise Eyes Optical

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KAREN D. SWATWORTH AND	}	
ELAINE G. TRIMPEY, ADULT	}	
INDIVIDUALS	}	
VS	}	NO. 08-1667-CD
R&R OPTICAL, INC.,	}	
d/b/a WISE EYE OPTICAL, A	}	
DULY FORMED AND EXISTING	}	
PENNSYLVANIA CORPORATION;	}	
AND RALPH HINSON, AN ADULT	}	
INDIVIDUAL	}	

FILED

JAN 28 2009

0/12:05/cw

William A. Shaw

Prothonotary/Clerk of Courts

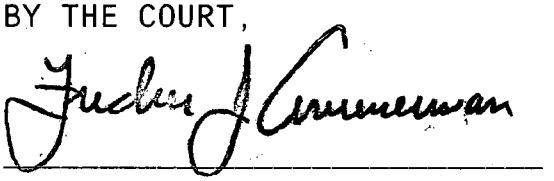
Cert To Atty Noble & Ryan & Mowry

ORDER

NOW, this 26th day of January 2009, following argument on the Preliminary Objections filed on behalf of the Plaintiffs to the Defendants' Counterclaim Seeking Attorney's Fees and the Defendants' Preliminary Objections to the Plaintiffs' Preliminary Objections with the issues being, number one, is it procedurally correct to raise a claim for attorney's fees in a counterclaim; and number two, should Exhibits A and B attached to the Plaintiffs' Preliminary Objections filed December 19, 2008 be stricken as immaterial and inappropriate; it is the ORDER of this Court that counsel provide appropriate letter brief to the

Court within no more than Fifteen (15) Days from this date. Within no more than Thirty (30) Days from this date, both of counsel may file further letter brief in response to that of the opposing party.

BY THE COURT,



President Judge

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC. d/b/a
WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 1cc
01/10:37/bl
FEB 06 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

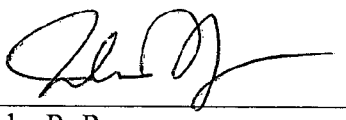
CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Defendant's Letter Brief submitted on behalf of R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, Defendant in the above captioned matter, on the following parties in the manner set forth below on the 5th day of February, 2009:

The Honorable Fredric J. Ammerman
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Via Hand Delivery

Theron G. Noble, Esquire
Ferraracio & Noble
301 East Pine Street
Clearfield, PA 16830
Attorney for Plaintiff
Via First Class United States Mail

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant R & R Optical,
Inc. t/d/b/a Wise Eyes Optical

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

FILED 3cc Atty Ryan
03:00 pm
MAR - 5 2009

William A. Shaw
Prothonotary/Clerk of Courts

JOINT PRAECIPE TO AMEND CAPTION

Filed on behalf of:
Defendant, R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	:	

JOINT PRAECIPE TO AMEND CAPTION

TO THE PROTHONOTARY:

Ralph Hinson having been dismissed as a party to the above captioned matter, please amend the caption to remove his name therefrom and henceforth the caption of said case shall be as follows:

KAREN D. SWATSWORTH and
ELAINE G. TRIMPEY, adult individuals,
Plaintiffs

vs.

R & R OPTICAL, INC., d/b/a
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation
Defendant

Theron G. Noble, Esquire
Attorney for Plaintiffs

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant R & R Optical, Inc.,
d/b/a Wise Eyes Optical

UA

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	*	NO. 08-1667-CD
vs.	*	
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; and RALPH HINSON, an adult individual, Defendants	*	

ORDER

AND NOW, this 8th day of April, 2009, upon consideration of the Plaintiffs' Preliminary Objections to the Defendants' Counter-claim, and this Court's review of the parties' briefs; it is the ORDER of this Court that the said Preliminary Objections be and are hereby DISMISSED.

The Defendants' Preliminary Objections are granted in that Exhibits A and B attached to the Plaintiffs' Preliminary Objections filed December 19, 2008 are stricken from the record.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED 2CC
01:30 BY Attys:
APR 08 2009 Ryan
William A. Shaw Noble
Prothonotary/Clerk of Courts
GIC

FILED

APR 08 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/8/09

____ You are responsible for serving all appropriate parties.

__X__ 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, CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

FILED 5 NO CC.
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APR 16 2009
William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading:

REPLY TO NEW MATTER & ANSWER TO COUNTER-CLAIM

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

REPLY TO NEW MATTER AND ANSWER TO COUNTER-CLAIM

AND NOW, comes the Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey, by and through their counsel of record, Theron G. NOble, Esquire, of Ferraraccio & Noble, who avers as follows as their REPLY TO NEW MATTER AND ANSWER TO COUNTER-CLAIM:

Reply to New Matter:

43. Plaintiffs hereby incorporate their averments as contained in their CIVIL COMPLAINT as if again fully set forth at length.

44. Admitted.

45. Admitted. By way of further response, said policy did not in any manner amend, alter or effect Defendant's Employment Policy calling for a gradual disciplinary schedule as contained in said policy.

46. Denied. It is specifically denied that either Plaintiff willfully failed and/or refused to comply with the May, 2007 policy, or any policy of Defendant. Strict proof is demanded at time of trial.

47. Denied. It is specifically DENIED that Plaintiff Swatsworth either had the intent or announced the intent to disregard such policy. Furthermore, it is DENIED that she refused to comply as it related to scheduling or disregarded the store manager's instructions as to scheduling. Strict proof of the same is demanded at time of trial.

48. Denied. It is DENIED as set forth above that Plaintiff Swatsworth refused to comply with any such policy or that store morale of other employees was in any manner effected as so stated. Strict proof of the same is demanded at time of trial.

49. Denied. It is specifically DENIED that Plaintiff Trimpey refused to comply with any such policy or that she was insubordinate, refused to participate at store meetings, refused to participate in cross training, or refused to participate in customer sales or service. Strict proof of the same is demanded at time of trial.

50. Admitted in part, Denied in part. It is ADMITTED that Hinson informed Plaintiffs that the reason for their separation of employment was that the Clearfield store was being reorganized, which in fact also violated Defendant's employment policy as per the same Defendant was to inform an employee of their termination and the reason therefore. As to who made the decision, who ratified such decision and the purported reason for such decisions, the same is not within the knowledge of either Plaintiff as is therefore DENIED and strict proof demanded at time of trial.

51. Admitted in part, Denied in part. As above, it is ADMITTED that Hinson did not inform either Plaintiff as to the reason for their terminations, let alone that they were so terminated. Noting that Defendant's records also reflect that Plaintiffs were not terminated but were laid off, it is DENIED that Plaintiffs were "terminated" let alone "terminated for cause". It is also DENIED that if in fact Hinson was terminating

Plaintiffs for cause that the reasons so stated were the reasons, and if the reasons, that there was legetimate basis for those reasons. Strict proof of the same is demanded at time of trial.

52. The same is a conclusion of law for which no response is deemed necessary. To the extent such a response might be deemed necessary the same is DENIED in that (i) it is incorrect as Plaintiffs could not be terminated because of their age; and (ii) Defendant did not follow its own employment policies relative to (a) its gradual disciplinary schedule; and (b) failed to inform Plaintiffs that they were terminated for cause or the reasons for their termination.

53. Denied. For the reasons set forth in Plaintiffs' CIVIL COMPLAINT and as herein set forth, there is no other reason which explains the Defendant's failure to comply with its own policies and practices. Strict proof of the same is demanded at time of trial.

54. Denied. It is specifically DENIED that Defendant has not followed its "progressive disciplinary procedures". Strict proof of the same is demanded at time of trial.

55. In that said policy is a written document, which speaks for itself, not response is necessary.

56. Denied. It is specifically DENIED that Plaintiffs violated any such policy or that if any actions by either Plaintiff could be considered such an infraction that such infraction could be considered anything other than minor. Strict proof of the same is demanded at time of trial.

57. The same is a conclusion of law for which no response is deemed necessary. To the extent such a response might be deemed necessary the same is DENIED in that (i) it is incorrect as Plaintiffs could not be terminated because of their age; and (ii)

Defendant did not follow its own employment policies relative to (a) its gradual disciplinary schedule; and (b) failed to inform Plaintiffs that they were terminated for cause or the reasons for their termination.

WHEREFORE, Plaintiffs request JUDGMENT in their favor as per their CIVIL COMPLAINT.

Answer to Counter-Claim:

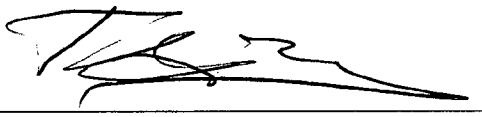
58. Plaintiffs hereby incorporate their averments as contained in their CIVIL COMPLAINT and REPLY TO NEW MATTER as if again fully set forth at length.

59. Admitted in part, DENIED in part. It is ADMITTEED that Defendant needs legal counsel, as to the extent or appropriate fees and costs which are to be included, the same is currently not in the province of either Plaintiff such that it must be DENIED and strict proof demanded at time of trial.

60. DENIED. It is strictly DENIED that Plaintiffs can be deemed to have asserted their cause of action in bad faith in that the history of the case supports their right to bring suit and applicable case law under the attenuate circumstances actually shift the burden onto the Defendant to prove it acted without consideration of Plaintioffs' ages. Strict proof of the same is demanded at time of trial.

WHEREFORE, Plaintiffs request the Counter-Claim be dismissed with prejudice, with attorney's fees and costs awarded to Plaintiffs.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation,	)	
DEFENDANTS.	)	

VERIFICATION

I, Karen D. Swatsworth, Plaintiff, do hereby swear and affirm that I have read the foregoing REPLY TO NEW MATTER AND ANSWER TO COUNTER-CLAIM and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 13th day of April, 2009.

By,

Karen D. Swatsworth

Karen D. Swatsworth, Plaintiff

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation,	)	
DEFENDANTS.	)	

VERIFICATION

I, Elaine G. Trimpey, Plaintiff, do hereby swear and affirm that I have read the foregoing REPLY TO NEW MATTER AND ANSWER TO COUNTER-CLAIM and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 13th day of April, 2009.

By,

Elaine G. Trimpey

Elaine G. Trimpey, Plaintiff

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

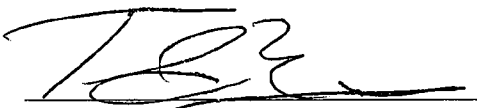
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 15th day of April, 2009, that I did mail a true and correct copy of Plaintiffs' REPLY TO NEW MATTER AND ANSWER TO COUNTER-CLAIMto the below indicated persons, being counsel of record for all Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	
PLAINTIFFS,	No. 08-__1667____-CD
v.	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ;	
DEFENDANT.	
	Type of Pleading:
	MOTION TO COMPEL
	Filed By:
	Plaintiffs
	Counsel of Record:
	Theron G. Noble, Esquire Ferraraccio & Noble 301 East Pine Street Clearfield, PA 16830 (814)-375-2221 PA I.D.#: 55942

FILED NO CC
APR 17 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

MOTION TO COMPEL

AND NOW, comes the Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their MOTION TO COMPEL:

1. That on April 2, 2009, a deposition of Mr. John Rosselli, President for Defendant, was held.

2. That during said deposition objections were made to certain types of questions and the witness instructed not to answer for which Plaintiffs feel were not proper and for which a ruling is necessary for future depositions and situations in this case.

3. That Plaintiffs have caused the deposition transcript to be filed of record in support of this motion and references made herein are a reflection of said document.

4. That said issues can be summarized into the following issues:

A. EEOC STATEMENTS

5. That defendant through its officers and employees gave statements concerning certain

facts and circumstances involving the alleged termination of Plaintiffs. Said statements consist of oral and written statements. Exhibit "1" attached to the deposition transcript is a copy of a written statement made by Ralph E. Hinson, general manager for Defendant and the person who separated the employment of Plaintiffs as to the purported reasons defendant terminated the employment of Plaintiff Swatsworth. Exhibit "2" (of the deposition transcript) is merely evidence demonstrating that said deponent was present at said EEOC proceedings. Exhibit "A", attached to this motion, is a similar written statement from Mr. Hinson concerning the separation of Mrs. Trimpey's employment. Exhibit "B" are the notes from the EEOC investigator made at the time of the statements, concerning the various witnesses at the fact finding conference.

6. Counsel for Defendant initially raised this objection at page 38 concerning a four page FAX submitted by him to the EEOC in response to a request for information.

7. However, since all documents so submitted were permitted to be examined upon, this is not at issue but is offered in candor to the tribunal as to Defendant's consistency on this objection.

8. As the court will observe, as to Exhibit "1" (deposition transcript) and Exhibit "A" (attached hereto), states very detailed reasons as to why Defendant claims it terminated the employment of Plaintiffs.[1]

9. On page 3 of Exhibit "B", attached hereto, being page 2 of the actual notes of the fact finding conference, these reflect that Mr. Hinsom stated that he told Mrs. Swatsworth at the time of her termination that defendant was restructuring and that he didn't want to get

[1] Exhibit "C", attached hereto, is one document of the four page FAX which was allowed to be examined upon and reflects that Plaintiffs were "laid off" rather than dismissed for "just cause , the significance of which will be later herein addressed.

into a detailed discussion with her.

10. At the bottom of the same page (referenced in averment 9), it again reflects that Mr. Hinson informed Mrs. Trimpey at the time of her separation that it was due to reorganization/restructuring.

11. Attached hereto as Exhibit "D" is a copy of Defendant's employment policy stating that in cases of suspension or dismissal, "**the employee is informed of the specific reasons and given an opportunity for a meeting with the Officers**".

12. In this case, assuming that the evidence reflects, as it appears to do, that Mr. Hinson did in fact inform Plaintiffs that their dismissal was for restructuring and not for anything either did, this is a statement against defendant's interest as it now purports that said terminations were for cause, and also violated its own employment policies as to the terminations of Plaintiffs. As will be shown, this is an extremely important piece of evidence in this case.

13. That Defense counsel raises its objection commencing at page 133 and continuing through page 137 concerning this evidence and its use.

14. That this Honorable Court precluded Plaintiffs from pleading the EEOC determinations in preliminary objections raised by the defendant since the EEOC's determination went to the ultimate issue of the case..

15. However, this Court has not ruled on the use of verbal and/or written statements made or given in conjunction with the EEOC process, which is what is sought to be clarified through this motion.

16. That the first objection as stated by defense counsel that said statements are not relevant and material (see page 135), which for the reasons above and later outlined are

simply not correct.

17. Defense counsel also objects that since the statements were not given under oath. See also page 135. The requirement that statements be under oath for use at trial is again not correct under any rule of evidence or civil procedure.

18. Defendant also argues that there is no record of the statements which precludes their use. Again, this is not correct in that there is no such requirement under any rule of evidence or civil procedure. Also, it is factually not correct as Exhibit "1", Exhibit "A" and Exhibit "B" demonstrate. In fact, such Exhibits might very well be the basis in which the investigator could have his recollection recalled and so testify as to the statements if necessary.

19. Case law holds that once Plaintiff has established a prima facie case[2], the burden shifts to the defendant to show that the discharge was for a legitimate, non-discriminatory reason. If the defendant so meets its burden, the burden re-shifts to the Plaintiff to refute this by showing the articulated reason was merely a pre-text for discrimination. Soliz v. Associates Medicine in PA, 2007 U. S. Dist. LEXIS 60589. A pre-text can be shown when it is proven that the employer did not follow their own policies and procedures in the termination. Murphy v. Duquesne University of the Holy Ghost, 777 A.2d 418 (2001).

20. From the appearance of the evidence and information gathered to date, there is clearly sufficient evidence to establish not only a prima facie case but to refute the defendant's termination as pre-textual since it did not comply with its own policy as set

---

[2] A prima facie showing consists of four elements, including (i) discharge; (ii) qualified for position; (iii) within protected class; and (iv) replaced by someone outside protected class, replaced by someone younger or otherwise discharged because of age, which Plaintiffs assert they have met.

forth herein.[3]

21. At not point has the defendant produced any statute or case law to support its proposition that such evidence is precluded from use at trial or in discovery proceedings.

B. Admission of Policy Violation and Against Interest

22. Towards the conclusion of Mr. Rosselli's deposition, the Plaintiffs' counsel inquired of deponent whether the termination of Mrs. Swatsworth, if done as herein recited, in fact violated defendant's policies. See page 141 -143.

23. That the same was objected to in that it was a legal conclusion. See page 141.

24. That the question does not call for a legal conclusion but a conclusion as to the application of Defendant's policies to the facts of this case.

25. That if the response to said question is in the affirmative, as has herein been demonstrated to have a very legitimate basis to be correct, the same is relevant and material as an admission against interest.

26. That the objection that the question calls for a legal conclusion is not correct.

C. Store Manager Problems

27. That Mr. Hinson informed the EEOC that Ms. Kim Weir, the Clearfield store manager at the time of Plaintiff's dismissal, and a relatively new store manager at the time, was "struggling". See Exhibit "B".

28. Mr. Rosselli also testified that presently (two years later) Ms. Weir is still the "acting" manager, indicating a probationary period. See page 68.

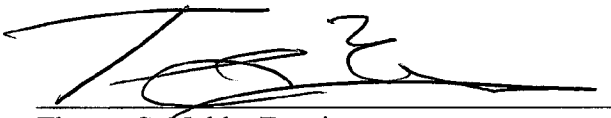
---

[3] Plaintiff have also gathered evidence that Defendant did not comply with its policy and procedures regarding its progressive disciplinary schedule which is not pertinent to this issue since Plaintiffs can demonstrate this fact independent of the EEOC process.

29. That if in fact Plaintiffs were fired because of the store managers inability to "handle the situation" (as Mr. Hinson informed the EEOC) it again raises the issue of the pre-textual discrimination and refutes the articulated, non-discriminatory reasons proffered by the defendant.

WHEREFORE, Plaintiffs request that their MOTION TO COMPEL be GRANTED and further ordered that defendant be compelled to (i) testify about statements made or given to the EEOC; (ii) admit whether or not it complied with its own policies and procedures; and (iii) discuss the perceived shortcomings of its Clearfield store manager.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

Date: November 15, 2007

To: Joel S. Pretz
ADR Coordinator

From: Ralph E. Hinson, General Manager
Wise Eyes Optical
P.O. Box 10077
State College, PA 16805
814.441.1386

Exhibit "A"

Re: Charge Number 533-2007-01780
Elaine G. Trimpey

Site: Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830

Business Description: Sales and service of eyewear. 4 employees.

On August 20, 2007 Elaine G. Trimpey was dismissed as an employee of Wise Eyes Optical. The charge of age discrimination is unfounded. At no time was age a factor in the dismissal of Elaine Trimpey. Elaine was dismissed for insubordination.

All employees were provided a copy of the personnel policy. The personnel policy was prepared for the purpose of implementing changes regarding staff procedures, duties and responsibilities. The policy was reviewed with each staff member, including Elaine Trimpey. Each employee read, signed and dated this policy. Included with this policy was an acknowledgement of each employee that they read and understood any violation of the policy could result in termination of employment. Enclosed is a copy of Elaine's sign-off sheet ,with her signature, dated May 31st 2007.

As the manager of Wise Eyes Optical in Clearfield, Kim Weir was Elaine's immediate supervisor. Kim was responsible for enforcing the policy with her employees. Kim faced a constant battle with Elaine and another worker of this location. On one occasion, Kim witnessed a conversation between Elaine and Karen Swatsworth regarding the policy. Karen commented to Elaine "If we stick together, they cannot change us." This was the attitude that Elaine maintained up to her dismissal.

I personally was the recipient of Elaine's insubordination. I conducted at least two staff meetings at the Clearfield location to discuss the policy and the changes that need to occur in the office. Elaine would not participate in the meetings or even give me the courtesy of sitting down with the group during the meetings. She would walk around the store, ignoring me and the meeting. She never responded in any way that would indicate she was on board with the changes. She did not attempt to comply with the policy at any time.

For several years, Elaine assumed the responsibility of the lab work. Part of the necessary changes includes cross training and participating in sales and customer service. These changes are necessary for the growth, profitability and smooth operation of the store. Elaine was not receptive to these changes. She would have other employees of the location conduct the sales and customer service while she remained behind the counter, in the lab area. Because of the experience that Elaine has in the lab, she was asked to help train other employees to complete lab work. As of the date of her dismissal, this request was not carried out or even acknowledged by Elaine.

As stated in the enclosed policy, scheduling was to be completed by the manager of each location. Any changes in scheduling is to be approved by management. Kim Weir is responsible for the scheduling at the Clearfield location. On more than one occasion, Karen Swatsworth would re-schedule herself and Elaine to accommodate themselves without permission from management. Without consideration of staffing needs or customer service, if either wanted a day off, they took the day off. This negatively affected customer service and the moral of other employees.

Elaine also had little consideration of company materials. I was in the office and witnessed Elaine unintentionally damage a lens. Her response to this was "Oh well. Wise Eyes can afford it." She seemed to have no concern for the profitability of the store.

Changes occur on a daily basis in all establishments. Changes were not implemented to affect any employee in a negative way. Changes were implemented to better serve customers, increase profitability and employee productivity. All employees were given the same policy. The expectation of the employees is to respond in a positive and professional manner, to implement the changes to enhance the services of Wise Eyes and to become cross trained in all areas of the store functions . The changes implemented were not done with the intent of dismissing any employee. The dismissal of Elaine was a result of being non-compliant in reference to the policy.

Wise Eyes has employees ranging in age from their 20's to their 60's. Enclosed is a list of Wise Eyes employees and their dates of birth. Experienced employees are an asset to our company. It was our hope that Elaine would utilize her experience in a positive and professional manner to help in the growth of herself, other employees and Wise Eyes Optical.

We do not hire or terminate employees based on age. To progress in business, one needs to have employees that are willing to be a part of a team, initiate changes when necessary and be productive. We contend that age was not a factor in her dismissal. Re-structuring the duties and responsibilities of the Clearfield store did not specifically include Elaine's dismissal. Elaine's responses and behavior towards the re-structuring is what led to her termination.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

375-5902

August 29, 2008

Mr. Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

Dear Mr. Noble:

Per the telephone message left on your answering machine from our office on August 24, 2008, please find enclosed the material you have requested.

If you have any additional questions, I can be reached at (412) 644-3420.

Sincerely,

Ronald E. Dean

Ronald E. Dean
Supervisory Investigator

Exhibit "B"

PJM

FFC CONFERENCE NOTES – WISE EYES
3/12/08

PJM: Why age discrimination?

Trimpey (T) – says that insurance might have been a reason – costing R extra money – was told "restructuring" was the reason.

Swatsworth (S) – also sees insurance. Never told about any problems with performance, attitude, etc. Was told "restructuring" and not what I did or hadn't done.

Hinson (H) – was offered the GM position in April. Was told to evaluate 7 of the 9 stores Roselli owns. Regarding the Clearfield store – major division b/t the employees. Some indication – word of mouth – that there was some bad service. After focusing on that store for a few weeks. One of my main problems was the scheduling. People seemed to come and go as the pleased. When I came to the store on the weekend, there were actually doctor's appointments, but only one Optician. I decided that I wanted at that point that – around early Mahy – that I wanted at least two Opticians anytime there are doctor's appts.

Also seemed to notice too much division of labor. Elaine liked to do one thing – edging. S liked to do blocking.

Had had been the store manager in Bedford for 15 years prior to GM position. I strongly believed in cross-training so that when someone is out – things will run smoothly.

The 7 stores signed policies as well. It was a structure I put in place to increase professionalism and better customer service.

Policies signed around May/June. Signed by all of the employees.
From S I always got a lot of "Why do we have to change. Everything's good. We don't need to change." {Meetings we had were as a group – 15-20 minutes going over the policy.}

Tish didn't have much training other than sales. She had been there over a year. Kim was the store manager. I wanted cross-training, but each time I came back and would confer with Tish, she would tell me that nobody was cross-training her.

I felt there was a split in that Kim and Tish were willing and eager to change, but the two CP's would be questioning why we have to change - this was constant.

Sometime – maybe 4 weeks before discharge – Kim reported to me that she had heard S say to T that "if we stick together, they can't change us" Or words to that effect. This reinforced a belief I already had about the division in the staff.

PJM: What about Kim's responsibility here. She was the manager, wouldn't she be the person most responsible for seeing that Tish was cross-trained?

Kim was struggling as a manager getting the people to do what she wanted. Didn't think she was going be able to handle it. That's why I stepped in and took control of the whole situation.

I had a meeting with Kim in which she was telling me there were more complaints and the schedule was being wrote over. She was pretty frustrated. Two patients complained. One said that they wouldn't return as long as S was there. The other called and Kim answered the phone and said that they wouldn't return to the store to pick-up her glasses as long as S was at the store. Heard about this about 2 weeks before the discharge.

I had discussions with the owners – Rosselli and Rettinger. It was a decision we decided we needed to make based upon the best interst of the store.

On 8/18 S was let go. It was Saturday. I knew what I was doing, but nobody else was there. I was going to terminate her. As it turns out – it was a doctor day. Tish was supposed to be there that day. I found out that Tish was scheduled. I called her earlier in the day (Tish). I wanted her to be there to make sure she could close the store. She told me that she had been called by S and told that she didn't need her that day. This confirmed the action I was going to take.

H says he told S it was restructuring – may have said reorg or revamp. Didn't want to get into a detailed discussion of on this date you did this, on this date you did that.

S says he definitely told her it was "not because of anything you did or didn't do."

H says he doesn't recall saying that.

Denies insurance had anything to do with it. Says that they extended insurance to both of them through end of Sept. even though didn't have to cover them beyond 8/31.

NOW FOR STORY OF T

Things T did where I learned that T wasn't accepting me was in one of the get togethers we had in the store to go over policy changes and she had her back turned to me the whole time. Sometime after the policy was delievered. [Can't recall the date, but he does have some notes – may have been 19th of May.]

One of the comments T made to me directly – not sure when. There was a damaged lens and she made the comment – "Oh well, Wise Eyes can afford it." We all damage lenses, but this comment made me feel as if they didn't care. She said it right to my face.

Trimpey was let go on 8/20. I basically said the same thing to her. Reorganization/restructuring.

PJM: Questions on S and position statement.

1. Neither S nor T seem credible in their "not remembering" the "stick together" comment

{NOTE: H SAYS HE DOESN'T REALLY DO HIRING OR FIRING AS GM – THAT' TO THE STORE MANAGERS – HE ONLY LET GO T AND S, NONE OF THE OTHI THAT LIST.}

WEIR COMES IN (W) Thinks the sticking together comment took place around May.

The accuracy of the prescription incident – basically, S wasn't interested in doing the checking, W says that Tish winked at her and said she'd do it.

W says there were certain days where I would find out after the fact that S would tell Tish not to come in. Thinks this happened on two occasions. [W notes that Tish and W didn't get along.]

Tish Johnson comes in. She remembers only on occasion when she was called by S and told not to come in – it was the last day of S's employment.

Says that the schedule was changed sometimes, but can't tell if it was by S's doing or not.

** Although H's notes say that on 6/12 Tish told her that on that S called her and told her to come up to Clearfiled to close up that store once she closes Phillipsburg (Phillipsburg closes at 5 and Clearfield at 7). Nobody, however, can remember this except H. Still, his testimony seems credible. Tish just can't recall. Tish also said that the patients had been negatively treated by Karen.

Weir doesn't give anything solid that S and T were resistant to cross-training Tish.

Tish says that both T and S were resistant to the changes.

Weir says she recalls T saying to H's face: "I'm too old to change. You can't change me."

T says she said: "You can't teach an old dog new tricks." But says she never said she wouldn't change.

Weir doesn't know if T said this once or more than once.

Weir felt that when H came into the store he was an outsider. Was not welcomed. Body language.

T doesn't recall that there was ever a staff meeting called. Or any kind of meeting.

Not clear on what happened at these meetings. Not formal meetings, but I think T wasn't as attentive as she couild have been.

Weir – says that T would do other things and would help. Says she was no worse at spreading herself out to other duties than Weir herself was.

Conclusion: H says that his big problem was that b/c T was doing all of the edging, nobody else was getting trained in that. HOWEVER, it was confirmed that neither Weir nor H ever really told T that her doing this edging all of the time was a problem.

Weir says that S, T, and even Tish would make a change to the schedule. However, these changes in the schedule were made BEFORE the actual person took the day off, etc. They would check with Weir about the matter, she would see if the correct # of hours were covered, and then OK it.

PJM: Did yhou ever communicate to either of these individuals that this was a problem?

NO. She says, however, that the new policy addressed scheduleing.

I point out that it doesn't seem to me that what they were doing was a violation of even this new policy. {{NEIHER H NOR WIER OBJECT TO WHAT I SAID.}}

T says she can't recall the comment "Oh well, Wise Eyes can afford it."

PJM: Who hired the two new employees of the store?

H: I did. Both started working on 9/10.

Says he advertised twice. Once in or around July just to get applications for future records. The second tijme was 7-10 days before he let them go.

Heather McLaughlin and Rachel Luzier were hired for the Clearfield store. Those are the only ones who H hired.

T says she remember no age comments, but recalls him asking her how long she planned to work there. She said she planned to work until 66 ½ Can't recall if she said her age at that point. It was made around May.

H "doesn't remember" asking how long T planned to work or about her age. {No witnesses b/c Weir doesn't recall this and T isn't sure if she would have heard the comment.}

S says that she was never asked about her age or how long she planned to work.

PJM: Why no progressive disciplinary policy followed?

Basically cites the severity of the situation as the reason.

Weir says she wasn't asked for imput into the termination. Also makes clear she didn't really give anything that could be considered a verbal warning.

JOHNSON IS CALLED BACK IN:

PJM: Was there a resistance to T training you?

Thinks there was a little bit of resistance to train her. Got some training when she first started. None after that. Didn't ask them, but they didn't invite her to learn.

1. H says that he was told that the Clearfield store was a problem store PRIOR to taking over. He only put an ad in Clearfield paper b/c of this. Also, wanted the employees to see it as kind of a warning that things need to change.

Weir interrupts and says that H was brought in to take over this problem with the CPs b/c she had been an Optician and friend with the CP's for 15+ years. Took over store only 2 years earlier. Didn't want to have to fire her friends.

2. I asked about the termination of Nicole Miller. HE says he was pretty much told about this termination by the store manager after the fact.

AT THE END OF THE CONFERENCE I INVITED THE PARTIES TO TALK ABOUT SETTLEMENT. ALTHOUGH THE CPs WERE WILLING, R WAS NOT. THEREFORE, I PROCEEDED TO PDI R'S COUNSEL, JOHN RYAN, WITH RALPH HINSON (GM) AND JOHN ROSSELLI, OWNER, PRESENT. THE FOLLOWING SUMMARIZES MY CONVERSATION:

I told Mr. Ryan that based upon what I had heard today, I was going to recommend a finding of a violation in both cases. I explained that the "reasonable cause" standard is "more likely than not" and that this was different from criminal matters. He understood this.

I then said that although there was some evidence that the CPs were resistant to the changes Hinson was trying to make – more so on the part of Swatsworth than on the part of Trimpey – there was the problem of the progressive disciplinary procedures not being followed. [In fact, not even begun.] I said that although it was clear that Hinson perceived these two individuals as problems for that store, it was clear from their testimony that THEY didn't perceive it that way at all. And, in the absence of documentation showing that these two were warned, one has to ask why these two older employees were fired without the benefit of having the chance to improve/change.

I said that on top of this we have the fact that one of the two were asked about how long she planned to stay with R.

Here, Ryan interjected that this was not an illegal question to ask. I agreed, but pointed out that neither is it illegal to ask an applicant his/her date of birth on a job application. However, it does raise the question in our eyes about why that question is being asked.

I then continued and said that the fact that these two older women were replaced (by Hinson) with two women in their twenties is a further indication of age discrimination.

There was no other rebuttal. I then explained the procedures from here.

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

Ralph E. Hinson; General Manager as of 04/16/2007

Employee	Job Title	DOB	Departure	Reason
Susan A. Keith	Optician/Mgr.	07/06/1960	05/05/2007	voluntary
Heather R. Kanagy	Optician	01/10/1981	05/29/2007	voluntary
Nicole Miller	Optician	04/21/1980	07/28/2007	just cause
Karen D. Swatsworth	Optician	02/17/1950	08/18/2007	laid off
Elaine G. Trimpey	Optician/Mgr.	09/29/1946	08/18/2007	laid off
Deborah J. Claar	Optician	02/13/1968	09/14/2007	laid off
Suzanne M. Grimme	Optician	11/15/1960	09/15/2007	laid off
Rachel L. Jones	Optician	10/05/1984	09/15/2007	resigned
Beth E. LaVanish	Optician	04/01/1984	09/15/2007	laid off
Colby K. Shoop	Optician	04/12/1984	10/27/2007	voluntary
Denise L.Stains	Optician	05/30/1961	11/10/2007	voluntary
Rosalie G. Kunsman	Optician	09/17/1951	01/05/2008	just cause

Employee	Job Title	DOB	Hired
Mandy L. Olewnik	Optician	01/09/1981	04/30/2007
Christina Yu	Optician	06/27/1986	05/22/2007
Charlene K. Wojtowich	Optician	01/31/1952	05/25/2007
Jennifer L. Mitchell	Optician	10/26/1986	06/06/2007
Deborah J. Claar	Optician	02/13/1968	06/09/2007
Rosalie G. Kunsman	Optician	09/17/1951	08/17/2007
Heather S. McLaughlin	Optician	09/09/1986	08/28/2007
Rachel A. Luzier	Optician	02/14/1984	09/04/2007
Colby K. Shoop	Optician	04/12/1984	10/04/2007
Beth A. Burchner	Optician	07/23/1962	10/22/2007
Lisa N. Fishel	Optician	09/14/1965	10/22/2007
Nina L. Colabine	Optician	08/22/1957	10/29/2007
Rachel A. Fichter	Optician	08/02/1966	12/04/2007
Heidi J. Kagarise	Optician	10/31/1982	01/08/2008
Amy J. Hoagland	Optician	05/24/1981	01/16/2008
Kimberly W. Waddell	Optician	12/12/1967	01/16/2008

Exhibit "C"

Employee records are handled by the Officers and specified personnel as designated by them. No information on employees or employment status will be given to outside persons, agencies, or potential employers without prior consent of the employee. Employees and/or their representatives are able to review, at the main offices of the Company, their own personnel files if they make an appointment to do so.

CONCERNS / PROBLEMS

All employees are encouraged to discuss any concerns/problems which are pertinent to their employment with their immediate supervisor. If the situation cannot be resolved to the employees satisfaction, the Officers must be consulted.

WARNINGS / PROBATION

In cases of poor performance, misconduct of a minor nature or repeated minor mistakes/infractions by an employee, the following disciplinary measures shall be used by the immediate supervisor in this sequence.

1. Verbal Warning

A verbal notification from the immediate supervisor or other supervisor to an employee that certain behavior or work performance is unacceptable and subject to discipline. The immediate supervisor will retain written records of such verbal warnings.

2. Written Warning

A specific notification from the immediate supervisor to an employee that certain behavior and performance is unacceptable and subject to discipline. A copy of the written warning will be placed in the employee's personnel file. The warning will also be signed by the employee and any objection or comment of the employee will be noted. A written warning automatically places an employee on probationary status.

3. Probationary Status

A fixed period of time not to exceed ninety (90) days where specific standards and goals are established in writing by the Officers and supervisor. Performance is evaluated by the Officers and supervisor during and at the end of the probationary period, and failure to achieve satisfactory performance shall result in suspension or dismissal.

4. Suspension/Dismissal

In cases of suspension or dismissal, the employee is informed of the specific reasons and given an opportunity for a meeting with the Officers. The Officers may suspend or dismiss any employee.

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

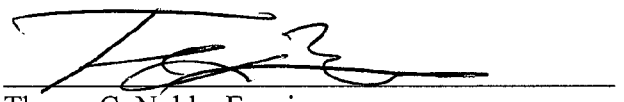
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 16th day of April, 2009, that I did mail a true and correct copy of Plaintiffs' MOTION TO COMPEL to the below indicated persons, being counsel of record for all Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation, Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC. d/b/a
WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED No cc.
0/11:25 cm
APR 21 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed an existing Pennsylvania Corporation, Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a Request for Production of Documents submitted on behalf of R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, Defendant in the above captioned matter, on the following party by postage prepaid United States mail on the 20th day of April, 2009:

Theron G. Noble, Esquire
Ferraracio & Noble
301 East Pine Street
Clearfield, PA 16830
Attorney for Plaintiff

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant R & R Optical, Inc. t/d/b/a Wise Eyes Optical

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

FILED
APR 23 2009
m/ 10:30/cc
William A. Shaw
Prothonotary/Clerk of Courts
5 1C
no c/c

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

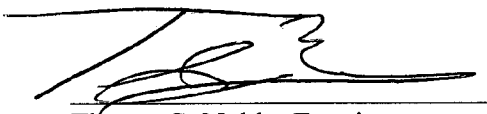
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 22nd day of April, 2009, that I did mail a true and correct copy of Plaintiffs' FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS to the below indicated persons, being counsel of record for all Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
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301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; Defendants	:	

RESPONSE TO MOTION TO COMPEL

Filed on behalf of:
Defendant, R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
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(814) 765-8972

FILED
10:38 a.m. GK
APR 24 2009 4 cc Atty Ryan
William A. Shaw
Prothonotary/Clerk of Courts
610

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendants	:	

RESPONSE TO MOTION TO COMPEL

NOW COMES, R & R Optical, Inc., d/b/a Wise Eyes Optical, Defendant above named, and by its Attorneys, Belin, Kubista & Ryan, LLP, files its response to the Motion of Plaintiffs as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. No response required.

A. EEOC STATEMENTS

5. It is admitted that statements were given as alleged; however, by way of further response it is averred that this Court has on two prior occasions ruled that references to the prior proceedings between these parties before the EEOC were irrelevant and immaterial to the litigation pending before this Court. The Court's initial ruling, which was in response to Defendant's Preliminary Objections, struck portions of Plaintiffs' Complaint which made

reference to those proceedings. The second ruling, which was in response to another set of Preliminary Objections filed by Defendant, struck from the record in this case documents from the EEOC which Plaintiffs had attached to their own Preliminary Objections.

6. Admitted insofar as Defendant's counsel objected to the fact that Plaintiffs' counsel attempted to have the witness testify as to a fax communication with the EEOC. Such objection was clearly limited to the reference therein to the EEOC and not to the document attached, which was a listing of Defendant's employees either hired or who left employment during a specified period of time. No objection was raised to the witness testifying as to the content of that document.

7. See response to Paragraph 6 above.

8. Defendant has never denied that the Plaintiffs were told at the time of their dismissal that they were being let go as the store in which they worked was being restructured, but that the actual reason was that the Plaintiffs failed and refused to comply with express instructions as to company policies instituted by the general manager in the spring of 2007. See Defendant's New Matter, paragraphs 50 and 51. Accordingly, it is believed and therefore averred that the sole reason for Plaintiffs' insistence on referring to the statements given to the EEOC is simply another attempt to circumvent this Court's rulings and interject those proceedings into the record of this action.

9. See response to Paragraph 8 above.

10. See response to Paragraph 8 above.

11. Denied. Exhibit "D" is a copy of a portion of the said personnel policy and not the complete policy. As to its content, the document speaks for itself.

12. It is denied that the fact that Plaintiffs were told that they were being discharged because of restructuring and not for cause is in any way indicative of any discriminatory intent on the part of Defendant, in that Plaintiffs were at will employees subject to discharge for any reason or no reason at all, provided there was no violation of statutory law or public policy. It is believed and therefore averred that the law does not impose upon employers such as Defendant an obligation to advise at will employees such as Plaintiffs for the reason for their dismissal. Further, the alleged "violation" of the Defendant's personnel policy is likewise meaningless as said policy was in no way a contract which required Defendant to comply with its provisions prior to discharge of any employee, again absent proof of specific discriminatory intent.

13. Admitted.

14. It is admitted that this Court by Order struck a portion of Plaintiffs' pleadings relating to the EEOC proceedings. By way of further response, see the response to Paragraph 5 herein above.

15. Defendant believes and therefore avers that the Court's rulings to date have made it clear that it correctly has determined that references to the EEOC proceedings have no relevance nor are they material to the case at hand.

16. Denied for the reasons set forth at Paragraph 8 herein above. By way of further response, the "notes" from the EEOC proceedings contains references made by the person conducting the conference as to credibility of various statements made as well as references as to recommendations material to the ultimate determination made by the EEOC in said proceedings, which this Court has previously ruled to be irrelevant and immaterial when Plaintiffs attempted to plead same. See Exhibit "B" to Plaintiffs' Motion.

17. Denied for the reasons set forth at Paragraph 8 herein above.

18. Denied for the reasons set forth at Paragraph 8 herein above.

19. It is admitted that once a prima facie case is established, the burden shifts to the Defendant to show a legitimate, non-discriminatory reason for the dismissal of the Plaintiffs. Once that reason is shown, the ultimate burden of showing that the said reason was a pretext lies with the Plaintiffs. It is denied that the decision in Murphy v. Duquesne University of the Holy Cross, is in any way applicable to the case at hand.

20. Defendant admits that the facts support a finding that a prima facie case exists. It is specifically denied, however, that the personnel policy of the Defendant provides a basis for a finding that its dismissal of the Plaintiffs was a pretext, absent proof of specific discriminatory intent, which Plaintiffs have yet to show. Plaintiffs' arguments to the contrary display a lack of understanding of the well established law of this Commonwealth, or a refusal to consider same in presenting their alleged cause of action.

21. Denied.

B. ADMISSION OF POLICY VIOLATION AND AGAINST INTEREST

22. Admitted.

23. Admitted.

24. Denied in that the law of this Commonwealth is clear that an employer's failure to comply with the provisions of a personnel policy such as promulgated by Defendant does not in and of itself provide the basis for evidence of age discrimination as alleged to have occurred by Plaintiffs. Further, the Courts have uniformly held that an employer's unilateral act of publishing its policies do not amount to the "meeting of the minds" required for a contract, that

the terms of such a policy are not bargained for by the parties and accordingly, any benefits conferred on employees by such a policy are gratuitous.

25. Denied for the reason set forth at Paragraph 24 above.

26. Denied. In fact, the Plaintiffs are attempting to assert that a "violation" of the said policy is proof of age discrimination, which under the law is clearly not the case.

C. STORE MANAGER PROBLEMS

27. Admitted insofar as the statements made in Exhibit "B": speak for themselves.

28. Admitted.

29. Denied. Ralph Hinson, as General Manager, was vested with the authority to oversee all of Defendant's store locations and to make such personnel changes as he believed were appropriate. He exercised such authority in discharging the Plaintiffs for their failure and refusal to comply with specific company policy.

WHEREFORE, Defendant requests that the Court deny Plaintiffs' Motion to Compel, and further direct, once again, that all references to EEOC proceedings be stricken from the record, including those attached to the said Motion as Exhibits.

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant R & R Optical, Inc.,
d/b/a Wise Eyes Optical

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

RULE TO SHOW CAUSE

Now, this 24th day of April, 2009, upon consideration of the attached MOTION TO COMPEL, a RULE is hereby issued upon the Defendant to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the 14th day of MAY, 2009, and hearing will be held on the 3rd day of JUNE, 2009, commencing at 11:00, A.M., Courtroom No.1, Clearfield County Courthouse.

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 SHOULD DO SO 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 ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. 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 CAN NOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,

Judge

FILED 1cc
03:00 BY Atty Noble
APR 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/24/09

X 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:

NOVA

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; Defendants	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO
APR 27 2009 CC
William A. Shaw
Prothonotary/Clerk of Courts

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

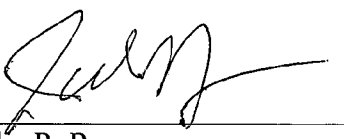
KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Response to Motion to Compel in the above-captioned matter by regular mail on the 24th day of April, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendants

FILED

APR 27 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO CC
m/11:07BK
APR 30 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 29th day of April, 2009, that I did mail a true and correct copy of the RULE TO SHOW CAUSE issued Plaintiffs' MOTION TO COMPEL to the below indicated persons, being counsel of record for all Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; Defendants	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
MAY 21 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

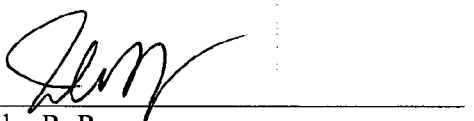
KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of Defendant's Answer to Interrogatories and Defendant's Answer to Request for Production of Documents in the above-captioned matter by regular mail on the 20th day of May, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendants

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation; Defendants	:	

MOTION TO COMPEL

Filed on behalf of:
Defendant, R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc Atty Ryan
10:45 BH
JUN 03 2009
William A. Shaw
Prothonotary/Clerk of Courts
(GK)

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendants	:	

MOTION TO COMPEL

NOW COMES, R&R Optical, Inc., d/b/a Wise Eyes Optical, Defendant above named, and by its Attorneys, Belin, Kubista & Ryan, LLP, and moves the Honorable Court as follows:

1. On or about April 20, 2009, Defendant sent to Plaintiff a Request for Production of Documents pursuant to Pa.R.C.P. 4009.

2. The said Request for Production of Documents contained the following:

> "All other documents of whatever kind or description upon which Plaintiffs intend to rely or may rely in establishing any of Plaintiffs' claims against Defendant with respect to the subject matter of this action."

3. In their Response, Plaintiffs objected to the above as follows:

> "OBJECTION. Plaintiffs hereby object to this request as it is overly broad and is tantamount to requesting everything Plaintiffs have concerning this case, which is not proper discovery."

4. Defendant believes and therefore avers that Plaintiffs' objection is without merit, as the Request is not overly broad, and merely requires Plaintiffs to disclose and produce any document upon which they intend to rely or may rely in establishing their cause of action.

Accordingly, only documents which may be used in support of Plaintiffs' claims are being requested. That is to say, if Plaintiffs intend to utilize a document in furtherance of their claims, that document is certainly subject to discovery and is well within the scope of the Request.

5. Contrary to Plaintiffs' assertion, Defendant is clearly not requesting "everything Plaintiffs have", but only those documents upon which they intend to rely or on which they may rely. Such a request is a normal and routine discovery request.

6. In addition, Defendant requested the following:

> "All documents containing the names or addresses or other information concerning or conveyed by any individuals contacted as potential witnesses."

7. Plaintiffs replied, in part, as follows:

> "Plaintiffs' counsel has spoken to with a former employee/independent contractor whom would be expected to be called as a witness and testify concerning Plaintiffs' competency to perform her or their employment responsibilities. However, the information you requested is believed to be subject to Attorney Work Product and is therefore not enclosed."

8. Plaintiffs' objection to the information requested is misplaced. The information requested is not "Attorney Work Product", but clearly pertains to the identity of witnesses to be called by the Plaintiffs. To argue that Plaintiffs are not required to disclose such information is patently absurd.

9. Pa.R.C.P. 4003.4 provides:

> "Upon written request, a party is entitled to immediate receipt of a photostatic copy or like reproduction of a statement concerning the action or its subject matter previously made by that party, any other party or a witness." Rule 4003.4 covers all forms of statements, recordings and transcriptions.

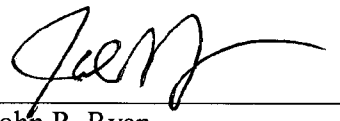
10. Further, the "attorney work product" rule applies to material prepared by an attorney in anticipation of litigation and is designed to shelter the mental processes of an attorney, providing a privileged area in which the attorney can analyze and prepare his client's case. Birth Center v. St. Paul Companies, Inc., 727 A.2d 1144 (Pa.Super. 1999).

11. The said rule is not intended to permit a party to circumvent disclosure of discoverable statements, or the identity of witnesses, which apparently is what Plaintiffs have in mind by citing the rule as supporting their failure to disclose the statements requested.

12. The Court must either direct Plaintiffs to comply with the request, or issue an Order prohibiting the Plaintiffs from calling any witness or using any document not disclosed in response to the Defendant's Request for Production.

WHEREFORE, Defendant requests that the Court issue an Order directing that Plaintiffs comply with the aforesaid Request within no less than ten days, or in the alternative issue an Order prohibiting the Plaintiffs from offering any document not provided, or from calling any witness whose identity was not disclosed.

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant R & R Optical, Inc.,
d/b/a Wise Eyes Optical

UA

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	NO. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendants	:	

ORDER

AND, NOW, this 4 day of June, 2009, upon consideration of the foregoing Motion to Compel filed on behalf of the Defendants, Rule is issued upon the Plaintiff to appear and show cause why the relief requested therein should not be granted.

Rule made returnable for argument the 2nd day of July, 2009, at 2:00 o'clock P.M., Clearfield County Courthouse, Courtroom No. 1.

BY THE COURT:

Fredric J. Ammerman
President Judge

FILED 3cc
01/4:00 Atty Ryan
JUN 04 2009
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 04 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/4/09

X 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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals	:	
-vs-	:	No. 08-1667-CD
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	:	

O R D E R

AND NOW, this 3rd day of June, 2009, following argument on the Motion to Compel filed on April 17, 2009, on behalf of the Plaintiffs, it is the ORDER of this Court that counsel for the Plaintiff shall have no more than twenty (20) days from this date to submit appropriate brief. The brief shall reference, by page number and line, each question of the deposition of John Rosselli that is at issue. The brief shall then state the Plaintiffs' legal position on why Plaintiffs believe that Mr. Rosselli should be mandated to answer the said questions over Defense objections. Defense counsel shall have no more than forty (40) days from this date in which to respond to the Plaintiffs' brief.

BY THE COURT,

President Judge

FILED
014:00821
JUN 05 2009
William A. Shaw
Prothonotary/Clerk of Courts

2cc Attys: Noble Ryan

FILED

JUN 05 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6.5.09

____ You are responsible for serving all appropriate parties.

__X__ 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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
JUN 08 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

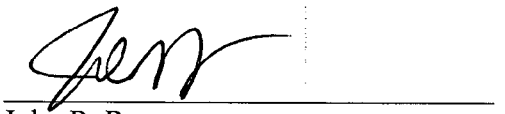
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion to Compel and Order dated June 4, 2009, in the above-captioned matter by regular mail on the 5th day of June, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667___-CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO CC
m/12:31 BH
JUN 09 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

To: William A. Shaw, Prothonotary

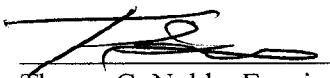
Date: June 6, 2009

NOTICE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 6th day of June, 2009, that I did propound on the Defendant Plaintiffs' SECOND SET OF DISCOVERY REQUESTS (consisting of Interrogatories) the below indicated persons, being counsel of record for all Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
10:42 BY
JUN 25 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of Defendant's Supplemental Response to Plaintiff's First Request for Production of Documents in the above-captioned matter by regular mail on the 24th day of June, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
03:50 BY
JUN 25 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a Notice of Deposition of Elaine G. Trimpey in the above-captioned matter to the following party by postage prepaid First Class Mail on the 25th day of June, 2009:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

By _____
John R. Ryan, Esquire
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
02:50 pm
JUN 25 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that the undersigned has sent a Notice of Deposition of Karen D. Swatsworth in the above-captioned matter to the following party by postage prepaid First Class Mail on the 25th day of June, 2009:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

By _____
John R. Ryan, Esquire
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

FILED
JUL 02 2009
0/3:00/
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

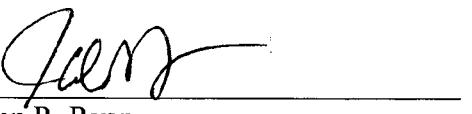
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of Defendant's Answer to Second Set of Interrogatories in the above-captioned matter by regular mail on the 2nd day of July, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
01:42 BK
JUL 07 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

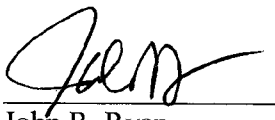
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served an original and two (2) copies of Defendants' Interrogatories Directed to Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey in the above-captioned matter by regular mail on the 7th day of July, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals	:	
-vs-	:	No. 08-1667-CD
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	:	

FILED

JUL 08 2009

0 12:30 /

William A. Shaw

Prothonotary/Clerk of Courts

CERT TO NOTICE

ORDER

AND NOW, this 7th day of July, 2009, following argument on the Motion to Compel filed on June 30, 2009, on behalf of the Defendant; in consideration thereof, it is the ORDER of this Court as follows:

1. Plaintiffs' counsel shall have no more than fifteen (15) days to submit to Defense counsel copies of the following documents:

a) Any document to be submitted by the Plaintiffs as exhibits at time of jury trial;

b) Any documents from the EEOC in possession of Plaintiffs;

c) Any document(s) being relied on or used by Plaintiffs at time of trial.

2. In the event that Plaintiffs' counsel would believe there are documents intending to be relied on at time

of trial by Plaintiffs which are not discoverable, counsel shall have no more than fifteen (15) days from this date in which to file a further motion with the Court setting forth therein why counsel believes those documents are not discoverable in order that the Court may make further determination related thereto;

3. Plaintiffs shall have no more than fifteen (15) days from this date in which to supply Defense counsel with the business address and telephone number of Dr. William Tatcher;

4. Plaintiffs' counsel shall file copies with the record of all documents being provided to Defense counsel pursuant to this Order;

5. Counsel shall have no more than fifteen (15) days from this date to provide letter brief to the Court relative the issue as to whether handwritten notes taken by Plaintiffs' counsel in interviewing a potential witness are discoverable or are instead not discoverable as attorney work product.

BY THE COURT,

Judge J. Zimmerman

President Judge

FILED
JUL 08 2009
William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7-8-09

___ You are responsible for serving all appropriate parties.

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

___ Plaintiff(s) X Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667____-CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO CC
m/1:11:37
JUL 14 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

To: William A. Shaw, Prothonotary

Date: June 6, 2009

NOTICE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 13th day of July, 2009, that I did issue a NOTICE OF DEPOSITION (regarding Debbie Cleeton) to the below indicated person, being counsel of record for Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667___-CD

Type of Pleading:

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO COURT ORDER OF JULY 7, 2009

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED
JUL 20 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ,	)	
DEFENDANT.	)	

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO COURT ORDER OF JULY 7, 2009

To: William A. Shaw, Prothonotary

Date: July 21, 2009

Pursuant to the Court's ORDER of July 7, 2009, please find enclosed copies of the following documents:

1) All EEOC and PHRC documents in possession of Plaintiffs;

2) Defendant's Personnel Policy (1996);

3) Letter of June 29, 2009 from Attorney Ryan to Attorney Noble;

4) Document entitled "Termination of employee Rosalie Kunsman";

5) Signed note regarding Jennifer Mitchell;

6) May 5, 2008, verbal warning initialed by Jen Mitchell;

7) Rachel Luzier resume;

8) Letter from Shenna Creps regarding Nicole Miller;

9) Jennifer Mitchell Disciplinary Warning dated June 30, 2008;

10) Ralph Hinson letter to Lester Phillips dated 11/17/07 regarding Karen Swatsworth;

11) Ralph Hinson letter to Lester Phillips dated 11/17/07 regarding Elaine Trimpey;

12) Defendant's listing of employee departures & birth dates given to EEOC;

13) CPA Annette Muth's curriculum vitae;

14) Defendant's May 10, 2007 want ad;

15) Defendant's answer to interrogatories with associated materials;

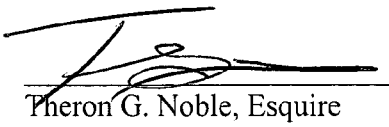
16) Defendant's answer to Request for Production of Documents with associated documents;

17) Defendant's Supplemental Response to Plaintiff's First Request for Production of Documents;

18) Defendant's Answers to First set of Interrogatories and Request for Production of Documents with associated documents; and

19) Defendant's employee files for Plaintiffs.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Pa. I.D.#: 55942
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221

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

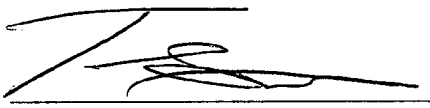
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 21st day of July, 2009, that I did hand deliver a true and correct copy of Plaintiffs'RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO COURT ORDER OF JULY 7, 2009, along with copies of said documents, to the below indicated persons, being counsel of record for the Defendant, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

Exhibits Not scanned -

See original

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD

COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
301 Chestnut Street, Suite 300
P.O. Box 3145
Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
(717) 787-4087 (TTY)

COMMISSIONERS
DAVID A. ALEXANDER
M. JOEL BOLSTEIN
TIMOTHY CUEVAS
REV. DR. JAMES EARL GARMON, SR.
TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

August 5, 2008

Theron Noble
Ferraraccio & Noble
301 East Pine Street
Clearfield PA 16830

RE: Karen D Swatsworth v Wise Eyes Optical
PHRC Case No. 200704907
EEOC No. 533200701790

Elaine G Trimpey vs. Wise Eyes Optical
PHRC Case No. 200703431
EEOC No. 533200701780

Dear Theron Noble:

Pursuant to your request, enclosed are copies of the Pennsylvania Human Relations Commission (PHRC) dual filing notices sent to your clients on April 1, 2008.

If you have any questions I can be reached at 717 783 8172.

Respectfully,

William Smithey, Jr.
Assistant to the Director of Compliance

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
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KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

Karen Swatsworth
126 Bonnie Court
Curwensville PA 16833

March 18, 2008

RE: Karen D Swatsworth v Wise Eyes Optical
Case No. 200704907 EEOC No. 533200701790

Dear Karen Swatsworth:

When a charge is filed with the **Equal Employment Opportunity Commission** (EEOC), federal law requires EEOC to send a copy of the charge, if co-jurisdictional, to the **Pennsylvania Human Relations Commission** (PHRC). This happens because EEOC must afford certain state or local agencies, such as the **PHRC** the opportunity to investigate the complaint for 60 days. PHRC has the discretion to waive the opportunity to investigate the charge. In accordance with the Work Sharing Agreement between EEOC and the PHRC, PHRC waived the opportunity to investigate the complaint back to EEOC. This means that EEOC will not have to wait 60 days to take action on the charge.

This is to notify you that the above referenced EEOC charge also has been filed with PHRC. PHRC considers the complaint filed with PHRC on the date the complaint is received by EEOC. PHRC's action in this regard is taken because PHRC, pursuant to Section 7 (c) of the Pennsylvania Human Relations Act, has designated EEOC in the Work Sharing Agreement as its agent for receipt of complaints initially filed with EEOC that are dual filed with PHRC.

Be advised that PHRC will take no further action on the filing at this time and no action is required on your part at this time. However, PHRC reserves the right to docket, serve and require an answer at some future date. Should PHRC elect to docket the EEOC charge as a PHRC complaint, PHRC will serve the complaint and an answer will be required.

Subsection 41.82 of PHRC's Rules of Administrative Practice requires employers to maintain certain records until the final disposition of the complaint.

After one year, if the case is still pending, the complainant will be notified of his/her right to file in the appropriate court of common pleas. If, at that time, the complainant does not confirm in writing that he/she wants PHRC to remain involved, then PHRC will take no further action on this filing.

IT IS YOUR RESPONSIBILITY to promptly notify PHRC of any change of address and phone number. If you are represented by an attorney, your attorney must file a written notice of appearance. If you change attorneys, or are no longer represented by an attorney, you must notify PHRC in writing of the change.

Sincerely,

Arberdella White-Davis
Director of Compliance
Lik Notice – C & R

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD

COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
301 Chestnut Street, Suite 300
P.O. Box 3145
Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
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COMMISSIONERS
DAVID A. ALEXANDER
M. JOEL BOLSTEIN
TIMOTHY CUEVAS
REV. DR. JAMES EARL GARMON, SR.
TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

Elaine Trimpey
1881 Keewaydin Road
Frenchville PA 16836

April 1, 2008

RE: Elaine G Trimpey v Wise Eyes Optical
Case No. 200703431 EEOC No. 533200701780

Dear Elaine Trimpey:

When a charge is filed with the **Equal Employment Opportunity Commission** (EEOC), federal law requires EEOC to send a copy of the charge, if co-jurisdictional, to the **Pennsylvania Human Relations Commission** (PHRC). This happens because EEOC must afford certain state or local agencies, such as the **PHRC** the opportunity to investigate the complaint for 60 days. PHRC has the discretion to waive the opportunity to investigate the charge. In accordance with the Work Sharing Agreement between EEOC and the PHRC, PHRC waived the opportunity to investigate the complaint back to EEOC. This means that EEOC will not have to wait 60 days to take action on the charge.

This is to notify you that the above referenced EEOC charge also has been filed with PHRC. PHRC considers the complaint filed with PHRC on the date the complaint is received by EEOC. PHRC's action in this regard is taken because PHRC, pursuant to Section 7 (c) of the Pennsylvania Human Relations Act, has designated EEOC in the Work Sharing Agreement as its agent for receipt of complaints initially filed with EEOC that are dual filed with PHRC.

Be advised that PHRC will take no further action on the filing at this time and no action is required on your part at this time. However, PHRC reserves the right to docket, serve and require an answer at some future date. Should PHRC elect to docket the EEOC charge as a PHRC complaint, PHRC will serve the complaint and an answer will be required.

Subsection 41.82 of PHRC's Rules of Administrative Practice requires employers to maintain certain records until the final disposition of the complaint.

After one year, if the case is still pending, the complainant will be notified of his/her right to file in the appropriate court of common pleas. If, at that time, the complainant does not confirm in writing that he/she wants PHRC to remain involved, then PHRC will take no further action on this filing.

IT IS YOUR RESPONSIBILITY to promptly notify PHRC of any change of address and phone number. If you are represented by an attorney, your attorney must file a written notice of appearance. If you change attorneys, or are no longer represented by an attorney, you must notify PHRC in writing of the change.

Sincerely,

Arberdella White-Davis
Director of Compliance
Lnk Notice – C & R

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
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HOMER C. FLOYD

COMMONWEALTH OF PENNSYLVANIA
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301 Chestnut Street, Suite 300
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TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

November 5, 2008

Elaine G Trimpey
1881 Keewaydin Road
Frenchville PA 16836

RE: Elaine G Trimpey v Wise Eyes Optical
Case No. 200703431
EEOC No. 533200701780

Dear Ms. Trimpey:

This letter will notify you that the Pennsylvania Human Relations Commission (PHRC) has closed the above referenced case for the following reason(s):

[ ] The facts you allege fail to state a claim under the PHRAct.
[ ] Your complaint was not timely filed with the PHRC.
[ ] You failed to provide requested information or otherwise failed to cooperate with the PHRC to the extent that the Commission has been unable to resolve your charge.
[ ] The PHRC has made reasonable efforts to locate you and has been unable to do so. You had at least 30 days to respond to a notice sent to your last known address.
[ ] The respondent has made a reasonable settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received notice of this settlement offer.
[ ] Based upon the Commission's (EEOC) investigation, the PHRC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
[x] You filed a civil action in state or federal court.
[ ] Your case was closed administratively.

Enclosed is a Notice of Complainant's Rights. The Pennsylvania Human Relations Act also affords the complainant and the respondent the opportunity for comments after the final disposition of the complaint. If you wish to make written comments regarding the complaint, please send them to Arberdella White-Davis, Director of Compliance, at the above address. Your comments will be provided to Commission members.

Very truly yours,

Homer C. Floyd
Executive Director

HCF:dmn

Enclosure cc: Theron G. Noble, Esq.

Luk M3 & ADM - C

PENNSYLVANIA HUMAN RELATIONS COMMISSION

NOTICE OF COMPLAINANT'S RIGHTS

According to the Commission's Special Rules of Administrative Practice and Procedures, 16 PA Code Section 42.62, you have the right to file a request for a Preliminary Hearing. This request must be in writing and **received** within ten (10) days of the receipt of this closing notice. It is necessary to provide documentation and witness statements to support the grounds upon which you dispute the Commission's finding. The request should be addressed to:

Arberdella White-Davis, Director of Compliance
Pennsylvania Human Relations Commission
301 Chestnut Street Suite 300
PO Box 3145
Harrisburg, PA 17105-3145

In addition, you are hereby notified, as required by Section 12 (c) of the Pennsylvania Human Relations Act, 43 P.S. Section 962 (c), that you have the right, upon the dismissal of your case, to file a complaint in the courts of common pleas of the Commonwealth based on the right to freedom from discrimination granted by the Act. Section 962 (c)(1). If you wish to file a complaint in the court of common pleas, the complaint must be filled within two **(2)** years after the date of the notice from the commission closing the complaint. Section 962 (c)(2). You may also wish to consult a private attorney about this right and about any other rights you may have in this matter.

Should you file a complaint in the appropriate Court of Common Pleas, you are required by Section 12 (c) (2) of the Pennsylvania Human Relations Act to serve the Human Relations Commission with a copy of the Court complaint. This copy must be served on the Commission at the same time you file it in Court. The copy is to be sent to:

Michael Hardiman, Chief Counsel
Pennsylvania Human Relations Commission
301 Chestnut Street Suite 300
PO Box 3145
Harrisburg, PA 17105-3145

PENNSYLVANIA HUMAN RELATIONS COMMISSION

NOTICE OF COMPLAINANT'S RIGHTS

According to the Commission's Special Rules of Administrative Practice and Procedures, 16 PA Code Section 42.62, you have the right to file a request for a Preliminary Hearing. This request must be in writing and **received** within ten (10) days of the receipt of this closing notice. It is necessary to provide documentation and witness statements to support the grounds upon which you dispute the Commission's finding. The request should be addressed to:

Arberdella White-Davis, Director of Compliance
Pennsylvania Human Relations Commission
301 Chestnut Street Suite 300
PO Box 3145
Harrisburg, PA 17105-3145

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Michael Hardiman, Chief Counsel
Pennsylvania Human Relations Commission
301 Chestnut Street Suite 300
PO Box 3145
Harrisburg, PA 17105-3145

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Our Reference 533-2007-01790
Swatsworth v. Wise Eyes Optical Centers.

Mr. Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

COPY

Dear Mr. Noble:

This is in response to your letter in which you requested a copy of the above-referenced file. The charge For copying records is $.17 per page. An estimate of the copying charges for the records you requested is $.17 x approx. 100 pages; the total cost for reproducing the records will be about $ 17.00. Before the records can be release, you must send a check for that amount to our office (return envelope enclosed), and made payable to **PRINTBIZ.**

Upon receipt of your check, the records will be forwarded to the printing center for copying, and mailed to you upon completion, along with an invoice for any additional cost, or a refunded check if our estimate was above the actual cost.

You will have 30 days from the date of this letter to forward your check, after which time the file will be returned to our records unit. If you have any questions, you can telephone me at (412) 644-2760.

Sincerely,

07/18/08
Date

Joseph M. Hardiman III
Area Director

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Our Reference 533-2007-01780
Trimpey v. Wise Eyes Optical.

Mr. Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

Dear Mr. Noble:

This is in response to your letter in which you requested a copy of the above-referenced file. The charge For copying records is $.17 per page. An estimate of the copying charges for the records you requested is $.17 x approx. 100 pages; the total cost for reproducing the records will be about $ 17.00. Before the records can be release, you must send a check for that amount to our office (return envelope enclosed), and made payable to **PRINTBIZ.**

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Sincerely,

07/18/08
Date

Joseph M. Hardiman III
Area Director

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

AGREEMENT OF NONDISCLOSURE

Pursuant to Section 705g(1) of Title VII, the EEOC shall have power to cooperate with private individuals in order to accomplish the purposes of Title VII. This same authority also applies to actions under the Americans with Disabilities Act.

PERSON REQUESTING DISCLOSURE

	CHARGING PARTY		RESPONDENT		AGGRIEVED PERSON ON WHOSE BEHALF CHARGE IS FILED		AGGRIEVED PERSON IN COMMISSIONER CHARGE		NAMED PARTY IN CLASS ACTION
	ATTORNEY REPRESENTING								
	[X] C P	[ ]	RESPONDENT	[ ]	AGGRIEVED PERSON ON WHOSE BEHALF CHARGE IS FILED	[ ]	AGGRIEVED PERSON IN COMMISSIONER CHARGE	[ ]	NAMED PARTY IN CLASS ACTION

CHARGE NUMBER(S) OF FILE(S) TO BE DISCLOSED

533-2007-01790 Swatsworth v. Wise Eyes Optical Centers.

STATEMENT

I Theron G. Noble, Esquire , **request disclosure of Commission case file(s) in**

(Typed name)

connection with contemplated or pending litigation. I agree that the information disclosed to me will not be made public or used except in the normal course of a civil action or other proceeding instituted under Title VII or the Americans with Disabilities Act involving such information.

In witness whereof, this agreement is entered into as of the 21st **day of** July **20** ~~07~~ 08

by the Equal Employment Opportunity Commission representative named below and the person requesting disclosure.

(814)-375-2221

Person requesting disclosure (Signature and telephone number/area code)

301 East Pine Street, Clearfield PA 16830

EEOC representative (Signature and title)

EEOC FORM 167 (10/94)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

AGREEMENT OF NONDISCLOSURE

Pursuant to Section 705g(1) of Title VII, the EEOC shall have power to cooperate with private individuals in order to accomplish the purposes of Title VII. This same authority also applies to actions under the Americans with Disabilities Act.

PERSON REQUESTING DISCLOSURE

	CHARGING PARTY		RESPONDENT		AGGRIEVED PERSON ON WHOSE BEHALF CHARGE IS FILED		AGGRIEVED PERSON IN COMMISSIONER CHARGE		NAMED PARTY IN CLASS ACTION
	ATTORNEY REPRESENTING [X] C P [ ] RESPONDENT		AGGRIEVED PERSON ON WHOSE BEHALF CHARGE IS FILED		AGGRIEVED PERSON IN COMMISSIONER CHARGE		NAMED PARTY IN CLASS ACTION	

CHARGE NUMBER(S) OF FILE(S) TO BE DISCLOSED

533-2007-01780 Trimpey v. Wise Eyes Optical Centers.

STATEMENT

I Mr. Theron G. Noble, Esquire , **request disclosure of Commission case file(s) in**

(Typed name)

connection with contemplated or pending litigation. I agree that the information disclosed to me will not be made public or used except in the normal course of a civil action or other proceeding instituted under Title VII or the Americans with Disabilities Act involving such information.

In witness whereof, this agreement is entered into as of the 21st **day of** July **20** 08

by the Equal Employment Opportunity Commission representative named below and the person requesting disclosure.

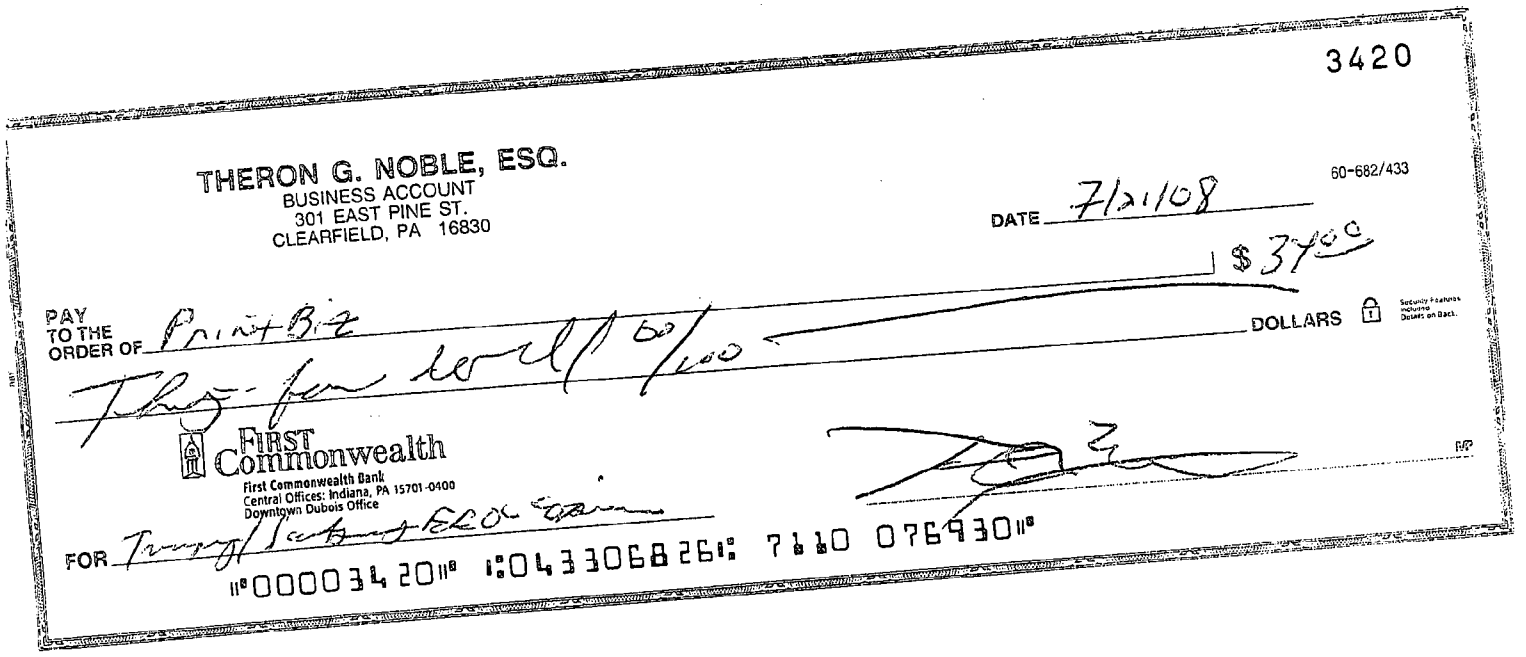
(814)-375-2221

Person requesting disclosure (Signature and telephone number/area code)

301 East Pine Street, Clearfield PA 16830

EEOC representative (Signature and title)

EEOC FORM 167 (10/94)



3420

THERON G. NOBLE, ESQ.
BUSINESS ACCOUNT
301 EAST PINE ST.
CLEARFIELD, PA 16830

60-682/433

DATE 7/21/08

$ 37.00

PAY TO THE ORDER OF Print Biz

Thirty-seven and 00/100 DOLLARS

Security Features Including Details on Back.

First Commonwealth
First Commonwealth Bank
Central Offices: Indiana, PA 15701-0400
Downtown DuBois Office

FOR Transcript Fee

⑈000034 20⑈ ⑆043306826⑆ 7160 076930⑈

FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

Mr. William Smithey, Jr
c/o PHRC
301 Chestnut Street, Suite 300
Harrisburg, PA 17105-3145

August 9, 2008

Re: Swatsworth v. Wise Eyes Optical; PHRC: 200704907, EEOC: 533200701790; and
Trimpey v. Wise Eyes Optical; PHRC: 200703431, EEOC: 533200701780

Dear Mr. Smithey:

I am in receipt of your letters to me of August 5th, as well as a copy of your letters to my clients, Mrs. Swatsworth and Mrs. Trimpey, dated August 6th. This also follows our conversation of last week. All of which followed my letter of July 14th to the PHRC.

Although your recent letters differed from what I anticipated following our conversation, I will outline how we have decided to proceed and you can consider this as responsive to your recent letters. If you need anything further, please so advise as well as if you have any other input, please feel free to comment.

I intend to prepare and have filed a CIVIL COMPLAINT in STATE COURT (Clearfield County) by early September, satisfying the EEOC's ninety (90) day period to proceed. I understand this wil most likely be before the PHRC has issued its "right to sue letter", but by the time the defendants are served and can object, I suspect we will have received such a letter. I intend to file claims not only under State Law but also under Federal Law as the relief under Federal Law, if we can sustain such a claim in State Court, is much broader.

With regards, I am

Sincerely,

Theron G. Noble, Esquire

tn/TGN
cc: Mrs. Elaine G. Trimpey
Mrs. Karen D. Swatsworth

FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

Mr. Joseph M. Hardimann, II, Area Director
EEOC
1001 Liberty Ave., Suite 300
Pittsburgh, PA 15222-4187

August 25, 2008

Re: Swatsworth v. Wise Eyes Optical; EEOC: 533200701790;
Trimpey v. Wise Eyes Optical; EEOC: 533200701780

Dear Mr. Hardimann:

Previously I had requested and have received, "copies of all documents" relative to the EEOC investigation and finding of probable cause in these cases.

Upon review of your documents, which I thank you for your promptness in forwarding the same, with my clients, it appears that certain information was not produced. There was a hearing held, on, or about, May 12, 2008, in Pittsburgh, at which my clients, Mrs. Trimpey and Mrs. Swatsworth, attended along with representatives of their former employer, which included Ralph Hinson (General Manager); John Ryan (Counsel); and John Rosselli (President). My clients believe that the testimony given was being transcribed or recorded in some manner by Mr. Malloy. This transcript, if is exists, was not provided in the recent production. If it does exist, in any form, we would appreciate a copy of the same.

Thank you for your past and anticipated cooperation in the future.

With regards, I am

Sincerely,

Theron G. Noble, Esquire

tn/TGN
cc: Mrs. Elaine G. Trimpey
Mrs. Karen D. Swatsworth

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

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TTY (412) 644-2720
FAX (412) 644-2664

375
5702

August 29, 2008

Mr. Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

Dear Mr. Noble:

Per the telephone message left on your answering machine from our office on August 24, 2008, please find enclosed the material you have requested.

If you have any additional questions, I can be reached at (412) 644-3420.

Sincerely,

Ronald E. Dean

Ronald E. Dean
Supervisory Investigator

PJM

FFC CONFERENCE NOTES – WISE EYES
3/12/08

PJM: Why age discrimination?

Trimpey (T) – says that insurance might have been a reason – costing R extra money – was told "restructuring" was the reason.

Swatsworth (S) – also sees insurance. Never told about any problems with performance, attitude, etc. Was told "restructuring" and not what I did or hadn't done.

Hinson (H) – was offered the GM position in April. Was told to evaluate 7 of the 9 stores Roselli owns. Regarding the Clearfield store – major division b/t the employees. Some indication – word of mouth – that there was some bad service. After focusing on that store for a few weeks. One of my main problems was the scheduling. People seemed to come and go as the pleased. When I came to the store on the weekend, there were actually doctor's appointments, but only one Optician. I decided that I wanted at that point that – around early Mahy – that I wanted at least two Opticians anytime there are doctor's appts.

Also seemed to notice too much division of labor. Elaine liked to do one thing – edging. S liked to do blocking.

Had had been the store manager in Bedford for 15 years prior to GM position. I strongly believed in cross-training so that when someone is out – things will run smoothly.

The 7 stores signed policies as well. It was a structure I put in place to increase professionalism and better customer service.

Policies signed around May/June. Signed by all of the employees.
From S I always got a lot of "Why do we have to change. Everything's good. We don't need to change." {Meetings we had were as a group – 15-20 minutes going over the policy.}

Tish didn't have much training other than sales. She had been there over a year. Kim was the store manager. I wanted cross-training, but each time I came back and would confer with Tish, she would tell me that nobody was cross-training her.

I felt there was a split in that Kim and Tish were willing and eager to change, but the two CP's would be questioning why we have to change - this was constant.

Sometime – maybe 4 weeks before discharge – Kim reported to me that she had heard S say to T that "if we stick together, they can't change us" Or words to that effect. This reinforced a belief I already had about the division in the staff.

PJM: What about Kim's responsibility here. She was the manager, wouldn't she be the person most responsible for seeing that Tish was cross-trained?

Kim was struggling as a manager getting the people to do what she wanted. Didn't think she was going be able to handle it. That's why I stepped in and took control of the whole situation.

I had a meeting with Kim in which she was telling me there were more complaints and the schedule was being wrote over. She was pretty frustrated. Two patients complained. One said that they wouldn't return as long as S was there. The other called and Kim answered the phone and said that they wouldn't return to the store to pick-up her glasses as long as S was at the store. Heard about this about 2 weeks before the discharge.

I had discussions with the owners – Rosselli and Rettinger. It was a decision we decided we needed to make based upon the best interst of the store.

On 8/18 S was let go. It was Saturday. I knew what I was doing, but nobody else was there. I was going to terminate her. As it turns out – it was a doctor day. Tish was supposed to be there that day. I found out that Tish was scheduled. I called her earlier in the day (Tish). I wanted her to be there to make sure she could close the store. She told me that she had been called by S and told that she didn't need her that day. This confirmed the action I was going to take.

H says he told S it was restructuring – may have said reorg or revamp. Didn't want to get into a detailed discussion of on this date you did this, on this date you did that.

S says he definitely told her it was "not because of anything you did or didn't do."

H says he doesn't recall saying that.

Denies insurance had anything to do with it. Says that they extended insurance to both of them through end of Sept. even though didn't have to cover them beyond 8/31.

NOW FOR STORY OF T

Things T did where I learned that T wasn't accepting me was in one of the get togethers we had in the store to go over policy changes and she had her back turned to me the whole time. Sometime after the policy was delievered. [Can't recall the date, but he does have some notes – may have been 19th of May.]

One of the comments T made to me directly – not sure when. There was a damaged lens and she made the comment – "Oh well, Wise Eyes can afford it." We all damage lenses, but this comment made me feel as if they didn't care. She said it right to my face.

Trimpey was let go on 8/20. I basically said the same thing to her. Reorganization/restructuring.

PJM: Questions on S and position statement.

1. Neither S nor T seem credible in their "not remembering" the "stick together" comment

{NOTE: H SAYS HE DOESN'T REALLY DO HIRING OR FIRING AS GM – THAT'S UP TO THE STORE MANAGERS – HE ONLY LET GO T AND S, NONE OF THE OTHERS ON THAT LIST.}

WEIR COMES IN (W) Thinks the sticking together comment took place around May.

The accuracy of the prescription incident – basically, S wasn't interested in doing the checking, W says that Tish winked at her and said she'd do it.

W says there were certain days where I would find out after the fact that S would tell Tish not to come in. Thinks this happened on two occasions. [W notes that Tish and W didn't get along.]

Tish Johnson comes in. She remembers only on occasion when she was called by S and told not to come in – it was the last day of S's employment.

Says that the schedule was changed sometimes, but can't tell if it was by S's doing or not.

** Although H's notes say that on 6/12 Tish told her that on that S called her and told her to come up to Clearfiled to close up that store once she closes Phillipsburg (Phillipsburg closes at 5 and Clearfield at 7). Nobody, however, can remember this except H. Still, his testimony seems credible. Tish just can't recall. Tish also said that the patients had been negatively treated by Karen.

Weir doesn't give anything solid that S and T were resistant to cross-training Tish.

Tish says that both T and S were resistant to the changes.

Weir says she recalls T saying to H's face: "I'm too old to change. You can't change me."

T says she said: "You can't teach an old dog new tricks." But says she never said she wouldn't change.

Weir doesn't know if T said this once or more than once.

Weir felt that when H came into the store he was an outsider. Was not welcomed. Body language.

T doesn't recall that there was ever a staff meeting called. Or any kind of meeting.

Not clear on what happened at these meetings. Not formal meetings, but I think T wasn't as attentive as she couild have been.

Weir – says that T would do other things and would help. Says she was no worse at spreading herself out to other duties than Weir herself was.

Conclusion: H says that his big problem was that b/c T was doing all of the edging, nobody else was getting trained in that. HOWEVER, it was confirmed that neither Weir nor H ever really told T that her doing this edging all of the time was a problem.

Weir says that S, T, and even Tish would make a change to the schedule. However, these changes in the schedule were made BEFORE the actual person took the day off, etc. They would check with Weir about the matter, she would see if the correct # of hours were covered, and then OK it.

PJM: Did yhou ever communicate to either of these individuals that this was a problem?

NO. She says, however, that the new policy addressed scheduleing.

I point out that it doesn't seem to me that what they were doing was a violation of even this new policy. {{NEIHER H NOR WIER OBJECT TO WHAT I SAID.}}

T says she can't recall the comment "Oh well, Wise Eyes can afford it."

PJM: Who hired the two new employees of the store?

H: I did. Both started working on 9/10.

Says he advertised twice. Once in or around July just to get applications for future records. The second tijme was 7-10 days before he let them go.

Heather McLaughlin and Rachel Luzier were hired for the Clearfield store. Those are the only ones who H hired.

T says she remember no age comments, but recalls him asking her how long she planned to work there. She said she planned to work until 66 ½ Can't recall if she said her age at that point. It was made around May.

H "doesn't remember" asking how long T planned to work or about her age. {No witnesses b/c Weir doesn't recall this and T isn't sure if she would have heard the comment.}

S says that she was never asked about her age or how long she planned to work.

PJM: Why no progressive disciplinary policy followed?

Basically cites the severity of the situation as the reason.

Weir says she wasn't asked for imput into the termination. Also makes clear she didn't really give anything that could be considered a verbal warning.

JOHNSON IS CALLED BACK IN:

PJM: Was there a resistance to T training you?

Thinks there was a little bit of resistance to train her. Got some training when she first started. None after that. Didn't ask them, but they didn't invite her to learn.

1. H says that he was told that the Clearfield store was a problem store PRIOR to taking over. He only put an ad in Clearfield paper b/c of this. Also, wanted the employees to see it as kind of a warning that things need to change.

Weir interrupts and says that H was brought in to take over this problem with the CPs b/c she had been an Optician and friend with the CP's for 15+ years. Took over store only 2 years earlier. Didn't want to have to fire her friends.

2. I asked about the termination of Nicole Miller. HE says he was pretty much told about this termination by the store manager after the fact.

AT THE END OF THE CONFERENCE I INVITED THE PARTIES TO TALK ABOUT SETTLEMENT. ALTHOUGH THE CPs WERE WILLING, R WAS NOT. THEREFORE, I PROCEEDED TO PDI R'S COUNSEL, JOHN RYAN, WITH RALPH HINSON (GM) AND JOHN ROSSELLI, OWNER, PRESENT. THE FOLLOWING SUMMARIZES MY CONVERSATION:

I told Mr. Ryan that based upon what I had heard today, I was going to recommend a finding of a violation in both cases. I explained that the "reasonable cause" standard is "more likely than not" and that this was different from criminal matters. He understood this.

I then said that although there was some evidence that the CPs were resistant to the changes Hinson was trying to make – more so on the part of Swatsworth than on the part of Trimpey – there was the problem of the progressive disciplinary procedures not being followed. [In fact, not even begun.] I said that although it was clear that Hinson perceived these two individuals as problems for that store, it was clear from their testimony that THEY didn't perceive it that way at all. And, in the absence of documentation showing that these two were warned, one has to ask why these two older employees were fired without the benefit of having the chance to improve/change.

I said that on top of this we have the fact that one of the two were asked about how long she planned to stay with R.

Here, Ryan interjected that this was not an illegal question to ask. I agreed, but pointed out that neither is it illegal to ask an applicant his/her date of birth on a job application. However, it does raise the question in our eyes about why that question is being asked.

I then continued and said that the fact that these two older women were replaced (by Hinson) with two women in their twenties is a further indication of age discrimination.

There was no other rebuttal. I then explained the procedures from here.

FACT FINDING CONFERENCE
SIGN-IN SHEET

EEOC Charge No. 533-2007-01780 and 533-2007-01780

Swatsworth + Trimpey vs. Wise Eyes Optical

Date of Fact Finding Conference: March 12, 2008

Name of EOS : Patrick J. Malley

Name of Notetaker :

	NAME	TITLE	REPRESENTING	PHONE
1.	Elaine Trimpey			814 363-4496
2.	Karen Swatsworth			814-236-3703
3.	Ralph Ryan	Lowrad MGR		814-944-1356
4.	JOHN RYAN.	ATTORNEY		814/765-8972
5.	John R. ROSSELL	PRES.		814-592-9956
6.	Letitia A. Johnson Kim L. Wise	Optician Manager		814-592-9912 814-765-7804

FACT FINDING CONFERENCE
SIGN-IN SHEET

EEOC Charge No. _____

_____ vs. _____

Date of Fact Finding Conference: _____

Name of EOS : _____

Name of Notetaker : _____

	NAME	TITLE	REPRESENTING	PHONE
1.				
2.				
4.				
5.				
6.				

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
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Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

September 05, 2008

Mr. Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dear Mr. Noble:

This is to acknowledge receipt of your request for information and/or disclosure of a charge file Pursuant to the Freedom of Information Act, (FOIA) in the matter of:

1. 533-2007-01790 Swatsworth v. Wise Eyes Optical.
2. 533-2007-01780 Trimpey v. Wise Eyes Optical.

Your request has been referred to the Legal Unit for response. The Legal Unit is in the Philadelphia District Office at the following address:

Equal Employment Opportunity Commission
Philadelphia District Office
21 South 5th Street, Suite 400
Philadelphia, PA 19106-2515
(215) 440-2828

Sincerely,

Joseph M. Hardiman, III
Area Director

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Philadelphia District Office
Legal Unit

801 Market Street
Penthouse, Suite 1300
Philadelphia, PA 19107-3126
(215) 440-2828
TTY (215) 440-2610
FAX (215) 440-2674 & 2848

September 11, 2008

Theron G. Noble
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

In Response Refer to: Trimpey v. Wise Eyes Optical
EEOC Charge Number: 533-2007-01780

Dear Mr. Noble:

This letter acknowledges receipt of your request under the Freedom of Information Act ("FOIA") dated September 5, 2008 and received in this office on September 9, 2008. Please be advised that within 20 business days you will be notified of the assigned FOIA number, advised of the file status and/**or** your request for records shall either be granted or denied **unless** additional time is required for one of the reasons listed below:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
(2) It is necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

Please note that the reference to 20 business days does not guarantee that your FOIA request will be sent, as the file must be retrieved, reviewed and possibly sent for copying, but be assured that the office is expeditiously processing your FOIA request.

Should you have questions in this matter, you may contact the office at (215) 440-2667 and ask for the Paralegal Specialist as noted below.

Sincerely,

Jacqueline H. McNair
Regional Attorney

By: Bettina Dunn
Bettina Dunn

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Philadelphia District Office
Legal Unit

801 Market Street
Penthouse, Suite 1300
Philadelphia, PA 19107-3126
(215) 440-2828
TTY (215) 440-2610
FAX (215) 440-2674 & 2848

September 11, 2008

Theron G. Noble
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

In Response Refer to: Swatsworth v. Wise Eyes Optical
EEOC Charge Number: 533-2007-01790

Dear Mr. Noble:

This letter acknowledges receipt of your request under the Freedom of Information Act ("FOIA") dated September 5, 2008 and received in this office on September 9, 2008. Please be advised that within 20 business days you will be notified of the assigned FOIA number, advised of the file status and/**or** your request for records shall either be granted or denied **unless** additional time is required for one of the reasons listed below:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
(2) It is necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
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Should you have questions in this matter, you may contact the office at (215) 440-2667 and ask for the Paralegal Specialist as noted below.

Sincerely,

Jacqueline H. McNair
Regional Attorney

By: Bettina Dunn
Bettina Dunn

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Philadelphia District Office

801 Market Street, Suite 1300
Philadelphia, PA 19107
Philadelphia Status Line: (866) 408-8075
Philadelphia Direct Dial: (215) 440-2602
TTY (215) 440-2610
FAX (215) 440-2632, 2848 & 2604

September 29, 2008

Theron G. Noble, Esq.
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Re: Trimpey v. Wise Eyes Optical, Swatsworth v. Wise Eyes Optical
Charge No.(s) 533200701780, 533200701790
FOIA Nos. A8-12-FOIA-1014; A8-12-FOIA-1013

Dear Mr. Noble:

This letter is in response to your request under the Freedom of Information Act ("FOIA").

(X) In your FOIA request, you requested the following:

A copy of the above-referenced file (s).

( ) Your request is ( )denied in part; or ( ) denied in whole. Those records not released were withheld based on the FOIA subsections checked below. An attachment to this letter identifies each exemption involved, how the exemption applies and identifies the records withheld under each exemption. The applicable sections of the FOIA exempting disclosure are 5 U.S.C. Section 552(b):

( )(2)	( )(5)	( ) (7A)
( )(3)	( )(6)	( ) (7C)
( )(4)		( ) (7D)

(X) The request is neither granted nor denied. The file indicates that your firm was sent the above cited files from the EEOC Pittsburgh Area Office. This letter completes our processing of your Freedom of Information Act Request. Thank you for your interest in Commission business.

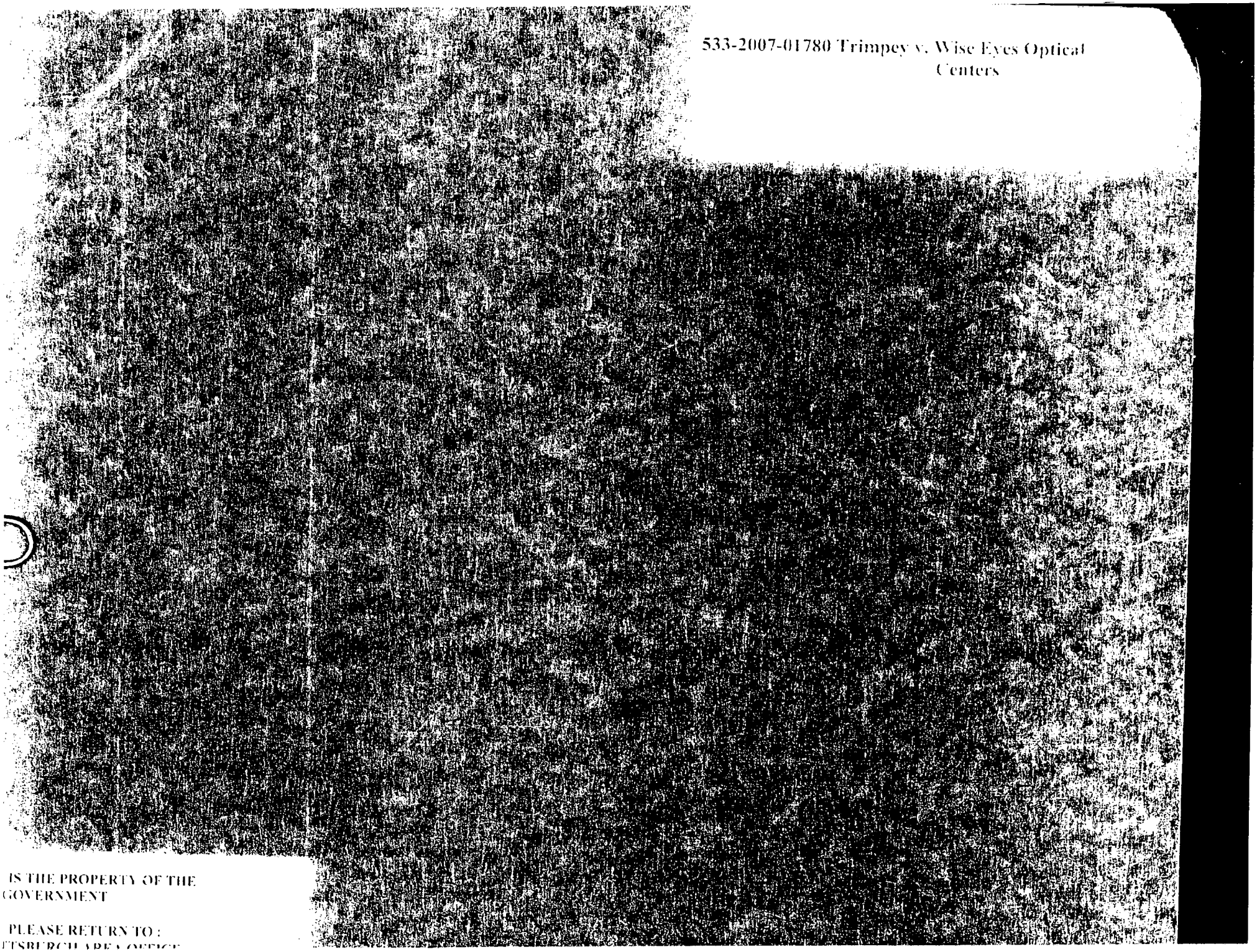
Please contact Bettina Dunn, Paralegal Specialist at (215) 440-2667 for any additional information regarding your Freedom of Information Act ("FOIA") request.

You may appeal the denial or partial denial of your request by writing within thirty (30) days of receipt of this letter to Assistant Legal Counsel/FOIA Programs, Office of Legal Counsel, U.S. Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington, D.C. 20507. You must include a copy of the Regional Attorney's determination with your appeal. Your appeal will be governed by 29 C.F.R. §1601.11.

Sincerely,

Jacqueline H. McNair
Regional Attorney

533-2007-01780 Trimpey v. Wise Eyes Optical Centers



IS THE PROPERTY OF THE GOVERNMENT

PLEASE RETURN TO :

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Elaine G. Trimpey
1881 Keewaykin Road
Frenchville, PA 16836

Charging Party,

CHARGE NO: 533-2007-01780

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

Respondent

Notice of Conciliation Failure

The Equal Employment Opportunity Commission (EEOC) has determined that its efforts to conciliate this charge filed under the **Age Discrimination in Employment Act (ADEA)**, have been unsuccessful. Therefore, the case has been referred to our Legal Unit for possible litigation. You will be informed of the EEOC's decision in this matter.

If the EEOC decides to bring a civil action on behalf of the Charging Party, the Charging Party will have the right to seek to intervene in such an action. If the EEOC decides that it will not bring a civil action based on this charge, the Charging Party will be issued a Notice of Right to Sue, which will entitle her to sue the Respondent on her own behalf.

It is requested where suit is filed that the Charging Party notify EEOC at the above address by letter and copy of the complaint.

On Behalf of the Commission,

5/22/08
Date

Joseph M. Hardiman, III, by RED
Joseph M. Hardiman III
Area Director

c John R. Ryan [Attorney for Respondent]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

August 24, 2007

Elaine Trimpey
1881 Keewaydin Rd.
Frenchville, Pennsylvania 16836

Dear Ms Elaine Trimpey,

Thank you for contacting us on 08/21/2007 09:51 AM. Based on the information you provided, it appears your situation may be covered by the laws we enforce. To begin the charge-filing process, please read and complete the entire questionnaire immediately. You may return the questionnaire by mail to the EEOC office listed below or you may return the questionnaire in person. If you wish to return the completed questionnaire in person, we strongly encourage you to call the office at the number indicated below before visiting. The charge filing process can take up to two hours to complete and the intake office hours and procedures may differ from office to office.

Pittsburgh Area Office
Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
1-866-408-8075 or 1-412-644-3446

Please remember to:
- Answer all questions as completely as possible.
- Include the location where you work(ed) or applied.
- Complete both sides of each page.
- Attach additional pages to complete your responses, if necessary.
- Contact the field office if you have questions about completing this form or if you wish to inquire about visiting the office to complete the charge filing process.

Information about the laws we enforce and our charge-filing procedures is available on our web site at www.eeoc.gov.

A charge of job discrimination must be filed with the EEOC within 180 days from the date of harm in order to protect your rights. This 180 day filing deadline may be extended to 300 days if the charge is also covered by a state or local job discrimination law. Therefore, it is important that you submit the completed questionnaire promptly.

Submission of this questionnaire may not meet all requirements for filing a charge. However, this questionnaire will allow the EEOC to review your circumstances further and determine whether we can assist you.

Please call 1-800-669-4000 and provide the transaction number 070821-000570, if you have not heard from the field office after 30 days from the date you mailed the completed questionnaire.

Sincerely,
U.S. Equal Employment Opportunity Commission

* PLEASE do NOT return the questionnaire to the address on the envelope; return it to the address above *

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INTAKE QUESTIONNAIRE

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a."**

(PLEASE PRINT)

1. Personal Information

Last Name: Trimpey ; First Name: Elaine MI: G.

Street or Mailing Address: 1881 Keewaydin Rd Apt Or Unit #:

City: Frenchville County: Clearfield State: PA Zip: 16836

Phone Numbers: Home: (814) 263-4696 Work: (n/a)

Cell: (n/a) Email Address: n/a

Date of Birth: 09/29/46 Sex: Male ___ Female F Race: Cauc.

National Origin / Ethnicity American Do You Have a Disability? Yes ☐ No ☒

Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Fred Trimpey Sr. Relationship: Husband

Address: 1881 Keewaydin Rd City: Frenchville State: PA Zip Code: 16836

Home Phone: (814) 263-4696 Other Phone: ( ) n/a

I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer ✓ Union ___ Employment Agency ___ Other (Please Specify) ___

2. Organization Contact Information

Organization #1 Name: Wise Eyes Optical Centers, R+R Optical, Inc.

Address: P.O. Box 10077 **County:** Centre

City: State College **State:** PA **Zip:** 16805-0077 **Phone :**(814) 867-5045

Type of Business: Optical Job Location if different from Org. Address: Clearfield, PA. 168.

Human Resources Director or Owner Name: John Rosselli Scott Renninger **Phone:** 814-867-504-

Number of Employees in the Organization at All Locations: Please Check (√) One

Less Than 15 ☐ 15 – 100 ☒ 101 – 200 ☐ 201 – 500 ☐ More 500 ☐

Organization #2 Name: n/a

Address: n/a **County:**

City: n/a **State:** ___ **Zip:** ___ **Phone :**( ) ___

Type of Business: n/a Job Location if not at Org. Address: n/a

Human Resources Director or Owner Name: n/a **Phone:** n/a

Number Of Employees In The Organization At All Locations: please check (✓) one

Less Than 15 ☐ 15 – 100 ☒ 101 – 200 ☐ 201 – 500 ☐ More 500 ☐

3. **Your Employment Data** (Complete as many items as you can)

Date Hired: 1/14/88 Job Title At Hire: Optician

Pay Rate When Hired: $4.25 Last or Current Pay Rate: $10.00

Job Title at Time of Alleged Discrimination: Optician

Name and Title of Immediate Supervisor: Kim Weir

If Applicant, Date You Applied for Job n/a **Job Title Applied For** n/a

4. **What is the reason (basis) for your claim of employment discrimination?**

*FOR EXAMPLE, if you are over the age of 40 and feel you were treated worse than younger employees **or** you have other evidence of discrimination, you should check **(✓) AGE**. If you feel that you were treated worse than those not of your race **or** you have other evidence of discrimination, you should check **(✓) RACE**. If you feel the adverse treatment was due to multiple reasons, such as your sex, religion and national origin, you should check all three. If you complained about discrimination, participated in someone else's complaint or if you filed a charge of discrimination and a negative action was threatened or taken, you should check **(✓) RETALIATION**.*

Race ☐ Sex ☐ Age ☒ Disability ☐ National Origin ☐ Color ☐ Religion ☐ Retaliation ☐ Pregnancy ☐

Other reason (basis) for discrimination (Explain). Age

5. **What happened to you that you believe was discriminatory? Include the date(s) of harm, action(s) and include the name(s) and title(s) of the persons who you believe discriminated against you. (Example: 10/02/06 – Written Warning from Supervisor, Mr. John Soto)**

A) Date: 08/20/2007 Action: Immediate dismissal

Name and Title of Person(s) Responsible: Ralph Hensen

B) Date: 08/20/2007 Action: Immediate dismissal

Name and Title of Person(s) Responsible Ralph Hensen

Describe any other actions you believe were discriminatory.

Disciplinary Measures were not followed in accordance with Contract, as follows:

1. Verbal Warning
2. Written Warning
3. Probationary Status
4. Suspension / dismissal

In which Mr. Hensen did not give me any specific reasons

(Attach additional pages if needed to complete your response.)

Cont on additional Paper

for dismissal or the opportunity for a meeting with [illegible]

Aug. 20, 2007 I went to work as usual, arrived about 7:45 AM, Went in, was going to turn Machines on Mr. Heneu Said before you get Started I need to talk to you, He Said Weve restructuring the Clearfied Store, I'm leaving you go, leave your key and get any personal belongings and leave. I have been employed with the Company Since Jan. 1988, till Aug. 20, 2007 I was employed at the Clearfied office

Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830
Phone 814-765-1192

Thank You
Elaine L. Trumpey

6. **What reason(s) were given to you for the acts you consider discriminatory? By whom? Title?**

Restructuring the Clearfield Store
Ralph Hensen - General Manager

7. **Name and describe others who were in the same situation as you. Explain any similar or different treatment. Who was treated worse, who was treated better, and who was treated the same? Provide race, sex, age, national origin, religion, and/or disability status of comparator if known and if connected with your claim of discrimination. Add additional sheets if needed.**

Full Name	Job Title	Employment Description
1. Karen Swatsworth	Optician	15 yrs. Age 57
2. She received immediate dismissal, with out		
3. Warnings / probation also.		

Answer questions 8-10 only if you are claiming discrimination based on disability. If not, skip to question 11.

8. **Please check all that apply:**
   - ☐ Yes, I have an actual disability
   - ☐ I have had an actual disability in the past
   - ☐ No disability but the organization treats me as if I am disabled

9. **If you are alleging discrimination because of your disability, what is the name of your disability? How does your disability affect your daily life or work activities, e.g., what does your disability prevent or limit you from doing, if anything? (Example: lifting, sleeping normally, breathing normally, pulling, walking, climbing, caring for yourself, working, etc.).**

N/A

10. **Did you ask your employer for any assistance or change in working condition because of your disability?**
    YES ☐ NO ☐

    Did you need this assistance or change in working condition in order to do your job?
    YES ☐ NO ☐

    If "YES", when? _____ To whom did you make the request? Provide full name of person_____ How did you ask (verbally or in writing)? _____

    Describe the assistance or change in working condition requested?

11. **Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.**

A. NAME JOB TITLE ADDRESS & PHONE NUMBER

No one else in office at time of dismissal

B. NAME JOB TITLE ADDRESS & PHONE NUMBER

C. NAME JOB TITLE ADDRESS & PHONE NUMBER

12. **Have you filed a charge previously in this matter with EEOC or another agency? YES ☐ NO ☒**

13. **If you have filed a complaint with another agency, provide name of agency and date of filing:**

n/a

14. **Have you sought help about this situation from a union, an attorney, or any other source?**
YES ☐ NO ☒ - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Elaine L. Trumpey
Signature

9-4-2007
Today's Date

If you have not heard from an EEOC office within 30 days of mailing this form, please call toll-free number shown on the letter accompanying this form. Provide the tracking number on the attached cover letter. *Please make a copy of this form for your records before mailing.*

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Intake Questionnaire (10/2006).
2. **AUTHORITY.** 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626. 42 U.S.C. 12117(a)
3. **PRINCIPAL PURPOSE.** The purpose of this questionnaire is to solicit information in an acceptable form consistent with statutory requirements to enable the Commission to act on matters within its jurisdiction. When this form constitutes the only timely written statement of allegations of employment discrimination, the Commission will, consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(b), consider it to be a sufficient charge of discrimination under the relevant statute(s).
4. **ROUTINE USES.** Information provided on this form will be used by Commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over allegations of employment discrimination and to provide such charge filing counseling as is appropriate. Information provided on this form may be disclosed to other State, local and federal agencies as may be appropriate or necessary to carrying out the Commission's functions. Information may also be disclosed to respondents in connection with litigation.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION.** The providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

Copy

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

September 14, 2007

Ms. Elaine G. Trimpey
1881 Keewaydin Road
Frenchville, Pa. 16836

Dear Ms. Trimpey:

Your scheduled appointment to file a charge of employment discrimination along with a supporting affidavit is :

Date: October 18, 2007 Time: 8:30 A.M.

[] the EEOC office

[x] by telephone (The EEOC Representative will telephone you at your home.)

You are reminded that Charging Parties have an obligation to cooperate in the filing and investigation of their charges. In order to facilitate the charge taking procedure you should bring with you relevant notes, documents, letters, and names, addresses, and telephone numbers of any witnesses or other materials that you believe may support your case, including the following:

NOTE: IF YOUR SCHEDULED APPOINTMENT IS GOING TO BE CONDUCTED IN THE EEOC OFFICE, YOU MUST HAVE PROPER I.D., SUCH AS A DRIVER'S LICENSE, PHOTO I.D., ECT., IN ORDER TO BE ADMITTED INTO THE BUILDING BY SECURITY.

[x] 1. A brief chronology or summary highlighting the events leading to the filing of the charge.

[x] 2. Letters/documents from the employer related to the alleged issues.

[x] 3. Your own notes or diary relevant to your allegations of discrimination.

[] 4. If you are alleging disability discrimination, bring with you a diagnosis from your care giver, notes recommending accommodation and or communications between doctor and employee, if any.

[x] 5. Employee handbook and/or applicable work rules.

[x] 6. Name of the decision maker and organization chart.

[x] 7. Names of others, who under similar circumstance were treated more favorably.

Copy

You may not have all of this, but bring what you have.

(See reverse side)

It is important to keep your scheduled appointment and you should be on time as indicated above. The intake of a charge is normally completed within two (2) hours. If you should arrive 15 or more minutes late we may not be able to take the charge which would require a new appointment time. If you fail to keep your intake appointment, you must contact this agency within 30 days to re-schedule if you are still interested in pursuing your case. Otherwise, your case may be dismissed.

If you cannot keep your appointment, please call 24 hours in advance to cancel the appointment and arrange for re-scheduling. However, please be advised that re-scheduling your intake appointment will cause a delay in the filing of your charge, which could have a negative impact on your case. Therefore, re-scheduling should only be in case of absolute necessity or emergency. To re-schedule, call (412) 644-6438. The office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. If you call and receive voice mail tell us a time you will be available for a return telephone call.

Sincerely,

Lester J. Phillips

Lester J. Phillips
Investigator Support Assistant

PRESENT THIS LETTER WITH THE REQUESTED INFORMATION ON PAGE 1 TO THE RECEPTIONIST WHEN YOU ARRIVE.

OR

IF YOUR INTERVIEW IS OVER THE PHONE, MAIL THE REQUESTED INFORMATION ON PAGE 1 TO OUR OFFICE [10 DAYS] PRIOR TO YOUR APPOINTMENT.

Mrs. Elaine G. Trimpey
1881 Keewaydin Road
Frenchville, PA 16836
814-263-4696

September 27, 2007

Question #1:

On Aug. 20th, 2007, I went to work as usual. I arrived about 7:45 am to start my 8:00 am shift. When I went in to work, Mr. Ralph Hensen, General Manager, was already there. I started to turn on one of the machines, and he said, " could you come here, I have to talk to you." He then preceded, "we are restructuring the Clearfield store and I'm letting you go." "I'll need your key, get your personal belongings and you can leave now." At that point, I did as I was told. Later I found out that same day he interviewed two new people. On the 2nd week of Sept. two new girls, in their early 20's, were hired. Given that information, I presumed the reason I was left go was due to my age of 60. He did not give me any other reason for dismissal. There was not any verbal warning, no written warning, or an opportunity for a meeting with Manager, Kim Weir, before this happened. The Personnel Policy therefore was not followed at all.

I have been with the company since Jan. 14, 1988 - Aug. 20, 2007. I have only been late for occasional inclement weather. If that did occur, I always made the time up by coming in early or staying later. I would also travel to three other stores, if they needed help, and I got along with my fellow co-workers. With my years of experience, I was qualified for the Optician job. I was very versatile and was able to perform any of the operations.

Question #2:

I did not receive or see any letters or documents from my employer related to the alleged issues, nor was aware of the alleged issue before it happened.

Question #3:

I did not keep notes or a diary. I only had a small date book in which I kept my hours. There was never any indication that my performance was not up to par, therefore I did not feel the need to record anything.

Question #5:

Enclosed you will find a copy of our Personnel Policy for your review.

Question #6:

Mr. Ralph Hensen is the name of the decision maker, he has had held the position of General Manager since March 2007.

Question #7:

The other two girls who did not loose their jobs, were Kim Weir, hired approx. the same time as myself only about 4 mths less. She has been Manager about 2-2 ½ yrs. The other girl, Liticia Johnson, Optician, has been with the company approx 1 ½ yrs.

I was always willing to help any of my co-workers, in any way that I could, and I was able to do so due to the extent of experience in areas as compared to them.

The store where I was working at, at the time of dismissal was:

Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830
814-765-1192

Sincerely,

Elaine G. Trimpey

Elaine G. Trimpey

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

October 18, 2007

Ms Elaine Trimpey
1881 Keewaydin Road
Frenchville PA 16836

Respondent: Wise Eyes Optical
Charge No.: 533-2007-01780

Dear Ms. Trimpey:

This is in reference to your allegations of employment discrimination by the above-named respondent. The information that you have provided indicates that the matter that you are complaining of may be investigated under the Age Discrimination in Employment Act of 1967, as amended.

To facilitate proper handling of the action by the Commission you should:

Review the enclosed charge and affidavit forms and make any corrections, please initial all corrections made.

Sign each of the copies of the charge and affidavit forms in the bottom left hand block where I have made an X.

Return **all** of the documents to this office.

As a charge must be investigated within the time limitations imposed by law, I urge you to complete these steps as soon as possible. Your failure to cooperate in this matter within **30 days of the above date** will result in the dismissal of your charge.

Please call me at (412) 644-3447 if you have any questions.

Sincerely,
Maryrose A. McShane
Maryrose A. McShane
Investigator Support Assistant

Enclosure(s)

Get The Facts Seri

Keep

M___ [ON

FACTS ABOUT MEDIATION

Mediation is a form of Alternative Dispute Resolution (ADR) that is offered by the U.S. Equal Employment Opportunity Commission (EEOC) as an alternative to the traditional investigative or litigation process. Mediation is an informal process in which a neutral third party assists the opposing parties reach a voluntary, negotiated resolution of a charge of discrimination. The decision to mediate is completely voluntary for the charging party and the employer. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, incorporate those areas of agreement into solutions. A mediator does not resolve the charge or impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. The mediation process is strictly confidential. Information disclosed during mediation will not be revealed to anyone, including other EEOC employees.

HOW DOES MEDIATION WORK?

An EEOC representative will contact the charging party and employer concerning their participation in the program. If both parties agree, a mediation session conducted by a trained and experienced mediator is scheduled. While it is not necessary to have an attorney or other representation in order to participate in EEOC's mediation program, either party may choose to do so. It is important that persons attending the mediation session have the authority to resolve the dispute. If mediation is unsuccessful, the charge is investigated like any other charge. Information disclosed during mediation will not be revealed to anyone...including other EEOC employees.

ADVANTAGES OF MEDIATION

- Mediation is an efficient process that saves time and money. Successful mediation avoids a time consuming investigation and achieves a prompt resolution of the charge. The majority of mediations are completed in one session, which usually lasts for one to five hours.
- Mediation is fair. Mediators are neutral third parties who have no interest in the outcome. Their role is to help the parties resolve the charge.
- Mediation is a confidential process. The sessions are not tape-recorded or transcribed. Notes taken during the mediation are discarded.
- Settlement agreements secured during mediation do not constitute an admission by the employer of any violation of the laws enforced by EEOC.
- Mediation avoids lengthy and unnecessary litigation.

For additional information about the mediation program at EEOC, you may contact EEOC's web page at www.eeoc.gov or the EEOC field office nearest you by calling our toll free numbers 1-800-669-4000 (Voice) or 1-800-669-6820 (TTY).

Office of Communications and Legislative Affairs
March 1999 EEOC-FS-E12

Sent 10-30-07

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

October 31, 2007

Ms Elaine Trimpey
1881 Keewaydin Road
Frenchville PA 16836

RE: Wise Eyes Optical (533-2007-01780)

Dear Ms. Trimpey:

Enclosed herewith please find time-stamped correspondence for your records.

Thank you for your cooperation.

Sincerely,
MaryRose A. McShane
MaryRose A. McShane
Investigator Support Assistant

Enclosure(s)

After 60 days, please contact the office at (412) 644-3446 and ask the Receptionist for the status of the complaint.

Cheryl or
(Enforcement)

Karen

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- [ ] FEPA
- [X] EEOC — 533-2007-01780

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Elaine G. Trimpey	**(814) 263-4696**	**09-29-1946**

Street Address: **1881 Keewaydin Road, Frenchville, PA 16836** — City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (Include Area Code)
WISE EYES OPTICAL	**15 - 100**	**(814) 765-1192**

Street Address: **140 Plaza Drive, Clearfield, PA 16830** — City, State and ZIP Code

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address — City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [ ] RETALIATION
- [X] AGE
- [ ] DISABILITY
- [ ] OTHER (*Specify below.*)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
08-01-2007	**08-31-2007**

- [ ] CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

1. I started my employment with Wise Eyes Optical on January 14, 1988, as an Optician. On August 20, 2007, I was discharged.

2. On August 20, 2007, Ralph Hansen, General Manager, informed me that I was being let go due to restructuring of the Clearfield store. Later that day, I found out that Ralph Hansen interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 60, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinson hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

X 10-22-07 — Date

X Elaine G. Trimpey — Charging Party Signature

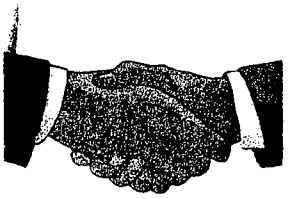
NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(*month, day, year*)

EEOC Pittsburgh Area Office

MEDIATION YES / NO



This is to certify that during the intake of my charge the EEOC interviewer informed me of the EEOC Mediation Program and provided me with a fact sheet that explains the Mediation Program.

Mediation is voluntary and if both parties agree a mediation session will be scheduled.

Based on the information provided by the interviewer including the Mediation handout I have decided as follows:

"Please Check One"

I **accept** Mediation ✓ I **reject** Mediation _____ for the following reasons:

Charge Number: 533-2007-01780

Elaine L. Trumpey
Signature

10-22-07
Date

INFORMATION FOR COMPLAINANTS & ELECTION OPTION TO DUAL FILE WITH THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

Elaine Trimpey vs Wise Eyes Optical

EEOC No. 533-2007-01780

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which could affect the outcome of your case.

Complaints filed with PHRC must be filed within 180 days of the acts(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

(Sign and date appropriate request below)

I understand that false statements in this complaint are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

Elaine L. Trimpey 10-22-07

Signature and Date

I do not want my charge dual filed with PHRC.

Signature and Date

007-01780 Elaine Trimpey v. Wise Eyes Optical

EEOC AFFIDAVIT

(This form is affected by the Privacy Act of 1974. See Privacy Act Statement on reverse before completing this form.)

NAME:	TELEPHONE NUMBER (Give area code)
Elaine G. Trimpey	HOME: (814) 263-4696 WORK: (814) 765-1192

ADDRESS (Number, street, city, state, zip)

1881 Keewaydin Road, Frenchville, PA 16836

THE FOLLOWING PERSON CAN ALWAYS CONTACT ME

NAME AND TELEPHONE NUMBER

Fred Trimpey, Sr. (814) 263-4696

ADDRESS (Number, street, city, state, zip)

1881 Keewaydin Road, Frenchville, PA 16836

STATUS OF EMPLOYMENT

CHECK ONE: ☐ WORKING ☐ NOT WORKING ☐ SOUGHT EMPLOYMENT AT	NAME OF EMPLOYER
TYPE OF BUSINESS	DATES OF EMPLOYMENT FROM: TO: WHEN EMPLOYMENT WAS SOUGHT FROM TO:
POSITION TITLE	DEPARTMENT
ADDRESS (Number, street, city, state, zip)	

Remedy/relief sought:

As a remedy, I am seeking lost wages + interest (the salary for the position is $10.00 per hour, 40 hours per week); lost medical benefits; and other lost monies and benefits for which I am entitled; punitive and compensatory damages; my record expunged; and a **written** neutral reference.

EEOC Form 133 (10/94)

I declare under the penalty of perjury that the foregoing is true and correct.

DATE	SIGNATURE OF ~~WITNESS~~	SIGNATURE OF EEOC REPRESENTATIVE	PAGE 1 OF 1
X 10-22-07	X Elaine G Trimpey		

PRIVACY ACT STATEMENT: (This form is covered by the Privacy Act of 1974, Public Law 93-579. Authority for requesting and uses of the personal data are given below.)

1. FORM NUMBER/TITLE/DATE: EEOC FORM 133, EEOC AFFIDAVIT, December 1993.
2. AUTHORITY: 42 USC 2000e(9), 29 USC 201, 29 USC 621, 42 U.S.C. 12117.
3. PRINCIPAL PURPOSES: Provides a standardized format for obtaining sworn statements of information relevant to a charge of discrimination.
4. ROUTINE USES: The affidavits are used to: (1) make an official determination regarding the validity of the charge of discrimination; (2) guide the Commission's investigatory activity; and (3) in Commission litigation, to impeach or substantiate a witness's testimony.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR PROVIDING INFORMATION: Voluntary: Failure to provide an affidavit has no effect upon jurisdiction of the Commission to process a charge. However, sworn statements submitted by the parties are, of course, relied upon more heavily than unsworn statements in making a determination as to the existence of unlawful discrimination.

REVERSE OF EEOC FORM 133 (10/94)

Date: November 15, 2007

To: Joel S. Pretz
ADR Coordinator

From: Ralph E. Hinson, General Manager
Wise Eyes Optical
P.O. Box 10077
State College, PA 16805
814.441.1386

Re: Charge Number 533-2007-01780
Elaine G. Trimpey

Site: Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830

Business Description: Sales and service of eyewear. 4 employees.

On August 20, 2007 Elaine G. Trimpey was dismissed as an employee of Wise Eyes Optical. The charge of age discrimination is unfounded. At no time was age a factor in the dismissal of Elaine Trimpey. Elaine was dismissed for insubordination.

All employees were provided a copy of the personnel policy. The personnel policy was prepared for the purpose of implementing changes regarding staff procedures, duties and responsibilities. The policy was reviewed with each staff member, including Elaine Trimpey. Each employee read, signed and dated this policy. Included with this policy was an acknowledgement of each employee that they read and understood any violation of the policy could result in termination of employment. Enclosed is a copy of Elaine's sign-off sheet ,with her signature, dated May 31st 2007.

#1 As the manager of Wise Eyes Optical in Clearfield, Kim Weir was Elaine's immediate supervisor. Kim was responsible for enforcing the policy with her employees. Kim faced a constant battle with Elaine and another worker of this location. On one occasion, Kim witnessed a conversation between Elaine and Karen Swatsworth regarding the policy. Karen commented to Elaine "If we stick together, they cannot change us." This was the attitude that Elaine maintained up to her dismissal.

#2 I personally was the recipient of Elaine's insubordination. I conducted at least two staff meetings at the Clearfield location to discuss the policy and the changes that need to occur in the office. Elaine would not participate in the meetings or even give me the courtesy of sitting down with the group during the meetings. She would walk around the store, ignoring me and the meeting. She never responded in any way that would indicate she was on board with the changes. She did not attempt to comply with the policy at any time.

#3 For several years, Elaine assumed the responsibility of the lab work. Part of the necessary changes includes cross training and participating in sales and customer service. These changes are necessary for the growth, profitability and smooth operation of the store. Elaine was not receptive to these changes. She would have other employees of the location conduct the sales and customer service while she remained behind the counter, in the lab area. Because of the experience that Elaine has in the lab, she was asked to help train other employees to complete lab work. As of the date of her dismissal, this request was not carried out or even acknowledged by Elaine.

As stated in the enclosed policy, scheduling was to be completed by the manager of each location. Any changes in scheduling is to be approved by management. Kim Weir is responsible for the scheduling at the Clearfield location. On more than one occasion, Karen Swatsworth would re-schedule herself and Elaine to accommodate themselves without permission from management. Without consideration of staffing needs or customer service, if either wanted a day off, they took the day off. This negatively affected customer service and the moral of other employees.

Elaine also had little consideration of company materials. I was in the office and witnessed Elaine unintentionally damage a lens. Her response to this was "Oh well. Wise Eyes can afford it." She seemed to have no concern for the profitability of the store.

Changes occur on a daily basis in all establishments. Changes were not implemented to affect any employee in a negative way. Changes were implemented to better serve customers, increase profitability and employee productivity. All employees were given the same policy. The expectation of the employees is to respond in a positive and professional manner, to implement the changes to enhance the services of Wise Eyes and to become cross trained in all areas of the store functions . The changes implemented were not done with the intent of dismissing any employee. The dismissal of Elaine was a result of being non-compliant in reference to the policy.

Wise Eyes has employees ranging in age from their 20's to their 60's. Enclosed is a list of Wise Eyes employees and their dates of birth. Experienced employees are an asset to our company. It was our hope that Elaine would utilize her experience in a positive and professional manner to help in the growth of herself, other employees and Wise Eyes Optical.

We do not hire or terminate employees based on age. To progress in business, one needs to have employees that are willing to be a part of a team, initiate changes when necessary and be productive. We contend that age was not a factor in her dismissal. Re-structuring the duties and responsibilities of the Clearfield store did not specifically include Elaine's dismissal. Elaine's responses and behavior towards the re-structuring is what led to her termination.

#1

The end of Mar 07 or beginning of April 07 when Mr Hixson came into the picture there immediatley was a ad in our local paper for an optician in the Clearfield store, we already had four full time employees, shortly he started interviewing people.

On Aug 20, 2007 when he left me go the reason was restructuring the store, I had came to work as usual that Mon. He ask for my key and then to leave.

Why didnt he tell me all these things I was doing wrong that day instead of waiting 3 mo.

When he realized that we had went to EEOC he knew he had to have more than just restructuring for a answer.

I still think our age had something to do with it because if he had new people with no experience he could have them do everything his way, plus he may have not had to pay insurance (Medical) for them which amounted to a lot per employee and spouse, therefore that would make more profit for the store without those benefits. I understand the store has to make a profit or I wouldnt have had a job

#1 Kim may have been responsible for the store policies but with the paper we signed she or Ralph never went over it Kim layed it on the counter for us to read and sign, the same with the info from the Managers meeting held in Nov 07 she really never said much about it As far as this constant battle I never knew she had a problem with me she said were the best of friends we've been for years. About the conversation - Kim was also in a similar one about of our lost our job.

#2 When were these meeting held, we had a doctor everyday but True. You never said anything about a staff meeting, yes we knew there were changes coming but there was never a sit down meeting unless maybe I wasn't there but you said I was. In all my years at Wise Eyes I never missed a meeting or just got up and walked around the store The only time he ever really talked to me was the day he let me go and that was brief

#2

#3 I not only assumed responsibility in lab, I assumed it also for all aspects of my job. If a patient came in I had no problem waiting on them but I we were all in the back I would sometimes say to one of the others if they wanted to wait on them but we all said that at times. I never said to any given one you have to wait on them and Kim knew this.

Kim was responsible for scheduling but she never would ~~ever~~ get it done. Eric would be here and we didn't know what the schedule was for mon
#4 And for as Karen making the schedule to suit her and I, no because Kim was always ask what day or when she wanted to work, Kim was the one to say we worked well together with the scheduling. She would always say it didn't matter when she worked, we would trade of people had appointments. Kim You know I willing went to St Marys or Philipsburg to work I even worked at Pburg on my ~~sat~~ off. and I never just took a day off

About the chipped lens, I wasn't the only one that ever said anything, but it did bother me when that would happen because that made the patient wait longer you had to sometimes re order + re do.
I saved a lot of lenses by taking out chips and cutting them down if they came back from lab too big and Kim knows this.

Training

As for training Tish the first two months April + May 2007 she was mostly in Schlipsburg, she usually was only at our store a day or day and a half.
We were a busy store that was Kims saying all the time. But I always helped her at learning to measure Rx's and would explain the different types of lenses, I helped her in repairs + dispensing and I would help her with Drs when waiting on people - In the lab she could read lenses in the machine I explained and showed her about tinter and I was trying to show her blocker she had a hard time because of her Rx - but time was limited because of the amount of work that came in even Kim had agreed

to that but we would have got to it eventually.

If I was doing so badly why was I there for almost twenty years

Ralph didn't really know me very well He had to have known I was cross trained because I was manager for 15 yrs in Belleporte and I had to do everything - I had a part timer but I trained them in all aspects.

Ralph wasn't in the store all day or every day maybe a day or two a week so he never saw me do much more than the edging because he usually came around the time our work from the main lab got there with UPS. and we would get 25 to 30 jobs in

I was never late coming in I was usually there by 7:40 and as far as lunches mostly I would work through them so I would wait on customers I never once said I would never wait on anyone - and if anyone needed extra help, sometimes you would need and opinion on a pet I was there

Kim was late almost everyday and always left for lunch for an hour except for a few times
Josh was late but not to often but always had his cell phone or would go in the back or out in front of store.

Sales When I waited on people I always offered them the add ons sometimes you could sell them, people with Dns a lot of times they only wanted what Dns would cover Why wouldn't I want the add ons, it would help make a little bigger pay since we really never get raises

Hard ships

1. Loss of Medical Ins haven't had any since end of Sept 07
2. Helping pay utilities espesially fuel
3. Car payment - my old car was 8 yrs. old
4. Groceries
5. Unemployment exhausted
6. Had to make a trip to the ER 3-8-08 no Ins. (Chest Pain + nausea, cold sweat

If I wasn't Crossed trained how did I go ST Mary's - P. Burg with Dr. by Myself + 5-7 evenings + a no Dr. Sat.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

IN THE MATTER OF:

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHARGE NUMBER: 533-2007-01780

and

ELAINE G. TRIMPEY

Charging Party

and

WISE EYES OPTICAL

Respondent

*****

CONCILIATION AGREEMENT

A charge having been filed under the Age Discrimination in Employment Act of 1967, as amended (ADEA), with the U.S. Equal Employment Opportunity Commission (EEOC), by the Charging Party against the Respondent, the charge having been investigated and reasonable cause having been found, the parties do resolve and conciliate this matter as follows:

I. GENERAL PROVISIONS

1. EEOC May Review Compliance With Agreement - The Respondent agrees that the EEOC, on request of any Charging Party or on its own motion, may review compliance with this Agreement. As a part of such review the EEOC may require written reports concerning compliance, may inspect the premises, examine witnesses and examine and copy documents.

2. Agreement Does Not Constitute Admission of Violation - It is understood that this Agreement does not constitute an admission by any Respondent of any violation of any statute administered by the EEOC.

3. Charging Party's Covenant Not to Sue - The Charging Party hereby waives, releases, and covenants not to sue Respondent with respect to the matters which were alleged in this charge on file with the EEOC, subject to performance by the Respondent of the promises and representations contained herein. The EEOC shall determine whether the Respondent has complied with the terms of this Agreement

4. All Employment Practices are to be Conducted in a Non-Discriminatory Manner - All hiring practices, promotion practices, discharge practices, and other terms and conditions of employment shall be maintained and conducted in a manner which does not discriminate on the basis of race, color, sex, religion, national origin, age, or disability in violation of any statute administered by the EEOC.

5. Retaliation Prohibited - The Parties agree that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under any statute administered by the EEOC or because of the filing of a charge, the giving of testimony, assistance, or participation in any manner in any investigation, proceeding, or hearing under any statute administered by the EEOC.

6. Reporting Provisions - The Respondent agrees to retain the records and to provide the written reports under the subsequent section of this Agreement entitled "Reporting Provisions." Reports will be furnished to the Office of the EEOC which has signified final approval of this Agreement.

7. Enforcement of Agreement - The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

8. Impact Upon EEOC's Processing - EEOC agrees not to use the subject charge as the jurisdictional basis for a civil action under the ADEA but does not waive or in any manner limit its right to process or seek relief in any other charge or investigation including, but not limited to, a charge filed by a member of the Commission against the Respondent.

II. RELIEF

1. Respondent agrees to pay Charging Party for the backpay lost in the amount of $13,600 within ten (10) days of the date that this agreement has been fully executed.

2. Respondent agrees to pay Charging Party frontpay in the amount of $62,400 within ten (10) days of the date that this agreement has been fully executed.

3. Within ten (10) days of the date that this agreement has been fully executed, Respondent agrees to place Charging Party and her husband under its medical insurance plan for a period of one year.

4. Within ten (10) days of the date that this agreement has been fully executed, Respondent agrees to reimburse Charging Party $1,843 for the out-of-pocket medical expenses she and her husband have incurred since her termination.

III. REPORTING PROVISIONS

1. Respondent agrees to send to EEOC a copy of the settlement check(s) referenced in the RELIEF section above within twenty (20) days of the date that the check(s) are issued.

2. Respondent agrees to send to EEOC documentation verifying that both Charging Party and her husband will be covered under Respondent's medical insurance plan for a period of one year.

IV. SIGNATURES

I have read the foregoing Conciliation Agreement and I accept and agree to the provisions contained therein:

_____
Date

_____
John Rosselli, Owner
for Respondent

_____
Date

_____
Elaine G. Trimpey
Charging Party

Approved on Behalf of the Commission:

_____
Date

_____
Joseph M. Hardiman III
Area Director

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD

COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
301 Chestnut Street, Suite 300
P.O. Box 3145
Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
(717) 787-4087 (TTY)

COMMISSIONERS
DAVID A. ALEXANDER
M. JOEL BOLSTEIN
TIMOTHY CUEVAS
REV. DR. JAMES EARL GARMON, SR.
TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

Elaine Trimpey
1881 Keewaydin Road
Frenchville PA 16836

April 1, 2008

RE: Elaine G Trimpey v Wise Eyes Optical
Case No. 200703431 EEOC No. 533200701780

Dear Elaine Trimpey:

When a charge is filed with the **Equal Employment Opportunity Commission** (EEOC), federal law requires EEOC to send a copy of the charge, if co-jurisdictional, to the **Pennsylvania Human Relations Commission** (PHRC). This happens because EEOC must afford certain state or local agencies, such as the **PHRC** the opportunity to investigate the complaint for 60 days. PHRC has the discretion to waive the opportunity to investigate the charge. In accordance with the Work Sharing Agreement between EEOC and the PHRC, PHRC waived the opportunity to investigate the complaint back to EEOC. This means that EEOC will not have to wait 60 days to take action on the charge.

This is to notify you that the above referenced EEOC charge also has been filed with PHRC. PHRC considers the complaint filed with PHRC on the date the complaint is received by EEOC. PHRC's action in this regard is taken because PHRC, pursuant to Section 7 (c) of the Pennsylvania Human Relations Act, has designated EEOC in the Work Sharing Agreement as its agent for receipt of complaints initially filed with EEOC that are dual filed with PHRC.

Be advised that PHRC will take no further action on the filing at this time and no action is required on your part at this time. However, PHRC reserves the right to docket, serve and require an answer at some future date. Should PHRC elect to docket the EEOC charge as a PHRC complaint, PHRC will serve the complaint and an answer will be required.

Subsection 41.82 of PHRC's Rules of Administrative Practice requires employers to maintain certain records until the final disposition of the complaint.

After one year, if the case is still pending, the complainant will be notified of his/her right to file in the appropriate court of common pleas. If, at that time, the complainant does not confirm in writing that he/she wants PHRC to remain involved, then PHRC will take no further action on this filing.

IT IS YOUR RESPONSIBILITY to promptly notify PHRC of any change of address and phone number. If you are represented by an attorney, your attorney must file a written notice of appearance. If you change attorneys, or are no longer represented by an attorney, you must notify PHRC in writing of the change.

Sincerely,

Arberdella White-Davis
Director of Compliance

Luk Notice – C & R

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3420
TTY (412) 644-2720
FAX (412) 644-2664

February 28, 2008

SUBJECT : Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND
Trimpey v. Wise Eyes Optical, #533-2007-01780

Ms. Elaine G. Trimpey
1881 Keewaykin Road
Frenchville, PA 16836

Ms. Trimpey:

As you know, I am the investigator assigned to the above-referenced charges. In order to resolve it, I have determined that I will need to conduct a fact-finding conference. **I have scheduled this conference for Wednesday, March 12, 2008, at 10:00 a.m. in our offices at the above address.** In addition to you and Ms. Swatsworth, I have requested that the following Respondent employees be present:

Ralph Hinson, General Manager
Kim Weir, Store Manager
Liticia Johnson, Optician

Enclosed for your reference is a copy of Respondent's position statement for your charge.

Sincerely,

Patrick J. Malley
Investigator
412/644-4115
Patrick.malley@eeoc.gov

1-717-783-6481
Christopher Burns
Christopher

EEOC Form 161-A (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)

To: Elaine G. Trimpey
1881 Keewaydin Road
Frenchville, PA 16836

From: **Pittsburgh Area Office**
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
	Legal Unit	
533-2007-01780	**Philadelphia District Office**	**(215) 440-2828**

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

Joseph M Hardiman III

Joseph M. Hardiman, III,
Area Office Director

06/17/08
(Date Mailed)

cc: **John Rosselli, President**
WISE EYES OPTICAL
P O Box 10077
State College, PA 16805

John R. Ryan, Esq.
BELIN, KUBISTA & RYAN
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PA 16830

Enclosure with EEOC
Form 161-A (3/98)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you *receive* this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was *mailed* to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 – *not* 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

533-2007-01780 Elaine Trimpey v. Wise Eyes Optical

EEOC AFFIDAVIT

(This form is affected by the Privacy Act of 1974. See Privacy Act Statement on reverse before completing this form.)

NAME:	TELEPHONE NUMBER (Give area code)
Elaine G. Trimpey	HOME: **(814) 263-4696** WORK: **(814) 765-1192**

ADDRESS (Number, street, city, state, zip)

1881 Keewaydin Road, Frenchville, PA 16836

THE FOLLOWING PERSON CAN ALWAYS CONTACT ME

NAME AND TELEPHONE NUMBER

Fred Trimpey, Sr. (814) 263-4696

ADDRESS (Number, street, city, state, zip)

1881 Keewaydin Road, Frenchville, PA 16836

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CHECK ONE: ☐ WORKING ☐ NOT WORKING ☐ SOUGHT EMPLOYMENT AT	NAME OF EMPLOYER
TYPE OF BUSINESS	DATES OF EMPLOYMENT FROM: TO: WHEN EMPLOYMENT WAS SOUGHT FROM TO:
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ADDRESS (Number, street, city, state, zip)	

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EEOC Form 133 (10/94)

I declare under the penalty of perjury that the foregoing is true and correct.

DATE	SIGNATURE OF ~~WITNESS~~	SIGNATURE OF EEOC REPRESENTATIVE	PAGE 1 OF 1
X 10-22-07	X Elaine G Trimpey		

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3. PRINCIPAL PURPOSES: Provides a standardized format for obtaining sworn statements of information relevant to a charge of discrimination.
4. ROUTINE USES: The affidavits are used to: (1) make an official determination regarding the validity of the charge of discrimination; (2) guide the Commission's investigatory activity; and (3) in Commission litigation, to impeach or substantiate a witness's testimony.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR PROVIDING INFORMATION: Voluntary: Failure to provide an affidavit has no effect upon jurisdiction of the Commission to process a charge. However, sworn statements submitted by the parties are, of course, relied upon more heavily than unsworn statements in making a determination as to the existence of unlawful discrimination.

REVERSE OF EEOC FORM 133 (10/94)

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: [ ] FEPA [X] EEOC

Agency(ies) Charge No(s): 533-2007-01780

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name *(indicate Mr., Ms., Mrs.)*	Home Phone *(Incl. Area Code)*	Date of Birth
Ms. Elaine G. Trimpey	**(814) 263-4696**	**09-29-1946**

Street Address: **1881 Keewaydin Road, Frenchville, PA 16836** — City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No. *(Include Area Code)*
WISE EYES OPTICAL	**15 - 100**	**(814) 765-1192**

Street Address: **140 Plaza Drive, Clearfield, PA 16830** — City, State and ZIP Code

Name	No. Employees, Members	Phone No. *(Include Area Code)*

Street Address — City, State and ZIP Code

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN
[ ] RETALIATION [X] AGE [ ] DISABILITY [ ] OTHER *(Specify below.)*

DATE(S) DISCRIMINATION TOOK PLACE
Earliest: **08-01-2007** Latest: **08-31-2007**
[ ] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s))*:

1. I started my employment with Wise Eyes Optical on January 14, 1988, as an Optician. On August 20, 2007, I was discharged.

2. On August 20, 2007, Ralph Hansen, General Manager, informed me that I was being let go due to restructuring of the Clearfield store. Later that day, I found out that Ralph Hansen interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 60, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinson hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

Hinson EG.T

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

X 10-22-07 X Elaine G. Trimpey

Date — Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

INFORMATION FOR COMPLAINANTS & ELECTION OPTION

TO DUAL FILE WITH THE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Elaine Trimpey vs Wise Eyes Optical

EEOC No. 533-2007-01780

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which could affect the outcome of your case.

Complaints filed with PHRC must be filed within 180 days of the acts(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

(Sign and date appropriate request below)

I understand that false statements in this complaint are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

Elaine L. Trimpey 10-22-07

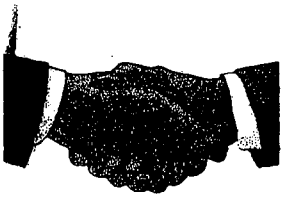
Signature and Date

I do not want my charge dual filed with PHRC.

Signature and Date

EEOC Pittsburgh Area Office

MEDIATION YES / NO



This is to certify that during the intake of my charge the EEOC interviewer informed me of the EEOC Mediation Program and provided me with a fact sheet that explains the Mediation Program.

Mediation is voluntary and if both parties agree a mediation session will be scheduled.

Based on the information provided by the interviewer including the Mediation handout I have decided as follows:

"Please Check One"

I **accept** Mediation ✓ I **reject** Mediation _____ for the following reasons:

Charge Number: 533-2007-01780

Elaine D. Trumpey
Signature

10-22-07
Date

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Elaine G. Trimpey
1881 Keewaykin Road
Frenchville, PA 16836

Charging Party,

CHARGE NO: 533-2007-01780

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above cited charge. All requirements for coverage have been met.

Charging Party had been employed by Respondent as an Optician since January 14, 1988. She claims that on August 20, 2007, Ralph Hinson, General Manager, informed her that she was being let go due to the restructuring of Respondent's Clearfield store, which was were she had been employed. She believes she has been discriminated against on the basis of her age, 60, in violation of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, in that while Respondent chose to simultaneously terminate her employment and that of another Optician who was nearly the same age, it retained Liticia Johnson, who was significantly younger and less experienced than either of them. Moreover, Respondent hired two individuals who were in their 20s as Opticians in the Clearfield store less than one month later.

Respondent denies that age was a factor in the dismissal of Charging Party. Instead, it asserts that she was dismissed for insubordination. Respondent explains that Charging Party, along with coworker Karen Swatsworth, were resistant to the changes in staff procedures, duties, and responsibilities which were formally implemented on or about May 31, 2007, with the issuance of the new personnel policy. Her continued reluctance over a period of several months to implement the changes introduced by the new General Manager, Ralph Hinson, along with a reluctance to even acknowledge his authority, were the sole reasons for her discharge.

An analysis of the evidence reveals that although there was some indication that both Charging Party and Ms. Swatsworth were resistant to the changes Mr. Hinson was trying to make, Mr. Hinson, in turn, failed to follow Respondent's progressive disciplinary procedures in dealing with the matter. While employees in such situations are to at least receive a verbal warning, then a written warning, and then probationary status for 90 days prior to discharge, evidence indicates that neither Charging Party nor Ms. Swatsworth were even verbally advised by Mr. Hinson or any other Respondent official that their behavior was a problem. Further, the evidence does support the allegation that Respondent elected to retain Liticia Johnson, a far less experienced Optician in her 40s, over both women. It also reveals that the same person who terminated both women, Mr. Hinson, hired two women in their early 20s less than one month later to replace them. Finally, Charging Party has credibly testified that shortly after he became General Manager Mr. Hinson asked her how long she planned to continue working for Respondent.

Based upon analysis of the evidence I have concluded that reasonable cause exits to show that Charging Party was discriminated against on the basis of her age when she was discharged on or about August 20, 2007.

Upon finding that there is reason to believe that violations have occurred, the Commission now attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. In this regard, **conciliation of the matter has now begun.** Please be advised that any reasonable offer to settle this matter will be considered. The Commission can seek an amount inclusive of full back pay (total wage loss) with interest, plus liquidated damages, benefits, reinstatement (or front pay), and actual monetary costs incurred by the Charging Party and aggrieved individuals.

Again, the Commission is postured to consider any reasonable offer during this period. If an offer has not previously been submitted, Respondent is requested to accept, reject, or submit a counteroffer to the enclosed conciliation agreement concerning Charging Party and do so within ten (10) days of the receipt of this letter. The confidentiality provisions of the ADEA and the Commission Regulations apply to information obtained during conciliation. If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

In conclusion, I would like to remind Respondent that any individual who files a charge of discrimination or who takes part in the investigative process of that charge by providing testimony or other information is protected, by statue, from retaliation.

On Behalf of the Commission,

07/21/08
Date

Joseph M. Hardiman III
Area Director

c John R. Ryan, Esq. [Attorney for Respondent]

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD

COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
301 Chestnut Street, Suite 300
P.O. Box 3145
Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
(717) 787-4087 (TTY)

COMMISSIONERS
DAVID A. ALEXANDER
M. JOEL BOLSTEIN
TIMOTHY CUEVAS
REV. DR. JAMES EARL GARMON, SR.
TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

August 6, 2008

Elaine G Trimpey
1881 Keewaydin Road
Frenchville PA 16836

RE: Elaine G Trimpey v Wise Eyes Optical
Case No. 200703431
EEOC No. 533200701780

Dear Elaine Trimpey:

The above referenced complaint was filed with both the Pennsylvania Human Relations Commission (PHRC) and the Equal Employment Opportunity Commission (EEOC). The EEOC conducted the investigation, while the complaint filed with the PHRC was held in abeyance pending the completion of the investigation by EEOC. The EEOC has recently informed this agency that EEOC was unable to secure a settlement in your case.

It is very important for PHRC to know if you have filed an action in federal court. **Please inform me within the next 30 days, in writing,** whether or not you have filed in court. **If you do not contact me, in writing, within the next 30 days, the case will be closed administratively.** If you have any questions please feel free to contact me at (717) 783-8172.

Sincerely,

William Smithey, Jr.
Assistant to the Director of Compliance

WGS: cmw

cc: Theron G. Noble

EEOC Form 161-A (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)

To: Elaine G. Trimpey
1881 Keewaydin Road
Frenchville, PA 16836

From: Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
533-2007-01780	Legal Unit Philadelphia District Office	(215) 440-2828

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

Joseph M. Hardiman, III,
Area Office Director

06/17/08
(Date Mailed)

cc: John Rosselli, President
WISE EYES OPTICAL
P O Box 10077
State College, PA 16805

John R. Ryan, Esq.
BELIN, KUBISTA & RYAN
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PA 16830

Enclosure with EEOC
Form 161-A (3/98)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you *receive* this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was *mailed* to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 – *not* 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice.** (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Elaine G. Trimpey
1881 Keewaykin Road
Frenchville, PA 16836

Charging Party,

CHARGE NO: 533-2007-01780

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

Respondent

Notice of Conciliation Failure

The Equal Employment Opportunity Commission (EEOC) has determined that its efforts to conciliate this charge filed under the **Age Discrimination in Employment Act (ADEA)**, have been unsuccessful. Therefore, the case has been referred to our Legal Unit for possible litigation. You will be informed of the EEOC's decision in this matter.

If the EEOC decides to bring a civil action on behalf of the Charging Party, the Charging Party will have the right to seek to intervene in such an action. If the EEOC decides that it will not bring a civil action based on this charge, the Charging Party will be issued a Notice of Right to Sue, which will entitle her to sue the Respondent on her own behalf.

It is requested where suit is filed that the Charging Party notify EEOC at the above address by letter and copy of the complaint.

On Behalf of the Commission,

5/22/08
Date

Joseph M. Hardiman, III,
Joseph M. Hardiman III
Area Director
by
LED

c John R. Ryan [Attorney for Respondent]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

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Elaine G. Trimpey
1881 Keewaykin Road
Frenchville, PA 16836

Charging Party,

CHARGE NO: 533-2007-01780

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above cited charge. All requirements for coverage have been met.

Charging Party had been employed by Respondent as an Optician since January 14, 1988. She claims that on August 20, 2007, Ralph Hinson, General Manager, informed her that she was being let go due to the restructuring of Respondent's Clearfield store, which was were she had been employed. She believes she has been discriminated against on the basis of her age, 60, in violation of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, in that while Respondent chose to simultaneously terminate her employment and that of another Optician who was nearly the same age, it retained Liticia Johnson, who was significantly younger and less experienced than either of them. Moreover, Respondent hired two individuals who were in their 20s as Opticians in the Clearfield store less than one month later.

Respondent denies that age was a factor in the dismissal of Charging Party. Instead, it asserts that she was dismissed for insubordination. Respondent explains that Charging Party, along with coworker Karen Swatsworth, were resistant to the changes in staff procedures, duties, and responsibilities which were formally implemented on or about May 31, 2007, with the issuance of the new personnel policy. Her continued reluctance over a period of several months to implement the changes introduced by the new General Manager, Ralph Hinson, along with a reluctance to even acknowledge his authority, were the sole reasons for her discharge.

An analysis of the evidence reveals that although there was some indication that both Charging Party and Ms. Swatsworth were resistant to the changes Mr. Hinson was trying to make, Mr. Hinson, in turn, failed to follow Respondent's progressive disciplinary procedures in dealing with the matter. While employees in such situations are to at least receive a verbal warning, then a written warning, and then probationary status for 90 days prior to discharge, evidence indicates that neither Charging Party nor Ms. Swatsworth were even verbally advised by Mr. Hinson or any other Respondent official that their behavior was a problem. Further, the evidence does support the allegation that Respondent elected to retain Liticia Johnson, a far less experienced Optician in her 40s, over both women. It also reveals that the same person who terminated both women, Mr. Hinson, hired two women in their early 20s less than one month later to replace them. Finally, Charging Party has credibly testified that shortly after he became General Manager Mr. Hinson asked her how long she planned to continue working for Respondent.

Based upon analysis of the evidence I have concluded that reasonable cause exits to show that Charging Party was discriminated against on the basis of her age when she was discharged on or about August 20, 2007.

Upon finding that there is reason to believe that violations have occurred, the Commission now attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. In this regard, **conciliation of the matter has now begun.** Please be advised that any reasonable offer to settle this matter will be considered. The Commission can seek an amount inclusive of full back pay (total wage loss) with interest, plus liquidated damages, benefits, reinstatement (or front pay), and actual monetary costs incurred by the Charging Party and aggrieved individuals.

Again, the Commission is postured to consider any reasonable offer during this period. If an offer has not previously been submitted, Respondent is requested to accept, reject, or submit a counteroffer to the enclosed conciliation agreement concerning Charging Party and do so within ten (10) days of the receipt of this letter. The confidentiality provisions of the ADEA and the Commission Regulations apply to information obtained during conciliation. If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

In conclusion, I would like to remind Respondent that any individual who files a charge of discrimination or who takes part in the investigative process of that charge by providing testimony or other information is protected, by statue, from retaliation.

On Behalf of the Commission,

07/21/08
Date

Joseph M. Hardiman III
Area Director

c John R. Ryan, Esq. [Attorney for Respondent]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

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TTY (412) 644-2720
FAX (412) 644-2664

IN THE MATTER OF:

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHARGE NUMBER: 533-2007-01780

and

ELAINE G. TRIMPEY

Charging Party

and

WISE EYES OPTICAL

Respondent

*****

CONCILIATION AGREEMENT

A charge having been filed under the Age Discrimination in Employment Act of 1967, as amended (ADEA), with the U.S. Equal Employment Opportunity Commission (EEOC), by the Charging Party against the Respondent, the charge having been investigated and reasonable cause having been found, the parties do resolve and conciliate this matter as follows:

I. GENERAL PROVISIONS

1. EEOC May Review Compliance With Agreement - The Respondent agrees that the EEOC, on request of any Charging Party or on its own motion, may review compliance with this Agreement. As a part of such review the EEOC may require written reports concerning compliance, may inspect the premises, examine witnesses and examine and copy documents.

2. Agreement Does Not Constitute Admission of Violation - It is understood that this Agreement does not constitute an admission by any Respondent of any violation of any statute administered by the EEOC.

3. Charging Party's Covenant Not to Sue - The Charging Party hereby waives, releases, and covenants not to sue Respondent with respect to the matters which were alleged in this charge on file with the EEOC, subject to performance by the Respondent of the promises and representations contained herein. The EEOC shall determine whether the Respondent has complied with the terms of this Agreement

4. All Employment Practices are to be Conducted in a Non-Discriminatory Manner - All hiring practices, promotion practices, discharge practices, and other terms and conditions of employment shall be maintained and conducted in a manner which does not discriminate on the basis of race, color, sex, religion, national origin, age, or disability in violation of any statute administered by the EEOC.

5. Retaliation Prohibited - The Parties agree that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under any statute administered by the EEOC or because of the filing of a charge, the giving of testimony, assistance, or participation in any manner in any investigation, proceeding, or hearing under any statute administered by the EEOC.

6. Reporting Provisions - The Respondent agrees to retain the records and to provide the written reports under the subsequent section of this Agreement entitled "Reporting Provisions." Reports will be furnished to the Office of the EEOC which has signified final approval of this Agreement.

7. Enforcement of Agreement - The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

8. Impact Upon EEOC's Processing - EEOC agrees not to use the subject charge as the jurisdictional basis for a civil action under the ADEA but does not waive or in any manner limit its right to process or seek relief in any other charge or investigation including, but not limited to, a charge filed by a member of the Commission against the Respondent.

II. RELIEF

1. Respondent agrees to pay Charging Party for the backpay lost in the amount of $13,600 within ten (10) days of the date that this agreement has been fully executed.

2. Respondent agrees to pay Charging Party frontpay in the amount of $62,400 within ten (10) days of the date that this agreement has been fully executed.

3. Within ten (10) days of the date that this agreement has been fully executed, Respondent agrees to place Charging Party and her husband under its medical insurance plan for a period of one year.

4. Within ten (10) days of the date that this agreement has been fully executed, Respondent agrees to reimburse Charging Party $1,843 for the out-of-pocket medical expenses she and her husband have incurred since her termination.

III. REPORTING PROVISIONS

1. Respondent agrees to send to EEOC a copy of the settlement check(s) referenced in the RELIEF section above within twenty (20) days of the date that the check(s) are issued.

2. Respondent agrees to send to EEOC documentation verifying that both Charging Party and her husband will be covered under Respondent's medical insurance plan for a period of one year.

IV. SIGNATURES

I have read the foregoing Conciliation Agreement and I accept and agree to the provisions contained therein:

_____
Date

_____
John Rosselli, Owner
for Respondent

_____
Date

_____
Elaine G. Trimpey
Charging Party

Approved on Behalf of the Commission:

_____
Date

_____
Joseph M. Hardiman III
Area Director

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- [ ] FEPA
- [X] EEOC — 533-2007-01780

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name *(indicate Mr., Ms., Mrs.)*	Home Phone *(Incl. Area Code)*	Date of Birth
Ms. Elaine G. Trimpey	**(814) 263-4696**	**09-29-1946**

Street Address / City, State and ZIP Code

1881 Keewaydin Road, Frenchville, PA 16836

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No. *(Include Area Code)*
WISE EYES OPTICAL	**15 - 100**	**(814) 765-1192**

Street Address / City, State and ZIP Code

140 Plaza Drive, Clearfield, PA 16830

Name	No. Employees, Members	Phone No. *(Include Area Code)*

Street Address / City, State and ZIP Code

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [ ] RETALIATION
- [X] AGE
- [ ] DISABILITY
- [ ] OTHER *(Specify below.)*

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
08-01-2007	**08-31-2007**

- [ ] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s))*:

1. I started my employment with Wise Eyes Optical on January 14, 1988, as an Optician. On August 20, 2007, I was discharged.

2. On August 20, 2007, Ralph Hansen, General Manager, informed me that I was being let go due to restructuring of the Clearfield store. Later that day, I found out that Ralph Hansen interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 60, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinson hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

EGT

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10-22-07 — Elaine G. Trimpey

Date — *Charging Party Signature*

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- [ ] FEPA
- [X] EEOC

533-2007-01780

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Elaine G. Trimpey	**(814) 263-4696**	**09-29-1946**

Street Address: **1881 Keewaydin Road, Frenchville, PA 16836** City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No. (Include Area Code)
WISE EYES OPTICAL	**15 - 100**	**(814) 765-1192**

Street Address: **140 Plaza Drive, Clearfield, PA 16830** City, State and ZIP Code

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address: City, State and ZIP Code

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [ ] RETALIATION
- [X] AGE
- [ ] DISABILITY
- [ ] OTHER *(Specify below.)*

DATE(S) DISCRIMINATION TOOK PLACE

Earliest: **08-01-2007** Latest: **08-31-2007**

- [ ] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s))*:

1. I started my employment with Wise Eyes Optical on January 14, 1988, as an Optician. On August 20, 2007, I was discharged.

2. On August 20, 2007, Ralph Hansen, General Manager, informed me that I was being let go due to restructuring of the Clearfield store. Later that day, I found out that Ralph Hansen interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 60, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinson hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

EG-7

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

X 10-22-07 (Date) X Elaine G. Trimpey (Charging Party Signature)

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC FORM 131 (5/01)

U.S. E[illegible]al Employment Opportunity C[illegible]mission

Mr. Ralph E. Hinson
Manager
R & R OPTICAL, INC.
P O Box 10077
State College, PA 16805

PERSON FILING CHARGE

Elaine G. Trimpey

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01780

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

[ ] FILE

The boxes checked below apply to our handling of this charge:

1. [ ] No action is required by you at this time.

2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.

3. [X] Please provide by **07-DEC-07** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

4. [X] Please respond fully by **07-DEC-07** to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

5. [X] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **21-NOV-07** to **Joel S. Pretz, ADR Coordinator, at (412) 644-3448**
If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Joel S. Pretz,
ADR Coordinator

EEOC Representative

Telephone **(412) 644-3448**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [X] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
November 6, 2007	Joseph M. Hardiman, III, Area Office Director	

If you are not the person handling this matter, please contact the EEOC within seven (7) days, with the correct person's name and address who will be the contact person.

EEOC FORM 131 (5/01)

U.S. E[illegible]al Employment Opportunity C[illegible]mission

Chief Executive Officer
Human Resources Manager
WISE EYES OPTICAL CENTERS
Human Resources
P O Box 10077
State College, PA 16805

PERSON FILING CHARGE

Elaine G. Trimpey

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01780

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [X] No action is required by you at this time.
2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.
3. [ ] Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. [ ] Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. [ ] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

   If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Ronald E. Dean,
Supervisory Investigator

EEOC Representative

Telephone **(412) 644-3420**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [ ] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

ISSUES: Discharge

DATE(S) (on or about): EARLIEST: 08-01-2007 LATEST: 08-31-2007

Date	Name / Title of Authorized Official	Signature
October 22, 2007	Joseph M. Hardiman, III, Area Office Director	[signature]

If you are not the person handling this matter, please contact the EEOC within seven (7) days, with the correct person's name and address who will be the contact person.

EEOC FORM 131 (5/01)

U.S. Equal Employment Opportunity Commission

CHIEF EXECUTIVE OFFICER
WISE EYES OPTICAL CENTERS
P.O. Box 10077
State College, PA 16805

PERSON FILING CHARGE

Karen D. Swatsworth

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01790

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [X] No action is required by you at this time.
2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.
3. [ ] Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. [ ] Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. [ ] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

   If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Lester J. Phillips,
Investigator Support Asst

EEOC Representative

Telephone **(412) 644-6438**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [ ] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

ISSUES: Discharge

DATE(S) (on or about): EARLIEST: 08-18-2007 LATEST: 08-18-2007

Date	Name / Title of Authorized Official	Signature
September 14, 2007	**Joseph M. Hardiman, III,** **Area Office Director**	Joseph M. Hardiman III

EEOC Form 212-A (3/98)

U.S. Equal Employment Opportunity Commission

TO: **Pennsylvania Human Relations Commission**
Suite 300
301 Chestnut St
Harrisburg, PA 17101

Date **November 6, 2007**
EEOC Charge No.
533-2007-01780
FEPA Charge No.

CHARGE TRANSMITTAL

SUBJECT:

Elaine G. Trimpey (*Charging Party*) v. **WISE EYES OPTICAL** (*Respondent*)

Transmitted herewith is a charge of employment discrimination initially received by the:

☒ EEOC ☐ _____ (*Name of FEPA*) on **Oct 31, 2007** (*Date of Receipt*)

☒ Pursuant to the worksharing agreement, this charge is to be initially investigated by the EEOC.

☐ Pursuant to the worksharing agreement, this charge is to be initially investigated by the FEPA.

☐ The worksharing agreement does not determine which agency is to initially investigate the charge.

☐ EEOC requests a waiver ☐ FEPA waives

☐ No waiver requested ☐ FEPA will investigate the charge initially

Please complete the bottom portion of this form to acknowledge the receipt of the charge and, where appropriate, to indicate whether the Agency will initially investigate the charge.

Typed Name of EEOC or FEPA Official	Signature/Initials
Joseph M. Hardiman, III	

Elaine G. Trimpey (*Charging Party*) v. **WISE EYES OPTICAL** (*Respondent*)

TO WHOM IT MAY CONCERN:

☐ This will acknowledge receipt of the referenced charge and indicate this Agency's intention to initially investigate the charge.

☐ This will acknowledge receipt of the referenced charge and indicate this Agency's intention not to initially investigate the charge.

☐ This will acknowledge receipt of the referenced charge and request a waiver of initial investigation by the receiving agency.

☐ This will acknowledge receipt of the referenced charge and indicate this Agency's intention to dismiss/close/not docket the charge for the following reasons:

Typed Name of EEOC or FEPA Official	Signature/Initials
Homer Floyd	

TO: **Pittsburgh Area Office**
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Date **November 6, 2007**
EEOC Charge No.
533-2007-01780
FEPA Charge No.

(Rev. 11/05)

INFORMATION FOR COMPLAINANTS & ELECTION OPTION

TO DUAL FILE WITH THE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Elaine Trimpey vs Wise Eyes Optical

EEOC No. 533-2007-01780

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which could affect the outcome of your case.

Complaints filed with PHRC must be filed within 180 days of the acts(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

(Sign and date appropriate request below)

I understand that false statements in this complaint are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

X Elaine L. Trimpey 10-22-07
Signature and Date

I do not want my charge dual filed with PHRC.

Signature and Date

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3420
TTY (412) 644-2720
FAX (412) 644-2664

NOTICE OF MANDATORY CONCILIATION

DATE October 31, 2007

Charge Number : 533-2007-01780

Charging Party : Elaine Trimpey

Respondent : Wise Eyes Optical

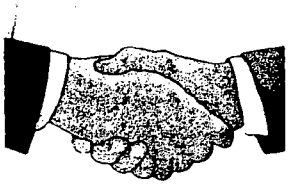
This notice initiates the mandatory conciliation effort required by the Age Discrimination in Employment Act (ADEA). Section 7(d) of the ADEA requires that the Commission "promptly notify all persons named in such charge as prospective defendants in the action" and "promptly seek to eliminate any alleged unlawful employment practice by informal methods of conciliation, conference, and persuasion". In the event that you wish to resolve the alleged unlawful employment [practice, submit in writing, a proposed remedy for the issues complained about in the charge or call or write requesting a conciliation conference to discuss remedies within five days of receipt of this notice.

Your failure to respond with a conciliation proposal, or to request a conciliation conference within the stated time frame of your expressed desire not to engage in a conciliation effort will be deemed an unsuccessful conciliation of this charge pursuant to section 7(d) of the ADEA and an investigation will commence. Should you decide not to conciliate this matter, you are to provide complete answers to all requests for information and forward them to the undersigned, together with your position statement by the stated deadline date.

Ronald E. Dean, Supervisor 412/644-3420

EEOC Pittsburgh Area Office

MEDIATION YES / NO



This is to certify that during the intake of my charge the EEOC interviewer informed me of the EEOC Mediation Program and provided me with a fact sheet that explains the Mediation Program.

Mediation is voluntary and if both parties agree a mediation session will be scheduled.

Based on the information provided by the interviewer including the Mediation handout I have decided as follows:

"Please Check One"

I **accept** Mediation ✓ I **reject** Mediation_____ for the following reasons:

Charge Number: 533-2007-01780

Claire L. Trumpey
Signature

10-22-07
Date

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3420
TTY (412) 644-2720
FAX (412) 644-2664

February 28, 2008

SUBJECT : Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND
Trimpey v. Wise Eyes Optical, #533-2007-01780

Ms. Elaine G. Trimpey
1881 Keewaykin Road
Frenchville, PA 16836

Ms. Trimpey:

As you know, I am the investigator assigned to the above-referenced charges. In order to resolve it, I have determined that I will need to conduct a fact-finding conference. **I have scheduled this conference for Wednesday, March 12, 2008, at 10:00 a.m. in our offices at the above address.** In addition to you and Ms. Swatsworth, I have requested that the following Respondent employees be present:

Ralph Hinson, General Manager
Kim Weir, Store Manager
Liticia Johnson, Optician

Enclosed for your reference is a copy of Respondent's position statement for your charge.

Sincerely,

Patrick J. Malley
Investigator
412/644-4115
Patrick.malley@eeoc.gov

PJM

INVESTIGATIVE REPORT/PRE-DETERMINATION CONTACT (IR/PC)

CHARGE NUMBER: 533-2007-01780 DATE: February 11, 2008

NAME/TITLE OF PERSON CONTACTED: Elaine Trimpey [CP]

CONTACT MADE: In Person By Phone x
By Letter

BASIS/ISSUES DISCUSSED: age (~~57~~ 60)/discharge

SUMMARY OF INTERVIEW (INCLUDE FACTUAL PRESENTATION, ANALYSES AND CONCLUSIONS):

A. On this date I called CP and read R's position statement to her. She had the following replies:

- said that she recalls no staff meeting at all. Says that Hinson would stand in front and talk to Kim, but recalls no staff meeting like they used to have with everybody present in one room when the owner would conduct them. [Was adamant about this.]
- says that she did like to be in the lab area doing lab work, but that she went out front whenever this was needed without a problem.
- Says that she did help Liticia learn the lab stuff on a few occasions, but that it was rough b/c Liticia was working two stores and not there all of the time and when she was, had to wait on customers.
- Says she NEVER scheduled herself off or on. ALWAYS left this to management – Kim. [Was very credible on this point.]
- As for the lens that broke, she says she meant by this: "We'll, it's not like somebody lost a limb." She says she felt badly whenever a lens broke b/c the customer had to wait and she had to reorder.
- As far as attitude, she says she did say to Kim, maybe more than once, that "we have to talk about some of these changes" b/c she did have problems with some of them. One of them being Hinson's policy that you start the customer at the top of the price range and then work your way down.
- CP says there is no truth to them saying she had a bad attitude towards the restructuring.
- Says she wasn't told about these problems when Hinson told her she was discharged. Said it was "restructuring."

I asked CP if any age-based comments had been made by Hinson or Kim. She said no, but did say that shortly after he started, Hinson asked her her age. She told him and said she wanted to work until age 66.

**** CP points to R's PERSONNEL POLICY wherein, under the section under WARNINGS/PROBATION it states that "In cases of poor performance, misconduct**

of a minor nature or repeated mistakes/infractions by an employee, the following disciplinary measures shall be used by the immediate supervisor in this sequence:

1. **Verbal Warning**
2. **Written Warning**
3. **Probationary Status**
4. **Suspension/Dismissal**

{{NOTE: Looks like the two people hired to replace CP were born in '84 (23) and '86 (21)}}

B. Pre-determination follow-up by Investigator, Supervisor, or designated staff person:

My suggestions are as follows:

1) RFI for...
   a. The hire date for Ralph Hinson as GM.
   b. The name and DOB for all Hinson has hired and fired since taking over.
   c. A copy of the new policy that CP signed on 5/31/7. [If it shows a progressive discipline policy like the old one did – see TAB C – then Hinson has to explain why it WASN'T followed for the CPs.]

2) OS interviews or FFC. Will want to talk to at least the following people...
   a. Ralph Hinson (why didn't he use progressive discipline as the policy dictates? AND, why didn't you tell either CP the true reason for their discharge???)
   b. Kim Weir
   c. Litisha Johnson

D. Conclusion:

Dismiss charge now ( ) or Continue investigation for reasons below ( )

_____ _____

Signature - position Date

From: "Cavanaugh, Terry" <Cavanaught@whiteandwilliams.com>
To: "PATRICK MALLEY" <PATRICK.MALLEY@EEOC.GOV>, <paulagirl78@hotmail.com>
Date: 2/13/2008 2:14:15 PM
Subject: RE: a question

Dear Mr. Malley,

Mrs. Archinaco was at the party in question.

She left before Melzer's vulgar comments but had a number of calls that evening from her female co-workers and the slur was the subject of considerable discussion throughout the office thereafter.

Thank you.

Terry Cavanaugh

-----Original Message-----
From: PATRICK MALLEY [mailto:PATRICK.MALLEY@EEOC.GOV]
Sent: Tuesday, February 12, 2008 1:28 PM
To: paulagirl78@hotmail.com
Cc: Cavanaugh, Terry
Subject: a question

Ms. Archinaco,

You can call me or e-mail me with your response, but I need to know if you were present during the Halloween Party in which Meltzer made the "slut" comment?

Patrick J. Malley, Investigator
U.S. EEOC
1001 Liberty Ave., Suite 300
Pittsburgh, PA 15219-4187
412/644-4115 (phone)
412/644-2664 (fax)
PATRICK.MALLEY@eeoc.gov

533-2007-01780 Elaine Trimpey v. Wise Eyes Optical

EEOC AFFIDAVIT

(This form is affected by the Privacy Act of 1974. See Privacy Act Statement on reverse before completing this form.)

NAME	TELEPHONE NUMBER (Give area code)
Elaine G. Trimpey	HOME **(814) 263-4696** WORK **(814) 765-1192**

ADDRESS (Number, street, city, state, zip)

1881 Keewaydin Road, Frenchville, PA 16836

THE FOLLOWING PERSON CAN ALWAYS CONTACT ME

NAME AND TELEPHONE NUMBER

Fred Trimpey, Sr. (814) 263-4696

ADDRESS (Number, street, city, state, zip)

1881 Keewaydin Road, Frenchville, PA 16836

STATUS OF EMPLOYMENT

CHECK ONE ☐ WORKING ☐ NOT WORKING ☐ SOUGHT EMPLOYMENT AT

NAME OF EMPLOYER

TYPE OF BUSINESS

DATES OF EMPLOYMENT FROM: TO:

WHEN EMPLOYMENT WAS SOUGHT FROM TO

POSITION TITLE

DEPARTMENT

ADDRESS (Number, street, city, state, zip)

Remedy/relief sought:

As a remedy, I am seeking lost wages + interest (the salary for the position is $10.00 per hour, 40 hours per week); lost medical benefits; and other lost monies and benefits for which I am entitled; punitive and compensatory damages; my record expunged; and a **written** neutral reference.

EEOC Form 133 (10/94)

I declare under the penalty of perjury that the foregoing is true and correct.

DATE	SIGNATURE OF ~~WITNESS~~	SIGNATURE OF EEOC REPRESENTATIVE	PAGE 1 OF 1
X 10-22-07	X Elaine G Trimpey		

PRIVACY ACT STATEMENT: (This form is covered by the Privacy Act of 1974, Public Law 93-579. Authority for requesting and uses of the personal data are given below.)

1 FORM NUMBER/TITLE/DATE: EEOC FORM 133, EEOC AFFIDAVIT, December 1993.

2 AUTHORITY: 42 USC 2000e(9), 29 USC 201, 29 USC 621, 42 U.S.C. 12117.

3 PRINCIPAL PURPOSES: Provides a standardized format for obtaining sworn statements of information relevant to a charge of discrimination.

4 ROUTINE USES: The affidavits are used to: (1) make an official determination regarding the validity of the charge of discrimination; (2) guide the Commission's investigatory activity; and (3) in Commission litigation, to impeach or substantiate a witness's testimony.

5 WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR PROVIDING INFORMATION: Voluntary: Failure to provide an affidavit has no effect upon jurisdiction of the Commission to process a charge. However, sworn statements submitted by the parties are, of course, relied upon more heavily than unsworn statements in making a determination as to the existence of unlawful discrimination.

REVERSE OF EEOC FORM 133 (10/94)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INTAKE QUESTIONNAIRE

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a."**

(PLEASE PRINT)

1. Personal Information

Last Name: Swatsworth, First Name: Karen MI: D

Street or Mailing Address: 126 Bonnie Court Apt Or Unit #: n/a

City: Curwensville County: Clearfield State: PA Zip: 16833

Phone Numbers: Home: (814) 236-3703 Work: (n/a)

Cell: (n/a) Email Address:

Date of Birth: 02/17/50 Sex: Male ___ Female F Race: Cauc.

National Origin / Ethnicity American Do You Have a Disability? Yes ☐ No ☒

Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: David Swatsworth Relationship: Husband

Address: 126 Bonnie Court City: Curwensville State: PA Zip Code: 16833

Home Phone: (814) 236-3703 Other Phone: ( ) Cell 00 - 577-5206

I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer ✓ Union ___ Employment Agency ___ Other (Please Specify) ___

2. Organization Contact Information

Organization #1 Name: Wise Eyes Optical Centers, R+R Optical, Inc.

Address: PO Box 10077 **County:** Centre

City: State College **State:** PA **Zip:** 16805-0077 **Phone :**(814) 867-5045

Type of Business: Optical Job Location if different from Org. Address: Clearfield, PA 1683

Human Resources Director or Owner Name: John Rosselli Scott Renninger **Phone:** 814-867-5

Number of Employees in the Organization at All Locations: Please Check (✓) One

Less Than 15 ☐ 15 – 100 ☒ 101 – 200 ☐ 201 – 500 ☐ More 500 ☐

Organization #2 Name: n/a

Address: n/a **County:**

City: n/a **State:** ___ **Zip:** ___ **Phone :**( ) ___

11. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.

	NAME	JOB TITLE	ADDRESS & PHONE NUMBER
A.	There was no one else in the office at time on dismissal		
B.			
C.			

12. Have you filed a charge previously in this matter with EEOC or another agency? YES ☐ NO ☒

13. If you have filed a complaint with another agency, provide name of agency and date of filing:

14. Have you sought help about this situation from a union, an attorney, or any other source?
YES ☐ NO ☒ - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Karen Swatsworth — **Signature**

9-4-07 — **Today's Date**

If you have not heard from an EEOC office within 30 days of mailing this form, please call toll-free number shown on the letter accompanying this form. Provide the tracking number on the attached cover letter. Please make a copy of this form for your records before mailing.

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Intake Questionnaire (10/2006).
2. **AUTHORITY.** 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626. 42 U.S.C. 12117(a)
3. **PRINCIPAL PURPOSE.** The purpose of this questionnaire is to solicit information in an acceptable form consistent with statutory requirements to enable the Commission to act on matters within its jurisdiction. When this form constitutes the only timely written statement of allegations of employment discrimination, the Commission will, consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(b), consider it to be a sufficient charge of discrimination under the relevant statute(s).
4. **ROUTINE USES.** Information provided on this form will be used by Commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over allegations of employment discrimination and to provide such charge filing counseling as is appropriate. Information provided on this form may be disclosed to other State, local and federal agencies as may be appropriate or necessary to carrying out the Commission's functions. Information may also be disclosed to respondents in connection with litigation.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION.** The providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

October 18, 2007

Ms Karen Swatsworth
126 Bonnie Court
Curwensville PA 16833

FILE

Respondent: Wise Eyes Optical
Charge No.: 533-2007-01790

Dear Ms. Swatsworth:

This is in reference to your allegations of employment discrimination by the above-named respondent. The information that you have provided indicates that the matter that you are complaining of may be investigated under the Age Discrimination in Employment Act of 1967, as amended.

To facilitate proper handling of the action by the Commission you should:

Review the enclosed charge and affidavit forms and make any corrections, please initial all corrections made.

Sign each of the copies of the charge and affidavit forms in the bottom left hand block where I have made an X.

Return **all** of the documents to this office.

As a charge must be investigated within the time limitations imposed by law, I urge you to complete these steps as soon as possible. Your failure to cooperate in this matter within **30 days of the above date** will result in the dismissal of your charge.

Please call me at (412) 644-3447 if you have any questions.

Sincerely,
Maryrose A. McShane
Maryrose A. McShane
Investigator Support Assistant

Enclosure(s)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

September 14, 2007

Ms. Karen D. Swatsworth
126 Bonnie Court
Curwensville, Pa. 16833

Dear Ms. Swatsworth:

Your scheduled appointment to file a charge of employment discrimination along with a supporting affidavit is :

Date: October 18, 2007 Time: 10:30 A.M.

[] the EEOC office

[x] by telephone (The EEOC Representative will telephone you at your home.)

You are reminded that Charging Parties have an obligation to cooperate in the filing and investigation of their charges. In order to facilitate the charge taking procedure you should bring with you relevant notes, documents, letters, and names, addresses, and telephone numbers of any witnesses or other materials that you believe may support your case, including the following:

NOTE: IF YOUR SCHEDULED APPOINTMENT IS GOING TO BE CONDUCTED IN THE EEOC OFFICE, YOU MUST HAVE PROPER I.D., SUCH AS A DRIVER'S LICENSE, PHOTO I.D., ECT., IN ORDER TO BE ADMITTED INTO THE BUILDING BY SECURITY.

[x] 1. A brief chronology or summary highlighting the events leading to the filing of the charge.

[x] 2. Letters/documents from the employer related to the alleged issues.

[x] 3. Your own notes or diary relevant to your allegations of discrimination.

[] 4. If you are alleging disability discrimination, bring with you a diagnosis from your care giver, notes recommending accommodation and or communications between doctor and employee, if any.

[x] 5. Employee handbook and/or applicable work rules.

[x] 6. Name of the decision maker and organization chart.

[x] 7. Names of others, who under similar circumstance were treated more favorably.

You may not have all of this, but bring what you have.

(See reverse side)

It is important to keep your scheduled appointment and you should be on time as indicated above. The intake of a charge is normally completed within two (2) hours. If you should arrive 15 or more minutes late we may not be able to take the charge which would require a new appointment time. If you fail to keep your intake appointment, you must contact this agency within 30 days to re-schedule if you are still interested in pursuing your case. Otherwise, your case may be dismissed.

If you cannot keep your appointment, please call 24 hours in advance to cancel the appointment and arrange for re-scheduling. However, please be advised that re-scheduling your intake appointment will cause a delay in the filing of your charge, which could have a negative impact on your case. Therefore, re-scheduling should only be in case of absolute necessity or emergency. To re-schedule, call (412) 644-6438. The office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. If you call and receive voice mail tell us a time you will be available for a return telephone call.

Sincerely,

Lester J. Phillips

Lester J. Phillips
Investigator Support Assistant

PRESENT THIS LETTER WITH THE REQUESTED INFORMATION ON PAGE 1 TO THE RECEPTIONIST WHEN YOU ARRIVE.

OR

IF YOUR INTERVIEW IS OVER THE PHONE, MAIL THE REQUESTED INFORMATION ON PAGE 1 TO OUR OFFICE [10 DAYS] PRIOR TO YOUR APPOINTMENT.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

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Lester J. Phillips

Lester J. Phillips
Investigator Support Assistant

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IF YOUR INTERVIEW IS OVER THE PHONE, MAIL THE REQUESTED INFORMATION ON PAGE 1 TO OUR OFFICE [10 DAYS] PRIOR TO YOUR APPOINTMENT.

PERSONNEL POLICY

Officers: John R. Rosselli, President
Scott A. Renninger, Vice President

NON-DISCRIMINATION STATEMENT

R & R Optical, Inc. is an equal opportunity employer which complies with Federal and State Legislation pertaining to equal opportunity in all aspects of the employment process. Non-discrimination in employment on the basis of race, color, religion, national original, handicap, age, gender, or status as a disabled or Vietnam era veteran is affirmed.

CLASSIFICATION OF EMPLOYEES

Full-Time: includes those employees who are hired on a full-time basis (minimum average of 35 hours or more per work week).

Part-Time: includes those employees who are hired for less than 35 hours in an average work week.

WORKERS' COMPENSATION

All employees of R & R Optical, Inc. are covered against the hazards of occupational accidents and illness on the job through workers' compensation insurance in a manner and to the extent required by the State Workers' Compensation laws. The cost for such coverage is provided by the Company.

If an employee is injured while on duty, he/she should immediately report the injury to their Manager or the Officers. Failure to report an accident or injury could result in the loss of eligibility for Workers' Compensation Benefits.

PERSONNEL RECORDS

Employee personnel records will be maintained by the Officers as required by law and deemed essential for efficient operations. Employees are requested to promptly report any changes in status as listed below:

*Name
*Address
*Phone Number
*Marital Status
*Federal Income Tax Withholding Exemptions

Employee records are handled by the Officers and specified personnel as designated by them. No information on employees or employment status will be given to outside persons, agencies, or potential employers without prior consent of the employee. Employees and/or their representatives are able to review, at the main offices of the Company, their own personnel files if they make an appointment to do so.

CONCERNS / PROBLEMS

All employees are encouraged to discuss any concerns/problems which are pertinent to their employment with their immediate supervisor. If the situation cannot be resolved to the employees satisfaction, the Officers must be consulted.

WARNINGS / PROBATION

In cases of poor performance, misconduct of a minor nature or repeated minor mistakes/infractions by an employee, the following disciplinary measures shall be used by the immediate supervisor in this sequence.

1. Verbal Warning

A verbal notification from the immediate supervisor or other supervisor to an employee that certain behavior or work performance is unacceptable and subject to discipline. The immediate supervisor will retain written records of such verbal warnings.

2. Written Warning

A specific notification from the immediate supervisor to an employee that certain behavior and performance is unacceptable and subject to discipline. A copy of the written warning will be placed in the employee's personnel file. The warning will also be signed by the employee and any objection or comment of the employee will be noted. A written warning automatically places an employee on probationary status.

3. Probationary Status

A fixed period of time not to exceed ninety (90) days where specific standards and goals are established in writing by the Officers and supervisor. Performance is evaluated by the Officers and supervisor during and at the end of the probationary period, and failure to achieve satisfactory performance shall result in suspension or dismissal.

4. Suspension/Dismissal

In cases of suspension or dismissal, the employee is informed of the specific reasons and given an opportunity for a meeting with the Officers. The Officers may suspend or dismiss any employee.

MEDICAL BENEFITS

All full-time employees are eligible for group medical coverage under an Insurance Program provided by R & R Optical, Inc. The Company retains the right to implement a premium payment participation at any time.

Additional costs of couple or family coverage, if elected, will be the responsibility of the employee. These costs are available upon request.

For full-time employees, this coverage will begin upon completion of a 30 day probationary period of employment in a satisfactory manner.

Employees not eligible for this benefit may participate in the Insurance Program at their own cost.

Should an eligible employee elect not to participate, he/she will be required to sign a statement of waiver.

COBRA information will be forwarded to all eligible employees leaving the Company.

LIFE / LTD / AD&D BENEFITS

All full-time employees are eligible for group Life; Long Term Disability; and Accidental Death & Dismemberment coverage. Information will be provided to new employees following the 30 day probationary period.

DENTAL BENEFITS

All full-time employees will be reimbursed up to $100.00 per calendar year for out of pocket dental expenses. Receipts for dental expenses must be submitted to the main office in a timely manner for reimbursement.

PROFIT SHARING PLAN

R & R Optical, Inc. provides a Profit Sharing Plan for all long term full-time employees. Eligibility for participation requires 12 months of continuous service. At the beginning of each plan year (January) all employees who have met the eligibility requirement will receive Plan information.

HOLIDAYS

The following paid holidays are provided for all full-time employees:

New Year's Day	Labor Day
Memorial Day	Thanksgiving
Fourth of July	Christmas

Should a holiday occur during an employee's scheduled vacation, a compensation day will be granted, subject to schedule approval of the immediate supervisor.

Should a holiday occur on a day that a full-time employee is not scheduled to work, a compensation day will be granted, subject to scheduling approval of the immediate supervisor.

VACATIONS

For scheduling purposes, all employees must submit their requests for vacation dates for the current calendar year by April 1st. Following review and approval by the immediate supervisor, every effort will be made to satisfy each employee's requests, subject to consideration of adequate staffing for peak periods and general operation. The immediate supervisor reserves the right to alter vacation schedules throughout the year according to circumstances.

Vacation weeks are "Sunday to Sunday". Vacation days do not carry over from one calendar year to the next.

Full-time employees are eligible for vacation with pay according to the following schedule:

0 months - 6 months	None
6 months - 12 months	1 week
1 year - 5 years	2 weeks
6 years or more	3 weeks

Please note: *if you were previously employed by Wise Eyes, Inc., your original date of employment will determine vacation eligibility.*

Part-time employees are eligible for vacation with pay according to the following schedule:

0 months - 12 months	None
1 year - 5 years	1 week
6 years or more	2 weeks

Please note: *vacation pay for part-time employees will be based on the average number of hours worked per week during the six (6) months prior to any scheduled vacation.*

B. General Extended Leave of Absence

A general extended leave of absence lasting from a minimum of thirty-one (31) days to a maximum of ninety (90) days may be granted for the following reasons:

1. Personal: A general extended leave of absence may be granted for personal emergencies which make an employee's absence from work unavoidable.

2. Temporary Disability: A general leave of absence may be granted for purpose of temporary disability.

During a general extended leave of absence, the Company will discontinue the payment of premiums and other costs of benefits after the first thirty (30) days of the leave. Employees may assume responsibility for these payments in order to continue the benefits, subject to plan provisions.

Seniority and other conditions of employment will be frozen after the first thirty (30) days of the leave and will not accrue thereafter. The employee will not, however, lose the previously credited seniority and service as a result of the leave.

Leave of Absence Procedure

A. An application for a leave of absence of any type must be submitted which documents all essential information. This information is to include the type of leave requested, the reason for the leave, and the anticipated period which the employee expects to be on leave. Where possible, all requests should be submitted to the Officers a minimum of two (2) weeks prior to when the leave is to begin providing this notice is possible.

B. Leaves of absence may be extended providing that the employee submits a written request for such extension and, at the Officers discretion, the extension is justafiable.

C. All requests for reinstatement must be initiated by the employee a minimum of fifteen (15) days prior to the expiration of the leave.

D. Employees will forfeit their right to reinstatement following a leave of absence if other employment is accepted during this leave.

RESIGNATIONS

Employees are requested to submit their resignation in writing to the immediate supervisor with the effective date specified as at lease two (2) weeks from date of submission. All accrued vacation time to the date of termination will be paid.

LEAVES OF ABSENCE

Leaves of Absence with Pay

Funeral Leave: In the event of death in a full-time employee's family (father, mother, brother, sister, wife, husband, son, daughter, mother-in-law, father-in-law, significant other), the employee is granted three (3) days off with pay within a seven (7) consecutive day period.

Jury Duty: Full-time employees will be paid their regular pay for all scheduled work days or hours served on jury duty up to one (1) work week.

Leaves of Absence Without Pay

R & R Optical, Inc. will grant unpaid leaves of absence to full-time employees without loss of continuous service under the condtions outlined in the policy statement. Upon completion of an unpaid leave of absence, every reasonable attempt will be made to place the employee in a position comparable to that which he/she held previously and at no less than his/her previous rate of pay. This however, cannot be guaranteed since it is contingent upon the Company's personnel requirements during and at the completion of the employee's unpaid leave. All unpaid leaves of absence are granted at the Officers discretion.

There are two (2) types of unpaid leave for which an employee may apply. They are as follows:

A. General Short-Term Leave of Absence

A general short-term leave of absence lasting from one (1) to thirty (30) days may be granted for the following reasons:

1. Personal: A general short-term leave of absence may be granted for personal emergencies which make an employee's absence from work unavoidable.

2. Temporary Disability: A general short-term leave of absence may be granted for reasons of temporary disability (including pregnancy) and/or non-work related injury or illness provided that such leave is requested in writing at the time the employee becomes aware of the condition. Prior to the scheduled return to work date, an employee is required to obtain a physician's statement, re: release of treatment and employee's ability to return to work, prior to the scheduled return to work, prior to the scheduled return to work date.

During a general short-term leave of absence, the Company will continue to pay premiums and other costs of all benefits, and seniority and other conditions of employment will accrue as usual.

PERSONNEL POLICY

Officers: John R. Rosselli, President
Scott A. Renninger, Vice President

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If an employee is injured while on duty, he/she should immediately report the injury to their Manager or the Officers. Failure to report an accident or injury could result in the loss of eligibility for Workers' Compensation Benefits.

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3. Probationary Status

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4. Suspension/Dismissal

In cases of suspension or dismissal, the employee is informed of the specific reasons and given an opportunity for a meeting with the Officers. The Officers may suspend or dismiss any employee.

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PA 16830
(814) 765-8972 – Telephone
(814) 765-9893 - Fax

Please deliver the following pages to:

Name: **PATRICK J. MALLEY, INVESTIGATOR – FAX NO. (412) 644-2664**
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

From: JOHN R. RYAN, ESQUIRE

Re: **SWATSWORTH V. WISE EYES OPTICAL, #553-2007-01790 AND & TRIMPEY V. WISE EYES OPTICAL, #553-2007-01780**

Date: MARCH 7, 2008 Began:

CC: N/A

Total number of pages being transmitted, including this cover sheet: 11
We are transmitting from our HP Series 3100
Fax No. (814) 765-9893

IF YOU DO NOT RECEIVE ALL OF THE PAGES INDICATED, PLEASE CALL KRISTIN AS SOON AS POSSIBLE AT (814) 765-8972.

Additional Messages:

PLEASE NOTE: The information contained in this facsimile message is privileged and confidential and is intended only for the use of the individual(s) or entity named above who have been specifically authorized to receive it. If the reader is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return all pages to the address shown above. Thank You.

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN
KIM C. KESNER

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

March 7, 2008

Patrick J. Malley
Investigator
U.S. Equal Employment Opportunity Commission
Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187

RE: **Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND**
Trimpey v. Wise Eyes Optical, #533-2007-01780

Dear Mr. Malley:

I enclose some additional documentation from Wise Eyes consisting of the Personnel Policy and copies of the Sign Off Sheets for their store location in Burnham, Clearfield, Everett, Huntingdon, Philipsburg, and State College. There is also one for the Altoona store, which I do not have at this point.

I wanted to supply you with these documents to reinforce the fact that the Personnel Policy instituted by Ralph Hinson was a storewide policy and all employees signed off on it, including Karen Swatsworth and Elaine Trimpey.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

Enclosures

cc: John Rosselli, Wise Eyes Optical

SENT VIA FACSIMILE (412) 644-2664
AND REGULAR U.S. MAIL

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

MAR 07 2008

March 6, 2008

John R. Ryan
Belin, Kubista, & Ryan, LLP
P.O. Box 1
Clearfield, PA 16830

RE: Karen D. Swatsworth
Elaine C. Trimpey

Mr. Ryan,

Enclosed is a copy of the Personnel Policy and Policy Review Sign Off sheets for 2007. I have the originals for Wise Eyes in Burnham, Clearfield, Everett, Huntingdon, Philipsburg and State College. Ralph Hinson may have the original Sign Off sheet for Wise Eyes in Altoona.

Please do not hesitate to contact me if you have any questions or need additional information.

Debbie Cleeton
Office Manager
814-867-5045 (voice)
814-867-5044 (fax)

enclosures

R & R Optical
Personnel Policy

Training

Each employee shall be cross trained of all duties and responsibilities of each office including products, sales, dispensing and lab work. Office managers are responsible and accountable to ensure each employee is properly trained in these areas. If there is any need of additional training to any staff member, a request is recommended. All staff should feel that they have been adequately trained.

Service

It is the responsibility of all staff members to complete jobs and dispense eyewear in an efficient manner. Jobs should not be at a stand still. When jobs arrive, finish work is to be completed by ***all*** staff members available and completed in a timely manner. Specifications of all lenses must be checked upon arrival and verified for accuracy upon completion. Verifier ***must*** initial Rx card that the specifications are accurate.

One Hour/Same Day Service

One hour/same day service ***must*** be offered to all qualifying patients. Providing this service has always been what sets Wise Eyes apart from our competition. If we are not utilizing the resources that are given to us, it makes us no different than any one else. Managers are responsible and accountable for the organization of their lab to ensure this service can be performed.

It is not the sole responsibility of just one employee to complete certain tasks. All employees must participate in the above service requirements. This is key to providing exceptional customer service.

Schedules

Managers will be responsible for all scheduling of staff within their offices. Each manager is accountable for ensuring all full time employees are working 40 hours per week. Any shortage of hours in any week must be considered vacation time unless previously approved by upper management. All office managers must obtain upper management approval, all office employees must obtain approval from office manager. Any approved time off, including vacation time, must be recorded and kept with an employee file. Employee files will be maintained and kept up to date for each employee by the office manager.

We do understand the need for employees to occasionally need time off and we will do our best to accommodate each request; however, this is considered a privilege not a requirement. All appointment days must have adequate staff to provide personal service to every patient. Non appointment days are to be staffed minimally. Non appointment days should not be used as *make-up days* for any staff needing to make up hours. All employees are expected to be on time every day. Tardiness will result in disciplinary action.

Professionalism

A positive and professional attitude is expected at all times while at work or any time one is representing Wise Eyes. Patients should always have a professional, helpful and welcoming experience. All patients are to be greeted immediately upon their arrival. A patient should never witness personal conversations, loud voices or laughter from the staff, this is viewed as unprofessional. Cell phone usage is not permitted during scheduled working hours. Personal calls will be kept to a minimum.

Wise Eyes is committed to providing quality eyewear and exceptional service to every patient. Employee participation is expected and appreciated.

WISE EYES OPTICAL: BURNHAM, PA

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Patty Attiva 5-31-07
Name/Date

Linda Snook 5-31-07
Name/Date

Tara Boozel 6-1-07
Name/Date

_____
Name/Date

_____
Name/Date

_____
Name/Date

WISE EYES OPTICAL: CLEARFIELD, PA

WISE EYES
Where The Value Looks TWICE AS GOOD!

2007 Policy Review Sign Off

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2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Karen Swanson 5-31-07
Name/Date

Elaine Rumpey 5-31-07
Name/Date

Lisa Johnson 5/31/07
Name/Date

Kim Weir 6-1-07
Name/Date

_____
Name/Date

_____
Name/Date

WISE EYES OPTICAL: EVERETT, PA

WISE EYES
Where The Value Looks
TWICE AS GOOD!

2007 Policy Review Sign Off

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1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Ashley D Black 6/2/07
Name/Date

Sheena Cress 6/2/07
Name/Date

Nicole Miller 6/2/07
Name/Date

Name/Date

Name/Date

Name/Date

WISE EYES OPTICAL: HUNTINGDON, PA

WISE EYES
Where The Value Looks
TWICE AS GOOD!

2007 Policy Review Sign Off

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1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Name/Date 6/1/07

Name/Date 6-1-07

Name/Date 6-2-07

Name/Date

Name/Date

Name/Date

WISE EYES OPTICAL: PHILIPSBURG, PA

WISE EYES
Where The Value Looks
TWICE AS GOOD!

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Name/Date

Name/Date

Name/Date

Name/Date

Name/Date

Name/Date

WISE EYES OPTICAL: STATE COLLEGE, PA

Wise Eyes Optical
237 Northland Center
State College, PA 16803

Where The Value Looks TWICE AS GOOD!

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Sandy Diehl 5/31/07
Name/Date

Christina Lyn 6/1/07
Name/Date

Deanna Hensinger 6/2/07
Name/Date

_____
Name/Date

_____
Name/Date

_____
Name/Date

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN
KIM C. KESNER

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

March 6, 2008

Patrick J. Malley
Investigator
U.S. Equal Employment Opportunity Commission
Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187

RE: **Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND Trimpey v. Wise Eyes Optical, #533-2007-01780**

Dear Mr. Malley:

With regard to the above-referenced matters, enclosed please find the following:

1. R & R Optical, Inc.'s Personnel Policy;

2. Employee File for Karen D. Swatsworth; and

3. Employee File for Elaine G. Trimpey.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

Enclosures

cc: John Rosselli, Wise Eyes Optical

EEOC PHILADELPHIA, PA
AREA OFFICE
08 MAR -7 PM 12:38
RECEIVED

PERSONNEL POLICY

Officers: John R. Rosselli, President
Scott A. Renninger, Vice President

NON-DISCRIMINATION STATEMENT

R & R Optical, Inc. is an equal opportunity employer which complies with Federal and State Legislation pertaining to equal opportunity in all aspects of the employment process. Non-discrimination in employment on the basis of race, color, religion, national original, handicap, age, gender, or status as a disabled or Vietnam era veteran is affirmed.

CLASSIFICATION OF EMPLOYEES

Full-Time: includes those employees who are hired on a full-time basis (minimum average of 35 hours or more per work week).

Part-Time: includes those employees who are hired for less than 35 hours in an average work week.

WORKERS' COMPENSATION

All employees of R & R Optical, Inc. are covered against the hazards of occupational accidents and illness on the job through workers' compensation insurance in a manner and to the extent required by the State Workers' Compensation laws. The cost for such coverage is provided by the Company.

If an employee is injured while on duty, he/she should immediately report the injury to their Manager or the Officers. Failure to report an accident or injury could result in the loss of eligibility for Workers' Compensation Benefits.

PERSONNEL RECORDS

Employee personnel records will be maintained by the Officers as required by law and deemed essential for efficient operations. Employees are requested to promptly report any changes in status as listed below:

*Name
*Address
*Phone Number
*Marital Status
*Federal Income Tax Withholding Exemptions

Employee records are handled by the Officers and specified personnel as designated by them. No information on employees or employment status will be given to outside persons, agencies, or potential employers without prior consent of the employee. Employees and/or their representatives are able to review, at the main offices of the Company, their own personnel files if they make an appointment to do so.

CONCERNS / PROBLEMS

All employees are encouraged to discuss any concerns/problems which are pertinent to their employment with their immediate supervisor. If the situation cannot be resolved to the employees satisfaction, the Officers must be consulted.

WARNINGS / PROBATION

In cases of poor performance, misconduct of a minor nature or repeated minor mistakes/infractions by an employee, the following disciplinary measures shall be used by the immediate supervisor in this sequence.

1. Verbal Warning

A verbal notification from the immediate supervisor or other supervisor to an employee that certain behavior or work performance is unacceptable and subject to discipline. The immediate supervisor will retain written records of such verbal warnings.

2. Written Warning

A specific notification from the immediate supervisor to an employee that certain behavior and performance is unacceptable and subject to discipline. A copy of the written warning will be placed in the employee's personnel file. The warning will also be signed by the employee and any objection or comment of the employee will be noted. A written warning automatically places an employee on probationary status.

3. Probationary Status

A fixed period of time not to exceed ninety (90) days where specific standards and goals are established in writing by the Officers and supervisor. Performance is evaluated by the Officers and supervisor during and at the end of the probationary period, and failure to achieve satisfactory performance shall result in suspension or dismissal.

4. Suspension/Dismissal

In cases of suspension or dismissal, the employee is informed of the specific reasons and given an opportunity for a meeting with the Officers. The Officers may suspend or dismiss any employee.

RESIGNATIONS

Employees are requested to submit their resignation in writing to the immediate supervisor with the effective date specified as at lease two (2) weeks from date of submission. All accrued vacation time to the date of termination will be paid.

LEAVES OF ABSENCE

Leaves of Absence with Pay

Funeral Leave: In the event of death in a full-time employee's family (father, mother, brother, sister, wife, husband, son, daughter, mother-in-law, father-in-law, significant other), the employee is granted three (3) days off with pay within a seven (7) consecutive day period.

Jury Duty: Full-time employees will be paid their regular pay for all scheduled work days or hours served on jury duty up to one (1) work week.

Leaves of Absence Without Pay

R & R Optical, Inc. will grant unpaid leaves of absence to full-time employees without loss of continuous service under the condtions outlined in the policy statement. Upon completion of an unpaid leave of absence, every reasonable attempt will be made to place the employee in a position comparable to that which he/she held previously and at no less than his/her previous rate of pay. This however, cannot be guaranteed since it is contingent upon the Company's personnel requirements during and at the completion of the employee's unpaid leave. All unpaid leaves of absence are granted at the Officers discretion.

There are two (2) types of unpaid leave for which an employee may apply. They are as follows:

A. General Short-Term Leave of Absence

A general short-term leave of absence lasting from one (1) to thirty (30) days may be granted for the following reasons:

1. Personal: A general short-term leave of absence may be granted for personal emergencies which make an employee's absence from work unavoidable.

2. Temporary Disability: A general short-term leave of absence may be granted for reasons of temporary disability (including pregnancy) and/or non-work related injury or illness provided that such leave is requested in writing at the time the employee becomes aware of the condition. Prior to the scheduled return to work date, an employee is required to obtain a physician's statement, re: release of treatment and employee's ability to return to work, prior to the scheduled return to work. prior to the scheduled return to work date.

During a general short-term leave of absence, the Company will continue to pay premiums and other costs of all benefits, and seniority and other conditions of employment will accrue as usual.

B. General Extended Leave of Absence

A general extended leave of absence lasting from a minimum of thirty-one (31) days to a maximum of ninety (90) days may be granted for the following reasons:

1. Personal: A general extended leave of absence may be granted for personal emergencies which make an employee's absence from work unavoidable.

2. Temporary Disability: A general leave of absence may be granted for purpose of temporary disability.

During a general extended leave of absence, the Company will discontinue the payment of premiums and other costs of benefits after the first thirty (30) days of the leave. Employees may assume responsibility for these payments in order to continue the benefits, subject to plan provisions.

Seniority and other conditions of employment will be frozen after the first thirty (30) days of the leave and will not accrue thereafter. The employee will not, however, lose the previously credited seniority and service as a result of the leave.

Leave of Absence Procedure

A. An application for a leave of absence of any type must be submitted which documents all essential information. This information is to include the type of leave requested, the reason for the leave, and the anticipated period which the employee expects to be on leave. Where possible, all requests should be submitted to the Officers a minimum of two (2) weeks prior to when the leave is to begin providing this notice is possible.

B. Leaves of absence may be extended providing that the employee submits a written request for such extension and, at the Officers discretion, the extension is justafiable.

C. All requests for reinstatement must be initiated by the employee a minimum of fifteen (15) days prior to the expiration of the leave.

D. Employees will forfeit their right to reinstatement following a leave of absence if other employment is accepted during this leave.

EEOC FORM 131 (5/01)

U.S. Equal Employment Opportunity Commission

CHIEF EXECUTIVE OFFICER
WISE EYES OPTICAL CENTERS
P.O. Box 10077
State College, PA 16805

PERSON FILING CHARGE

Elaine G. Trimpey

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01780

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [X] No action is required by you at this time.
2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.
3. [ ] Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. [ ] Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. [ ] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Lester J. Phillips,
Investigator Support Asst

EEOC Representative

Telephone **(412) 644-6438**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [ ] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

ISSUES: Discharge

DATE(S) (on or about): EARLIEST: 08-20-2007 LATEST: 08-20-2007

Date	Name / Title of Authorized Official	Signature
September 12, 2007	**Joseph M. Hardiman, III,** **Area Office Director**	Joseph M. Hardiman III

INFORMATION ON CHARGES OF DISCRIMINATION

EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), .4(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record retention periods – generally, three years for basic payroll records and one year for personnel records. Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

Section 1602.14 Preservation of records made or kept. . . . . Where a charge ... has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent ... shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term *personnel records relevant to the charge*, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against any individual, or for a union to discriminate against its members or applicants for membership, because they have opposed any practice made an unlawful employment practice by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the statutes. The Equal Pay Act contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone because they have exercised or enjoyed, or aided or encouraged others in their exercise or enjoyment, of rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's name, address and phone number, and ask your attorney to write us confirming such representation.

CLEARFIELD BANK
&
TRUST COMPANY

MAIN OFFICE 11 N. Second Street PO Box 171 Clearfield, PA 16830 T (814) 765-7551 F (814) 765-2943

February 20, 2008

Deborah L. Cleeton
Plan Administrator
R & R Optical, Inc.
P. O. Box 10077
State College, PA 16805

IN RE: R & R Optical, Inc. Profit Sharing Plan

Dear Ms. Cleeton:

Today we have forwarded the checks directly to the following employees from the R & R Optical, Inc. Profit Sharing Plan handled through our Trust Department:

[redacted]

[redacted]

Elaine G. Trimpey $2,318.72 CNB Bank FBO Elaine G. Trimpey

Thank you for the opportunity to be of service. Should you have any questions or concerns, please feel free to call.

Sincerely,

Vicki J. Myers

Vicki J. Myers
Assistant Vice President/Trust Officer

R & R OPTICAL, INC.
PROFIT SHARING PLAN
BENEFIT ELECTION FORM

PARTICIPANT: Elaine G. Trimpey

LUMP SUM/ROLLOVER ELECTION

As a participant in the R & R OPTICAL, INC. PROFIT SHARING PLAN, after reading the Description of Tax and Withholding Requirements I elect the following:

☐ Lump Sum Payment, less 20% mandatory withholding, with the check issued to me.

or

XXX Rollover my total Lump Sum Payment and transfer it to:

XX IRA - issue the check to:
Name of IRA Custodian (Bank, Insurance Company, etc): CNB Bank

or

☐ Retirement Plan - issue the check to:
Name of Plan Trustee: _____

Elaine G. Trimpey — Participant's Signature
169-36-2186 — Social Security Number
01/24/2008 — Date

• • • •

R & R OPTICAL, INC.
PROFIT SHARING PLAN
SPOUSE'S CONSENT FORM

PARTICIPANT: Elaine G. Trimpey

SPOUSE'S CONSENT

I hereby approve of, and consent to, the payment option elected by my spouse on their Benefit Election Form. I understand that benefits in excess of $1,000 must be paid in the form of a joint and 50% survivor annuity unless I consent to a different form of payment as chosen by my spouse on their Benefit Election Form.

Frederick H Trimpey — 01/24/2008
Spouse's Signature — Date

Signed and Sworn before me this 24 day of January, 20 08.

Commonwealth of Pennsylvania

Diane K Shadeck
Notary Public's Signature

NOTARIAL SEAL
DIANE K. SHADECK, Notary Public
Karthaus Twp., Clearfield County
My Commission Expires July 15, 2010

• • • •

IRA QRP

DIRECT ROLLOVER REQUEST

The term IRA will be used below to mean Traditional IRA and Roth IRA, unless otherwise specified.

RECIPIENT'S NAME AND ADDRESS	EMPLOYER'S NAME AND ADDRESS
Elaine G Trimpey 1881 Keewaydin Rd Frenchville PA 16836-9218	

Recipient's Social Security Number	Recipient's Date of Birth	Recipient's Home Phone
169-36-2186	09/29/1946	(814) 263-4696

Plan Name	Phone Number

Plan Participant's Name	Plan Participant's Social Security Number
Elaine G Trimpey	169-36-2186

DIRECT ROLLOVER INSTRUCTIONS

Directly roll over ☒ all or ☐ part of my plan balance to my IRA, Qualified Retirement Plan, 403(b) Plan, or 457(b) Plan in the manner listed below. Please make a check payable as follows. **NOTE:** *Complete any of the following applicable options. If more than one option is selected, separate checks may have to be issued.*

OPTION ONE — **Traditional IRA**

CNB Bank
(Name of Accepting Organization)

as ☐ Trustee ☒ Custodian of the

Elaine G Trimpey IRA.
(Name of IRA Holder)

CAUTION: *Do not place the assets in a SIMPLE IRA or Coverdell Education Savings Account. Roth elective deferrals may not be rolled over to a Traditional IRA.*

OPTION TWO — **Roth IRA**

(Name of Accepting Organization)

as ☐ Trustee ☐ Custodian of the

Roth IRA.
(Name of Roth IRA Holder)

CAUTION: *Only Roth elective deferrals made to a 401(k) or 403(b) plan and the earnings attributable to them may be rolled over to a Roth IRA. These assets may not be rolled to a Traditional IRA.*

OPTION THREE — **Inherited Traditional or Roth IRA**

(Name of Accepting Organization)

as ☐ Trustee ☐ Custodian of the inherited ☐ Traditional IRA ☐ Roth IRA FBO, as beneficiary of
(Name of Inherited IRA Owner)

(Name of Original Plan Participant)

CAUTION: *Only Roth elective deferrals made to a 401(k) or 403(b) plan and the earnings attributable to them may be rolled over to an inherited Roth IRA. These assets may not be rolled to an inherited Traditional IRA.*

OPTION FOUR — **Qualified Retirement Plan, 403(b) Plan, or 457(b) Plan**

(Name of Accepting Organization)

as ☐ Trustee ☐ Custodian of the

FBO.
(Name of Plan)

(Name of Individual)

CAUTION: *Roth elective deferrals made to a 401(k) or 403(b) plan may only be rolled over to a similar type plan (i.e., 401(k) to 401(k)).*

ASSET HANDLING INSTRUCTIONS

Asset Description	Quantity Or Amount In Plan	Quantity Or Amount To Be Rolled	Liquidate Immediately	Directly Roll Over In Kind
1.			☐	☐
2.			☐	☐
3.			☐	☐
4.			☐	☐

REQUIRED MINIMUM DISTRIBUTION RESTRICTION

If this rollover is being made during or after the first year for which you must take a required minimum distribution, you may not roll over any distribution which would constitute a required minimum distribution from the distributing plan. **NOTE:** *Please check with your plan administrator for more information.*

SIGNATURE

I have read and understand the IRC Sec. 402(f) Notice provided to me by the Plan Administrator. I understand the rules and conditions applicable to direct rollovers and certify that I have met the requirements for making a direct rollover of the funds or property listed above. Due to the important tax consequences of rolling over funds or property to an IRA or other qualified plan, I have been advised to see a tax professional.

I hereby request payment from the plan designated above in the form of a direct rollover. I assume full responsibility for this direct rollover transaction and will not hold the Plan Administrator, Trustee or Custodian of either the distributing or receiving plans liable for any adverse consequences that may result.

I hereby irrevocably designate this contribution of the funds and/or property indicated above as a direct rollover contribution.

Elaine G Trimpey — 1-24-08
(Individual) (Date)

(Notary Public/Signature Guarantee) (Date)

ACCEPTING TRUSTEE OR CUSTODIAN

The plan designated by the above-named individual is a valid IRA, qualified retirement plan (as described in IRC Sec. 401(a)), a tax-sheltered plan (as described in IRC Sec. 403(b)), or deferred compensation plan as described in IRC Sec. 457(b). The undersigned hereby agrees to serve as the Trustee, Custodian or Plan Administrator for the account of the above-named individual and, in that capacity, agrees to accept the direct rollover of the assets listed above.

Account Identification of Accepting IRA or Plan 169362186R1

CNB Bank
1 South Second St
Clearfield PA 16830-0042

Diane K. Hancock — 1-24-08
(Authorized Signature of New Trustee, Custodian or Plan Administrator) (Date)

©2007 BISYS Retirement Services

SUBSCRIBER APPLICATION CHANGE FORM

GEISINGER HEALTH OPTIONS®
M.C. 30-26
100 N. Academy Avenue
Danville, PA 17822

Effective Date of Change 10/01/07

SUBSCRIBER

105985	0001	100204332
GROUP NUMBER	DIVISION NUMBER	INSURANCE I.D. NUMBER

Trimpey	Elaine	G
LEGAL NAME (LAST)	(FIRST)	(M.I.)

1881 Keewaydin Rd.		
ADDRESS (NUMBER)	(STREET)	(APT. NO.)

Frenchville	PA	16836
CITY	STATE	ZIP CODE

Clearfield
COUNTY

169-36-2186
SOCIAL SECURITY NUMBER

CHANGES:

Check which change(s) apply:

- ☐ Adding Dependent(s)
- ☐ Name Change

_____
(Previous last name)

- ☐ Address Change
- ☐ New Home Telephone Number
  (_____)_____
- ☐ Changing Primary Care Physician (PCP)

Reason for PCP Change:
(check one)

- ☐ Medical care dissatisfaction
- ☐ Access dissatisfaction
- ☐ Provider service dissatisfaction
- ☐ Failure to establish relationship
- ☐ PCP leaves the Health Plan
- ☐ PCP moves
- ☐ Error in PCP selection
- ☐ Convenience

DISENROLLMENT

Check which reason may apply

☒ **SUBSCRIBER** OR ☐ **DEPENDENT**

- ☒ Termination of employment (TE)
- ☐ Lay off (LO)
- ☐ Leave of absence (LA)
- ☐ Reduction in work hours (RH)
- ☐ Retired (RT)
- ☐ Moved out of service area (OA)
- ☐ Deceased (DD)
  (Date of Death)___/___/___
- ☐ Personal preference (PP)
- ☐ Dissatisfaction with Plan (DI)
- ☐ Non payment of premium
- ☐ Selected other insurance (SO)
  - ☐ Open enrollment ___/___/___ (OE)
- ☐ Loss of dependent status (LS)

SUBSCRIBER AND DEPENDENT CHANGES (PLEASE PRINT OR TYPE)

CHECK ONE		LEGAL NAME				BIRTHDATE			RELATION-SHIP TO SUBSCRIBER	CHECK REASON (NOTE DATE)			SOCIAL SECURITY NUMBER	MEDICAL RECORD NUMBER	PCP NAME/ LOCATION (TOWN)
ADD	RE-MOVE	LAST	FIRST	MAIDEN NAME	M.I.	MO.	DAY	YR.		DATE OF MAR-RIAGE	DATE OF DIVORCE	OTHER CHANGE OF STATUS			
	X	Trimpey	Elaine		G	09	29	46	Self			TE	169-36-2186		
	X	Trimpey	Frederick		G	06	07	44	Spouse				180-34-8787		

I HEREBY apply for amendment of my subscriber application.
IT is mutually agreed as follows: That these changes shall not become effective unless and until accepted by my employer. That this application for change in coverage will become a part of my original application and if accepted will be subject to the terms of my Employer's Health Benefit Plan.
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

SUBSCRIBER SIGNATURE — DATE SIGNED

GROUP BENEFITS ADMINISTRATOR / GROUP NAME — 10/19/07 DATE SIGNED

M-150-537-F Rev. 3/03js

WHITE - GEISINGER HEALTH OPTIONS YELLOW - EMPLOYER

ELECTION OF CONTINUATION OF COVERAGE UNDER COBRA REGULATIONS

SECTION 1. TO THE EMPLOYER — Please complete Section 1.

Employee Name:	Agreement Number:	Date of Qualifying Event:
Elaine G. Trimpey	100204332	08/18/2007
Group Name: R & R Optical	**Group Number:** 105985	**Date You Sent Notice of Cobra Rights:** 08/20/2007

Group Address:	Group Phone Number:
P.O. Box 10077 State College, PA 16805-0077	814-867-5045
Premium Payment (Subject to Change): $844.33 per month	**Authorized Group Signature:**

Identify the Qualifying Event:

A. Qualified employees and/or dependents may continue coverage for up to 18 months if:
- ☒ The employee's employment terminated for reasons other than gross misconduct.
- ☐ The employee's working hours decreased so that coverage is no longer available.

No Response 10/17/07

B. Qualified employees may continue coverage for up to 29 months if:
- ☐ The employee is deemed disabled by the Social Security Administration.
  Date of Onset of Disability: ____/____/____

C. Qualified dependents may continue coverage for up to 36 months if:
- ☐ The dependent no longer meets the eligiblity requirements for a dependent.
- ☐ The dependent is divorced or legally separated from the employee.
- ☐ The employee is deceased.
- ☐ The employee is eligible for Medicare.

SECTION 2. TO THE QUALIFIED EMPLOYEE OR DEPENDENT — Please complete Section 2.
NOTE: Each qualified beneficiary, age 18 or older, may make a separate election.

	Name	Social Security Number	Birth Date
Employee			
For Disabled Employees Only — Expected Date of Medicare Benefits: ____/____/____			
Spouse			
Dependent Child			
Dependent Child			
Dependent Child			
Dependent Child			

Person To Be Billed —
Name: _____
Address: _____
_____

Coverage Being Continued:
(Check one.)
- ☐ Core Coverage Only
- ☐ Core and Non-Core Coverage
- ☐ None

Signature of Qualified Employee or Dependent Making Election: _____ Date: _____

To apply for continued coverage, send the completed election form and your first premium payment to the Employer/Group at the address shown above. You are responsible to pay all premiums. If you do not pay premiums when they are due, your coverage will terminate. Make checks payable to WISE EYES .

Notice of Cancellation

1. Group Name				2. Group Number
R & R Optical, Inc.				20798/00002
3. Employee's Name	Last	First	Middle Initial	4. SSN#
	Trimpey	Elaine	G	169-26-1186

5. Employment Termination Date (Date last worked) 08 / 18 / 1007
Mo. Day Yr.

The Employee named above is no longer employed as of the date indicated. We request that the insurance of this Employee be discontinued.

Any conversion and/or continuation rights that may be applicable have been explained to this terminated employee.

Date 08/20/2007 Employer Signature

EDUCATORS MUTUAL LIFE INSURANCE COMPANY
202 N. Prince Street, P.O. Box 83149
Lancaster, PA 17608-3149
Phone: (717) 397-2751 or (800) 233-0307

U204.2

(3414)10/95

R & R OPTICAL, INC.
PAYROLL JOURNAL
01/01/2007 TO 12/31/2007

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/06/07	00012438	80.00	ELAINE G. TRIMPEY		880.00
			148.38	106.89	624.73
01/20/07	00012471	80.00	ELAINE G. TRIMPEY		895.00
			151.66	106.89	636.45
02/03/07	00012505	80.00	ELAINE G. TRIMPEY		850.00
			141.83	106.89	601.28
02/17/07	00012539	80.00	ELAINE G. TRIMPEY		955.00
			164.74	106.89	683.37
03/03/07	00012574	80.00	ELAINE G. TRIMPEY		945.00
			162.55	106.89	675.56
03/17/07	00012608	80.00	ELAINE G. TRIMPEY		920.00
			157.10	104.89	658.01
03/31/07	00012641	80.00	ELAINE G. TRIMPEY		850.00
			141.83	104.89	603.28
04/14/07	00012675	80.00	ELAINE G. TRIMPEY		970.00
			168.00	104.89	697.11
04/28/07	00012715	80.00	ELAINE G. TRIMPEY		850.00
			141.83	104.89	603.28
05/12/07	00012749	80.00	ELAINE G. TRIMPEY		955.00
			164.74	104.89	685.37
05/26/07	00012784	80.00	ELAINE G. TRIMPEY		870.00
			146.19	104.89	618.92
06/09/07	00012818	80.00	ELAINE G. TRIMPEY		925.00
			158.19	104.89	661.92
06/23/07	00012856	80.00	ELAINE G. TRIMPEY		925.00
			158.19	104.89	661.92
07/07/07	00012893	80.00	ELAINE G. TRIMPEY		865.00
			145.11	104.89	615.00
07/21/07	00012938	80.00	ELAINE G. TRIMPEY		850.00
			141.83	104.89	603.28
08/04/07	00012980	80.00	ELAINE G. TRIMPEY		885.00
			149.47	104.89	630.64
08/18/07	00013017	80.00	ELAINE G. TRIMPEY		925.00
			158.19	104.89	661.92
09/01/07	00013054	80.00	ELAINE G. TRIMPEY		800.00
			130.93	104.89	564.18
TOTALS:			2,720.76	1,898.02	16,115.00
					11,486.22

01/10/2007

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2006 TO 12/31/2006

04:55:36 PM

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/07/06	00011521	80.00	ELAINE G. TRIMPEY		855.00
			149.72	75.56	629.72
01/21/06	00011555	80.00	ELAINE G. TRIMPEY		935.00
			167.17	75.56	692.27
02/04/06	00011588	80.00	ELAINE G. TRIMPEY		900.00
			159.53	75.56	664.91
02/18/06	00011632	80.00	ELAINE G. TRIMPEY		850.00
			148.64	75.56	625.80
03/04/06	00011665	80.00	ELAINE G. TRIMPEY		925.00
			164.99	75.56	684.45
03/18/06	00011697	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
04/01/06	00011732	80.00	ELAINE G. TRIMPEY		885.00
			156.27	73.56	655.17
04/15/06	00011770	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
04/29/06	00011806	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
05/13/06	00011841	80.00	ELAINE G. TRIMPEY		935.00
			167.17	73.56	694.27
05/27/06	00011878	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
06/10/06	00011913	80.00	ELAINE G. TRIMPEY		930.00
			166.08	73.56	690.36
06/24/06	00011950	80.00	ELAINE G. TRIMPEY		890.00
			157.35	73.56	659.09
07/08/06	00011986	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
07/22/06	00012027	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
08/05/06	00012061	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
08/19/06	00012095	80.00	ELAINE G. TRIMPEY		965.00
			174.26	73.56	717.18
09/02/06	00012129	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
09/16/06	00012163	80.00	ELAINE G. TRIMPEY		875.00
			154.08	73.56	647.36
09/30/06	00012197	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
10/14/06	00012231	80.00	ELAINE G. TRIMPEY		890.00
			150.55	104.89	634.56
10/28/06	00012271	80.00	ELAINE G. TRIMPEY		905.00
			153.82	104.89	646.29
11/11/06	00012305	80.00	ELAINE G. TRIMPEY		895.00
			151.66	104.89	638.45
11/25/06	00012339	80.00	ELAINE G. TRIMPEY		880.00
			148.38	104.89	626.73
12/09/06	00012372	80.00	ELAINE G. TRIMPEY		895.00
			151.66	104.89	638.45
12/23/06	00012405	80.00	ELAINE G. TRIMPEY		910.00
			154.92	104.89	650.19
					23,315.00

PAYROLL JOURNAL
01/01/2005 TO 12/31/2005

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/08/05	00010544	80.00	ELAINE G. TRIMPEY		815.00
			140.52	77.75	596.73
01/22/05	00010580	80.00	ELAINE G. TRIMPEY		840.00
			145.98	77.75	616.27
02/05/05	00010623	80.00	ELAINE G. TRIMPEY		835.00
			144.89	77.75	612.36
02/19/05	00010659	80.00	ELAINE G. TRIMPEY		845.00
			147.07	77.75	620.18
03/05/05	00010696	80.00	ELAINE G. TRIMPEY		835.00
			144.89	77.75	612.36
03/19/05	00010732	80.00	ELAINE G. TRIMPEY		845.00
			147.07	77.75	620.18
04/02/05	00010769	80.00	ELAINE G. TRIMPEY		845.00
			147.07	77.75	620.18
04/16/05	00010812	80.00	ELAINE G. TRIMPEY		885.00
			155.79	77.75	651.46
04/30/05	00010850	80.00	ELAINE G. TRIMPEY		860.00
			150.34	77.75	631.91
05/14/05	00010888	80.00	ELAINE G. TRIMPEY		890.00
			156.89	77.75	655.36
05/28/05	00010926	80.00	ELAINE G. TRIMPEY		815.00
			140.52	77.75	596.73
06/11/05	00010964	80.00	ELAINE G. TRIMPEY		825.00
			142.70	77.75	604.55
06/25/05	00011001	80.00	ELAINE G. TRIMPEY		800.00
			137.25	77.75	585.00
07/09/05	00011038	80.00	ELAINE G. TRIMPEY		850.00
			148.17	77.75	624.08
07/23/05	00011075	80.00	ELAINE G. TRIMPEY		845.00
			147.07	77.75	620.18
08/06/05	00011118	80.00	ELAINE G. TRIMPEY		865.00
			151.43	77.75	635.82
08/20/05	00011152	80.00	ELAINE G. TRIMPEY		820.00
			141.62	77.75	600.63
09/03/05	00011185	80.00	ELAINE G. TRIMPEY		870.00
			152.52	77.75	639.73
09/17/05	00011218	80.00	ELAINE G. TRIMPEY		860.00
			150.34	77.75	631.91
10/01/05	00011253	80.00	ELAINE G. TRIMPEY		865.00
			151.43	77.75	635.82
10/15/05	00011290	80.00	ELAINE G. TRIMPEY		880.00
			155.17	75.56	649.27
10/29/05	00011331	80.00	ELAINE G. TRIMPEY		895.00
			158.45	75.56	660.99
11/12/05	00011365	80.00	ELAINE G. TRIMPEY		940.00
			168.26	75.56	696.18
11/26/05	00011398	80.00	ELAINE G. TRIMPEY		910.00
			161.72	75.56	672.72
12/10/05	00011436	64.00	ELAINE G. TRIMPEY		640.00
			118.82	0.00	521.18
12/10/05	00011437	0.00	ELAINE G. TRIMPEY		1,000.00
			203.87	0.00	796.13
12/10/05	00011438	80.00	ELAINE G. TRIMPEY		940.00
			168.26	75.56	696.18

Selectus
Direct Access PPO

GROUP SUBSCRIBER APPLICATION

M.C. 30-26
100 North Academy Avenue
Danville, PA 17822

GROUP NUMBER	DIVISION NUMBER	INSURANCE ID NUMBER	EFFECTIVE DATE	SALES REP

GENERAL INFORMATION (Please Print or Type)

APPLICANT

LEGAL NAME (LAST)	(MAIDEN NAME)	(FIRST)	(M.I.)	
[illegible]		Elaine	G	☐ FEMALE ☐ MALE

ADDRESS (NUMBER) (STREET)	(APT. NO.)	CITY	STATE	ZIP CODE	COUNTY	PHONE NUMBER
1681 Keewaydin Rd.		Frenchville	PA	16836	Clearfield	814-263-4604

SOCIAL SECURITY NUMBER	DATE OF BIRTH (MONTH / DAY / YEAR)	MARITAL STATUS
[illegible] 36 2186	09 / 29 / 1946	☒ MARRIED ☐ SINGLE ☐ DIVORCED/SEPARATED ☐ WIDOWED

EMPLOYER (NAME, CITY, AND PHONE NUMBER)	DATE OF EMPLOYMENT	MEDICAL RECORD NUMBER (if any)
[illegible] Optical Inc	01/14/1988	

WHILE ENROLLED IN SELECTUS DIRECT ACCESS PPO, WILL YOU OR YOUR SPOUSE, IF LISTED ON THIS FORM, ALSO BE COVERED BY:

☐ MEDICARE	YOUR MEDICARE NUMBER	PART A	PART B	SPOUSE'S MEDICARE NUMBER	PART A	PART B	
☐ OTHER HEALTH INSURANCE	NAME OF INSURANCE CO.	SUBSCRIBER NAME			☐ FAMILY PLAN	☐ SELF ONLY	
	EFFECTIVE DATE OF COVERAGE	I.D. OR SOCIAL SECURITY NO.	GROUP NAME (EMPLOYER)		GROUP NUMBER		

DEPENDENT

LEGAL NAME — FIRST	M.I.	LAST (LIST LAST NAME IF DIFFERENT FROM APPLICANT) / MAIDEN NAME	SOCIAL SECURITY NO.	RELATIONSHIP	DATE OF BIRTH	MEDICAL RECORD NUMBER (if any)
Frederick	G		180-34-8787	☒ HUSBAND ☐ WIFE	06 07 44	
		MAIDEN NAME				
FIRST	M.I.	LAST		☐ (STEP) ☐ SON ☐ DAUGHTER		
FIRST	M.I.	LAST		☐ (STEP) ☐ SON ☐ DAUGHTER		
FIRST	M.I.	LAST		☐ (STEP) ☐ SON ☐ DAUGHTER		
FIRST	M.I.	LAST		☐ (STEP) ☐ SON ☐ DAUGHTER		

I hereby apply to Selectus Direct Access PPO for the coverage now being offered for myself and the dependent(s), if any, as shown above. I understand that this application is subject to acceptance by Selectus Direct Access PPO, and that if a Subscription Certificate is issued, services will be available subject to the exclusions, limitations and other conditions of the Subscription Certificate and/or Rider(s), if applicable. In the event it is determined that one (1) or more of my dependent(s) is/are ineligible for enrollment in Selectus Direct Access PPO pursuant to the Subscription Certificate, I authorize Selectus Direct Access PPO to process this application, omitting the names of such ineligible dependent(s). I further understand that rates for the Subscription Certificate and/or Rider(s), if applicable, issued to me are subject to change by Selectus Direct Access PPO, in accordance with terms of the agreement with my employer, and upon thirty (30) days prior notice to my employer acting on my behalf. I authorize my employer to make periodic deductions from my salary or wages of the amount, if any, I am required to contribute toward the rates for the coverage provided under my Subscription Certificate and/or Rider(s).

The information recorded above is true and correct to the best of my knowledge and belief. I understand that the misrepresentation of any material fact by me on this application could constitute grounds for the cancellation of any Subscription Certificate and/or Rider(s), if applicable, issued by Selectus Direct Access PPO in consideration of this application.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalities.

Elaine S. Kenyon — Signature of Applicant
9-10-05 — Date Signed
[illegible] — Signature of Employer
[illegible] — Date Signed

PLEASE NOTE: If any of your dependent(s) do not live at the above address, please indicate name(s), current address(es) and reason(s) why your dependent(s) do not live at the above address. If your dependent(s) live with a custodial parent, please provide name of custodial parent.

White - Selectus Direct Access PPO *Yellow - Employer* *Pink - Applicant*

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2004 TO 12/31/2004

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/10/04	00009538	80.00	ELAINE G. TRIMPEY		810.00
			138.14	81.70	590.16
01/24/04	00009577	80.00	ELAINE G. TRIMPEY		840.00
			144.69	81.70	613.61
02/07/04	00009622	80.00	ELAINE G. TRIMPEY		830.00
			142.50	81.70	605.80
02/21/04	00009661	80.00	ELAINE G. TRIMPEY		830.00
			142.50	81.70	605.80
03/06/04	00009700	80.00	ELAINE G. TRIMPEY		840.00
			144.69	81.70	613.61
03/20/04	00009739	80.00	ELAINE G. TRIMPEY		885.00
			154.50	81.70	648.80
04/03/04	00009778	80.00	ELAINE G. TRIMPEY		870.00
			151.22	81.70	637.08
04/17/04	00009817	80.00	ELAINE G. TRIMPEY		855.00
			147.95	81.70	625.35
05/01/04	00009862	80.00	ELAINE G. TRIMPEY		840.00
			144.69	81.70	613.61
05/15/04	00009901	80.00	ELAINE G. TRIMPEY		835.00
			143.59	81.70	609.71
05/29/04	00009939	80.00	ELAINE G. TRIMPEY		835.00
			143.59	81.70	609.71
06/12/04	00009977	80.00	ELAINE G. TRIMPEY		835.00
			143.59	81.70	609.71
06/26/04	00010014	80.00	ELAINE G. TRIMPEY		825.00
			141.41	81.70	601.89
07/10/04	00010052	80.00	ELAINE G. TRIMPEY		815.00
			139.22	81.70	594.08
07/24/04	00010090	80.00	ELAINE G. TRIMPEY		810.00
			138.14	81.70	590.16
08/07/04	00010134	80.00	ELAINE G. TRIMPEY		855.00
			147.95	81.70	625.35
08/21/04	00010172	80.00	ELAINE G. TRIMPEY		875.00
			152.31	81.70	640.99
09/04/04	00010210	80.00	ELAINE G. TRIMPEY		860.00
			149.04	81.70	629.26
09/18/04	00010248	80.00	ELAINE G. TRIMPEY		830.00
			142.50	81.70	605.80
10/02/04	00010286	80.00	ELAINE G. TRIMPEY		835.00
			144.89	75.75	614.36
10/16/04	00010328	80.00	ELAINE G. TRIMPEY		820.00
			141.62	75.75	602.63
10/30/04	00010365	80.00	ELAINE G. TRIMPEY		835.00
			144.89	75.75	614.36
11/13/04	00010402	80.00	ELAINE G. TRIMPEY		845.00
			147.07	75.75	622.18
11/27/04	00010437	80.00	ELAINE G. TRIMPEY		810.00
			139.44	75.75	594.81
12/11/04	00010473	80.00	ELAINE G. TRIMPEY		830.00
			143.81	75.75	610.44
12/25/04	00010508	80.00	ELAINE G. TRIMPEY		840.00
			145.98	75.75	618.27
					21,790.00

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2003 TO 12/31/2003

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/11/03	00008504	80.00	ELAINE G. TRIMPEY		845.00
			173.38	70.54	601.08
01/25/03	00008542	80.00	ELAINE G. TRIMPEY		835.00
			170.74	70.54	593.72
02/08/03	00008581	80.00	ELAINE G. TRIMPEY		825.00
			168.09	70.54	586.37
02/22/03	00008621	80.00	ELAINE G. TRIMPEY		820.00
			166.76	70.54	582.70
03/08/03	00008660	80.00	ELAINE G. TRIMPEY		850.00
			174.71	70.54	604.75
03/22/03	00008701	80.00	ELAINE G. TRIMPEY		860.00
			177.35	70.54	612.11
04/05/03	00008742	80.00	ELAINE G. TRIMPEY		880.00
			182.65	70.54	626.81
04/19/03	00008788	80.00	ELAINE G. TRIMPEY		875.00
			181.33	70.54	623.13
05/03/03	00008828	80.00	ELAINE G. TRIMPEY		830.00
			150.75	70.54	608.71
05/17/03	00008874	80.00	ELAINE G. TRIMPEY		840.00
			153.40	70.54	616.06
05/31/03	00008916	80.00	ELAINE G. TRIMPEY		820.00
			148.10	70.54	601.36
06/14/03	00008956	80.00	ELAINE G. TRIMPEY		830.00
			150.75	70.54	608.71
06/28/03	00008996	80.00	ELAINE G. TRIMPEY		810.00
			145.45	70.54	594.01
07/12/03	00009034	80.00	ELAINE G. TRIMPEY		815.00
			139.07	70.54	605.39
07/26/03	00009077	80.00	ELAINE G. TRIMPEY		845.00
			145.52	70.54	628.94
08/09/03	00009114	80.00	ELAINE G. TRIMPEY		850.00
			146.59	70.54	632.87
08/23/03	00009152	80.00	ELAINE G. TRIMPEY		840.00
			144.45	70.54	625.01
09/06/03	00009189	80.00	ELAINE G. TRIMPEY		855.00
			147.66	70.54	636.80
09/20/03	00009227	80.00	ELAINE G. TRIMPEY		825.00
			141.23	70.54	613.23
10/04/03	00009265	80.00	ELAINE G. TRIMPEY		815.00
			136.67	81.70	596.63
10/18/03	00009303	80.00	ELAINE G. TRIMPEY		860.00
			146.34	81.70	631.96
11/01/03	00009347	80.00	ELAINE G. TRIMPEY		825.00
			138.83	81.70	604.47
11/15/03	00009386	80.00	ELAINE G. TRIMPEY		820.00
			137.75	81.70	600.55
11/29/03	00009424	80.00	ELAINE G. TRIMPEY		800.00
			133.46	81.70	584.84
12/13/03	00009462	80.00	ELAINE G. TRIMPEY		835.00
			140.97	81.70	612.33
12/27/03	00009500	80.00	ELAINE G. TRIMPEY		820.00
			137.75	81.70	600.55
					21,725.00

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2002 TO 12/31/2002

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/12/02	00007463	80.00	ELAINE G. TRIMPEY		810.00
			163.96	37.66	608.38
01/26/02	00007499	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
02/09/02	00007535	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
02/23/02	00007572	80.00	ELAINE G. TRIMPEY		840.00
			171.89	37.66	630.45
03/09/02	00007618	80.00	ELAINE G. TRIMPEY		825.00
			167.92	37.66	619.42
03/23/02	00007655	80.00	ELAINE G. TRIMPEY		835.00
			170.57	37.66	626.77
04/06/02	00007693	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
04/20/02	00007731	80.00	ELAINE G. TRIMPEY		875.00
			181.15	37.66	656.19
05/04/02	00007774	80.00	ELAINE G. TRIMPEY		800.00
			161.31	37.66	601.03
05/18/02	00007813	80.00	ELAINE G. TRIMPEY		855.00
			175.86	37.66	641.48
06/01/02	00007852	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
06/15/02	00007893	80.00	ELAINE G. TRIMPEY		805.00
			162.63	37.66	604.71
06/29/02	00007936	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
07/13/02	00007977	80.00	ELAINE G. TRIMPEY		845.00
			173.21	37.66	634.13
07/27/02	00008016	80.00	ELAINE G. TRIMPEY		820.00
			166.60	37.66	615.74
08/10/02	00008056	80.00	ELAINE G. TRIMPEY		855.00
			175.86	37.66	641.48
08/24/02	00008102	80.00	ELAINE G. TRIMPEY		825.00
			167.92	37.66	619.42
09/07/02	00008142	80.00	ELAINE G. TRIMPEY		800.00
			161.31	37.66	601.03
09/21/02	00008181	80.00	ELAINE G. TRIMPEY		880.00
			182.47	37.66	659.87
10/05/02	00008221	80.00	ELAINE G. TRIMPEY		800.00
			161.31	70.54	568.15
10/19/02	00008264	80.00	ELAINE G. TRIMPEY		830.00
			169.25	70.54	590.21
11/02/02	00008303	80.00	ELAINE G. TRIMPEY		835.00
			170.57	70.54	593.89
11/16/02	00008343	80.00	ELAINE G. TRIMPEY		860.00
			177.18	70.54	612.28
11/30/02	00008383	80.00	ELAINE G. TRIMPEY		815.00
			165.28	70.54	579.18
12/14/02	00008424	80.00	ELAINE G. TRIMPEY		830.00
			169.25	70.54	590.21
12/28/02	00008464	80.00	ELAINE G. TRIMPEY		815.00
			165.28	70.54	579.18
					21,605.00

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2001 TO 12/31/2001

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/13/01	00006344	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
01/27/01	00006375	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
02/10/01	00006407	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
02/24/01	00006438	0.00	ELAINE G. TRIMPEY		35.00
			4.01	0.00	30.99
02/24/01	00006464	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
03/10/01	00006497	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
03/24/01	00006530	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
04/07/01	00006598	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
04/21/01	00006633	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
05/05/01	00006668	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
05/19/01	00006736	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/02/01	00006771	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/16/01	00006811	0.00	ELAINE G. TRIMPEY		25.00
			2.86	0.00	22.14
06/16/01	00006836	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/30/01	00006871	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
07/14/01	00006942	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
07/28/01	00006976	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
08/11/01	00007014	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
08/25/01	00007068	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
09/08/01	00007107	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
09/22/01	00007149	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
10/06/01	00007184	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
10/20/01	00007221	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/03/01	00007260	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/17/01	00007299	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/17/01	00007330	0.00	ELAINE G. TRIMPEY		50.00
			5.73	0.00	44.27
12/01/01	00007350	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32

PAYROLL JOURNAL
01/01/2001 TO 12/31/2001

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
12/15/01	00007388	80.00	ELAINE G. TRIMPEY		800.00
			184.39	37.66	577.95
12/29/01	00007426	80.00	ELAINE G. TRIMPEY		800.00
			184.39	37.66	577.95
					21,390.00
	TOTALS:		4,933.70	75.32	16,380.98

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2000 TO 12/31/2000

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/01/00	00005274	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
01/15/00	00005307	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
01/29/00	00005341	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
02/12/00	00005376	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
02/26/00	00005409	0.00	ELAINE G. TRIMPEY		25.00
			2.86	0.00	22.14
02/26/00	00005437	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
03/11/00	00005469	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
03/25/00	00005503	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
04/08/00	00005536	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
04/22/00	00005569	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
05/06/00	00005602	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
05/20/00	00005636	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/03/00	00005717	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/17/00	00005751	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/30/00	00005821	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
07/15/00	00005831	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
07/29/00	00005887	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
08/12/00	00005922	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
08/26/00	00005958	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
09/09/00	00005991	0.00	ELAINE G. TRIMPEY		85.00
			9.73	0.00	75.27
09/09/00	00006047	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
09/23/00	00006076	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
10/07/00	00006108	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
10/21/00	00006139	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/04/00	00006171	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/18/00	00006202	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
12/02/00	00006253	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32

EMPLOYEE CARD REPORT
ELAINE G. TRIMPEY

EMPLOYEE ID: BF/TRIMP

CATEGORY: Full Time

ADDRESS:
ELAINE G. TRIMPEY
R.D. #1 BOX 132
FRENCHVILLE, PA 16836
Phone: -
Department: C.C.S.M.A. Ext:
Social Security #: 169-36-2186

PERSONNEL DATA:
Date of Birth: 09/29/1946
Date of Hire: 01/14/1988
Termination Date:
Previous Pay: 385.00/wk
Last Review Date: 09/13/1999
Next Review Date:

Pay Type: SALARY
Status: Active
Married Status: Married
Pay Frequency: Biweekly

Accrued Vacation: 0.00
Accrued Sick: 0.00

COMMENTS:
COVINGTON TWP *P* OPT1

EMPLOYEE HISTORY

DATE	REF NO	TOTAL HRS YTD	GROSS PAY YTD	WITHHOLDINGS YTD	DEDUCTIONS YTD	NET PAY YTD
01/02/99	00004227	80.00	790.00	181.74	0.00	608.26
YTD		80.00	$790.00	$181.74	$0.00	$608.26
01/16/99	00004259	80.00	790.00	181.74	0.00	608.26
YTD		160.00	$1,580.00	$363.48	$0.00	$1,216.52
01/30/99	00004292	80.00	790.00	181.74	0.00	608.26
YTD		240.00	$2,370.00	$545.22	$0.00	$1,824.78
02/13/99	00004325	80.00	790.00	181.74	0.00	608.26
YTD		320.00	$3,160.00	$726.96	$0.00	$2,433.04
02/27/99	00004358	80.00	790.00	181.74	0.00	608.26
YTD		400.00	$3,950.00	$908.70	$0.00	$3,041.30
03/13/99	00004397	0.00	30.00	3.44	0.00	26.56
YTD		400.00	$3,980.00	$912.14	$0.00	$3,067.86
03/13/99	00004398	80.00	790.00	181.74	0.00	608.26
YTD		480.00	$4,770.00	$1,093.88	$0.00	$3,676.12
03/27/99	00004450	80.00	790.00	181.74	0.00	608.26
YTD		560.00	$5,560.00	$1,275.62	$0.00	$4,284.38
04/10/99	00004507	80.00	790.00	181.75	0.00	608.25
YTD		640.00	$6,350.00	$1,457.37	$0.00	$4,892.63
04/24/99	00004541	80.00	790.00	181.75	0.00	608.25
YTD		720.00	$7,140.00	$1,639.12	$0.00	$5,500.88
05/08/99	00004575	80.00	790.00	181.75	0.00	608.25
YTD		800.00	$7,930.00	$1,820.87	$0.00	$6,109.13

05/22/99	00004609	80.00	790.00	181.75	0.00	608.25
YTD		880.00	$8,720.00	$2,002.62	$0.00	$6,717.38
06/05/99	00004667	80.00	790.00	181.75	0.00	608.25
YTD		960.00	$9,510.00	$2,184.37	$0.00	$7,325.63
06/19/99	00004699	80.00	790.00	181.75	0.00	608.25
YTD		1,040.00	$10,300.00	$2,366.12	$0.00	$7,933.88
07/03/99	00004731	80.00	790.00	181.75	0.00	608.25
YTD		1,120.00	$11,090.00	$2,547.87	$0.00	$8,542.13
07/17/99	00004763	80.00	790.00	181.75	0.00	608.25
YTD		1,200.00	$11,880.00	$2,729.62	$0.00	$9,150.38
07/31/99	00004795	80.00	790.00	181.75	0.00	608.25
YTD		1,280.00	$12,670.00	$2,911.37	$0.00	$9,758.63
08/14/99	00004827	80.00	790.00	181.75	0.00	608.25
YTD		1,360.00	$13,460.00	$3,093.12	$0.00	$10,366.88
08/28/99		0.00	0.00	0.00	0.00	0.00
YTD		1,360.00	$13,460.00	$3,093.12	$0.00	$10,366.88
08/28/99	00004888	80.00	790.00	181.75	0.00	608.25
YTD		1,440.00	$14,250.00	$3,274.87	$0.00	$10,975.13
09/11/99	00004922	80.00	790.00	181.75	0.00	608.25
YTD		1,520.00	$15,040.00	$3,456.62	$0.00	$11,583.38
09/25/99	00004983	0.00	55.00	6.30	0.00	48.70
YTD		1,520.00	$15,095.00	$3,462.92	$0.00	$11,632.08
09/25/99	00005010	80.00	820.00	189.68	0.00	630.32
YTD		1,600.00	$15,915.00	$3,652.60	$0.00	$12,262.40
10/09/99	00005047	80.00	820.00	189.68	0.00	630.32
YTD		1,680.00	$16,735.00	$3,842.28	$0.00	$12,892.72
10/23/99	00005081	80.00	820.00	189.68	0.00	630.32
YTD		1,760.00	$17,555.00	$4,031.96	$0.00	$13,523.04
11/06/99	00005114	80.00	820.00	189.68	0.00	630.32
YTD		1,840.00	$18,375.00	$4,221.64	$0.00	$14,153.36
11/20/99	00005147	80.00	820.00	189.68	0.00	630.32
YTD		1,920.00	$19,195.00	$4,411.32	$0.00	$14,783.68
12/03/99	00005179	0.00	0.00	0.00	0.00	0.00
YTD		1,920.00	$19,195.00	$4,411.32	$0.00	$14,783.68
12/04/99	00005179	0.00	0.00	0.00	0.00	0.00
YTD		1,920.00	$19,195.00	$4,411.32	$0.00	$14,783.68
12/04/99	00005206	80.00	820.00	189.68	0.00	630.32
YTD		2,000.00	$20,015.00	$4,601.00	$0.00	$15,414.00

12/18/99	00005219	80.00	820.00	189.68	0.00	630.32
YTD		2,080.00	$20,835.00	$4,790.68	$0.00	$16,044.32

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	20,020.00
COMMENTS	COVINGTON *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1						
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
01/03/98	80.00	770.00	20.00	91.28	22.12	0.00
3242	0.00	0.00	790.00	60.44	7.90	608.26
01/17/98	80.00	770.00	20.00	91.28	22.12	0.00
3275	0.00	0.00	790.00	60.44	7.90	608.26
01/31/98	80.00	770.00	20.00	91.28	22.12	0.00
3309	0.00	0.00	790.00	60.44	7.90	608.26
02/14/98	0.00	0.00	71.00	0.00	1.99	0.00
3343	0.00	0.00	71.00	5.43	0.71	62.87
02/14/98	80.00	770.00	20.00	91.28	22.12	0.00
3370	0.00	0.00	790.00	60.44	7.90	608.26
02/28/98	80.00	770.00	20.00	91.28	22.12	0.00
3404	0.00	0.00	790.00	60.44	7.90	608.26
03/14/98	80.00	770.00	20.00	91.28	22.12	0.00
3438	0.00	0.00	790.00	60.44	7.90	608.26
03/28/98	80.00	770.00	20.00	91.28	22.12	0.00
3472	0.00	0.00	790.00	60.44	7.90	608.26
04/11/98	80.00	770.00	20.00	91.28	22.12	0.00
3506	0.00	0.00	790.00	60.44	7.90	608.26
04/25/98	80.00	770.00	20.00	91.28	22.12	0.00
3539	0.00	0.00	790.00	60.44	7.90	608.26

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/09/98	80.00	770.00	20.00	91.28	22.12	0.00
3573	0.00	0.00	790.00	60.44	7.90	608.26
05/23/98	0.00	0.00	36.00	0.00	1.01	0.00
3619	0.00	0.00	36.00	2.75	0.36	31.88
05/23/98	80.00	770.00	20.00	91.28	22.12	0.00
3646	0.00	0.00	790.00	60.44	7.90	608.26
06/06/98	80.00	770.00	20.00	91.28	22.12	0.00
3680	0.00	0.00	790.00	60.44	7.90	608.26
06/20/98	80.00	770.00	20.00	91.28	22.12	0.00
3714	0.00	0.00	790.00	60.44	7.90	608.26
07/04/98	80.00	770.00	20.00	91.28	22.12	0.00
3748	0.00	0.00	790.00	60.44	7.90	608.26
07/18/98	80.00	770.00	20.00	91.28	22.12	0.00
3783	0.00	0.00	790.00	60.44	7.90	608.26
08/01/98	80.00	770.00	20.00	91.28	22.12	0.00
3817	0.00	0.00	790.00	60.44	7.90	608.26
08/15/98	80.00	770.00	20.00	91.28	22.12	0.00
3850	0.00	0.00	790.00	60.44	7.90	608.26
08/29/98	0.00	0.00	81.00	0.00	2.27	0.00
3883	0.00	0.00	81.00	6.19	0.81	71.73
08/29/98	80.00	770.00	20.00	91.28	22.12	0.00
3910	0.00	0.00	790.00	60.44	7.90	608.26
09/12/98	80.00	770.00	20.00	91.28	22.12	0.00
3944	0.00	0.00	790.00	60.44	7.90	608.26
09/26/98	80.00	770.00	20.00	91.28	22.12	0.00
3979	0.00	0.00	790.00	60.44	7.90	608.26
10/10/98	80.00	770.00	20.00	91.28	22.12	0.00
4014	0.00	0.00	790.00	60.44	7.90	608.26
10/24/98	80.00	770.00	20.00	91.28	22.12	0.00
4047	0.00	0.00	790.00	60.44	7.90	608.26
11/07/98	80.00	770.00	20.00	91.28	22.12	0.00
4080	0.00	0.00	790.00	60.44	7.90	608.26
11/21/98	0.00	0.00	35.00	0.00	0.98	0.00
4112	0.00	0.00	35.00	2.68	0.35	30.99

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
11/21/98	80.00	770.00	20.00	91.28	22.12	0.00
4133	0.00	0.00	790.00	60.44	7.90	608.26
12/05/98	80.00	770.00	20.00	91.28	22.12	0.00
4164	0.00	0.00	790.00	60.44	7.90	608.26
12/19/98	80.00	770.00	20.00	91.28	22.12	0.00
4194	0.00	0.00	790.00	60.44	7.90	608.26
Y-T-D	2,080.00	20,020.00	743.00	2,373.28	581.37	0.00
TOTAL	0.00	0.00	20,763.00	1,588.49	207.63	16,012.23

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	20,020.00
COMMENTS	COVINGTON *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1						
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/04/97	80.00	770.00	20.00	91.28	22.12	0.00
2275	0.00	0.00	790.00	60.44	7.90	608.26
01/18/97	80.00	770.00	20.00	91.28	22.12	0.00
2309	0.00	0.00	790.00	60.44	7.90	608.26
02/01/97	80.00	770.00	20.00	91.28	22.12	0.00
2342	0.00	0.00	790.00	60.44	7.90	608.26
02/15/97	80.00	770.00	20.00	91.28	22.12	0.00
2376	0.00	0.00	790.00	60.44	7.90	608.26
02/15/97	0.00	0.00	66.00	10.00	1.85	0.00
2408	0.00	0.00	66.00	5.05	0.66	48.44
03/01/97	80.00	770.00	20.00	91.28	22.12	0.00
2433	0.00	0.00	790.00	60.44	7.90	608.26
03/15/97	80.00	770.00	20.00	91.28	22.12	0.00
2465	0.00	0.00	790.00	60.44	7.90	608.26
03/29/97	80.00	770.00	20.00	91.28	22.12	0.00
2497	0.00	0.00	790.00	60.44	7.90	608.26
04/12/97	80.00	770.00	20.00	91.28	22.12	0.00
2532	0.00	0.00	790.00	60.44	7.90	608.26
04/26/97	80.00	770.00	20.00	91.28	22.12	0.00
2564	0.00	0.00	790.00	60.44	7.90	608.26

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/10/97	80.00	770.00	20.00	91.28	22.12	0.00
2596	0.00	0.00	790.00	60.44	7.90	608.26
05/24/97	0.00	0.00	83.00	0.00	2.32	0.00
2628	0.00	0.00	83.00	6.35	0.83	73.50
05/24/97	80.00	770.00	20.00	91.28	22.12	0.00
2652	0.00	0.00	790.00	60.44	7.90	608.26
06/07/97	80.00	770.00	20.00	91.28	22.12	0.00
2685	0.00	0.00	790.00	60.44	7.90	608.26
06/21/97	80.00	770.00	20.00	91.28	22.12	0.00
2718	0.00	0.00	790.00	60.44	7.90	608.26
07/05/97	80.00	770.00	20.00	91.28	22.12	0.00
2752	0.00	0.00	790.00	60.44	7.90	608.26
07/19/97	80.00	770.00	20.00	91.28	22.12	0.00
2786	0.00	0.00	790.00	60.44	7.90	608.26
08/02/97	80.00	770.00	20.00	91.28	22.12	0.00
2820	0.00	0.00	790.00	60.44	7.90	608.26
08/16/97	80.00	770.00	20.00	91.28	22.12	0.00
2854	0.00	0.00	790.00	60.44	7.90	608.26
08/30/97	80.00	770.00	20.00	91.28	22.12	0.00
2888	0.00	0.00	790.00	60.44	7.90	608.26
09/13/97	80.00	770.00	20.00	91.28	22.12	0.00
2923	0.00	0.00	790.00	60.44	7.90	608.26
09/13/97	0.00	76.00	0.00	0.00	2.13	0.00
2955	0.00	0.00	76.00	5.81	0.76	67.30
09/27/97	80.00	770.00	20.00	91.28	22.12	0.00
2982	0.00	0.00	790.00	60.44	7.90	608.26
10/11/97	80.00	770.00	20.00	91.28	22.12	0.00
3017	0.00	0.00	790.00	60.44	7.90	608.26
10/25/97	80.00	770.00	20.00	91.28	22.12	0.00
3050	0.00	0.00	790.00	60.44	7.90	608.26
11/08/97	80.00	770.00	20.00	91.28	22.12	0.00
3083	0.00	0.00	790.00	60.44	7.90	608.26
11/22/97	80.00	770.00	20.00	91.28	22.12	0.00
3116	0.00	0.00	790.00	60.44	7.90	608.26

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
12/06/97	80.00	770.00	20.00	91.28	22.12	0.00
3157	0.00	0.00	790.00	60.44	7.90	608.26
12/20/97	80.00	770.00	20.00	91.28	22.12	0.00
3209	0.00	0.00	790.00	60.44	7.90	608.26
Y-T-D	2,080.00	20,096.00	669.00	2,383.43	581.42	0.00
TOTAL	0.00	0.00	20,765.00	1,588.65	207.65	16,003.85

Capital BlueCross
Pennsylvania BlueShield

Independent Licensees of the
Blue Cross and Blue Shield Association
1-800-958-5558

ENROLLMENT CHANGE FORM (GROUP MEMBERS)

10. FOR GROUP LEADER/ADMINISTRATOR USE

EFFECTIVE DATE: 12/01/97

PLEASE PRINT OR TYPE

1. CONTRACTHOLDER INFORMATION

NAME (LAST)	(FIRST)	(MI)	IDENTIFICATION NO.	GROUP NO.
Hinson	Uneeda	J	165-52-8788	668611000

MAILING ADDRESS (STREET)	(CITY)	(STATE) (ZIP)	(COUNTY)	IS THIS A NEW ADDRESS?	TELEPHONE NUMBERS
9373 William Penn Rd.	Osterburg	PA 16667	Bedford	☒ YES ☐ NO	Home ( ) Work (814 623-0335 Ext

2. ADD OR REMOVE CONTRACTHOLDER, SPOUSE OR DEPENDENT

ADD/REMOVE THE SUBSCRIBER LISTED. (IF DEPENDENT IS REMOVED, INCLUDE ADDRESS IF DIFFERENT FROM CONTRACTHOLDER)

NAME (LAST IF DIFFERENT FROM CONTRACTHOLDER) (FIRST) (MI)	SOCIAL SECURITY NO.	BIRTHDATE MO DAY YR	HANDI-CAPPED DEPENDENT	ADD/REMOVE
CONTRACTHOLDER →				☐ REMOVE
SPOUSE				☐ ADD ☐ REMOVE
SON / DAU			☐ YES ☐ NO	☐ ADD ☐ REMOVE
SON / DAU			☐ YES ☐ NO	☐ ADD ☐ REMOVE
SON / DAU			☐ YES ☐ NO	☐ ADD ☐ REMOVE
OTHER			☐ YES ☐ NO	☐ ADD ☐ REMOVE

DEPENDENT ADDRESS (STREET) (CITY) (STATE) (ZIP) (COUNTY)

3. REASON FOR CHANGE

COMPLETE THIS SECTION WHEN ADDING OR REMOVING SUBSCRIBER/DEPENDENT(S). CHECK REASON AND GIVE DATE OF CHANGE.

- NO LONGER EMPLOYED
- DECEASED
- MARRIAGE
- OTHER BLUE CROSS BLUE SHIELD COVERAGE (SEE SECTIONS 4 & 5)
- DIVORCE
- OTHER INSURANCE CO (SEE SECTIONS 4 & 5)
- NEWBORN
- OVERAGE DEPENDENT
- OTHER (please explain below)

DATE CHANGE OCCURRED (MO. DAY. YR)

4. CHANGE COVERAGE

CHECK EACH TYPE OF COVERAGE YOU ARE ADDING OR REMOVING

BLUE CROSS	BLUE SHIELD	MAJOR MED	DENTAL	VISION	RX DRUG	HEARING	COMP/WRAP	65-SPECIAL	ADD OR REMOVE
									ADD REMOVE
									ADD REMOVE
									ADD REMOVE
									ADD REMOVE
									ADD REMOVE
									ADD REMOVE

IF YOU ARE UNSURE WHICH TYPE(S) OR COVERAGE YOU NOW HAVE OR ARE ELIGIBLE TO ADD, ASK YOUR GROUP LEADER/ADMINISTRATOR

5. OTHER COVERAGE

COMPLETE IF YOU OR ANY OF YOUR DEPENDENTS HAVE ANY OTHER HEALTH CARE SERVICES COVERAGE WITH A BLUE CROSS AND/OR BLUE SHIELD PLAN OR ANOTHER INSURANCE COMPANY.

NAME OF CONTRACTHOLDER	NAME OF HEALTHCARE PLAN OR INSURANCE CO.	IDENTIFICATION / POLICY NO.

6. STUDENT INFORMATION

COMPLETE THE FOLLOWING INFORMATION FOR DEPENDENTS THAT ARE ENROLLED AS FULL-TIME STUDENTS AT AN ACCREDITED SCHOOL OR UNIVERSITY.

STUDENT'S NAME	NAME OF SCHOOL OR UNIVERSITY	EXPECTED GRADUATION DATE

7. CHANGE COVERAGE TO MEDICARE COMPLEMENTARY 65-SPECIAL

PERSON APPLYING FOR CHANGE IN COVERAGE: ☐ CONTRACTHOLDER ☐ DEPENDENT

BIRTHDATE (MO. DAY. YR)

EFFECTIVE DATE OF CHANGE

HEALTH INSURANCE CLAIM NO.

COVERAGE SELECTED: BLUE CROSS 65-SPECIAL AND BLUE SHIELD 65-SPECIAL

HOSPITAL INSURANCE EFFECTIVE DATE

MEDICAL INSURANCE EFFECTIVE DATE

REASON FOR MEDICARE ELIGIBILITY: ☐ AGE 65 & OVER ☐ DISABLED ☐ END STAGE RENAL DISEASE

*SEND A COPY OF YOUR MEDICARE HEALTH INSURANCE CARD

IF DISABLED OR AGE 65 & OVER ARE YOU ACTIVELY EMPLOYED OR A DEPENDENT OF AN ACTIVELY EMPLOYED INDIVIDUAL? ☐ YES ☐ NO

DOES YOUR COMPANY EMPLOY 20 OR MORE EMPLOYEES? ☐ YES ☐ NO

8. CHANGE THE FOLLOWING INFORMATION

CHANGE IS FOR ☐ CONTRACTHOLDER ☐ DEPENDENT (NAME) _____

	FROM	TO
NAME		
BIRTHDATE (MO. DAY. YR)		
ID NO.		

9. STATEMENT OF AUTHORIZATION

Capital Blue Cross and Pennsylvania Blue Shield are authorized to make changes requested above to my enrollment records. I understand the effective date of the changes will be determined by Capital Blue Cross. **Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.** I verify that the information given in the Enrollment Change Form is true and correct.

SIGNATURE: Uneeda J Hinson DATE: 11/26/97

A-19 (1/96)

GROUP LEADER/ADMINISTRATOR - Keep bottom copy for your records and forward top two copies to Capital Blue Cross

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- [ ] FEPA
- [X] EEOC — 533-2007-01780

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Elaine G. Trimpey	(814) 263-4696	09-29-1946

Street Address: 1881 Keewaydin Road, Frenchville, PA 16836 — City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (Include Area Code)
WISE EYES OPTICAL	15 - 100	(814) 765-1192

Street Address: 140 Plaza Drive, Clearfield, PA 16830 — City, State and ZIP Code

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address: — City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [ ] RETALIATION
- [X] AGE
- [ ] DISABILITY
- [ ] OTHER (*Specify below.*)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
08-01-2007	08-31-2007

- [ ] CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

1. I started my employment with Wise Eyes Optical on January 14, 1988, as an Optician. On August 20, 2007, I was discharged.

2. On August 20, 2007, Ralph Hansen, General Manager, informed me that I was being let go due to restructuring of the Clearfield store. Later that day, I found out that Ralph Hansen interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 60, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinson hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

EGT

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10-22-07 — Date

X Elaine G. Trimpey — Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(*month, day, year*)

EEOC FORM 131 (5/01)

U.S. Equal ...ployment Opportunity Comm... ...sion

NADR 11-29-07

Mr. Ralph E. Hinson
Manager
R & R OPTICAL, INC.
P O Box 10077
State College, PA 16805

PERSON FILING CHARGE

Elaine G. Trimpey

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01780

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [ ] No action is required by you at this time.
2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.
3. [X] Please provide by **07-DEC-07** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. [X] Please respond fully by **07-DEC-07** to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. [X] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **21-NOV-07** to **Joel S. Pretz, ADR Coordinator, at (412) 644-3448**
if you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Joel S. Pretz,
ADR Coordinator
EEOC Representative

Telephone **(412) 644-3448**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [X] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
November 6, 2007	**Joseph M. Hardiman, III,** **Area Office Director**	

If you are not the person handling this matt... please contact the EEOC within seven (7) days, with the correct person's name and address who will be the contact person.

EEOC FORM 131 (5/01)

U.S. Equal ...ployment Opportunity Comm... sion

MADR 11-29-07

Mr. Ralph E. Hinson
Manager
R & R OPTICAL, INC.
P O Box 10077
State College, PA 16805

PERSON FILING CHARGE

Elaine G. Trimpey

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01780

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

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   If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Joel S. Pretz,
ADR Coordinator
EEOC Representative

Telephone **(412) 644-3448**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [X] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
November 6, 2007	**Joseph M. Hardiman, III,** **Area Office Director**	

If you are not the person handling this ma... please contact the EEOC within seven (7) days, with the correct person's name and address who will be the contact person.

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

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Charge Presented To: [ ] FEPA [X] EEOC

Agency(ies) Charge No(s): 533-2007-01780

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Elaine G. Trimpey	**(814) 263-4696**	**09-29-1946**

Street Address: **1881 Keewaydin Road, Frenchville, PA 16836** — City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (Include Area Code)
WISE EYES OPTICAL	**15 - 100**	**(814) 765-1192**

Street Address: **140 Plaza Drive, Clearfield, PA 16830** — City, State and ZIP Code

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address — City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN
[ ] RETALIATION [X] AGE [ ] DISABILITY [ ] OTHER (*Specify below.*)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest: **08-01-2007** Latest: **08-31-2007**

[ ] CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

1. I started my employment with Wise Eyes Optical on January 14, 1988, as an Optician. On August 20, 2007, I was discharged.

2. On August 20, 2007, Ralph Hansen, General Manager, informed me that I was being let go due to restructuring of the Clearfield store. Later that day, I found out that Ralph Hansen interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 60, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinson hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

Hinson EGT

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10-22-07 — Date

X Elaine G. Trimpey — Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(*month, day, year*)

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
COMMENTS	COVINGTON OPT *P*	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
01/08/94	80.00	500.00	145.00	70.11	18.06	0.97
1292	0.00	0.00	645.00	49.34	6.45	500.07
01/22/94	80.00	500.00	174.00	74.46	18.87	1.01
1380	0.00	0.00	674.00	51.56	6.74	521.36
02/05/94	80.00	500.00	172.00	74.16	18.82	1.01
1466	0.00	0.00	672.00	51.40	6.72	519.89
02/19/94	80.00	500.00	203.00	78.81	19.68	1.06
1552	0.00	0.00	703.00	53.78	7.03	542.64
03/05/94	80.00	500.00	244.00	84.96	20.83	1.12
1643	0.00	0.00	744.00	56.92	7.44	572.73
03/19/94	80.00	500.00	292.00	92.16	22.18	1.19
1728	0.00	0.00	792.00	60.58	7.92	607.97
04/02/94	80.00	500.00	357.00	101.91	24.00	1.29
1810	0.00	0.00	857.00	65.56	8.57	655.67
04/16/94	80.00	500.00	409.00	109.71	25.45	1.36
1895	0.00	0.00	909.00	69.54	9.09	693.85
04/30/94	80.00	500.00	335.00	98.61	23.38	1.25
1976	0.00	0.00	835.00	63.88	8.35	639.53
05/14/94	80.00	500.00	254.00	86.46	21.11	1.13
2056	0.00	0.00	754.00	57.68	7.54	580.08

WISE EYES INC.
PRINT EMPLOYEE CARDS

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
05/28/94 2134	80.00 0.00	500.00 0.00	245.00 745.00	85.11 56.99	20.86 7.45	1.12 573.47
06/11/94 2215	80.00 0.00	500.00 0.00	330.00 830.00	97.86 63.50	23.24 8.30	1.25 635.85
06/25/94 2293	80.00 0.00	500.00 0.00	292.00 792.00	92.16 60.58	22.18 7.92	1.19 607.97
07/09/94 2371	80.00 0.00	500.00 0.00	275.00 775.00	89.61 59.29	21.70 7.75	1.16 595.49
07/23/94 2452	80.00 0.00	500.00 0.00	407.00 907.00	109.41 69.38	25.40 9.07	1.36 692.38
08/06/94 2535	80.00 0.00	500.00 0.00	300.00 800.00	93.36 61.20	22.40 8.00	1.20 613.84
08/20/94 2622	80.00 0.00	500.00 0.00	384.00 884.00	105.96 67.63	24.75 8.84	1.33 675.49
09/03/94 2707	80.00 0.00	500.00 0.00	238.00 738.00	84.06 56.46	20.66 7.38	1.11 568.39
09/17/94 2793	80.00 0.00	500.00 0.00	280.00 780.00	90.36 59.67	21.84 7.80	1.17 599.16
10/01/94 2877	80.00 0.00	500.00 0.00	280.00 780.00	90.36 59.67	21.84 7.80	1.17 599.16
10/15/94 2958	80.00 0.00	500.00 0.00	280.00 780.00	90.36 59.67	21.84 7.80	1.17 599.16
10/29/94 3039	80.00 0.00	500.00 0.00	617.00 1,117.00	140.91 85.45	31.28 11.17	1.68 846.51
11/12/94 3130	80.00 0.00	500.00 0.00	184.00 684.00	75.96 52.33	19.15 6.84	1.0 528.69
11/26/94 3217	80.00 0.00	500.00 0.00	235.00 735.00	83.61 56.23	20.58 7.35	1.10 566.1
12/10/94 3301	80.00 0.00	500.00 0.00	124.00 624.00	66.96 47.74	17.47 6.24	0.9 484.6
12/24/94 3385	80.00 0.00	500.00 0.00	97.00 597.00	62.91 45.67	16.72 5.97	0.9 464.8
Y-T-D TOTAL	2,080.00 0.00	13,000.00 0.00	7,153.00 20,153.00	2,330.31 1,541.70	564.29 201.53	30.2 15,484.9

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
12/21/96	80.00	770.00	20.00	91.43	22.12	0.24
2241	0.00	0.00	790.00	60.44	7.90	607.87
Y-T-D	2,080.00	20,020.00	1,071.00	2,427.33	590.55	6.40
TOTAL	0.00	0.00	21,091.00	1,613.57	210.91	16,242.24

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	20,020.00
COMMENTS	COVINGTON *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.030%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/06/96	80.00	770.00	131.00	108.08	25.23	0.27
1249	0.00	0.00	901.00	68.92	9.01	689.49
01/20/96	80.00	770.00	20.00	91.43	22.12	0.24
1284	0.00	0.00	790.00	60.44	7.90	607.87
02/03/96	80.00	770.00	20.00	91.43	22.12	0.24
1321	0.00	0.00	790.00	60.44	7.90	607.87
02/17/96	80.00	770.00	60.00	97.43	23.24	0.25
1357	0.00	0.00	830.00	63.50	8.30	637.28
03/02/96	80.00	770.00	70.00	98.93	23.52	0.25
1393	0.00	0.00	840.00	64.26	8.40	644.64
03/16/96	80.00	770.00	20.00	91.43	22.12	0.24
1429	0.00	0.00	790.00	60.44	7.90	607.87
03/30/96	80.00	770.00	20.00	91.43	22.12	0.24
1465	0.00	0.00	790.00	60.44	7.90	607.87
04/13/96	80.00	770.00	20.00	91.43	22.12	0.24
1501	0.00	0.00	790.00	60.44	7.90	607.87
04/27/96	80.00	770.00	20.00	91.43	22.12	0.24
1548	0.00	0.00	790.00	60.44	7.90	607.87
05/06/96	0.00	0.00	130.00	10.00	3.64	0.04
1584	0.00	0.00	130.00	9.94	1.30	105.08

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/11/96	80.00	770.00	20.00	91.43	22.12	0.24
1616	0.00	0.00	790.00	60.44	7.90	607.87
05/25/96	80.00	770.00	20.00	91.43	22.12	0.24
1652	0.00	0.00	790.00	60.44	7.90	607.87
06/08/96	80.00	770.00	20.00	91.43	22.12	0.24
1688	0.00	0.00	790.00	60.44	7.90	607.87
06/22/96	80.00	770.00	20.00	91.43	22.12	0.24
1724	0.00	0.00	790.00	60.44	7.90	607.87
07/06/96	80.00	770.00	20.00	91.43	22.12	0.24
1760	0.00	0.00	790.00	60.44	7.90	607.87
07/20/96	80.00	770.00	20.00	91.43	22.12	0.24
1797	0.00	0.00	790.00	60.44	7.90	607.87
08/03/96	80.00	770.00	20.00	91.43	22.12	0.24
1833	0.00	0.00	790.00	60.44	7.90	607.87
08/10/96	0.00	0.00	220.00	10.00	6.16	0.07
1869	0.00	0.00	220.00	16.83	2.20	184.74
08/17/96	80.00	770.00	20.00	91.43	22.12	0.24
1901	0.00	0.00	790.00	60.44	7.90	607.87
08/31/96	80.00	770.00	20.00	91.43	22.12	0.24
1937	0.00	0.00	790.00	60.44	7.90	607.87
09/14/96	80.00	770.00	20.00	91.43	22.12	0.24
1973	0.00	0.00	790.00	60.44	7.90	607.87
09/28/96	80.00	770.00	20.00	91.43	22.12	0.24
2010	0.00	0.00	790.00	60.44	7.90	607.87
10/12/96	80.00	770.00	20.00	91.43	22.12	0.24
2047	0.00	0.00	790.00	60.44	7.90	607.87
10/26/96	80.00	770.00	20.00	91.43	22.12	0.24
2084	0.00	0.00	790.00	60.44	7.90	607.87
11/09/96	80.00	770.00	20.00	91.43	22.12	0.24
2119	0.00	0.00	790.00	60.44	7.90	607.87
11/23/96	80.00	770.00	20.00	91.43	22.12	0.24
2175	0.00	0.00	790.00	60.44	7.90	607.87
12/07/96	80.00	770.00	20.00	91.43	22.12	0.24
2208	0.00	0.00	790.00	60.44	7.90	607.87

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
12/21/96	80.00	770.00	20.00	91.43	22.12	0.24
2241	0.00	0.00	790.00	60.44	7.90	607.87
Y-T-D	2,080.00	20,020.00	1,071.00	2,427.33	590.55	6.40
TOTAL	0.00	0.00	21,091.00	1,613.57	210.91	16,242.24

Capital BlueCross
Pennsylvania BlueShield
Independent Licensees of the Blue Cross and Blue Shield Association
Harrisburg, PA 17177
(717) 255-0820 • (610) 820-2700

WAIVER OF GROUP HEALTH INSURANCE COVERAGE

1. APPLICANT INFORMATION

APPLICANT'S NAME	(LAST) Trimpey	(FIRST) Elaine	(MI) G	SOCIAL SECURITY NO.	169-36-2186
SPOUSE'S NAME	(LAST) Trimpey	(FIRST) Frederick G. Sr.	(MI)	SOCIAL SECURITY NO.	180-34-4787

2. VALIDATION STATEMENT

I hereby certify that I have been given the opportunity to participate in the group health insurance plan provided by my employer through Capital Blue Cross and Pennsylvania Blue Shield. This plan has been explained to me and I decline to participate in:

☒ EMPLOYEE COVERAGE ☐ SPOUSE COVERAGE ☐ OTHER ELIGIBLE DEPENDENT COVERAGE

3. OTHER INSURANCE INFORMATION

COMPLETE THE FOLLOWING INFORMATION FOR APPLICANT AND/OR SPOUSE AND/OR OTHER ELIGIBLE DEPENDENT(S) WAIVING COVERAGE BECAUSE THEY ARE CURRENTLY COVERED FOR HEALTH CARE SERVICES WITH A BLUE CROSS AND/OR BLUE SHIELD PLAN, AN INSURANCE COMPANY, AN HMO, OR OTHER HEALTH CARE PLAN.

NAME OF CONTRACTHOLDER	NAME OF HEALTH CARE PLAN / INSURANCE CO.	POLICY / IDENTIFICATION NO.
Penna Grain Products Inc	Benefit Concepts, INC	A 49403

4. WAIVER INFORMATION

LIST ALL ELIGIBLE DEPENDENTS WHO ARE WAIVING COVERAGE

NAME (LAST) (FIRST) (MI)	RELATIONSHIP TO EMPLOYEE	SOCIAL SECURITY NO.
a. APPLICANT		
b. SPOUSE		
c. ELIGIBLE DEPENDENT		
d. ELIGIBLE DEPENDENT		
e. ELIGIBLE DEPENDENT		
f. ELIGIBLE DEPENDENT		

5. COVERAGE BEING WAIVED

CHECK (✓) COVERAGE BEING WAIVED

Blue Cross	Blue Shield	Major Medical	Dental	Vision	Rx Drug	Hearing	Comp	Wrap	BC 65	BS 65

6. STATEMENT OF AUTHORIZATION

I understand that in the event that I decide to apply for this coverage at a later date, I and/or my spouse and/or any other eligible dependents, may be subject to certain waiting periods involving any pre-existing conditions.

EMPLOYEE SIGNATURE	Elaine L Trimpey	DATE	1/1/1941 1916
NAME OF GROUP	R & R Optical, Inc.	GROUP NO.	668611000

G-811 (9/94) ORIGINAL — Capital Blue Cross 1st COPY — Applicant's Copy

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
COMMENTS	COVINGTON OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State witholding ta	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.110%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
09/16/95	88.00	550.00	115.00	72.82	18.62	0.73
1010	0.00	0.00	665.00	50.87	6.65	515.31
09/30/95	80.00	500.00	209.00	79.42	19.85	0.78
1009	0.00	0.00	709.00	54.24	7.09	547.62
10/14/95	80.00	500.00	181.00	75.22	19.07	0.75
1043	0.00	0.00	681.00	52.09	6.81	527.06
10/28/95	80.00	500.00	204.00	78.67	19.71	0.78
1079	0.00	0.00	704.00	53.86	7.04	543.94
11/11/95	80.00	500.00	223.00	81.52	20.24	0.80
1113	0.00	0.00	723.00	55.31	7.23	557.90
11/25/95	80.00	500.00	223.00	81.52	20.24	0.80
1147	0.00	0.00	723.00	55.31	7.23	557.90
12/09/95	80.00	500.00	30.00	52.57	14.84	0.58
1181	0.00	0.00	530.00	40.54	5.30	416.17
12/23/95	80.00	500.00	180.00	75.07	19.04	0.75
1215	0.00	0.00	680.00	52.02	6.80	526.32
Y-T-D	648.00	4,050.00	1,365.00	596.81	151.61	5.97
TOTAL	0.00	0.00	5,415.00	414.24	54.15	4,192.22

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	08/31/95
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
COMMENTS	COVINGTON *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.110%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/07/95	80.00	500.00	121.00	66.22	17.39	0.68
3469	0.00	0.00	621.00	47.50	6.21	483.00
01/21/95	80.00	500.00	212.00	79.87	19.94	0.78
3566	0.00	0.00	712.00	54.46	7.12	549.83
02/04/95	80.00	500.00	222.00	81.37	20.22	0.80
3650	0.00	0.00	722.00	55.23	7.22	557.16
02/18/95	80.00	500.00	314.00	95.17	22.79	0.90
3739	0.00	0.00	814.00	62.27	8.14	624.73
03/04/95	80.00	500.00	562.00	132.37	29.74	1.17
3824	0.00	0.00	1,062.00	81.24	10.62	806.86
03/18/95	80.00	500.00	336.00	98.47	23.41	0.92
3922	0.00	0.00	836.00	63.95	8.36	640.89
04/01/95	80.00	500.00	207.00	79.12	19.80	0.78
3995	0.00	0.00	707.00	54.08	7.07	546.15
04/15/95	80.00	500.00	277.00	89.62	21.76	0.86
4076	0.00	0.00	777.00	59.44	7.77	597.55
04/29/95	80.00	500.00	204.00	78.67	19.71	0.78
4148	0.00	0.00	704.00	53.86	7.04	543.94
05/13/95	80.00	500.00	251.00	85.72	21.03	0.83
4219	0.00	0.00	751.00	57.45	7.51	578.46

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/27/95	80.00	500.00	229.00	82.42	20.41	0.80
4287	0.00	0.00	729.00	55.77	7.29	562.31
06/10/95	80.00	500.00	218.00	80.77	20.10	0.79
4356	0.00	0.00	718.00	54.93	7.18	554.23
06/24/95	80.00	500.00	381.00	105.22	24.67	0.97
4425	0.00	0.00	881.00	67.39	8.81	673.94
07/08/95	80.00	500.00	296.00	92.47	22.29	0.88
4495	0.00	0.00	796.00	60.89	7.96	611.51
07/22/95	80.00	500.00	197.00	77.62	19.52	0.77
4560	0.00	0.00	697.00	53.32	6.97	538.80
08/05/95	80.00	500.00	279.00	89.92	21.81	0.86
4624	0.00	0.00	779.00	59.60	7.79	599.02
08/19/95	80.00	500.00	290.00	91.57	22.12	0.87
4691	0.00	0.00	790.00	60.44	7.90	607.10
09/02/95	72.00	450.00	374.00	96.67	23.07	0.91
4751	0.00	0.00	824.00	63.04	8.24	632.07
09/02/95	0.00	0.00	167.00	10.00	4.68	0.18
4752	0.00	0.00	167.00	12.77	1.67	137.70
Y-T-D	1,432.00	8,950.00	5,137.00	1,613.26	394.46	15.53
TOTAL	0.00	0.00	14,087.00	1,077.63	140.87	10,845.25

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
COMMENTS	COVINGTON OPT *P*	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/08/94	80.00	500.00	145.00	70.11	18.06	0.97
1292	0.00	0.00	645.00	49.34	6.45	500.07
01/22/94	80.00	500.00	174.00	74.46	18.87	1.01
1380	0.00	0.00	674.00	51.56	6.74	521.36
02/05/94	80.00	500.00	172.00	74.16	18.82	1.01
1466	0.00	0.00	672.00	51.40	6.72	519.89
02/19/94	80.00	500.00	203.00	78.81	19.68	1.06
1552	0.00	0.00	703.00	53.78	7.03	542.64
03/05/94	80.00	500.00	244.00	84.96	20.83	1.12
1643	0.00	0.00	744.00	56.92	7.44	572.73
03/19/94	80.00	500.00	292.00	92.16	22.18	1.19
1728	0.00	0.00	792.00	60.58	7.92	607.97
04/02/94	80.00	500.00	357.00	101.91	24.00	1.29
1810	0.00	0.00	857.00	65.56	8.57	655.67
04/16/94	80.00	500.00	409.00	109.71	25.45	1.36
1895	0.00	0.00	909.00	69.54	9.09	693.85
04/30/94	80.00	500.00	335.00	98.61	23.38	1.25
1976	0.00	0.00	835.00	63.88	8.35	639.53
05/14/94	80.00	500.00	254.00	86.46	21.11	1.13
2056	0.00	0.00	754.00	57.68	7.54	580.08

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/28/94	80.00	500.00	245.00	85.11	20.86	1.12
2134	0.00	0.00	745.00	56.99	7.45	573.47
06/11/94	80.00	500.00	330.00	97.86	23.24	1.25
2215	0.00	0.00	830.00	63.50	8.30	635.85
06/25/94	80.00	500.00	292.00	92.16	22.18	1.19
2293	0.00	0.00	792.00	60.58	7.92	607.97
07/09/94	80.00	500.00	275.00	89.61	21.70	1.16
2371	0.00	0.00	775.00	59.29	7.75	595.49
07/23/94	80.00	500.00	407.00	109.41	25.40	1.36
2452	0.00	0.00	907.00	69.38	9.07	692.38
08/06/94	80.00	500.00	300.00	93.36	22.40	1.20
2535	0.00	0.00	800.00	61.20	8.00	613.84
08/20/94	80.00	500.00	384.00	105.96	24.75	1.33
2622	0.00	0.00	884.00	67.63	8.84	675.49
09/03/94	80.00	500.00	238.00	84.06	20.66	1.11
2707	0.00	0.00	738.00	56.46	7.38	568.33
09/17/94	80.00	500.00	280.00	90.36	21.84	1.17
2793	0.00	0.00	780.00	59.67	7.80	599.16
10/01/94	80.00	500.00	280.00	90.36	21.84	1.17
2877	0.00	0.00	780.00	59.67	7.80	599.16
10/15/94	80.00	500.00	280.00	90.36	21.84	1.17
2958	0.00	0.00	780.00	59.67	7.80	599.16
10/29/94	80.00	500.00	617.00	140.91	31.28	1.68
3039	0.00	0.00	1,117.00	85.45	11.17	846.51
11/12/94	80.00	500.00	184.00	75.96	19.15	1.03
3130	0.00	0.00	684.00	52.33	6.84	528.69
11/26/94	80.00	500.00	235.00	83.61	20.58	1.10
3217	0.00	0.00	735.00	56.23	7.35	566.13
12/10/94	80.00	500.00	124.00	66.96	17.47	0.94
3301	0.00	0.00	624.00	47.74	6.24	484.65
12/24/94	80.00	500.00	97.00	62.91	16.72	0.90
3385	0.00	0.00	597.00	45.67	5.97	464.83
Y-T-D	2,080.00	13,000.00	7,153.00	2,330.31	564.29	30.27
TOTAL	0.00	0.00	20,153.00	1,541.70	201.53	15,484.90

EMPLOYEE ENROLLMENT FORM
(NON-MEDICAL UNDERWRITING)

The Travelers
LOCAL CUSTOMER ACCOUNTS

POLICY/ACCOUNT NUMBER

Please Print, Using Ink

GENERAL INFORMATION

NAME OF EMPLOYER/CONTRIBUTOR: WISE EYES OPTICAL
EMPLOYER/CONTRIBUTOR ADDRESS: 2591-3 Clyde Avenue
CITY: STATE COLLEGE, PA 16801
STATE/ZIP CODE:
EMPLOYEE'S OCCUPATION OR DUTIES: Optician
DATE OF FULL-TIME EMPLOYMENT: 01/14/88
HOURS WORKED PER WEEK: 40
ANNUAL SALARY (IF APPLICABLE):
MARITAL STATUS: ☐ Single ☒ Married

	SEX	FAMILY MEMBER'S NAME - List all family members to be insured. (First) (Middle) (Last)	DATE OF BIRTH (MO) (DAY) (YR)	FULL-TIME STUDENT (Y OR N)	SOCIAL SECURITY NUMBER
Employee	F	Elaine G Trimpey	09/29/46	N/A	169-36-2186
Spouse					
Child					
Child					
Child					
Child					

HOME ADDRESS (street): R.D. #1 Box 132
CITY: Frenchville
STATE: PA
ZIP CODE: 16836

BENEFICIARY - FULL NAME: Frederick George Trimpey Sr
ADDRESS: RR1 Box 132 Frenchville, Pa 16836
RELATIONSHIP: Husband

ENROLLMENT INFORMATION

☐ I wish to enroll for all coverage offered by my employer
☐ I wish to cover:
- ☐ Myself
- ☐ My Spouse
- ☐ My Dependent Child(ren)

☐ I wish to enroll for all coverage except:
- ☐ Health
- ☐ Health & Dental

WAIVER

I decline to enroll for the following coverage due to the existence of other group coverage.

	Employee	Spouse/Child
Health	☐	☐
Dental	☐	☐

☒ I decline to enroll for all coverages (sign below)

If you are currently continuing coverage under COBRA or a state continuation provision, advise date continuation began. _____

I hereby request group insurance for myself and, if the plan provides dependent insurance, for my dependents indicated above and hereby authorize my employer or successor to make deductions from my earnings of the required contributions, if any, to apply toward the premiums for the insurance provided for in the policy of group insurance issued to my employer by The Travelers Insurance Company.

I understand that if I and/or my dependents decline coverage and desire to participate in the plan at a later date, evidence of insurability satisfactory to The Travelers Insurance Company must be furnished.

I hereby represent and agree that all the answers and statements on this request are full, complete and true, to the best of my knowledge and belief, and understand that the said answers and statements form the basis upon which insurance will be made effective. I understand that omissions, misrepresentations or misstatements could result in denial of an otherwise valid claim and voiding or reformation of insurance.

DATE: 11/11/94 x EMPLOYEE SIGNATURE: Elaine G Trimpey

EMPLOYEE ENROLLMENT APPLICATION

1. Employer/Policyholder Name: Wise Eyes | 2. Policy Number:

3. Employee's (Your) Name: Last: Trimpey | First: Elaine | Middle Initial: G
Street & Number: R.D. #1 Box 132
City, State & Zip: Frenchville, Pa. 16836
Residence Phone Number ( ) _____

4. ☐ Male ☒ Female Date of Birth: Mo. 09 | Day 29 | Yr. 46

5. 1st Day at work (Full-Time): Mo. 01 | Day 14 | Yr. 88
Part-Time: Mo. | Day | Yr.

6. Soc. Sec. No. 169-36-2186

7. Your Occupation: Optician

8. Annual Earnings $ 13.000.-

9. Marital Status ☐ Single ☒ Married ☐ Widowed ☐ Divorced or Legally Separated

10. Are dependents to be insured? (Except Disability)
☐ Yes: ☐ Spouse ☐ Children
☐ No: If no, Reason _____

11. Beneficiary Frederick H Trimpey Sr
Relationship to Employee Husband

PERSONS TO BE COVERED: Please list all Eligible Dependents below.

Full Name	Relationship	Sex	Birth Date	Coverages (refer to back of app.)
Employee Listed Above (Complete info at right)	Self	F	9/26 46	ADD/LIF/LTD

12. Optional Life ☒ No ☐ Yes Amount _____

13. Special Data Field:

"NEW ENTRANTS NOTICE" — We will pay no more than ($500.00) in benefits for charges for treatment of a preexisting condition during the first 12 months of major medical coverage for a family member unless three months have elapsed since the last care or treatment for this condition. A "preexisting condition" is any injury or illness that was diagnosed or treated (including taking prescribed medications) during the three months before major medical coverage became effective.

With my signature below I confirm that I understand the "New Entrants Notice" printed above. When this insurance becomes effective, I authorize deduction from my wages to pay my portion (if any) of premiums.

Date 11/11/94 Signature Elaine H. Trimpey

HOME OFFICE USE ONLY
Effective Date
P/E: E ☐ D ☐

U207.1PA EDUCATORS MUTUAL LIFE INSURANCE COMPANY (2063) 10/93

...LOYEE ID	TRIMPE E TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
...ME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
...DRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
...NE	OFFICE CLFT	DATE HIRED	01/14/88
...PARTMENT	BELLEFNT	DATE TERMINATED	
...CIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
...MARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
...MMENTS		OVERTIME PAY RATE	0.00

...DUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
...ES PAY	6010 Commissions	123456	$	TAXABLE		0.00
...TE TAX	2220 State witholding ta	123456	%	% GROSS		2.800%
...AL TAX	2250 Local witholding ta	123456	%	% GROSS		1.000%
...DUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
...DUCTION 2	2100 Employee health ins	123456	$	TAXABLE		0.00
...DUCTION 3	2110 Other (Legal/PHEAA)	123456	$	TAXABLE		0.00
...DUCTION 4						
...DUCTION 5						

...ATE ...HECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
...st QTR	0.00	4,877.00	0.00	538.00	136.56	7.31
	0.00	0.00	4,877.00	373.09	48.77	3,779.27
...nd QTR	0.00	5,303.00	0.00	624.00	148.49	7.99
	0.00	0.00	5,303.00	405.68	53.03	4,063.80
...rd QTR	0.00	4,449.00	0.00	522.00	124.58	6.67
	0.00	0.00	4,449.00	340.35	44.49	3,410.90
...th QTR	560.00	3,500.00	1,555.00	582.00	141.55	7.57
	0.00	0.00	5,055.00	386.69	50.55	3,886.64
...T-D	560.00	18,129.00	1,555.00	2,266.00	551.18	29.51
TOTAL	0.00	0.00	19,684.00	1,505.81	196.84	15,134.64

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DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
09/29/46			M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
sp				R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
		250.00	+3%+½sp	Covington Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	19 93 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed.	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED														
1						56 00									
2	1/9			156.12	500 00	40 00	556 00	99	56 00	45 55	16 65	5 56	470 87	3277	
3						120 00									
4	1/23			162.24	500 00	105 00	735 00	1 10	77 00	56 23	20 58	7 35	572 74	5343	
5				157.55			689 00	1 03	78 00	52 71	19 25	6 89	531 08	5412	
6	MONTH TOTAL						2020 00	3 02	211 00	154 53	56 56	20 20	1574 69		2020 00
7						66 00									
8	2/6			158 16	500 00	135 00	691 00	1 04	78 00	52 86	19 35	6 91	532 84	5495	
9						115 00									
10	2/20			168 84	500 60	112 00	727 00	1 05	84 00	55 62	20 36	7 27	558 60	5565	
11															
12	MONTH TOTAL						1418 00	2 13	162 00	108 48	35 91	14 18	1091 50		3421 00
13						86 00									
14	3/6			158.56	500 00	108 00	694 00	1 04	78 00	53 09	19 43	6 94	535 50	5642	
15						135 00									
16	[illegible]			172.03	500 00	107 00	745 00	1 12	89 00	56 55	20 86	7 45	571 58	5715	
17															
18	MONTH TOTAL						1435 00	3 16	165 00	110 08	40 29	14 35	1107 08		1877 00
19	QUAR. TOTAL						4877 00	7 31	538 00	373 09	136 56	48 77	3772 27		
20						65 00									
21	4/2			151.68	500 00	96 00	661 00	99	75 00	50 57	18 51	6 61	509 32	5785	
22						121 00									
23	4/17			158.94	500 00	144 00	765 00	1 15	90 00	58 52	21 42	7 65	586 26	5864	
24															
25	MONTH TOTAL					99 00	1426 00	3 14	165 00	109 05	39 93	14 26	1095 58		6303 00
26	5/1			198.04	500 00	160 00	755 00	1 14	90 00	58 06	21 25	7 55	580 56	5967	
27						130 00									
28	5/15			194.24	500 00	191 00	821 00	1 23	99 00	62 81	22 99	8 21	626 76	6043	
29						132 00									
30	5/25	worker vacation		185.94	500 00	181 00	803 00	1 20	96 00	61 43	22 48	8 03	613 96	6119	
31	MONTH TOTAL						2383 00	3 57	285 00	182 30	66 72	23 83	1821 58		8586 00
32						50 00									
33	6/12			159.11	500 00	132 00	682 00	1 02	78 00	52 17	19 10	6 82	524 85	6197	
34						187 00									
35	6/26			190.20	500 00	125 00	812 00	1 22	96 00	62 12	22 74	8 12	621 80	6270	
36															
37	MONTH TOTAL						1494 00	2 24	174 00	114 29	41 84	14 94	1146 65		10180 00
38	QUAR. TOTAL						5303 00	7 95	624 00	405 68	148 49	53 03	4063 85		
39	TOTAL TO DATE						10180 00	15 26	1162 00	778 20	285 [illegible]	101 [illegible]	7836 [illegible]		

09/29/46	M / F	EXEMPTION CLASS + 10 M-0	NAME — LAST TRIMPEY	FIRST Elaine	MIDDLE G
sp	MARITAL M / S	NUMBER OF DEPENDENTS	ADDRESS R.D. #1 Box 132 Frenchville, Pa. 16836		
	REGULAR EARNINGS $ 250.00	HOUR RATE $ +3%+½sp	Covington Twp	SOCIAL SECURITY NO 169-36-2186	COMPANY NO. 01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO.	19 93 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
FORWARDED							10180 00	15 26	1162 00	778 77	255 05	101 80	7857 12		10180 00
1						135 00									
2	7/10			138.07	500 00	107 00	742 00	1 11	87 00	56 76	20 78	7 42	568 93	6345	
3						-									
4	7/24			145.50	500 00	139 00	639 00	96	72 00	48 73	17 84	6 39	491 10	6421	
5															
6	MONTH TOTAL						1379 00	2 07	155 00	105 49	38 62	13 79	1060 03		11559 00
7						205 00									
8	8/7			153.78	500 00	108 00	817 00	1 23	99 00	62 50	22 88	8 17	623 22	6517	
9						124 00									
10	8/21			167.84	500 00	99 00	723 00	1 08	84 00	55 31	20 24	7 23	555 14	6595	
11															
12	MONTH TOTAL						1540 00	2 31	183 00	117 81	43 12	15 40	1178 36		13055 00
13						177 00									
14	9/4			185.50	500 00	125 00	806 00	1 21	96 00	61 66	22 57	8 06	616 50	6673	
15						151 00									
16	9/18			167.55	500 00	93 00	724 00	1 09	84 00	55 25	20 29	7 24	556 01	6761	
17															
18	MONTH TOTAL						1530 00	2 30	180 00	117 05	42 84	15 30	1172 51		14639 00
19	QUAR. TOTAL					140 00	4449 00	6 68	522 00	340 35	124 58	44 49	3410 90		
20	10/2			169.02	500 00	93 00	733 00	1 10	84 00	56 07	20 52	7 33	563 98	6848	
21						167 00									
22	10/16			198.56	500 00	94 00	761 00	1 14	96 00	58 22	21 31	7 61	582 92	6934	
23						122 00									
24	10/30			159.52	500 00	69 00	689 00	1 03	78 00	52 71	19 25	6 85	531 08	7034	
25	MONTH TOTAL						2183 00	3 27	252 00	167 00	61 12	21 83	1677 98		16812 00
26						184 00									
27	11/13			153.35	500 00	139 00	822 00	1 23	96 00	62 88	23 02	8 22	628 65	7123	
28						132 00									
29	11/27				500 00	110 00	742 00							7077	
30															
31	MONTH TOTAL														
32															
33															
34															
5															
36															
37	MONTH TOTAL														
38	QUAR. TOTAL														
39	TOTAL TO DATE														

OPT 4157

09/29/46	SEX M / F	CLASSIFICATION M-0	NAME — LAST TRIMPEY	FIRST Elaine	MIDDLE G	
SP	MARITAL M / S	NUMBER OF DEPENDENTS	ADDRESS R.D. #1 Box 132 Frenchville, Pa. 16836			
	REGULAR EARNINGS $ 250.00 +	HOUR RATE $ 3% +½	Covington Twp. ~~Girard Twp~~	SOCIAL SECURITY NO. 169-36-2186	COMPANY NO. 01/14/88	

EMPLOYEES EARNINGS RECORD

LINE NO.	1992 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS uc 2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED														
1						73 00									
2	1/11			(151.64)	500 00	68 00	641 00	32	76 00	49 04	19 80	6 41	485 36	3550	
3						80 00									
4	1/25			(150.32)	500 00	68 00	655 00	33	75 00	50 11	20 31	6 55	498 70	3610	
5															
6	MONTH TOTAL						1296 00	65	155 00	99 15	40 19	12 96	988 06		1256 00
7						82 00									
8	2/8			(151.8)	500 00	78 00	660 00	33	79 00	50 75	20 46	6 60	502 82	3685	
9						105 00									
10	2/22			(173.35)	500 00	120 00	725 00	36	88 00	55 46	22 48	7 25	551 45	3746	
11															
12	MONTH TOTAL						1385 00	65	167 00	106 25	42 54	13 85	1054 27		2681 00
13						89 00									
14	3/7			(160.6)	500 00	133 00	722 00	36	75 00	55 23	22 38	7 22	561 81	3816	
15						125 00									
16	3/21			(160.6)	500 00	93 00	722 00	36	75 00	55 23	22 38	7 22	561 81	3877	
17															
18	MONTH TOTAL						1444 00	72	150 00	110 46	44 76	14 44	1123 62		4125 00
19	QUAR. TOTAL						4125 00	206	492 00	315 96	127 88	41 25	3165 55		
20						144 00									
21	4/4			(165.67)	500 00	99 00	743 00	37	78 00	56 84	23 03	7 43	577 33	3938	
22						143 00									
23	4/18			(166.51)	500 00	107 00	750 00	34	78 00	57 38	22 25	7 50	583 49	4002	
24															
25	MONTH TOTAL					76 00	1493 00	75	156 00	114 22	46 28	14 93	1160 82		5619 00
26	5/2			(150.54)	500 00	115 00	691 00	35	69 00	52 86	21 42	6 91	546 46	4086	
27						120 00									
28	5/16			(165.51)	500 00	125 00	745 00	37	78 00	56 99	23 10	7 45	579 09	4147	
29						98 00									
30	5/30			(160.6)	500 00	144 00	722 00	36	75 00	55 23	22 38	7 22	561 81	4210	
31	MONTH TOTAL						2159 00	108	222 00	165 08	66 90	21 58	1681 36		7776 00
32						90 00									
33	6/13			(149.34)	500 00	91 00	681 00	34	69 00	52 10	21 11	6 81	531 64	4274	
34						120 00									
35	6/27			(161.26)	500 00	111 00	731 00	37	75 00	55 82	22 66	7 31	565 74	4338	
36															
37	MONTH TOTAL						1412 00	71	144 00	108 02	43 77	14 12	1101 38		9188 00
38	QUAR. TOTAL						5063 00	254	537 00	389 32	156 45	50 63	3943 56		
39	TOTAL TO DATE						9188 00	460	1029 00	705 28	284 33	91 88	7109 11		

DEPARTMENT		EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
09/29/46	M F	M-0	TRIMPEY	Elaine	G.
OCCUPATION	**MARITAL**	**NUMBER OF DEPENDENTS**	**ADDRESS**		
SP	M S		R.D. #1 Box 132 Frenchville, Pa. 16836		

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
		250.00 +	3% +⅓	Covington Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO.	19 92 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS ..	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED						9188 00	4 60	984 00	703 18	284 83	91 88	7109 31		9188 00
1						97 00									
2	9/11			145.24	500 00	70 00	667 00	33	66 00	51 03	18 68	6 67	524 39	4409	
3		-WEEK- VACATION				69 00									
4	9/25			121.46	500 00	54 62	621 00	31	60 00	47 51	17 35	6 21	495 55	4473	
5															
6	MONTH TOTAL						1288 00	64	126 00	98 54	36 07	12 88	1013 81		10496 00
7						72 00									
8	9/9			148.41	500 00	19 00	691 00	35	69 00	52 86	19 35	6 91	542 53	4555	
9						60 00									
10	10/23			142.24	500 00	103 00	663 00	33	66 00	50 72	18 56	6 63	520 79	4619	
11															
12	MONTH TOTAL						1354 00	68	135 00	103 58	37 91	13 54	1063 29		11836 00
13						119 00									
14	10/7			163.38	500 00	135 00	742 00	37	78 00	56 76	20 78	7 42	578 67	4686	
15						151 00									
16	10/19			199.92	500 00	91 00	842 00	42	93 00	64 41	23 58	8 42	652 17	4748	
17															
18	MONTH TOTAL						1584 00	79	171 00	121 19	44 36	15 84	1230 84		13414 00
19	QUAR. TOTAL	-WEEK- VACATION				114 00	4226 00	2 11	432 00	323 29	118 34	42 26	3288 00		
20	10/3			147.32	500 00	69 00	681 00	34	69 00	52 10	19 07	6 81	533 68	4809	
21						106 00									
22	10/17			149.54	500 00	77 00	683 00	34	69 00	52 25	19 12	6 83	535 46	4869	
23						103 00									
24	10/31			158.5	500 00	103 00	706 00	35	72 00	54 01	19 77	7 06	552 81	4932	
25	MONTH TOTAL						2070 00	103	210 00	158 36	57 96	20 70	1621 95		15484 00
26						103 00									
27	11/14			153.19	500 00	103 00	706 00	35	72 00	54 01	19 77	7 06	552 81	5014	
28						103 00									
29	11/28			153.19	500 00	103 00	706 00	35	72 00	54 01	19 77	7 06	552 81	5077	
30															
31	MONTH TOTAL						1412 00	70	144 00	108 02	39 54	14 12	1105 62		16896 00
32															
33	12/12			152.84	500 00	213 00	713 00	36	73 00	54 47	19 94	7 12	558 11	5143	
34						113 00									
35	12/26			148.23	500 00	76 00	689 00	34	65 00	52 71	19 25	6 85	540 77	5210	
36															
37	MONTH TOTAL						1401 00	70	141 00	109 18	38 33	14 01	1098 88		18297 00
38	QUAR. TOTAL						4883 00	2 43	495 00	373 54	136 73	48 83	3826 45		
39	TOTAL TO DATE						18259 00	3 11	1921 00	1444 07	525 [illegible]	192 [illegible]	[illegible]		

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DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
09/29/1946			M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
SP				R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $ 3% + 1/2 SP +2% + SP		SOCIAL SECURITY NO.	COMPANY NO.
		250.00		Girard Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	19 91 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed	DEDUCTIONS soc sec	DEDUCTIONS Pa. state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED													
1						13 00								
2	1/12			115.44	500 00	12 00	512 00	59 00	40 16	11 03	5 12	405 56	1943	
3						116 00								
4	1/26			178.24	500 00	158 00	774 00	95 00	55 21	16 25	7 94	555 90	1954	
5														
6	MONTH TOTAL						1299 00	154 00	95 37	27 28	12 99	1009 36		1299 00
7						7								
8	2/9			173.05	500 00	245 00	745 00	92 00	56 55	15 65	7 45	572 91	2064	
9						169 00								
10	2/23			181.42	500 00	107 00	776 00	98 00	55 86	16 20	7 76	559 18	2105	
11														
12	MONTH TOTAL						1521 00	190 00	116 35	31 95	15 21	1167 45		3820 00
13						39 00								
14	3/9			176.75	500 00	73 00	617 00	71 00	46 82	12 85	6 12	479 21	2156	
15						105 00								
16	3/23			165.60	500 00	99 00	704 00	96 00	53 86	14 78	7 04	542 32	2207	
17														
18	MONTH TOTAL						1316 00	157 00	100 68	27 63	13 16	1017 53		4136 00
19	QUAR. TOTAL						4156 00	501 00	316 40	86 86	41 36	3190 29		
20						142 00								
21	4/6			196.80	500 00	155 00	795 00	101 00	61 12	16 98	7 95	612 11	2258	
22						92 00								
23	4/20			151.20	500 00	118 00	691 00	93 00	52 86	14 81	6 91	533 42	2312	
24														
25	MONTH TOTAL						1490 00	194 00	113 98	31 79	14 90	1145 53		5626 00
26						145 00								
27	5/4			182.64	500 00	139 00	780 00	98 00	60 21	16 53	7 80	604 39	2388	
28						203 00								
29	5/18			AL 12	500 00	126 00	829 00	104 00	63 12	17 41	8 29	636 18	2445	
30														
31	MONTH TOTAL					155 00	1.616 00	202 00	123 63	33 94	16 16	1240 29		7242 00
32	6/1			161.14	500 00	40 00	699 00	96 00	53 47	14 68	6 99	539 86	2505	
33						90 00								
34	6/15			171.5	500 00	75 00	665 00	90 00	50 97	13 90	6 65	513 51	2569	
35						96 00								
36	6/29			155.64	500 00	80 00	696 00	93 00	51 71	14 20	6 96	530 13	2631	
37	MONTH TOTAL						2060 00	279 00	156 05	42 85	20 60	1583 50		9302 00
38	QUAR. TOTAL						5146 00	685 00	386 [illegible]	101 [illegible]	51 46	[illegible] 79		
39	TOTAL TO DATE						[illegible] 00	1135 00	710 [illegible]	194 94	93 82	7145 19		

DEPARTMENT: 12/29/46 | SEX: M | EXEMPTION CLASS: M-0 | NAME — LAST: TRIMPEY | FIRST: Elaine | MIDDLE: G

OCCUPATION: SP | MARITAL: M | NUMBER OF DEPENDENTS: S | ADDRESS: R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK | WORK WEEK BEGINS DAY | REGULAR EARNINGS $ 250.00 | HOUR RATE ~~$3.30 + 12 SP~~ ~~12% + SP~~ | Coudersport Twp ~~Girard Twp~~ | SOCIAL SECURITY NO. 169-36-2186 | COMPANY NO. 01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO.	1991 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed	DEDUCTIONS soc sec	DEDUCTIONS Pa state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED		1040				9295.00	1134.00	710.00	194.54	92.82	7149.19		9295.00
1						124.60								
2	7/13			1165.59	500.00	92.00	716.00	95.60	54.77	15.04	7.16	550.03	2695	
3						22.15								
4	7/13-7	UNEMPLOYMENT		1165.59	500.00	116.00	641.00	77.00	49.04	13.11	6.41	495.44	2958	
5														
6	MONTH TOTAL						1357.00	166.60	103.81	28.15	13.57	1045.47		1666.60
7						75.00								
8	7/10			1165.59	500.00	71.00	646.00	79.00	49.13	13.29	6.46	499.52	2841	
9						31.00								
10	7/20			1165.59		62.00	654.00	77.00	50.63	13.98	6.54	499.54	2905	
11														
12	MONTH TOTAL						1300.00	154.00	99.45	27.16	13.00	999.09		1170.00
13						111.00								
14	7/17			1165.59	500.00	102.00	713.00	96.00	54.65	14.70	7.13	540.26	2567	
15						72.00								
16	7/24			1165.59	500.00	118.00	750.00	98.00	52.09	14.25	7.50	578.16	3029	
17														
18	MONTH TOTAL						1463.00	165.00	109.34	29.11	14.63	1063.52		1316.00
19	QUAR. TOTAL						4060.00	495.00	313.60	114.09	40.60	3108.33		
20						87.00								
21	7/31			1165.59	500.00	59.00	645.00	79.00	49.34	12.59	6.45	497.62	3094	
22						105.00								
23	8/7			1165.59	500.00	73.60	678.60	83.60	51.87	13.23	6.78	523.62	3157	
24														
25	MONTH TOTAL					98.00	1323.00	160.00	101.21	46.91	13.23	1003.83		1416.60
26	7/3			1165.59	500.00	61.00	655.00	90.00	50.41	23.09	6.59	498.93	3252	
27						104.60								
28	7/16			1165.59	500.00	92.00	696.00	86.60	53.24	24.36	6.96	525.44	3314	
29						52.00								
30	7/30			1165.59	500.00	93.00	684.00	83.60	52.33	23.54	6.84	517.89	3372	
31	MONTH TOTAL						2035.00	249.00	155.98	71.39	20.35	1542.26		1769.60
32						92.00								
33	8/6			1165.59	500.00	93.00	684.00	83.60	52.33	23.54	6.84	517.89	3425	
34														
35	12/28			1165.59	500.00	3.60	503.60	56.00	38.48	17.61	5.03	385.48	3486	
36														
37	MONTH TOTAL						1189.00	139.60	90.81	41.55	11.89	903.97		1785.60
38	QUAR. TOTAL						4549.00	548.00	348.00	155.23	45.49	3449.33		
39	TOTAL TO DATE						17891.00	1973.00	1368.66	468.24	178.91	13763.19		

FORM 882-13 WJ U.S.A.

(w. 669 1109.24
(w. 0145 255.42

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DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
			M-0	TRIMPEY	Elaine	G
OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS R.D. #1 Box 132 Frenchville, Pa. 16836		
HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $ 180.00	HOUR RATE $	Girard Twp.	SOCIAL SECURITY NO. 169-36-2186	COMPANY NO. 01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO.	19 90 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed.	soc. sec.	Pa state	1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED													
1														
2	1/12			(111.69)	360 00	65 00	425 00	46 00	32 51	8 93	4 25	333 31	0594	
3						55 00								
4	1/27			(111.07)	360 00	84 00	503 00	57 00	38 48	10 56	5 03	391 93	0638	
5														
6	MONTH TOTAL						928 00	103 00	70 99	19 45	9 28	725 24		928 00
7						80 00								
8	2/10			(115.58)	360 00	77 00	517 00	60 00	39 55	10 34	5 17	401 42	0697	
9						74 00								
10	2/24			(111.61)	360 00	74 00	508 00	57 00	38 86	10 67	5 08	396 39	0743	
11														
12	MONTH TOTAL						1025 00	117 00	78 41	21 53	10 25	797 81		1553 00
13						72 00								
14	3/10			(110.43)	360 00	65 00	497 00	57 00	38 02	10 44	4 97	386 57	0791	
15						54 00								
16	3/24			(102.21)	360 00	53 00	467 00	52 00	35 78	9 81	4 67	364 74	0839	
17														
18	MONTH TOTAL						964 00	109 00	73 75	20 25	9 64	751 36		2917 00
19	QUAR. TOTAL						2917 00	325 00	232 15	61 27	29 17	2274 41		
20						68 00								
21	4/7			(109.10)	360 00	66 00	494 00	55 00	37 79	10 37	4 94	385 90	0890	
22						56 00								
23	4/21			(99.16)	360 00	25 00	448 00	49 00	34 27	9 41	4 48	350 84	0941	
24														
25	MONTH TOTAL						942 00	104 00	72 06	19 78	9 42	736 74		3859 00
26						7								
27	5/5			(93.80)	360 00	76 00	436 00	47 00	33 35	9 16	4 36	342 13	1013	
28						50 00								
29	5/19			(101.55)	360 00	55 00	465 00	52 00	35 60	9 77	4 65	362 01	1064	
30														
31	MONTH TOTAL					64 00	901 00	99 00	68 97	18 93	9 01	705 14		4760 00
32	6/2			(109.78)	360 00	67 00	491 00	55 00	37 56	10 31	4 91	383 22	1114	
33						80 00								
34	6/16			(113.15)	360 00	73 00	513 00	57 00	39 25	10 77	5 13	400 85	1164	
35						52 00								
36	6/30			(102.42)	360 00	57 00	465 00	52 00	35 88	9 85	4 65	362 52	1217	
37	MONTH TOTAL						1473 00	164 00	112 69	30 53	14 73	1150 05		6233 00
38	QUAR. TOTAL						3216 00	369 00	252 67	69 64	33 16	2557 53		
39	TOTAL TO DATE						6233 00	696 00	476 82	131 91	62 33	4966 94		

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DEPARTMENT	SEX M / F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
Bath		M-0	TRIMPEY	Elaine	G
OCCUPATION	**MARITAL M / S**	**NUMBER OF DEPENDENTS**	**ADDRESS** R.D. #1 Box 132 Frenchville, Pa. 16836		

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
52	~~150.00~~ (115)	~~180.00~~	11.26 250.00 12.73	+ Girard Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	1990 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed.	DEDUCTIONS soc sec:	DEDUCTIONS Pa state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED		1010				6233 00	656 00	476 82	110 51	62 33	4866 54		6233 00
1						51 00								
2	7/14			(95.31)	360 00	47 00	1158 00	50 00	35 04	8 62	4 58	358 76	1265	
3						60 00								
4	7/28			(107.57)	360 00	90 00	482 00	53 00	36 95	10 14	4 83	379 08	1315	
5														
6	MONTH TOTAL						941 00	103 00	71 55	19 76	9 41	736 84		
7						50 00								
8	8/11			(122.56)	360 00	118 00	528 00	63 00	40 83	11 24	5 28	414 48	1386	
9						66 00								
10	8/25			(109.58)	360 00	56 00	483 00	53 00	36 87	10 12	4 82	378 19	1437	
11														
12	MONTH TOTAL						1.011 00	116 00	77 80	21 36	10 10	791 67		8191 00
13						95 00								
14	9/8			(110.56)	360 00	53 00	508 00	59 00	38 40	10 54	5 02	351 04	1489	
15						53 00								
16	9/22	TUKE VACATION		(91.10)	360 00	40 00	453 00	49 00	34 66	9 51	4 53	355 30	1533	
17														
18	MONTH TOTAL						955 00	106 00	73 06	2005	9 55	746 34		9146 00
19	QUAR. TOTAL						2913 00	325 00	222 85	61 17	29 13	2274 85		
20						-0-								
21	10/6			(97.50)	360 00	54 00	414 00	43 00	31 67	8 69	4 14	326 50	1583	
22						62 00								
23	10/20			(122.62)	360 00	49 00	471 00	52 00	36 03	9 85	4 71	368 31	1632	
24														
25	MONTH TOTAL						885 00	95 00	67 70	18 53	8 85	694 92		10031 00
26						65 00								
27	11/3			(111.72)	360 00	84 00	509 00	57 00	38 94	10 69	5 09	397 28	1650	
28						55 00								
29	11/17			(109.14)	360 00	50 00	485 00	55 00	37 10	10 15	4 85	377 90	1748	
30														
31	MONTH TOTAL					50 00	994 00	112 00	76 04	20 88	9 94	775 14		11025 00
32	12/1			(104.46)	360 00	50 00	490 00	53 00	36 72	10 08	4 80	375 40	1797	
33						50 00								
34	12/15				240 00	50 00	490 00	53 00	36 72	10 08	4 80	375 40	1847	
35														
36	12/29			(204.21)	500 00	367 00	867 00	111 00	66 33	18 21	8 67	662 79	1896	
37	MONTH TOTAL						1827 00	217 00	139 77	38 37	18 27	1413 59		12852 00
38	QUAR. TOTAL						3706 00	424 00	283 51	77 83	37 06	2883 60		
39	TOTAL TO DATE	OK					12852 00	1445 00	983 18	269 51	138 52	10025 39		

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
			M-0	TRIMPEY	Elaine	G
OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS	R.D. #1 Box 132 Frenchville, Pa. 16836	

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
		180.00		Girard Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO.	19 89 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed	fica	state	1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED													
1						14 00								
2	1/14			(92 20)	360 00	52 00	426 00	47 00	31 99	8 95	4 26	323 80	9325	
3						89 00								
4	1/28			(115 15)	360 00	66 00	515 00	61 00	38 68	10 82	5 15	359 35	9362	
5														
6	MONTH TOTAL						941 00	108 00	70 67	19 77	9 41	733 15		941 00
7						63 00								
8	2/11			(102 55)	360 00	44 00	467 00	53 00	35 07	9 81	4 67	364 45	9410	
9						56 00								
10	2/25			(77 22)	360 00	29 00	445 00	50 00	33 42	9 35	4 45	347 78	9447	
11														
12	MONTH TOTAL						912 00	103 00	68 45	19 16	9 12	712 23		1853 00
13						41 00								
14	3/11			(107 88)	360 00	98 00	499 00	56 00	36 72	10 27	4 99	391 12	9485	
15						50 00								
16	3/25			(104 82)	360 00	65 00	479 00	54 00	35 97	10 06	4 79	374 18	9526	
17														
18	MONTH TOTAL						968 00	110 00	72 69	20 33	9 68	755 30		2321 00
19	QUAR. TOTAL						2921 00	321 00	211 85	59 24	28 21	2200 68		
20						75 00								
21	4/15			(111 26)	360 00	67 00	502 00	58 00	37 70	10 54	5 02	390 74	9567	
22						86 00								
23	4/22			(116 28)	360 00	75 00	521 00	61 00	39 13	10 94	5 21	404 72	9611	
24														
25	MONTH TOTAL						1023 00	119 00	76 83	21 48	10 23	795 46		3814 00
26						60 00								
27	5/6			(109 52)	360 00	66 00	486 00	56 00	36 50	10 21	4 86	378 43	9671	
28						72 00								
29	5/20			(108 20)	360 00	60 00	492 00	56 00	36 95	10 33	4 92	383 80	9713	
30														
31	MONTH TOTAL						978 00	112 00	73 45	20 54	9 78	762 23		4822 00
32						45 00								
33	6/3			(100 13)	360 00	58 00	463 00	51 00	34 77	9 72	4 63	362 88	9756	
34						31 00								
35	6/17			(99 28)	360 00	64 00	455 00	51 00	34 17	9 56	4 55	355 72	9801	
36														
37	MONTH TOTAL						918 00	102 00	68 94	19 28	9 18	718 60		5740 00
38	QUAR. TOTAL						2919 00	333 00	219 22	61 30	29 19	2276 29		
39	TOTAL TO DATE						7110 00	654 00	431 07	120 54	57 40	4476 97		

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DEPARTMENT	SEX (M / F)	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
-CLEARFIELD-		M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL (M / S)	NUMBER OF DEPENDENTS	ADDRESS
			R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
		180.00		Girard Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO.	1989 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED					55 00	5740 00	654 00	431 07	120 56	57 40	4476 97		5740 00
1	1/1			(97.22)	360 00	20 00	445 00	50 00	33 42	9 35	4 45	347 78	9847	
2						49 00								
3	1/15			(97.36)	360 00	-	409 00	44 00	30 72	8 59	4 09	321 60	9858	
4	1/22	(+) WEEK-VACATION		(111.05)		90 00	500 00	58 00	37 55	10 50	5 00	388 95	9942	
5	1/29			(94.68)	360 00	- 0 -	440 00	48 00	33 04	9 24	4 40	345 32	9968	
6	MONTH TOTAL						1794 00	200 00	134 73	37 68	17 84	1403 65		5534 00
7						100 00								
8	2/12			(126.00)	360 00	96 00	556 00	69 00	41 76	11 68	5 56	430 00	10048	
9						43 00								
10	2/26			(99.31)	360 00	53 00	456 00	51 00	34 25	9 58	4 56	356 61	0096	
11														
12	MONTH TOTAL						1012 00	118 00	76 01	21 26	10 12	786 61		9546 00
13						70 00								
14	3/5			(112.33)	360 00	82 00	512 00	58 00	38 45	10 75	5 12	399 68	0147	
15						39 00								
16	3/12	(2) WEEK-VACATION		(99.36)	360 00	57 00	456 00	51 00	34 25	9 58	4 56	356 61	0197	
17														
18	MONTH TOTAL						968 00	109 00	72 70	20 33	9 68	756 29		9514 00
19	QUAR. TOTAL						3974 00	427 00	283 44	79 27	39 74	3144 55		
20						53 00								
21	10/7			(89.562)	360 00	- 0 -	413 00	44 00	31 02	8 67	4 13	325 18	0246	
22						53 00								
23	10/21			(105.35)	360 00	71 00	484 00	54 00	36 35	10 16	4 84	378 65	0254	
24														
25	MONTH TOTAL						897 00	98 00	67 37	18 83	8 97	703 83		10.411 00
26						62 00								
27	11/4			(117.02)	360 00	106 00	528 00	61 00	39 65	11 09	5 28	410 98	0355	
28						64 00								
29	11/18			(105.03)	360 00	57 00	481 00	54 00	36 12	10 10	4 81	375 97	0401	
30														
31	MONTH TOTAL					74 00	1009 00	115 00	75 77	21 19	10 09	786 95		11426 00
32	12/2			(105.14)	360 00	45 00	482 00	54 00	36 20	10 12	4 82	376 86	0445	
33						57 00								
34	12/16			(103.25)	360 00	57 00	474 00	53 00	35 60	9 95	4 74	370 71	0498	
35						57 00								
36	12/30				360 00	57 00	474 00	53 00	35 60	9 95	4 74	370 71	0546	
37	MONTH TOTAL						1430 00	160 00	107 40	30 02	14 30	1118 28		12950 00
38	QUAR. TOTAL						3336 00	373 00	250 54	70 04	33 36	2609 06		
39	TOTAL TO DATE						12850 00	1454 00	965 05	269 87	128 50	10.032 58		

FORM PR2-13

2-3-4198

DEPARTMENT	SEX M	SEX F	CLASSIFICATION	NAME — LAST	FIRST	MIDDLE
			M-O	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
				R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $ 4.50 + $1/7 4.25	PHONE NO.	SOCIAL SECURITY NO.	COMPANY NO.
					169-36-2186	1/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	1988 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS	RATE PER	EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS OASDI-UC-2	DEDUCTIONS WITH-HOLDING Fed.	DEDUCTIONS SOC. SEC.	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED														
1															
2															
3	1/16		9												
4	1/23		20	(23.29)			124 00	12	10 00	9 31	2 60	1 24	100 73	7624	
5	1/30		37	(32.93)			158 00	16	16 00	11 97	3 32	1 58	125 07	7658	
6	MONTH TOTAL						282 00	28	26 00	21 18	5 92	2 82	225 80		282 00
7	2/6		40	(35.21)			170 00	17	17 00	12 77	3 57	1 70	134 75	7704	
8	2/13		38	(33.35)			162 00	16	16 00	12 17	3 40	1 62	128 65	7738	
9	2/20		37	(31.53)			158 00	16	15 00	11 87	3 32	1 58	126 07	7771	
10	2/27		38	(33.35)			162 00	16	16 00	12 17	3 40	1 62	128 65	7805	
11															
12	MONTH TOTAL						652 00	65	64 00	48 98	13 65	6 52	518 10		934 00
13	3/5		38	(33.35)			162 00	16	16 00	12 17	3 40	1 62	128 65	7843	
14	3/12		40	(35.21)			170 00	17	17 00	12 77	3 57	1 70	134 75	7878	
15	3/19		↓				170 00	17	17 00	12 77	3 57	1 70	134 75	7916	
16	3/26						170 00	17	17 00	12 77	3 57	1 70	134 75	7952	
17															
18	MONTH TOTAL						672 00	67	67 00	50 48	14 11	6 72	533 02		1606 00
19	QUAR. TOTAL						1606 00	160	159 00	120 64	33 72	16 06	1276 58		
20	4/2			(35.21)			170 00	17	17 00	12 77	3 57	1 70	134 75	7986	
21	4/9						170 00	17	17 00	12 77	3 57	1 70	134 75	8023	
22	4/16						170 00	17	17 00	12 77	3 57	1 70	134 75	8058	
23	4/23						170 00	17	17 00	12 77	3 57	1 70	134 75	8093	
24	4/30						170 00	17	17 00	12 77	3 57	1 70	134 75	8128	
25	MONTH TOTAL						850 00	85	85 00	63 85	17 85	8 50	673 75		2456 00
26	5/7			(35.28)	180 00	-0-	180 00	18	19 00	13 52	3 78	1 80	141 92	8181	
27	5/14			(48.46)	180 00	39 00	219 00	22	25 00	16 45	4 60	2 19	170 54	8215	
28	5/21			(50.32)	180 00	47 00	227 00	23	26 00	17 05	4 77	2 27	176 68	8250	
29	5/29			(48.35)	180 00	38 00	218 00	22	25 00	16 37	4 58	2 18	165 65	8286	
30															
31	MONTH TOTAL						844 00	85	95 00	63 35	17 73	8 44	658 59		3300 00
32	6/4			(48.35)	180 00	37 00	217 00	22	25 00	16 30	4 56	2 17	168 75	8321	
33	6/11			(43.42)	180 00	20 00	200 00	20	22 00	15 02	4 20	2 00	156 58	8364	
34	6/18			(45.28)	180 00	28 00	208 00	21	23 00	15 62	4 37	2 08	162 72	8358	
35	6/25			(45.49)	180 00	30 00	210 00	21	23 00	15 77	4 41	2 10	164 51	8440	
36															
37	MONTH TOTAL						835 00	84	93 00	62 71	17 54	8 35	652 56		4135 00
38	QUAR. TOTAL						2529 00	254	273 00	189 85	53 12	25 29	1985 10		
39	TOTAL TO DATE						4135 00	414	432 00	310 49	86 84	41 35	3261 68		

DEPARTMENT	SEX M / F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
		M-0	TRIMPEY	Elaine	G
OCCUPATION	MARITAL M / S	NUMBER OF DEPENDENTS	ADDRESS R.D. #1 Box 132 Frenchville, Pa. 16836		

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $ 4.50 ~~4.25~~ 5.17	PHONE NO.	SOCIAL SECURITY NO.	COMPANY NO.
				9 CLARDS TWP	169-36-2186	1/14/88

EMPLOYEES EARNINGS RECORD

	19 88 PERIOD ENDING	TIME WORKED DAYS HOURS	RATE PER	EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS C.A.B. UC-2	DEDUCTIONS WITH. HOLDING fed.	DEDUCTIONS soc sec.	DEDUCTIONS Pa. state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED					4135 00	4 14	430 00	310 55	86 84	41 35	3262 08		4135 00
1	9/2	(48.04)		1800 00	35 00	215 00	22	25 00	16 15	4 52	2 15	166 96	8469	
2	9/9	(54.02)		1800 00	63 00	243 00	24	28 00	18 25	5 10	2 43	188 98	8509	
3	9/16	(45.49)		1800 00	30 00	210 00	21	23 00	15 77	4 41	2 10	164 31	8544	
4	9/23	(48.07)		1800 00	42 00	222 00	22	25 00	16 67	4 66	2 22	173 23	8579	
5	9/30	(48.67)		1800 00	41 00	221 00	22	25 00	16 60	4 64	2 21	172 33	8629	
6	MONTH TOTAL					1111 00	111	126 00	83 44	23 33	11 11	866 01		5246 00
7	10/6	(50.11)		1800 00	45 00	225 00	23	26 00	16 90	4 73	2 25	174 89	8663	
8	10/13	(50.32)		1800 00	47 00	227 00	23	26 00	17 05	4 77	2 27	176 68	8700	
9	10/20	(45.35)		1800 00	29 00	209 00	21	23 00	15 70	4 35	2 09	163 61	8731	
10	10/27	(39.53)		1800 00	6 00	186 00	19	20 00	13 97	3 51	1 86	146 07	8765	
11														
12	MONTH TOTAL					847 00	86	95 00	63 62	17 80	8 47	661 25		6053 00
13	11/3	(43.21)		1800 00	18 00	198 00	20	22 00	14 87	4 16	1 98	154 75	8805	
14	11/10	(43.42)		1800 00	20 00	200 00	20	22 00	15 02	4 20	2 00	156 58	8841	
15	11/17	(43.20)		1800 00	18 00	198 00	20	22 00	14 87	4 16	1 98	154 75	8804	
16	11/24	(45.16)		1800 00	31 00	211 00	21	23 00	15 85	4 43	2 11	165 40	8542	
17														
18	MONTH TOTAL					807 00	81	89 00	60 61	16 95	8 07	631 56		6900 00
19	QUAR. TOTAL					2765 00	278	310 00	207 67	58 03	27 65	2158 82		
20	10/1	(120.55)			48 00	500 00	50	67 00	37 55	10 50	5 00	379 45	8977	
21	10/8	(101.00)		3600 00	50 00	458 00	46	52 00	34 40	9 62	4 58	356 94	9015	
22					35 00									
23	10/22	(104.34)		3600 00	25 00	470 00	47	54 00	35 30	9 87	4 70	365 66	9052	
24														
25	MONTH TOTAL					1428 00	143	173 00	107 25	29 99	14 28	1102 05		8328 00
26	11/5	(113.52)		3600 00	63 00 86 00	509 00	51	55 00	38 23	10 69	5 09	395 48	9100	
27	11/12	(120.55)				500 00	50	67 00	37 55	10 50	5 00	375 45	9135	
28	11/19	(113.52)				509 00	51	55 00	38 23	10 69	5 09	395 48	9171	
29														
30														
31	MONTH TOTAL					1518 00	152	195 00	114 01	31 88	15 18	1170 41		9846 00
32	12/3	(78.05)		3600 00	14 00	374 00	37	39 00	28 09	7 85	3 74	294 95	9205	
33														
34	12/10	(106.20)		3600 00	51 00 67 00	478 00	48	55 00	35 90	10 04	4 78	371 80	9249	
35														
36	12/31	(93.84)		3600 00	37 00 31 00	428 00	43	48 00	32 14	8 99	4 28	334 16	9281	
37	MONTH TOTAL					1280 00	128	142 00	96 13	26 88	12 80	1000 51		11126 00
38	QUAR. TOTAL					11226 00	423	500 00	317 39	88 75	42 26	3273 37		
39	TOTAL													

Cut along this line and give this form to your employer. Keep the rest for your records.

Form **W-4**
Department of the Treasury
Internal Revenue Service

Employee's Withholding Allowance Certificate

► **For Privacy Act and Paperwork Reduction Act Notice, see instructions.**

OMB No. 1545-0010

1987

6-4-85

1 Type or print your full name
ELAINE GARLAND TRIMPEY

2 Your social security number
169-36-2186

Home address (number and street or rural route)
R.D. 1 Box 132

3 Marital Status
☐ Single ☐ Married
☐ Married, but withhold at higher Single rate
Note: *If married, but legally separated, or spouse is a nonresident alien, check the Single box.*

City or town, state, and ZIP code
FRENCHVILLE, PA. 16836

4 Total number of allowances you are claiming (from the Worksheet on page 3) 0

5 Additional amount, if any, you want deducted from each pay (see Step 4 on page 2) . . . . . $

6 I claim exemption from withholding because (see Step 2 above and check boxes below that apply):

a ☐ Last year I did not owe any Federal income tax and had a right to a full refund of **ALL** income tax withheld, **AND**

b ☐ This year I do not expect to owe any Federal income tax and expect to have a right to a full refund of **ALL** income tax withheld. If both a and b apply, enter the year effective and "EXEMPT" here . . . ► Year 19

c If you entered "EXEMPT" on line 6b, are you a full-time student? . . . . . ☐ Yes ☐ No

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or, if claiming exemption from withholding, that I am entitled to claim the exempt status.

Employee's signature ► Elaine Garland Trimpey **Date** ► June 15, 1985

7 Employer's name and address (**Employer: Complete 7, 8, and 9 only if sending to IRS**)	8 Office code	9 Employer identification number

EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
TRIMPEY	ELAINE	GARLAND	

Address: Street Name and Number	City	State	ZIP Code
R.D. 1 Box 132	FRENCHVILLE	PA	16836

Date of Birth (Month/Day/Year)	Social Security Number
9/21/46	169-36-2186

I attest, under penalty of perjury, that I am (check a box):

- ☑ 1. A citizen or national of the United States.
- ☐ 2. An alien lawfully admitted for permanent residence (Alien Number A _____).
- ☐ 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware tha federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month/Day/Year)
Elaine G Trimpey	1/15/88

PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	**City**	**State**	**Zip Code**

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Instructions:

Examine one document from List A and check the appropriate box, ***OR*** examine one document from List B ***and*** one from List C and check the appropriate boxes Provide the ***Document Identification Number*** and ***Expiration Date*** for the document checked.

List A
Documents that Establish Identity and Employment Eligibility

- ☐ 1. United States Passport
- ☐ 2. Certificate of United States Citizenship
- ☐ 3. Certificate of Naturalization
- ☐ 4. Unexpired foreign passport with attached Employment Authorization
- ☐ 5. Alien Registration Card with photograph

Document Identification

_____

Expiration Date (if any)

_____

List B
Documents that Establish Identity

- ☑ 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) PA
- ☐ 2. U.S. Military Card
- ☐ 3. Other (Specify document and issuing authority)

_____

Document Identification

13-044-603

Expiration Date (if any)

9/30/90

and

List C
Documents that Establish Employment Eligibility

- ☐ 1. Original Social Security Number Card (other than a card stating it is not valid for employment)
- ☒ 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification
- ☐ 3. Unexpired INS Employment Authorization Specify form

_____

Document Identification

583

Expiration Date (if any)

_____

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and to relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
John A. Russell		
Employer Name	**Address**	**Date**

Form I-9 (05/07/87)
OMB No. 1115-0136

U.S. Department of Justice
Immigration and Naturalization Service

Employment Eligibility Verification

NOTICE: Authority for collecting the information on this form is in Title 8, United States Code, Section 1324A, which requires employers to verify employment eligibility of individuals on a form approved by the Attorney General. This form will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Immigration and Naturalization Service or Department of Labor within the time period specified by regulation, or improper completion or retention of this form, may be a violation of the above law and may result in a civil money penalty.

Section 1. Instructions to Employee/Preparer for completing this form

Instructions for the employee.

All employees, upon being hired, must complete Section 1 of this form. Any person hired after November 6, 1986 must complete this form. (For the purpose of completion of this form the term "hired" applies to those employed, recruited or referred for a fee.)

All employees must print or type their complete name, address, date of birth, and Social Security Number. The block which correctly indicates the employee's immigration status must be checked. If the second block is checked, the employee's Alien Registration Number must be provided. If the third block is checked, the employee's Alien Registration Number *or* Admission Number must be provided, as well as the date of expiration of that status, if it expires.

All employees whose present names differ from birth names, because of marriage or other reasons, must print or type their birth names in the appropriate space of Section 1. Also, employees whose names change after employment verification should report these changes to their employer.

All employees must sign and date the form.

Instructions for the preparer of the form, if not the employee.

If a person assists the employee with completing this form, the preparer must certify the form by signing it and printing or typing his or her complete name and address.

Section 2. Instructions to Employer for completing this form

(For the purpose of completion of this form, the term "employer" applies to employers and those who recruit or refer for a fee.)

Employers must complete this section by examining evidence of identity and employment eligibility, and:

- checking the appropriate box in List A *or* boxes in both Lists B and C;
- recording the document identification number and expiration date (if any);
- recording the type of form if not specifically identified in the list;
- signing the certification section.

NOTE: Employers are responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Copies of documentation presented by an individual for the purpose of establishing identity and employment eligibility may be copied and retained for the purpose of complying with the requirements of this form and no other purpose. Any copies of documentation made for this purpose should be maintained with this form.

Name changes of employees which occur after preparation of this form should be recorded on the form by lining through the old name, printing the new name and the reason (such as marriage), and dating and initialing the changes. Employers should not attempt to delete or erase the old name in any fashion.

RETENTION OF RECORDS.

The completed form must be retained by the employer for:

- three years after the date of hiring; or
- one year after the date the employment is terminated, whichever is later.

Employers may photocopy or reprint this form as necessary.

From: PATRICK MALLEY
To: jrr.bkr@atlanticbbn.net
Date: 3/4/2008 2:50:28 PM
Subject: Wise Eyes EEOC charges

Mr. Ryan,

Please see the attached letter.

Patrick J. Malley, Investigator
U.S. EEOC
1001 Liberty Ave., Suite 300
Pittsburgh, PA 15219-4187
412/644-4115 (phone)
412/644-2664 (fax)
PATRICK.MALLEY@eeoc.gov

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3420
TTY (412) 644-2720
FAX (412) 644-2664

March 4, 2008

SUBJECT : Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND
Trimpey v. Wise Eyes Optical, #533-2007-01780

Mr. John R. Ryan
SENT VIA E-MAIL ONLY

Mr. Ryan:

Per our conversation of this afternoon, please send to me at least one day prior to the fact-finding conference of Wednesday, March 12, 2008, the following:

1. A complete copy of the Personnel Policy for all of Respondent's stores which would have been in effect at the time of the discharge of Ms. Swatsworth and Ms. Trimpey.

2. A complete copy of the personnel file for Ms. Swatsworth.

3. A complete copy of the personnel file for Ms. Trimpey.

Sincerely,
Patrick J. Malley
Patrick J. Malley
Investigator
412/644-4115
Patrick.Malley@eeoc.gov

mr. bkre ahl...
bbn.net

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN
KIM C. KESNER

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

March 3, 2008

Patrick J. Malley
Investigator
U.S. Equal Employment Opportunity Commission
Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187

RE: **Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND**
Trimpey v. Wise Eyes Optical, #533-2007-01780

Dear Mr. Malley:

As I indicated in our telephone conversation of March 3, 2008, I represent Wise Eyes Optical with respect to the above matters.

Attached please find the documents you requested in your letter of February 15, 2008.

This will also confirm that I will be accompanying the personnel from Wise Eyes to the fact-finding conference scheduled for March 12, 2008, at 10:00 a.m. In the meantime, if you have any questions or require any further information, I hope that you will not hesitate to let me know.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

Enclosures (4 pages)

cc: John Rosselli, Wise Eyes Optical

SENT VIA FACSIMILE (412) 644-2664
AND REGULAR U.S. MAIL

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

Ralph E. Hinson; General Manager as of 04/16/2007

Employee	Job Title	DOB	Departure	Reason
Susan A. Keith	Optician/Mgr.	07/06/1960	05/05/2007	voluntary
Heather R. Kanagy	Optician	01/10/1981	05/29/2007	voluntary
Nicole Miller	Optician	04/21/1980	07/28/2007	just cause
Karen D. Swatsworth	Optician	02/17/1950	08/18/2007	laid off
Elaine G. Trimpey	Optician/Mgr.	09/29/1946	08/18/2007	laid off
Deborah J. Claar	Optician	02/13/1968	09/14/2007	laid off
Suzanne M. Grimme	Optician	11/15/1960	09/15/2007	laid off
Rachel L. Jones	Optician	10/05/1984	09/15/2007	resigned
Beth E. LaVanish	Optician	04/01/1984	09/15/2007	laid off
Colby K. Shoop	Optician	04/12/1984	10/27/2007	voluntary
Denise L.Stains	Optician	05/30/1961	11/10/2007	voluntary
Rosalie G. Kunsman	Optician	09/17/1951	01/05/2008	just cause

Employee	Job Title	DOB	Hired
Mandy L. Olewnik	Optician	01/09/1981	04/30/2007
Christina Yu	Optician	06/27/1986	05/22/2007
Charlene K. Wojtowich	Optician	01/31/1952	05/25/2007
Jennifer L. Mitchell	Optician	10/26/1986	06/06/2007
Deborah J. Claar	Optician	02/13/1968	06/09/2007
Rosalie G. Kunsman	Optician	09/17/1951	08/17/2007
Heather S. McLaughlin	Optician	09/09/1986	08/28/2007
Rachel A. Luzier	Optician	02/14/1984	09/04/2007
Colby K. Shoop	Optician	04/12/1984	10/04/2007
Beth A. Burchner	Optician	07/23/1962	10/22/2007
Lisa N. Fishel	Optician	09/14/1965	10/22/2007
Nina L. Colabine	Optician	08/22/1957	10/29/2007
Rachel A. Fichtor	Optician	08/02/1986	12/04/2007
Heidi J. Kagarise	Optician	10/31/1982	01/08/2008
Amy J. Hoagland	Optician	05/24/1981	01/16/2008
Kimberly W. Waddell	Optician	12/12/1987	01/16/2008

WISE EYES
Where The Value Looks TWICE AS GOOD!

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Karen Swanson 5-31-07
Name/Date

Elaine Kempey 5-31-07
Name/Date

Lisa Johnson 5/31/07
Name/Date

Kim Weiss 6-1-07
Name/Date

Name/Date

Name/Date

R & R Optical
Personnel Policy

Training

Each employee shall be cross trained of all duties and responsibilities of each office including products, sales, dispensing and lab work. Office managers are responsible and accountable to ensure each employee is properly trained in these areas. If there is any need of additional training to any staff member, a request is recommended. All staff should feel that they have been adequately trained.

Service

It is the responsibility of all staff members to complete jobs and dispense eyewear in an efficient manner. Jobs should not be at a stand still. When jobs arrive, finish work is to be completed by ***all*** staff members available and completed in a timely manner. Specifications of all lenses must be checked upon arrival and verified for accuracy upon completion. Verifier ***must*** initial Rx card that the specifications are accurate.

One Hour/Same Day Service

One hour/same day service ***must*** be offered to all qualifying patients. Providing this service has always been what sets Wise Eyes apart from our competition. If we are not utilizing the resources that are given to us, it makes us no different than any one else. Managers are responsible and accountable for the organization of their lab to ensure this service can be performed.

It is not the sole responsibility of just one employee to complete certain tasks. All employees must participate in the above service requirements. This is key to providing exceptional customer service.

Schedules

Managers will be responsible for all scheduling of staff within their offices. Each manager is accountable for ensuring all full time employees are working 40 hours per week. Any shortage of hours in any week must be considered vacation time unless previously approved by upper management. All office managers must obtain upper management approval, all office employees must obtain approval from office manager. Any approved time off, including vacation time, must be recorded and kept with an employee file. Employee files will be maintained and kept up to date for each employee by the office manager.

We do understand the need for employees to occasionally need time off and we will do our best to accommodate each request; however, this is considered a privilege not a requirement. All appointment days must have adequate staff to provide personal service to every patient. Non appointment days are to be staffed minimally. Non appointment days should not be used as *make-up days* for any staff needing to make up hours. All employees are expected to be on time every day. Tardiness will result in disciplinary action.

Professionalism

A positive and professional attitude is expected at all times while at work or any time one is representing Wise Eyes. Patients should always have a professional, helpful and welcoming experience. All patients are to be greeted immediately upon their arrival. A patient should never witness personal conversations, loud voices or laughter from the staff, this is viewed as unprofessional. Cell phone usage is not permitted during scheduled working hours. Personal calls will be kept to a minimum.

Wise Eyes is committed to providing quality eyewear and exceptional service to every patient. Employee participation is expected and appreciated.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

FAX

DATE: February 15, 2008

TO : RALPH HINSON, GM

FROM: Patrick J. Malley, Investigator
412/644-4115 (phone) 412-644-2664 (fax)
PATRICK.MALLEY@EEOC.GOV

This transmission contains 3 pages, including this cover sheet.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3420
TTY (412) 644-2720
FAX (412) 644-2664

February 15, 2008

SUBJECT : Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND
Trimpey v. Wise Eyes Optical, #533-2007-01780

Mr. Ralph E. Hinson, G.M., Wise Eyes Optical
SENT VIA FAX ONLY

Mr. Hinson:

I am the investigator assigned to the above-referenced charges. In order to resolve it, I have determined that I will need to conduct a fact-finding conference. **I have scheduled this conference for Wednesday, March 12, 2008, at 10:00 a.m. in our offices at the above address.** In addition to Ms. Swatsworth and Ms. Trimpey, each of whom will be contacted via a separate letter, I will need the following Respondent employees, in addition to yourself, to be present:

Kim Weir, Store Manager
Liticia Johnson, Optician

Additionally, at least two days prior to the conference (i.e., Monday, March 10, 2008) I will need to the information described below:

REQUEST FOR INFORMATION

[PLEASE TAKE NOTICE: FAILURE TO FOLLOW THE INSTRUCTIONS CONTAINED HEREIN, OR PROVIDING AN EVASIVE OR INCOMPLETE ANSWER WILL CONSTITUTE A FAILURE TO RESPOND, AND UNLESS CURED WITHIN 10 DAYS, SHALL SUBJECT THE RESPONDENT TO THE SERVICE OF A SUBPOENA FOR THE REQUESTED DOCUMENTS AND INFORMATION.]

1. The hire date upon which you took over as General Manager for Respondent.

2. The name, position held, and date of birth for all individuals terminated since the date listed in #1 above.

3. The name, position hired into, and date of birth for all individuals hired since the date listed in #1 above.

4. A complete copy of the policy which was signed for by each Charging Party on or about May 31, 2007.

Sincerely,

Patrick J. Malley
Investigator
412/644-4115
Patrick.malley@eeoc.gov

Where the Value Looks
TWICE AS GOOD!

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Karen Swanson 5-31-07
Name/Date

Elaine Trumpy 5-31-07
Name/Date

Lisa Johnson 5/31/07
Name/Date

Kim Weich 6-1-07
Name/Date

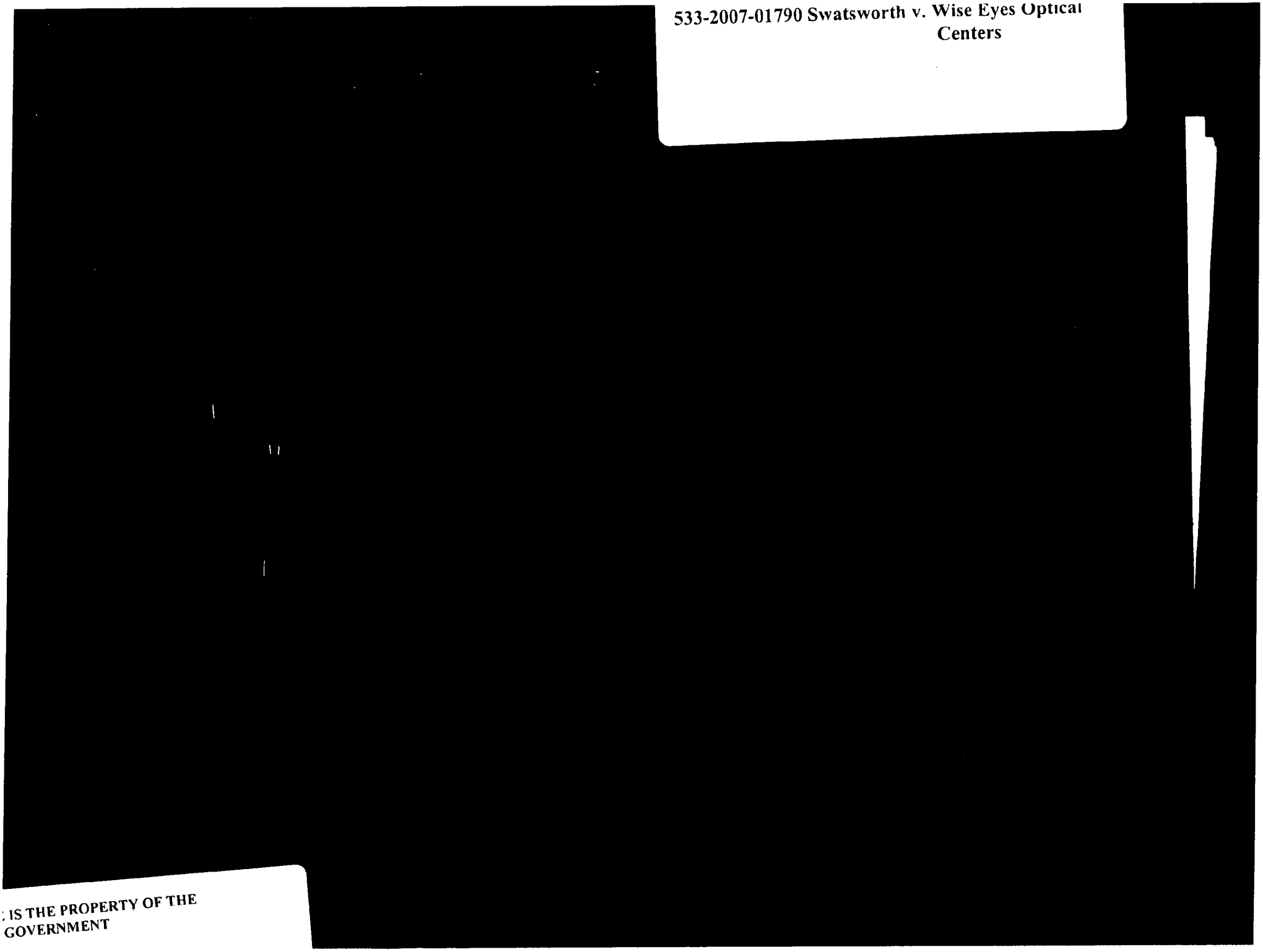
_____
Name/Date

_____
Name/Date

R & R Optical, Inc. dba Wise Eyes Optical

Store	Hired	DOB	Gender	Job Title
Altoona	06/06/2002	10/18/1948	F	Optician
Altoona	04/12/2005	02/07/1956	F	Optician
Altoona	06/06/2007	10/26/1986	F	Optician
Altoona	10/22/2007	07/23/1962	F	Optician
Altoona	10/22/2007	09/14/1965	F	Optician
Bedford	03/09/1992	05/23/1964	M	Optician/Mgr.
Bedford	10/19/2004	07/11/1983	F	Optician
Bedford	12/28/2004	12/24/1984	F	Optician
Bedford	08/17/2007	09/17/1951	F	Optician
Burnham	04/01/1975	11/04/1951	M	Owner/Mgr.
Burnham	02/21/1983	03/28/1948	F	Optician
Burnham	01/25/1985	11/21/1967	M	Lab Assistant
Burnham	05/08/1989	05/07/1971	F	Lab Manager
Burnham	04/06/1992	09/29/1941	F	Optician
Burnham	02/28/2006	03/06/1986	M	Lab Assistant
Burnham	03/07/2006	10/25/1960	F	Lab Assistant
Burnham	10/29/2007	08/22/1957	F	Optician
Clearfield	02/01/1977	03/11/1957	M	Owner/Mgr.
Clearfield	05/09/1988	04/02/1956	F	Optician/Mgr.
Clearfield	02/07/2006	09/20/1962	F	Optician
Clearfield	08/28/2007	09/09/0986	F	Optician
Clearfield	09/04/2007	02/14/1984	F	Optician
DuBois	10/03/2001	11/07/1954	M	Optician/Mgr.
DuBois	10/16/2001	02/12/1951	F	Optician
DuBois	04/05/2007	06/10/1983	F	Optician
Huntingdon	07/09/1990	12/18/1968	F	Optician/Mgr.
Huntingdon	11/23/1998	06/15/1950	F	Optician
Huntingdon	03/08/2006	05/30/1961	F	Optician
Philipsburg	06/01/1979	08/22/1957	F	Optician/Mgr.
Philipsburg	05/25/2007	01/31/1952	F	Optician
St. Marys	09/17/2001	07/01/1959	F	Optician
St. Marys	04/30/2007	01/09/1981	F	Optician
State Colle	03/01/1983	03/20/1951	F	Office Manager
State Colle	09/02/2003	05/05/1979	F	Optican
State Colle	09/16/2005	09/19/1978	F	Optician
State Colle	05/22/2007	06/27/1986	F	Optician

533-2007-01790 Swatsworth v. Wise Eyes Optical Centers



: IS THE PROPERTY OF THE
GOVERNMENT

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Karen D. Swatsworth
126 Bonnie Court
Curwensville, PA 16833

Charging Party,

CHARGE NO: 533-2007-01790

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

Respondent

Notice of Conciliation Failure

The Equal Employment Opportunity Commission (EEOC) has determined that its efforts to conciliate this charge filed under the **Age Discrimination in Employment Act (ADEA)**, have been unsuccessful. Therefore, the case has been referred to our Legal Unit for possible litigation. You will be informed of the EEOC's decision in this matter.

If the EEOC decides to bring a civil action on behalf of the Charging Party, the Charging Party will have the right to seek to intervene in such an action. If the EEOC decides that it will not bring a civil action based on this charge, the Charging Party will be issued a Notice of Right to Sue, which will entitle her to sue the Respondent on her own behalf.

It is requested where suit is filed that the Charging Party notify EEOC at the above address by letter and copy of the complaint.

On Behalf of the Commission,

5/22/08
Date

Joseph M. Hardiman, III
Joseph M. Hardiman III
Area Director

by
ILEO

c John R. Ryan [Attorney for Respondent]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

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FAX (412) 644-2664

IN THE MATTER OF:

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHARGE NUMBER: 533-2007-01790

and

KAREN D. SWATSWORTH

Charging Party

and

WISE EYES OPTICAL

Respondent

*****

CONCILIATION AGREEMENT

A charge having been filed under the Age Discrimination in Employment Act of 1967, as amended (ADEA), with the U.S. Equal Employment Opportunity Commission (EEOC), by the Charging Party against the Respondent, the charge having been investigated and reasonable cause having been found, the parties do resolve and conciliate this matter as follows:

I. GENERAL PROVISIONS

1. EEOC May Review Compliance With Agreement - The Respondent agrees that the EEOC, on request of any Charging Party or on its own motion, may review compliance with this Agreement. As a part of such review the EEOC may require written reports concerning compliance, may inspect the premises, examine witnesses and examine and copy documents.

2. Agreement Does Not Constitute Admission of Violation - It is understood that this Agreement does not constitute an admission by any Respondent of any violation of any statute administered by the EEOC.

3. Charging Party's Covenant Not to Sue - The Charging Party hereby waives, releases, and covenants not to sue Respondent with respect to the matters which were alleged in this charge on file with the EEOC, subject to performance by the Respondent of the promises and representations contained herein. The EEOC shall determine whether the Respondent has complied with the terms of this Agreement

4. All Employment Practices are to be Conducted in a Non-Discriminatory Manner - All hiring practices, promotion practices, discharge practices, and other terms and conditions of employment shall be maintained and conducted in a manner which does not discriminate on the basis of race, color, sex, religion, national origin, age, or disability in violation of any statute administered by the EEOC.

5. Retaliation Prohibited - The Parties agree that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under any statute administered by the EEOC or because of the filing of a charge, the giving of testimony, assistance, or participation in any manner in any investigation, proceeding, or hearing under any statute administered by the EEOC.

6. Reporting Provisions - The Respondent agrees to retain the records and to provide the written reports under the subsequent section of this Agreement entitled "Reporting Provisions." Reports will be furnished to the Office of the EEOC which has signified final approval of this Agreement.

7. Enforcement of Agreement - The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

8. Impact Upon EEOC's Processing - EEOC agrees not to use the subject charge as the jurisdictional basis for a civil action under the ADEA but does not waive or in any manner limit its right to process or seek relief in any other charge or investigation including, but not limited to, a charge filed by a member of the Commission against the Respondent.

II. RELIEF

1. Respondent agrees to pay Charging Party for the backpay lost in the amount of $9,860 within ten (10) days of the date that this agreement has been fully executed.

2. Respondent agrees to pay Charging Party frontpay in the amount of $45,240 within ten (10) days of the date that this agreement has been fully executed.

III. REPORTING PROVISIONS

1. Respondent agrees to send to EEOC a copy of the settlement check(s) referenced in the RELIEF section above within twenty (20) days of the date that the check(s) are issued.

IV. SIGNATURES

I have read the foregoing Conciliation Agreement and I accept and agree to the provisions contained therein:

_____
Date

_____
John Rosselli, Owner
for Respondent

_____
Date

_____
Karen D. Swatsworth
Charging Party

Approved on Behalf of the Commission:

_____
Date

_____
Joseph M. Hardiman III
Area Director

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

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1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
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FAX (412) 644-2664

February 28, 2008

SUBJECT : Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND
Trimpey v. Wise Eyes Optical, #533-2007-01780

Ms. Karen D. Swatsworth
126 Bonnie Court
Curwensville, Pa 16833

Ms. Swatsworth:

As you know, I am the investigator assigned to the above-referenced charges. In order to resolve it, I have determined that I will need to conduct a fact-finding conference. **I have scheduled this conference for Wednesday, March 12, 2008, at 10:00 a.m. in our offices at the above address.** In addition to you and Ms. Trimpey, I have requested that the following Respondent employees be present:

Ralph Hinson, General Manager
Kim Weir, Store Manager
Liticia Johnson, Optician

Enclosed for your reference is a copy of Respondent's position statement for your charge.

Sincerely,

Patrick J. Malley
Investigator
412/644-4115
Patrick.malley@eeoc.gov

EEOC Form 161-A (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)

To: **Karen D. Swatsworth**
126 Bonnie Court
Curwensville, PA 16833

From: **Pittsburgh Area Office**
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
533-2007-01790	**Legal Unit** **Philadelphia District Office**	**(215) 440-2828**

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

Joseph M. Hardiman, III,
Area Office Director

06/12/08
(Date Mailed)

cc: **John Rosselli, President**
WISE EYES OPTICAL
P O Box 10077
State College, PA 16805

John R. Ryan, Esq.
BELIN, KUBISTA & RYAN
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PA 16830

Enclosure with EEOC
Form 161-A (3/98)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you *receive* this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was *mailed* to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 – *not* 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD

COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
301 Chestnut Street, Suite 300
P.O. Box 3145
Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
(717) 787-4087 (TTY)

COMMISSIONERS
DAVID A. ALEXANDER
M. JOEL BOLSTEIN
TIMOTHY CUEVAS
REV. DR. JAMES EARL GARMON, SR.
TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

November 5, 2008

Karen D Swatsworth
126 Bonnie Court
Curwensville PA 16833

RE: Karen D Swatsworth v Wise Eyes Optical
Case No. 200704907
EEOC No. 533200701790

Dear Ms. Swatsworth:

This letter will notify you that the Pennsylvania Human Relations Commission (PHRC) has closed the above referenced case for the following reason(s):

[ ] The facts you allege fail to state a claim under the PHRAct.
[ ] Your complaint was not timely filed with the PHRC.
[ ] You failed to provide requested information or otherwise failed to cooperate with the PHRC to the extent that the Commission has been unable to resolve your charge.
[ ] The PHRC has made reasonable efforts to locate you and has been unable to do so. You had at least 30 days to respond to a notice sent to your last known address.
[ ] The respondent has made a reasonable settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received notice of this settlement offer.
[ ] Based upon the Commission's (EEOC) investigation, the PHRC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
[x] You filed a civil action in state or federal court.
[ ] Your case was closed administratively.

Enclosed is a Notice of Complainant's Rights. The Pennsylvania Human Relations Act also affords the complainant and the respondent the opportunity for comments after the final disposition of the complaint. If you wish to make written comments regarding the complaint, please send them to Arberdella White-Davis, Director of Compliance, at the above address. Your comments will be provided to Commission members.

Very truly yours,

Homer C. Floyd
Executive Director

HCF: dmn

Enclosure cc: Theron G. Noble, Esq.

Luk M3 & ADM - C

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD

COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
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COMMISSIONERS
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TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

Karen Swatsworth
126 Bonnie Court
Curwensville PA 16833

March 18, 2008

RE: Karen D Swatsworth v Wise Eyes Optical
Case No. 200704907 EEOC No. 533200701790

Dear Karen Swatsworth:

When a charge is filed with the **Equal Employment Opportunity Commission** (EEOC), federal law requires EEOC to send a copy of the charge, if co-jurisdictional, to the **Pennsylvania Human Relations Commission** (PHRC). This happens because EEOC must afford certain state or local agencies, such as the **PHRC** the opportunity to investigate the complaint for 60 days. PHRC has the discretion to waive the opportunity to investigate the charge. In accordance with the Work Sharing Agreement between EEOC and the PHRC, PHRC waived the opportunity to investigate the complaint back to EEOC. This means that EEOC will not have to wait 60 days to take action on the charge.

This is to notify you that the above referenced EEOC charge also has been filed with PHRC. PHRC considers the complaint filed with PHRC on the date the complaint is received by EEOC. PHRC's action in this regard is taken because PHRC, pursuant to Section 7 (c) of the Pennsylvania Human Relations Act, has designated EEOC in the Work Sharing Agreement as its agent for receipt of complaints initially filed with EEOC that are dual filed with PHRC.

Be advised that PHRC will take no further action on the filing at this time and no action is required on your part at this time. However, PHRC reserves the right to docket, serve and require an answer at some future date. Should PHRC elect to docket the EEOC charge as a PHRC complaint, PHRC will serve the complaint and an answer will be required.

Subsection 41.82 of PHRC's Rules of Administrative Practice requires employers to maintain certain records until the final disposition of the complaint.

After one year, if the case is still pending, the complainant will be notified of his/her right to file in the appropriate court of common pleas. If, at that time, the complainant does not confirm in writing that he/she wants PHRC to remain involved, then PHRC will take no further action on this filing.

IT IS YOUR RESPONSIBILITY to promptly notify PHRC of any change of address and phone number. If you are represented by an attorney, your attorney must file a written notice of appearance. If you change attorneys, or are no longer represented by an attorney, you must notify PHRC in writing of the change.

Sincerely,

Arberdella White-Davis
Director of Compliance

Luk Notice – C & R

INFORMATION FOR COMPLAINANTS & ELECTION OPTION

TO DUAL FILE WITH THE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Karen Swatsworth vs Wise Eyes Optical

EEOC No. 533-2007-01790

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which could affect the outcome of your case.

Complaints filed with PHRC must be filed within 180 days of the acts(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

(Sign and date appropriate request below)

I understand that false statements in this complaint are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

X Karen Swatsworth

Signature and Date

I do not want my charge dual filed with PHRC.

_____

Signature and Date

EEOC Pittsburgh Area Office

MEDIATION YES / NO

This is to certify that during the intake of my charge the EEOC interviewer informed me of the EEOC Mediation Program and provided me with a fact sheet that explains the Mediation Program.

Mediation is voluntary and if both parties agree a mediation session will be scheduled.

Based on the information provided by the interviewer including the Mediation handout I have decided as follows:

"Please Check One"

I **accept** Mediation Yes _____ I **reject** Mediation_____ for the following reasons:

Charge Number: 533-2007-01790

Karen Swartwood _____ 10-22-07

Signature Date

533-2007-01790 Karen Swatsworth v. Wise Eyes Optical

EEOC AFFIDAVIT

(This form is affected by the Privacy Act of 1974. See Privacy Act Statement on reverse before completing this form.)

NAME	TELEPHONE NUMBER (Give area code)
Karen D. Swatsworth	HOME: **(814) 236-3703** WORK: **(814) 000-0000**

ADDRESS (Number, street, city, state, zip)

126 Bonnie Court, Curwensville, PA 16833

THE FOLLOWING PERSON CAN ALWAYS CONTACT ME

NAME AND TELEPHONE NUMBER

David Swatsworth (814) 236-3703

ADDRESS (Number, street, city, state, zip)

126 Bonnie Court, Curwensville, PA 16833

STATUS OF EMPLOYMENT

CHECK ONE. ☐ WORKING ☐ NOT WORKING ☐ SOUGHT EMPLOYMENT AT	NAME OF EMPLOYER
TYPE OF BUSINESS	DATES OF EMPLOYMENT FROM: TO: WHEN EMPLOYMENT WAS SOUGHT FROM TO:
POSITION TITLE	DEPARTMENT
ADDRESS (Number, street, city, state, zip)	

Remedy/relief sought:

As a remedy, I am seeking lost wages + interest (the salary for the position is $7.25 per hour, 40 hours per week); lost medical benefits; and other lost monies and benefits for which I am entitled; punitive and compensatory damages; my record expunged; and a **written** neutral reference.

EEOC Form 133 (10/94)

I declare under the penalty of perjury that the foregoing is true and correct.

DATE	SIGNATURE OF ~~WITNESS~~	SIGNATURE OF EEOC REPRESENTATIVE	PAGE 1 OF 1
X 10-22-07	X Karen Swatsworth		

PRIVACY ACT STATEMENT: (This form is covered by the Privacy Act of 1974, Public Law 93-579. Authority for requesting and uses of the personal data are given below.)

1. FORM NUMBER/TITLE/DATE: EEOC FORM 133, EEOC AFFIDAVIT, December 1993
2. AUTHORITY: 42 USC 2000e(9), 29 USC 201, 29 USC 621, 42 U.S.C. 12117.
3. PRINCIPAL PURPOSES: Provides a standardized format for obtaining sworn statements of information relevant to a charge of discrimination.
4. ROUTINE USES. The affidavits are used to: (1) make an official determination regarding the validity of the charge of discrimination; (2) guide the Commission's investigatory activity; and (3) in Commission litigation, to impeach or substantiate a witness's testimony.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR PROVIDING INFORMATION: Voluntary: Failure to provide an affidavit has no effect upon jurisdiction of the Commission to process a charge. However, sworn statements submitted by the parties are, of course, relied upon more heavily than unsworn statements in making a determination as to the existence of unlawful discrimination.

REVERSE OF EEOC FORM 133 (10/94)

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: [ ] FEPA [X] EEOC

Agency(ies) Charge No(s): 533-2007-01790

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name *(indicate Mr., Ms., Mrs.)*	Home Phone *(Incl. Area Code)*	Date of Birth
Ms. Karen D. Swatsworth	**(814) 236-3703**	**02-17-1950**

Street Address: **126 Bonnie Court, Curwensville, PA 16833** — City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No. *(Include Area Code)*
WISE EYES OPTICAL	**15 - 100**	**(814) 867-5045**

Street Address: **140 Plaza Drive, Clearfield, PA 16830** — City, State and ZIP Code

Name	No. Employees, Members	Phone No. *(Include Area Code)*

Street Address — City, State and ZIP Code

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN
[ ] RETALIATION [X] AGE [ ] DISABILITY [ ] OTHER *(Specify below.)*

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
08-01-2007	**08-31-2007**

[ ] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s))*:

1. I started my employment with Wise Eyes Optical on June 17, 1992, as an Optician. On August 18, 2007, I was discharged.

2. On August 18, 2007, Ralph Hansen, General Manager, informed me that I was being let go due to restructuring of the Clearfield store. I found out that on August 20, 2007, Ralph Hansen interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 57, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph Hansen hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10-22-07 X Karen Swatsworth

Date *Charging Party Signature*

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD

COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
301 Chestnut Street, Suite 300
P.O. Box 3145
Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
(717) 787-4087 (TTY)

COMMISSIONERS
DAVID A. ALEXANDER
M. JOEL BOLSTEIN
TIMOTHY CUEVAS
REV. DR. JAMES EARL GARMON, SR.
TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

August 6, 2008

Karen D Swatsworth
126 Bonnie Court
Curwensville PA 16833

RE: Karen D Swatsworth v Wise Eyes Optical
Case No. 200704907
EEOC No. 533200701790

Dear Karen Swatsworth:

The above referenced complaint was filed with both the Pennsylvania Human Relations Commission (PHRC) and the Equal Employment Opportunity Commission (EEOC). The EEOC conducted the investigation, while the complaint filed with the PHRC was held in abeyance pending the completion of the investigation by EEOC. The EEOC has recently informed this agency that EEOC was unable to secure a settlement in your case.

It is very important for PHRC to know if you have filed an action in federal court. **Please inform me within the next 30 days, in writing,** whether or not you have filed in court. **If you do not contact me, in writing, within the next 30 days, the case will be closed administratively.** If you have any questions please feel free to contact me at (717) 783-8172.

Sincerely,

William Smithey, Jr.
Assistant to the Director of Compliance

WGS: cmw

cc: Theron G. Noble

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Karen D. Swatsworth
126 Bonnie Court
Curwensville, PA 16833

Charging Party,

CHARGE NO: 533-2007-01790

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above cited charge. All requirements for coverage have been met.

Charging Party had been employed by Respondent as an Optician since June 17, 1992. She claims that on August 18, 2007, Ralph Hinson, General Manager, informed her that she was being let go due to the restructuring of Respondent's Clearfield store, which was were she had been employed. She believes she has been discriminated against on the basis of her age, 57, in violation of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, in that while Respondent chose to simultaneously terminate her employment and that of another Optician who was nearly the same age, it retained Liticia Johnson, who was significantly younger and less experienced than either of them. Moreover, Respondent hired two individuals who were in their 20s as Opticians in the Clearfield store less than one month later.

Respondent denies that age was a factor in the dismissal of Charging Party. Instead, it asserts that she was dismissed for insubordination. Respondent explains that Charging Party, along with coworker Elaine Trimpey, were resistant to the changes in staff procedures, duties, and responsibilities which were formally implemented on or about May 31, 2007, with the issuance of the new personnel policy. Her continued reluctance over a period of several months to implement the changes introduced by the new General Manager, Ralph Hinson, along with a reluctance to even acknowledge his authority, were the sole reasons for her discharge.

An analysis of the evidence reveals that although there was some indication that both Charging Party and Ms. Trimpey were resistant to the changes Mr. Hinson was trying to make, Mr. Hinson, in turn, failed to follow Respondent's progressive disciplinary procedures in dealing with the matter. While employees in such situations are to at least receive a verbal warning, then a written warning, and then probationary status for 90 days prior to discharge, evidence indicates that neither Charging Party nor Ms. Trimpey were even verbally advised by Mr. Hinson or any other Respondent official that their behavior was a problem. Further, the evidence does support the allegation that Respondent elected to retain Liticia Johnson, a far less experienced Optician in her 40s, over both women. It also reveals that the same person who terminated both women, Mr. Hinson, hired two women in their early 20s less than one month later to replace them. Finally, Ms. Trimpey has credibly testified that shortly after he became General Manager Mr. Hinson asked her how long she planned to continue working for Respondent.

Based upon analysis of the evidence I have concluded that reasonable cause exits to show that Charging Party was discriminated against on the basis of her age when she was discharged on or about August 18, 2007.

Upon finding that there is reason to believe that violations have occurred, the Commission now attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. In this regard, **conciliation of the matter has now begun.** Please be advised that any reasonable offer to settle this matter will be considered. The Commission can seek an amount inclusive of full back pay (total wage loss) with interest, plus liquidated damages, benefits, reinstatement (or front pay), and actual monetary costs incurred by the Charging Party and aggrieved individuals.

Again, the Commission is postured to consider any reasonable offer during this period. If an offer has not previously been submitted, Respondent is requested to accept, reject, or submit a counteroffer to the enclosed conciliation agreement concerning Charging Party and do so within ten (10) days of the receipt of this letter. The confidentiality provisions of the ADEA and the Commission Regulations apply to information obtained during conciliation. If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

In conclusion, I would like to remind Respondent that any individual who files a charge of discrimination or who takes part in the investigative process of that charge by providing testimony or other information is protected, by statue, from retaliation.

On Behalf of the Commission,

04/21/08
Date

Joseph M. Hardiman III
Area Director

c John R. Ryan, Esq. [Attorney for Respondent]

EEOC Form 161-A (3/98) U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)

To: **Karen D. Swatsworth**
126 Bonnie Court
Curwensville, PA 16833

From: **Pittsburgh Area Office**
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
	Legal Unit	
533-2007-01790	**Philadelphia District Office**	**(215) 440-2828**

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)

Joseph M. Hardiman, III
Joseph M. Hardiman, III,
Area Office Director

06/12/08
(Date Mailed)

cc: **John Rosselli, President**
WISE EYES OPTICAL
P O Box 10077
State College, PA 16805

John R. Ryan, Esq.
BELIN, KUBISTA & RYAN
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PA 16830

Enclosure with EEOC
Form 161-A (3/98)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you *receive* this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was *mailed* to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 – *not* 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

Karen D. Swatsworth
126 Bonnie Court
Curwensville, PA 16833

Charging Party,

CHARGE NO: 533-2007-01790

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

Respondent

Notice of Conciliation Failure

The Equal Employment Opportunity Commission (EEOC) has determined that its efforts to conciliate this charge filed under the **Age Discrimination in Employment Act (ADEA)**, have been unsuccessful. Therefore, the case has been referred to our Legal Unit for possible litigation. You will be informed of the EEOC's decision in this matter.

If the EEOC decides to bring a civil action on behalf of the Charging Party, the Charging Party will have the right to seek to intervene in such an action. If the EEOC decides that it will not bring a civil action based on this charge, the Charging Party will be issued a Notice of Right to Sue, which will entitle her to sue the Respondent on her own behalf.

It is requested where suit is filed that the Charging Party notify EEOC at the above address by letter and copy of the complaint.

On Behalf of the Commission,

5/22/08
Date

Joseph M. Hardiman III, by RES
Joseph M. Hardiman III
Area Director

c John R. Ryan [Attorney for Respondent]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

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FAX (412) 644-2664

Karen D. Swatsworth
126 Bonnie Court
Curwensville, PA 16833

Charging Party,

CHARGE NO: 533-2007-01790

WISE EYES OPTICAL
140 Plaza Drive
Clearfield, PA 16830

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above cited charge. All requirements for coverage have been met.

Charging Party had been employed by Respondent as an Optician since June 17, 1992. She claims that on August 18, 2007, Ralph Hinson, General Manager, informed her that she was being let go due to the restructuring of Respondent's Clearfield store, which was were she had been employed. She believes she has been discriminated against on the basis of her age, 57, in violation of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, in that while Respondent chose to simultaneously terminate her employment and that of another Optician who was nearly the same age, it retained Liticia Johnson, who was significantly younger and less experienced than either of them. Moreover, Respondent hired two individuals who were in their 20s as Opticians in the Clearfield store less than one month later.

Respondent denies that age was a factor in the dismissal of Charging Party. Instead, it asserts that she was dismissed for insubordination. Respondent explains that Charging Party, along with coworker Elaine Trimpey, were resistant to the changes in staff procedures, duties, and responsibilities which were formally implemented on or about May 31, 2007, with the issuance of the new personnel policy. Her continued reluctance over a period of several months to implement the changes introduced by the new General Manager, Ralph Hinson, along with a reluctance to even acknowledge his authority, were the sole reasons for her discharge.

An analysis of the evidence reveals that although there was some indication that both Charging Party and Ms. Trimpey were resistant to the changes Mr. Hinson was trying to make, Mr. Hinson, in turn, failed to follow Respondent's progressive disciplinary procedures in dealing with the matter. While employees in such situations are to at least receive a verbal warning, then a written warning, and then probationary status for 90 days prior to discharge, evidence indicates that neither Charging Party nor Ms. Trimpey were even verbally advised by Mr. Hinson or any other Respondent official that their behavior was a problem. Further, the evidence does support the allegation that Respondent elected to retain Liticia Johnson, a far less experienced Optician in her 40s, over both women. It also reveals that the same person who terminated both women, Mr. Hinson, hired two women in their early 20s less than one month later to replace them. Finally, Ms. Trimpey has credibly testified that shortly after he became General Manager Mr. Hinson asked her how long she planned to continue working for Respondent.

Based upon analysis of the evidence I have concluded that reasonable cause exits to show that Charging Party was discriminated against on the basis of her age when she was discharged on or about August 18, 2007.

Upon finding that there is reason to believe that violations have occurred, the Commission now attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. In this regard, **conciliation of the matter has now begun.** Please be advised that any reasonable offer to settle this matter will be considered. The Commission can seek an amount inclusive of full back pay (total wage loss) with interest, plus liquidated damages, benefits, reinstatement (or front pay), and actual monetary costs incurred by the Charging Party and aggrieved individuals.

Again, the Commission is postured to consider any reasonable offer during this period. If an offer has not previously been submitted, Respondent is requested to accept, reject, or submit a counteroffer to the enclosed conciliation agreement concerning Charging Party and do so within ten (10) days of the receipt of this letter. The confidentiality provisions of the ADEA and the Commission Regulations apply to information obtained during conciliation. If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

In conclusion, I would like to remind Respondent that any individual who files a charge of discrimination or who takes part in the investigative process of that charge by providing testimony or other information is protected, by statue, from retaliation.

On Behalf of the Commission,

04/24/08
Date

Joseph M. Hardiman III
Area Director

c John R. Ryan, Esq. [Attorney for Respondent]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
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Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3446
TTY (412) 644-2720
FAX (412) 644-2664

IN THE MATTER OF:

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHARGE NUMBER: 533-2007-01790

and

KAREN D. SWATSWORTH

Charging Party

and

WISE EYES OPTICAL

Respondent

*****

CONCILIATION AGREEMENT

A charge having been filed under the Age Discrimination in Employment Act of 1967, as amended (ADEA), with the U.S. Equal Employment Opportunity Commission (EEOC), by the Charging Party against the Respondent, the charge having been investigated and reasonable cause having been found, the parties do resolve and conciliate this matter as follows:

I. GENERAL PROVISIONS

1. EEOC May Review Compliance With Agreement - The Respondent agrees that the EEOC, on request of any Charging Party or on its own motion, may review compliance with this Agreement. As a part of such review the EEOC may require written reports concerning compliance, may inspect the premises, examine witnesses and examine and copy documents.

2. Agreement Does Not Constitute Admission of Violation - It is understood that this Agreement does not constitute an admission by any Respondent of any violation of any statute administered by the EEOC.

3. Charging Party's Covenant Not to Sue - The Charging Party hereby waives, releases, and covenants not to sue Respondent with respect to the matters which were alleged in this charge on file with the EEOC, subject to performance by the Respondent of the promises and representations contained herein. The EEOC shall determine whether the Respondent has complied with the terms of this Agreement

4. All Employment Practices are to be Conducted in a Non-Discriminatory Manner - All hiring practices, promotion practices, discharge practices, and other terms and conditions of employment shall be maintained and conducted in a manner which does not discriminate on the basis of race, color, sex, religion, national origin, age, or disability in violation of any statute administered by the EEOC.

5. Retaliation Prohibited - The Parties agree that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under any statute administered by the EEOC or because of the filing of a charge, the giving of testimony, assistance, or participation in any manner in any investigation, proceeding, or hearing under any statute administered by the EEOC.

6. Reporting Provisions - The Respondent agrees to retain the records and to provide the written reports under the subsequent section of this Agreement entitled "Reporting Provisions." Reports will be furnished to the Office of the EEOC which has signified final approval of this Agreement.

7. Enforcement of Agreement - The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

8. Impact Upon EEOC's Processing - EEOC agrees not to use the subject charge as the jurisdictional basis for a civil action under the ADEA but does not waive or in any manner limit its right to process or seek relief in any other charge or investigation including, but not limited to, a charge filed by a member of the Commission against the Respondent.

II. RELIEF

1. Respondent agrees to pay Charging Party for the backpay lost in the amount of $9,860 within ten (10) days of the date that this agreement has been fully executed.

2. Respondent agrees to pay Charging Party frontpay in the amount of $45,240 within ten (10) days of the date that this agreement has been fully executed.

III. REPORTING PROVISIONS

1. Respondent agrees to send to EEOC a copy of the settlement check(s) referenced in the RELIEF section above within twenty (20) days of the date that the check(s) are issued.

IV. SIGNATURES

I have read the foregoing Conciliation Agreement and I accept and agree to the provisions contained therein:

_____ _____
Date John Rosselli, Owner
for Respondent

_____ _____
Date Karen D. Swatsworth
Charging Party

Approved on Behalf of the Commission:

_____ _____
Date Joseph M. Hardiman III
Area Director

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: [ ] FEPA [X] EEOC

Agency(ies) Charge No(s): 533-2007-01790

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name *(indicate Mr., Ms., Mrs.)*	Home Phone *(Incl. Area Code)*	Date of Birth
Ms. Karen D. Swatsworth	**(814) 236-3703**	**02-17-1950**

Street Address: **126 Bonnie Court, Curwensville, PA 16833**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No. *(Include Area Code)*
WISE EYES OPTICAL	**15 - 100**	**(814) 867-5045**

Street Address: **140 Plaza Drive, Clearfield, PA 16830**

Name	No. Employees, Members	Phone No. *(Include Area Code)*

Street Address: City, State and ZIP Code

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN
[ ] RETALIATION [X] AGE [ ] DISABILITY [ ] OTHER *(Specify below.)*

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
08-01-2007	**08-31-2007**

[ ] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s))*:

1. I started my employment with Wise Eyes Optical on June 17, 1992, as an Optician. On August 18, 2007, I was discharged.

2. On August 18, 2007, Ralph ~~Hansen~~ Hinson (K.S.), General Manager, informed me that I was being let go due to restructuring of the Clearfield store. I found out that on August 20, 2007, Ralph ~~Hansen~~ Hinson (K.S.) interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 57, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinson (K.S.) hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10-22-07 X Karen Swatsworth
Date Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

- [ ] FEPA
- [X] EEOC — 533-2007-01790

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Karen D. Swatsworth	**(814) 236-3703**	**02-17-1950**

Street Address / City, State and ZIP Code: **126 Bonnie Court, Curwensville, PA 16833**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (Include Area Code)
WISE EYES OPTICAL	**15 - 100**	**(814) 867-5045**

Street Address / City, State and ZIP Code: **140 Plaza Drive, Clearfield, PA 16830**

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address / City, State and ZIP Code:

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [ ] RETALIATION
- [X] AGE
- [ ] DISABILITY
- [ ] OTHER (*Specify below.*)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
08-01-2007	**08-31-2007**

- [ ] CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

1. I started my employment with Wise Eyes Optical on June 17, 1992, as an Optician. On August 18, 2007, I was discharged.

2. On August 18, 2007, Ralph ~~Hansen~~ Hinson (K.S.), General Manager, informed me that I was being let go due to restructuring of the Clearfield store. I found out that on August 20, 2007, Ralph ~~Hansen~~ Hinson (K.S.) interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store.

3. I believe that the respondent discriminated against me because of my age, 57, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinson (K.S.) hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10-22-07 — Date

Karen Swatsworth — Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(*month, day, year*)

EEOC FORM 131 (5/01)

U.S. E[illegible]al Employment Opportunity C[illegible]mission

Mr. Ralph E. Hinson
Manager
R & R OPTICAL, INC.
P O Box 10077
State College, PA 16805

PERSON FILING CHARGE

Karen D. Swatsworth

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01790

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [ ] No action is required by you at this time.

2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.

3. [X] Please provide by **14-DEC-07** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

4. [X] Please respond fully by **14-DEC-07** to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

5. [X] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **28-NOV-07** to **Joel S. Pretz, ADR Coordinator, at (412) 644-3448**
If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Lester J. Phillips,
Investigator Support Asst
EEOC Representative

Telephone **(412) 644-6438**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [X] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
November 13, 2007	**Joseph M. Hardiman, III,** **Area Office Director**	

EEOC FORM 131 (5/01)

U.S. Equal Employment Opportunity Commission

Chief Executive Officer
Human Resources Manager
WISE EYES OPTICAL
Human Resources
P O Box 10077
State College, PA 16805

PERSON FILING CHARGE

Karen D. Swatsworth

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01790

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [X] No action is required by you at this time.

2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.

3. [ ] Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

4. [ ] Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

5. [ ] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Ronald E. Dean,
Supervisory Investigator

EEOC Representative

Telephone **(412) 644-3420**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [ ] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

ISSUES: Discharge

DATE(S) (on or about): EARLIEST: 08-01-2007 LATEST: 08-31-2007

Date	Name / Title of Authorized Official	Signature
October 22, 2007	**Joseph M. Hardiman, III,** **Area Office Director**	

If you are not the person handling this matter, please contact the EEOC within seven (7) days, with the correct person's name and address who will be the contact person.

EEOC FORM 131 (5/01)

U.S. Equal Employment Opportunity Commission

CHIEF EXECUTIVE OFFICER
WISE EYES OPTICAL CENTERS
P.O. Box 10077
State College, PA 16805

PERSON FILING CHARGE

Elaine G. Trimpey

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01780

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [X] No action is required by you at this time.
2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.
3. [ ] Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. [ ] Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. [ ] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

   If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Lester J. Phillips,
Investigator Support Asst

EEOC Representative

Telephone **(412) 644-6438**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [ ] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

ISSUES: Discharge

DATE(S) (on or about): EARLIEST: 08-20-2007 LATEST: 08-20-2007

Date	Name / Title of Authorized Official	Signature
September 12, 2007	**Joseph M. Hardiman, III,** **Area Office Director**	Joseph M. Hardiman III

EEOC Form 212-A (3/98)

U.S. Equal Employment Opportunity Commission

TO: **Pennsylvania Human Relations Commission**
Suite 300
301 Chestnut St
Harrisburg, PA 17101

Date **November 13, 2007**
EEOC Charge No.
533-2007-01790
FEPA Charge No.

CHARGE TRANSMITTAL

SUBJECT:

Karen D. Swatsworth (*Charging Party*) v. **WISE EYES OPTICAL** (*Respondent*)

Transmitted herewith is a charge of employment discrimination initially received by the:

☒ EEOC ☐ _____ (*Name of FEPA*) on **Oct 31, 2007** (*Date of Receipt*)

☒ Pursuant to the worksharing agreement, this charge is to be initially investigated by the EEOC.

☐ Pursuant to the worksharing agreement, this charge is to be initially investigated by the FEPA.

☐ The worksharing agreement does not determine which agency is to initially investigate the charge.

☐ EEOC requests a waiver ☐ FEPA waives

☐ No waiver requested ☐ FEPA will investigate the charge initially

Please complete the bottom portion of this form to acknowledge the receipt of the charge and, where appropriate, to indicate whether the Agency will initially investigate the charge.

Typed Name of EEOC or FEPA Official	Signature/Initials
Joseph M. Hardiman, III	

Karen D. Swatsworth (*Charging Party*) v. **WISE EYES OPTICAL** (*Respondent*)

TO WHOM IT MAY CONCERN:

☐ This will acknowledge receipt of the referenced charge and indicate this Agency's intention to initially investigate the charge.

☐ This will acknowledge receipt of the referenced charge and indicate this Agency's intention not to initially investigate the charge.

☐ This will acknowledge receipt of the referenced charge and request a waiver of initial investigation by the receiving agency.

☐ This will acknowledge receipt of the referenced charge and indicate this Agency's intention to dismiss/close/not docket the charge for the following reasons:

Typed Name of EEOC or FEPA Official	Signature/Initials
Homer Floyd	

TO: **Pittsburgh Area Office**
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Date **November 13, 2007**
EEOC Charge No.
533-2007-01790
FEPA Charge No.

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN
KIM C. KESNER

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

March 3, 2008

Patrick J. Malley
Investigator
U.S. Equal Employment Opportunity Commission
Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187

RE: **Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND**
Trimpey v. Wise Eyes Optical, #533-2007-01780

Dear Mr. Malley:

As I indicated in our telephone conversation of March 3, 2008, I represent Wise Eyes Optical with respect to the above matters.

Attached please find the documents you requested in your letter of February 15, 2008.

This will also confirm that I will be accompanying the personnel from Wise Eyes to the fact-finding conference scheduled for March 12, 2008, at 10:00 a.m. In the meantime, if you have any questions or require any further information, I hope that you will not hesitate to let me know.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

Enclosures (4 pages)

cc: John Rosselli, Wise Eyes Optical

SENT VIA FACSIMILE (412) 644-2664
AND REGULAR U.S. MAIL

EEOC PITTSBURGH, PA
AREA OFFICE
08 MAR -5 PM 12:30
RECEIVED

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

Ralph E. Hinson; General Manager as of 04/16/2007

Employee	Job Title	DOB	Departure	Reason
Susan A. Keith	Optician/Mgr.	07/06/1960	05/05/2007	voluntary
Heather R. Kanagy	Optician	01/10/1981	05/29/2007	voluntary
Nicole Miller	Optician	04/21/1980	07/28/2007	just cause
Karen D. Swatsworth	Optician	02/17/1950	08/18/2007	laid off
Elaine G. Trimpey	Optician/Mgr.	09/29/1946	08/18/2007	laid off
Deborah J. Claar	Optician	02/13/1968	09/14/2007	laid off
Suzanne M. Grimme	Optician	11/15/1960	09/15/2007	laid off
Rachel L. Jones	Optician	10/05/1984	09/15/2007	resigned
Beth E. LaVanish	Optician	04/01/1984	09/15/2007	laid off
Colby K. Shoop	Optician	04/12/1984	10/27/2007	voluntary
Denise L.Stains	Optician	05/30/1961	11/10/2007	voluntary
Rosalie G. Kunsman	Optician	09/17/1951	01/05/2008	just cause

Employee	Job Title	DOB	Hired
Mandy L. Olewnik	Optician	01/09/1981	04/30/2007
Christina Yu	Optician	06/27/1986	05/22/2007
Charlene K. Wojtowich	Optician	01/31/1952	05/25/2007
Jennifer L. Mitchell	Optician	10/26/1986	06/06/2007
Deborah J. Claar	Optician	02/13/1968	06/09/2007
Rosalie G. Kunsman	Optician	09/17/1951	08/17/2007
Heather S. McLaughlin	Optician	09/09/1986	08/28/2007
Rachel A. Luzier	Optician	02/14/1984	09/04/2007
Colby K. Shoop	Optician	04/12/1984	10/04/2007
Beth A. Burchner	Optician	07/23/1962	10/22/2007
Lisa N. Fishel	Optician	09/14/1965	10/22/2007
Nina L. Colabine	Optician	08/22/1957	10/29/2007
Rachel A. Fichter	Optician	08/02/1966	12/04/2007
Heidi J. Kagarise	Optician	10/31/1982	01/08/2008
Amy J. Hoagland	Optician	05/24/1981	01/16/2008
Kimberly W. Waddell	Optician	12/12/1967	01/16/2008

WISE EYES
OPTICAL CENTER
Where The Value Looks
TWICE AS GOOD!

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Karen Swanson 5-31-07
Name/Date

Elaine Trumpy 5-31-07
Name/Date

Lisa Johnson 5/31/07
Name/Date

Kim Weir 6-1-07
Name/Date

Name/Date

Name/Date

R & R Optical
Personnel Policy

Training

Each employee shall be cross trained of all duties and responsibilities of each office including products, sales, dispensing and lab work. Office managers are responsible and accountable to ensure each employee is properly trained in these areas. If there is any need of additional training to any staff member, a request is recommended. All staff should feel that they have been adequately trained.

Service

It is the responsibility of all staff members to complete jobs and dispense eyewear in an efficient manner. Jobs should not be at a stand still. When jobs arrive, finish work is to be completed by ***all*** staff members available and completed in a timely manner. Specifications of all lenses must be checked upon arrival and verified for accuracy upon completion. Verifier ***must*** initial Rx card that the specifications are accurate.

One Hour/Same Day Service

One hour/same day service ***must*** be offered to all qualifying patients. Providing this service has always been what sets Wise Eyes apart from our competition. If we are not utilizing the resources that are given to us, it makes us no different than any one else. Managers are responsible and accountable for the organization of their lab to ensure this service can be performed.

It is not the sole responsibility of just one employee to complete certain tasks. All employees must participate in the above service requirements. This is key to providing exceptional customer service.

Schedules

Managers will be responsible for all scheduling of staff within their offices. Each manager is accountable for ensuring all full time employees are working 40 hours per week. Any shortage of hours in any week must be considered vacation time unless previously approved by upper management. All office managers must obtain upper management approval, all office employees must obtain approval from office manager. Any approved time off, including vacation time, must be recorded and kept with an employee file. Employee files will be maintained and kept up to date for each employee by the office manager.

We do understand the need for employees to occasionally need time off and we will do our best to accommodate each request; however, this is considered a privilege not a requirement. All appointment days must have adequate staff to provide personal service to every patient. Non appointment days are to be staffed minimally. Non appointment days should not be used as *make-up days* for any staff needing to make up hours. All employees are expected to be on time every day. Tardiness will result in disciplinary action.

Professionalism

A positive and professional attitude is expected at all times while at work or any time one is representing Wise Eyes. Patients should always have a professional, helpful and welcoming experience. All patients are to be greeted immediately upon their arrival. A patient should never witness personal conversations, loud voices or laughter from the staff, this is viewed as unprofessional. Cell phone usage is not permitted during scheduled working hours. Personal calls will be kept to a minimum.

Wise Eyes is committed to providing quality eyewear and exceptional service to every patient. Employee participation is expected and appreciated.

(Rev. 11/05)

INFORMATION FOR COMPLAINANTS & ELECTION OPTION TO DUAL FILE WITH THE PENNSYLVANIA HUMAN RELATIONS COMMISSION

Karen Swatsworth vs Wise Eyes Optical

EEOC No. 533-2007-01790

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which could affect the outcome of your case.

Complaints filed with PHRC must be filed within 180 days of the acts(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

(Sign and date appropriate request below)

I understand that false statements in this complaint are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

Karen Swatsworth

Signature and Date

I do not want my charge dual filed with PHRC.

Signature and Date

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3420
TTY (412) 644-2720
FAX (412) 644-2664

NOTICE OF MANDATORY CONCILIATION

DATE October 31, 2007

Charge Number : 533-2007-01790

Charging Party : Karen Swatsworth

Respondent : Wise Eyes Optical

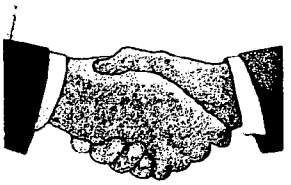
This notice initiates the mandatory conciliation effort required by the Age Discrimination in Employment Act (ADEA). Section 7(d) of the ADEA requires that the Commission "promptly notify all persons named in such charge as prospective defendants in the action" and "promptly seek to eliminate any alleged unlawful employment practice by informal methods of conciliation, conference, and persuasion". In the event that you wish to resolve the alleged unlawful employment [practice, submit in writing, a proposed remedy for the issues complained about in the charge or call or write requesting a conciliation conference to discuss remedies within five days of receipt of this notice.

Your failure to respond with a conciliation proposal, or to request a conciliation conference within the stated time frame of your expressed desire not to engage in a conciliation effort will be deemed an unsuccessful conciliation of this charge pursuant to section 7(d) of the ADEA and an investigation will commence. Should you decide not to conciliate this matter, you are to provide complete answers to all requests for information and forward them to the undersigned, together with your position statement by the stated deadline date.

Ronald E. Dean, Supervisor 412/644-3420

EEOC Pittsburgh Area Office

MEDIATION YES / NO



This is to certify that during the intake of my charge the EEOC interviewer informed me of the EEOC Mediation Program and provided me with a fact sheet that explains the Mediation Program.

Mediation is voluntary and if both parties agree a mediation session will be scheduled.

Based on the information provided by the interviewer including the Mediation handout I have decided as follows:

"Please Check One"

I **accept** Mediation Yes I **reject** Mediation_____ for the following reasons:

Charge Number: 533-2007-01790

Karen Swatsworth
Signature

10-22-07
Date

533-2007-01790 Karen Swatsworth v. Wise Eyes Optical

EEOC AFFIDAVIT

(This form is affected by the Privacy Act of 1974. See Privacy Act Statement on reverse before completing this form.)

NAME	TELEPHONE NUMBER (Give area code)
Karen D. Swatsworth	HOME: **(814) 236-3703** WORK: **(814) 000-0000**

ADDRESS (Number, street, city, state, zip)

126 Bonnie Court, Curwensville, PA 16833

THE FOLLOWING PERSON CAN ALWAYS CONTACT ME

NAME AND TELEPHONE NUMBER

David Swatsworth (814) 236-3703

ADDRESS (Number, street, city, state, zip)

126 Bonnie Court, Curwensville, PA 16833

STATUS OF EMPLOYMENT

CHECK ONE. ☐ WORKING ☐ NOT WORKING ☐ SOUGHT EMPLOYMENT AT	NAME OF EMPLOYER
TYPE OF BUSINESS	DATES OF EMPLOYMENT FROM: TO: WHEN EMPLOYMENT WAS SOUGHT FROM TO
POSITION TITLE	DEPARTMENT
ADDRESS (Number, street, city, state, zip)	

Remedy/relief sought:

As a remedy, I am seeking lost wages + interest (the salary for the position is $7.25 per hour, 40 hours per week); lost medical benefits; and other lost monies and benefits for which I am entitled; punitive and compensatory damages; my record expunged; and a **written** neutral reference.

EEOC Form 133 (10/94)

I declare under the penalty of perjury that the foregoing is true and correct.

DATE	SIGNATURE ~~OF WITNESS~~	SIGNATURE OF EEOC REPRESENTATIVE	PAGE 1 OF 1
X 10-22-07	X Karen Swatsworth		

PRIVACY ACT STATEMENT (This form is covered by the Privacy Act of 1974, Public Law 93-579. Authority for requesting and uses of the personal data are given below.)

1. FORM NUMBER/TITLE/DATE: EEOC FORM 133, EEOC AFFIDAVIT, December 1993
2. AUTHORITY: 42 USC 2000e(9), 29 USC 201, 29 USC 621, 42 U.S.C. 12117.
3. PRINCIPAL PURPOSES: Provides a standardized format for obtaining sworn statements of information relevant to a charge of discrimination.
4. ROUTINE USES. The affidavits are used to. (1) make an official determination regarding the validity of the charge of discrimination; (2) guide the Commission's investigatory activity, and (3) in Commission litigation, to impeach or substantiate a witness's testimony.
5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR PROVIDING INFORMATION: Voluntary: Failure to provide an affidavit has no effect upon jurisdiction of the Commission to process a charge. However, sworn statements submitted by the parties are, of course, relied upon more heavily than unsworn statements in making a determination as to the existence of unlawful discrimination.

REVERSE OF EEOC FORM 133 (10/94)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INTAKE QUESTIONNAIRE

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a."**

(PLEASE PRINT)

1. Personal Information

Last Name: Trimpey First Name: Elaine MI: G.

Street or Mailing Address: 1881 Keewaydin Rd Apt Or Unit #:

City: Frenchville County: Clearfield State: PA Zip: 16836

Phone Numbers: Home: (814) 263-4696 Work: (n/a)

Cell: (n/a) Email Address: n/a

Date of Birth: 09/29/46 Sex: Male ___ Female F Race: Cauc.

National Origin / Ethnicity American Do You Have a Disability? Yes ☐ No ☒

Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Fred Trimpey Sr. Relationship: Husband

Address: 1881 Keewaydin Rd City: Frenchville State: PA Zip Code: 16836

Home Phone: (814) 263-4696 Other Phone: ( ) n/a

I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer ✓ Union ___ Employment Agency ___ Other (Please Specify) ___

2. Organization Contact Information

Organization #1 Name: Wise Eyes Optical Centers, R+R Optical, Inc.

Address: P.O. Box 10077 **County:** Centre

City: State College **State:** PA **Zip:** 16805-0077 **Phone :**(814) 867-5045

Type of Business: Optical Job Location if different from Org. Address: Clearfield, PA. 16

Human Resources Director or Owner Name: John Rosselli Scott Renninger **Phone:** 814-867-50

Number of Employees in the Organization at All Locations: Please Check (✓) One

Less Than 15 ☐ 15 – 100 ☒ 101 – 200 ☐ 201 – 500 ☐ More 500 ☐

Organization #2 Name: n/a

Address: n/a **County:**

City: n/a **State:** ___ **Zip:** ___ **Phone :**(___) ___

11. **Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.**

	NAME	JOB TITLE	ADDRESS & PHONE NUMBER
A.	No one else in office at time of dismissal		
B.			
C.			

12. **Have you filed a charge previously in this matter with EEOC or another agency? YES ☐ NO ☒**

13. **If you have filed a complaint with another agency, provide name of agency and date of filing:**

n/a

14. **Have you sought help about this situation from a union, an attorney, or any other source?**
YES ☐ NO ☒ - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Elaine L. Trumpey
Signature

9-4-2007
Today's Date

If you have not heard from an EEOC office within 30 days of mailing this form, please call toll-free number shown on the letter accompanying this form. Provide the tracking number on the attached cover letter. Please make a copy of this form for your records before mailing.

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Intake Questionnaire (10/2006).
2. **AUTHORITY.** 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626. 42 U.S.C. 12117(a)
3. **PRINCIPAL PURPOSE.** The purpose of this questionnaire is to solicit information in an acceptable form consistent with statutory requirements to enable the Commission to act on matters within its jurisdiction. When this form constitutes the only timely written statement of allegations of employment discrimination, the Commission will, consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(b), consider it to be a sufficient charge of discrimination under the relevant statute(s).
4. **ROUTINE USES.** Information provided on this form will be used by Commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over allegations of employment discrimination and to provide such charge filing counseling as is appropriate. Information provided on this form may be disclosed to other State, local and federal agencies as may be appropriate or necessary to carrying out the Commission's functions. Information may also be disclosed to respondents in connection with litigation.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION.** The providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INTAKE QUESTIONNAIRE

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER,** a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a."**

(PLEASE PRINT)

1. Personal Information

Last Name: Trimpey First Name: Elaine MI: G.

Street or Mailing Address: 1881 Keewaydin Rd Apt Or Unit #:

City: Frenchville County: Clearfield State: PA Zip: 16836

Phone Numbers: Home: (814) 263-4696 Work: (n/a)

Cell: (n/a) Email Address: n/a

Date of Birth: 09/29/46 Sex: Male ___ Female F Race: Cauc.

National Origin / Ethnicity American Do You Have a Disability? Yes ☐ No ☒

Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Fred Trimpey Sr Relationship: Husband

Address: 1881 Keewaydin Rd City: Frenchville State: PA Zip Code: 16836

Home Phone: (814) 263-4696 Other Phone: ( ) n/a

I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer V Union ___ Employment Agency ___ Other (Please Specify) ___

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Type of Business: Optical Job Location if different from Org. Address: Clearfield, PA. 16

Human Resources Director or Owner Name: John Rosselli Scott Renninger **Phone:** 814-867-50

Number of Employees in the Organization at All Locations: Please Check (✓) One

Less Than 15 ☐ 15 – 100 ☒ 101 – 200 ☐ 201 – 500 ☐ More 500 ☐

Organization #2 Name: n/a

Address: n/a **County:**

City: n/a **State:** ___ **Zip:** ___ **Phone :**(___) ___

Type of Business: n/a Job Location if not at Org. Address: n/a

Human Resources Director or Owner Name: n/a **Phone:** n/a

Number Of Employees In The Organization At All Locations: please check (✓) one

Less Than 15 ☐ 15 – 100 ☒ 101 – 200 ☐ 201 – 500 ☐ More 500 ☐

3. **Your Employment Data** (Complete as many items as you can)

Date Hired: 1/14/88 Job Title At Hire: Optician

Pay Rate When Hired: $4.25 Last or Current Pay Rate: $10.00

Job Title at Time of Alleged Discrimination: Optician

Name and Title of Immediate Supervisor: Kim Weir

If Applicant, Date You Applied for Job n/a **Job Title Applied For** n/a

4. **What is the reason (basis) for your claim of employment discrimination?**

*FOR EXAMPLE, if you are over the age of 40 and feel you were treated worse than younger employees **or** you have other evidence of discrimination, you should check **(✓) AGE**. If you feel that you were treated worse than those not of your race **or** you have other evidence of discrimination, you should check **(✓) RACE**. If you feel the adverse treatment was due to multiple reasons, such as your sex, religion and national origin, you should check all three. If you complained about discrimination, participated in someone else's complaint or if you filed a charge of discrimination and a negative action was threatened or taken, you should check **(✓) RETALIATION**.*

Race ☐ Sex ☐ Age ☒ Disability ☐ National Origin ☐ Color ☐ Religion ☐ Retaliation ☐ Pregnancy ☐

Other reason (basis) for discrimination (Explain). Age

5. **What happened to you that you believe was discriminatory? <u>Include the date(s) of harm, action(s) and include the name(s) and title(s) of the persons who you believe discriminated against you</u>. (Example: 10/02/06 – Written Warning from Supervisor, Mr. John Soto)**

A) Date: 08/20/2007 Action: Immediate dismissal

Name and Title of Person(s) Responsible: Ralph Hensen

B) Date: 08/20/2007 Action: Immediate dismissal

Name and Title of Person(s) Responsible Ralph Hensen

Describe any other actions you believe were discriminatory.

Disciplinary Measures were not followed in accordance with Contract, as follows:

1. Verbal Warning
2. Written Warning
3. Probationary Status
4. Suspension / dismissal

In which Mr. Hensen did not give me any specific reasons

(Attach additional pages if needed to complete your response.)

Cont on additional Paper.

for dismissal or the opportunity for a Meeting with the officers.

Aug. 20, 2007 I went to work as usual, arrived about 7:45 AM, Went in, was going to turn Machines on Mr. Henen Said before you get Started I need to talk to you, He Said Weve restructuring the Clearfied Store, I'm leaving you go, leave your key and get any personal belongings and leave. I have been employed with the Company Since Jan. 1988, till Aug. 30, 2007 I was employed at the Clearfied office:

Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830
Phone 814-765-1192

Thank You
Elaine L. Trumpey

6. **What reason(s) were given to you for the acts you consider discriminatory? By whom? Title?**

Restructuring the Clearfield Store
Ralph Hensen - General Manager

7. **Name and describe others who were in the same situation as you. Explain any similar or different treatment. Who was treated worse, who was treated better, and who was treated the same? Provide race, sex, age, national origin, religion, and/or disability status of comparator if known and if connected with your claim of discrimination. Add additional sheets if needed.**

	Full Name	Job Title	Employment Description
1.	Karen Swatsworth	Optician	15 yrs. Age 57
2.	She received immediate dismissal, with out		
3.	Warnings / probation also.		

Answer questions 8-10 only if you are claiming discrimination based on disability. If not, skip to question 11.

8. **Please check all that apply:**
   - ☐ Yes, I have an actual disability
   - ☐ I have had an actual disability in the past
   - ☐ No disability but the organization treats me as if I am disabled

9. **If you are alleging discrimination because of your disability, what is the name of your disability? How does your disability affect your daily life or work activities, e.g., what does your disability prevent or limit you from doing, if anything? (Example: lifting, sleeping normally, breathing normally, pulling, walking, climbing, caring for yourself, working, etc.).**

N/A

10. **Did you ask your employer for any assistance or change in working condition because of your disability?**
YES ☐ NO ☐

Did you need this assistance or change in working condition in order to do your job?
YES ☐ NO ☐

If "YES", when? _____ To whom did you make the request? Provide full name of person_____ How did you ask (verbally or in writing)? _____

Describe the assistance or change in working condition requested?

11. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.

	NAME	JOB TITLE	ADDRESS & PHONE NUMBER
A.	No one else in office at time of dismissal		
B.			
C.			

12. Have you filed a charge previously in this matter with EEOC or another agency? YES ☐ NO ☒

13. If you have filed a complaint with another agency, provide name of agency and date of filing:

n/a

14. Have you sought help about this situation from a union, an attorney, or any other source?
YES ☐ NO ☒ - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Elaine L. Trumpey — **Signature**

9-4-2007 — **Today's Date**

If you have not heard from an EEOC office within 30 days of mailing this form, please call toll-free number shown on the letter accompanying this form. Provide the tracking number on the attached cover letter. Please make a copy of this form for your records before mailing.

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Mrs. Elaine G. Trimpey
1881 Keewaydin Road
Frenchville, PA 16836
814-263-4696

September 27, 2007

Question #1:

On Aug. 20th, 2007, I went to work as usual. I arrived about 7:45 am to start my 8:00 am shift. When I went in to work, Mr. Ralph Hensen, General Manager, was already there. I started to turn on one of the machines, and he said, " could you come here, I have to talk to you." He then preceded, "we are restructuring the Clearfield store and I'm letting you go." "I'll need your key, get your personal belongings and you can leave now." At that point, I did as I was told. Later I found out that same day he interviewed two new people. On the 2nd week of Sept. two new girls, in their early 20's, were hired. Given that information, I presumed the reason I was left go was due to my age of 60. He did not give me any other reason for dismissal. There was not any verbal warning, no written warning, or an opportunity for a meeting with Manager, Kim Weir, before this happened. The Personnel Policy therefore was not followed at all.

I have been with the company since Jan. 14, 1988 - Aug. 20, 2007. I have only been late for occasional inclement weather. If that did occur, I always made the time up by coming in early or staying later. I would also travel to three other stores, if they needed help, and I got along with my fellow co-workers. With my years of experience, I was qualified for the Optician job. I was very versatile and was able to perform any of the operations.

Question #2:

I did not receive or see any letters or documents from my employer related to the alleged issues, nor was aware of the alleged issue before it happened.

Question #3:

I did not keep notes or a diary. I only had a small date book in which I kept my hours. There was never any indication that my performance was not up to par, therefore I did not feel the need to record anything.

Question #5:

Enclosed you will find a copy of our Personnel Policy for your review.

Question #6:

Mr. Ralph Hensen is the name of the decision maker, he has had held the position of General Manager since March 2007.

Question #7:

The other two girls who did not loose their jobs, were Kim Weir, hired approx. the same time as myself only about 4 mths less. She has been Manager about 2-2 ½ yrs. The other girl, Liticia Johnson, Optician, has been with the company approx 1 ½ yrs.

I was always willing to help any of my co-workers, in any way that I could, and I was able to do so due to the extent of experience in areas as compared to them.

The store where I was working at, at the time of dismissal was:

Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830
814-765-1192

Sincerely,

Elaine G. Trimpey

Elaine G. Trimpey

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

October 18, 2007

Ms Elaine Trimpey
1881 Keewaydin Road
Frenchville PA 16836

FILE

Respondent: Wise Eyes Optical
Charge No.: 533-2007-01780

Dear Ms. Trimpey:

This is in reference to your allegations of employment discrimination by the above-named respondent. The information that you have provided indicates that the matter that you are complaining of may be investigated under the Age Discrimination in Employment Act of 1967, as amended.

To facilitate proper handling of the action by the Commission you should:

Review the enclosed charge and affidavit forms and make any corrections, please initial all corrections made.

Sign each of the copies of the charge and affidavit forms in the bottom left hand block where I have made an X.

Return **all** of the documents to this office.

As a charge must be investigated within the time limitations imposed by law, I urge you to complete these steps as soon as possible. Your failure to cooperate in this matter within **30 days of the above date** will result in the dismissal of your charge.

Please call me at (412) 644-3447 if you have any questions.

Sincerely,
Maryrose A. McShane
Maryrose A. McShane
Investigator Support Assistant

Enclosure(s)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

September 14, 2007

Ms. Elaine G. Trimpey
1881 Keewaydin Road
Frenchville, Pa. 16836

Dear Ms. Trimpey:

Your scheduled appointment to file a charge of employment discrimination along with a supporting affidavit is :

Date: October 18, 2007 Time: 8:30 A.M.

[] the EEOC office

[x] by telephone (The EEOC Representative will telephone you at your home.)

You are reminded that Charging Parties have an obligation to cooperate in the filing and investigation of their charges. In order to facilitate the charge taking procedure you should bring with you relevant notes, documents, letters, and names, addresses, and telephone numbers of any witnesses or other materials that you believe may support your case, including the following:

NOTE: IF YOUR SCHEDULED APPOINTMENT IS GOING TO BE CONDUCTED IN THE EEOC OFFICE, YOU MUST HAVE PROPER I.D., SUCH AS A DRIVER'S LICENSE, PHOTO I.D., ECT., IN ORDER TO BE ADMITTED INTO THE BUILDING BY SECURITY.

[x] 1. A brief chronology or summary highlighting the events leading to the filing of the charge.

[x] 2. Letters/documents from the employer related to the alleged issues.

[x] 3. Your own notes or diary relevant to your allegations of discrimination.

[] 4. If you are alleging disability discrimination, bring with you a diagnosis from your care giver, notes recommending accommodation and or communications between doctor and employee, if any.

[x] 5. Employee handbook and/or applicable work rules.

[x] 6. Name of the decision maker and organization chart.

[x] 7. Names of others, who under similar circumstance were treated more favorably.

You may not have all of this, but bring what you have.

(See reverse side)

It is important to keep your scheduled appointment and you should be on time as indicated above. The intake of a charge is normally completed within two (2) hours. If you should arrive 15 or more minutes late we may not be able to take the charge which would require a new appointment time. If you fail to keep your intake appointment, you must contact this agency within 30 days to re-schedule if you are still interested in pursuing your case. Otherwise, your case may be dismissed.

If you cannot keep your appointment, please call 24 hours in advance to cancel the appointment and arrange for re-scheduling. However, please be advised that re-scheduling your intake appointment will cause a delay in the filing of your charge, which could have a negative impact on your case. Therefore, re-scheduling should only be in case of absolute necessity or emergency. To re-schedule, call (412) 644-6438. The office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m. If you call and receive voice mail tell us a time you will be available for a return telephone call.

Sincerely,

Lester J. Phillips

Lester J. Phillips
Investigator Support Assistant

PRESENT THIS LETTER WITH THE REQUESTED INFORMATION ON PAGE 1 TO THE RECEPTIONIST WHEN YOU ARRIVE.

OR

IF YOUR INTERVIEW IS OVER THE PHONE, MAIL THE REQUESTED INFORMATION ON PAGE 1 TO OUR OFFICE [10 DAYS] PRIOR TO YOUR APPOINTMENT.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

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Frenchville, Pa. 16836

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[x] 2. Letters/documents from the employer related to the alleged issues.

[x] 3. Your own notes or diary relevant to your allegations of discrimination.

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Sincerely,

Lester J. Phillips

Lester J. Phillips
Investigator Support Assistant

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OR

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BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN
KIM C. KESNER

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

March 6, 2008

Patrick J. Malley
Investigator
U.S. Equal Employment Opportunity Commission
Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187

RE: **Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND Trimpey v. Wise Eyes Optical, #533-2007-01780**

Dear Mr. Malley:

With regard to the above-referenced matters, enclosed please find the following:

1. R & R Optical, Inc.'s Personnel Policy;

2. Employee File for Karen D. Swatsworth; and

3. Employee File for Elaine G. Trimpey.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/kdm

Enclosures

cc: John Rosselli, Wise Eyes Optical

EEOC PHILADELPHIA, PA
AREA OFFICE
08 MAR -7 PM 12:36
RECEIVED

PERSONNEL POLICY

Officers: John R. Rosselli, President
Scott A. Renninger, Vice President

NON-DISCRIMINATION STATEMENT

R & R Optical, Inc. is an equal opportunity employer which complies with Federal and State Legislation pertaining to equal opportunity in all aspects of the employment process. Non-discrimination in employment on the basis of race, color, religion, national original, handicap, age, gender, or status as a disabled or Vietnam era veteran is affirmed.

CLASSIFICATION OF EMPLOYEES

Full-Time: includes those employees who are hired on a full-time basis (minimum average of 35 hours or more per work week).

Part-Time: includes those employees who are hired for less than 35 hours in an average work week.

WORKERS' COMPENSATION

All employees of R & R Optical, Inc. are covered against the hazards of occupational accidents and illness on the job through workers' compensation insurance in a manner and to the extent required by the State Workers' Compensation laws. The cost for such coverage is provided by the Company.

If an employee is injured while on duty, he/she should immediately report the injury to their Manager or the Officers. Failure to report an accident or injury could result in the loss of eligibility for Workers' Compensation Benefits.

PERSONNEL RECORDS

Employee personnel records will be maintained by the Officers as required by law and deemed essential for efficient operations. Employees are requested to promptly report any changes in status as listed below:

*Name
*Address
*Phone Number
*Marital Status
*Federal Income Tax Withholding Exemptions

Employee records are handled by the Officers and specified personnel as designated by them. No information on employees or employment status will be given to outside persons, agencies, or potential employers without prior consent of the employee. Employees and/or their representatives are able to review, at the main offices of the Company, their own personnel files if they make an appointment to do so.

CONCERNS / PROBLEMS

All employees are encouraged to discuss any concerns/problems which are pertinent to their employment with their immediate supervisor. If the situation cannot be resolved to the employees satisfaction, the Officers must be consulted.

WARNINGS / PROBATION

In cases of poor performance, misconduct of a minor nature or repeated minor mistakes/infractions by an employee, the following disciplinary measures shall be used by the immediate supervisor in this sequence.

1. Verbal Warning

A verbal notification from the immediate supervisor or other supervisor to an employee that certain behavior or work performance is unacceptable and subject to discipline. The immediate supervisor will retain written records of such verbal warnings.

2. Written Warning

A specific notification from the immediate supervisor to an employee that certain behavior and performance is unacceptable and subject to discipline. A copy of the written warning will be placed in the employee's personnel file. The warning will also be signed by the employee and any objection or comment of the employee will be noted. A written warning automatically places an employee on probationary status.

3. Probationary Status

A fixed period of time not to exceed ninety (90) days where specific standards and goals are established in writing by the Officers and supervisor. Performance is evaluated by the Officers and supervisor during and at the end of the probationary period, and failure to achieve satisfactory performance shall result in suspension or dismissal.

4. Suspension/Dismissal

In cases of suspension or dismissal, the employee is informed of the specific reasons and given an opportunity for a meeting with the Officers. The Officers may suspend or dismiss any employee.

RESIGNATIONS

Employees are requested to submit their resignation in writing to the immediate supervisor with the effective date specified as at lease two (2) weeks from date of submission. All accrued vacation time to the date of termination will be paid.

LEAVES OF ABSENCE

Leaves of Absence with Pay

Funeral Leave: In the event of death in a full-time employee's family (father, mother, brother, sister, wife, husband, son, daughter, mother-in-law, father-in-law, significant other), the employee is granted three (3) days off with pay within a seven (7) consecutive day period.

Jury Duty: Full-time employees will be paid their regular pay for all scheduled work days or hours served on jury duty up to one (1) work week.

Leaves of Absence Without Pay

R & R Optical, Inc. will grant unpaid leaves of absence to full-time employees without loss of continuous service under the condtions outlined in the policy statement. Upon completion of an unpaid leave of absence, every reasonable attempt will be made to place the employee in a position comparable to that which he/she held previously and at no less than his/her previous rate of pay. This however, cannot be guaranteed since it is contingent upon the Company's personnel requirements during and at the completion of the employee's unpaid leave. All unpaid leaves of absence are granted at the Officers discretion.

There are two (2) types of unpaid leave for which an employee may apply. They are as follows:

A. General Short-Term Leave of Absence

A general short-term leave of absence lasting from one (1) to thirty (30) days may be granted for the following reasons:

1. Personal: A general short-term leave of absence may be granted for personal emergencies which make an employee's absence from work unavoidable.

2. Temporary Disability: A general short-term leave of absence may be granted for reasons of temporary disability (including pregnancy) and/or non-work related injury or illness provided that such leave is requested in writing at the time the employee becomes aware of the condition. Prior to the scheduled return to work date, an employee is required to obtain a physician's statement, re: release of treatment and employee's ability to return to work, prior to the scheduled return to work, prior to the scheduled return to work date.

During a general short-term leave of absence, the Company will continue to pay premiums and other costs of all benefits, and seniority and other conditions of employment will accrue as usual.

B. General Extended Leave of Absence

A general extended leave of absence lasting from a minimum of thirty-one (31) days to a maximum of ninety (90) days may be granted for the following reasons:

1. Personal: A general extended leave of absence may be granted for personal emergencies which make an employee's absence from work unavoidable.

2. Temporary Disability: A general leave of absence may be granted for purpose of temporary disability.

During a general extended leave of absence, the Company will discontinue the payment of premiums and other costs of benefits after the first thirty (30) days of the leave. Employees may assume responsibility for these payments in order to continue the benefits, subject to plan provisions.

Seniority and other conditions of employment will be frozen after the first thirty (30) days of the leave and will not accrue thereafter. The employee will not, however, lose the previously credited seniority and service as a result of the leave.

Leave of Absence Procedure

A. An application for a leave of absence of any type must be submitted which documents all essential information. This information is to include the type of leave requested, the reason for the leave, and the anticipated period which the employee expects to be on leave. Where possible, all requests should be submitted to the Officers a minimum of two (2) weeks prior to when the leave is to begin providing this notice is possible.

B. Leaves of absence may be extended providing that the employee submits a written request for such extension and, at the Officers discretion, the extension is justafiable.

C. All requests for reinstatement must be initiated by the employee a minimum of fifteen (15) days prior to the expiration of the leave.

D. Employees will forfeit their right to reinstatement following a leave of absence if other employment is accepted during this leave.

HOLIDAYS

The following paid holidays are provided for all full-time employees:

New Year's Day	Labor Day
Memorial Day	Thanksgiving
Fourth of July	Christmas

Should a holiday occur during an employee's scheduled vacation, a compensation day will be granted, subject to schedule approval of the immediate supervisor.

Should a holiday occur on a day that a full-time employee is not scheduled to work, a compensation day will be granted, subject to scheduling approval of the immediate supervisor.

VACATIONS

For scheduling purposes, all employees must submit their requests for vacation dates for the current calendar year by April 1st. Following review and approval by the immediate supervisor, every effort will be made to satisfy each employee's requests, subject to consideration of adequate staffing for peak periods and general operation. The immediate supervisor reserves the right to alter vacation schedules throughout the year according to circumstances.

Vacation weeks are "Sunday to Sunday". Vacation days do not carry over from one calendar year to the next.

Full-time employees are eligible for vacation with pay according to the following schedule:

0 months - 6 months	None
6 months - 12 months	1 week
1 year - 5 years	2 weeks
6 years or more	3 weeks

Please note: *if you were previously employed by Wise Eyes, Inc., your original date of employment will determine vacation eligibility.*

Part-time employees are eligible for vacation with pay according to the following schedule:

0 months - 12 months	None
1 year - 5 years	1 week
6 years or more	2 weeks

Please note: *vacation pay for part-time employees will be based on the average number of hours worked per week during the six (6) months prior to any scheduled vacation.*

MEDICAL BENEFITS

All full-time employees are eligible for group medical coverage under an Insurance Program provided by R & R Optical, Inc. The Company retains the right to implement a premium payment participation at any time.

Additional costs of couple or family coverage, if elected, will be the responsibility of the employee. These costs are available upon request.

For full-time employees, this coverage will begin upon completion of a 30 day probationary period of employment in a satisfactory manner.

Employees not eligible for this benefit may participate in the Insurance Program at their own cost.

Should an eligible employee elect not to participate, he/she will be required to sign a statement of waiver.

COBRA information will be forwarded to all eligible employees leaving the Company.

LIFE / LTD / AD&D BENEFITS

All full-time employees are eligible for group Life; Long Term Disability; and Accidental Death & Dismemberment coverage. Information will be provided to new employees following the 30 day probationary period.

DENTAL BENEFITS

All full-time employees will be reimbursed up to $100.00 per calendar year for out of pocket dental expenses. Receipts for dental expenses must be submitted to the main office in a timely manner for reimbursement.

PROFIT SHARING PLAN

R & R Optical, Inc. provides a Profit Sharing Plan for all long term full-time employees. Eligibility for participation requires 12 months of continuous service. At the beginning of each plan year (January) all employees who have met the eligibility requirement will receive Plan information.

EEOC FORM 131 (5/01)

U.S. Equal Employment Opportunity Commission

CHIEF EXECUTIVE OFFICER
WISE EYES OPTICAL CENTERS
P.O. Box 10077
State College, PA 16805

PERSON FILING CHARGE

Karen D. Swatsworth

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01790

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [X] No action is required by you at this time.
2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.
3. [ ] Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. [ ] Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. [ ] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Lester J. Phillips,
Investigator Support Asst
EEOC Representative

Telephone **(412) 644-6438**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [ ] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

ISSUES: Discharge

DATE(S) (on or about): EARLIEST: 08-18-2007 LATEST: 08-18-2007

Date	Name / Title of Authorized Official	Signature
September 14, 2007	Joseph M. Hardiman, III, Area Office Director	Joseph M. Hardiman III

INFORMATION ON CHARGES OF DISCRIMINATION

EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), .4(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record retention periods – generally, three years for basic payroll records and one year for personnel records. Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

Section 1602.14 Preservation of records made or kept. . . . . Where a charge ... has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent ... shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term *personnel records relevant to the charge*, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against any individual, or for a union to discriminate against its members or applicants for membership, because they have opposed any practice made an unlawful employment practice by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the statutes. The Equal Pay Act contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone because they have exercised or enjoyed, or aided or encouraged others in their exercise or enjoyment, of rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's name, address and phone number, and ask your attorney to write us confirming such representation.

CLEARFIELD BANK
& TRUST COMPANY

MAIN OFFICE 11 N. Second Street PO Box 171 Clearfield, PA 16830 T (814) 765-7551 F (814) 765-2943

February 20, 2008

Deborah L. Cleeton
Plan Administrator
R & R Optical, Inc.
P. O. Box 10077
State College, PA 16805

IN RE: R & R Optical, Inc. Profit Sharing Plan

Dear Ms. Cleeton:

Today we have forwarded the checks directly to the following employees from the R & R Optical, Inc. Profit Sharing Plan handled through our Trust Department:

~~Susan A. Keith~~	~~$[illegible]~~	~~Ameriprise Trust Co. FBO Susan A. Keith~~
Karen D. Swatsworth	$1,286.50	Janney Montgomery Scott, LLC FBO Karen D. Swatsworth
~~Blaine C. Pimpey~~	~~$2,518.22~~	~~CMB Bank FBO Blaine C. Pimpey~~

Thank you for the opportunity to be of service. Should you have any questions or concerns, please feel free to call.

Sincerely,

Vicki J. Myers

Vicki J. Myers
Assistant Vice President/Trust Officer

R & R OPTICAL, INC.
PROFIT SHARING PLAN
BENEFIT ELECTION FORM

PARTICIPANT: Karen O. Swatsworth

LUMP SUM/ROLLOVER ELECTION

As a participant in the R & R OPTICAL, INC. PROFIT SHARING PLAN, after reading the Description of Tax and Withholding Requirements I elect the following:.

☐ Lump Sum Payment, less 20% mandatory withholding, with the check issued to me.

or

☒ Rollover my total Lump Sum Payment and transfer it to:

☒ IRA - issue the check to:
Name of IRA Custodian (Bank, Insurance Company, etc): Janney Montgomery Sc

or

☐ Retirement Plan - issue the check to:
Name of Plan Trustee: _____

Karen Swatsworth — Participant's Signature
203 - 42 - 1346 — Social Security Number
1-28-08 — Date

• • • •

R & R OPTICAL, INC.
PROFIT SHARING PLAN
SPOUSE'S CONSENT FORM

PARTICIPANT: KAREN SWATSWORTH

SPOUSE'S CONSENT

I hereby approve of, and consent to, the payment option elected by my spouse on their Benefit Election Form. I understand that benefits in excess of $1,000 must be paid in the form of a joint and 50% survivor annuity unless I consent to a different form of payment as chosen by my spouse on their Benefit Election Form.

David Swatsworth 1-31-08
Spouse's Signature Date

Signed and Sworn before me this 31st day of January, 2008.

Commonwealth of Pennsylvania
NOTARIAL SEAL
LORI A. ROWLES, Notary Public
Curwensville Boro, Clearfield County
My Commission Expires Nov. 14, 2010

Lori A. Rowles
Notary Public's Signature {SEAL}

.....

CERTIFICATION OF NO SPOUSE

I hereby certify that I am not now married and that there are no Plan benefits payable to a former spouse under a qualified domestic relations order.

_____ _____
Participant's Signature Date

Signed and Sworn before me this _____ day of _____, 20_____.

_____
Notary Public's Signature {SEAL}

SUBSCRIBER APPLICATION CHANGE FORM

GEISINGER HEALTH OPTIONS®
M.C. 30-26
100 N. Academy Avenue
Danville, PA 17822

Effective Date of Change 10 /01 /07

SUBSCRIBER

105985	0001	100204331
GROUP NUMBER	DIVISION NUMBER	INSURANCE I.D. NUMBER

Swatsworth	Karen	D
LEGAL NAME (LAST)	(FIRST)	(M.I.)

126 Bonnie Court
ADDRESS (NUMBER) (STREET) (APT. NO.)

Curwensville PA 16833
CITY STATE ZIP CODE

Clearfield
COUNTY

203-42-1346
SOCIAL SECURITY NUMBER

CHANGES:
Check which change(s) apply:
- ☐ Adding Dependent(s)
- ☐ Name Change

_____
(Previous last name)

- ☐ Address Change
- ☐ New Home Telephone Number (_____)_____
- ☐ Changing Primary Care Physician (PCP)

Reason for PCP Change:
(check one)
- ☐ Medical care dissatisfaction
- ☐ Access dissatisfaction
- ☐ Provider service dissatisfaction
- ☐ Failure to establish relationship
- ☐ PCP leaves the Health Plan
- ☐ PCP moves
- ☐ Error in PCP selection
- ☐ Convenience

DISENROLLMENT
Check which reason may apply

☐ **SUBSCRIBER** OR ☒ **DEPENDENT**
- ☒ Termination of employment (TE)
- ☐ Lay off (LO)
- ☐ Leave of absence (LA)
- ☐ Reduction in work hours (RH)
- ☐ Retired (RT)
- ☐ Moved out of service area (OA)
- ☐ Deceased (DD)
  (Date of Death)___/___/___
- ☐ Personal preference (PP)
- ☐ Dissatisfaction with Plan (DI)
- ☐ Non payment of premium
- ☐ Selected other insurance (SO)
  - ☐ Open enrollment ___/___/___ (OE)
- ☐ Loss of dependent status (LS)

SUBSCRIBER AND DEPENDENT CHANGES (PLEASE PRINT OR TYPE)

CHECK ONE		LEGAL NAME				BIRTHDATE			RELATION-SHIP TO SUBSCRIBER	CHECK REASON (NOTE DATE) DATE OF MAR-RIAGE	DATE OF DIVORCE	OTHER CHANGE OF STATUS	SOCIAL SECURITY NUMBER	MEDICAL RECORD NUMBER	PCP NAME/ LOCATION (TOWN)
ADD	RE-MOVE	LAST	FIRST	MAIDEN NAME	M.I.	MO.	DAY	YR.							
	X	Swatsworth	Karen		D	02	17	50	Self			TE	203-42-1346		
	X	Swatsworth	David		A	12	28	50	Spouse				195-42-9906		

I HEREBY apply for amendment of my subscriber application.
IT is mutually agreed as follows: That these changes shall not become effective unless and until accepted by my employer. That this application for change in coverage will become a part of my original application and if accepted will be subject to the terms of my Employer's Health Benefit Plan.
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

SUBSCRIBER SIGNATURE — DATE SIGNED — GROUP BENEFITS ADMINISTRATOR / GROUP NAME — DATE SIGNED 10/09/07

#M-150-537-F Rev. 3/03js

WHITE - GEISINGER HEALTH OPTIONS YELLOW - EMPLOYER

ELECTION OF C ITINUATION OF COVERAGE UNDER C RA REGULATIONS

SECTION 1. TO THE EMPLOYER — Please complete Section 1.

Employee Name:	Agreement Number:	Date of Qualifying Event:
Karen D. Swatsworth	100204331	08/18/2007
Group Name: R & R Optical	**Group Number:** 105985	**Date You Sent Notice of Cobra Rights:** 08/20/2007
Group Address: P.O. Box 10077 State College, PA 16805-0077		**Group Phone Number:** 814-867-5045
Premium Payment (Subject to Change): $844.33 per month		**Authorized Group Signature:**

Identify the Qualifying Event:

A. Qualified employees and/or dependents may continue coverage for up to 18 months if:
- ☒ The employee's employment terminated for reasons other than gross misconduct.
- ☐ The employee's working hours decreased so that coverage is no longer available.

No Response as 10/15/07

B. Qualified employees may continue coverage for up to 29 months if:
- ☐ The employee is deemed disabled by the Social Security Administration.
  Date of Onset of Disability: ____/____/____

C. Qualified dependents may continue coverage for up to 36 months if:
- ☐ The dependent no longer meets the eligiblity requirements for a dependent.
- ☐ The dependent is divorced or legally separated from the employee.
- ☐ The employee is deceased.
- ☐ The employee is eligible for Medicare.

SECTION 2. TO THE QUALIFIED EMPLOYEE OR DEPENDENT — Please complete Section 2.
NOTE: Each qualified beneficiary, age 18 or older, may make a separate election.

	Name	Social Security Number	Birth Date
Employee			
For Disabled Employees Only — Expected Date of Medicare Benefits: / /			
Spouse			
Dependent Child			
Dependent Child			
Dependent Child			
Dependent Child			

Person To Be Billed —
Name: _____
Address: _____
_____

Coverage Being Continued:
(Check one.)
- ☐ Core Coverage Only
- ☐ Core and Non-Core Coverage
- ☐ None

Signature of Qualified Employee or Dependent Making Election: _____ Date: _____

To apply for continued coverage, send the completed election form and your first premium payment to the Employer/Group at the address shown above. You are responsible to pay all premiums. If you do not pay premiums when they are due, your coverage will terminate. Make checks payable to WISE EYES).

** GEISINGER **

Notice of Cancellation

1. Group Name				2. Group Number
R & R Optical, Inc.				20798/00002
3. Employee's Name	Last	First	Middle Initial	4. SSN#
	Swatsworth	Karen	D	203-42-1346

5. Employment Termination Date (Date last worked) 08 / 18 / 2007
Mo. Day Yr.

The Employee named above is no longer employed as of the date indicated. We request that the insurance of this Employee be discontinued.

Any conversion and/or continuation rights that may be applicable have been explained to this terminated employee.

Date 08/20/2007 Employer Signature

EDUCATORS MUTUAL LIFE INSURANCE COMPANY
202 N. Prince Street, P.O. Box 83149
Lancaster, PA 17608-3149
Phone: (717) 397-2751 or (800) 233-0307

U204.2

(3414)10/95

01/08/2008 10:16:31 AM

R & R OPTICAL, INC.
PAYROLL JOURNAL
01/01/2007 TO 12/31/2007

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/06/07	00012437	80.00	KAREN D. SWATSWORTH		620.00
			135.62	42.68	441.70
01/20/07	00012470	80.00	KAREN D. SWATSWORTH		605.00
			128.22	61.60	415.18
02/03/07	00012504	80.00	KAREN D. SWATSWORTH		640.00
			135.87	61.60	442.53
02/17/07	00012538	80.00	KAREN D. SWATSWORTH		595.00
			116.23	106.89	371.88
03/03/07	00012573	80.00	KAREN D. SWATSWORTH		625.00
			122.76	106.89	395.35
03/17/07	00012607	80.00	KAREN D. SWATSWORTH		610.00
			119.49	104.89	385.62
03/31/07	00012640	80.00	KAREN D. SWATSWORTH		615.00
			120.58	104.89	389.53
04/14/07	00012674	80.00	KAREN D. SWATSWORTH		600.00
			117.31	104.89	377.80
04/28/07	00012714	80.00	KAREN D. SWATSWORTH		590.00
			115.12	104.89	369.99
05/12/07	00012748	80.00	KAREN D. SWATSWORTH		610.00
			119.49	104.89	385.62
05/26/07	00012783	80.00	KAREN D. SWATSWORTH		620.00
			121.67	104.89	393.44
06/09/07	00012817	80.00	KAREN D. SWATSWORTH		620.00
			121.67	104.89	393.44
06/23/07	00012855	80.00	KAREN D. SWATSWORTH		610.00
			119.49	104.89	385.62
07/07/07	00012892	80.00	KAREN D. SWATSWORTH		645.00
			127.12	104.89	412.99
07/21/07	00012937	80.00	KAREN D. SWATSWORTH		590.00
			115.12	104.89	369.99
08/04/07	00012979	80.00	KAREN D. SWATSWORTH		620.00
			121.67	104.89	393.44
08/18/07	00013016	80.00	KAREN D. SWATSWORTH		615.00
			120.58	104.89	389.53
09/01/07	00013053	80.00	KAREN D. SWATSWORTH		580.00
			112.95	104.89	362.16
TOTALS:			2,190.96	1,743.23	11,010.00
					7,075.81

SUBSCRIBER APPLICATION CHANGE FORM

GEISINGER HEALTH OPTIONS

M.C. 30-26
100 N. Academy Avenue
Danville, PA 17822

Effective Date of Change ___/___/___

SUBSCRIBER

105985 — GROUP NUMBER
DIVISION NUMBER
100204331 — INSURANCE I.D. NUMBER

Swatsworth — LEGAL NAME (LAST)
Karen — (FIRST)
D — (M.I.)

126 Bonnie Court — ADDRESS (NUMBER) (STREET) (APT. NO.)

Curwensville — CITY
PA — STATE
16833 — ZIP CODE

Clearfield — COUNTY

293-42-1345 — SOCIAL SECURITY NUMBER

CHANGES:

Check which change(s) apply:

- [X] Adding Dependent(s)
- [ ] Name Change

_____ (Previous last name)

- [ ] Address Change
- [ ] New Home Telephone Number (_____)_____
- [ ] Changing Primary Care Physician (PCP)

Reason for PCP Change:
(check one)

- [ ] Medical care dissatisfaction
- [ ] Access dissatisfaction
- [ ] Provider service dissatisfaction
- [ ] Failure to establish relationship
- [ ] PCP leaves the Health Plan
- [ ] PCP moves
- [ ] Error in PCP selection
- [ ] Convenience

DISENROLLMENT

Check which reason may apply

- [ ] **SUBSCRIBER** OR [ ] **DEPENDENT**
  - [ ] Termination of employment (TE)
  - [ ] Lay off (LO)
  - [ ] Leave of absence (LA)
  - [ ] Reduction in work hours (RH)
  - [ ] Retired (RT)
  - [ ] Moved out of service area (OA)
  - [ ] Deceased (DD)
    (Date of Death)___/___/___
  - [ ] Personal preference (PP)
  - [ ] Dissatisfaction with Plan (DI)
  - [ ] Non payment of premium
  - [ ] Selected other insurance (SO)
    - [ ] Open enrollment ___/___/___ (OE)
  - [ ] Loss of dependent status (LS)

SUBSCRIBER AND DEPENDENT CHANGES (PLEASE PRINT OR TYPE)

CHECK ONE		LEGAL NAME			BIRTHDATE			RELATIONSHIP TO SUBSCRIBER	CHECK REASON (NOTE DATE) DATE OF MARRIAGE	DATE OF DIVORCE	OTHER CHANGE OF STATUS	SOCIAL SECURITY NUMBER	MEDICAL RECORD NUMBER	PCP NAME/ LOCATION (TOWN)
ADD	REMOVE	LAST FIRST MAIDEN NAME	M.I.	MO.	DAY	YR.								
X		SWATSWORTH DAVID	A	12	28	50	HUSBAND	4/21/72				195-42-9906		

I HEREBY apply for amendment of my subscriber application.
IT is mutually agreed as follows: That these changes shall not become effective unless and until accepted by my employer. That this application for change in coverage will become a part of my original application and if accepted will be subject to the terms of my Employer's Health Benefit Plan.
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

[signature] — SUBSCRIBER SIGNATURE
2-6-07 — DATE SIGNED
_____ — GROUP BENEFITS ADMINISTRATOR / GROUP NAME
_____ — DATE SIGNED

01/10/2007

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2006 TO 12/31/2006

04:51:53 PM

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/07/06	00011524	80.00	KAREN D. SWATSWORTH		560.00
			122.52	42.68	394.80
01/21/06	00011558	90.00	KAREN D. SWATSWORTH		715.00
			156.33	42.68	515.99
02/04/06	00011593	91.00	KAREN D. SWATSWORTH		775.50
			169.53	42.68	563.29
02/18/06	00011631	89.00	KAREN D. SWATSWORTH		704.50
			154.05	42.68	507.77
03/04/06	00011664	90.00	KAREN D. SWATSWORTH		725.00
			158.51	42.68	523.81
03/18/06	00011696	80.00	KAREN D. SWATSWORTH		585.00
			127.98	40.68	416.34
04/01/06	00011731	80.00	KAREN D. SWATSWORTH		595.00
			130.17	40.68	424.15
04/15/06	00011769	80.00	KAREN D. SWATSWORTH		590.00
			129.07	40.68	420.25
04/29/06	00011805	80.00	KAREN D. SWATSWORTH		560.00
			122.52	40.68	396.80
05/13/06	00011840	80.00	KAREN D. SWATSWORTH		725.00
			158.51	40.68	525.81
05/27/06	00011877	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
06/10/06	00011912	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
06/24/06	00011949	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
07/08/06	00011985	80.00	KAREN D. SWATSWORTH		590.00
			129.07	40.68	420.25
07/22/06	00012026	80.00	KAREN D. SWATSWORTH		630.00
			137.80	40.68	451.52
08/05/06	00012060	80.00	KAREN D. SWATSWORTH		560.00
			122.52	40.68	396.80
08/19/06	00012094	80.00	KAREN D. SWATSWORTH		645.00
			141.06	40.68	463.26
09/02/06	00012128	80.00	KAREN D. SWATSWORTH		625.00
			136.70	40.68	447.62
09/16/06	00012162	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
09/30/06	00012196	80.00	KAREN D. SWATSWORTH		610.00
			133.44	40.68	435.88
10/14/06	00012230	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
10/28/06	00012270	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
11/11/06	00012304	80.00	KAREN D. SWATSWORTH		635.00
			138.89	40.68	455.43
11/25/06	00012338	80.00	KAREN D. SWATSWORTH		605.00
			132.33	40.68	431.99
12/09/06	00012371	80.00	KAREN D. SWATSWORTH		630.00
			137.80	40.68	451.52
12/23/06	00012404	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
					16,205.00

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS	& DEDUCTIONS	GROSS PAY/ NET PAY
	TOTALS:		3,544.47	1,067.68	11,592.85

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2005 TO 12/31/2005

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/08/05	00010548	80.00	KAREN D. SWATSWORTH		575.00
			126.40	39.97	408.63
01/22/05	00010585	80.00	KAREN D. SWATSWORTH		520.00
			114.40	39.97	365.63
02/05/05	00010627	80.00	KAREN D. SWATSWORTH		560.00
			123.12	39.97	396.91
02/19/05	00010663	80.00	KAREN D. SWATSWORTH		565.00
			124.21	39.97	400.82
03/05/05	00010700	80.00	KAREN D. SWATSWORTH		540.00
			118.76	39.97	381.27
03/19/05	00010736	80.00	KAREN D. SWATSWORTH		595.00
			130.76	37.97	426.27
04/02/05	00010774	80.00	KAREN D. SWATSWORTH		560.00
			123.12	37.97	398.91
04/16/05	00010816	80.00	KAREN D. SWATSWORTH		580.00
			127.48	37.97	414.55
04/30/05	00010854	80.00	KAREN D. SWATSWORTH		605.00
			132.93	37.97	434.10
05/14/05	00010892	80.00	KAREN D. SWATSWORTH		575.00
			126.40	37.97	410.63
05/28/05	00010930	80.00	KAREN D. SWATSWORTH		560.00
			123.12	37.97	398.91
06/11/05	00010967	80.00	KAREN D. SWATSWORTH		640.00
			140.57	37.97	461.46
06/25/05	00011004	80.00	KAREN D. SWATSWORTH		585.00
			128.57	37.97	418.46
07/09/05	00011042	80.00	KAREN D. SWATSWORTH		625.00
			137.29	37.97	449.74
07/23/05	00011080	80.00	KAREN D. SWATSWORTH		585.00
			128.57	37.97	418.46
08/06/05	00011122	80.00	KAREN D. SWATSWORTH		610.00
			134.02	37.97	438.01
08/20/05	00011156	80.00	KAREN D. SWATSWORTH		605.00
			132.93	37.97	434.10
09/03/05	00011189	80.00	KAREN D. SWATSWORTH		580.00
			127.48	37.97	414.55
09/17/05	00011223	87.00	KAREN D. SWATSWORTH		683.50
			150.06	37.97	495.47
10/01/05	00011257	87.00	KAREN D. SWATSWORTH		688.50
			151.14	37.97	499.39
10/15/05	00011295	87.00	KAREN D. SWATSWORTH		668.50
			146.18	40.68	481.64
10/29/05	00011335	87.00	KAREN D. SWATSWORTH		668.50
			146.18	40.68	481.64
11/12/05	00011368	87.00	KAREN D. SWATSWORTH		668.50
			146.18	40.68	481.64
11/26/05	00011402	91.00	KAREN D. SWATSWORTH		710.50
			155.35	40.68	514.47
12/10/05	00011441	89.00	KAREN D. SWATSWORTH		694.50
			151.87	40.68	501.95
12/24/05	00011488	86.00	KAREN D. SWATSWORTH		673.00
			147.17	40.68	485.15
			==========	==========	==========
					15,920.50

PAYROLL JOURNAL
01/01/2005 TO 12/31/2005

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS	& DEDUCTIONS	GROSS PAY/ NET PAY
	TOTALS:		3,494.26	1,013.48	11,412.76

Selectus
Direct Access PPO

GROUP SUBSCRIBER APPLICATION

M.C. 30-26
100 North Academy Avenu
Danville, PA 17822

GROUP NUMBER	DIVISION NUMBER	INSURANCE ID NUMBER	EFFECTIVE DATE	SALES REP

GENERAL INFORMATION (Please Print or Type)

APPLICANT

LEGAL NAME (LAST)	(MAIDEN NAME)	(FIRST)	(M.I.)	☐ FEMALE ☐ MALE
[illegible]rich		Karen		

ADDRESS (NUMBER) (STREET)	(APT. NO.)	CITY	STATE	ZIP CODE	COUNTY	PHONE NUMBER
[illegible] Pointe Court		Curwensville	PA	16833	Clearfield	814-[illegible]

SOCIAL SECURITY NUMBER	DATE OF BIRTH (MONTH / DAY / YEAR)	MARITAL STATUS
[illegible] 12 1346	11 / 17 / 1950	☑ MARRIED ☐ SINGLE ☐ DIVORCED/SEPARATED ☐ WIDOWED

EMPLOYER (NAME, CITY, AND PHONE NUMBER)	DATE OF EMPLOYMENT	MEDICAL RECORD NUMBER (if any)
[illegible] & R Optical, Inc.	06/17/1992	

WHILE ENROLLED IN SELECTUS DIRECT ACCESS PPO, WILL YOU OR YOUR SPOUSE, IF LISTED ON THIS FORM, ALSO BE COVERED BY:

☐ MEDICARE	YOUR MEDICARE NUMBER	PART A	PART B	SPOUSE'S MEDICARE NUMBER		PART A	PART B
☐ OTHER HEALTH INSURANCE	NAME OF INSURANCE CO.			SUBSCRIBER NAME		☐ FAMILY PLAN	☐ SELF ONLY
	EFFECTIVE DATE OF COVERAGE	I.D. OR SOCIAL SECURITY NO.		GROUP NAME (EMPLOYER)		GROUP NUMBER	

DEPENDENT

LEGAL NAME — FIRST	M.I	LAST / MAIDEN NAME (LIST LAST NAME IF DIFFERENT FROM APPLICANT)	SOCIAL SECURITY NO.	RELATIONSHIP	DATE OF BIRTH	MEDICAL RECORD NUMBER (if any)
		LAST / MAIDEN NAME		☐ HUSBAND ☐ WIFE		
FIRST	M.I.	LAST		☐ (STEP) ☐ SON ☐ DAUGHTER		
FIRST	M.I.	LAST		☐ (STEP) ☐ SON ☐ DAUGHTER		
FIRST	M.I.	LAST		☐ (STEP) ☐ SON ☐ DAUGHTER		
FIRST	M.I.	LAST		☐ (STEP) ☐ SON ☐ DAUGHTER		

I hereby apply to Selectus Direct Access PPO for the coverage now being offered for myself and the dependent(s), if any, as shown above. I understand that this application is subject to acceptance by Selectus Direct Access PPO, and that if a Subscription Certificate is issued, services will be available subject to the exclusions, limitations and other conditions of the Subscription Certificate and/or Rider(s), if applicable. In the event it is determined that one (1) or more of my dependent(s) is/are ineligible for enrollment in Selectus Direct Access PPO pursuant to the Subscription Certificate, I authorize Selectus Direct Access PPO to process this application, omitting the names of such ineligible dependent(s). I further understand that rates for the Subscription Certificate and/or Rider(s), if applicable, issued to me are subject to change by Selectus Direct Access PPO, in accordance with terms of the agreement with my employer, and upon thirty (30) days prior notice to my employer acting on my behalf. I authorize my employer to make periodic deductions from my salary or wages of the amount, if any, I am required to contribute toward the rates for the coverage provided under my Subscription Certificate and/or Rider(s).

The information recorded above is true and correct to the best of my knowledge and belief. I understand that the misrepresentation of any material fact by me on this application could constitute grounds for the cancellation of any Subscription Certificate and/or Rider(s), if applicable, issued by Selectus Direct Access PPO in consideration of this application.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalities.

Signature of Applicant — Date Signed — Signature of Employer — Date Signed

PLEASE NOTE: If any of your dependent(s) do not live at the above address, please indicate name(s), current address(es) and reason(s) why your dependent(s) do not live at the above address. If your dependent(s) live with a custodial parent, please provide name of custodial parent.

White - Selectus Direct Access PPO *Yellow - Employer* *Pink - Applicant*

R & R Optical, Inc
PAYROLL JOURNAL
01/01/2004 TO 12/31/2004

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/10/04	00009542	80.00	KAREN D. SWATSWORTH		570.00
				124.71	40.66
01/24/04	00009582	80.00	KAREN D. SWATSWORTH		404.63
				127.98	40.66
02/07/04	00009626	80.00	KAREN D. SWATSWORTH		416.36
				122.52	40.66
02/21/04	00009665	80.00	KAREN D. SWATSWORTH		396.82
				126.89	40.66
03/06/04	00009704	80.00	KAREN D. SWATSWORTH		412.45
				126.89	40.66
03/20/04	00009743	80.00	KAREN D. SWATSWORTH		412.45
				118.17	40.66
04/03/04	00009782	80.00	KAREN D. SWATSWORTH		381.17
				139.98	40.66
04/17/04	00009822	80.00	KAREN D. SWATSWORTH		459.36
				123.62	40.66
05/01/04	00009866	80.00	KAREN D. SWATSWORTH		400.72
				125.80	40.66
05/15/04	00009905	80.00	KAREN D. SWATSWORTH		408.54
				126.89	40.66
05/29/04	00009943	80.00	KAREN D. SWATSWORTH		412.45
				127.98	40.66
06/12/04	00009980	80.00	KAREN D. SWATSWORTH		416.36
				130.17	40.66
06/26/04	00010018	80.00	KAREN D. SWATSWORTH		424.17
				121.44	40.66
07/10/04	00010056	80.00	KAREN D. SWATSWORTH		392.90
				131.25	40.66
07/24/04	00010095	80.00	KAREN D. SWATSWORTH		428.09
				118.17	40.66
08/07/04	00010138	80.00	KAREN D. SWATSWORTH		381.17
				127.98	40.66
08/21/04	00010176	80.00	KAREN D. SWATSWORTH		416.36
				125.80	40.66
09/04/04	00010214	80.00	KAREN D. SWATSWORTH		408.54
				118.17	40.66
09/18/04	00010252	80.00	KAREN D. SWATSWORTH		381.17
				132.34	40.66
10/02/04	00010291	83.00	KAREN D. SWATSWORTH		432.00
				132.76	37.97
10/16/04	00010332	80.00	KAREN D. SWATSWORTH		433.52
				125.29	37.97
10/30/04	00010369	80.00	KAREN D. SWATSWORTH		406.74
				123.12	37.97
11/13/04	00010405	80.00	KAREN D. SWATSWORTH		398.91
				130.76	37.97
11/27/04	00010441	80.00	KAREN D. SWATSWORTH		426.27
				126.40	37.97
12/11/04	00010477	80.00	KAREN D. SWATSWORTH		410.63
				129.66	37.97
12/25/04	00010512	80.00	KAREN D. SWATSWORTH		422.37
				119.85	37.97
					387.18
					14,994.25

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2003 TO 12/31/2003

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/11/03	00008508	80.00	KAREN D. SWATSWORTH		575.00
			138.65	200.33	236.02
01/25/03	00008546	80.00	KAREN D. SWATSWORTH		580.00
			139.72	200.33	239.95
02/08/03	00008585	80.00	KAREN D. SWATSWORTH		580.00
			139.72	200.33	239.95
02/22/03	00008625	80.00	KAREN D. SWATSWORTH		560.00
			135.42	200.33	224.25
03/08/03	00008664	80.00	KAREN D. SWATSWORTH		580.00
			139.72	200.33	239.95
03/22/03	00008705	80.00	KAREN D. SWATSWORTH		575.00
			138.65	200.33	236.02
04/05/03	00008747	80.00	KAREN D. SWATSWORTH		580.00
			139.72	23.32	416.96
04/19/03	00008792	80.00	KAREN D. SWATSWORTH		575.00
			138.65	23.32	413.03
05/03/03	00008833	80.00	KAREN D. SWATSWORTH		595.00
			137.94	23.32	433.74
05/17/03	00008878	80.00	KAREN D. SWATSWORTH		595.00
			137.94	23.32	433.74
05/31/03	00008920	80.00	KAREN D. SWATSWORTH		540.00
			126.13	23.32	390.55
06/14/03	00008960	81.50	KAREN D. SWATSWORTH		600.00
			139.01	23.32	437.67
06/28/03	00009000	80.00	KAREN D. SWATSWORTH		590.00
			136.87	23.32	429.81
07/12/03	00009039	83.00	KAREN D. SWATSWORTH		600.00
			133.05	23.32	443.63
07/26/03	00009081	80.00	KAREN D. SWATSWORTH		555.00
			123.39	23.32	408.29
08/09/03	00009118	80.00	KAREN D. SWATSWORTH		540.00
			120.17	23.32	396.51
08/23/03	00009156	80.00	KAREN D. SWATSWORTH		620.00
			137.34	23.32	459.34
09/06/03	00009193	80.00	KAREN D. SWATSWORTH		570.00
			126.61	23.32	420.07
09/20/03	00009231	80.00	KAREN D. SWATSWORTH		570.00
			126.61	23.32	420.07
10/04/03	00009269	80.00	KAREN D. SWATSWORTH		575.00
			123.96	40.66	410.38
10/18/03	00009308	80.00	KAREN D. SWATSWORTH		575.00
			123.96	40.66	410.38
11/01/03	00009351	85.00	KAREN D. SWATSWORTH		614.00
			132.32	40.66	441.02
11/15/03	00009390	83.00	KAREN D. SWATSWORTH		595.00
			128.25	40.66	426.09
11/29/03	00009428	80.00	KAREN D. SWATSWORTH		550.00
			118.59	40.66	390.75
12/13/03	00009466	80.00	KAREN D. SWATSWORTH		560.00
			120.73	40.66	398.61
12/27/03	00009504	80.00	KAREN D. SWATSWORTH		540.00
			116.44	40.66	382.90
					14,989.00

CAPTAL BLUE CROSS

Deb,

Please take David off my lins. as of today. he got his own thruge his work.

Thank you.
Karen
Swadaner

Capital BlueCross

Capital BlueCross and its subsidiary, Capital Advantage Insurance Company* (collectively "Capital") Independent Licensees of the Blue Cross and Blue Shield Association

APPLICATION TO ENROLL OR CHANGE ENROLLMENT

(Please print or type)

1-866-686-2242 www.capbluecross.com

SUBSCRIBER: Please refer to the attached Instruction Sheet when completing sections 1 through 8 of this form.

1. SUBSCRIBER INFORMATION:

Subscriber Identification (Social Security Number) [illegible]

Birth Date [illegible]

☐ Male ☑ Female

☐ Single ☐ Married

Subscriber Name (Last, First, M.I.) [illegible]

Mailing Address (Include street address, city, state and ZIP Code) 129 Bramble Court Curwensville, PA [illegible]

(New Address? ☐ Yes ☑ No)

County Clearfield

Home Phone Number ( )

Work Phone Number / Ext. ( )

Employment Status/Class: ☒ Active (Full-Time) ☐ Active (Part-Time) ☐ Retired ☐ Hourly ☐ Salary ☐ Exempt ☐ Non-Exempt ☐ Union ☐ Non-Union

Average Number of Hours Worked Per Week

GROUP ADMINISTRATOR: Please complete shaded area of form

Employer's Name: K & K Optical, Inc.

Employer's ID Number

Group Name *(if different from above)*

Group Number: 00501690

Subgroup Number

Does your company employ 20 or more employees? ☑ Yes ☐ No

Employer's Address *(For Association Groups Only)*

Effective Date of Coverage/Change: 04 / 01 / 2003

Date Hired / /

Has waiting period been met? ☐ Yes ☐ No

TYPE OF ACTIVITY

☐ Enrollment ☐ Change of Enrollment ☐ Termination

REASON CODES *(See back for codes and descriptions)*

☐ Open Enrollment		Date of Change / /
☐ Life Status Change:	CODE	Date of Change / /
☐ Initial Eligibility Change:	CODE	Date of Change 03/31/03
☑ Termination:	CODE 05	Date of Change / /
☐ Other (Please Explain)		

2. ENROLLMENT/CHANGE INFORMATION

3. COVERAGE SELECTION/CHANGE

Place an **"A" to ADD** Coverage or an **"R" to REMOVE** Coverage

First Name & Middle Initial (Show Last Name if different from Subscriber)	Social Security Number	Birth Date	Handicapped Dependent?	ADD or REMOVE?	Traditional	Comprehensive	PPO	Senior	Options	Dental	Vision	Rx
SUBSCRIBER				☐ REMOVE ONLY								
Spouse ☐ Male ☐ Female David A	[illegible]	12/28/50		☐ ADD ☑ REMOVE			R					
☐ Son ☐ Dau		/ /	☐ Yes ☐ No	☐ ADD ☐ REMOVE								
☐ Son ☐ Dau		/ /	☐ Yes ☐ No	☐ ADD ☐ REMOVE								
☐ Son ☐ Dau		/ /	☐ Yes ☐ No	☐ ADD ☐ REMOVE								
☐ Other		/ /	☐ Yes ☐ No	☐ ADD ☐ REMOVE								

Dependent Address if different from Subscriber

Traditional = CBC hospital, CAIC Med Surg and Major Medical Comprehensive = CAIC comprehensive major medical
PPO = CAIC Preferred Provider Organization Senior = CAIC Medicare Complementary Options = CAIC Option

4. MEDICARE COVERAGE INFORMATION

Complete Medicare Information for Subscriber and/or Dependents CURRENTLY enrolled for Medicare. *(Refer to your red, white and blue Medicare Health Insurance Card for the Medicare claim number and effective dates.)*

Name of Subscriber or Dependent	Medicare Claim Number	Effective Date(s) Hospital (Part A)	Effective Date(s) Medical (Part B)	Disabled?	ESRD?
		/ /	/ /	☐ Yes ☐ No	☐ Yes ☐ No
		/ /	/ /	☐ Yes ☐ No	☐ Yes ☐ No

5. OTHER INSURANCE COVERAGE

Complete if YOU or ANY OF YOUR DEPENDENTS have any other health care coverage with a Blue Cross and/or Blue Shield Plan OR another insurance company. *(Please attach a separate sheet of paper if additional space is needed)*

Name of Subscriber or Dependent	Name of Health Care Plan/Insurance Co.	Identification/Policy Number
David A. Farnsworth		

6. STUDENT INFORMATION

Complete the following information for DEPENDENTS who are 19 YEARS OLD OR OLDER and enrolled as full-time students at an accredited school or college/university. *(Please attach a separate sheet of paper if additional space is needed)*

Student's Name	Name of School or College/University	Expected Date of Graduation
		/
		/

7. CHANGE THE FOLLOWING INFORMATION

Change is for ☐ Subscriber ☐ Dependent (Name)

Name	From	To
Birth Date	From / /	To / /
Social Security Number	From	To

8. STATEMENT OF APPLICATION

By signing this application, I am indicating that I have read the statement of application on the back of the form. I verify that the information given is true and correct.

Subscriber's Signature Date

R & R Optical, Inc
PAYROLL JOURNAL
01/01/2002 TO 12/31/2002

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/12/02	00007466	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
01/26/02	00007503	80.00	KAREN D. SWATSWORTH		578.00
			139.17	0.00	438.83
02/09/02	00007539	80.00	KAREN D. SWATSWORTH		560.00
			135.31	0.00	424.69
02/23/02	00007576	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
03/09/02	00007622	80.00	KAREN D. SWATSWORTH		570.00
			137.46	0.00	432.54
03/23/02	00007659	80.00	KAREN D. SWATSWORTH		590.00
			141.75	0.00	448.25
04/06/02	00007697	80.00	KAREN D. SWATSWORTH		570.00
			137.46	0.00	432.54
04/20/02	00007735	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
05/04/02	00007778	84.00	KAREN D. SWATSWORTH		609.00
			145.82	0.00	463.18
05/18/02	00007817	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
06/01/02	00007856	88.00	KAREN D. SWATSWORTH		648.00
			154.19	0.00	493.81
06/15/02	00007897	80.00	KAREN D. SWATSWORTH		595.00
			142.82	0.00	452.18
06/29/02	00007940	80.00	KAREN D. SWATSWORTH		585.00
			140.67	0.00	444.33
07/13/02	00007981	80.00	KAREN D. SWATSWORTH		540.00
			131.02	0.00	408.98
07/27/02	00008020	84.00	KAREN D. SWATSWORTH		649.00
			154.40	0.00	494.60
08/10/02	00008060	84.00	KAREN D. SWATSWORTH		594.00
			142.60	0.00	451.40
08/24/02	00008106	80.00	KAREN D. SWATSWORTH		555.00
			134.24	0.00	420.76
09/07/02	00008146	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
09/21/02	00008185	80.00	KAREN D. SWATSWORTH		590.00
			141.75	0.00	448.25
10/05/02	00008225	84.00	KAREN D. SWATSWORTH		599.00
			143.68	0.00	455.32
10/19/02	00008268	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
11/02/02	00008307	80.00	KAREN D. SWATSWORTH		565.00
			136.38	0.00	428.62
11/16/02	00008347	80.00	KAREN D. SWATSWORTH		585.00
			140.67	0.00	444.33
11/30/02	00008387	84.50	KAREN D. SWATSWORTH		634.00
			151.18	0.00	482.82
12/14/02	00008428	84.50	KAREN D. SWATSWORTH		609.00
			145.82	200.33	262.85
12/28/02	00008468	80.00	KAREN D. SWATSWORTH		540.00
			131.02	200.33	208.65
			==========	==========	==========
					15,215.00

R & R Optical, Inc
PAYROLL JOURNAL
01/01/2001 TO 12/31/2001

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/13/01	00006348	83.00	KAREN D. SWATSWORTH		527.00
			142.18	0.00	384.82
01/27/01	00006379	80.00	KAREN D. SWATSWORTH		520.00
			140.33	0.00	379.67
02/10/01	00006411	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
02/24/01	00006442	0.00	KAREN D. SWATSWORTH		35.00
			4.01	0.00	30.99
02/24/01	00006468	80.00	KAREN D. SWATSWORTH		555.00
			149.59	0.00	405.41
03/10/01	00006501	80.00	KAREN D. SWATSWORTH		545.00
			146.94	0.00	398.06
03/24/01	00006534	80.00	KAREN D. SWATSWORTH		545.00
			146.94	0.00	398.06
04/07/01	00006602	80.00	KAREN D. SWATSWORTH		565.00
			152.23	0.00	412.77
04/21/01	00006637	80.00	KAREN D. SWATSWORTH		590.00
			158.85	0.00	431.15
05/05/01	00006672	83.00	KAREN D. SWATSWORTH		602.00
			162.02	0.00	439.98
05/19/01	00006740	80.00	KAREN D. SWATSWORTH		555.00
			149.59	0.00	405.41
06/02/01	00006775	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
06/16/01	00006840	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
06/30/01	00006875	80.00	KAREN D. SWATSWORTH		640.00
			172.07	0.00	467.93
07/14/01	00006946	80.00	KAREN D. SWATSWORTH		530.00
			142.98	0.00	387.02
07/28/01	00006980	80.00	KAREN D. SWATSWORTH		520.00
			140.33	0.00	379.67
08/11/01	00007018	80.00	KAREN D. SWATSWORTH		530.00
			142.98	0.00	387.02
08/25/01	00007072	80.00	KAREN D. SWATSWORTH		545.00
			146.94	0.00	398.06
09/08/01	00007111	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
09/22/01	00007153	80.00	KAREN D. SWATSWORTH		545.00
			146.94	0.00	398.06
10/06/01	00007188	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
10/20/01	00007225	80.00	KAREN D. SWATSWORTH		540.00
			145.62	0.00	394.38
11/03/01	00007264	80.00	KAREN D. SWATSWORTH		510.00
			137.69	0.00	372.31
11/17/01	00007303	80.00	KAREN D. SWATSWORTH		535.00
			144.30	0.00	390.70
12/01/01	00007354	84.50	KAREN D. SWATSWORTH		591.00
			159.11	0.00	431.89
12/15/01	00007392	80.00	KAREN D. SWATSWORTH		530.00
			142.98	0.00	387.02
12/29/01	00007430	80.00	KAREN D. SWATSWORTH		540.00
			145.62	0.00	394.38

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2000 TO 12/31/2000

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/01/00	00005277	80.00	KAREN D. SWATSWORTH		500.00
			125.04	0.00	374.96
01/15/00	00005310	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
01/27/00	00005367	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
02/12/00	00005379	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
02/26/00	00005412	0.00	KAREN D. SWATSWORTH		98.00
			11.22	0.00	86.78
02/26/00	00005440	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
03/11/00	00005472	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
03/25/00	00005506	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
04/08/00	00005539	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
04/22/00	00005572	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
05/06/00	00005605	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
05/20/00	00005639	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
06/03/00	00005693	0.00	KAREN D. SWATSWORTH		70.00
			18.02	0.00	51.98
06/03/00	00005720	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
06/17/00	00005754	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
07/01/00	00005790	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
07/15/00	00005835	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
07/29/00	00005891	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
08/12/00	00005926	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
08/26/00	00005962	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
09/09/00	00005994	0.00	KAREN D. SWATSWORTH		110.00
			22.60	0.00	87.40
09/09/00	00006051	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
09/23/00	00006080	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
10/07/00	00006112	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
10/21/00	00006143	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
11/04/00	00006175	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
11/18/00	00006206	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96

PAYROLL JOURNAL
01/01/2000 TO 12/31/2000

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
11/18/00	00006230	0.00	KAREN D. SWATSWORTH		35.00
			4.01	0.00	30.99
12/02/00	00006257	88.00	KAREN D. SWATSWORTH		572.00
			154.08	0.00	417.92
12/16/00	00006288	86.00	KAREN D. SWATSWORTH		554.00
			149.32	0.00	404.68
12/30/00	00006319	82.00	KAREN D. SWATSWORTH		518.00
			139.80	0.00	378.20
					13,957.00
	TOTALS:		3,730.01	0.00	10,226.99

Karen - please fill ·it to authorize additional with· 'ding. Ok to use 1999 Form

Form W-4 (1999)

Purpose. Complete Form W-4 so your employer can withhold the correct Federal income tax from your pay. Because your tax situation may change, you may want to refigure your withholding each year.

Exemption from withholding. If you are exempt, complete only lines 1, 2, 3, 4, and 7, and sign the form to validate it. Your exemption for 1999 expires February 16, 2000.

Note: *You cannot claim exemption from withholding if (1) your income exceeds $700 and includes more than $250 of unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return.*

Basic instructions. If you are not exempt, complete the Personal Allowances Worksheet. The worksheets on page 2 adjust your withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply. They will help you figure the number of withholding allowances you are entitled to claim. **However, you may claim fewer allowances.**

Child tax and higher education credits. For details on adjusting withholding for these and other credits, see **Pub. 919,** Is My Withholding Correct for 1999?

Head of household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See line **E** below.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES. Otherwise, you may owe additional tax.

Two earners/two jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding will usually be most accurate when all allowances are claimed on the Form W-4 prepared for the highest paying job and zero allowances are claimed for the others.

Check your withholding. After your Form W-4 takes effect, use Pub. 919 to see how the dollar amount you are having withheld compares to your estimated total annual tax. Get Pub. 919 especially if you used the Two-Earner/Two-Job Worksheet and your earnings exceed $150,000 (Single) or $200,000 (Married).

Recent name change? If your name on line 1 differs from that shown on your social security card, call 1-800-772-1213 for a new social security card.

Personal Allowances Worksheet

A Enter "1" for **yourself** if no one else can claim you as a dependent . . . . . A ____

B Enter "1" if:
- You are single and have only one job; or
- You are married, have only one job, and your spouse does not work; or
- Your wages from a second job or your spouse's wages (or the total of both) are $1,000 or less. . . B ____

C Enter "1" for your **spouse.** But, you may choose to enter -0- if you are married and have either a working spouse or more than one job. (This may help you avoid having too little tax withheld.) . . . . . C ____

D Enter number of **dependents** (other than your spouse or yourself) you will claim on your tax return . . . . . D ____

E Enter "1" if you will file as **head of household** on your tax return (see conditions under **Head of household** above) . E ____

F Enter "1" if you have at least $1,500 of **child or dependent care expenses** for which you plan to claim a credit . . F ____

G **Child Tax Credit:** • If your total income will be between $20,000 and $50,000 ($23,000 and $63,000 if married), enter "1" for each eligible child. • If your total income will be between $50,000 and $80,000 ($63,000 and $115,000 if married), enter "1" if you have two eligible children, enter "2" if you have three or four eligible children, or enter "3" if you have five or more eligible children . . G ____

H Add lines A through G and enter total here. **Note:** This amount may be different from the number of exemptions you claim on your return. ▶ H ____

For accuracy, complete all worksheets that apply.
- If you plan to **itemize or claim adjustments to income** and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are **single,** have **more than one job** and your combined earnings from all jobs exceed $32,000, OR if you are **married** and have a **working spouse or more than one job** and the combined earnings from all jobs exceed $55,000, see the Two-Earner/Two-Job Worksheet on page 2 to avoid having too little tax withheld.
- If **neither** of the above situations applies, **stop here** and enter the number from line H on line 5 of Form W-4 below.

..... **Cut here and give the certificate to your employer. Keep the top part for your records.** .....

Form **W-4** — Department of the Treasury, Internal Revenue Service

Employee's Withholding Allowance Certificate

▶ **For Privacy Act and Paperwork Reduction Act Notice, see page 2.**

OMB No. 1545-0010

1999

1 Type or print your first name and middle initial: KAREN D. Last name: SWATSWORTH

2 Your social security number: 203 42 1346

Home address (number and street or rural route): 126 BONNIE COURT

3 ☐ Single ☐ Married ☒ Married, but withhold at higher Single rate.
Note: *If married, but legally separated, or spouse is a nonresident alien, check the Single box.*

City or town, state, and ZIP code: CURWENSVILLE, PA. 16833

4 If your last name differs from that on your social security card, check here. **You** must call 1-800-772-1213 for a new card . . . ▶ ☐

5 Total number of allowances you are claiming (from line H above or from the worksheets on page 2 if they apply) . 5 0

6 Additional amount, if any, you want withheld from each paycheck . . . . . 6 $ 20.00

7 I claim exemption from withholding for 1999, and I certify that I meet **BOTH** of the following conditions for exemption:
- Last year I had a right to a refund of **ALL** Federal income tax withheld because I had **NO** tax liability **AND**
- This year I expect a refund of **ALL** Federal income tax withheld because I expect to have **NO** tax liability.

If you meet both conditions, write "EXEMPT" here . . . . . ▶ 7

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate, or I am entitled to claim exempt status.

Employee's signature (Form is not valid unless you sign it) ▶ Karen D. Swatsworth Date ▶ 1-18-00

8 Employer's name and address (Employer: Complete 8 and 10 only if sending to the IRS)

9 Office code (optional)

10 Employer identification number

Cat. No. 10220Q

Deductions and Adjustments Worksheet

Note: *Use this worksheet only if you plan to itemize deductions or claim adjustments to income on your 1999 tax return.*

1 Enter an estimate of your 1999 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes (but not sales taxes), medical expenses in excess of 7.5% of your income, and miscellaneous deductions. (For 1999, you may have to reduce your itemized deductions if your income is over $126,600 ($63,300 if married filing separately). Get Pub. 919 for details.) . . . 1 $

2 Enter: { $7,200 if married filing jointly or qualifying widow(er); $6,350 if head of household; $4,300 if single; $3,600 if married filing separately } . . . . . 2 $

3 **Subtract** line 2 from line 1. If line 2 is greater than line 1, enter -0- . . . . . 3 $

4 Enter an estimate of your 1999 adjustments to income, including alimony, deductible IRA contributions, and student loan interest . . 4 $

5 **Add** lines 3 and 4 and enter the total . . . . . 5 $

6 Enter an estimate of your 1999 nonwage income (such as dividends or interest) . . . . . 6 $

7 **Subtract** line 6 from line 5. Enter the result, but not less than -0- . . . . . 7 $

8 **Divide** the amount on line 7 by $3,000 and enter the result here. Drop any fraction 8

9 Enter the number from Personal Allowances Worksheet, line H, on page 1 9

10 **Add** lines 8 and 9 and enter the total here. If you plan to use the Two-Earner/Two-Job Worksheet, also enter this total on line 1 below. Otherwise, **stop here** and enter this total on Form W-4, line 5, on page 1 10

Two-Earner/Two-Job Worksheet

Note: *Use this worksheet only if the instructions for line H on page 1 direct you here.*

1 Enter the number from line H on page 1 (or from line 10 above if you used the Deductions and Adjustments Worksheet) 1

2 Find the number in **Table 1** below that applies to the **LOWEST** paying job and enter it here 2

3 If line 1 is **GREATER THAN OR EQUAL TO** line 2, subtract line 2 from line 1. Enter the result here (if zero, enter -0-) and on Form W-4, line 5, on page 1. **DO NOT** use the rest of this worksheet 3

Note: *If line 1 is **LESS THAN** line 2, enter -0- on Form W-4, line 5, on page 1. Complete lines 4–9 to calculate the additional withholding amount necessary to avoid a year end tax bill.*

4 Enter the number from line 2 of this worksheet 4

5 Enter the number from line 1 of this worksheet 5

6 **Subtract** line 5 from line 4 6

7 Find the amount in **Table 2** below that applies to the **HIGHEST** paying job and enter it here . . . . 7 $

8 **Multiply** line 7 by line 6 and enter the result here. This is the additional annual withholding amount needed 8 $

9 Divide line 8 by the number of pay periods remaining in 1999. (For example, divide by 26 if you are paid every other week and you complete this form in December 1998.) Enter the result here and on Form W-4, line 6, page 1. This is the additional amount to be withheld from each paycheck . . . . . 9 $

Table 1: Two-Earner/Two-Job Worksheet

Married Filing Jointly				All Others			
If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above
$0 - $4,000	0	40,001 - 45,000	8	$0 - $5,000	0	65,001 - 80,000	8
4,001 - 7,000	1	45,001 - 54,000	9	5,001 - 11,000	1	80,001 - 100,000	9
7,001 - 12,000	2	54,001 - 62,000	10	11,001 - 16,000	2	100,001 and over	10
12,001 - 18,000	3	62,001 - 70,000	11	16,001 - 21,000	3		
18,001 - 24,000	4	70,001 - 85,000	12	21,001 - 25,000	4		
24,001 - 28,000	5	85,001 - 100,000	13	25,001 - 40,000	5		
28,001 - 35,000	6	100,001 - 110,000	14	40,001 - 50,000	6		
35,001 - 40,000	7	110,001 and over	15	50,001 - 65,000	7		

Table 2: Two-Earner/Two-Job Worksheet

Married Filing Jointly		All Others	
If wages from **HIGHEST** paying job are—	Enter on line 7 above	If wages from **HIGHEST** paying job are—	Enter on line 7 above
$0 - $50,000	$400	$0 - $30,000	$400
50,001 - 100,000	770	30,001 - 60,000	770
100,001 - 130,000	850	60,001 - 120,000	850
130,001 - 240,000	1,000	120,001 - 250,000	1,000
240,001 and over	1,100	250,001 and over	1,100

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. The Internal Revenue Code requires this information under sections 3402(f)(2)(A) and 6109 and their regulations. Failure to provide a **properly** completed form will result in your being treated as a single person who claims no withholding allowances; **providing fraudulent information may also subject you to penalties.** Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, and the District of Columbia for use in administering their tax laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping** 46 min., **Learning about the law or the form** 10 min., **Preparing the form** 1 hr., 10 min. If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the tax form to this address. Instead, give it to your employer.

Printed on recycled paper *U.S. Government Printing Office: 1998 - 435-119

EMPLOYEE CARD REPORT
KAREN D. SWATSWORTH

EMPLOYEE ID: CL/SWATS

ADDRESS:
KAREN D. SWATSWORTH
126 BONNIE COURT
CURWENSVILLE, PA 16833
Phone: -
Department: C.C.S.M.A. Ext:
Social Security #: 203-42-1346

Pay Type: SALARY
Status: Active
Married Status: Married
Pay Frequency: Biweekly

COMMENTS:
CURWENSVILLE *P* OPT1

CATEGORY: Full Time

PERSONNEL DATA:
Date of Birth: 02/17/1950
Date of Hire: 06/17/1992
Termination Date:
Previous Pay: 0
Last Review Date:
Next Review Date:

Accrued Vacation: 0.00
Accrued Sick: 0.00

EMPLOYEE HISTORY

DATE	REF NO	TOTAL HRS YTD	GROSS PAY YTD	WITHHOLDINGS YTD	DEDUCTIONS YTD	NET PAY YTD
01/02/99	00004230	80.00	500.00	125.03	0.00	374.97
YTD		80.00	$500.00	$125.03	$0.00	$374.97
01/16/99	00004262	80.00	500.00	125.03	0.00	374.97
YTD		160.00	$1,000.00	$250.06	$0.00	$749.94
01/30/99	00004295	80.00	500.00	125.03	0.00	374.97
YTD		240.00	$1,500.00	$375.09	$0.00	$1,124.91
02/13/99	00004328	80.00	500.00	125.03	0.00	374.97
YTD		320.00	$2,000.00	$500.12	$0.00	$1,499.88
02/27/99	00004361	80.00	500.00	125.03	0.00	374.97
YTD		400.00	$2,500.00	$625.15	$0.00	$1,874.85
03/13/99	00004403	0.00	57.00	6.53	0.00	50.47
YTD		400.00	$2,557.00	$631.68	$0.00	$1,925.32
03/13/99	00004404	80.00	500.00	125.03	0.00	374.97
YTD		480.00	$3,057.00	$756.71	$0.00	$2,300.29
03/27/99	00004453	80.00	500.00	125.03	0.00	374.97
YTD		560.00	$3,557.00	$881.74	$0.00	$2,675.26
04/10/99	00004510	80.00	500.00	125.04	0.00	374.96
YTD		640.00	$4,057.00	$1,006.78	$0.00	$3,050.22
04/24/99	00004545	80.00	500.00	125.04	0.00	374.96
YTD		720.00	$4,557.00	$1,131.82	$0.00	$3,425.18
05/08/99	00004579	80.00	500.00	125.04	0.00	374.96
YTD		800.00	$5,057.00	$1,256.86	$0.00	$3,800.14

EMPLOYEE CARD REPORT
KAREN D. SWATSWORTH

05/22/99	00004613	80.00	500.00	125.04	0.00	374.96
YTD		880.00	$5,557.00	$1,381.90	$0.00	$4,175.10
06/05/99	00004644	0.00	101.00	11.56	0.00	89.44
YTD		880.00	$5,658.00	$1,393.46	$0.00	$4,264.54
06/05/99	00004671	80.00	500.00	125.04	0.00	374.96
YTD		960.00	$6,158.00	$1,518.50	$0.00	$4,639.50
06/19/99	00004703	80.00	500.00	125.04	0.00	374.96
YTD		1,040.00	$6,658.00	$1,643.54	$0.00	$5,014.46
07/03/99	00004735	80.00	500.00	125.04	0.00	374.96
YTD		1,120.00	$7,158.00	$1,768.58	$0.00	$5,389.42
07/17/99	00004767	80.00	500.00	125.04	0.00	374.96
YTD		1,200.00	$7,658.00	$1,893.62	$0.00	$5,764.38
07/31/99	00004799	82.00	518.00	129.80	0.00	388.20
YTD		1,282.00	$8,176.00	$2,023.42	$0.00	$6,152.58
08/14/99	00004831	80.00	500.00	125.04	0.00	374.96
YTD		1,362.00	$8,676.00	$2,148.46	$0.00	$6,527.54
08/28/99		0.00	0.00	0.00	0.00	0.00
YTD		1,362.00	$8,676.00	$2,148.46	$0.00	$6,527.54
08/28/99	00004892	80.00	500.00	125.04	0.00	374.96
YTD		1,442.00	$9,176.00	$2,273.50	$0.00	$6,902.50
09/11/99	00004926	80.00	500.00	125.04	0.00	374.96
YTD		1,522.00	$9,676.00	$2,398.54	$0.00	$7,277.46
09/25/99	00004986	0.00	145.00	16.60	0.00	128.40
YTD		1,522.00	$9,821.00	$2,415.14	$0.00	$7,405.86
09/25/99	00005014	80.00	500.00	125.04	0.00	374.96
YTD		1,602.00	$10,321.00	$2,540.18	$0.00	$7,780.82
10/09/99	00005050	80.00	500.00	125.04	0.00	374.96
YTD		1,682.00	$10,821.00	$2,665.22	$0.00	$8,155.78
10/23/99	00005084	80.00	500.00	125.04	0.00	374.96
YTD		1,762.00	$11,321.00	$2,790.26	$0.00	$8,530.74
11/06/99	00005117	80.00	500.00	125.04	0.00	374.96
YTD		1,842.00	$11,821.00	$2,915.30	$0.00	$8,905.70
11/20/99	00005150	80.00	500.00	125.04	0.00	374.96
YTD		1,922.00	$12,321.00	$3,040.34	$0.00	$9,280.66
12/04/99	00005182	80.00	500.00	125.04	0.00	374.96
YTD		2,002.00	$12,821.00	$3,165.38	$0.00	$9,655.62
12/18/99	00005222	80.00	500.00	125.04	0.00	374.96
YTD		2,082.00	$13,321.00	$3,290.42	$0.00	$10,030.58

12/18/99	00005250	0.00	70.00	8.02	0.00	61.98
YTD		2,082.00	$13,391.00	$3,298.44	$0.00	$10,092.56

EMPLOYEE ID	CL/SWATS TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	30.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCMSA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	12,480.00
COMMENTS	CURWENSVILLE *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1						
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/03/98	80.00	480.00	20.00	67.78	14.00	0.00
3245	0.00	0.00	500.00	38.25	5.00	374.97
01/17/98	80.00	480.00	20.00	67.78	14.00	0.00
3278	0.00	0.00	500.00	38.25	5.00	374.97
01/31/98	80.00	480.00	20.00	67.78	14.00	0.00
3312	0.00	0.00	500.00	38.25	5.00	374.97
02/14/98	0.00	0.00	53.00	0.00	1.48	0.00
3346	0.00	0.00	53.00	4.06	0.53	46.93
02/14/98	80.00	480.00	20.00	67.78	14.00	0.00
3373	0.00	0.00	500.00	38.25	5.00	374.97
02/28/98	80.00	480.00	20.00	67.78	14.00	0.00
3407	0.00	0.00	500.00	38.25	5.00	374.97
03/14/98	80.00	480.00	20.00	67.78	14.00	0.00
3441	0.00	0.00	500.00	38.25	5.00	374.97
03/28/98	80.00	480.00	20.00	67.78	14.00	0.00
3475	0.00	0.00	500.00	38.25	5.00	374.97
04/11/98	80.00	480.00	20.00	67.78	14.00	0.00
3509	0.00	0.00	500.00	38.25	5.00	374.97
04/25/98	80.00	480.00	20.00	67.78	14.00	0.00
3542	0.00	0.00	500.00	38.25	5.00	374.97

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/09/98	80.00	480.00	20.00	67.78	14.00	0.00
3576	0.00	0.00	500.00	38.25	5.00	374.97
05/23/98	0.00	0.00	94.00	0.00	2.63	0.00
3622	0.00	0.00	94.00	7.19	0.94	83.24
05/23/98	80.00	480.00	20.00	67.78	14.00	0.00
3649	0.00	0.00	500.00	38.25	5.00	374.97
06/06/98	80.00	480.00	20.00	67.78	14.00	0.00
3683	0.00	0.00	500.00	38.25	5.00	374.97
06/20/98	80.00	480.00	20.00	67.78	14.00	0.00
3717	0.00	0.00	500.00	38.25	5.00	374.97
07/04/98	80.00	480.00	20.00	67.78	14.00	0.00
3751	0.00	0.00	500.00	38.25	5.00	374.97
07/18/98	80.00	480.00	20.00	67.78	14.00	0.00
3786	0.00	0.00	500.00	38.25	5.00	374.97
08/01/98	80.00	480.00	20.00	67.78	14.00	0.00
3820	0.00	0.00	500.00	38.25	5.00	374.97
08/15/98	80.00	480.00	20.00	67.78	14.00	0.00
3853	0.00	0.00	500.00	38.25	5.00	374.97
08/29/98	0.00	0.00	85.00	0.00	2.38	0.00
3886	0.00	0.00	85.00	6.50	0.85	75.27
08/29/98	80.00	480.00	20.00	67.78	14.00	0.00
3913	0.00	0.00	500.00	38.25	5.00	374.97
09/12/98	80.00	480.00	20.00	67.78	14.00	0.00
3947	0.00	0.00	500.00	38.25	5.00	374.97
09/26/98	80.00	480.00	20.00	67.78	14.00	0.00
3982	0.00	0.00	500.00	38.25	5.00	374.97
10/10/98	80.00	480.00	20.00	67.78	14.00	0.00
4017	0.00	0.00	500.00	38.25	5.00	374.97
10/24/98	80.00	480.00	20.00	67.78	14.00	0.00
4050	0.00	0.00	500.00	38.25	5.00	374.97
11/07/98	80.00	480.00	20.00	67.78	14.00	0.00
4083	0.00	0.00	500.00	38.25	5.00	374.97
11/21/98	0.00	0.00	30.00	0.00	0.84	0.00
4115	0.00	0.00	30.00	2.30	0.30	26.56

R & R OPTICAL, INC.
PRINT EMPLOYEE CARDS

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
11/21/98	80.00	480.00	20.00	67.78	14.00	0.00
4136	0.00	0.00	500.00	38.25	5.00	374.97
12/05/98	80.00	480.00	20.00	67.78	14.00	0.00
4167	0.00	0.00	500.00	38.25	5.00	374.97
12/19/98	80.00	480.00	20.00	67.78	14.00	0.00
4197	0.00	0.00	500.00	38.25	5.00	374.97
Y-T-D	2,080.00	12,480.00	782.00	1,762.28	371.33	0.00
TOTAL	0.00	0.00	13,262.00	1,014.55	132.62	9,981.22

EMPLOYEE ID	CL/SWATS TYPE PART SUSPEND NO	HOURLY / SALARY	SALARY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	30.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCMSA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	12,480.00
COMMENTS	CURWENSVILLE *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1						
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

AS 3/3/97

TAKE EXTRA $30.00 OUT OF KAREN SWATSWORTH'S CHECK

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHE / GROS			
01/04/97	80.00	440.00				--
2279	0.00	0.00				00 55
01/18/97	80.00	440.00				00
2313	0.00	0.00				55
02/01/97	80.00	440.00				00
2346	0.00	0.00				55
02/15/97	80.00	440.00				.00
2380	0.00	0.00				.55
02/15/97	0.00	0.00				.00
2412	0.00	0.00				.50
03/01/97	42.50	234.00	0.00	0.00	----	.00
2437	0.00	0.00	234.00	17.90	2.34	207.21
03/15/97	40.00	220.00	0.00	30.00	6.16	0.00
2469	0.00	0.00	220.00	16.83	2.20	164.81
03/29/97	40.00	220.00	0.00	30.00	6.16	0.00
2501	0.00	0.00	220.00	16.83	2.20	164.81
04/12/97	40.00	220.00	198.00	55.48	11.70	0.00
2536	0.00	0.00	418.00	31.98	4.18	314.66
04/26/97	40.00	220.00	0.00	30.00	6.16	0.00
2568	0.00	0.00	220.00	16.83	2.20	164.81

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/10/97	40.00	220.00	0.00	30.00	6.16	0.00
2600	0.00	0.00	220.00	16.83	2.20	164.81
05/24/97	0.00	0.00	51.00	0.00	1.43	0.00
2631	0.00	0.00	51.00	3.90	0.51	45.16
05/24/97	40.00	220.00	0.00	30.00	6.16	0.00
2656	0.00	0.00	220.00	16.83	2.20	164.81
06/07/97	52.00	286.00	0.00	35.68	8.01	0.00
2689	0.00	0.00	286.00	21.88	2.86	217.57
06/21/97	40.00	220.00	0.00	30.00	6.16	0.00
2722	0.00	0.00	220.00	16.83	2.20	164.81
07/05/97	49.00	270.00	0.00	33.28	7.56	0.00
2756	0.00	0.00	270.00	20.66	2.70	205.80
07/19/97	72.50	399.00	0.00	52.63	11.17	0.00
2790	0.00	0.00	399.00	30.53	3.99	300.68
08/02/97	51.00	281.00	0.00	34.93	7.87	0.00
2824	0.00	0.00	281.00	21.49	2.81	213.90
08/16/97	66.00	363.00	0.00	47.23	10.16	0.00
2858	0.00	0.00	363.00	27.77	3.63	274.21
08/30/97	76.00	418.00	0.00	55.48	11.70	0.00
2892	0.00	0.00	418.00	31.98	4.18	314.66
09/13/97	80.00	480.00	20.00	67.78	14.00	0.00
2926	0.00	0.00	500.00	38.25	5.00	374.97
09/13/97	0.00	105.00	0.00	0.00	2.94	0.00
2958	0.00	0.00	105.00	8.03	1.05	92.98
09/27/97	40.00	240.00	182.00	56.08	11.82	0.00
2985	0.00	0.00	422.00	32.28	4.22	317.60
10/11/97	80.00	480.00	20.00	67.78	14.00	0.00
3020	0.00	0.00	500.00	38.25	5.00	374.97
10/25/97	80.00	480.00	20.00	67.78	14.00	0.00
3053	0.00	0.00	500.00	38.25	5.00	374.97
11/08/97	80.00	480.00	20.00	67.78	14.00	0.00
3086	0.00	0.00	500.00	38.25	5.00	374.97
11/22/97	80.00	480.00	20.00	67.78	14.00	0.00
3119	0.00	0.00	500.00	38.25	5.00	374.97

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
12/06/97	0.00	0.00	60.00	0.00	1.68	0.00
3162	0.00	0.00	60.00	4.59	0.60	53.13
12/06/97	80.00	480.00	20.00	67.78	14.00	0.00
3163	0.00	0.00	500.00	38.25	5.00	374.97
12/20/97	80.00	480.00	20.00	67.78	14.00	0.00
3212	0.00	0.00	500.00	38.25	5.00	374.97
Y-T-D	1,609.00	9,256.00	759.00	1,292.52	280.41	0.00
TOTAL	0.00	0.00	10,015.00	766.16	100.15	7,575.76

EMPLOYEE CHANGE CARD

1. Employer/Policyholder Name: Wise Eyes Optical

2. Policy Number: 00020798

3. Employee's (Your) Name: Last: Swatsworth First: Karen Middle Initial: D

4. Soc. Sec. No.: 203-42-1346

5. Change Requested

- ☐ Name From _____ To _____
- ☐ Salary From _____ To _____
- ☒ Class From Part time To Full time
- ☐ Beneficiary From _____ To _____

Relationship of Beneficiary to Employee _____

- ☐ Dependents

Check One			Reason For Change Name *(First, Last)*	Date of Birth
Add	Remove			
		Spouse		
		Child		
		Child		
		Child		

6. Date of Change 09/01/97 *(If marriage, please provide date)* _____

Date 09/03/97 Employee Signature _____

U202.2 EDUCATORS MUTUAL LIFE INSURANCE COMPANY (3129)10/88

Form W-4 (1997)

Want More Money In Your Paycheck?
If you expect to be able to take the earned income credit for 1997 and a child lives with you, you may be able to have part of the credit added to your take-home pay. For details, get Form W-5 from your employer.

Purpose. Complete Form W-4 so that your employer can withhold the correct amount of Federal income tax from your pay. Form W-4 may be completed electronically, if your employer has an electronic system. Because your tax situation may change, you may want to refigure your withholding each year.

Exemption From Withholding. Read line 7 of the certificate below to see if you can claim exempt status. *If exempt, only complete lines 1, 2, 3, 4, 7, and sign the form to validate it.* No Federal income tax will be withheld from your pay. Your exemption expires February 17, 1998.

Note: *You cannot claim exemption from withholding if (1) your income exceeds $650 and includes unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return.*

Basic Instructions. If you are not exempt, complete the Personal Allowances Worksheet. Additional worksheets are on page 2 so you can adjust your withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply to your situation. The worksheets will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances than this.

Head of Household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

Nonwage Income. If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES. Otherwise, you may find that you owe additional tax at the end of the year.

Two Earners/Two Jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one W-4. This total should be divided among all jobs. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

Check Your Withholding. After your W-4 takes effect, use **Pub. 919,** Is My Withholding Correct for 1997?, to see how the dollar amount you are having withheld compares to your estimated total annual tax. Get Pub. 919 especially if you used the Two-Earner/Two-Job Worksheet and your earnings exceed $150,000 (Single) or $200,000 (Married). To order Pub. 919, call 1-800-829-3676. Check your telephone directory for the IRS assistance number for further help.

Sign This Form. Form W-4 is not considered valid unless you sign it.

Personal Allowances Worksheet

A	Enter "1" for **yourself** if no one else can claim you as a dependent	A 1
B	Enter "1" if: • You are single and have only one job; or • You are married, have only one job, and your spouse does not work; or • Your wages from a second job or your spouse's wages (or the total of both) are $1,000 or less.	B
C	Enter "1" for your **spouse.** But, you may choose to enter -0- if you are married and have either a working spouse or more than one job (this may help you avoid having too little tax withheld)	C
D	Enter number of **dependents** (other than your spouse or yourself) you will claim on your tax return	D
E	Enter "1" if you will file as **head of household** on your tax return (see conditions under **Head of Household** above)	E
F	Enter "1" if you have at least $1,500 of **child or dependent care expenses** for which you plan to claim a credit	F
G	Add lines A through F and enter total here. **Note:** This amount may be different from the number of exemptions you claim on your return ▶	G

For accuracy, complete all worksheets that apply.

- If you plan to **itemize or claim adjustments to income** and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are **single** and have **more than one job** and your combined earnings from all jobs exceed $32,000 OR if you are **married** and have a **working spouse or more than one job,** and the combined earnings from all jobs exceed $55,000, see the Two-Earner/Two-Job Worksheet on page 2 if you want to avoid having too little tax withheld.
- If **neither** of the above situations applies, **stop here** and enter the number from line G on line 5 of Form W-4 below.

..... **Cut here and give the certificate to your employer. Keep the top portion for your records.** .....

Form **W-4** — Department of the Treasury, Internal Revenue Service

Employee's Withholding Allowance Certificate

▶ **For Privacy Act and Paperwork Reduction Act Notice, see reverse.**

OMB No. 1545-0010

1997

1 Type or print your first name and middle initial: KAREN D. Last name: SWATSWORTH

2 Your social security number: 203 42 1346

Home address (number and street or rural route): 126 BONNIE CT.

3 ☐ Single ☐ Married ☒ Married, but withhold at higher Single rate.
Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box.

City or town, state, and ZIP code: CURWENSVILLE, PA. 16833

4 If your last name differs from that on your social security card, check here and call 1-800-772-1213 for a new card ▶ ☐

5	Total number of allowances you are claiming (from line G above or from the worksheets on page 2 if they apply)	5 0
6	Additional amount, if any, you want withheld from each paycheck	6 $ 0
7	I claim exemption from withholding for 1997, and I certify that I meet **BOTH** of the following conditions for exemption: • Last year I had a right to a refund of **ALL** Federal income tax withheld because I had **NO** tax liability; **AND** • This year I expect a refund of **ALL** Federal income tax withheld because I expect to have **NO** tax liability. If you meet both conditions, enter "EXEMPT" here ▶	7

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exempt status.

Employee's signature ▶ Karen Swatsworth Date ▶ 2-24, 1997

8 Employer's name and address (Employer: Complete 8 and 10 only if sending to the IRS)	9 Office code (optional)	10 Employer identification number

Cat. No. 10220Q

EMPLOYEE ID	CL/SWATS TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCMSA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	11,440.00
COMMENTS	CURWENSVILLE *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.030%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/06/96	80.00	400.00	42.00	64.23	12.38	0.13
1253	0.00	0.00	442.00	33.81	4.42	327.03
01/20/96	80.00	400.00	20.00	60.93	11.76	0.13
1288	0.00	0.00	420.00	32.13	4.20	310.85
02/03/96	80.00	400.00	20.00	60.93	11.76	0.13
1325	0.00	0.00	420.00	32.13	4.20	310.85
02/17/96	80.00	400.00	40.00	63.93	12.32	0.13
1361	0.00	0.00	440.00	33.66	4.40	325.56
03/02/96	80.00	400.00	25.00	61.68	11.90	0.13
1397	0.00	0.00	425.00	32.51	4.25	314.53
03/16/96	80.00	400.00	20.00	60.93	11.76	0.13
1433	0.00	0.00	420.00	32.13	4.20	310.85
03/30/96	80.00	400.00	20.00	60.93	11.76	0.13
1469	0.00	0.00	420.00	32.13	4.20	310.85
04/13/96	80.00	400.00	20.00	60.93	11.76	0.13
1516	0.00	0.00	420.00	32.13	4.20	310.85
04/27/96	80.00	400.00	20.00	60.93	11.76	0.13
1552	0.00	0.00	420.00	32.13	4.20	310.85
05/06/96	0.00	0.00	162.00	35.00	4.54	0.05
1588	0.00	0.00	162.00	12.39	1.62	108.40

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/11/96	80.00	400.00	20.00	60.93	11.76	0.13
1620	0.00	0.00	420.00	32.13	4.20	310.85
05/25/96	80.00	400.00	20.00	60.93	11.76	0.13
1656	0.00	0.00	420.00	32.13	4.20	310.85
06/08/96	80.00	400.00	20.00	60.93	11.76	0.13
1692	0.00	0.00	420.00	32.13	4.20	310.85
06/22/96	80.00	400.00	20.00	60.93	11.76	0.13
1728	0.00	0.00	420.00	32.13	4.20	310.85
07/06/96	80.00	400.00	20.00	60.93	11.76	0.13
1764	0.00	0.00	420.00	32.13	4.20	310.85
07/20/96	80.00	400.00	20.00	60.93	11.76	0.13
1801	0.00	0.00	420.00	32.13	4.20	310.85
08/03/96	80.00	400.00	20.00	60.93	11.76	0.13
1837	0.00	0.00	420.00	32.13	4.20	310.85
08/10/96	0.00	0.00	125.00	35.00	3.50	0.04
1873	0.00	0.00	125.00	9.56	1.25	75.65
08/17/96	80.00	400.00	20.00	60.93	11.76	0.13
1905	0.00	0.00	420.00	32.13	4.20	310.85
08/31/96	80.00	440.00	20.00	66.93	12.88	0.14
1941	0.00	0.00	460.00	35.19	4.60	340.26
09/14/96	80.00	440.00	20.00	66.93	12.88	0.14
1977	0.00	0.00	460.00	35.19	4.60	340.26
09/28/96	80.00	440.00	20.00	66.93	12.88	0.14
2014	0.00	0.00	460.00	35.19	4.60	340.26
10/12/96	80.00	440.00	20.00	66.93	12.88	0.14
2051	0.00	0.00	460.00	35.19	4.60	340.26
10/26/96	80.00	440.00	20.00	66.93	12.88	0.14
2088	0.00	0.00	460.00	35.19	4.60	340.26
11/09/96	80.00	440.00	20.00	66.93	12.88	0.14
2123	0.00	0.00	460.00	35.19	4.60	340.26
11/16/96	0.00	0.00	88.00	35.00	2.46	0.03
2152	0.00	0.00	88.00	6.74	0.88	42.89
11/23/96	80.00	440.00	20.00	66.93	12.88	0.14
2179	0.00	0.00	460.00	35.19	4.60	340.26

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
12/07/96	80.00	440.00	20.00	66.93	12.88	0.14
2212	0.00	0.00	460.00	35.19	4.60	340.26
12/21/96	80.00	440.00	20.00	66.93	12.88	0.14
2245	0.00	0.00	460.00	35.19	4.60	340.26
Y-T-D	2,080.00	10,760.00	942.00	1,750.23	327.66	3.59
TOTAL	0.00	0.00	11,702.00	895.20	117.02	8,608.30

Capital BlueCross
Pennsylvania BlueShield
Independent Licensees of the Blue Cross and Blue Shield Association
Harrisburg, PA 17177
(717) 255-0820 • (610) 820-2700

WAIVER OF GROUP HEALTH INSURANCE COVERAGE

1. APPLICANT INFORMATION

APPLICANT'S NAME	(LAST) Swatsworth	(FIRST) Karen	(MI) D	SOCIAL SECURITY NO. 203-42-3146	
SPOUSE'S NAME	(LAST)	(FIRST)	(MI)	SOCIAL SECURITY NO.	

2. VALIDATION STATEMENT

I hereby certify that I have been given the opportunity to participate in the group health insurance plan provided by my employer through Capital Blue Cross and Pennsylvania Blue Shield. This plan has been explained to me and I decline to participate in:

☒ EMPLOYEE COVERAGE ☐ SPOUSE COVERAGE ☐ OTHER ELIGIBLE DEPENDENT COVERAGE

3. OTHER INSURANCE INFORMATION

COMPLETE THE FOLLOWING INFORMATION FOR APPLICANT AND/OR SPOUSE AND/OR OTHER ELIGIBLE DEPENDENT(S) WAIVING COVERAGE BECAUSE THEY ARE CURRENTLY COVERED FOR HEALTH CARE SERVICES WITH A BLUE CROSS AND/OR BLUE SHIELD PLAN, AN INSURANCE COMPANY, AN HMO, OR OTHER HEALTH CARE PLAN.

NAME OF CONTRACTHOLDER	NAME OF HEALTH CARE PLAN / INSURANCE CO.	POLICY / IDENTIFICATION NO.
David H. Swatsworth	Blue Cross Blue Shield of Indiana	195-42-9106

4. WAIVER INFORMATION

LIST ALL ELIGIBLE DEPENDENTS WHO ARE WAIVING COVERAGE

NAME (LAST) (FIRST) (MI)	RELATIONSHIP TO EMPLOYEE	SOCIAL SECURITY NO.
a. APPLICANT		
b. SPOUSE		
c. ELIGIBLE DEPENDENT		
d. ELIGIBLE DEPENDENT		
e. ELIGIBLE DEPENDENT		
f. ELIGIBLE DEPENDENT		

5. COVERAGE BEING WAIVED

CHECK (✓) COVERAGE BEING WAIVED

Blue Cross	Blue Shield	Major Medical	Dental	Vision	Rx Drug	Hearing	Comp	Wrap	BC 65	BS 65

6. STATEMENT OF AUTHORIZATION

I understand that in the event that I decide to apply for this coverage at a later date, I and/or my spouse and/or any other eligible dependents, may be subject to certain waiting periods involving any pre-existing conditions.

EMPLOYEE SIGNATURE	Karen D. Swatsworth	DATE	1/1/17 16
NAME OF GROUP	R & R Optical, Inc.	GROUP NO.	668611000

EMPLOYEE ID	CR/SWATS TYPE FULL SUSPEND NO	HOURLY / SALARY	HOURLY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	5.00
COMMENTS	CURWENSVILLE OPT1	OVERTIME PAY RATE	7.50

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State witholding ta	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.110%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
09/16/95	96.00	432.00	32.00	67.67	12.99	0.51
1014	0.00	0.00	464.00	35.50	4.64	342.69
09/30/95	80.00	360.00	43.00	75.77	14.50	0.57
1013	17.00	115.00	518.00	39.63	5.18	382.35
10/14/95	80.00	360.00	89.00	65.42	12.57	0.49
1047	0.00	0.00	449.00	34.35	4.49	331.68
10/28/95	80.00	400.00	42.00	64.37	12.38	0.49
1083	0.00	0.00	442.00	33.81	4.42	326.53
11/11/95	80.00	400.00	68.00	68.27	13.10	0.52
1117	0.00	0.00	468.00	35.81	4.68	345.62
11/25/95	80.00	400.00	68.00	68.27	13.10	0.52
1151	0.00	0.00	468.00	35.81	4.68	345.62
12/09/95	80.00	400.00	1.00	58.22	11.23	0.44
1185	0.00	0.00	401.00	30.67	4.01	296.43
12/23/95	80.00	400.00	16.00	70.07	13.44	0.53
1219	8.50	64.00	480.00	36.72	4.80	354.44
Y-T-D	656.00	3,152.00	359.00	538.06	103.31	4.07
TOTAL	25.50	179.00	3,690.00	282.30	36.90	2,725.36

EMPLOYEE ID	CF/SWATS TYPE FULL SUSPEND NO	HOURLY / SALARY	HOURLY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCSMA	DATE TERMINATED	08/31/95
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	4.50
COMMENTS	CURWENSVILLE OPT1	OVERTIME PAY RATE	6.75

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.110%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/07/95	80.00	360.00	130.00	71.57	13.72	0.54
3489	0.00	0.00	490.00	37.48	4.90	361.79
01/21/95	80.00	360.00	46.00	58.97	11.37	0.45
3572	0.00	0.00	406.00	31.06	4.06	300.09
02/04/95	80.00	360.00	94.00	66.17	12.71	0.50
3656	0.00	0.00	454.00	34.73	4.54	335.35
02/18/95	80.00	360.00	73.00	63.02	12.12	0.48
3745	0.00	0.00	433.00	33.13	4.33	319.92
03/04/95	80.00	360.00	63.00	61.52	11.84	0.47
3830	0.00	0.00	423.00	32.36	4.23	312.58
03/18/95	80.00	360.00	67.00	62.12	11.96	0.47
3928	0.00	0.00	427.00	32.66	4.27	315.52
04/01/95	80.00	360.00	38.00	57.77	11.14	0.44
4001	0.00	0.00	398.00	30.45	3.98	294.22
04/15/95	80.00	360.00	61.00	61.22	11.79	0.46
4082	0.00	0.00	421.00	32.20	4.21	311.12
04/29/95	80.00	360.00	20.00	55.07	10.64	0.42
4154	0.00	0.00	380.00	29.07	3.80	281.00
05/13/95	57.00	257.00	29.00	40.97	8.01	0.32
4224	0.00	0.00	286.00	21.88	2.86	211.96

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/27/95	60.00	270.00	0.00	38.57	7.56	0.30
4292	0.00	0.00	270.00	20.66	2.70	200.21
06/10/95	56.00	252.00	0.00	35.87	7.06	0.28
4361	0.00	0.00	252.00	19.27	2.52	187.00
06/24/95	64.00	288.00	0.00	41.27	8.06	0.32
4430	0.00	0.00	288.00	22.04	2.88	213.43
07/08/95	60.00	270.00	0.00	38.57	7.56	0.30
4500	0.00	0.00	270.00	20.66	2.70	200.21
07/22/95	55.00	248.00	0.00	35.27	6.94	0.27
4565	0.00	0.00	248.00	18.98	2.48	184.06
08/05/95	80.00	360.00	4.00	52.67	10.19	0.40
4630	0.00	0.00	364.00	27.85	3.64	269.25
08/19/95	80.00	360.00	71.00	62.72	12.07	0.48
4695	0.00	0.00	431.00	32.97	4.31	318.45
09/02/95	64.00	288.00	119.00	59.12	11.40	0.45
4759	0.00	0.00	407.00	31.13	4.07	300.83
09/02/95	0.00	0.00	240.00	35.00	6.72	0.27
4760	0.00	0.00	240.00	18.36	2.40	177.25
Y-T-D	1,296.00	5,833.00	1,055.00	997.46	192.86	7.62
TOTAL	0.00	0.00	6,888.00	526.94	68.88	5,094.24

EMPLOYEE ID	CF/SWATS TYPE FULL ~~PART~~ SUSPEND NO	HOURLY / SALARY	HOURLY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	4.50
COMMENTS	CURWENSVILLE OPT	OVERTIME PAY RATE	6.75

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/08/94	69.00	311.00	64.00	54.61	10.50	0.56
1298	0.00	0.00	375.00	28.69	3.75	276.89
01/22/94	80.00	360.00	71.00	63.01	12.07	0.65
1386	0.00	0.00	431.00	32.97	4.31	317.99
02/05/94	74.00	333.00	41.00	54.46	10.47	0.56
1472	0.00	0.00	374.00	28.61	3.74	276.16
02/19/94	75.00	338.00	149.00	71.41	13.64	0.73
1558	0.00	0.00	487.00	37.25	4.87	359.10
03/05/94	74.00	333.00	282.00	90.61	17.22	0.92
1649	0.00	0.00	615.00	47.05	6.15	453.05
03/19/94	74.00	333.00	130.00	67.81	12.96	0.70
1734	0.00	0.00	463.00	35.42	4.63	341.48
04/02/94	74.00	333.00	378.00	105.01	19.91	1.07
1816	0.00	0.00	711.00	54.39	7.11	523.51
04/16/94	80.00	360.00	166.00	77.26	14.73	0.79
1901	0.00	0.00	526.00	40.24	5.26	387.72
04/30/94	77.00	347.00	397.00	109.96	20.83	1.12
1982	0.00	0.00	744.00	56.92	7.44	547.73
05/14/94	74.00	333.00	133.00	68.26	13.05	0.70
2062	0.00	0.00	466.00	35.65	4.66	343.68

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/28/94	75.00	338.00	225.00	82.81	15.76	0.85
2140	0.00	0.00	563.00	43.07	5.63	414.88
06/11/94	74.00	333.00	219.00	81.16	15.46	0.83
2221	0.00	0.00	552.00	42.22	5.52	406.81
06/25/94	70.00	315.00	136.00	66.01	12.63	0.68
2299	0.00	0.00	451.00	34.50	4.51	332.67
07/09/94	63.00	284.00	10.00	42.46	8.23	0.44
2377	0.00	0.00	294.00	22.49	2.94	217.44
07/23/94	71.00	320.00	45.00	53.11	10.22	0.55
2458	0.00	0.00	365.00	27.92	3.65	269.55
08/06/94	36.00	162.00	40.00	35.00	5.66	0.30
2541	0.00	0.00	202.00	15.45	2.02	143.57
08/20/94	103.00	464.00	81.00	80.11	15.26	0.82
2628	0.00	0.00	545.00	41.69	5.45	401.67
09/03/94	57.00	257.00	2.00	37.21	7.25	0.39
2713	0.00	0.00	259.00	19.82	2.59	191.74
09/17/94	83.00	374.00	40.00	60.46	11.59	0.62
2799	0.00	0.00	414.00	31.67	4.14	305.52
10/01/94	70.00	315.00	0.00	45.61	8.82	0.47
2883	0.00	0.00	315.00	24.10	3.15	232.85
10/15/94	70.00	315.00	0.00	45.61	8.82	0.47
2964	0.00	0.00	315.00	24.10	3.15	232.85
10/29/94	59.00	258.00	0.00	37.06	7.22	0.39
3045	0.00	0.00	258.00	19.74	2.58	191.01
11/12/94	72.00	324.00	0.00	46.96	9.07	0.49
3136	0.00	0.00	324.00	24.79	3.24	239.45
11/26/94	67.00	302.00	0.00	43.66	8.46	0.45
3223	0.00	0.00	302.00	23.10	3.02	223.31
12/10/94	74.00	333.00	0.00	48.31	9.32	0.50
3307	0.00	0.00	333.00	25.48	3.33	246.06
12/24/94	79.00	356.00	0.00	51.76	9.97	0.54
3391	0.00	0.00	356.00	27.23	3.56	262.94
Y-T-D	1,874.00	8,431.00	2,609.00	1,619.70	309.12	16.59
TOTAL	0.00	0.00	11,040.00	844.56	110.40	8,139.63

EMPLOYEE ENROLLMENT FORM
(NON-MEDICAL UNDERWRITING)

The Travelers
LOCAL CUSTOMER ACCOUNTS

POLICY/ACCOUNT NUMBER

Please Print, Using Ink

GENERAL INFORMATION

NAME OF EMPLOYER/CONTRIBUTOR: WISE EYES INC.

EMPLOYEE'S OCCUPATION OR DUTIES: Optician

EMPLOYER/CONTRIBUTOR ADDRESS: 2591-3 CLYDE AVE.

DATE OF FULL-TIME EMPLOYMENT: 12/26/94

CITY: STATE COLLEGE

STATE/ZIP CODE: PA 16801

HOURS WORKED PER WEEK: 40

MARITAL STATUS: ☐ Single ☒ Married

ANNUAL SALARY (IF APPLICABLE)

	SEX	FAMILY MEMBER'S NAME - List all family members to be insured. (First) (Middle) (Last)	DATE OF BIRTH (MO) (DAY) (YR)	FULL-TIME STUDENT (Y OR N)	SOCIAL SECURITY NUMBER
Employee	F	Karen D Swatsworth	02/17/50	N/A	203-42-1346
Spouse					
Child					
Child					
Child					
Child					

HOME ADDRESS (street): 126 Bonnie Court

CITY: Curwensville

STATE: PA

ZIP CODE: 16833

BENEFICIARY – FULL NAME: David A. Swatsworth

ADDRESS: 126 Bonnie Court

RELATIONSHIP: Husband

ENROLLMENT INFORMATION

☐ I wish to enroll for all coverage offered by my employer

☒ I wish to cover:

- ☒ Myself
- ☐ My Spouse
- ☐ My Dependent Child(ren)

☐ I wish to enroll for all coverage except:

- ☐ Health
- ☒ Health & Dental

WAIVER

I decline to enroll for the following coverage due to the existence of other group coverage.

	Employee	Spouse/Child
Health	☐	☐
Dental	☐	☐

☐ I decline to enroll for all coverages (sign below)

If you are currently continuing coverage under COBRA or a state continuation provision, advise date continuation began. _____

I hereby request group insurance for myself and, if the plan provides dependent insurance, for my dependents indicated above and hereby authorize my employer or successor to make deductions from my earnings of the required contributions, if any, to apply toward the premiums for the insurance provided for in the policy of group insurance issued to my employer by The Travelers Insurance Company.

I understand that if I and/or my dependents decline coverage and desire to participate in the plan at a later date, evidence of insurability satisfactory to The Travelers Insurance Company must be furnished.

I hereby represent and agree that all the answers and statements on this request are full, complete and true, to the best of my knowledge and belief, and understand that the said answers and statements form the basis upon which insurance will be made effective. I understand that omissions, misrepresentations or misstatements could result in denial of an otherwise valid claim and voiding or reformation of insurance.

12-29-94 x Karen D. Swatsworth

DATE — EMPLOYEE SIGNATURE

EMPLOYEE ENROLLMENT APPLICATION

1. Employer/Policyholder Name: Wise Eyes Inc. | 2. Policy Number:

3. Employee's (Your) Name: Last: Swatsworth | First: Karen | Middle Initial: D
Street & Number: 126 Bonnie Court
City, State & Zip: Curwensville, Pa. 16833
Residence Phone Number ( ) _____

4. ☐ Male ☒ Female Date of Birth: Mo. 02 | Day 17 | Yr. 50

5. 1st Day at work (Full-Time): Mo. 12 | Day 26 | Yr. 94
Part-Time: Mo. | Day | Yr.

6. Soc. Sec. No. 203-42-1346

7. Your Occupation: Optician

8. Annual Earnings $ 9,360.00

9. Marital Status ☐ Single ☒ Married ☐ Widowed ☐ Divorced or Legally Separated

10. Are dependents to be insured? (Except Disability)
☐ Yes: ☐ Spouse ☐ Children
☐ No: If no, Reason _____

11. Beneficiary: David Swatsworth
Relationship to Employee: Husband

PERSONS TO BE COVERED: Please list all Eligible Dependents below.

Full Name	Relationship	Sex	Birth Date	Coverages (refer to back of app.)
Employee Listed Above (Complete info at right)	Self	F	2/17/50	ADD/LIF/LTD

12. Optional Life ☒ No ☐ Yes Amount _____

13. Special Data Field:

"NEW ENTRANTS NOTICE" — We will pay no more than ($500.00) in benefits for charges for treatment of a preexisting condition during the first 12 months of major medical coverage for a family member unless three months have elapsed since the last care or treatment for this condition. A "preexisting condition" is any injury or illness that was diagnosed or treated (including taking prescribed medications) during the three months before major medical coverage became effective.

With my signature below I confirm that I understand the "New Entrants Notice" printed above. When this insurance becomes effective, I authorize deduction from my wages to pay my portion (if any) of premiums.

Date 12-29-94 Signature Karen Swatsworth

HOME OFFICE USE ONLY
Effective Date
P/E: E ☐ D ☐

U207.1PA EDUCATORS MUTUAL LIFE INSURANCE COMPANY (2063) 10/93

EMPLOYEE ID	SWATSW K TYPE PART SUSPEND NO	HOURLY / SALARY	HOURLY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	30.00
TYPE	OFFICE CLFD	DATE HIRED	06/17/..
DEPARTMENT	CLEARFIE	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	4.50
COMMENTS		OVERTIME PAY RATE	6.75

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State witholding ta	123456	%	% GROSS		2.800%
LOCAL TAX	2250 Local witholding ta	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
DEDUCTION 2	2100 Employee health ins	123456	$	TAXABLE		0.00
DEDUCTION 3	2110 Other (Legal/PHEAA)	123456	$	TAXABLE		0.00
DEDUCTION 4						
DEDUCTION 5						

PERIOD / SOCIAL SEC #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
1st QTR	0.00	2,032.00	0.00	303.00	56.89	3.05
	0.00	0.00	2,032.00	155.44	20.32	1,493.30
2nd QTR	0.00	2,506.00	0.00	380.00	70.17	3.76
	0.00	0.00	2,506.00	191.72	25.06	1,805.29
3rd QTR	0.00	1,824.00	0.00	273.00	51.07	2.75
	0.00	0.00	1,824.00	139.55	18.24	1,339.39
4th QTR	479.00	2,157.00	0.00	321.00	60.40	3.24
	0.00	0.00	2,157.00	165.02	21.57	1,585.77
T.D.	479.00	8,519.00	0.00	1,277.00	238.53	12.80
TOTAL	0.00	0.00	8,519.00	651.73	85.19	6,253.76

DEPARTMENT	SEX M / F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
02/17/50		M-0 ~~+15~~ 35	SWATSWORTH	Karen	D
OCCUPATION	**MARITAL M / S**	**NUMBER OF DEPENDENTS**	**ADDRESS**		
pt			126 Bonnie Court Curwensville, Pa. 16833		

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
			4.50	Pike Twp	203-42-1346	06/17/92

EMPLOYEES EARNINGS RECORD

LINE NO.	19 93 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNING
FORWARDED			445				4558 00	681	683 00	347 16	127 06	45 58	3328 55		4558 00
1															
2	7/10		63	(74.55)			284 00	43	42 06	21 73	7 95	2 84	205 05	6353	
3															
4	7/24		72	(85.51)			324 00	49	48 00	24 75	9 07	3 24	238 41	6429	
5															
6	MONTH TOTAL		135				608 00	92	90 00	46 52	17 02	6 08	447 16		5146 00
7															
8	8/7		66	(78.76)			297 00	45	45 00	22 72	8 32	2 97	217 54	6525	
9															
10	7/21		71	(85.12)			320 00	48	48 00	24 48	8 96	3 20	234 88	6603	
11															
12	MONTH TOTAL		137				617 00	93	93 00	47 20	17 28	6 17	452 42		5763 00
13															
14	9/4		72	(85.55)			324 00	49	48 00	24 75	9 07	3 24	238 41	6681	
15															
16	9/18		61	(73.50)			275 00	41	42 00	21 04	7 70	2 75	201 10	6769	
17															
18	MONTH TOTAL		133				599 00	90	90 00	45 83	16 77	5 99	439 51		6362 00
19	QUAR. TOTAL		405				1824 00	275	273 00	135 55	51 07	18 24	1335 35		
20	10/2		69	(82.08)			311 00	47	46 00	23 75	8 71	3 11	228 92	6856	
21															
22	10/16		69	(82.08)			311 00	47	46 00	23 75	8 71	3 11	228 92	6942 6942	
23															
24	10/30		74	(88.03)			333 00	50	50 00	25 48	9 32	3 33	244 37	7042	
25	MONTH TOTAL		212				955 00	144	142 00	73 06	26 74	9 55	702 21		7317 00
26															
27	11/13		70	(83.91)			315 00	47	47 00	24 10	8 82	3 15	231 46	7131	
28															
29	11/27		64				288 00							1074	
30															
31	MONTH TOTAL														
32															
33															
34															
35															
36															
37	MONTH TOTAL														
38	QUAR. TOTAL														
39	TOTAL TO DATE														

SPT 4193

02/17/50	M	EXEMPTION CLASS 3S M-0 ~~+1~~	NAME — LAST: SWATSWORTH	FIRST: Karen	MIDDLE: D
pt	MARITAL M S	NUMBER OF DEPENDENTS	ADDRESS: 126 Bonnie Court, Curwensville, Pa. 16833		
	REGULAR EARNINGS $	HOUR RATE $4.50	Pike Twp	SOCIAL SECURITY NO. 203-42-1346	COMPANY NO. 06/17/92

EMPLOYEES EARNINGS RECORD

LINE NO	19 93 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
FORWARDED															
1			31												
2	1/9		32	74.75			284 00	43	42 00	21 73	7 55	2 84	209 05	S285	
3															
4	1/23		61	138.50			275 00	41	42 00	21 04	7 70	2 75	201 10	S351	
5				74.32			275 00	42	42 00	21 34	7 81	2 79	204 64	S420	
6	MONTH TOTAL		124				838 00	126	126 00	64 11	23 46	8 38	614 79		835 00
7															
8	1/16		67	90.05			302 00	45	45 00	23 10	8 46	3 02	221 97	S503	
9															
10	1/30		69	92.65			311 00	47	46 00	23 75	8 71	3 11	228 92	S577	
11															
12	MONTH TOTAL		136				613 00	92	91 00	46 89	17 17	6 13	450 89		1451 00
13															
14	2/6		64	86.40			288 00	43	43 00	22 03	8 06	2 88	211 60	S650	
15															
16	2/20		65	86.58			293 00	44	43 00	22 41	8 20	2 93	216 02	S723	
17															
18	MONTH TOTAL		129				581 00	87	86 00	44 44	16 26	5 81	427 62		2032 00
19	QUAR. TOTAL		395				2032 00	305	303 00	155 44	56 89	20 32	1493 30		
20															
21	4/3		65	86.58			293 00	44	43 00	22 41	8 20	2 93	216 02	S799	
22															
23	4/17		68	91.80			306 00	46	46 00	23 41	8 57	3 06	224 50	S872	
24															
25	MONTH TOTAL		133			74 00	599 00	90	89 00	45 82	16 77	5 99	440 52		2631 00
26	5/1		70	121.78	315 00	66 00	455 00	68	69 00	34 81	12 74	4 55	333 22	S895	
27						38 00									
28	5/15		72	112.15	284 00	62 00	424 00	64	63 00	32 44	11 89	4 24	311 81	6051	
29						88 00									
30	5/28		72	134.12	324 00	85 00	501 00	75	76 00	38 33	14 03	5 01	366 88	6127	
31	MONTH TOTAL		314				1380 00	207	208 00	105 58	38 64	13 80	1011 91		4011 00
32			-WEEK-			36 00									
33	6/12		39	58.60	176 00	-0-	212 00	32	35 00	16 22	5 94	2 12	155 40	6205	
34															
35	6/26		70	84.54			315 00	47	48 00	24 10	8 82	3 15	230 46	6278	
36															
37	MONTH TOTAL		109				527 00	79	83 00	40 32	14 76	5 27	385 86		1543 00
38	QUAR. TOTAL		456				3506 00	376	390 00	191 72	70 17	25 06	1835 29		
39	TOTAL TO DATE		945				4528 00	681	683 00	349 16	127 06	45 35	3328 59		

DEPARTMENT: 02/17/50 | SEX: M / F | EXEMPTION CLASS: M-0+5 | NAME — LAST: SWATSWORTH | FIRST: Karen | MIDDLE: D

OCCUPATION: PT | MARITAL: M / S | NUMBER OF DEPENDENTS | ADDRESS: 126 Bonnie Court, Curwensville, Pa. 16833

HOURS FULL TIME WEEK | WORK WEEK BEGINS DAY | REGULAR EARNINGS $ | HOUR RATE $ 4.50 | Pike Township | SOCIAL SECURITY NO. 203-42-1346 | COMPANY NO. 06/17/92

EMPLOYEES EARNINGS RECORD

LINE NO.	19 92 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS	EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS Pa. state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED													
1														
2														
3														
4														
5														
6	MONTH TOTAL													
7														
8														
9														
10														
11														
12	MONTH TOTAL													
13														
14														
15														
16														
17														
18	MONTH TOTAL													
19	QUAR. TOTAL													
20														
21														
22														
23														
24														
25	MONTH TOTAL													
26														
27														
28														
29														
30														
31	MONTH TOTAL													
32														
33														
34			27											
35	4/27		28 (55.26)			248 00	12	9 00	18 97	2 65	2 48	205 74	4348	
36														
37	MONTH TOTAL		55			248 00	12	9 00	18 97	2 65	2 48	205 74		248 00
38	QUAR. TOTAL		55			248 00	12	9 00	18 97	2 65	2 48	205 74	/	
39	TOTAL TO DATE		55			248 00	12	9 00	18 97	2 65	2 48	205 74		

DEPARTMENT		EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
02/17/50	S M F	M-0+$15	SWATSWORTH	Karen	D
OCCUPATION	**MARITAL** M S	**NUMBER OF DEPENDENTS**	**ADDRESS**		
PT			126 Bonnie Court Curwensville, Pa. 16833		

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
			4.50	Pike Twnshp	203-42-1346	06/17/92

EMPLOYEES EARNINGS RECORD

LINE NO.	19 92 PERIOD ENDING	TIME WORKED DAYS	HOURS		EARNINGS REGULAR	EXTRA FOR OVERTIME	TOTAL	DEDUCTIONS UC-2	fed	fica	Pa state	1%	NET PAID AMOUNT	CHECK NO.	TAXABLE EARNINGS
	FORWARDED		156				248 00	12	9 60	18 90	7 65	2 48	205 74		
1			32												
2	9/11		32	48.00			288 00	15	15 00	22 41	8 20	2 88	244 31	4418	
3			26												
4	9/25		35	55.25			315 00	16	19 00	24 10	8 82	3 15	259 73	4492	
5															
6	MONTH TOTAL		135				603 00	31	34 00	46 51	17 02	6 03	504 08		
7			34												
8	9/18		33	60.23			302 00	15	26 00	23 10	9 46	3 02	241 27	4561	
9			33												
10	9/22		34	60.23			302 00	15	26 00	23 10	9 46	3 02	241 27	4628	
11															
12	MONTH TOTAL		134				604 00	30	52 00	46 20	18 92	6 04	482 54		1460
13			30												
14	9/5		30	53.00			270 00	14	22 00	20 66	7 56	2 70	216 54	4654	
15			28												
16	10/19		32	53.00			270 00	14	22 00	20 66	7 56	2 70	216 54	4756	
17															
18	MONTH TOTAL		120				540 00	28	44 00	41 32	15 12	5 40	433 08		2000
19	QUAR. TOTAL		385				1752 00	86	130 00	134 03	49 06	17 52	1420 50		
20	10/3		31	60.00			279 00	14	23 00	21 34	7 81	2 79	223 92	4815	
21			30												
22	10/17		31	54.63			279 00	14	23 00	21 04	7 70	2 75	220 37	4817	
23			30												
24	10/31		30	53.00			270 00	14	22 00	20 66	7 56	2 70	216 94	4940	
25	MONTH TOTAL		183				824 00	42	68 00	63 04	23 07	8 24	661 23		3824
26			30												
27	11/14		30	53.00			270 00	14	22 00	20 66	7 56	2 70	216 94	5022	
28			30												
29	11/28		30	53.00			270 00	14	22 00	20 66	7 56	2 70	216 94	5085	
30															
31	MONTH TOTAL		120				540 00	28	44 00	41 32	15 12	5 40	433 88		2364
32															
33	12/12		72	60.26			324 00	16	25 00	24 75	9 07	3 24	258 74	5151	
34			53												
35	12/26		24	55.88			299 00	14	23 00	21 34	7 81	2 79	223 92	5218	
36															
37	MONTH TOTAL		134				603 00	30	52 00	46 13	16 88	6 03	481 66		3967
38	QUAR. TOTAL		437				1967 00	100	164 00	150 45	55 07	19 67	1576 77		
39	TOTAL TO DATE		881				3967 00	201	303 00	303 45	111 82	39 67	3209 01		

THIS FORM MUST BE COMPLETED BY THE EMPLOYEE TO ESTABLISH RESIDENCE. EMPLOYERS: USE THIS INFORMATION TO COMPLETE QUARTERLY TAX RETURN FORM 511 AND RETURN IT TO THIS TAX BUREAU.

CERTIFICATE OF RESIDENCE
PRINT OR TYPE ONLY

203 | 42 | 1346
SOCIAL SECURITY NUMBER

EMPLOYEES NAME: Swatsworth (LAST) Karen (FIRST) Diane (MIDDLE)

MAILING ADDRESS: 126 Bonnie Court (STREET, R.D. OR BOX NO.) Curwensville (POST OFFICE) Pa. (STATE) 16833 (ZIP CODE)

RESIDENT MUNICIPALITY

EMP. PSD. (DO NOT USE)

Curwensville (CITY-BORO-TOWNSHIP WHERE YOU LIVE) Pike Township (COUNTY) EMPLOYEE PSD (DO NOT USE)

EMPLOYERS NAME ADDRESS EMPLOYER ID # (DO NOT USE)

I CERTIFY THAT INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Karen Swatsworth (SIGNATURE) 6-13-92 (DATE)

CR-38

...ly, you ... working

4.0 ~~PREFERRED DELIVERY~~
~~REAL ESTATE 912~~

We've got ideas!

CURWENSVILLE STATE BANK
FDIC

CURWENSVILLE 236-2550 | CLEARFIELD TARGET SQUARE 765-7516 | CLEARFIELD Kwasi PLAZA 765-1781 | COALPORT 672-5396

Dear Dee.

I would like you to take an additional $10 off my pay Check a pay.

(m-o+15) Thank-yn

Karen Swatsworth

SS. 203-42-1346

1991 Form W-4

Department of the Treasury
Internal Revenue Service

Purpose. Complete Form W-4 so that your employer can withhold the correct amount of Federal income tax from your pay.

Exemption From Withholding. Read line 6 of the certificate below to see if you can claim exempt status. *If exempt, complete line 6; but do not complete lines 4 and 5.* No Federal income tax will be withheld from your pay. Your exemption is good for one year only. It expires February 15, 1992.

Basic Instructions. Employees who are not exempt should complete the Personal Allowances Worksheet. Additional worksheets are provided on page 2 for employees to adjust their withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply to your situation. The worksheets will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances than this.

Head of Household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

Nonwage Income. If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES. Otherwise, you may find that you owe additional tax at the end of the year.

Two-Earner/Two-Jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. This total should be divided among all jobs. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

Advance Earned Income Credit. If you are eligible for this credit, you can receive it added to your paycheck throughout the year. For details, get Form W-5 from your employer.

Check Your Withholding. After your W-4 takes effect, you can use **Pub. 919,** Is My Withholding Correct for 1991?, to see how the dollar amount you are having withheld compares to your estimated total annual tax. Call 1-800-829-3676 to order this publication. Check your local telephone directory for the IRS assistance number if you need further help.

Personal Allowances Worksheet

For 1991, the value of your personal exemption(s) is reduced if your income is over $100,000 ($150,000 if married filing jointly, $125,000 if head of household, or $75,000 if married filing separately). Get Pub. 919 for details.

A	Enter "1" for **yourself** if no one else can claim you as a dependent	A	1
B	Enter "1" if: 1. You are single and have only one job; or 2. You are married, have only one job, and your spouse does not work; or 3. Your wages from a second job or your spouse's wages (or the total of both) are $1,000 or less.	B	
C	Enter "1" for your **spouse.** But, you may choose to enter "0" if you are married and have either a working spouse or more than one job (this may help you avoid having too little tax withheld)	C	0
D	Enter number of **dependents** (other than your spouse or yourself) whom you will claim on your tax return	D	0
E	Enter "1" if you will file as **head of household** on your tax return (see conditions under "Head of Household," above)	E	
F	Enter "1" if you have at least $1,500 of **child or dependent care expenses** for which you plan to claim a credit	F	
G	Add lines A through F and enter total here	▶ G	

For accuracy, do all worksheets that apply.

- If you plan to **itemize or claim adjustments to income** and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are **single** and have **more than one job** and your combined earnings from all jobs exceed $27,000 OR if you are **married** and have a **working spouse or more than one job,** and the combined earnings from all jobs exceed $46,000, see the Two-Earner/Two-Job Worksheet on page 2 if you want to avoid having too little tax withheld.
- If **neither** of the above situations applies, **stop here** and enter the number from line G on line 4 of Form W-4 below.

---------- **Cut here and give the certificate to your employer. Keep the top portion for your records.** ----------

Form **W-4**
Department of the Treasury
Internal Revenue Service

Employee's Withholding Allowance Certificate

▶ **For Privacy Act and Paperwork Reduction Act Notice, see reverse.**

OMB No. 1545-0010
1991

1 Type or print your first name and middle initial: Karen D. | Last name: Swartsworth | 2 Your social security number: 203-40-1316

Home address (number and street or rural route): 126 Bonnie Court

City or town, state, and ZIP code: Canonsburg PA

3 Marital status: ☐ Single ☒ Married ☐ Married, but withhold at higher Single rate.
Note: *If married, but legally separated, or spouse is a nonresident alien, check the Single box.*

4	Total number of allowances you are claiming (from line G above or from the Worksheets on back if they apply)	4 1
5	Additional amount, if any, you want deducted from each pay	5 $5.00

6 I claim exemption from withholding and I certify that I meet **ALL** of the following conditions for exemption:
- Last year I had a right to a refund of **ALL** Federal income tax withheld because I had **NO** tax liability; **AND**
- This year I expect a refund of **ALL** Federal income tax withheld because I expect to have **NO** tax liability; **AND**
- This year if my income exceeds $550 and includes nonwage income, another person cannot claim me as a dependent.

If you meet all of the above conditions, enter the year effective and "EXEMPT" here ▶ 6 19

7 Are you a full-time student? (**Note:** *Full-time students are not automatically exempt.*) 7 ☐ Yes ☒ No

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exempt status.

Employee's signature ▶ Karen Swartsworth **Date** ▶ 6-13 19 91

8 Employer's name and address (**Employer:** Complete 8 and 10 **only if sending to IRS**)

9 Office code (optional)

10 Employer identification number

6/17/92 $4.50 per hr

Deductions and Adjustments Worksheet

Note: *Use this worksheet only if you plan to itemize deductions or claim adjustments to income on your 1991 tax return.*

1 Enter an estimate of your 1991 itemized deductions. These include: qualifying home mortgage interest, charitable contributions, state and local taxes (but not sales taxes), medical expenses in excess of 7.5% of your income, and miscellaneous deductions. (For 1991, you may have to reduce your itemized deductions if your income is over $100,000 ($50,000 if married filing separately). Get Pub. 919 for details.) . . . . . 1 $

2 Enter: { $5,700 if married filing jointly or qualifying widow(er) / $5,000 if head of household / $3,400 if single / $2,850 if married filing separately } . . . . . 2 $

3 **Subtract** line 2 from line 1. If line 2 is greater than line 1, enter zero . . . . . 3 $

4 Enter an estimate of your 1991 adjustments to income. These include alimony paid and deductible IRA contributions . . 4 $

5 **Add** lines 3 and 4 and enter the total . . . . . 5 $

6 Enter an estimate of your 1991 nonwage income (such as dividends or interest income) . . . . . 6 $

7 **Subtract** line 6 from line 5. Enter the result, but not less than zero . . . . . 7 $

8 **Divide** the amount on line 7 by $2,000 and enter the result here. Drop any fraction 8

9 Enter the number from Personal Allowances Worksheet, line G, on page 1 9

10 **Add** lines 8 and 9 and enter the total here. If you plan to use the Two-Earner/Two-Job Worksheet, also enter the total on line 1, below. Otherwise, **stop here** and enter this total on Form W-4, line 4 on page 1 10

Two-Earner/Two-Job Worksheet

Note: *Use this worksheet only if the instructions for line G on page 1 direct you here.*

1 Enter the number from line G on page 1 (or from line 10 above if you used the Deductions and Adjustments Worksheet) . 1

2 Find the number in **Table 1** below that applies to the **LOWEST** paying job and enter it here 2

3 If line 1 is **GREATER THAN OR EQUAL TO** line 2, subtract line 2 from line 1. Enter the result here (if zero, enter "0") and on Form W-4, line 4, on page 1. **DO NOT** use the rest of this worksheet 3

Note: *If line 1 is **LESS THAN** line 2, enter "0" on Form W-4, line 4, on page 1. Complete lines 4–9 to calculate the additional dollar withholding necessary to avoid a year-end tax bill.*

4 Enter the number from line 2 of this worksheet 4

5 Enter the number from line 1 of this worksheet 5

6 **Subtract** line 5 from line 4 6

7 Find the amount in **Table 2** below that applies to the **HIGHEST** paying job and enter it here . . . . . 7 $

8 **Multiply** line 7 by line 6 and enter the result here. This is the additional annual withholding amount needed 8 $

9 Divide line 8 by the number of pay periods remaining in 1991. (For example, divide by 26 if you are paid every other week and you complete this form in December of 1990.) Enter the result here and on Form W-4, line 5, page 1. This is the additional amount to be withheld from each paycheck . . . . . 9 $

Table 1: Two-Earner/Two-Job Worksheet

Married Filing Jointly		All Others	
If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above
0 - $4,000	0	0 - $6,000	0
4,001 - 8,000	1	6,001 - 10,000	1
8,001 - 12,000	2	10,001 - 14,000	2
12,001 - 17,000	3	14,001 - 18,000	3
17,001 - 21,000	4	18,001 - 22,000	4
21,001 - 26,000	5	22,001 - 45,000	5
26,001 - 30,000	6	45,001 and over	6
30,001 - 35,000	7		
35,001 - 40,000	8		
40,001 - 55,000	9		
55,001 - 75,000	10		
75,001 and over	11		

Table 2: Two-Earner/Two-Job Worksheet

Married Filing Jointly		All Others	
If wages from **HIGHEST** paying job are—	Enter on line 7 above	If wages from **HIGHEST** paying job are—	Enter on line 7 above
0 - $46,000	$320	0 - $26,000	$320
46,001 - 94,000	600	26,001 - 55,000	600
94,001 and over	670	55,001 and over	670

Privacy Act and Paperwork Reduction Act Notice.—We ask for the information on this form to carry out the Internal Revenue laws of the United States. The Internal Revenue Code requires this information under sections 3402(f)(2)(A) and 6109 and their regulations. Failure to provide a completed form will result in your being treated as a single person who claims no withholding allowances. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, and the District of Columbia for use in administering their tax laws.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping** 46 min., **Learning about the law or the form** 10 min., **Preparing the form** 70 min. If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service,** Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP; and the **Office of Management and Budget,** Paperwork Reduction Project (1545-0010), Washington, DC 20503. **DO NOT** send the tax form to either of these offices. Instead, give it to your employer.

*U.S. Government Printing Office: 1990 — 265-083

EMPLO 1ENT ELIGIBILITY VERIFICA ON (Form I-9)

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
Swatsworth	KAREN	DIANE	Angstadt

Address: Street Name and Number	City	State	ZIP Code
126 Bonnie Court	Curwensville	PA	16833

Date of Birth (Month/Day/Year)	Social Security Number
2-17-50	203-42-1346

I attest, under penalty of perjury, that I am (check a box):

- [x] 1. A citizen or national of the United States.
- [ ] 2. An alien lawfully admitted for permanent residence (Alien Number A _____).
- [ ] 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____, or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month/Day/Year)
Karen Swatsworth	6-13-92

PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	**City**	**State**	**Zip Code**

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Instructions:
Examine one document from List A and check the appropriate box, ***OR*** examine one document from List B ***and*** one from List C and check the appropriate boxes. Provide the ***Document Identification Number*** and ***Expiration Date*** for the document checked.

List A Documents that Establish Identity and Employment Eligibility	List B Documents that Establish Identity	and	List C Documents that Establish Employment Eligibility
☐ 1. United States Passport	[x] 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) PA		[x] 1. Original Social Security Number Card (other than a card stating it is not valid for employment)
☐ 2. Certificate of United States Citizenship	☐ 2. U.S. Military Card		☐ 2. A birth certificate issued by State, county, or municipal authority bearing a seal or other certification
☐ 3. Certificate of Naturalization	☐ 3. Other (Specify document and issuing authority)		☐ 3. Unexpired INS Employment Authorization Specify form
☐ 4. Unexpired foreign passport with attached Employment Authorization			
☐ 5. Alien Registration Card with photograph			
Document Identification #	***Document Identification*** # 15-876-067		***Document Identification*** # 203-42-1346
Expiration Date (if any)	***Expiration Date (if any)*** 02-28-94		***Expiration Date (if any)***

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and to relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
	John R. Rossetti	Mgr.
Employer Name	**Address**	**Date**
Wise Eyes Optical Inc.		6/13/92

Form I-9 (05/07/87)
OMB No. 1115-0136

U.S. Department of Justice
Immigration and Naturalization Service

mployment Eligibility Verification

NOTICE: Authority for collecting the information on this form is in Title 8, United States Code, Section 1324A, which requires employers to verify employment eligibility of individuals on a form approved by the Attorney General. This form will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Immigration and Naturalization Service or Department of Labor within the time period specified by regulation, or improper completion or retention of this form, may be a violation of the above law and may result in a civil money penalty.

Section 1. Instructions to Employee/Preparer for completing this form

Instructions for the employee.

All employees, upon being hired, must complete Section 1 of this form. Any person hired after November 6, 1986 must complete this form. (For the purpose of completion of this form the term "hired" applies to those employed, recruited or referred for a fee.)

All employees must print or type their complete name, address, date of birth, and Social Security Number. The block which correctly indicates the employee's immigration status must be checked. If the second block is checked, the employee's Alien Registration Number must be provided. If the third block is checked, the employee's Alien Registration Number ***or*** Admission Number must be provided, as well as the date of expiration of that status, if it expires.

All employees whose present names differ from birth names, because of marriage or other reasons, must print or type their birth names in the appropriate space of Section 1. Also, employees whose names change after employment verification should report these changes to their employer.

All employees must sign and date the form.

Instructions for the preparer of the form, if not the employee.

If a person assists the employee with completing this form, the preparer must certify the form by signing it and printing or typing his or her complete name and address.

Section 2. Instructions to Employer for completing this form

(For the purpose of completion of this form, the term "employer" applies to employers and those who recruit or refer for a fee.)

Employers must complete this section by examining evidence of identity and employment eligibility, and:

- checking the appropriate box in List A ***or*** boxes in both Lists B and C;
- recording the document identification number and expiration date (if any);
- recording the type of form if not specifically identified in the list;
- signing the certification section.

NOTE: Employers are responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Copies of documentation presented by an individual for the purpose of establishing identity and employment eligibility may be copied and retained for the purpose of complying with the requirements of this form and no other purpose. Any copies of documentation made for this purpose should be maintained with this form.

Name changes of employees which occur after preparation of this form should be recorded on the form by lining through the old name, printing the new name and the reason (such as marriage), and dating and initialing the changes. Employers should not attempt to delete or erase the old name in any fashion.

RETENTION OF RECORDS.

The completed form must be retained by the employer for:

- three years after the date of hiring; or
- one year after the date the employment is terminated, whichever is later.

Employers may photocopy or reprint this form as necessary.

From: "John R. Ryan" <jrr.bkr@atlanticbbn.net>
To: '"PATRICK MALLEY"' <PATRICK.MALLEY@EEOC.GOV>
Date: 3/5/2008 1:41:28 PM
Subject: RE: Wise Eyes EEOC charges

Mr. Malley,

I am in receipt of your message and attached letter. I have forwarded your request to the State College office of Wise Eyes and will send the info as soon as received. Just as a matter of clarification, the Personnel Policy signed by the claimants was in fact distributed to and signed by all Wise Eyes employees at all store locations and was not limited to the Clearfield store. I may have stated otherwise in our phone conversation; if so that was incorrect and I apologize. There is also a more general personnel policy was had been in existence for several years and dealt with issues such as vacation, sick days, etc. I have requested that from the State College office and will send it along. The specific document signed by Ms. Trimpey and Ms. Swatsworth was also implemented and copies signed by all employees at all store locations as part of a company-wide effort to increase efficiency and improve performance across the board.

Please let me know if there is anything else I can provide an advance of the fact-finding conference nest week.

-----Original Message-----
From: PATRICK MALLEY [mailto:PATRICK.MALLEY@EEOC.GOV]
Sent: Tuesday, March 04, 2008 2:50 PM
To: jrr.bkr@atlanticbbn.net
Subject: Wise Eyes EEOC charges

-----Original Message-----
From: PATRICK MALLEY [mailto:PATRICK.MALLEY@EEOC.GOV]
Sent: Tuesday, March 04, 2008 2:50 PM
To: jrr.bkr@atlanticbbn.net
Subject: Wise Eyes EEOC charges

Mr. Ryan,

Please see the attached letter.

Patrick J. Malley, Investigator
U.S. EEOC
1001 Liberty Ave., Suite 300
Pittsburgh, PA 15219-4187
412/644-4115 (phone)
412/644-2664 (fax)
PATRICK.MALLEY@eeoc.gov

From: PATRICK MALLEY
To: jrr.bkr@atlanticbbn.net
Date: 3/4/2008 2:50:28 PM
Subject: Wise Eyes EEOC charges

Mr. Ryan,

Please see the attached letter.

Patrick J. Malley, Investigator
U.S. EEOC
1001 Liberty Ave., Suite 300
Pittsburgh, PA 15219-4187
412/644-4115 (phone)
412/644-2664 (fax)
PATRICK.MALLEY@eeoc.gov

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Pittsburgh Status Line: (866) 408-8075
Pittsburgh Direct Dial: (412) 644-3420
TTY (412) 644-2720
FAX (412) 644-2664

March 4, 2008

SUBJECT : Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND
Trimpey v. Wise Eyes Optical, #533-2007-01780

Mr. John R. Ryan
SENT VIA E-MAIL ONLY

Mr. Ryan:

Per our conversation of this afternoon, please send to me at least one day prior to the fact-finding conference of Wednesday, March 12, 2008, the following:

1. A complete copy of the Personnel Policy for all of Respondent's stores which would have been in effect at the time of the discharge of Ms. Swatsworth and Ms. Trimpey.

2. A complete copy of the personnel file for Ms. Swatsworth.

3. A complete copy of the personnel file for Ms. Trimpey.

Sincerely,
Patrick J. Malley
Patrick J. Malley
Investigator
412/644-4115
Patrick.Malley@eeoc.gov

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
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FAX (412) 644-2664

March 4, 2008

SUBJECT : Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND
Trimpey v. Wise Eyes Optical, #533-2007-01780

Mr. John R. Ryan
SENT VIA E-MAIL ONLY

Mr. Ryan:

Per our conversation of this afternoon, please send to me at least one day prior to the fact-finding conference of Wednesday, March 12, 2008, the following:

1. A complete copy of the Personnel Policy for all of Respondent's stores which would have been in effect at the time of the discharge of Ms. Swatsworth and Ms. Trimpey.

2. A complete copy of the personnel file for Ms. Swatsworth.

3. A complete copy of the personnel file for Ms. Trimpey.

Sincerely,
Patrick J. Malley
Patrick J. Malley
Investigator
412/644-4115
Patrick.Malley@eeoc.gov

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
(412) 644-3444
TTY (412) 644-2720
FAX (412) 644-2664

FAX

DATE: February 15, 2008

TO : RALPH HINSON, GM

FROM: Patrick J. Malley, Investigator
412/644-4115 (phone) 412-644-2664 (fax)
PATRICK.MALLEY@EEOC.GOV

This transmission contains **3** pages, including this cover sheet.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office

Liberty Center
1001 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187
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FAX (412) 644-2664

February 15, 2008

SUBJECT : Swatsworth v. Wise Eyes Optical, #533-2007-01790 AND
Trimpey v. Wise Eyes Optical, #533-2007-01780

Mr. Ralph E. Hinson, G.M., Wise Eyes Optical
SENT VIA FAX ONLY

Mr. Hinson:

I am the investigator assigned to the above-referenced charges. In order to resolve it, I have determined that I will need to conduct a fact-finding conference. **I have scheduled this conference for Wednesday, March 12, 2008, at 10:00 a.m. in our offices at the above address.** In addition to Ms. Swatsworth and Ms. Trimpey, each of whom will be contacted via a separate letter, I will need the following Respondent employees, in addition to yourself, to be present:

Kim Weir, Store Manager
Liticia Johnson, Optician

Additionally, at least two days prior to the conference (i.e., Monday, March 10, 2008) I will need to the information described below:

REQUEST FOR INFORMATION

[PLEASE TAKE NOTICE: FAILURE TO FOLLOW THE INSTRUCTIONS CONTAINED HEREIN, OR PROVIDING AN EVASIVE OR INCOMPLETE ANSWER WILL CONSTITUTE A FAILURE TO RESPOND, AND UNLESS CURED WITHIN 10 DAYS, SHALL SUBJECT THE RESPONDENT TO THE SERVICE OF A SUBPOENA FOR THE REQUESTED DOCUMENTS AND INFORMATION.]

1. The hire date upon which you took over as General Manager for Respondent.

2. The name, position held, and date of birth for all individuals terminated since the date listed in #1 above.

3. The name, position hired into, and date of birth for all individuals hired since the date listed in #1 above.

4. A complete copy of the policy which was signed for by each Charging Party on or about May 31, 2007.

Sincerely,

Patrick J. Malley
Investigator
412/644-4115
Patrick.malley@eeoc.gov

R & R Optical, Inc. dba Wise Eyes Optical

Store	Hired	DOB	Gender	Job Title
Altoona	06/06/2002	10/18/1948	F	Optician
Altoona	04/12/2005	02/07/1956	F	Optician
Altoona	06/06/2007	10/26/1986	F	Optician
Altoona	10/22/2007	07/23/1962	F	Optician
Altoona	10/22/2007	09/14/1965	F	Optician
Bedford	03/09/1992	05/23/1964	M	Optician/Mgr.
Bedford	10/19/2004	07/11/1983	F	Optician
Bedford	12/28/2004	12/24/1984	F	Optician
Bedford	08/17/2007	09/17/1951	F	Optician
Burnham	04/01/1975	11/04/1951	M	Owner/Mgr.
Burnham	02/21/1983	03/28/1948	F	Optician
Burnham	01/25/1985	11/21/1967	M	Lab Assistant
Burnham	05/08/1989	05/07/1971	F	Lab Manager
Burnham	04/06/1992	09/29/1941	F	Optician
Burnham	02/28/2006	03/06/1986	M	Lab Assistant
Burnham	03/07/2006	10/25/1960	F	Lab Assistant
Burnham	10/29/2007	08/22/1957	F	Optician
Clearfield	02/01/1977	03/11/1957	M	Owner/Mgr.
Clearfield	05/09/1988	04/02/1956	F	Optician/Mgr.
Clearfield	02/07/2006	09/20/1962	F	Optician
Clearfield	08/28/2007	09/09/0986	F	Optician
Clearfield	09/04/2007	02/14/1984	F	Optician
DuBois	10/03/2001	11/07/1954	M	Optician/Mgr.
DuBois	10/16/2001	02/12/1951	F	Optician
DuBois	04/05/2007	06/10/1983	F	Optician
Huntingdon	07/09/1990	12/18/1968	F	Optician/Mgr.
Huntingdon	11/23/1998	06/15/1950	F	Optician
Huntingdon	03/08/2006	05/30/1961	F	Optician
Philipsburg	06/01/1979	08/22/1957	F	Optician/Mgr.
Philipsburg	05/25/2007	01/31/1952	F	Optician
St. Marys	09/17/2001	07/01/1959	F	Optician
St. Marys	04/30/2007	01/09/1981	F	Optician
State Colle	03/01/1983	03/20/1951	F	Office Manager
State Colle	09/02/2003	05/05/1979	F	Optican
State Colle	09/16/2005	09/19/1978	F	Optician
State Colle	05/22/2007	06/27/1986	F	Optician

WISE EYES
OPTICAL CENTERS
R&R Optical, Inc.
P.O. Box 10077
State College, PA 16805-0077

U.S. Equal Employment Opportunity Commission
Pittsburgh Area Office
1001 Liberty Avenue Suite 300
Pittsburgh, PA 15222

Attn: Lester J. Phillips

15222+3715

EEOC FORM 131 (5/01)

U.S. Equal Employment Opportunity Commission

ACA

Mr. Ralph E. Hinson
Manager
R & R OPTICAL, INC.
P O Box 10077
State College, PA 16805

PERSON FILING CHARGE

Karen D. Swatsworth

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

533-2007-01790

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act

[ ] The Americans with Disabilities Act

[X] The Age Discrimination in Employment Act

[ ] The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. [ ] No action is required by you at this time.

2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.

3. [X] Please provide by **14-DEC-07** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

4. [X] Please respond fully by **14-DEC-07** to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

5. [X] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **28-NOV-07** to **Joel S. Pretz, ADR Coordinator, at (412) 644-3448**
If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Lester J. Phillips,
Investigator Support Asst
EEOC Representative

Telephone **(412) 644-6438**

Pittsburgh Area Office
1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222

Enclosure(s): [X] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN [X] AGE [ ] DISABILITY [ ] RETALIATION [ ] OTHER

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
November 13, 2007	**Joseph M. Hardiman, III,** **Area Office Director**	

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: — Agency(ies) Charge No(s):

- [ ] FEPA
- [X] EEOC — 533-2007-01790

Pennsylvania Human Relations Commission and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Karen D. Swatsworth	**(814) 236-3703**	**02-17-1950**

Street Address: **126 Bonnie Court, Curwensville, PA 16833** — City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (Include Area Code)
WISE EYES OPTICAL	**15 - 100**	**(814) 867-5045**

Street Address: **140 Plaza Drive, Clearfield, PA 16830** — City, State and ZIP Code

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address: — City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

- [ ] RACE
- [ ] COLOR
- [ ] SEX
- [ ] RELIGION
- [ ] NATIONAL ORIGIN
- [ ] RETALIATION
- [X] AGE
- [ ] DISABILITY
- [ ] OTHER (*Specify below.*)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
08-01-2007	**08-31-2007**

- [ ] CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

1. I started my employment with Wise Eyes Optical on June 17, 1992, as an Optician. On August 18, 2007, I was discharged.

Hinom (K.S.)

2. On August 18, 2007, Ralph ~~Hansen~~, General Manager, informed me that I was being let go due to restructuring of the Clearfield store. I found out that on August 20, 2007, Ralph ~~Hansen~~ interviewed two younger individuals (age 20's) for Optician positions at the Clearfield store. Hinom (K.S.

3. I believe that the respondent discriminated against me because of my age, 57, in violation of the Age Discrimination in Employment Act of 1967, as amended, in that, the respondent discharged me without an explanation. The second week of September, 2007, Ralph ~~Hansen~~ Hinom hired two younger individuals (age 20's) for Optician positions. Also, Liticia Johnson, Optician, age 40's, was retained. (K.S.)

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10-22-07 — Date

X Karen Swatsworth — Charging Party Signature

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(*month, day, year*)

Date: November 17, 2007

To: Lester J. Phillips
Investigator Support Assistant

From: Ralph E. Hinson, General Manager
Wise Eyes Optical
P.O. Box 10077
State College, PA 16805
814.441.1386

Re: Charge Number 533-2007-01790
Karen D. Swatsworth

Site: Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830

Business Description: Sales and service of eyewear. 4 employees.

On August 18, 2007 Karen D. Swatswoth was dismissed as an employee of Wise Eyes Optical. The charge of age discrimination is unfounded. At no time was age a factor in the dismissal of Karen Swatsworth. Karen was dismissed for insubordination and policy violations.

All employees were provided a copy of the personnel policy. The personnel policy was prepared for the purpose of implementing changes regarding staff procedures, duties and responsibilities. The policy was reviewed with each staff member, including Karen Swatsworth. Each employee read, signed and dated this policy. Included with this policy was an acknowledgement of each employee that they read and understood any violation of the policy could result in termination of employment. Enclosed is a copy of Karen's sign-off sheet ,with her signature, dated May 31st 2007.

As the manager of Wise Eyes Optical in Clearfield, Kim Weir was Karen's immediate supervisor. Kim was responsible for enforcing the policy with her employees. On one occasion, Kim witnessed a conversation between Karen Swatsworth and Elaine Trimpey regarding the policy. Karen commented to Elaine "If we stick together, they cannot change us."

At one point, Karen was questioned by Kim Weir as to why she was allowing prescription lenses to be dispensed to patients without verifying the accuracy of the prescription. As stated in the policy, this is a violation and should never occur. Karen had no response to Kim's questioning, she simply shrugged it off without saying a word. This error was not a result of inexperience, it just seemed to be a step in the process that Karen was willing to ignore. This behavior is unacceptable and could lead to patients receiving an inaccurate prescription.

As stated in the enclosed policy, scheduling was to be completed by the manager of each location. Any changes in scheduling is to be approved by management. Kim Weir is responsible for the scheduling at the Clearfield location. Karen would make changes to the completed schedule to accommodate herself and another employee. On days where patients are scheduled, instructions to staff adequately were given to employees. The original schedule was completed by the manager to include Karen and Liticia Johnson on August 18th, 2007. This was the staff needed to effectively and efficiently operate the store. Karen notified Liticia to not come to work on that Saturday. Liticia notified me to the changes that Karen took upon herself to make. There was no regard for either the patients or the policy at the time Karen made this

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INTAKE QUESTIONNAIRE

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a."**

(PLEASE PRINT)

1. Personal Information

Last Name: Swatsworth, First Name: Karen MI: D

Street or Mailing Address: 126 Bonnie Court Apt Or Unit #: n/a

City: Curwensville County: Clearfield State: PA Zip: 16833

Phone Numbers: Home: (814) 236-3703 Work: (n/a)

Cell: (n/a) Email Address:

Date of Birth: 02/17/50 Sex: Male ___ Female F Race: Cauc.

National Origin / Ethnicity American Do You Have a Disability? Yes ☐ No ☒

Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: David Swatsworth Relationship: Husband

Address: 126 Bonnie Court City: Curwensville State: PA Zip Code: 16833

Home Phone: (814) 236-3703 Other Phone: ( ) Cell 00 - 577-5206

I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer ✓ Union ____ Employment Agency ____ Other (Please Specify) ____

2. Organization Contact Information

Organization #1 Name: Wise Eyes Optical Centers, R+R Optical, Inc.

Address: PO Box 10077 **County:** Centre

City: State College **State:** PA **Zip:** 16805-0077 **Phone :**(814) 867-5045

Type of Business: Optical Job Location if different from Org. Address: Clearfield, PA 1683

Human Resources Director or Owner Name: John Rosselli Scott Renninger **Phone:** 814-867-5

Number of Employees in the Organization at All Locations: Please Check (✓) One

Less Than 15 ☐ 15 – 100 ☒ 101 – 200 ☐ 201 – 500 ☐ More 500 ☐

Organization #2 Name: n/a

Address: n/a **County:**

City: n/a **State:** ___ **Zip:** ____ **Phone :**(___) ____

Type of Business: n/a Job Location if not at Org. Address: n/a

Human Resources Director or Owner Name: n/a **Phone:** n/a

Number Of Employees In The Organization At All Locations: please check (✓) one

Less Than 15 ☐ 15 – 100 ☒ 101 – 200 ☐ 201 – 500 ☐ More 500 ☐

3. **Your Employment Data** (Complete as many items as you can)

Date Hired: 6-17-92 Job Title At Hire: Optician

Pay Rate When Hired: _____ Last or Current Pay Rate: $7.25

Job Title at Time of Alleged Discrimination: Optician

Name and Title of Immediate Supervisor: Kim Weir, manager

If Applicant, Date You Applied for Job n/a **Job Title Applied For** n/a

4. **What is the reason (basis) for your claim of employment discrimination?**

FOR EXAMPLE, if you are over the age of 40 and feel you were treated worse than younger employees ***or*** *you have other evidence of discrimination, you should check* ***(✓) AGE****. If you feel that you were treated worse than those not of your race* ***or*** *you have other evidence of discrimination, you should check* ***(✓) RACE****. If you feel the adverse treatment was due to multiple reasons, such as your sex, religion and national origin, you should check all three. If you complained about discrimination, participated in someone else's complaint or if you filed a charge of discrimination and a negative action was threatened or taken, you should check* ***(✓) RETALIATION****.*

Race ☐ Sex ☐ Age ☒ Disability ☐ National Origin ☐ Color ☐ Religion ☐ Retaliation ☐ Pregnancy ☐

Other reason (basis) for discrimination (Explain). _____

5. **What happened to you that you believe was discriminatory? <u>Include the date(s) of harm, action(s) and include the name(s) and title(s) of the persons who you believe discriminated against you</u>. (Example: 10/02/06 – Written Warning from Supervisor, Mr. John Soto)**

A) Date: 08/18/2007 Action: Immediate Dismissal

Name and Title of Person(s) Responsible: Ralph Hensen

B) Date: 08/18/2007 Action: Dismissal

Name and Title of Person(s) Responsible Ralph Hensen

Describe any other actions you believe were discriminatory.

Disciplinary measures were not followed in accordance with the contract as follows

1. verbal warning
2. written
3. probationary status
4. suspension / dismissal

(Attach additional pages if needed to complete your response.)

After fifteen years of service at Wise Eyes and never being disciplin in any way. Mr. Henson came in on Sat. Aug 18th and told me he needed my Store Key. I then ask was I being let go and was told yes. After that I then ask why and was told they were revamping the Clearfield store.

I ask why he was letting me go after 15 years and was keeping someone that had only been there a year. The only answer I got was again they were revamping the store.

I ask at that point should I do the deposit and was told no that he would do it after I left the building. I then gave him the Key and left the building.

The following work day he held interviews for the job that I was let go from. And about 2 weeks he had hired a girl in her 20's for the job.

Thank-you
Karen Swatsworth

I was employed at 1410 Rein Road Clearfield Pa.

In which case in this dismissal Mr. Hensen did not inform me of the specific reasons for dismissal or the opportunity for a meeting with the officers.

Mr Hensen arrived at the work place on 8-18 at about 1:00 he came in the back area. Really didn't have alot to say. He then told me he wanted my key.

I then ask was he letting me go and was told yes.

When asked why the only reason was we're revamping the Clfd. store. And was then told he was closing the store immediately. At that I got my things and left.

Thank-you
Karen Swatsworth

6. **What reason(s) were given to you for the acts you consider discriminatory? By whom? Title?**

Restructuring the the Clearfield Store
Ralph Hansen, General Manager

7. **Name and describe others who were in the same situation as you. Explain any similar or different treatment. Who was treated worse, who was treated better, and who was treated the same? Provide race, sex, age, national origin, religion, and/or disability status of comparator if known and if connected with your claim of discrimination. Add additional sheets if needed.**

	Full Name	Job Title	Employment Description
1.	ELAINE TRIMPEY	Optician	19 yrs. 8 mos Age 60
2.	She was immediately dismissed with out		
3.	Warning or Probation also		

Answer questions 8-10 only if you are claiming discrimination based on disability. If not, skip to question 11.

8. **Please check all that apply:**
   - ☐ Yes, I have an actual disability
   - ☐ I have had an actual disability in the past
   - ☐ No disability but the organization treats me as if I am disabled

9. **If you are alleging discrimination because of your disability, <u>what is the name of your disability?</u> How does your disability affect your daily life or work activities, e.g., what does your disability prevent or limit you from doing, if anything? (Example: lifting, sleeping normally, breathing normally, pulling, walking, climbing, caring for yourself, working, etc.).**

N/A

10. **Did you ask your employer for any assistance or change in working condition because of your disability?**
    YES ☐ NO ☐

    Did you need this assistance or change in working condition in order to do your job?
    YES ☐ NO ☐

    If "YES", when? _____ To whom did you make the request? Provide full name of person_____ How did you ask (verbally or in writing)? _____

    Describe the assistance or change in working condition requested?

11. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say. Add additional pages if necessary.

	NAME	JOB TITLE	ADDRESS & PHONE NUMBER
A.	There was no one else in the office at time on dismissal		
B.			
C.			

12. Have you filed a charge previously in this matter with EEOC or another agency? YES ☐ NO ☒

13. If you have filed a complaint with another agency, provide name of agency and date of filing:

14. Have you sought help about this situation from a union, an attorney, or any other source?
YES ☐ NO ☒ - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Karen Swadsworth — **Signature**

9-4-07 — **Today's Date**

If you have not heard from an EEOC office within 30 days of mailing this form, please call toll-free number shown on the letter accompanying this form. Provide the tracking number on the attached cover letter. Please make a copy of this form for your records before mailing.

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Intake Questionnaire (10/2006).
2. **AUTHORITY.** 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626. 42 U.S.C. 12117(a)
3. **PRINCIPAL PURPOSE.** The purpose of this questionnaire is to solicit information in an acceptable form consistent with statutory requirements to enable the Commission to act on matters within its jurisdiction. When this form constitutes the only timely written statement of allegations of employment discrimination, the Commission will, consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(b), consider it to be a sufficient charge of discrimination under the relevant statute(s).
4. **ROUTINE USES.** Information provided on this form will be used by Commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over allegations of employment discrimination and to provide such charge filing counseling as is appropriate. Information provided on this form may be disclosed to other State, local and federal agencies as may be appropriate or necessary to carrying out the Commission's functions. Information may also be disclosed to respondents in connection with litigation.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION.** The providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

decision.
I personally appeared at the Clearfield location on this date and witnessed Karen as the only staff present. This was not the first time Karen made her own changes to the schedule without management approval. It had been an on-going issue with her.

Karen was not receptive to the changes that were occurring at Wise Eyes. Part of the new policy is every employee will participate in sales, customer service and lab work. Each employee is to be cross-trained on each component. She was only participating in a portion of the lab work. She did not attempt to participate in all areas of the lab work. Karen maintained the attitude that she was going to do as she had always done and not actively participate in the changes. Other employees witnessed this behavior, which negatively affected the moral of the staff.

Karen expressed to me, on several occasions, her disapproval of the changes. I discussed, with Karen, the importance of making these changes. She was fully aware these changes needed to occur to increase employee productivity and efficiently operate the store.

Changes occur on a daily basis in all establishments. Changes were not implemented to affect any employee in a negative way. Changes were implemented to better serve customers, increase profitability and employee productivity. All employees were given the same policy. The expectation of the employees is to respond in a positive and professional manner, to implement the changes to enhance the services of Wise Eyes and to become cross trained in all areas of the store functions . The changes implemented were not done with the intent of dismissing any employee. The dismissal of Karen was a result of being non-compliant, in reference to the policy, and insubordinate with Kim Weir and me.

Wise Eyes has employees ranging in age from their 20's to their 60's. Enclosed is a list of Wise Eyes employees and their dates of birth.

We contend that age was not a factor in her dismissal. Re-structuring the duties and responsibilities of the Clearfield store did not specifically include Karen's dismissal. Had Karen accepted and attempted to implement the changes, she would still be an employee of Wise Eyes.

PERSONNEL POLICY

Officers: John R. Rosselli, President
Scott A. Renninger, Vice President

NON-DISCRIMINATION STATEMENT

R & R Optical, Inc. is an equal opportunity employer which complies with Federal and State Legislation pertaining to equal opportunity in all aspects of the employment process. Non-discrimination in employment on the basis of race, color, religion, national original, handicap, age, gender, or status as a disabled or Vietnam era veteran is affirmed.

CLASSIFICATION OF EMPLOYEES

Full-Time: includes those employees who are hired on a full-time basis (minimum average of 35 hours or more per work week).

Part-Time: includes those employees who are hired for less than 35 hours in an average work week.

WORKERS' COMPENSATION

All employees of R & R Optical, Inc. are covered against the hazards of occupational accidents and illness on the job through workers' compensation insurance in a manner and to the extent required by the State Workers' Compensation laws. The cost for such coverage is provided by the Company.

If an employee is injured while on duty, he/she should immediately report the injury to their Manager or the Officers. Failure to report an accident or injury could result in the loss of eligibility for Workers' Compensation Benefits.

PERSONNEL RECORDS

Employee personnel records will be maintained by the Officers as required by law and deemed essential for efficient operations. Employees are requested to promptly report any changes in status as listed below:

*Name
*Address
*Phone Number
*Marital Status
*Federal Income Tax Withholding Exemptions

Employee records are handled by the Officers and specified personnel as designated by them. No information on employees or employment status will be given to outside persons, agencies, or potential employers without prior consent of the employee. Employees and/or their representatives are able to review, at the main offices of the Company, their own personnel files if they make an appointment to do so.

CONCERNS / PROBLEMS

All employees are encouraged to discuss any concerns/problems which are pertinent to their employment with their immediate supervisor. If the situation cannot be resolved to the employees satisfaction, the Officers must be consulted.

WARNINGS / PROBATION

In cases of poor performance, misconduct of a minor nature or repeated minor mistakes/infractions by an employee, the following disciplinary measures shall be used by the immediate supervisor in this sequence.

1. Verbal Warning

A verbal notification from the immediate supervisor or other supervisor to an employee that certain behavior or work performance is unacceptable and subject to discipline. The immediate supervisor will retain written records of such verbal warnings.

2. Written Warning

A specific notification from the immediate supervisor to an employee that certain behavior and performance is unacceptable and subject to discipline. A copy of the written warning will be placed in the employee's personnel file. The warning will also be signed by the employee and any objection or comment of the employee will be noted. A written warning automatically places an employee on probationary status.

3. Probationary Status

A fixed period of time not to exceed ninety (90) days where specific standards and goals are established in writing by the Officers and supervisor. Performance is evaluated by the Officers and supervisor during and at the end of the probationary period, and failure to achieve satisfactory performance shall result in suspension or dismissal.

4. Suspension Dismissal

In cases of suspension or dismissal, the employee is informed of the specific reasons and given an opportunity for a meeting with the Officers. The Officers may suspend or dismiss any employee.

RESIGNATIONS

Employees are requested to submit their resignation in writing to the immediate supervisor with the effective date specified as at lease two (2) weeks from date of submission. All accrued vacation time to the date of termination will be paid.

LEAVES OF ABSENCE

Leaves of Absence with Pay

Funeral Leave: In the event of death in a full-time employee's family (father, mother, brother, sister, wife, husband, son, daughter, mother-in-law, father-in-law, significant other), the employee is granted three (3) days off with pay within a seven (7) consecutive day period.

Jury Duty: Full-time employees will be paid their regular pay for all scheduled work days or hours served on jury duty up to one (1) work week.

Leaves of Absence Without Pay

R & R Optical, Inc. will grant unpaid leaves of absence to full-time employees without loss of continuous service under the conditions outlined in the policy statement. Upon completion of an unpaid leave of absence, every reasonable attempt will be made to place the employee in a position comparable to that which he/she held previously and at no less than his/her previous rate of pay. This however, cannot be guaranteed since it is contingent upon the Company's personnel requirements during and at the completion of the employee's unpaid leave. All unpaid leaves of absence are granted at the Officers discretion.

There are two (2) types of unpaid leave for which an employee may apply. They are as follows:

A. General Short-Term Leave of Absence

A general short-term leave of absence lasting from one (1) to thirty (30) days may be granted for the following reasons:

1. Personal: A general short-term leave of absence may be granted for personal emergencies which make an employee's absence from work unavoidable.

2. Temporary Disability: A general short-term leave of absence may be granted for reasons of temporary disability (including pregnancy) and/or non-work related injury or illness provided that such leave is requested in writing at the time the employee becomes aware of the condition. Prior to the scheduled return to work date, an employee is required to obtain a physician's statement, re: release of treatment and employee's ability to return to work, prior to the scheduled return to work, prior to the scheduled return to work date.

During a general short-term leave of absence, the Company will continue to pay premiums and other costs of all benefits, and seniority and other conditions of employment will accrue as usual.

HOLIDAYS

The following paid holidays are provided for all full-time employees:

New Year's Day	Labor Day
Memorial Day	Thanksgiving
Fourth of July	Christmas

Should a holiday occur during an employee's scheduled vacation, a compensation day will be granted, subject to schedule approval of the immediate supervisor.

Should a holiday occur on a day that a full-time employee is not scheduled to work, a compensation day will be granted, subject to scheduling approval of the immediate supervisor.

VACATIONS

For scheduling purposes, all employees must submit their requests for vacation dates for the current calendar year by April 1st. Following review and approval by the immediate supervisor, every effort will be made to satisfy each employee's requests, subject to consideration of adequate staffing for peak periods and general operation. The immediate supervisor reserves the right to alter vacation schedules throughout the year according to circumstances.

Vacation weeks are "Sunday to Sunday". Vacation days do not carry over from one calendar year to the next.

Full-time employees are eligible for vacation with pay according to the following schedule:

0 months - 6 months	None
6 months - 12 months	1 week
1 year - 5 years	2 weeks
6 years or more	3 weeks

Please note: *if you were previously employed by Wise Eyes, Inc., your original date of employment will determine vacation eligibility.*

Part-time employees are eligible for vacation with pay according to the following schedule:

0 months - 12 months	None
1 year - 5 years	1 week
6 years or more	2 weeks

Please note: *vacation pay for part-time employees will be based on the average number of hours worked per week during the six (6) months prior to any scheduled vacation.*

B. General Extended Leave of Absence

A general extended leave of absence lasting from a minimum of thirty-one (31) days to a maximum of ninety (90) days may be granted for the following reasons:

1. Personal: A general extended leave of absence may be granted for personal emergencies which make an employee's absence from work unavoidable.

2. Temporary Disability: A general leave of absence may be granted for purpose of temporary disability.

During a general extended leave of absence, the Company will discontinue the payment of premiums and other costs of benefits after the first thirty (30) days of the leave. Employees may assume responsibility for these payments in order to continue the benefits, subject to plan provisions.

Seniority and other conditions of employment will be frozen after the first thirty (30) days of the leave and will not accrue thereafter. The employee will not, however, lose the previously credited seniority and service as a result of the leave.

Leave of Absence Procedure

A. An application for a leave of absence of any type must be submitted which documents all essential information. This information is to include the type of leave requested, the reason for the leave, and the anticipated period which the employee expects to be on leave. Where possible, all requests should be submitted to the Officers a minimum of two (2) weeks prior to when the leave is to begin providing this notice is possible.

B. Leaves of absence may be extended providing that the employee submits a written request for such extension and, at the Officers discretion, the extension is justafiable.

C. All requests for reinstatement must be initiated by the employee a minimum of fifteen (15) days prior to the expiration of the leave.

D. Employees will forfeit their right to reinstatement following a leave of absence if other employment is accepted during this leave.

MEDICAL BENEFITS

All full-time employees are eligible for group medical coverage under an Insurance Program provided by R & R Optical, Inc. The Company retains the right to implement a premium payment participation at any time.

Additional costs of couple or family coverage, if elected, will be the responsibility of the employee. These costs are available upon request.

For full-time employees, this coverage will begin upon completion of a 30 day probationary period of employment in a satisfactory manner.

Employees not eligible for this benefit may participate in the Insurance Program at their own cost.

Should an eligible employee elect not to participate, he/she will be required to sign a statement of waiver.

COBRA information will be forwarded to all eligible employees leaving the Company.

LIFE / LTD / AD&D BENEFITS

All full-time employees are eligible for group Life; Long Term Disability; and Accidental Death & Dismemberment coverage. Information will be provided to new employees following the 30 day probationary period.

DENTAL BENEFITS

All full-time employees will be reimbursed up to $100.00 per calendar year for out of pocket dental expenses. Receipts for dental expenses must be submitted to the main office in a timely manner for reimbursement.

PROFIT SHARING PLAN

R & R Optical, Inc. provides a Profit Sharing Plan for all long term full-time employees. Eligibility for participation requires 12 months of continuous service. At the beginning of each plan year (January) all employees who have met the eligibility requirement will receive Plan information.

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
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AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

June 29, 2009

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

RE: Karen D. Swatsworth & Elaine G. Trimpey
vs. R & R Optical, Inc., et al.
No. 08-1667-C.D.

Dear Terry:

Your impression with respect to the notes which I supplied under cover of the letter dated June 24, 2009, is correct. I am not sure what your point is relative to the timing of the delivery of these documents. As stated in my previous letter, these were supplied in accordance with my continuing obligation to supplement discovery.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/lgp
cc: John Rosselli, R&R Optical, Inc.

Termination of employee

ROSALIE KUNSMAN

Rosalie Kunsman was terminated on January 4th 2008. Several incidents had occurred for her termination, they are as follows:

December 3, 2007- The employee had her daughter in our lab area using the company's computer. When another employee came in and caught them.

December 12, 2007- Employee stayed after hours and was using the company's computer for personal use and eating. She told us she stayed until 9:15pm that night and we close the store a 8pm.

December 18, 2007- We had come across 5 banded up piles of patient information in a place were we had no idea (caused a problem the previous day). We had also been informed that there were rape accusations with a patient of ours.

Through out the time she was working with the company she was unprofessional to our patients.(Bad attitude with them).

December 19, 2007- We had a meeting about everything that had previously happened and she signed a written warning. Employee was also told that she was in a 2 week trial period and at the end of the 2 weeks her position would be discussed on whether she would be going to part time or termination. So after the 2weeks discussed with the general manager we had decide termination was the best thing for the company.

Thanks for your time

Sheena Creps

Bedford Manager Sheena Creps

DECEMBER 2007

following incidents were documented
From employee.

December 17th 2007- Rape occurred at employee's home. Employee texted me the next day and told me she was raped by one of our patients Scott Salyer. Told me she had court the next day. She had also told me that the patient had followed her to her house previously before this happened.

December 19th 2007- She came into work after incident happened with seriously bad looking bruising on her face. Employee also told me that she had to go to Your Safe Haven. Then she decided to go the next day, but to my knowledge she never went there.

December 20th 2007- We had our store Christmas party and we had money saved for our party to get desserts and when we went to get the money it was gone. $9.00 was missing. I had checked the day before when I left the money was there and came in the next day it was gone. We also had $60.00 missing before, that we couldn't find. The whole incident made me very suspicious.

December 22rd 2007- I had passed Scott Salyer that day. Ashley had called me the same day and told me she made an annonomyus phone call to the Bedford County Jail. Where she called to find out visiting hours for Scott Salyer, meanwhile the lady she had talked to said there was no such person there and also no rape charges were made that week.

I stopped into the store that day to check up on employee and I had showed her a couple things that I had bought that day. She had told me that Scott Salyer had got moved to another jail. I had noticed that the bruising on her face was pretty much gone. That was just weird to me from how bad they were a few days before.

Later that day Ashley called me and told me she was driving by and saw the lights on the store at 5:40pm. She pulled up and went inside and Rosalie gave her attitude saying she was just trying to get her things done, that a patient came in and was in there and didn't leave until late. Rosalie also had called and wanted to know if I had Ashley checking up on her and I said I didn't have any idea what was going on and Rosalie started crying on the phone.

December 24th 2007- I had passed Scott Salyer again that day

December 26th 2007- The bruising on her face was gone and she also mentioned to me again that Scott Salyer was moved to another jail.

January 3rd 2007- I was going through our glasses drawers and came to find out that employee put a $20.00 deposit down on glasses for her daughter. In which it was a 2 for 1 deal and the first pair of glasses was there and the second pair was just lenses only for an own frame and the lenses were gone and theres still a balance of $184.00 on the glasses. Employee still owes Dr. McCombie money for contact lenses.

January 4th 2007- After employee being terminated she had texted me " Bean I need to get in touch with Debbie about my insurance." I replied to her and said that it was going to be taken care of.

Thank you for your time

Sheena Creps

Sheena Creps

Bedford Manager

On May 5, 2008, I had a meeting with Jennifer Mitchell regarding her attendance, performance and other issues here at Wise Eyes. Over a short period of time I had received verbal communication from three separate customers regarding her attitude and abilities to assist them. I felt that I had to address these issues so I spoke with her and told her of the problems. A lot of lab errors had also been happening which I mentioned, but since we did not track the lab work I was not implying that all of them were her fault. I have instituted a procedure wherein lab work is tracked so that if I see a repeated problem I can retrain the staff to eliminate these errors. During the conversation with Jennifer, she brought up the fact that she knew she had missed a lot of time because of her pregnancy and that she hoped it would not be a problem in the future. At that time I told her that her pregnancy was not an issue. When Jennifer was hired she was given a policy and procedure packet of information of which she signed. We have taken every step necessary to comply with the doctors' orders regarding reducing her hours to 5 days per week and 5 hours per day, but with staffing, we need every employee to be at work at their appointed schedule. If time is taken off for whatever reason it is only fair to the other employees that this time is made up or hours deducted from the pay check. This is the same for all employees, and records are kept to ensure that this is followed.

On May 14th a meeting between Jennifer, Ralph Hinson our general manager and myself was held regarding the letter Jennifer sent to the Wise Eyes office. Ralph spoke with Jennifer and then I was called into the meeting. At that time I apologized to Jennifer for any misunderstanding. In no way did I ever refer to her pregnancy as a problem. I as manager of the Altoona store have to answer to management and if I see problems developing I have to address those issues or I am not meeting my responsibilities. In turn the employees working at this store must also meet their obligations. That was the sole purpose of my initial meeting with Jennifer, to make sure that she knew of these responsibilities as an employee.

All of the staff members are aware of these responsibilities and if I see problems developing with them they will be addressed as they arise. All employees are and will be treated within the same guidelines.

All of these issues were addressed and discussed with Ralph present. All parties agreed to work and improve communications which seems to be the major problem at this point.

Rose Grimme Rose Grimme

Ralph Hinson Ralph Hinson

Jennifer Mitchell

May 5, 2008
Re: Jen Mitchell
Work standards

I understand that I have been given a verbal warning regarding my performance at work and I will do what is necessary to correct the situations. This warning is regarding taking time out for lunch or breaks that are not built into the schedule, repeated absences, customers' complaints regarding fittings and attitude.
If steps are not taken to correct this you will be given a written warning and put on probation.

I have received a copy of the policy regarding these issues and the steps that will be taken in the future if necessary.

JM

8/29/07 ood Prospect

Use 9-4-07

Rachel A. Luzier

221 Nichols Street Apt. 3
Clearfield, PA 16830
(814) 765-5461

Professional Experience:

Fitness Technician - Curves Of Clearfield Aug 2004 - Present

- Coordinates physical fitness programs with customer needs
- Assists customers over the phone with questions, appointment setting, and new program offers
- Effective salesperson for physical fitness programs
- Promote new programs and offers to existing members
- Perform cash and credit transactions as well as check drafts
- Utilizes Microsoft Word and Microsoft Excel for maintaining customer records
- Trained in Heartsaver CPR through the American Heart Association

Dance Instructor - Dream Catchers Dance Academy Sep 2005 - Present

- Maintain accurate accounting records for payment and academy expenses
- Utilizes good business management skills in self owned school with over 19 years of dance experience
- Choreographed dance numbers for multiple students in local and regional dance competitions
- Instructed multiple people from ages 2-35 on detailed technical dance skills
- Organized recitals involving various aspects such as music, lighting, scenery and choreographed dance numbers
- Instructor safety certification with USA Gymnastics

Daycare Provider - Clearfield YMCA Sep 2002 - Jul 2004

- Provide care and supervision of children from infancy to 11 years of age
- Acted as a facilitator for craft projects and physical activities
- Initiated and encouraged social interaction between children

Warehouse Laborer - Kurtz Brothers Jun 2002 - Sep 2002

- Worked in a fast paced, team structured environment as a seasonal summer employee
- Performed assembly and packing duties while meeting production requirements

Education:

Dance Masters Teacher Training School - Dance Instructor Certification Buffalo, New York

Jul 2004- Present

Clearfield Area High School - High School Diploma Clearfield, Pennsylvania

Aug 1998-May 2002

Rachel A. Luzier

221 Nichols Street Apt. 3
Clearfield, PA 16830
(814) 765-5461

Personal References:

Judy Sunderland	(814) 765-3745
Jo Maines-Lowman	(814) 765-1504
Judy Nelson	(814) 765- 8783

Professional References:

Curves of Clearfield — (814) 765-5119
1224 South Second Street
Clearfield, PA 16830
Manager- Judy Nelson
August 2004 - Present

Dream Catchers Dance Academy — (814) 765-1504
2386 Montgomery Run Road
Clearfield, PA 16830
Business Partner- Jo Maines-Lowman
September 2005 - Present

Clearfield YMCA — (814) 765-5521
21 North Second Street
Clearfield, PA 16830
Supervisor- Don Harris
September 2002 - July 2004

Kurtz Brothers — (814) 765-6561
400 Reed Street
Clearfield, PA 16830
Supervisor- Fred Gustafson
June 2002 - September 2002

Wise Eyes Optical
Of
Bedford

Regarding Employment
Of
Nicole Miller

Nicole Miller has received several warnings about her tardiness.

May 9th 2007 she was 1 hour late

May 15th 2007 she was 30 minutes late and was not in proper uniform

May 30th 2007 she was 2 hours late

May 31st 2007 she was 15 minutes late

June 6th 2007 she was 20minutes late

June 26th 2007 I had a meeting with her about not doing tasks that she was asked to do, she was scheduled for 12pm that day. She came in then had to leave and get her son. She then came back to work at 2pm, therefore missing 2 hours of her workday.

July 6th 2007 she was 1 hour and 20 minutes late.

July 28th 2007 she was 1 hour and 30 minutes late.

I had discussed this with the General Manager and through joint decision we had terminated her on Saturday July 28th 2007.

Thank you for your time.

Sheena Creps
Wise Eyes manager of Bedford

Performance Management
Disciplinary Warning

Employee: Jennifer Mitchell **Date:** 6/20/08

Affiliate: Altoona **Department:** 1

Job Title: Optician **Prior Warning/s:** Yes ✓ When 5/5

Incident Date/s: _____ No ____

Type of Violation

[ ] Attendance [ ] Safety

[ ] Policy Violation [H] Performance [H] Other

Type of Warning

[H] Verbal Warning [H] First Written [ ] Second Written [ ] Final Written

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Performance Problem/s and Issue/s

working with fellow employees -
waiting on customers
doing lab work

Performance Resolution/s Required

Date: November 17, 2007

To: Lester J. Phillips
Investigator Support Assistant

From: Ralph E. Hinson, General Manager
Wise Eyes Optical
P.O. Box 10077
State College, PA 16805
814.441.1386

Re: Charge Number 533-2007-01790
Karen D. Swatsworth

Site: Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830

Business Description: Sales and service of eyewear. 4 employees.

On August 18, 2007 Karen D. Swatswoth was dismissed as an employee of Wise Eyes Optical. The charge of age discrimination is unfounded. At no time was age a factor in the dismissal of Karen Swatsworth. Karen was dismissed for insubordination and policy violations.

All employees were provided a copy of the personnel policy. The personnel policy was prepared for the purpose of implementing changes regarding staff procedures, duties and responsibilities. The policy was reviewed with each staff member, including Karen Swatsworth. Each employee read, signed and dated this policy. Included with this policy was an acknowledgement of each employee that they read and understood any violation of the policy could result in termination of employment. Enclosed is a copy of Karen's sign-off sheet ,with her signature, dated May 31st 2007.

As the manager of Wise Eyes Optical in Clearfield, Kim Weir was Karen's immediate supervisor. Kim was responsible for enforcing the policy with her employees. On one occasion, Kim witnessed a conversation between Karen Swatsworth and Elaine Trimpey regarding the policy. Karen commented to Elaine "If we stick together, they cannot change us."

At one point, Karen was questioned by Kim Weir as to why she was allowing prescription lenses to be dispensed to patients without verifying the accuracy of the prescription. As stated in the policy, this is a violation and should never occur. Karen had no response to Kim's questioning, she simply shrugged it off without saying a word. This error was not a result of inexperience, it just seemed to be a step in the process that Karen was willing to ignore. This behavior is unacceptable and could lead to patients receiving an inaccurate prescription.

As stated in the enclosed policy, scheduling was to be completed by the manager of each location. Any changes in scheduling is to be approved by management. Kim Weir is responsible for the scheduling at the Clearfield location. Karen would make changes to the completed schedule to accommodate herself and another employee. On days where patients are scheduled, instructions to staff adequately were given to employees. The original schedule was completed by the manager to include Karen and Liticia Johnson on August 18th, 2007. This was the staff needed to effectively and efficiently operate the store. Karen notified Liticia to not come to work on that Saturday. Liticia notified me to the changes that Karen took upon herself to make. There was no regard for either the patients or the policy at the time Karen made this

decision.
I personally appeared at the Clearfield location on this date and witnessed Karen as the only staff present. This was not the first time Karen made her own changes to the schedule without management approval. It had been an on-going issue with her.

Karen was not receptive to the changes that were occurring at Wise Eyes. Part of the new policy is every employee will participate in sales, customer service and lab work. Each employee is to be cross-trained on each component. She was only participating in a portion of the lab work. She did not attempt to participate in all areas of the lab work. Karen maintained the attitude that she was going to do as she had always done and not actively participate in the changes. Other employees witnessed this behavior, which negatively affected the moral of the staff.

Karen expressed to me, on several occasions, her disapproval of the changes. I discussed, with Karen, the importance of making these changes. She was fully aware these changes needed to occur to increase employee productivity and efficiently operate the store.

Changes occur on a daily basis in all establishments. Changes were not implemented to affect any employee in a negative way. Changes were implemented to better serve customers, increase profitability and employee productivity. All employees were given the same policy. The expectation of the employees is to respond in a positive and professional manner, to implement the changes to enhance the services of Wise Eyes and to become cross trained in all areas of the store functions . The changes implemented were not done with the intent of dismissing any employee. The dismissal of Karen was a result of being non-compliant, in reference to the policy, and insubordinate with Kim Weir and me.

Wise Eyes has employees ranging in age from their 20's to their 60's. Enclosed is a list of Wise Eyes employees and their dates of birth.

We contend that age was not a factor in her dismissal. Re-structuring the duties and responsibilities of the Clearfield store did not specifically include Karen's dismissal. Had Karen accepted and attempted to implement the changes, she would still be an employee of Wise Eyes.

Date: November 15, 2007

To: Joel S. Pretz
ADR Coordinator

From: Ralph E. Hinson, General Manager
Wise Eyes Optical
P.O. Box 10077
State College, PA 16805
814.441.1386

Re: Charge Number 533-2007-01780
Elaine G. Trimpey

Site: Wise Eyes Optical
140 Plaza Drive
Clearfield, PA 16830

Business Description: Sales and service of eyewear. 4 employees.

On August 20, 2007 Elaine G. Trimpey was dismissed as an employee of Wise Eyes Optical. The charge of age discrimination is unfounded. At no time was age a factor in the dismissal of Elaine Trimpey. Elaine was dismissed for insubordination.

All employees were provided a copy of the personnel policy. The personnel policy was prepared for the purpose of implementing changes regarding staff procedures, duties and responsibilities. The policy was reviewed with each staff member, including Elaine Trimpey. Each employee read, signed and dated this policy. Included with this policy was an acknowledgement of each employee that they read and understood any violation of the policy could result in termination of employment. Enclosed is a copy of Elaine's sign-off sheet ,with her signature, dated May 31st 2007.

As the manager of Wise Eyes Optical in Clearfield, Kim Weir was Elaine's immediate supervisor. Kim was responsible for enforcing the policy with her employees. Kim faced a constant battle with Elaine and another worker of this location. On one occasion, Kim witnessed a conversation between Elaine and Karen Swatsworth regarding the policy. Karen commented to Elaine "If we stick together, they cannot change us." This was the attitude that Elaine maintained up to her dismissal.

I personally was the recipient of Elaine's insubordination. I conducted at least two staff meetings at the Clearfield location to discuss the policy and the changes that need to occur in the office. Elaine would not participate in the meetings or even give me the courtesy of sitting down with the group during the meetings. She would walk around the store, ignoring me and the meeting. She never responded in any way that would indicate she was on board with the changes. She did not attempt to comply with the policy at any time.

For several years, Elaine assumed the responsibility of the lab work. Part of the necessary changes includes cross training and participating in sales and customer service. These changes are necessary for the growth, profitability and smooth operation of the store. Elaine was not receptive to these changes. She would have other employees of the location conduct the sales and customer service while she remained behind the counter, in the lab area. Because of the experience that Elaine has in the lab, she was asked to help train other employees to complete lab work. As of the date of her dismissal, this request was not carried out or even acknowledged by Elaine.

As stated in the enclosed policy, scheduling was to be completed by the manager of each location. Any changes in scheduling is to be approved by management. Kim Weir is responsible for the scheduling at the Clearfield location. On more than one occasion, Karen Swatsworth would re-schedule herself and Elaine to accommodate themselves without permission from management. Without consideration of staffing needs or customer service, if either wanted a day off, they took the day off. This negatively affected customer service and the moral of other employees.

Elaine also had little consideration of company materials. I was in the office and witnessed Elaine unintentionally damage a lens. Her response to this was "Oh well. Wise Eyes can afford it." She seemed to have no concern for the profitability of the store.

Changes occur on a daily basis in all establishments. Changes were not implemented to affect any employee in a negative way. Changes were implemented to better serve customers, increase profitability and employee productivity. All employees were given the same policy. The expectation of the employees is to respond in a positive and professional manner, to implement the changes to enhance the services of Wise Eyes and to become cross trained in all areas of the store functions . The changes implemented were not done with the intent of dismissing any employee. The dismissal of Elaine was a result of being non-compliant in reference to the policy.

Wise Eyes has employees ranging in age from their 20's to their 60's. Enclosed is a list of Wise Eyes employees and their dates of birth. Experienced employees are an asset to our company. It was our hope that Elaine would utilize her experience in a positive and professional manner to help in the growth of herself, other employees and Wise Eyes Optical.

We do not hire or terminate employees based on age. To progress in business, one needs to have employees that are willing to be a part of a team, initiate changes when necessary and be productive. We contend that age was not a factor in her dismissal. Re-structuring the duties and responsibilities of the Clearfield store did not specifically include Elaine's dismissal. Elaine's responses and behavior towards the re-structuring is what led to her termination.

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

Ralph E. Hinson; General Manager as of 04/16/2007

Employee	Job Title	DOB	Departure	Reason
Susan A. Keith	Optician/Mgr.	07/06/1960	05/05/2007	voluntary
Heather R. Kanagy	Optician	01/10/1981	05/29/2007	voluntary
Nicole Miller	Optician	04/21/1980	07/28/2007	just cause
Karen D. Swatsworth	Optician	02/17/1950	08/18/2007	laid off
Elaine G. Trimpey	Optician/Mgr.	09/29/1946	08/18/2007	laid off
Deborah J. Claar	Optician	02/13/1968	09/14/2007	laid off
Suzanne M. Grimme	Optician	11/15/1960	09/15/2007	laid off
Rachel L. Jones	Optician	10/05/1984	09/15/2007	resigned
Beth E. LaVanish	Optician	04/01/1984	09/15/2007	laid off
Colby K. Shoop	Optician	04/12/1984	10/27/2007	voluntary
Denise L.Stains	Optician	05/30/1961	11/10/2007	voluntary
Rosalie G. Kunsman	Optician	09/17/1951	01/05/2008	just cause

Employee	Job Title	DOB	Hired
Mandy L. Olewnik	Optician	01/09/1981	04/30/2007
Christina Yu	Optician	06/27/1986	05/22/2007
Charlene K. Wojtowich	Optician	01/31/1952	05/25/2007
Jennifer L. Mitchell	Optician	10/26/1986	06/06/2007
Deborah J. Claar	Optician	02/13/1968	06/09/2007
Rosalie G. Kunsman	Optician	09/17/1951	08/17/2007
Heather S. McLaughlin	Optician	09/09/1986	08/28/2007
Rachel A. Luzier	Optician	02/14/1984	09/04/2007
Colby K. Shoop	Optician	04/12/1984	10/04/2007
Beth A. Burchner	Optician	07/23/1962	10/22/2007
Lisa N. Fishel	Optician	09/14/1965	10/22/2007
Nina L. Colabine	Optician	08/22/1957	10/29/2007
Rachel A. Fichter	Optician	08/02/1966	12/04/2007
Heidi J. Kagarise	Optician	10/31/1982	01/08/2008
Amy J. Hoagland	Optician	05/24/1981	01/16/2008
Kimberly W. Waddell	Optician	12/12/1967	01/16/2008

506 Filbert Street
Curwensville, PA 16833

May 25, 2009

Mr. Terry Noble
301 E. Pine Street
Clearfield, PA 16830

Dear Mr. Noble:

Please accept my enclosed curriculum vitae as proof of my meeting the qualifications needed to testify as an expert witness in your pending age discrimination case. I started my professional accounting career twenty-one years ago and have remained current in financial accounting and federal and state income taxation topics every since. During those years I have also advanced my education and earned an MBA. My experience teaching accounting, finance, and other business courses during the last eleven years has broadened my understanding of many business situations and applications.

If you have any questions or need references, please call me anytime at 236-2806.

Respectfully submitted,

Annette Muth, CPA, MBA

Annette Muth, CPA, MBA

ANNETTE MUTH, MBA, CPA
VITA

Penn State DuBois
102C DEF Building
DuBois, PA 15801
(814) 375-4738
axa124@psu.edu

Home Address:
506 Filbert Street
Curwensville, PA 16833
(814) 236-2806

Education:

- 2002, M.B.A., The Behrend College, The Pennsylvania State University, Erie, PA
- 1995, B.S. in Accounting, The Pennsylvania State University, University Park, PA
- 1977, A.S. in Business—Accounting option, The Pennsylvania State University, DuBois, PA

Professional Experience:

- 1988 – 1998, Staff Accountant, Johnston, Nelson & Shimmel, CPA's, Clearfield, PA
- 1978 – 1988, Income Tax Preparer, H & R Block, Clearfield, PA
- 1979 – 1986, Business Manager, Frederick R. Gilmore, MD & Associates, Clearfield, PA

Professional License:

- 1997 – Present, Certified Public Accountant in the Commonwealth of Pennsylvania

Higher Education Experience

- 1998 – Present, Instructor in Business, Penn State DuBois, DuBois, PA
  Courses Taught:
  - ACCTG 151: Introductory Financial Accounting I
  - ACCTG 152: Introductory Financial Accounting II
  - ACCTG 153: Intermediate Financial Accounting
  - ACCTG 160: Cost Accounting
  - ACCTG 186: Federal Tax Accounting
  - ACCTG 201: Introductory Financial Accounting
  - ACCTG 202: Introductory Managerial Accounting
  - ACCTG 211: Financial and Managerial Accounting
  - ACCTG 297: Principles of Auditing
  - ACCTG 311: Accounting Systems and Control
  - ACCTG 404: Managerial Accounting—Economic Perspective
  - ACCTG 405: Principles of Taxation I
  - ACCTG 471: Intermediate Financial Accounting I
  - ACCTG 472: Intermediate Financial Accounting II
  - BA 250: Problems of Small Business
  - FIN 301: Corporation Finance
  - FIN 305W: Financial Management of the Business Enterprise
  - FINSV 411: Income Taxation for the Financial Services Professional
  - MGMT 100W: Survey of Management
  - MIS 103: Computer Applications in Business
  - MIS 190: Computer Accounting
  - MKTG 220: Personal Selling

- **Awards:**
  - 2008, Penn State DuBois, Excellence in Academic Advising Award
  - 2004, Penn State DuBois, Club Advisor of the Year
  - 2000, Educator of the Year, DuBois Education Foundation, Penn State DuBois

- **Conferences/Seminars Attended:**
  - Sep 2008, PICPA Leadership Conference
  - Sep 2008, PA State Tax Seminar
  - Jun 2008, Marines Educators Conference
  - Apr 2008, Lilly East Teaching Conference
  - Oct 2007, PICPA Current Federal Tax Developments Conference
  - Sep 2007, PA State Tax Seminar
  - Jun 2007, PICPA Accounting Current Developments Conference
  - Dec 2006, PICPA FASB/SAS Update
  - Nov 2006, PICPA Education Symposium
  - Sept 2006, PA State Tax Seminar
  - Dec 2005, PICPA Current Developments in Federal Taxation
  - Oct 2004, 2004 PICPA Accounting Educators Symposium
  - May 2004, TACTYC Conference (Teachers of Accounting at Two-Year Colleges)
  - Nov 2003, 2003 Penn State Income Tax Institute
  - Aug 2003, PA-NATP (National Association of Tax Preparers) Regional Seminar
  - May 2003, PICPA Accounting Current Developments Conference
  - Nov 2002, 2002 Penn State Income Tax Institute
  - Nov 2002, 2002 PICPA Accounting Educators Symposium
  - Nov 2000, 2000 Penn State Income Tax Institute
  - Sept 2000, PA State Tax Seminar
  - June 2000, Ways and Means of Retirement Planning
  - June 1999, Estate Planning Conference
  - Oct. 1998, 1998 PICPA Accounting Educators' Conference,

- **Professional Memberships:**
  - 1997 – Present, Member, PICPA (Pennsylvania Institute of Certified Public Accountants)

- **Courses Completed**
  - April 2007, OL2000 (online teaching course)
  - Fall 2005, Enron: Fraud, Deception, and the Aftermath
  - Fall 2005, Corporate Financial Management
  - Fall 2004, Anatomy of a Business Plan
  - Fall 1998, Learn QuickBooks in Seven Days

- **Campus/University Workshops Attended**
  - Feb 2009, Getting Started with Podcasting
  - Oct 2008, Online Learning: Blended Learning Initiative Assessment
  - Feb 2008, Students with Disabilities and Students Designated as Provisional
  - Sep 2007, Schreyer Workshop: Civility is Not Just a Faculty Issue
  - Jan 2007, ITS Training: Getting Started with FrontPage 2003 for Faculty
  - Oct 2006, Workshop: The Fish Philosophy
  - Sept 2006, Schreyer Workshop: Creating a Classroom Climate that Fosters Civility
  - Feb, 2005, Adviser Workshop on General Education Changes
  - Nov 2004, Adviser Training Workshop 'Using Adviser Applications in eLion'
  - May 2004, PSU Adult Learners' Conference
  - Apr 2004, Teleconference: Campus Activities: Creating Intentional Connections for Student Learning
  - Feb 2004, PSU DuBois Admissions Events Workshop
  - Oct 2003, Advising Workshop
  - May 2003, ANGEL: Advanced Topics
  - May 2003, ANGEL: Engaging Students in Learning
  - Aug 2001, Problem-Based Learning Workshop for BSB and IST Faculty
  - Jan 1999, New Instructor Orientation: Planning a Class that Facilitates Learning

Service Activity:

- 2001 – Present, Advisor, Penn State DuBois Business Society
- 2005 – Present, Appointed to Student Activity Fund Committee
- 2007 – Present, Member, Student Affairs Committee
- 2007 – Present, Member, St. Timothy Church Finance Council
- 2008 – Present, Member, PICPA Central Chapter On Relations with Schools and Colleges Committee
- 2008 – Present, Coordinator for Volunteer Income Tax Site (IRS VITA program)
- 2009, Elected Treasurer of PICPA Central Chapter
- 2008, Volunteer income tax preparer with IRS VITA program
- 2008, Served on Business Faculty Search Committee
- 2004 – 2007, Member, Curricular Affairs Committee
- 2004 – 2006, Member, CWC Business Faculty-BA 250 Development Team
- 2004 – 2006, Member, CWC Business Faculty-Acctg 201 Development Team
- 2006, Served on Campus Representative Search Committee
- 2000 – 2005, Member, Commonwealth College BSB Financial Services Committee
- 2005, Served on Associate Director of Student Life Search Committee
- 2005, Served on Business Faculty Search Committee
- 2005, Faculty Marshall at Commencement
- 2005, Technology Challenge judge
- 1999 – 2004, IRS VITA Program (Volunteer Income Tax Assistance)
- 2001 – 2004, Member, Academic Affairs Committee
- 2002 – 2004, Member, Judicial Affairs Board
- 2004, Technology Challenge guide
- 1998 – 2003, Math Options Presenter
- 2000 – 2002, Member, DuBois Education Foundation Committee
- 1999 – 2001, Member, Student Affairs Committee
- 1999 – 2000, Member, Economic Faculty Search Committee
- 1998 – 1999, Member, Library Committee

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

May 10, 2007

The Progress
P.O. Box 291
Clearfield, PA 16830
Attn: Classified Advertising

Please run the following classified line ad for 5 days:

OPTICIAN
Wanted Full Time for busy Clearfield office.
Will train. Please call: 814-411-1386
Weekdays 9-5

*** correct phone # ***
814-441-1386 will run
05/16 - 05/19

Please bill us at the above address or include with our regular monthly statement. If you have any questions or need other information, please do not hesitate to contact me.

823015	INVOICE FOR CLASSIFIED ADVERTISING	MAKE CHECKS PAYABLE TO→
THIS IS YOUR BILL COVERING THE CLASSIFIED ADVERTISING YOU ORDERED PUBLISHED ON THE DATES SHOWN. CREDIT HAS BEEN EXTENDED STRICTLY AS AN ACCOMMODATION AND THE ITEM CHARGED IS NOW DUE.		
6	TIMES 5	AMOUNT 13.50
INCHES 0.80	WORDS 15	
PHONE 8148675045	CLERK LMK	
INDEXING TERMS: OPTICIAN wanted full-time		
AD GIVEN BY	CLASSIFICATION 9	
L_WORD		OPERATOR LMK
START DATE 05/15/07	STOP DATE 05/19/07	

Debbie Cleeton
R & R Optical, Inc.
Accounts Payable
814-867-5045 (voice)
814-867-5044 (fax)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

DEFENDANT'S ANSWER TO INTERROGATORIES

Filed on behalf of:
Defendant

Counsel for Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

DEFENDANT'S ANSWER TO INTERROGATORIES

AND NOW, comes R&R Optical, Inc., doing business as Wise Eyes Optical, Defendant above named and makes its response to the Plaintiff's Second Set of Interrogatories as follows:

1. Please state who is the responding party, including identification of their gender.

Answer

John R. Rosselli, President, R&R Optical, Inc.

Ralph Hinson, General Manager, R&R Optical, Inc.

Debbie Cleeton, Office Manager, R&R Optical, Inc.

2. Is it correct that at time each of Plaintiffs were terminated that Defendant provided family health insurance benefit that cost $844.33 per month for each Plaintiff? If not, please so state the monthly cost of such benefit for each Plaintiff.

Answer

At the time of their termination, each of the Plaintiffs was provided with Employee/Spouse health insurance benefits at a cost of $844.33 per month. (See attached statement.)

3. Of the amount paid for each of Plaintiffs' health insurance benefit, please state the amount paid by defendant and the amount paid by each Plaintiff, including how it was determined the amount paid by defendant and each plaintiff, specifically stating such percentage paid by each.

Answer

73% (or $617.07 per month) of the total cost was paid by the Defendant, with 27% ($227.26) paid by each Plaintiff ($104.89 per bi-weekly pay). By way of further response, the previous owner of the company paid employee health insurance benefits in full without contribution from the employees. When the current owners purchased the stores, this policy was continued for all employees who remained with the company. Employees hired after 9/1/95 were offered health insurance benefits at no cost for "employee only" coverage. For dependent coverage, the employees were required to pay the difference. Due to premium increases, effective 9/1/97 all employees were required to pay 50% of the premium increase through a payroll deduction for their level of coverage.

4. At the time of Elaine Trimpey's termination, what was the amount of paid vacation she was entitled to receive per each year of work?

Answer

Three (3) weeks.

5. At the time of Karen D. Swatsworth's termination, what was the amount of paid vacation she was entitled to receive per each year of work?

Answer

Three (3) weeks.

6. At the time Rachel A. Luzier was hired, what was the amount of paid vacation she was entitled to receive per each year of work?

Answer

At the time of hire, Rachel A. Luzier was not immediately entitled to paid vacation. She was not eligible until employed for a period of six (6) months.

7. At the time Heather S. McLaughlin was hired, what was the amount of paid vacation she was entitled to receive per each year of work?

Answer

At the time of hire, Heather S. McLaughlin was not immediately entitled to paid vacation. She was not eligible until employed for a period of six (6) months.

8. Please state the number of "spiffs" paid to all employees of the Clearfield store owned and operated by Defendant for the calendar year 2008, including a breakdown as to the amount paid to each employee at said store for such period.

Answer

Letitia A. Johnson	**$1,210.00**
Rachel A. Luzier	**$2,710.00**
Heather S. McLaughlin	**$3,030.00**
Kim L. Weir	**$1,460.00**

(See attached statement.)

9. As to Defendant's general manager Ralph Hinson, identify all computers used by him from the time he became defendant's general manager up until October 1,2007. Such identification shall include the make, model and serial number for each such computer.

Answer

Ralph Hinson did not have a computer for company use during the time period in question. A computer was purchased for his use by the company on June 2, 2008. (See attached credit card statement and sales receipt.)

10. As to Defendant's general manager Ralph Hinson, identify all email addresses used by him from the time he became defendant's general manager up until October **1,2007.**

Answer

Ralph Hinson did not have a computer for company use during the time period in question. By way of further response, Ralph Hinson did not communicate with anyone affiliated with R&R Optical, Inc., via e-mail in any respect during the time period in question concerning the subject matter of this litigation.

11. For the computers and email addresses identified in responses to interrogatories 9 and 10, state which such computers and addresses are still in either his or defendant's possession or control.

Answer

See answer to No. 9 above.

12. As to Defendant's President John Rosselli, identify all computers used by him from the time Ralph Hinson became defendant's general manager up until October 1,2007. Such identification shall include the make, model and serial number for each such computer.

Answer

John Rosselli did have a computer during the time period in question. However, after investigation and review of his records, he did not communicate with Ralph Hinson, nor with anyone else, via e-mail in any respect during the time period in question concerning the subject matter of this litigation.

13. As to Defendant's President J ohn Rosselli, identify all email addresses used by him from the time Ralph Hinson became defendant's general manager up until October **1,2007.**

Answer

See answer to No. 12 above.

14. For the computers and email addresses identified in responses to interrogatories 12 and 13, state which such computers and addresses are still in either his or defendant's possession or control.

Answer

See answer to No. 12 above.

15. Did defendant increase all, or at least in excess of 80%, of its opticians wages due to an increase in minimum wage at some point in 2007?

Answer

No. Only 36% of the opticians employed by Defendant received wage increases at that time. For the pay period from June 25, 2007 to July 7, 2007, 11 out of 31 received wage increases due to the change in the minimum wage.

16. When Rachel A. Luzier was hired as an optician for defendant, did she receive life insurance and long term disability insurance as a benefit of her employment? If so, please state the amount that each cost the defendant on a monthly basis at the time she was so hired.

Answer

Life/AD&D is provided at a monthly cost of $12.00.

Long Term Disability is provided at a monthly cost of $6.20.

(See attached statement.)

17. When Heather S. McLaughlin was hired as an optician for defendant, did she receive life insurance and long term disability insurance as a benefit of her employment? If so, please state the amount that each cost the defendant on a monthly basis at the time she was so hired.

Answer

Life/AD&D is provided at a monthly cost of $12.00.

Long Term Disability is provided at a monthly cost of $6.20.

(See attached statement.)

18. For the calendar year 2008 at the defendant's locations at Bedford and Huntingdon, please state (i) the total the amount of "spiffs" paid to all employees; (ii) the total revenue generated from all operations; and the number of jobs at each such location. Your response hereto need not refer the amount paid to each employee.

Answer

Wise Eyes Bedford:

Spiffs:	**$10,120.00**
Revenue:	**$303,209.00**
# Jobs:	**1,770**

Wise Eyes Huntingdon:

Spiffs:	**$3,180.00**
Revenue:	**$231,633.00**
# Jobs:	**1,808**

19. In response to Plaintiff's first request for production of documents, Plaintiffs received a one page document, entitled "Evaluation", dated "5-1-07", and further identifying the location as "Clearfield". It is believed by Plaintiffs that this is in response to their Interrogatory 14 and Request for Production 3. Is that correct?

Answer

The document dated 5/1/07 was a note written by Ralph Hinson after his initial evaluation of the Clearfield store. It was supplied in response to Interrogatory 14. By way of further response, copies of additional notes compiled by Ralph Hinson were provided in a Supplemental Response to the First Request for Production of Documents.

20. Is it defendant's position that besides the document referenced in Interrogatory 19 hereof, that is the only document Defendant has which is responsive to Plaintiffs first set of discovery responses, specifically Interrogatory 14 and Request for Production 3?

Answer

See answer to No. 19 herein above.

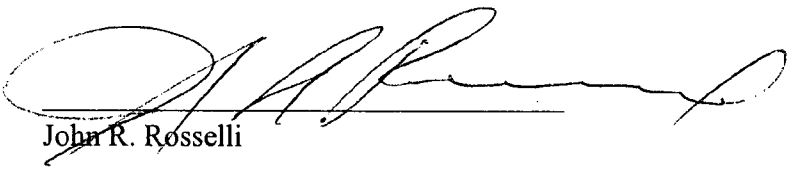
Respectfully submitted,

BELIN, KUBISTA & RYAN LLP

John R. Ryan, Esquire
Attorney for Defendant

I verify that the statements made in this Answers to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of Pa. C.S. 4904, relating to unsworn falsification to authorities.

R&R OPTICAL, INC.



John R. Rosselli

GEISINGER INDEMNITY INSURANCE CO
P O BOX 827498
PHILADELPHIA, PA 19182-7498

800-504-0443

R & R OPTICAL
PO BOX 10077
103 E BEAVER AVE STE 1
STATE COLLEGE, PA 16801-4969

STATEMENT NO: 000104512721
GROUP NO: 105985

COVERAGE PERIOD:
FROM 08/01/2007 TO 08/31/2007

*** PREMIUM BILLING SUBSCRIBER RECONCILIATION LIST ***

CONTRACT NO	SUBSCRIBER NAME	SOC SEC NO	CONT TYPE	FAM SIZE	PREMIUM AMOUNT
100204302	ATTIVO, PATRICIA A	xxx-xx-8530	SI	1	$418.65
100185706	BOOZEL, TAMI S	xxx-xx-5765	SI	1	$418.65
100204321	HINSON, RALPH E	xxx-xx-1851	SI	1	$418.65
100121762	JOHNSON, LETITIA A	xxx-xx-4006	SI	1	$418.65
100204320	LISAK, THOMAS D	xxx-xx-3123	SI	1	$418.65
100204326	RENNINGER, SCOTT A	xxx-xx-3561	F3	4	$1,173.92
100204331	SWATSWORTH, KAREN D	xxx-xx-1346	DB	2	$844.33
100204332	TRIMPEY, ELAINE G	xxx-xx-2186	DB	2	$844.33
100239763	WAGNER, KYLE E	xxx-xx-0549	SI	1	$418.65

*** DIVISION TOTALS FOR DIVISION 0001 - R & R OPTICAL
*** CONTRACTS- 9 MEMBERS- 14 AMOUNT- $5,374.48

Store	Employee	Total 2008
Altoona	P.S. Bradley	0.00
5,340.00	B.A. Burchner	1,690.00
	R.M. Grimme	2,155.00
	L.A. Knott	660.00
	J.L. McCoy	30.00
	J.L. Mitchell	805.00
Bedford	A.D. (Black) Salas	1,790.00
10,120.00	A.M. Black	785.00
	S.M. Creps	4,165.00
	A.J. Hoagland	1,430.00
	R.G. Kunsman	0.00
	H.J. Kagarise	1,950.00
Clearfield	L.A. Johnson	1,210.00
8,410.00	R.A. Luzier	2,710.00
	H.S. McLaughlin	3,030.00
	K.L. Weir	1,460.00
Dubois	A.L. David	30.00
2,560.00	C.K.Blakeslee	120.00
	C.L. Hiles	1,350.00
	T.D. Lisak	1,060.00
Huntingdon	R.A. Fichter	500.00
3,180.00	J.E. Garner	1,485.00
	L.D. Treese	1,195.00
Burnham	P.A. Attivo	1,895.00
7,260.00	T.S. Boozel	3,060.00
	L.F. Snook	930.00
	K.W. Waddell	1,375.00
Philipsburg	B.L. Fannin	5,190.00
6,080.00	C.K. Wojtowich	890.00
St. Marys	J.M. Copello	980.00
1,225.00	S.M. Emmett	15.00
	N.K. Lamper	25.00
	M.L. Olewnik	205.00
State College	S.M. Dunkel	2,440.00
5,600.00	A.M. Immel	330.00
	D.L. Kensinger	2,085.00
	C. Yu	745.00
Total Spiffs Paid 2008		49,775.00

BUSINESS CARD STATEMENT

Opening/Closing Date: 05/11/08 - 06/10/08
Payment Due Date: 06/30/08
Minimum Payment Due: $33.00

CUSTOMER SERVICE
In U.S. 1-800-346-5538
Español 1-888-795-0574
TDD 1-800-955-8060
Pay by phone 1-800-436-7958
Outside U.S. call collect 1-480-350-7099

VISA ACCOUNT SUMMARY

Account Number: [redacted]

Previous Balance	$531.45	Total Credit Line	$18,000
Payment, Credits	-$531.45	Available Credit	$16,305
Purchases, Cash, Debits	+$1,694.86	Cash Access Line	$3,600
New Balance	$1,694.86	Available for Cash	$3,600

ACCOUNT INQUIRIES
P.O. Box 15298
Wilmington, DE 19850-5298

PAYMENT ADDRESS
P.O. Box 15153
Wilmington, DE 19886-5153

VISIT US AT:
www.chase.com/busjnesscards

#26550

w 59.90 (05) w 48.76 (12)
w 787.04 (08) PSB 26.49 (06)
w 37.63 (06) BED 72.89 (06)
w 12.95 (19) LAB 32.84 (06)
w 616.36 (07) computer

TRANSACTIONS

Trans Date	Reference Number	Merchant Name or Transaction Description	Amount Credit	Amount Debit
05/25	11461460400000246250386	Payment - Thank You	$531.45	
		SCOTT A RENNINGER		
		TRANSACTIONS THIS CYCLE (CARD 3928) $-531.45		
		INCLUDING PAYMENTS RECEIVED		
06/05	24717058157161570594989	INETBA 888-5265955 NV	ADJ	59.90
		JOHN R ROSSELLI		
		TRANSACTIONS THIS CYCLE (CARD 3936) $59.90		
05/09	24164078130498618254434	SHEETZ 00000331 ALTOONA PA		35.30
05/13	24232038134122134011304	MARTIN GENERAL STORE 2 ALEXANDERIA PA		36.00
05/12	24164078134105153720937	STAPLES 00117663 STATE COLLEGE PA (w) (06)		37.63
05/19	24164078140498666610568	SHEETZ 00000331 ALTOONA PA		38.91
05/20	24164078142105107681656	STAPLES 00102913 ALTOONA PA LAB (06)		32.84
05/22	24164078143498680375732	SHEETZ 00000331 ALTOONA PA		40.47
05/23	24232018144250144010030	COURTESY FORD INC ALTOONA PA Focus (08)		564.56
05/28	24455018150141006772364	WAL-MART #2049 ALTOONA PA BED (06)		72.89
05/30	24445008151320171865632	LOCAL NET CORP-CHECK #788 716-799-0324 NY w (19)		12.95
06/02	24164078154498733163131	SHEETZ 00000331 ALTOONA PA		38.79
06/02	24399008154295070462173	BEST BUY 00003699 STATE COLLEGE PA RALPH (06)		616.36
06/04	24307928157900010100174	PORTOFINO RESTAURANT 814-6435520 PA		48.76
06/06	24164078159105093510026	STAPLES 00102913 ALTOONA PA PSB (06)		26.49
06/05	24164078158498747407488	SHEETZ 00000331 ALTOONA PA		33.01
		RALPH E HINSON		
		TRANSACTIONS THIS CYCLE (CARD 0361) $1,634.96		

WELCOME TO BEST BUY #369
STATE COLLEGE, PA 16803
(814)237-5610

Keep your receipt!

RALPH - computer

Val #: 0801-6056-1917-6002

0369 067 7650 06/02/08 17:11 0785037

8779583	KP030UA#ABA F767NR/TURION TL-60/2048/250/	549.99
7506326	32025664/32 10PK DVD-R	10.49
7424325	TBS005US 15.4" SLIPCASE	20.99
	SUBTOTAL	581.47
	SALES TAX 6.00 %	34.89
	TOTAL	616.36
	VISA	616.36

xxxxxxxxxxx[redacted]
RALPH HINSON
APPROVAL 032303

Be ready for the Analog to Digital TV Transition on Feb. 17, 2009. Learn more @ www.BestBuy.com/DTV or www.DTV2009.gov.

YOUR CUSTOMER SERVICE PIN IS:
0369 067 7650 060208

Eastern Life & Health
Insurance Company
P.O. Box 83011
Lancaster, PA 17608-3011
717 397-2751
800 233-0307
Fax: 717 481-7175

POLICY #: 0000020798/00002

CUSTOMER NAME: R & R OPTICAL INC
PRODUCER: GARY A. BRYTCZUK

BILLING DATE: 12/10/2007
COVERAGE FROM/TO: 01/01/2008 - 02/01/2008
PAYMENT DUE DATE: 01/01/2008

INSURED NAME	PREMIUM DENTAL EMPLOYEE	DENTAL DEPENDENT	LIFE	SUPPLEMENTAL LIFE	LTD	STD	TOTAL PREMIUM
ATTIVO, PATRICIA A			12.00		12.09		24.09
BLACK, ASHLEY D			12.00		6.38		18.38
BOOZEL, TAMI S			12.00		4.71		16.71
CLEETON, DEBORAH L			12.00		15.42		27.42
COPELLO, JOSEPHINE M			12.00		9.34		21.34
CREPS, SHEENA M			12.00		6.13		18.13
DOYLE, ERINN B			12.00		12.00		24.00
DUNKEL, SANDRA M			12.00		8.50		20.50
FANNIN, BRENDA L			12.00		12.09		24.09
GARNER, JOYCE E			12.00		7.09		19.09
GRIMME, ROSE M			12.00		7.59		19.59
HINSON, RALPH E			12.00		13.67		25.67
JOHNSON, LETITIA A			12.00		5.21		17.21
KENSINGER, DEANNA L			12.00		6.54		18.54
KUNSMAN, ROSALIE G			12.00		6.20		18.20
LISAK, THOMAS D			12.00		12.17		24.17
LUZIER, RACHEL A			12.00		6.20		18.20
ADJUSTMENTS FOR 12/2007 [back billed to date of employment]			47.20		24.39		71.59
MCLAUGHLIN, HEATHER S			12.00		6.20		18.20
ADJUSTMENTS FOR 12/2007 [back billed to date of employment]			37.60		19.43		57.03
MITCHELL, JENIFER L			12.00		6.20		18.20
PANDEL, GREG A			12.00		14.38		26.38
RENNINGER, SCOTT A			12.00		31.50		43.50
ROSSELLI, JOHN R			12.00		31.50		43.50

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

DEFENDANT'S ANSWER TO REQUEST FOR PRODUCTION OF DOCUMENTS

Filed on behalf of:
Defendant

Counsel for Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

DEFENDANT'S ANSWER TO
REQUEST FOR PRODUCTION OF DOCUMENTS

AND NOW, comes R&R Optical, Inc., doing business as Wise Eyes Optical, Defendant above named and makes its response to the Request for Production of Documents as follows:

1. See attached. Also see documents attached to Defendant's Answer to Interrogatories.

2. See attached copy of resume submitted by Rachel A. Luzier. After reasonable investigation, Defendant is unable to locate a resume or a written employment application submitted by Heather S. McLaughlin. It is believed and therefore averred that no such document was submitted and that she applied for the position by either calling or appearing in person to request an interview. In the event that a resume or an employment application is found for Heather S. McLaughlin, the same will be supplied in a timely manner in accordance with the Rules of Civil Procedure.

3. See attached documents:

a. Evaluation notes from Clearfield store compiled by Ralph Hinson on May 1, 2007;

b. Copy of R&R Optical personnel policy with a sign-off sheets;

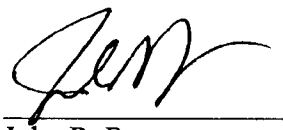
c. List of all management and employees of R&R Optical as of December 8, 2008, with dates of birth and dates of hire.

4. See attached copy of notes compiled by Ralph Hinson.

5. There is no written job description for the position of optician.

6. See attached copies of unemployment claim documents for Karen Swatsworth and Elaine Trimpey. Defendant has never received notification of any unemployment compensation filing by either Nicole Miller and Rosalie Kunsman.

Respectfully submitted,



John R. Ryan
Attorney for Defendant

8/29/07 ood Reapt

Hire 9-4-07

Rachel A. Luzier

221 Nichols Street Apt. 3
Clearfield, PA 16830
(814) 765-5461

Professional Experience:

Fitness Technician - Curves Of Clearfield Aug 2004 - Present

- Coordinates physical fitness programs with customer needs
- Assists customers over the phone with questions, appointment setting, and new program offers
- Effective salesperson for physical fitness programs
- Promote new programs and offers to existing members
- Perform cash and credit transactions as well as check drafts
- Utilizes Microsoft Word and Microsoft Excel for maintaining customer records
- Trained in Heartsaver CPR through the American Heart Association

Dance Instructor - Dream Catchers Dance Academy Sep 2005 - Present

- Maintain accurate accounting records for payment and academy expenses
- Utilizes good business management skills in self owned school with over 19 years of dance experience
- Choreographed dance numbers for multiple students in local and regional dance competitions
- Instructed multiple people from ages 2-35 on detailed technical dance skills
- Organized recitals involving various aspects such as music, lighting, scenery and choreographed dance numbers
- Instructor safety certification with USA Gymnastics

Daycare Provider - Clearfield YMCA Sep 2002 - Jul 2004

- Provide care and supervision of children from infancy to 11 years of age
- Acted as a facilitator for craft projects and physical activities
- Initiated and encouraged social interaction between children

Warehouse Laborer - Kurtz Brothers Jun 2002 - Sep 2002

- Worked in a fast paced, team structured environment as a seasonal summer employee
- Performed assembly and packing duties while meeting production requirements

Education:

Dance Masters Teacher Training School - Dance Instructor Certification Buffalo, New York

Jul 2004- Present

Clearfield Area High School - High School Diploma Clearfield, Pennsylvania

Aug 1998-May 2002

Rachel A. Luzier

221 Nichols Street Apt. 3
Clearfield, PA 16830
(814) 765-5461

Personal References:

Judy Sunderland	(814) 765-3745
Jo Maines-Lowman	(814) 765-1504
Judy Nelson	(814) 765- 8783

Professional References:

Curves of Clearfield
1224 South Second Street
Clearfield, PA 16830
Manager- Judy Nelson
August 2004 - Present
(814) 765-5119

Dream Catchers Dance Academy
2386 Montgomery Run Road
Clearfield, PA 16830
Business Partner- Jo Maines-Lowman
September 2005 - Present
(814) 765-1504

Clearfield YMCA
21 North Second Street
Clearfield, PA 16830
Supervisor- Don Harris
September 2002 - July 2004
(814) 765-5521

Kurtz Brothers
400 Reed Street
Clearfield, PA 16830
Supervisor- Fred Gustafson
June 2002 - September 2002
(814) 765-6561

LOCATION: Clearfield **DATE:** 5-1-07

EVALUATION

Totally Disorganized in Lab Area. Manager Does not take initiative to delegate Tasks To Personell - They all do what they want when they want. I would like to See TASH Dedicated To Clearfield only. Then put structure on the STAFF - NO Exact schedule - They all work whenever it suites. Personal situations with MGR. Very Difficult to correct & current staff. will continue to monitor & Help - Possibly can salvage current staff. Elaine & Karen Both would Rather work in the Lab area & do insurance - not motivated at all.

FOLLOW UP:

COMMENTS:

R & R Optical
Personnel Policy

Training

Each employee shall be cross trained of all duties and responsibilities of each office including products, sales, dispensing and lab work. Office managers are responsible and accountable to ensure each employee is properly trained in these areas. If there is any need of additional training to any staff member, a request is recommended. All staff should feel that they have been adequately trained.

Service

It is the responsibility of all staff members to complete jobs and dispense eyewear in an efficient manner. Jobs should not be at a stand still. When jobs arrive, finish work is to be completed by ***all*** staff members available and completed in a timely manner. Specifications of all lenses must be checked upon arrival and verified for accuracy upon completion. Verifier ***must*** initial Rx card that the specifications are accurate.

One Hour/Same Day Service

One hour/same day service ***must*** be offered to all qualifying patients. Providing this service has always been what sets Wise Eyes apart from our competition. If we are not utilizing the resources that are given to us, it makes us no different than any one else. Managers are responsible and accountable for the organization of their lab to ensure this service can be performed.

It is not the sole responsibility of just one employee to complete certain tasks. All employees must participate in the above service requirements. This is key to providing exceptional customer service.

Schedules

Managers will be responsible for all scheduling of staff within their offices. Each manager is accountable for ensuring all full time employees are working 40 hours per week. Any shortage of hours in any week must be considered vacation time unless previously approved by upper management. All office managers must obtain upper management approval, all office employees must obtain approval from office manager. Any approved time off, including vacation time, must be recorded and kept with an employee file. Employee files will be maintained and kept up to date for each employee by the office manager.

We do understand the need for employees to occasionally need time off and we will do our best to accommodate each request; however, this is considered a privilege not a requirement. All appointment days must have adequate staff to provide personal service to every patient. Non appointment days are to be staffed minimally. Non appointment days should not be used as *make-up days* for any staff needing to make up hours. All employees are expected to be on time every day. Tardiness will result in disciplinary action.

Professionalism

A positive and professional attitude is expected at all times while at work or any time one is representing Wise Eyes. Patients should always have a professional, helpful and welcoming experience. All patients are to be greeted immediately upon their arrival. A patient should never witness personal conversations, loud voices or laughter from the staff, this is viewed as unprofessional. Cell phone usage is not permitted during scheduled working hours. Personal calls will be kept to a minimum.

Wise Eyes is committed to providing quality eyewear and exceptional service to every patient. Employee participation is expected and appreciated.

WISE EYES OPTICAL: BURNHAM, PA

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Patty Attevo 5-31-07
Name/Date

Linda Snook 5-31-07
Name/Date

Tami Boozel 6-1-07
Name/Date

_____
Name/Date

_____
Name/Date

_____
Name/Date

WISE EYES OPTICAL: CLEARFIELD, PA

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Karen Swanson 5-31-07
Name/Date

Elaine Trumpey 5-31-07
Name/Date

Lisa Johnson 5/31/07
Name/Date

Kim Weir 6-1-07
Name/Date

_____
Name/Date

_____
Name/Date

WISE EYES OPTICAL: EVERETT, PA

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Ashley D Black 6/2/07
Name/Date

Sheena Cress 6/2/07
Name/Date

Nicole Miller 6/2/07
Name/Date

Name/Date

Name/Date

Name/Date

WISE EYES OPTICAL: HUNTINGDON, PA

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Gina Theiss 6/1/07
Name/Date

Angie Lamm 6-1-07
Name/Date

Denise Staino 6-2-07
Name/Date

_____
Name/Date

_____
Name/Date

_____
Name/Date

WISE EYES OPTICAL: PHILIPSBURG, PA

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Brenda Fannin 6-8-07
Name/Date

Charlene Wojcinich 6-8-07
Name/Date

_____
Name/Date

_____
Name/Date

_____
Name/Date

_____
Name/Date

WISE EYES OPTICAL: STATE COLLEGE, PA

Wise Eyes Optical
237 Northland Center
State College, PA 16803

Where The Value Looks TWICE AS GOOD!

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Sandy Diehl 5/31/07
Name/Date

Christina Uhr 6/1/07
Name/Date

Deanna L. Hensinger 6/2/07
Name/Date

_____
Name/Date

_____
Name/Date

_____
Name/Date

WISE EYES
OPTICAL BOUTIQUE
Where The Value Looks TWICE AS GOOD!

2007 Policy Review Sign Off

I have read, and understand, the information provided on the following Wise Eyes Optical Personnel Policies and Procedures:

1) Training
2) Service
3) One Hour/Same Day Service
4) Schedules
5) Professionalism

I am aware that I am required to comply with these procedures. Further, I understand that failure to comply can result in termination of employment as an employee of Wise Eyes Optical.

Karen Swanson 5-31-07
Name/Date

Elaine Trumpey 5-31-07
Name/Date

Lisa Johnson 5/31/07
Name/Date

Kim Weiss 6-1-07
Name/Date

_____
Name/Date

_____
Name/Date

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

12/08/2008

John Ryan
Belin, Kubista & Ryan LLP
P.O. Box 1
Clearfield, PA 16830

RE: Karen D. Swatsworth & Elaine G. Trimpey
Updated employee list

Employee	Job Title	DOB	Hired
Scott A. Renninger	Owner/Mgr.	11/04/1951	04/01/1975
John R. Rosselli	Owner/Mgr.	03/11/1957	02/01/1977
Brenda L. Fannin	Optician/Mgr.	08/22/1957	06/01/1979
Patricia A. Attivo	Optician	03/28/1948	02/21/1983
Deborah L. Cleeton	Office Manager	03/20/1951	03/01/1983
Gregory A. Pandel	Lab Assistant	11/21/1967	01/25/1985
Kim L. Weir	Optician/Mgr.	04/02/1956	05/09/1988
Erinn B. Doyle	Lab Manager	05/07/1971	05/08/1989
Lisa D. Treese	Optician/Mgr.	12/18/1968	07/09/1990
Ralph E. Hinson	Manager	05/23/1964	03/09/1992
Linda F. Snook	Optician	09/29/1941	04/06/1992
Joyce E. Garner	Optician	06/15/1950	11/23/1998
Rose M. Grimme	Optician	10/18/1948	06/06/2002
Sandra M. Dunkel	Optican	05/05/1979	09/02/2003
Sheena M. Creps	Optician	12/24/1984	12/28/2004
Deanna L. Kensinger	Optician	09/19/1978	09/16/2005
Letitia A. Johnson	Optician	09/20/1962	02/07/2006
Tami S. Boozel	Lab Assistant	10/25/1960	03/07/2006
Christina Yu	Optician	06/27/1986	05/22/2007
Charlene K. Wojtowich	Optician	01/31/1952	05/25/2007
Heather S. McLaughlin	Optician	09/09/1986	08/28/2007
Rachel A. Luzier	Optician	02/14/1984	09/04/2007
Beth A. Mitchell-Burchner	Optician	07/23/1962	10/22/2007
Nina L. Colabine	Optician	08/22/1957	10/29/2007
Rachel A. Fichter	Optician	08/02/1966	12/04/2007
Heidi J. Kagarise	Optician	10/31/1982	01/08/2008
Amy J. Hoagland	Optician	05/24/1981	01/16/2008
Kimberly W. Waddell	Optician	12/12/1967	01/16/2008
Daniel T. Page	Lab Assistant	08/23/1967	06/23/2008
Amy M. Immel	Optician	09/24/1967	06/24/2008
Ashley M. Black	Optician	05/25/1986	07/15/2008
Jennifer L. McCoy	Optician	05/29/1980	08/15/2008
Devon L. Wagner	Lab Assistant	06/21/1990	09/23/2008

DEPARTMENT OF LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

ALTOONA UC SERVICE CENTER
1101 GREEN AVENUE
ALTOONA PA 16601-3483

14-11122 0

WISE EYES OPTICAL
R & R OPTICAL INC
PO BOX 10077
STATE COLLEGE PA 16805

CLAIMANT: KAREN D. SWATSWORTH

SOC. SEC. NO: 203-42-1346

AB DATE: 08-19-07

NOTICE OF FINANCIAL DETERMINATION
(EMPLOYER COPY)

THIS FINANCIAL DETERMINATION ALONE DOES NOT ENTITLE A CLAIMANT TO BENEFITS. AN EVALUATION OF THE EMPLOYMENT HISTORY ALSO WILL BE MADE TO DETERMINE WHETHER THE CLAIMANT MEETS THE REQUIRED ELIGIBILITY PROVISIONS OF THE LAW.

DETERMINATION AND APPEAL

This form constitutes a determination with regard to all financial matters referred to below. You may file an appeal from this determination if you do not believe it to be correct. An appeal must be filed by the "Last Date for Appeal" shown to the right. Appeal instructions are found on the reverse side of this form.

LAST DA FOR APPE
09-06-

EMPLOYE SOC. SEC. ACCT. NO.	EMPLOYE	DATE OF APPLICATION	BENEFIT YEAR ENDING DATE	BASE-YEAR PERIOD FROM	BASE-YEAR PERIOD TO	FINANCIAL DECISI MAILING DATE
203-42-1346	KAREN D. SWATSWORTH	08-19-07	08-16-08	04-01-06	03-31-07	08-22-07

SERVICE CENTER	TYPE OF CLAIM	BASE-YEAR WAGES AND CREDIT WEEKS — WHILE IN YOUR EMPLOY: QUARTERLY WAGES				TOTAL WAGES	CREDIT WEEKS	TOTAL OF ALL EMPLOYERS WAGES	TOTAL OF ALL EMPLOYERS CR.WKS.	HIGH QTR. WAGES	PE Cr
		1-07	2-06	3-06	4-06						
0994	UC	4,310.00	4,270.00	4,240.00	3,630.00	16,450.00		16,450.00	52	4,310	

SEQUENCE NUMBER	UNEMPLOYMENT COMP.PAYABLE WKLY RATE	× MAX. WKS	= MAX. ENT.	DEPENDENT'S ALLOWANCE NO. DEPS.	WKLY AMT	MAX. ENT.	E C
6376543	174	26	4524	0	0	0	

EXPLANATIONS

BASE YEAR - The first four of the last five completed calendar quarters preceding the date of application.

CREDIT WEEK - Any calendar week within the base year in which $50 or more gross was earned, regardless when paid.

WAGES - Wages are reported when paid, regardless of when earned.

ELIGIBILITY CODES

1 - Eligible
2 - Ineligible, no wages
3 - Ineligible, insufficient wages
6 - Ineligible, 20% of wages not outside of the high quarter
7 - Conditionally eligible monetary, to be verified by the UC Service Center
U - Ineligible, insufficient credit weeks

APPEAL INSTRUCTIONS FOR THIS FINANCIAL DETERMINATION (FORM UC-44F (3))

Under Section 501(e) of the Pennsylvania Unemployment Compensation Law, this determination becomes final unless an appeal is filed. If you disagree with this determination and want to file an appeal, your appeal must be filed on or before the last day for a shown on the front of this determination; and must include: a statement specifically requesting an appeal from this detemination reason for filing the appeal; the claimant's Social Security Number, and your signature.

You may file an appeal of this financial determination by mail or FAX to the office at the address/FAX number shown below:

ALTOONA UC SERVICE CENTER
1101 GREEN AVENUE
ALTOONA PA 16601-3483

PHONE: 814/946-7224
FAX: 814/941-6801

- If you file your appeal by mail, your mailed appeal must be postmarked by the U.S. Postal Service on or before the last day f appeal shown on the determination.
- If you file an appeal by FAX, your faxed appeal must be received no later than the close of business on the last day for app shown on the determination.
- You may file an appeal in person at the nearest Team Pennsylvania CareerLink office during normal business hours on or befo the last day to appeal shown on this determination. The CareerLink office will forward the appeal to the UC Service Center. **Note: Appeals cannot be filed in-person at the UC Service Centers.**

REQUEST FOR RELIEF FROM CHARGES (FORM UC-44FR)

Please refer to Form UC-44FR for information regarding relief from charges. Requests for relief from charges should be maile faxed to the address/FAX number shown below.

EMPLOYERS' CHARGE SECTION
PO BOX 67504
HARRISBURG PA 17106-7504

PHONE: 717/787-4677
FAX: 717/772-0398

INFORMATION ABOUT THIS FINANCIAL DETERMINATION

FACTS ESTABLISHED BY THIS DETERMINATION

The entries on the face of this form establish the following:

1. The claimant named on this form has been determined financially eligible or ineligible for benefits as shown by the Code entered in the block headed "Elig. Code" If Code 1 is shown, the claimant is eligible for benefits. If Code 2, 3, 6, or U is shown, the claimant is ineligible for benefits for the reasons indicated on the face of the form. If Code 7 is shown, the claimant will be eligible for benefits only if additional requirements of the Law are met. If these additional requirements are not met, a formal notice of determination will be issued to you stating the reason for the ineligibility. The claim will then be cancelled.

2. The claimant's weekly benefit rate payable, the maximum number of full weeks of benefits available, and the maximum benefit entitlement are shown on the face of the form in the blocks headed "Unemployment Comp. Payable."

3. The individual has claimed the number of dependents, up to a maximum of 2, shown in the "No. Deps." block which entitles this person to the weekly dependent's allowance shown in "Wkly. Amt." and a total dependent's amount shown in "Max. Ent."

VALIDITY OF CLAIMS

In order for a claimant to receive benefits, the following provisions of the Law require that the claimant must:

1. Be unemployed.
2. Be registered for work.
3. File a claim in accordance with Department regulations.
4. Be able to work.
5. Be available for suitable work.
6. Not fail to accept or apply for suitable work.
7. Be separated from employment involuntarily, or if voluntarily, for a cause of a necessitous or compelling nature.
8. Not have been discharged for willful misconduct.

PARTIAL BENEFITS

A claimant who is employed part time due to lack of work may be eligible for benefits, provided the earnings in such part-time employment are less than his/her weekly rate plus 40% of such rate.

OTHER PROVISIONS OF THE LAW AFFECTING VALIDITY OF CLAIMS

A person who is engaged in self-employment while employed in a regular may, under certain conditions, qualify for benefits following separation the regular job, but shall have net earnings from such self-employ deducted from weekly benefits, in accordance with the "partial bene provision of the Law.

Deductions from UC benefits will be made for any week during whi claimant is receiving or will be receiving a pension, including a governm pension, retirement or retired pay, annuity or any similar payment, under a contributed to or maintained by the claimant's base period or charge employer. Provided, however, that a deduction will be made only where claimant's work during the base period affects the eligibility for, or incre the amount of, the pension payment(s). Such payments are deductible from claimant's weekly benefit rate (WBR) on a dollar-for-dollar basis if contrib to solely by the employer; fifty percent (50%) of the amount of payment(s) will be deducted from the claimant's WBR on a dollar-for-d basis if the claimant contributed, in any amount to the plan.

A person who has been determined financially ineligible because he or does not meet the wage and credit week requirements due to a work-rel injury compensable under the Workers Compensation Act may elect to h their eligibility redetermined using an alternate base year prior to the dat injury.

NOTIFICATION TO THE UC SERVICE CENTER

If you have information which might raise a question of the claima compliance with any of the foregoing provisions of the Law, you should sut such information in writing to the UC Service Center where the claiman filing claims. If you do submit such information, a formal determination be issued regarding the claimant's eligibility for benefits. You may file appeal from such determination. Instructions for filing an appeal are contai on the determination notice.

Unless you were the claimant's last employer, the reason for the separa from employment with you will not necessarily affect his or her eligibility weekly benefits. Eligibility is based on separation from the last employm prior to filing an application for benefits.

UC SERVICE CENTER

The UC Service Center at which the claimant filed an application is indica in the upper left hand corner. Contact this office with questions regarding financial determination.

PERCENT CHARGE

The entry under "Total Wages" represents wages reported by you during base year established by this application for benefits. The "Percent Char entry indicates the percentage of such wages compared to total wages paid all employers to the claimant during the base-year period. The claima payable benefits will be charged to your account on the basis of t percentage.

EMPLOYER'S NOTICE OF APPLICATION
Request for Separation and Wage Information

The individual identified below has filed a claim for unemployment compensation benefits. Complete this form as requested and return it to the address on the reverse in the enclosed envelope WITHIN 4 BUSINESS DAYS. Failure to reply within this period will result in a determination as to eligibility based on available facts. Your signature and the date signed are required on the bottom of this form.

PLEASE COMPLETE PARTS: [ ] A [X] B [X] C [X] D

Social Security No.	Claimant's Name	Badge No.
203-42-1346	KAREN D. SWATSWORTH	

The claimant has indicated the reason for separation or partial unemployment as:	Date of Application
LACK OF WORK	08-19-07

FOR LOCAL OFFICE USE ONLY

Mailing Date	Renewal Date	LER	PGM	Seq. No.	LD No.	Sep Cd	45/45A
08-21-07			REG	01	0984	02	45

PART A

If applicable, list wages, hours worked, tips, and hours absent when work was available for the dates below. If none, check this block: [ ]

* If the employe was absent when work was available, give average hourly wage: $ _____

Dates	Gross Wages Ernd. Ea. Day	Hrs. Worked Each Day	Tips and Gratuities	* Hours Absent
TOTAL				

PART B

What was the claimant's last day of work prior to: 08-19-07 ?
Please enter the date here: 08/18/07

Did the claimant earn $ 3120 or more during THE PERIOD FROM 06-01-92 TO 08-18-07?

[X] YES [ ] NO; If NO, amount earned $ _____

EMPLOYER'S NAME AND ADDRESS

14-111220

WISE EYES OPTICAL
PO BOX 10077
STATE COLLEGE PA
16805-0077

PART C

1. Last date worked (Complete if date is different from PART B above): _____

2. Was the claimant hired for: [X] Full Time? [ ] Part Time?
If part time, explain: _____

3. Reason for Separation or Partial Unemployment: IMPORTANT - Please check the appropriate block below. If the employe was separated for reasons other than lack of work, provide an explanation below. If you indicate the reason for separation is employe misconduct, you must provide a full and detailed statement of the action(s) that resulted in termination of employment. This statement should be signed by a person with firsthand knowledge and must be accompanied by copies of relevant documentation such as time cards, personnel files, written warnings, employer's rules, medical statements, and statements of persons with firsthand knowledge of the events leading to the termination. [X] Lack of Work [ ] Voluntary Quit [ ] Misconduct [ ] Other, explanation: (Use extra sheet if necessary)

4. Will the claimant receive a pension payment? [X] YES [ ] NO; If YES, amount $ 1,224.00 [ ] Monthly [X] Lump Sum
If YES, provide the effective date 01/31/08

5. Educational Institutions and Educational Service Agencies: Does this individual have a contract or reasonable assurance of returning to work when school reopens? [ ] YES [ ] NO Reasonable assurance means that an individual who performs services for an educational institution or educational service agency in the first of two successive academic years or terms, or immediately prior to an established vacation or holiday closing, has a verbal, written or implied agreement to return to work for an educational institution or educational service agency in the same capacity and under substantially the same economic terms and conditions in the second of such academic years or terms immediately following the vacation or holiday period.

PART D

1. What is the claimant's gross full time base wage? $ 7.25 hr; $ _____ day; $ _____ week.

2. Type of Separation: [X] Permanent [ ] Partial Unemployment [ ] Temporary - enter expected date of recall _____

WAS THE CLAIMANT PAID OR WILL HE/SHE BE PAID:

3. For any days after his/her last day of work? [ ] YES [X] NO; If YES, amount $ _____ representing wages thru _____

4. Holiday Pay? [ ] YES [X] NO; If YES, amount $ _____ holiday _____

5. Vacation Pay? [X] YES [ ] NO; If YES, amount $ 580.00 payment date 09/01/07

If payment is for vacation shutdown or designated period, specify the period: from _____ to _____

6. Remarks: _____

By my signature, I certify that the information that I have supplied is true and correct. I realize that the Pennsylvania Unemployment Compensation Law provides penalties for making false statements.

Date	Signature	Title	Telephone No.
08/23/07	[signature]	Office Manager	814-867-5045

NO FURTHER NOTICE WILL BE ISSUED TO YOU UNLESS YOU HAVE INDICATED SOME LEGAL BASIS FOR THE DENIAL OF BENEFITS.

DEPARTMENT OF LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

ALTOONA UC SERVICE CENTER
1101 GREEN AVENUE
ALTOONA PA 16601-3483

14-11122 0

WISE EYES OPTICAL
R & R OPTICAL INC
PO BOX 10077
STATE COLLEGE PA 16805

CLAIMANT: ELAINE G. TRIMPEY

SOC. SEC. NO: 169-36-2186

AB DATE: 08-19-07

NOTICE OF FINANCIAL DETERMINATION
(EMPLOYER COPY)

THIS FINANCIAL DETERMINATION ALONE DOES NOT ENTITLE A CLAIMANT TO BENEFITS. AN EVALUATION OF THE EMPLOYMENT HISTORY ALSO WILL BE MADE TO DETERMINE WHETHER THE CLAIMANT MEETS THE REQUIRED ELIGIBILITY PROVISIONS OF THE LAW.

DETERMINATION AND APPEAL

This form constitutes a determination with regard to all financial matters referred to below. You may file an appeal from this determination if you do not believe it to be correct. An appeal must be filed by the "Last Date for Appeal" shown to the right. Appeal instructions are found on the reverse side of this form.

LAST DATE FOR APPEA
09-06-(

EMPLOYE SOC. SEC. ACCT. NO.	EMPLOYE	DATE OF APPLICATION	BENEFIT YEAR ENDING DATE	BASE-YEAR PERIOD FROM	BASE-YEAR PERIOD TO	FINANCIAL DECISIC MAILING DATE
169-36-2186	ELAINE G. TRIMPEY	08-19-07	08-16-08	04-01-06	03-31-07	08-22-07

SERVICE CENTER	TYPE OF CLAIM	BASE-YEAR WAGES AND CREDIT WEEKS — WHILE IN YOUR EMPLOY: QUARTERLY WAGES				TOTAL WAGES	CREDIT WEEKS	TOTAL OF ALL EMPLOYERS WAGES	TOTAL OF ALL EMPLOYERS CR.WKS.	HIGH QTR. WAGES	YC PER CHA
		1-07	2-06	3-06	4-06						
0994	UC	6,295.00	6,355.00	6,210.00	5,375.00	24,235.00		24,235.00	52	6,355	1(

	UNEMPLOYMENT COMP.PAYABLE				DEPENDENT'S ALLOWANCE			
SEQUENCE NUMBER	WKLY RATE	× MAX. WKS	= MAX. ENT.		NO. DEPS.	WKLY AMT	MAX. ENT.	EL CO
6376542	256	26	6656		0	0	0	1

EXPLANATIONS

BASE YEAR - The first four of the last five completed calendar quarters preceding the date of application.

CREDIT WEEK - Any calendar week within the base year in which $50 or more gross was earned, regardless when paid.

WAGES - Wages are reported when paid, regardless of when earned.

ELIGIBILITY CODES

1 - Eligible
2 - Ineligible, no wages
3 - Ineligible, insufficient wages
6 - Ineligible, 20% of wages not outside of the high quarter
7 - Conditionally eligible monetary, to be verified by the UC Service Center
U - Ineligible, insufficient credit weeks

APPEAL INSTRUCTIONS FOR THIS FINANCIAL DETERMINATION (FORM UC-44F (3))

Under Section 501(e) of the Pennsylvania Unemployment Compensation Law, this determination becomes final unless an appeal is ti filed. If you disagree with this determination and want to file an appeal, your appeal must be filed on or before the last day for a shown on the front of this determination; and must include: a statement specifically requesting an appeal from this detemination; reason for filing the appeal; the claimant's Social Security Number, and your signature.

You may file an appeal of this financial determination by mail or FAX to the office at the address/FAX number shown below:

ALTOONA UC SERVICE CENTER
1101 GREEN AVENUE
ALTOONA PA 16601-3483

PHONE: 814/946-7224
FAX: 814/941-6801

- If you file your appeal by mail, your mailed appeal must be postmarked by the U.S. Postal Service on or before the last day fc appeal shown on the determination.
- If you file an appeal by FAX, your faxed appeal must be received no later than the close of business on the last day for appe shown on the determination.
- You may file an appeal in person at the nearest Team Pennsylvania CareerLink office during normal business hours on or befor the last day to appeal shown on this determination. The CareerLink office will forward the appeal to the UC Service Center. **Note: Appeals cannot be filed in-person at the UC Service Centers.**

REQUEST FOR RELIEF FROM CHARGES (FORM UC-44FR)

Please refer to Form UC-44FR for information regarding relief from charges. Requests for relief from charges should be mailec faxed to the address/FAX number shown below.

EMPLOYERS' CHARGE SECTION
PO BOX 67504
HARRISBURG PA 17106-7504

PHONE: 717/787-4677
FAX: 717/772-0398

INFORMATION ABOUT THIS FINANCIAL DETERMINATION

FACTS ESTABLISHED BY THIS DETERMINATION

The entries on the face of this form establish the following:

1. The claimant named on this form has been determined financially eligible or ineligible for benefits as shown by the Code entered in the block headed "Elig. Code" If Code 1 is shown, the claimant is eligible for benefits. If Code 2, 3, 6, or U is shown, the claimant is ineligible for benefits for the reasons indicated on the face of the form. If Code 7 is shown, the claimant will be eligible for benefits only if additional requirements of the Law are met. If these additional requirements are not met, a formal notice of determination will be issued to you stating the reason for the ineligibility. The claim will then be cancelled.

2. The claimant's weekly benefit rate payable, the maximum number of full weeks of benefits available, and the maximum benefit entitlement are shown on the face of the form in the blocks headed "Unemployment Comp. Payable."

3. The individual has claimed the number of dependents, up to a maximum of 2, shown in the "No. Deps." block which entitles this person to the weekly dependent's allowance shown in "Wkly. Amt." and a total dependent's amount shown in "Max. Ent."

VALIDITY OF CLAIMS

In order for a claimant to receive benefits, the following provisions of the Law require that the claimant must:

1. Be unemployed.
2. Be registered for work.
3. File a claim in accordance with Department regulations.
4. Be able to work.
5. Be available for suitable work.
6. Not fail to accept or apply for suitable work.
7. Be separated from employment involuntarily, or if voluntarily, for a cause of a necessitous or compelling nature.
8. Not have been discharged for willful misconduct.

PARTIAL BENEFITS

A claimant who is employed part time due to lack of work may be eligible for benefits, provided the earnings in such part-time employment are less than his/her weekly rate plus 40% of such rate.

OTHER PROVISIONS OF THE LAW AFFECTING VALIDITY OF CLAIMS

A person who is engaged in self-employment while employed in a regular may, under certain conditions, qualify for benefits following separation f the regular job, but shall have net earnings from such self-employm deducted from weekly benefits, in accordance with the "partial benefi provision of the Law.

Deductions from UC benefits will be made for any week during whicl claimant is receiving or will be receiving a pension, including a governme pension, retirement or retired pay, annuity or any similar payment, under a p contributed to or maintained by the claimant's base period or chargea employer. Provided, however, that a deduction will be made only where claimant's work during the base period affects the eligibility for, or increa the amount of, the pension payment(s). Such payments are deductible from claimant's weekly benefit rate (WBR) on a dollar-for-dollar basis if contribu to solely by the employer; fifty percent (50%) of the amount of s payment(s) will be deducted from the claimant's WBR on a dollar-for-do basis if the claimant contributed, in any amount to the plan.

A person who has been determined financially ineligible because he or does not meet the wage and credit week requirements due to a work-rela injury compensable under the Workers Compensation Act may elect to h their eligibility redetermined using an alternate base year prior to the date injury.

NOTIFICATION TO THE UC SERVICE CENTER

If you have information which might raise a question of the claimar compliance with any of the foregoing provisions of the Law, you should sub such information in writing to the UC Service Center where the claimant filing claims. If you do submit such information, a formal determination v be issued regarding the claimant's eligibility for benefits. You may file appeal from such determination. Instructions for filing an appeal are contai on the determination notice.

Unless you were the claimant's last employer, the reason for the separat from employment with you will not necessarily affect his or her eligibility weekly benefits. Eligibility is based on separation from the last employm prior to filing an application for benefits.

UC SERVICE CENTER

The UC Service Center at which the claimant filed an application is indicat in the upper left hand corner. Contact this office with questions regarding tl financial determination.

PERCENT CHARGE

The entry under "Total Wages" represents wages reported by you during t base year established by this application for benefits. The "Percent Charg entry indicates the percentage of such wages compared to total wages paid all employers to the claimant during the base-year period. The claiman payable benefits will be charged to your account on the basis of th percentage.

EMPLOYER'S NOTICE OF APPLICATION
Request for Separation and Wage Information

The individual identified below has filed a claim for unemployment compensation benefits. Complete this form as requested and return it to the address on the reverse in the enclosed envelope WITHIN 4 BUSINESS DAYS. Failure to reply within this period will result in a determination as to eligibility based on available facts. Your signature and the date signed are required on the bottom of this form.

PLEASE COMPLETE PARTS: ☐ A ☒ B ☒ C ☒ D

FOR LOCAL OFFICE USE ONLY

Social Security No.	Claimant's Name	Badge No.	Mailing Date	Renewal Date	LER
169-36-2186	ELAINE G. TRIMPEY	NONE	08-21-07		

The claimant has indicated the reason for separation or partial unemployment as:	Date of Application	PGM	Seq. No.	LO No.	Sep Cd	45/45A
LACK OF WORK	08-19-07	REG	01	0984	02	45

PART A

If applicable, list wages, hours worked, tips, and hours absent when work was available for the dates below. If none, check this block: ☐

* If the employe was absent when work was available, give average hourly wage: $ _____

Dates	Gross Wages Ernd. Ea. Day	Hrs. Worked Each Day	Tips and Gratuities	* Hours Absent
TOTAL				

PART B

What was the claimant's last day of work prior to: 08-19-07 ?
Please enter the date here: 08/18/07

Did the claimant earn $ 3120 or more during THE PERIOD FROM 01-14-88 TO 08-17-07?

☒ YES ☐ NO; If NO, amount earned $ _____

EMPLOYER'S NAME AND ADDRESS

14-111220

WISE EYES OPTICAL
PO BOX 10077
STATE COLLEGE PA
16805-0077

PART C

1. Last date worked (Complete if date is different from PART B above): _____

2. Was the claimant hired for: ☒ Full Time? ☐ Part Time?
If part time, explain: _____

3. Reason for Separation or Partial Unemployment: IMPORTANT - Please check the appropriate block below. If the employe was separated for reasons other than lack of work, provide an explanation below. If you indicate the reason for separation is employe misconduct, you must provide a full and detailed statement of the action(s) that resulted in termination of employment. This statement should be signed by a person with firsthand knowledge and must be accompanied by copies of relevant documentation such as time cards, personnel files, written warnings, employer's rules, medical statements, and statements of persons with firsthand knowledge of the events leading to the termination. ☒ Lack of Work ☐ Voluntary Quit ☐ Misconduct ☐ Other, explanation: (Use extra sheet if necessary)

4. Will the claimant receive a pension payment? ☒ YES ☐ NO; If YES, amount $ 2,207.00 ☐ Monthly ☒ Lump Sum
If YES, provide the effective date 01/31/08

5. Educational Institutions and Educational Service Agencies: Does this individual have a contract or reasonable assurance of returning to work when school reopens? ☐ YES ☐ NO Reasonable assurance means that an individual who performs services for an educational institution or educational service agency in the first of two successive academic years or terms, or immediately prior to an established vacation or holiday closing, has a verbal, written or implied agreement to return to work for an educational institution or educational service agency in the same capacity and under substantially the same economic terms and conditions in the second of such academic years or terms immediately following the vacation or holiday period.

PART D

1. What is the claimant's gross full time base wage? $ 10.00 hr; $ _____ day; $ _____ week.

2. Type of Separation: ☒ Permanent ☐ Partial Unemployment ☐ Temporary - enter expected date of recall _____

WAS THE CLAIMANT PAID OR WILL HE/SHE BE PAID:

3. For any days after his/her last day of work? ☐ YES ☒ NO; If YES, amount $ _____ representing wages thru _____

4. Holiday Pay? ☐ YES ☒ NO; If YES, amount $ _____ holiday _____

5. Vacation Pay? ☒ YES ☐ NO; If YES, amount $ 800.00 payment date 09/01/07

If payment is for vacation shutdown or designated period, specify the period: from _____ to _____

6. Remarks: _____

By my signature, I certify that the information that I have supplied is true and correct. I realize that the Pennsylvania Unemployment Compensation Law provides penalties for making false statements.

08/23/07	[signature]	Office Manager	814-867-5045
Date	Signature	Title	Telephone No.

NO FURTHER NOTICE WILL BE ISSUED TO YOU UNLESS YOU HAVE INDICATED SOME LEGAL BASIS FOR THE DENIAL OF BENEFITS.

PRINTED ON RECYCLED PAPER

ALTOONA UC SERVICE CENTER
1101 GREEN AVENUE
ALTOONA PA 16601-3483

LABOR & INDUSTRY
BUREAU OF UC BENEFITS AND ALLOWANCES

Office No.: 0994 Phone: (814) 946-7224

Claimant: ELAINE G. TRIMPEY
Social Security: 169-36-2186
Application Date: August 19, 2007
Type of Claim: UC
Date Mailed: February 27, 2008
Revised WBA:
Monthly Pension Amt:

WISE EYES R & R OPTICAL
PO BOX 10077
STATE COLLEGE, PA 16805-007

RETIREMENT AND PENSION INFORMATION (EMPLOYER)

Section 404(d) of the Pennsylvania Unemployment Compensation (UC) Law provides for deductions from UC for any week during which the claimant is receiving or will be receiving a pension, including a government pension, retirement or retired pay, annuity or any similar payment, under a plan contributed to or maintained by the claimant's base period or chargeable employer. Provided, however, that a deduction will be made only where the claimant's work during the base period affects the eligibility for, or increases the amount of, the pension payment(s). This last clause is not applicable to Social Security or Railroad Retirement payments, which will always be deductible if the base period or chargeable employer contributed to the pension plan. Such payments are deductible from the claimant's Weekly Benefit Rate (WBR) on a dollar-for-dollar basis if contributed to solely by the employer; fifty percent (50%) of the amount of such payments will be deducted from the claimant's WBR on a dollar-for-dollar basis if the claimant contributes or has contributed, in any amount, to the plan. If otherwise meeting the requirements for deductibility, lump-sum payments are deductible if the claimant had the option of receiving the payments on a monthly or other periodic basis.

The above-named individual has filed a claim for UC. The information requested in PART I is necessary to determine his/her eligibility for benefits. In addition, steel industry employers must furnish the information requested in PART II. **Please supply the requested information, sign the form on the reverse, and return to the** JOB CENTER WITHIN 7 DAYS.

PART I Employer Reply

1. Report of Employer Pensions and Annuities (exclude lump-sum payments)

Is the claimant receiving a pension or annuity maintained or contributed to by you? ____ YES __X__ NO

If YES, please complete the following:

a. Monthly pension amount $_____

b. Effective date of pension _____

c. Did you employ the claimant during the base period, from 04/01/06 through 03/31/07 ? ____ YES ____ NO

d. Did the employe's work during this period increase the amount of, or affect the eligibility for, the pension? ____ YES ____ NO

e. Contributions to the pension were made by:

_____Employer only _____Claimant only _____Employer and Claimant

f. Was this individual involuntarily separated from employment prior to reaching the age (as specified in the retirement plan) at which the employe may retire at full or reduced benefits? ____ YES ____ NO

g. Under your pension plan, is the pension payable retroactively with respect to any period prior to the date the application for UC is filed? ____ YES ____ NO

IF YES, please explain: _____

_____

2. Lump-Sum Pension Payments

Did this individual receive a lump-sum pension payment(s) subsequent to his/her separation? X YES ____ NO

If YES, please complete the following:

a. Amount of payment **made payable to CNB Bank** $ 2,318.72
Date of payment 02/20/2008
Date of separation 08/18/2007

b. Did this individual have the option to receive a monthly pension amount in lieu of the lump-sum payment? ____ YES X NO

If YES, please complete the following:

(1) Did you employ the claimant during the base period indicated in Part I No. 1. c.? ____ YES ____ NO

(2) Did the employe's work during this period increase the amount of, or affect the eligibility for, the pension? ____ YES ____ NO

(3) What is the highest optional monthly pension amount he/she could have received? $ _____

(4) What would have been the effective date of the pension? _____

(5) Did the employe contribute, in any amount, to the pension plan? ____ YES ____ NO

(6) Was this individual involuntarily separated from employment prior to reaching the age, as specified in the retirement plan, at which the employe may retire at full or reduced benefits? ____ YES ____ NO

PART II Steel Industry Employers

Has the claimant received, or will he/she receive, a special payment prior to the receipt of the regular pension? ____ YES ____ NO

If YES, please complete the following:

a. Effective date
Total special payment $ _____ Number of Weeks _____
(Minus) Vacation pay included in special payment $ _____ Number of Weeks _____
Actual special payment $ _____ Number of Weeks _____

b. Did you employ the claimant during the base period indicated in Part I No. 1. c.? ____ YES ____ NO

c. Did the claimant's work during this period increase the amount of, or affect the eligibility for, the special payment? ____ YES ____ NO

d. Contributions to the special payment where made by:
____ Employer only ____ Claimant only ___ Employer and claimant

I certify this information to be true and correct.

Deborah L. Cleeton
Employer Representative Name (please print)

Signature

Office Manager
Title

03/03/2008
Date

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Filed on behalf of:
Defendant

Counsel for Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

SUPPLEMENTAL RESPONSE TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

AND NOW, comes R&R Optical, Inc., doing business as Wise Eyes Optical, Defendant above named and makes its supplemental response to the First Request for Production of Documents as follows:

4. See attached copy of notes compiled by Ralph Hinson.

Respectfully submitted,

John R. Ryan
Attorney for Defendant

How would things work if there were 2 less employees @ CIFd. ~~Lori Bell~~ 765-9424
Try different Scenerios. to see which is more beneficial.

Possibly 2 Full-Time + 1 P/T. Employee.
Do Mock-Schedule with these appts. to see how it would work.

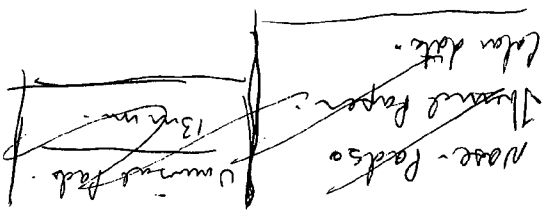
P'Burg must become self sufficient in order to keep Tish in CIFd.

Loud—LAUGHTER— uncomfortable to Patients !!!
Very non-professional
BACK-ground NOISE IN LAB AREA.

Conduct in Lab while patients ARE Present.

Customers that come in for Repairs are left standing not asked to have a seat.

Sales Meeting - STAFFING SATURDAYS & DR.



MESSAGES TO DO LIST MEETING NOTES NEW IDEAS EXPENSES

4-23-07- Introduced by SR - Karen & Elaine. Kim not present. Store appeared to be very unorganized.

4/25 First Initial Visit. Kim Elaine Karen. Discussed ~~i~~ Kim WHO I am & what I would like to do. Office seemed Divided ?? Welcomed by Kim. Interviewed ~~of~~ Evaluating to see what we used to do. Karen Response - They like the way they do things -

5-1-07 Upon Entering Store - Walked Into Loud Laughter - Very Unprofessional! - Identified Karen Swatswath. Informed that seemed very Loud in the optical area. Keep it down! Reminded 2 People must be scheduled on SATURDAYS & PR.

5/9/07 Routine Visit. NO ORGANIZATION! Lost Glasses - Garbage Full - All seem to do only one thing - Elaine - Edging / Karen - Lay-offs / Kim - Sell

444-858 Public

5/12/07 Discussed that I noticed all seem to do their own thing instead of a natural flow - Requested that all participate in all Aspects of lab area - Elaine Response - Negative along & Karen - Tish wants to learn more in lab - Kim agreed - Karen - "This works for us". I Verbally informed them to start assisting each other. Karen Negative! *

5/16 No change - Still dozy same thing - Kim Attempting - Elaine & Karen has been Reporting her - Kim Seems Frustrated & them.

5/19/07 Meeting with all - Policy for them to follow - Negative Response by Karen - "why" Kim - Second glad Elaine - ? no-Response - Tish - OK -

MESSAGES TO DO LIST MEETING NOTES NEW IDEAS

5/23/07 Delayed Policy Ltr.

Read-own- Each Section- Report to Read & Sign - Return to office.

*

P'burg-Tish- Information Karen has been changing Schedules- For Herself & Elaine -

5/24 Karen Swatswath & Elaine Trimpy seem to have a problem w me- ?? Don't like me there - Uncomfortable Environment. Quoted policy- "Why TRAINING Tish- Layoff - Edging *

5/30 Not working together- STILL have not seen anyone else - Idle except Elaine Karen Block- Elaine Comment - Damaged house- Wise Eye can afford it.

444

6/12/07 Karen & Tish Confrontation

Pi Burg
Tish

Kim sick - Tish working Pi Burg Karen Telling her to work CIFD After she gets off to close CIFD - Tish will not be ordered by Karen - Commented - Very Uncomfortable to work there - Tish - Patients have been treated negatively by Karen.

Why wasn't I informed Kim was sick - Karen Response - Rabbi didn't need to know!

Patient commented that they will not come in if Karen is there - to pick up glasses.

* Must Have 2 Staff All SATURDAYS & Dr. Appts - No Exceptions!

6/07 Counted 28 Jobs that needed to be done. Just sitting there - Elaine was off - Kim - Very slow attempting to cut - I Finished Edging

Since Elaine was not there - Jobs were not getting Done - STILL No Regard for Patients - SERVICE - Karen - Response - This is way we do it!

MESSAGES TO DO LIST MEETING NOTES NEW IDEAS

Kim Weir - Regulatory - Private Meeting in Dubois - 7/31/07
Perkins Restaurant 1PM

Needs to Speak in Private -

Meeting with JR - Informed of All I Have Witnessed - This office is in TROUBLE: STAFF Problems - TRAINING -

Recommend a Reorganization of Staff -

Clearfield is unable to make the changes that are needed to comply with our needs - (Patient Complaints).

The potential for the store to do good is exceptional - With current STAFF Problems - Future growth is grim!

Options / which number should be Explored -

[redacted]

7/31/07 Meeting c Kim -

Requested Parents meeting -

Karen Swartzwoth/Elaine Trimpey will not comply with what I need to do. They do not Respect her as a Manager - She is a Bit Frightened of them.

Scheduling - Karen has changed the schedule on many occasions to suit herself & Elaine - She feels she has no control. when she speaks to them they ignore her. Overheard Karen saying if they stay together, Ralph cannot change us. My Request of 2 staff on Saturdays has not been complied with - even though Kim has scheduled Appropriately.

Several Patient complaints - of being short c the customer by both Karen + Elaine. One told Kim he would not come in when she was there - (Karen)

Kim Discussed her Frustration since she was named Manager, She feels it was because Karen was not offered the promotion. the animosity grew over the years -

MESSAGES TO DO LIST MEETING NOTES NEW IDEAS

* I informed Jr & Scott of all that I have seen, They Responded that they also have witnessed certain negative thing in the Past with Karen & Elaine.

* Will meet next week - call Lab - JR - for a meeting -

* Recommend A Reorganization of 50% staff - @ this time - (Karen / Elaine)
my Attempt to Reorganize with current staff have Proved to be - Unreachable!

8/18/ Karen / Tish scheduled

was informed SATURDAY morn Tish was told not to come to work by Karen - (We Days) SAT / Appts -
Relieved Karen Swatsworth 8/18 -
Re-organizing / Structuring this location -
* Made 1 Phone call - left message - to Someone -
Closed Store - Locked Door -

8/20 Elaine Thimpey - Layoff - Restructure of Re-organization of Staff members.

Record Key -

Began - Taking - Interviews -

Meeting - with Kim / Tish -
offered - TO Do Anything that they need to to help - A Response by both - "It's as if A Large Black Cloud has lifted."

Schedule - Next 3 weeks Afd -

Interviews
TRAINING

ORGANIZATION of Lab / Area.

Removal of old / Machinery

Tish - Blocking / Edging

Reorganize - ORDERS To Be Called

* Pick-up / Alphabet -

* FRAMES - order
* DAVIS - Jobs

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

June 24, 2009

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

RE: Karen D. Swatsworth & Elaine G. Trimpey
vs. R & R Optical, Inc., et al.
No. 08-1667-C.D.

Dear Terry:

I enclose a Supplemental Response to your First Request of Production of Documents. This would provide you with the notes taken by Ralph Hinson pertaining to the events which are relevant to this cause of action. These are being supplied to you in accordance with the Rules of Civil Procedure.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/lgp
Enclosures
cc: John Rosselli, R&R Optical, Inc. (w/encl.)

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

DEFENDANT'S ANSWER TO INTERROGATORIES

Filed on behalf of:
Defendant

Counsel for Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS CONSISTING OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

AND NOW, comes the Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who pursuant to Pa.R.Civ.P. 4000, et.seq., demands responses within thirty (30) days hereof to the following Interrogatories:

Definitions and Instructions

1. "Defendant" refers to R & R Optical, Inc., t/b/d/a Wise Eyes Optical including, its agents, employees, officers, directors, representatives and all other persons or entities having information or authorized to act on its behalf. The words "you" and "your" herein shall be deemed to include all such persons or entities;

2. "Plaintiffs" mean Karen D. Swatsworth and Elaine G. Trimpey;

3. "Document" as used herein is intended to embrace the broadest possible meaning of that term under the Pennsylvania Rules of Civil Procedure, and includes all forms of written or recorded information, including drafts thereof;

4. "Communication" as used herein means any oral or written utterance between two or more persons and includes, but not limited to, letters, conversations, telephone calls, personal visits, discussions, agreements, or any other verbal or non-verbal interaction between two or more persons;

5. "Identify" when used in connection with a person or entity means to provide that

person's or entity's name, address and telephone number;

6. "Identify" when used in connection with a document means to provide a brief but accurate description of the contents of the document, to identify the author(s), to identify the recipient(s) or intended recipient(s), to state the date of the document, and to state whether the document is currently in your possession, custody and/or control;

7. "Identify" when used in connection with a communication means to identify the persons or entities who participated, witnessed or were otherwise involved in such communication, to describe the manner or mode in which the communication took place (i.e., whether it was written, oral, in person, telephonic or otherwise), to identify any documents related to or constituting such communication, to state the date upon which the communication took place and the place where the communication occurred, and a summary of what was said and done by each person participating in the communication;

8. To the extent any interrogatory or document request herein is thought to be objectionable and to the extent that answers or production are withheld by virtue of such objection, fully state the basis for the objection and describe the nature of the document or information being withheld;

9. These interrogatories and document requests are continuing in nature. To the extent additional or different information or documents become available to you after your responses hereto, you have an obligation to seasonably supplement your responses to include such information and documents as well as to explain the reason(s) for which such information or document was not originally provided;

10. The incident refers to the termination of employment as stated in Plaintiffs' CIVIL COMPLAINT as the cause of damages suffered by Plaintiffs;

11. In the event sufficient space has not been provided for your responses hereto, attach additional sheets of paper as are necessary to fully respond hereto, so identifying the Interrogatory being answered; and

12. Your replies hereto are required to be under oath or with a verified response.

1. Identify who is responding to these Interrogatories on behalf of Defendant and all persons or entities who contributed in any manner to these responses, further identifying that person or persons' relationship to defendant and the nature of such assistance.

Answer

a. Debbie Cleeton, Office Manager, R&R Optical, Inc. (provided payroll information, financial information, copies of personnel records, information as to unemployment claims)

b. John R. Rosselli, President, R&R Optical, Inc. (provided general information, consulted regarding witnesses to be listed)

c. Ralph Hinson, General Manager, R&R Optical, Inc. (provided notes on events at Clearfield Store and dismissal of Swatsworth and Trimpey, provided copies of advertising for new hires, resumes submitted, general information)

2. Identify each and every witness, expert or fact, defendant intends to call as a witness at trial or hearing in this matter as well as a detailed summary as to what each such witness is expected to testify.

Answer

a. Ralph Hinson, General Manager, R&R Optical, Inc. Is expected to testify as to his duties upon being named as general manager, steps taken to review all stores for efficiency, problems identified at Clearfield store location, implementation of 2007 personnel policy, presentation of same to all employees at all store locations and having employees sign off acknowledging same, problems encountered at Clearfield store with compliance by Swatsworth and Trimpey, decision to terminate Swatsworth and Trimpey, reason for termination, effect of termination on Clearfield store, compliance of other company employees with 2007 policy.

b. John R. Rosselli, President, R&R Optical, Inc. Is expected to testify concerning his knowledge of problems at Clearfield store, hiring of Ralph Hinson as general manager, authorization of Hinson to deal with problems, employment history of Swatsworth and Trimpey.

c. Debbie Cleeton, Office Manager, R&R Optical, Inc. Is expected to testify concerning company personnel and financial records as needed.

d. Kim Weir, acting Store Manager, R&R Optical, Inc., Clearfield store. Is expected to testify as to problems with Swatsworth and Trimpey, resistance of Swatsworth and Trimpey to 2007 personnel policies, conversations with Hinson regarding lack of compliance with same, statements made by Swatsworth regarding 2007 policy, effect of dismissal of Swatsworth and Trimpey on Clearfield store.

e. Letitia Johnson, employee at R&R Optical, Inc., Clearfield store. Is expected to testify regarding implementation of 2007 personnel policy, failure of Swatsworth and Trimpey to comply with same, consequences of failure to comply with same.

f. Defendant has not yet identified any other witnesses; however, will supply such information to Plaintiffs as such information becomes available in accordance with the Rules of Civil Procedure.

3. For the last full year of employment of each Plaintiff, please state the wages and/or salary paid to each Plaintiff.

Answer

Karen Swatsworth earned $16,205.00 from 1/1/06 to 12/31/06. (See attached copy of payroll journal.)

Elaine Trimpey earned $23,315.00 from 1/1/06 to 12/31/06. (See attached copy of payroll journal.)

4. Please state the fringe benefits for each Plaintiff which they were earning or were entitled to based on their employment with Defendant prior to their termination.

Answer

Both Plaintiffs had group health insurance; also group life insurance. See attached documents. Both also earned "SPIFFS" for sales of certain items.

5. For each fringe benefit above listed, please state the value, either in terms of a monthly or yearly basis, for such benefit, and the basis for the value so stated.

Answer

Costs for Geisinger Coverage for Karen Swatsworth and Elaine Trimpey were $227.20 per month.

Life Insurance (including LTD & Accidental) – R&R Optical, Inc. paid the following (rates based on wage and age):

Karen Swatsworth: $20.84 per month
Elaine Trimpey: $18.75 per moth

6. Please identify the employees hired to replace Plaintiffs, stating their dates of birth.

Answer

Heather S. McLaughlin, d.o.b. 9/9/86

Rachel A. Luzier, d.o.b. 2/14/84

7. As to each employee identified above, please state the wages and/ or salary that each was given at the commencement of their employment, including fringe benefits, further identifying any other terms or conditions of their employment which significantly differed from that of Plaintiffs at the time of their discharge.

Answer

Heather S. McLaughlin's starting wage was $7.15 per hour.
Rachel A. Luzier's starting wage was $7.15 per hour.

Heather S. McLaughlin and Rachel A. Luzier received the same benefits as all employees. Heather and Rachel both waived health insurance coverage.

8. Please state the number of customers who patronized the Defendant's Clearfield store during the last full year of Plaintiffs' employment. An acceptable response is a well based estimate, providing you state the basis for such estimate.

Answer

Estimated number of customers at Clearfield store from 1/2006 through 12/2006 was 2,300. Estimated number of customers from 8/2006 through 7/2007 was 2,100. Estimates are based on sales of pairs of glasses and lenses sold during those time periods.

9. As to Plaintiff Swatsworth, please state the "spiffs" she earned during calendar year 2005, 2006 and 2007, further identifying that portion which was paid for (i) antireflective coating and (ii) ultra violet protection.

Answer

2005 - $1,100.00

2006 - $1,085.00

2007 - $570.00

10. As to Plaintiff Trimpey, please state the "spiffs" she earned during calendar year 2005,2006 and 2007, further identifying that portion which was paid for (i) antireflective coating and (ii) ultra violet protection.

Answer

2005 - $1,140.00

2006 - $1,215.00

2007 - $965.00

11. As to all employees of Defendant employed as an optician, also identifying the store location, please state the "spiffs" earned during calendar year 2005,2006 and 2007, further identifying that portion which was paid for (i) anti-reflective coating and (ii) ultra violet protection.

Answer

See attached list.

By way of further response, Defendant does not keep records which differentiate between "spiffs" paid for ARC and UVC; therefore, is unable to respond to that portion of Interrogatory No. 11.

12. For the calendar years 2005, 2006 and 2007 up **until** August 18th, please state the total revenue for each store location of Defendants, further identifying each such location.

Answer

See attached list.

13. As to each such location so identified above, and for the same periods, please state the revenue generated from the sale of (i) anti-reflective coating and (ii) ultra violet protection.

Answer

See attached list.

14. Identify each and every communication by General Manager Ralph Hinson concerning his recommendations to improve Defendant's operations between the time of his promotion to general manager and the date in which Plaintiffs were discharged.

Answer

See notes complied by Ralph Hinson supplied in response to Request for Production of Documents.

15. Identify all adds placed by Defendant between January 1,2005 and August 1,2007 in which it solicited opticians for employment at any of its locations, further identifying the media in which such add or adds were placed.

Answer

See attached copies of ads.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Pa.R.Civ.P. 4000, et.seq., Plaintiffs demand production of the following documents within thirty (30) days hereof:

1. True and correct copes of any documents supporting any response to Interrogatories herein made;

2. True and correct copies of any employment application by any employee hired to replace either of Plaintiffs;

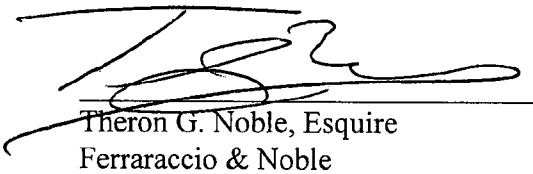
3. True and correct copies of any communication, including hard copies of any electronic communications, between General Ralph Hinson and any corporate officer and/or Debbie Cleeton concerning changes needed or desired for any of Defendant's store locations from the date of Hinson's promotion to General manager until August 23, 2007;

4. True and correct copy of all notes generated by General Manager Ralph Hinson concerning changes needed or desired for any of Defendant's store locations from the date of Hinson's promotion to General manager until August 23, 2007;

5. The written job description for the position of optician in Defendant's business as of January 1, 2005; January 1, 2006; January 1, 2007; and August 17, 2007; and

6. Any records or files maintained by Defendant concerning unemployment compensation claims made former employees Elaine Trimpey, Karen D. Swatsworth, Nicole Miller and Rosalie Kunsman.

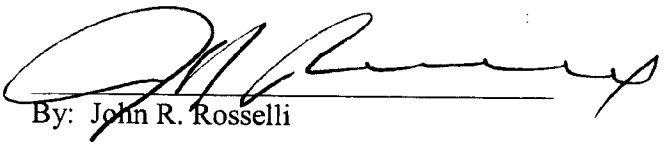
Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

I verify that the statements made in this Answer are true and correct. I understand that false statements herein are made subject to the penalties of Pa. C.S. 4904, relating to unsworn falsification to authorities.

R & R OPTICAL, INC.



By: John R. Rosselli

01/10/2007 R & R Optical, Inc. 04:51:53 P

PAYROLL JOURNAL

01/01/2006 TO 12/31/2006

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/07/06	00011524	80.00	KAREN D. SWATSWORTH		560.00
			122.52	42.68	394.80
01/21/06	00011558	90.00	KAREN D. SWATSWORTH		715.00
			156.33	42.68	515.99
02/04/06	00011593	91.00	KAREN D. SWATSWORTH		775.50
			169.53	42.68	563.29
02/18/06	00011631	89.00	KAREN D. SWATSWORTH		704.50
			154.05	42.68	507.77
03/04/06	00011664	90.00	KAREN D. SWATSWORTH		725.00
			158.51	42.68	523.81
03/18/06	00011696	80.00	KAREN D. SWATSWORTH		585.00
			127.98	40.68	416.34
04/01/06	00011731	80.00	KAREN D. SWATSWORTH		595.00
			130.17	40.68	424.15
04/15/06	00011769	80.00	KAREN D. SWATSWORTH		590.00
			129.07	40.68	420.25
04/29/06	00011805	80.00	KAREN D. SWATSWORTH		560.00
			122.52	40.68	396.80
05/13/06	00011840	80.00	KAREN D. SWATSWORTH		725.00
			158.51	40.68	525.81
05/27/06	00011877	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
06/10/06	00011912	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
06/24/06	00011949	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
07/08/06	00011985	80.00	KAREN D. SWATSWORTH		590.00
			129.07	40.68	420.25
07/22/06	00012026	80.00	KAREN D. SWATSWORTH		630.00
			137.80	40.68	451.52
08/05/06	00012060	80.00	KAREN D. SWATSWORTH		560.00
			122.52	40.68	396.80
08/19/06	00012094	80.00	KAREN D. SWATSWORTH		645.00
			141.06	40.68	463.26
09/02/06	00012128	80.00	KAREN D. SWATSWORTH		625.00
			136.70	40.68	447.62
09/16/06	00012162	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
09/30/06	00012196	80.00	KAREN D. SWATSWORTH		610.00
			133.44	40.68	435.88
10/14/06	00012230	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
10/28/06	00012270	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
11/11/06	00012304	80.00	KAREN D. SWATSWORTH		635.00
			138.89	40.68	455.43
11/25/06	00012338	80.00	KAREN D. SWATSWORTH		605.00
			132.33	40.68	431.99
12/09/06	00012371	80.00	KAREN D. SWATSWORTH		630.00
			137.80	40.68	451.52
12/23/06	00012404	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
			==========	==========	==========
					16,205.00

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
	TOTALS:		3,544.47	1,067.68	11,592.85

01/10/2007 R & R Optical, Inc. 04:55:36 P
PAYROLL JOURNAL
01/01/2006 TO 12/31/2006

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/07/06	00011521	80.00	ELAINE G. TRIMPEY		855.00
			149.72	75.56	629.72
01/21/06	00011555	80.00	ELAINE G. TRIMPEY		935.00
			167.17	75.56	692.27
02/04/06	00011588	80.00	ELAINE G. TRIMPEY		900.00
			159.53	75.56	664.91
02/18/06	00011632	80.00	ELAINE G. TRIMPEY		850.00
			148.64	75.56	625.80
03/04/06	00011665	80.00	ELAINE G. TRIMPEY		925.00
			164.99	75.56	684.45
03/18/06	00011697	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
04/01/06	00011732	80.00	ELAINE G. TRIMPEY		885.00
			156.27	73.56	655.17
04/15/06	00011770	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
04/29/06	00011806	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
05/13/06	00011841	80.00	ELAINE G. TRIMPEY		935.00
			167.17	73.56	694.27
05/27/06	00011878	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
06/10/06	00011913	80.00	ELAINE G. TRIMPEY		930.00
			166.08	73.56	690.36
06/24/06	00011950	80.00	ELAINE G. TRIMPEY		890.00
			157.35	73.56	659.09
07/08/06	00011986	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
07/22/06	00012027	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
08/05/06	00012061	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
08/19/06	00012095	80.00	ELAINE G. TRIMPEY		965.00
			174.26	73.56	717.18
09/02/06	00012129	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
09/16/06	00012163	80.00	ELAINE G. TRIMPEY		875.00
			154.08	73.56	647.36
09/30/06	00012197	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
10/14/06	00012231	80.00	ELAINE G. TRIMPEY		890.00
			150.55	104.89	634.56
10/28/06	00012271	80.00	ELAINE G. TRIMPEY		905.00
			153.82	104.89	646.29
11/11/06	00012305	80.00	ELAINE G. TRIMPEY		895.00
			151.66	104.89	638.45
11/25/06	00012339	80.00	ELAINE G. TRIMPEY		880.00
			148.38	104.89	626.73
12/09/06	00012372	80.00	ELAINE G. TRIMPEY		895.00
			151.66	104.89	638.45
12/23/06	00012405	80.00	ELAINE G. TRIMPEY		910.00
			154.92	104.89	650.19
					23,315.00

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
	TOTALS:		4,089.22	2,110.54	17,115.24

Eastern Life & Health
Insurance Company
P.O. Box 83011
Lancaster, PA 17608-3011
717 397-2751
800 233-0307
Fax: 717 481-7175

POLICY #: 0000020798/00002

CUSTOMER NAME: R & R OPTICAL INC
PRODUCER: GARY A. BRYTCZUK

BILLING DATE: 06/11/2007
COVERAGE FROM/TO: 07/01/2007 - 08/01/2007
PAYMENT DUE DATE: 07/01/2007

INSURED NAME	PREMIUM						
	DENTAL EMPLOYEE	DENTAL DEPENDENT	LIFE	SUPPLEMENTAL LIFE	LTD	STD	TOTAL PREMIUM
ATTIVO, PATRICIA A			12.00		12.09		24.09
BLACK, ASHLEY D			12.00		6.38		18.38
BOOZEL, TAMI S			12.00		4.71		16.71
CLEETON, DEBORAH L			12.00		15.42		27.42
COPELLO, JOSEPHINE M			12.00		9.34		21.34
CREPS, SHEENA M			12.00		6.13		18.13
DOYLE, ERINN B			12.00		12.00		24.00
DUNKEL, SANDRA M			12.00		8.50		20.50
FANNIN, BRENDA L			12.00		12.09		24.09
GARNER, JOYCE E			12.00		7.09		19.09
GRIMME, ROSE M			12.00		7.59		19.59
HINSON, RALPH E			12.00		13.67		25.67
JOHNSON, LETITIA A			12.00		5.21		17.21
KANAGY, HEATHER R			12.00		7.09		19.09
KENSINGER, DEANNA L			12.00		6.54		18.54
LISAK, THOMAS D			12.00		12.17		24.17
PANDEL, GREG A			12.00		14.38		26.38
RENNINGER, SCOTT A			12.00		31.50		43.50
ROSSELLI, JOHN R			12.00		31.50		43.50
SNOOK, LINDA F			7.80		8.13		15.93
SWATSWORH, KAREN D			12.00		6.75		18.75
TREESE, LISA D			12.00		10.67		22.67
TRIMPEY, ELAINE G			12.00		8.84		20.84
WAGNER, KYLE E			12.00		4.92		16.92

Eastern Life & Health
Insurance Company
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Lancaster, PA 17608-3011
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POLICY #: 0000020798/00002

CUSTOMER NAME: R & R OPTICAL INC
PRODUCER: GARY A. BRYTCZUK

BILLING DATE: 06/11/2007
COVERAGE FROM/TO: 07/01/2007 - 08/01/2007
PAYMENT DUE DATE: 07/01/2007

INSURED NAME	PREMIUM DENTAL EMPLOYEE	DENTAL DEPENDENT	LIFE	SUPPLEMENTAL LIFE	LTD	STD	TOTAL PREMIUM
WEIR, KIM L			12.00		9.71		21.71

#24356

CURRENT PREMIUM & PRIOR ADJUSTMENTS	295.80	272.42	568.22
ADMINISTRATION FEE:			0.00
PREVIOUS BALANCE:			0.00

R & R OPTICAL INC
DEBORAH CLEETON
PO BOX 10077
STATE COLLEGE, PA 16805

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* AMOUNT DUE: $568.22 *
****

Eastern Life & Health
Insurance Company
P.O. Box 83011
Lancaster, PA 17608-3011
717 397-2751
800 233-0307
Fax: 717 481-7175

POLICY #: 0000020798/00002

CUSTOMER NAME: R & R OPTICAL INC
PRODUCER: GARY A. BRYTCZUK

BILLING DATE: 07/10/2007
COVERAGE FROM/TO: 08/01/2007 - 09/01/2007
PAYMENT DUE DATE: 08/01/2007

INSURED NAME	PREMIUM						
	DENTAL EMPLOYEE	DENTAL DEPENDENT	LIFE	SUPPLEMENTAL LIFE	LTD	STD	TOTAL PREMIUM
ATTIVO, PATRICIA A			12.00		12.09		24.09
BLACK, ASHLEY D			12.00		6.38		18.38
BOOZEL, TAMI S			12.00		4.71		16.71
CLEETON, DEBORAH L			12.00		15.42		27.42
COPELLO, JOSEPHINE M			12.00		9.34		21.34
CREPS, SHEENA M			12.00		6.13		18.13
DOYLE, ERINN B			12.00		12.00		24.00
DUNKEL, SANDRA M			12.00		8.50		20.50
FANNIN, BRENDA L			12.00		12.09		24.09
GARNER, JOYCE E			12.00		7.09		19.09
GRIMME, ROSE M			12.00		7.59		19.59
HINSON, RALPH E			12.00		13.67		25.67
JOHNSON, LETITIA A			12.00		5.21		17.21
KANAGY, HEATHER R							
ADJUSTMENTS FOR 07/2007			24.77-		14.64-		39.41-
KENSINGER, DEANNA L			12.00		6.54		18.54
LISAK, THOMAS D			12.00		12.17		24.17
PANDEL, GREG A			12.00		14.38		26.38
RENNINGER, SCOTT A			12.00		31.50		43.50
ROSSELLI, JOHN R			12.00		31.50		43.50
SNOOK, LINDA F			7.80		8.13		15.93
SWATSWORH, KAREN D			12.00		6.75		18.75
TREESE, LISA D			12.00		10.67		22.67
TRIMPEY, ELAINE G			12.00		8.84		20.84

Eastern Life & Health
Insurance Company
P.O. Box 83011
Lancaster, PA 17608-3011
717 397-2751
800 233-0307
Fax: 717 481-7175

POLICY #: 0000020798/00002

CUSTOMER NAME: R & R OPTICAL INC
PRODUCER: GARY A. BRYTCZUK

BILLING DATE: 07/10/2007
COVERAGE FROM/TO: 08/01/2007 - 09/01/2007
PAYMENT DUE DATE: 08/01/2007

INSURED NAME	PREMIUM DENTAL EMPLOYEE	DENTAL DEPENDENT	LIFE	SUPPLEMENTAL LIFE	LTD	STD	TOTAL PREMIUM
WAGNER, KYLE E			12.00		4.92		16.92
WEIR, KIM L			12.00		9.71		21.71

CURRENT PREMIUM & PRIOR ADJUSTMENTS	259.03	250.69	509.72

R & R OPTICAL INC
DEBORAH CLEETON
PO BOX 10077
STATE COLLEGE, PA 16805

ADMINISTRATION FEE: 0.00

PREVIOUS BALANCE: 0.00

R345823

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* AMOUNT DUE: $509.72 *
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Eastern Life & Health
Insurance Company
P.O. Box 83011
Lancaster, PA 17608-3011
717 397-2751
800 233-0307
Fax: 717 481-7175

POLICY #: 0000020798/00002

CUSTOMER NAME: R & R OPTICAL INC
PRODUCER: GARY A. BRYTCZUK

BILLING DATE: 09/10/2007
COVERAGE FROM/TO: 10/01/2007 - 11/01/2007
PAYMENT DUE DATE: 10/01/2007

INSURED NAME	PREMIUM DENTAL EMPLOYEE	DENTAL DEPENDENT	LIFE	SUPPLEMENTAL LIFE	LTD	STD	TOTAL PREMIUM
ATTIVO, PATRICIA A			12.00		12.09		24.09
BLACK, ASHLEY D			12.00		6.38		18.38
BOOZEL, TAMI S			12.00		4.71		16.71
CLAAR, DEBORAH J			12.00		6.20		18.20
ADJUSTMENTS FOR 09/2007			32.91		17.00		49.91
CLEETON, DEBORAH L			12.00		15.42		27.42
COPELLO, JOSEPHINE M			12.00		9.34		21.34
CREPS, SHEENA M			12.00		6.13		18.13
DOYLE, ERINN B			12.00		12.00		24.00
DUNKEL, SANDRA M			12.00		8.50		20.50
FANNIN, BRENDA L			12.00		12.09		24.09
GARNER, JOYCE E			12.00		7.09		19.09
GRIMME, ROSE M			12.00		7.59		19.59
HINSON, RALPH E			12.00		13.67		25.67
JOHNSON, LETITIA A			12.00		5.21		17.21
KENSINGER, DEANNA L			12.00		6.54		18.54
LISAK, THOMAS D			12.00		12.17		24.17
MILLER, NICOLE							
ADJUSTMENTS FOR 09/2007			25.16-		13.19-		38.35-
MITCHELL, JENIFER L			12.00		6.20		18.20
ADJUSTMENTS FOR 09/2007			34.07		17.60		51.67
PANDEL, GREG A			12.00		14.38		26.38
RENNINGER, SCOTT A			12.00		31.50		43.50
ROSSELLI, JOHN R			12.00		31.50		43.50

Eastern Life & Health
Insurance Company
P.O. Box 83011
Lancaster, PA 17608-3011
717 397-2751
800 233-0307
Fax: 717 481-7175

POLICY #: 0000020798/00002

CUSTOMER NAME: R & R OPTICAL INC
PRODUCER: GARY A. BRYTCZUK

BILLING DATE: 09/10/2007
COVERAGE FROM/TO: 10/01/2007 - 11/01/2007
PAYMENT DUE DATE: 10/01/2007

INSURED NAME	PREMIUM DENTAL EMPLOYEE	PREMIUM DENTAL DEPENDENT	PREMIUM LIFE	PREMIUM SUPPLEMENTAL LIFE	PREMIUM LTD	PREMIUM STD	TOTAL PREMIUM
SNOOK, LINDA F			7.80		8.13		15.93
SWATSWORH, KAREN D							
ADJUSTMENTS FOR 09/2007			17.03-		9.58-		26.61-
TREESE, LISA D			12.00		10.67		22.67
TRIMPEY, ELAINE G							
ADJUSTMENTS FOR 09/2007			17.03-		12.55-		29.58-
WAGNER, KYLE E			12.00		4.92		16.92
WEIR, KIM L			12.00		9.71		21.71
CURRENT PREMIUM & PRIOR ADJUSTMENTS			291.56		261.42		552.98

R & R OPTICAL INC
DEBORAH CLEETON
PO BOX 10077
STATE COLLEGE, PA 16805

ADMINISTRATION FEE: 0.00

PREVIOUS BALANCE: 0.00

#24870

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* AMOUNT DUE: $552.98 *
****

GEISINGER INDEMNITY INSURANCE CO
P O BOX 827498
PHILADELPHIA, PA 19182-7498

800-504-0443

R & R OPTICAL
PO BOX 10077
103 E BEAVER AVE STE 1
STATE COLLEGE, PA 16801-4969

STATEMENT NO: 000104558067
GROUP NO: 105985

COVERAGE PERIOD:
FROM 09/01/2007 TO 09/30/2007

*** PREMIUM BILLING SUBSCRIBER RECONCILIATION LIST ***

CONTRACT NO	SUBSCRIBER NAME	SOC SEC NO	CONT TYPE	FAM SIZE	PREMIUM AMOUNT
100204302	ATTIVO, PATRICIA A	xxx-xx-8530	SI	1	$418.65
100185706	BOOZEL, TAMI S	xxx-xx-5765	SI	1	$418.65
100204321	HINSON, RALPH E	xxx-xx-1851	SI	1	$418.65
100121762	JOHNSON, LETITIA A	xxx-xx-4006	SI	1	$418.65
100204320	LISAK, THOMAS D	xxx-xx-3123	SI	1	$418.65
100204326	RENNINGER, SCOTT A	xxx-xx-3561	F3	4	$1,173.92
100204331	SWATSWORTH, KAREN D	xxx-xx-1346	DB	2	$844.33
100204332	TRIMPEY, ELAINE G	xxx-xx-2186	DB	2	$844.33
100239763	WAGNER, KYLE E	xxx-xx-0549	SI	1	$418.65

*** DIVISION TOTALS FOR DIVISION 0001 - R & R OPTICAL
*** CONTRACTS- 9 MEMBERS- 14 AMOUNT- $5,374.48

GEISINGER INDEMNITY INSURANCE CO
P O BOX 827498
PHILADELPHIA, PA 19182-7498

800-504-0443

R & R OPTICAL
PO BOX 10077
103 E BEAVER AVE STE 1
STATE COLLEGE, PA 16801-4969

STATEMENT NO: 000104512721
GROUP NO: 105985

COVERAGE PERIOD:
FROM 08/01/2007 TO 08/31/2007

*** PREMIUM BILLING SUBSCRIBER RECONCILIATION LIST ***

CONTRACT NO	SUBSCRIBER NAME	SOC SEC NO	CONT TYPE	FAM SIZE	PREMIUM AMOUNT
100204302	ATTIVO, PATRICIA A	xxx-xx-8530	SI	1	$418.65
100185706	BOOZEL, TAMI S	xxx-xx-5765	SI	1	$418.65
100204321	HINSON, RALPH E	xxx-xx-1851	SI	1	$418.65
100121762	JOHNSON, LETITIA A	xxx-xx-4006	SI	1	$418.65
100204320	LISAK, THOMAS D	xxx-xx-3123	SI	1	$418.65
100204326	RENNINGER, SCOTT A	xxx-xx-3561	F3	4	$1,173.92
100204331	SWATSWORTH, KAREN D	xxx-xx-1346	DB	2	$844.33
100204332	TRIMPEY, ELAINE G	xxx-xx-2186	DB	2	$844.33
100239763	WAGNER, KYLE E	xxx-xx-0549	SI	1	$418.65

*** DIVISION TOTALS FOR DIVISION 0001 - R & R OPTICAL
*** CONTRACTS- 9 MEMBERS- 14 AMOUNT- $5,374.48

GEISINGER INDEMNITY INSURANCE CO
P O BOX 827498
PHILADELPHIA, PA 19182-7498

800-504-0443

R & R OPTICAL
PO BOX 10077
103 E BEAVER AVE STE 1
STATE COLLEGE, PA 16801-4969

STATEMENT NO: 000104431894
GROUP NO: 105985

COVERAGE PERIOD:
FROM 07/01/2007 TO 07/31/2007

*** PREMIUM BILLING SUBSCRIBER RECONCILIATION LIST ***

CONTRACT NO	SUBSCRIBER NAME	SOC SEC NO	CONT TYPE	FAM SIZE	PREMIUM AMOUNT
100204302	ATTIVO, PATRICIA A	195-40-8530	SI	1	$418.65
100185706	BOOZEL, TAMI S	189-50-5765	SI	1	$418.65
100204321	HINSON, RALPH E	454-39-1851	SI	1	$418.65
100121762	JOHNSON, LETITIA A	180-52-4006	SI	1	$418.65
100204320	LISAK, THOMAS D	180-46-3123	SI	1	$418.65
100204326	RENNINGER, SCOTT A	177-44-3561	F3	4	$1,173.92
100204331	SWATSWORTH, KAREN D	203-42-1346	DB	2	$844.33
100204332	TRIMPEY, ELAINE G	169-36-2186	DB	2	$844.33
100239763	WAGNER, KYLE E	192-66-0549	SI	1	$418.65

*** DIVISION TOTALS FOR DIVISION 0001 - R & R OPTICAL
*** CONTRACTS- 9 MEMBERS- 14 AMOUNT- $5,374.48

Store	Employee	Total 2005
Altoona	R.M. Grimme	2,365.00
6,735.00	S.A. Keith	2,855.00
	L.A. Knott	0.00
	B.E. Lavanish	525.00
	V.A.Smith	0.00
	J.R. Turner	990.00
Bedford	A.D. Black	2,110.00
7,925.00	S.M. Creps	2,100.00
	R.E. Hinson	1,740.00
	W.K. Steele	1,975.00
Bellefonte	J.C. Long	450.00
1,590.00	E.G. Trimpey	1,140.00
Clearfield	T.A. Johnson	1,295.00
4,115.00	S.A. Learn	155.00
	D.E. Snyder	220.00
	K.S. Swatsworth	1,100.00
	K.L. Weir	1,345.00
Dubois	C.L. Hiles	1,335.00
3,490.00	T.D. Lisak	2,155.00
	J.S.Shaffer	0.00
Huntingdon	J.E. Garner	1,130.00
2,685.00	A.C. Locke	625.00
	L.D. Treese	930.00
Burnham	P.A. Attivo	1,165.00
3,830.00	H.R. Kanagy	1,475.00
	L.F. Snook	1,140.00
	K.L. Rudy	50.00
Mifflintown	E.M. Brown	1,015.00
1,460.00	T.P. Pennington	445.00
Philipsburg	B.L. Fannin	3,160.00
4,130.00	J.J. Sass	0.00
	E.J. Shaw	970.00
St. Marys	J.M. Copello	1,380.00
1,400.00	J.A. Main	10.00
	S.A. McManus	10.00
	C.L. Poland	0.00
State College	S.M. Dunkel	990.00
2,845.00	D.L.Kensinger	30.00
	B.E. Lavanish	100.00
	T.M. Lockard	1,250.00
	R. Mombrun	475.00
Total Spiffs Paid 2005		40,205.00

Store	Employee	Total 2006
Altoona	R.M. Grimme	2,645.00
6,747.50	R.J.Jones	155.00
	S.A. Keith	2,867.50
	L.A. Knott	97.50
	B.E. Lavanish	982.50
	V.A. Smith	0.00
Bedford	A.D. Black	2,374.50
10,282.00	S.M. Creps	3,217.50
	R.E. Hinson	3,280.00
	W.K. Steele	1,410.00
Bellefonte	J.C. Long	85.00
225.00	E.G. Trimpey	140.00
Clearfield	L.A. Johnson	575.00
3,935.00	S.A. Learn	55.00
	D.E. Snyder	195.00
	K.D. Swatsworth	1,085.00
	E.G. Trimpey	1,075.00
	K.L.Weir	950.00
Dubois	R.A. Emerick	727.50
4,157.50	C.L. Hiles	1,670.00
	T.D. Lisak	1,505.00
	J.S. Shaffer	255.00
Huntingdon	J.E. Garner	1,105.00
2,057.50	D.L. Stains	5.00
	L.D. Treese	947.50
Burnham	P.A. Attivo	1,560.00
4,842.50	T.S. Boozel	0.00
	H.R. Kanagy	1,602.50
	L.F. Snook	1,680.00
Philipsburg	B.L.Fannin	3,612.50
3,832.50	J.J. Sass	220.00
St. Marys	J.M. Copello	1,702.50
1,757.50	B.C. Ducro	35.00
	M.N. Flanders	0.00
	S.A. McManus	20.00
State College	S.M. Dunkel	1,655.00
2,825.00	D.L. Kensinger	1,170.00
Total Spiffs Paid 2006		40,662.00

Store	Employee	Total 2007
Altoona	B.A. Burchner	0.00
6,885.50	D.J. Claar	80.00
	L.N. Fishel	0.00
	R.M. Grimme	2,413.00
	S.M. Grimme	175.00
	R.J.Jones	872.50
	S.A. Keith	802.50
	L.A. Knott	737.50
	B.E. Lavanish	1,220.00
	J.L. Mitchell	585.00
	C.K. Shoop	0.00
Bedford	A.D. Black	3,072.50
9,965.00	S.M. Creps	4,572.50
	R.E. Hinson	1,235.00
	N. Miller	1,085.00
	R.G. (Mills) Kunsman	
Clearfield	L.A. Johnson	705.00
4,005.00	R.A. Luzier	195.00
	H.S. McLaughlin	185.00
	K.D. Swatsworth	570.00
	E.G. Trimpey	865.00
	K.L.Weir	1,485.00
Dubois	C.K. Blakeslee	390.00
4,177.50	C.L. Hiles	1,790.00
	T.D. Lisak	1,997.50
Huntingdon	J.E. Garner	1,170.00
2,532.50	D.L. Stains	535.00
	L.D. Treese	827.50
Burnham	P.A. Attivo	1,952.50
5,570.00	T.S. Boozel	1,285.00
	H.R. Kanagy	657.50
	L.F. Snook	1,675.00
Philipsburg	B.L.Fannin	4,387.50
4,617.50	C.K. Wojtowich	230.00
St. Marys	J.M. Copello	1,610.00
1,860.00	C.R. Dixon	20.00
	M.L. Olewnik	230.00
State College	S.M. Dunkel	3,755.00
5,675.00	D.L. Kensinger	1,695.00
	C. Yu	225.00
Total Spiffs Paid 2007		45,288.00

R & R Optical, Inc.
dba Wise Eyes Optical

Location	2005 (01/01 - 12/31)	2006 (01/01 - 12/31)	2007 (01/01 - 08/18)
Altoona	344,432.18	357,787.16	240,001.81
Bedford	303,809.00	308,055.85	195,766.00
Bellefonte	98,316.93	9,915.76	0.00
Burnham	294,028.11	357,190.66	262,009.98
Clearfield	332,853.70	340,444.87	233,383.20
DuBois	129,913.77	168,322.74	98,949.84
Huntingdon	216,157.58	202,842.47	135,934.64
Mifflintown	101,386.24	0.00	0.00
N. Atherton St.	180,134.81	192,719.10	177,339.96
Philipsburg	160,237.99	175,943.36	123,467.15
St. Marys	90,894.89	108,557.34	74,938.76
	2,252,165.20	2,221,779.31	1,541,791.34

Mifflintown: sold 07/2005
Bellefonte: closed 02/2006

2005: Revenue generated from sale of ARC and UVC

	# Jobs	Sun	Trans	Spec	Polar	ARC	Tint	UVC	Total	% Jobs
YTD 2005										
Altoona	2,407	20	402	134	64	70	209	213	1,112	46.2%
Bedford	1,842	36	407	152	40	49	208	134	1,026	55.7%
Bellefonte	596	4	175	44	3	10	29	0	265	44.5%
Burnham	2,220	47	389	92	16	31	121	0	696	31.4%
Clearfield	2,107	17	366	120	88	59	78	21	749	35.5%
DuBois	881	8	144	75	60	56	21	116	480	54.5%
Huntingdon	1,918	16	392	97	27	14	154	9	709	37.0%
Mifflintown **	580	38	160	22	7	11	37	0	275	47.4%
N. Atherton	858	35	77	131	49	43	39	169	543	63.3%
Philipsburg	1,042	82	189	108	18	54	88	9	548	52.6%
St. Marys	671	37	73	48	38	30	44	32	302	45.0%
Total 2005	15,122	340	2,774	1,023	410	427	1,028	703	6,705	44.3%
						ARC @ $99		UVC @ $25		Total
Revenue 2005										
Altoona						6,930.00		5,325.00		12,255.00
Bedford						4,851.00		3,350.00		8,201.00
Bellefonte						990.00		0.00		990.00
Burnham						3,069.00		0.00		3,069.00
Clearfield						5,841.00		525.00		6,366.00
DuBois						5,544.00		2,900.00		8,444.00
Huntingdon						1,386.00		225.00		1,611.00
Mifflintown **	sold 07/2005					1,089.00		0.00		1,089.00
N. Atherton						4,257.00		4,225.00		8,482.00
Philipsburg						5,346.00		225.00		5,571.00
St. Marys						2,970.00		800.00		3,770.00
Revenue 2005						$42,273.00		$17,575.00		$59,848.00

2006: Revenue generated from sale of ARC and UVC

	# Jobs	Sun	Trans	Spec	Polar	ARC	Tint	UVC	Total	% Jobs
YTD 2006										
Altoona	2,932	21	400	153	71	84	287	190	1,206	41.1%
Bedford	2,293	33	430	141	36	72	308	198	1,218	53.1%
Bellefonte **	99	1	27	9	1	1	5	0	44	44.4%
Burnham	2,986	79	508	120	30	43	267	7	1,054	35.3%
Clearfield	2,254	18	396	133	56	38	117	23	781	34.6%
DuBois	1,202	25	142	126	68	93	35	257	746	62.1%
Huntingdon	2,106	17	255	84	17	30	212	4	619	29.4%
N. Atherton	1,022	13	116	123	35	89	90	144	610	59.7%
Philipsburg	1,272	52	232	107	35	58	156	17	657	51.7%
St. Marys	974	45	111	54	30	42	76	77	435	44.7%
Total 2006	17,140	304	2,617	1,050	379	550	1,553	917	7,370	43.0%
						ARC @ $99		UVC @ $25	Total	
Revenue 2006										
Altoona						8,316.00		4,750.00	13,066.00	
Bedford						7,128.00		4,950.00	12,078.00	
Bellefonte **	closed 02/2006					99.00		0.00	99.00	
Burnham						4,257.00		175.00	4,432.00	
Clearfield						3,762.00		575.00	4,337.00	
DuBois						9,207.00		6,425.00	15,632.00	
Huntingdon						2,970.00		100.00	3,070.00	
N. Atherton						8,811.00		3,600.00	12,411.00	
Philipsburg						5,742.00		425.00	6,167.00	
St. Marys						4,158.00		1,925.00	6,083.00	
Revenue 2006						$54,450.00		$22,925.00	$77,375.00	

2007: Revenue generated from sale of ARC and UVC January 1, 2007 - August 31, 2007

	# Jobs	Sun	Trans	Spec	Polar	ARC	Tint	UVC	Polish	Warr	Total	% Jobs
YTD 2007												
Altoona	1,912	19	362	94	40	72	226	141	70	56	954	49.9%
Bedford	1,404	15	278	99	41	48	160	180	473	43	821	58.5%
Burnham	2,121	28	413	97	50	56	183	31	23	69	858	40.5%
Clearfield	1,604	26	340	135	73	45	88	23	7	13	730	45.5%
DuBois	757	12	133	80	39	36	25	217	2	22	542	71.6%
Huntingdon	1,288	27	204	74	14	12	145	1	4	13	477	37.0%
N. Atherton	895	13	157	105	24	103	58	147	263	79	607	67.8%
Philipsburg	868	40	167	84	30	48	117	63	46	4	549	63.2%
St. Marys	536	14	72	40	22	26	35	80	19	31	289	53.9%
Total 2007	11,385	194	2126	808	333	446	1037	883	907	330	5,827	51.2%
						ARC @ $99		UVC @ $25			Total	
Revenue 2007												
Altoona						7,128.00		3,525.00			10,653.00	
Bedford						4,752.00		4,500.00			9,252.00	
Burnham						5,544.00		775.00			6,319.00	
Clearfield						4,455.00		575.00			5,030.00	
DuBois						3,564.00		5,425.00			8,989.00	
Huntingdon						1,188.00		25.00			1,213.00	
N. Atherton						10,197.00		3,675.00			13,872.00	
Philipsburg						4,752.00		1,575.00			6,327.00	
St. Marys						2,574.00		2,000.00			4,574.00	
Revenue 2007						$44,154.00		$22,075.00			$66,229.00	

FX-OK · 09/20/05

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

September 20, 2005

CDT Classifieds
Fax: 237-5966

Please run the following classified line ad for 5 days under Healthcare:

Optician
Part time for busy Phillipsburg office.
Will train. Mail resume to:
Optician
P.O. Box 10077
State College, PA 16805

Please bill us at the above address. If you have any questions or need other information, please do not hesitate to contact me.

Debbie Cleeton
R & R Optical, Inc.
867-5045 (voice)
867-5044 (fax)

FAX. OK. 09/29

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

September 29, 2005

The Daily Press
Classifieds
Fax: 814-834-7473

Please run the following classified line ad for 5 days:

Optician
Part time for busy St. Marys office.
Will train. Mail resume to:
Optician
P.O. Box 10077
State College, PA 16805

Please bill us at the above address. If you have any questions or need other information, please do not hesitate to contact me.

Debbie Cleeton
R & R Optical, Inc.
814-867-5045 (voice)
814-867-5044 (fax)

FAX-OK-9/29

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

September 29, 2005

The Ridgway Record
Classifieds
Fax: 814-776-1086

Please run the following classified line ad for 5 days:

Optician
Part time for busy St. Marys office.
Will train. Mail resume to:
Optician
P.O. Box 10077
State College, PA 16805

Please bill us at the above address. If you have any questions or need other information, please do not hesitate to contact me.

Debbie Cleeton
R & R Optical, Inc.
814-867-5045 (voice)
814-867-5044 (fax)

MAILED 11/14

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

November 14, 2005

The Daily News
325 Penn St.
Huntingdon, PA 16652

Please run the following classified line ad for 5 days:

Optician
Part time for busy Huntingdon office.
Will train. Mail resume to:
Optician
P.O. Box 10077
State College, PA 16805

Please bill us at the above address. If you have any questions or need other information, please do not hesitate to contact me.

Debbie Cleeton
R & R Optical, Inc.
814-867-5045 (voice)
814-867-5044 (fax)

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

May 10, 2007

Altoona Mirror
P.O. Box 2008
Altoona, PA 16603
Attn: Classified Advertising

RE: Account #D2636

Please run the following classified line ad for 5 days:

OPTICIAN
Wanted Full Time for busy Altoona office.
Will train. Please call: 814-946-0330
Weekdays 9-5

Please bill us at the above address or include with our regular monthly statement. If you have any questions or need other information, please do not hesitate to contact me.

Debbie Cleeton
R & R Optical, Inc.
Accounts Payable
814-867-5045 (voice)
814-867-5044 (fax)

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

May 10, 2007

The Progress
P.O. Box 291
Clearfield, PA 16830
Attn: Classified Advertising

Please run the following classified line ad for 5 days:

OPTICIAN
Wanted Full Time for busy Clearfield office.
Will train. Please call: 814-411-1386
Weekdays 9-5

Please bill us at the above address or include with our regular monthly statement. If you have any questions or need other information, please do not hesitate to contact me.

Debbie Cleeton
R & R Optical, Inc.
Accounts Payable
814-867-5045 (voice)
814-867-5044 (fax)

R & R OPTICAL, INC.
dba Wise Eyes Optical, P.O. Box 10077, State College, PA 16805

August 7, 2007

Bedford Gazette
P.O. Box 671
Bedford, PA 15522
Fax: 814-623-5055
Attn: Classified Advertising

RE: Account #55102221-000

Please run the following classified line ad for 5 days beginning Thursday, August 9th:

OPTICIAN
Wanted Full Time for busy Everett office.
Will train. Please call: 814-623-0335
Weekdays 9-5

Please bill us at the above address or include with our regular monthly statement. If you have any questions or need other information, please do not hesitate to contact me.

Debbie Cleeton
R & R Optical, Inc.
Accounts Payable
814-867-5045 (voice)
814-867-5044 (fax)

CLEARFIELD BANK
&
TRUST COMPANY

MAIN OFFICE 11 N. Second Street PO Box 171 Clearfield, PA 16830 T (814) 765-7551 F (814) 765-2943

February 20, 2008

Deborah L. Cleeton
Plan Administrator
R & R Optical, Inc.
P. O. Box 10077
State College, PA 16805

IN RE: R & R Optical, Inc. Profit Sharing Plan

Dear Ms. Cleeton:

Today we have forwarded the checks directly to the following employees from the R & R Optical, Inc. Profit Sharing Plan handled through our Trust Department:

[redacted]

[redacted]

Elaine G. Trimpey $2,318.72 CNB Bank FBO Elaine G. Trimpey

Thank you for the opportunity to be of service. Should you have any questions or concerns, please feel free to call.

Sincerely,

Vicki J. Myers

Vicki J. Myers
Assistant Vice President/Trust Officer

R & R OPTICAL, INC.
PROFIT SHARING PLAN
BENEFIT ELECTION FORM

PARTICIPANT: Elaine G. Trimpey

LUMP SUM/ROLLOVER ELECTION

As a participant in the R & R OPTICAL, INC. PROFIT SHARING PLAN, after reading the Description of Tax and Withholding Requirements I elect the following:

☐ Lump Sum Payment, less 20% mandatory withholding, with the check issued to me.

or

XXX Rollover my total Lump Sum Payment and transfer it to:

XX IRA - issue the check to:
Name of IRA Custodian (Bank, Insurance Company, etc): CNB Bank

or

☐ Retirement Plan - issue the check to:
Name of Plan Trustee: _____

Elaine G. Trimpey
Participant's Signature

169-36-2186
Social Security Number

01/24/2008
Date

• • • •

R & R OPTICAL, INC.
PROFIT SHARING PLAN
SPOUSE'S CONSENT FORM

PARTICIPANT: Elaine G. Trimpey

SPOUSE'S CONSENT

I hereby approve of, and consent to, the payment option elected by my spouse on their Benefit Election Form. I understand that benefits in excess of $1,000 must be paid in the form of a joint and 50% survivor annuity unless I consent to a different form of payment as chosen by my spouse on their Benefit Election Form.

Frederick L. Trimpey — 01/24/2008
Spouse's Signature — Date

Signed and Sworn before me this 24 day of January, 20 08.

Diane K. Shadeck
Notary Public's Signature

Commonwealth of Pennsylvania
NOTARIAL SEAL
DIANE K. SHADECK, Notary Public
Karthaus Twp., Clearfield County
My Commission Expires July 15, 2010

• • • •

IRA QRP

DIRECT ROLLOVER REQUEST

The term IRA will be used below to mean Traditional IRA and Roth IRA, unless otherwise specified.

RECIPIENT'S NAME AND ADDRESS	EMPLOYER'S NAME AND ADDRESS
Elaine G Trimpey 1881 Keewaydin Rd Frenchville PA 16836-9218	

Recipient's Social Security Number	Recipient's Date of Birth	Recipient's Home Phone
169-36-2186	09/29/1946	(814) 263-4696

Plan Name	Phone Number

Plan Participant's Name	Plan Participant's Social Security Number
Elaine G Trimpey	169-36-2186

DIRECT ROLLOVER INSTRUCTIONS

Directly roll over ☒ all or ☐ part of my plan balance to my IRA, Qualified Retirement Plan, 403(b) Plan, or 457(b) Plan in the manner listed below. Please make a check payable as follows. **NOTE:** *Complete any of the following applicable options. If more than one option is selected, separate checks may have to be issued.*

OPTION ONE — **Traditional IRA**

CNB Bank
(Name of Accepting Organization)

as ☐ Trustee ☒ Custodian of the

Elaine G Trimpey IRA.
(Name of IRA Holder)

CAUTION: *Do not place the assets in a SIMPLE IRA or Coverdell Education Savings Account. Roth elective deferrals may not be rolled over to a Traditional IRA.*

OPTION TWO — **Roth IRA**

(Name of Accepting Organization)

as ☐ Trustee ☐ Custodian of the

Roth IRA.
(Name of Roth IRA Holder)

CAUTION: *Only Roth elective deferrals made to a 401(k) or 403(b) plan and the earnings attributable to them may be rolled over to a Roth IRA. These assets may not be rolled to a Traditional IRA.*

OPTION THREE — **Inherited Traditional or Roth IRA**

(Name of Accepting Organization)

as ☐ Trustee ☐ Custodian of the inherited ☐ Traditional IRA ☐ Roth IRA FBO. as beneficiary of
(Name of Inherited IRA Owner)

.
(Name of Original Plan Participant)

CAUTION: *Only Roth elective deferrals made to a 401(k) or 403(b) plan and the earnings attributable to them may be rolled over to an inherited Roth IRA. These assets may not be rolled to an inherited Traditional IRA.*

OPTION FOUR — **Qualified Retirement Plan, 403(b) Plan, or 457(b) Plan**

(Name of Accepting Organization)

as ☐ Trustee ☐ Custodian of the

FBO.
(Name of Plan)

.
(Name of Individual)

CAUTION: *Roth elective deferrals made to a 401(k) or 403(b) plan may only be rolled over to a similar type plan (i.e., 401(k) to 401(k)).*

ASSET HANDLING INSTRUCTIONS

Asset Description	Quantity Or Amount In Plan	Quantity Or Amount To Be Rolled	Liquidate Immediately	Directly Roll Over In Kind
1.			☐	☐
2.			☐	☐
3.			☐	☐
4.			☐	☐

REQUIRED MINIMUM DISTRIBUTION RESTRICTION

If this rollover is being made during or after the first year for which you must take a required minimum distribution, you may not roll over any distribution which would constitute a required minimum distribution from the distributing plan. **NOTE:** *Please check with your plan administrator for more information.*

SIGNATURE

I have read and understand the IRC Sec. 402(f) Notice provided to me by the Plan Administrator. I understand the rules and conditions applicable to direct rollovers and certify that I have met the requirements for making a direct rollover of the funds or property listed above. Due to the important tax consequences of rolling over funds or property to an IRA or other qualified plan, I have been advised to see a tax professional.

I hereby request payment from the plan designated above in the form of a direct rollover. I assume full responsibility for this direct rollover transaction and will not hold the Plan Administrator, Trustee or Custodian of either the distributing or receiving plans liable for any adverse consequences that may result.

I hereby irrevocably designate this contribution of the funds and/or property indicated above as a direct rollover contribution.

Elaine S Trimpey (Individual) 1-24-08 (Date)

(Notary Public/Signature Guarantee) (Date)

ACCEPTING TRUSTEE OR CUSTODIAN

The plan designated by the above-named individual is a valid IRA, qualified retirement plan (as described in IRC Sec. 401(a)), a tax-sheltered plan (as described in IRC Sec. 403(b)), or deferred compensation plan as described in IRC Sec. 457(b). The undersigned hereby agrees to serve as the Trustee, Custodian or Plan Administrator for the account of the above-named individual and, in that capacity, agrees to accept the direct rollover of the assets listed above.

Account Identification of Accepting IRA or Plan 169362186R1

CNB Bank
1 South Second St
Clearfield PA 16830-0042

Diane K. Hoover (Authorized Signature of New Trustee, Custodian or Plan Administrator) 1-24-08 (Date)

©2007 BISYS Retirement Services

SUBSCRIBER APPLICATION CHANGE FORM

GEISINGER HEALTH OPTIONS

M.C. 30-26
100 N. Academy Avenue
Danville, PA 17822

Effective Date of Change 10/01/07

105985 | 0001 | 100204332
GROUP NUMBER | DIVISION NUMBER | INSURANCE I.D. NUMBER

Trimpey | Elaine | G
LEGAL NAME (LAST) | (FIRST) | (M.I.)

1881 Keewaydin Rd.
ADDRESS (NUMBER) (STREET) (APT. NO.)

Frenchville | PA | 16836
CITY | STATE | ZIP CODE

Clearfield
COUNTY

169-36-2186
SOCIAL SECURITY NUMBER

CHANGES:
Check which change(s) apply:
- ☐ Adding Dependent(s)
- ☐ Name Change

_____
(Previous last name)

- ☐ Address Change
- ☐ New Home Telephone Number (_____)_____
- ☐ Changing Primary Care Physician (PCP)

Reason for PCP Change:
(check one)
- ☐ Medical care dissatisfaction
- ☐ Access dissatisfaction
- ☐ Provider service dissatisfaction
- ☐ Failure to establish relationship
- ☐ PCP leaves the Health Plan
- ☐ PCP moves
- ☐ Error in PCP selection
- ☐ Convenience

DISENROLLMENT
Check which reason may apply

☒ **SUBSCRIBER** OR ☐ **DEPENDENT**
- ☒ Termination of employment (TE)
- ☐ Lay off (LO)
- ☐ Leave of absence (LA)
- ☐ Reduction in work hours (RH)
- ☐ Retired (RT)
- ☐ Moved out of service area (OA)
- ☐ Deceased (DD)
  (Date of Death)___/___/___
- ☐ Personal preference (PP)
- ☐ Dissatisfaction with Plan (DI)
- ☐ Non payment of premium
- ☐ Selected other insurance (SO)
  - ☐ Open enrollment ___/___/___ (OE)
- ☐ Loss of dependent status (LS)

SUBSCRIBER AND DEPENDENT CHANGES (PLEASE PRINT OR TYPE)

CHECK ONE		LEGAL NAME				BIRTHDATE			RELATIONSHIP TO SUBSCRIBER	CHECK REASON (NOTE DATE)					
ADD	REMOVE	LAST	FIRST	MAIDEN NAME	M.I.	MO.	DAY	YR.		DATE OF MARRIAGE	DATE OF DIVORCE	OTHER CHANGE OF STATUS	SOCIAL SECURITY NUMBER	MEDICAL RECORD NUMBER	PCP NAME/ LOCATION (TOWN)
	X	Trimpey	Elaine		G	09	29	46	Self			TE	169-36-2186		
	X	Trimpey	Frederick		G	06	07	44	Spouse				180-34-8787		

I HEREBY apply for amendment of my subscriber application.
It is mutually agreed as follows: That these changes shall not become effective unless and until accepted by my employer. That this application for change in coverage will become a part of my original application and if accepted will be subject to the terms of my Employer's Health Benefit Plan.
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

SUBSCRIBER SIGNATURE | DATE SIGNED | GROUP BENEFITS ADMINISTRATOR / GROUP NAME | 10/19/07 DATE SIGNED

1-150-537-F Rev. 3/03js

WHITE - GEISINGER HEALTH OPTIONS YELLOW - EMPLOYER

ELECTION OF CONTINUATION OF COVERAGE UNDER COBRA REGULATIONS

SECTION 1. TO THE EMPLOYER — Please complete Section 1.

Employee Name:	Agreement Number:	Date of Qualifying Event:
Elaine G. Trimpey	100204332	08/18/2007
Group Name:	**Group Number:**	**Date You Sent Notice of Cobra Rights:**
R & R Optical	105985	08/20/2007

Group Address:	Group Phone Number:
P.O. Box 10077 State College, PA 16805-0077	814-867-5045
Premium Payment (Subject to Change): $844.33 per month	Authorized Group Signature:

Identify the Qualifying Event:

A. Qualified employees and/or dependents may continue coverage for up to 18 months if:
- ☒ The employee's employment terminated for reasons other than gross misconduct.
- ☐ The employee's working hours decreased so that coverage is no longer available.

B. Qualified employees may continue coverage for up to 29 months if:
- ☐ The employee is deemed disabled by the Social Security Administration.
  Date of Onset of Disability: ____/____/____

C. Qualified dependents may continue coverage for up to 36 months if:
- ☐ The dependent no longer meets the eligiblity requirements for a dependent.
- ☐ The dependent is divorced or legally separated from the employee.
- ☐ The employee is deceased.
- ☐ The employee is eligible for Medicare.

No Response as of 10/19/07

SECTION 2. TO THE QUALIFIED EMPLOYEE OR DEPENDENT — Please complete Section 2.
NOTE: Each qualified beneficiary, age 18 or older, may make a separate election.

	Name	Social Security Number	Birth Date
Employee			
For Disabled Employees Only — Expected Date of Medicare Benefits: ____/____/____			
Spouse			
Dependent Child			
Dependent Child			
Dependent Child			
Dependent Child			

Person To Be Billed —
Name: _____
Address: _____
_____

Coverage Being Continued:
(Check one.)
- ☐ Core Coverage Only
- ☐ Core and Non-Core Coverage
- ☐ None

Signature of Qualified Employee or Dependent Making Election: _____ Date: _____

To apply for continued coverage, send the completed election form and your first premium payment to the Employer/Group at the address shown above. You are responsible to pay all premiums. If you do not pay premiums when they are due, your coverage will terminate. Make checks payable to WISE EYES).

Notice of Cancellation

1. Group Name	2. Group Number
R & R Optical, Inc.	20798/00002

3. Employee's Name	Last	First	Middle Initial	4. SSN#
	Trimpey	Elaine	G	169-26-1186

5. Employment Termination Date (Date last worked) 08 / 18 / 1007
Mo. Day Yr.

The Employee named above is no longer employed as of the date indicated. We request that the insurance of this Employee be discontinued.

Any conversion and/or continuation rights that may be applicable have been explained to this terminated employee.

Date 08/20/2007

Employer Signature

EDUCATORS MUTUAL LIFE INSURANCE COMPANY
202 N. Prince Street, P.O. Box 83149
Lancaster, PA 17608-3149
Phone: (717) 397-2751 or (800) 233-0307

PAYROLL JOURNAL

01/01/2007 TO 12/31/2007

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/06/07	00012438	80.00	ELAINE G. TRIMPEY		880.00
			148.38	106.89	624.73
01/20/07	00012471	80.00	ELAINE G. TRIMPEY		895.00
			151.66	106.89	636.45
02/03/07	00012505	80.00	ELAINE G. TRIMPEY		850.00
			141.83	106.89	601.28
02/17/07	00012539	80.00	ELAINE G. TRIMPEY		955.00
			164.74	106.89	683.37
03/03/07	00012574	80.00	ELAINE G. TRIMPEY		945.00
			162.55	106.89	675.56
03/17/07	00012608	80.00	ELAINE G. TRIMPEY		920.00
			157.10	104.89	658.01
03/31/07	00012641	80.00	ELAINE G. TRIMPEY		850.00
			141.83	104.89	603.28
04/14/07	00012675	80.00	ELAINE G. TRIMPEY		970.00
			168.00	104.89	697.11
04/28/07	00012715	80.00	ELAINE G. TRIMPEY		850.00
			141.83	104.89	603.28
05/12/07	00012749	80.00	ELAINE G. TRIMPEY		955.00
			164.74	104.89	685.37
05/26/07	00012784	80.00	ELAINE G. TRIMPEY		870.00
			146.19	104.89	618.92
06/09/07	00012818	80.00	ELAINE G. TRIMPEY		925.00
			158.19	104.89	661.92
06/23/07	00012856	80.00	ELAINE G. TRIMPEY		925.00
			158.19	104.89	661.92
07/07/07	00012893	80.00	ELAINE G. TRIMPEY		865.00
			145.11	104.89	615.00
07/21/07	00012938	80.00	ELAINE G. TRIMPEY		850.00
			141.83	104.89	603.28
08/04/07	00012980	80.00	ELAINE G. TRIMPEY		885.00
			149.47	104.89	630.64
08/18/07	00013017	80.00	ELAINE G. TRIMPEY		925.00
			158.19	104.89	661.92
09/01/07	00013054	80.00	ELAINE G. TRIMPEY		800.00
			130.93	104.89	564.18
					16,115.00
TOTALS:			2,730.76	1,898.02	11,486.22

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PAYROLL JOURNAL

01/01/2006 TO 12/31/2006

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/07/06	00011521	80.00	ELAINE G. TRIMPEY		855.00
			149.72	75.56	629.72
01/21/06	00011555	80.00	ELAINE G. TRIMPEY		935.00
			167.17	75.56	692.27
02/04/06	00011588	80.00	ELAINE G. TRIMPEY		900.00
			159.53	75.56	664.91
02/18/06	00011632	80.00	ELAINE G. TRIMPEY		850.00
			148.64	75.56	625.80
03/04/06	00011665	80.00	ELAINE G. TRIMPEY		925.00
			164.99	75.56	684.45
03/18/06	00011697	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
04/01/06	00011732	80.00	ELAINE G. TRIMPEY		885.00
			156.27	73.56	655.17
04/15/06	00011770	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
04/29/06	00011806	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
05/13/06	00011841	80.00	ELAINE G. TRIMPEY		935.00
			167.17	73.56	694.27
05/27/06	00011878	80.00	ELAINE G. TRIMPEY		905.00
			160.63	73.56	670.81
06/10/06	00011913	80.00	ELAINE G. TRIMPEY		930.00
			166.08	73.56	690.36
06/24/06	00011950	80.00	ELAINE G. TRIMPEY		890.00
			157.35	73.56	659.09
07/08/06	00011986	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
07/22/06	00012027	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
08/05/06	00012061	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
08/19/06	00012095	80.00	ELAINE G. TRIMPEY		965.00
			174.26	73.56	717.18
09/02/06	00012129	80.00	ELAINE G. TRIMPEY		910.00
			161.72	73.56	674.72
09/16/06	00012163	80.00	ELAINE G. TRIMPEY		875.00
			154.08	73.56	647.36
09/30/06	00012197	80.00	ELAINE G. TRIMPEY		850.00
			148.64	73.56	627.80
10/14/06	00012231	80.00	ELAINE G. TRIMPEY		890.00
			150.55	104.89	634.56
10/28/06	00012271	80.00	ELAINE G. TRIMPEY		905.00
			153.82	104.89	646.29
11/11/06	00012305	80.00	ELAINE G. TRIMPEY		895.00
			151.66	104.89	638.45
11/25/06	00012339	80.00	ELAINE G. TRIMPEY		880.00
			148.38	104.89	626.73
12/09/06	00012372	80.00	ELAINE G. TRIMPEY		895.00
			151.66	104.89	638.45
12/23/06	00012405	80.00	ELAINE G. TRIMPEY		910.00
			154.92	104.89	650.19
					23,315.00

01/10/2007

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2006 TO 12/31/2006

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DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
TOTALS:			4,089.22	2,110.54	17,115.24

PAYROLL JOURNAL
01/01/2005 TO 12/31/2005

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/08/05	00010544	80.00	ELAINE G. TRIMPEY		815.00
			140.52	77.75	596.73
01/22/05	00010580	80.00	ELAINE G. TRIMPEY		840.00
			145.98	77.75	616.27
02/05/05	00010623	80.00	ELAINE G. TRIMPEY		835.00
			144.89	77.75	612.36
02/19/05	00010659	80.00	ELAINE G. TRIMPEY		845.00
			147.07	77.75	620.18
03/05/05	00010696	80.00	ELAINE G. TRIMPEY		835.00
			144.89	77.75	612.36
03/19/05	00010732	80.00	ELAINE G. TRIMPEY		845.00
			147.07	77.75	620.18
04/02/05	00010769	80.00	ELAINE G. TRIMPEY		845.00
			147.07	77.75	620.18
04/16/05	00010812	80.00	ELAINE G. TRIMPEY		885.00
			155.79	77.75	651.46
04/30/05	00010850	80.00	ELAINE G. TRIMPEY		860.00
			150.34	77.75	631.91
05/14/05	00010888	80.00	ELAINE G. TRIMPEY		890.00
			156.89	77.75	655.36
05/28/05	00010926	80.00	ELAINE G. TRIMPEY		815.00
			140.52	77.75	596.73
06/11/05	00010964	80.00	ELAINE G. TRIMPEY		825.00
			142.70	77.75	604.55
06/25/05	00011001	80.00	ELAINE G. TRIMPEY		800.00
			137.25	77.75	585.00
07/09/05	00011038	80.00	ELAINE G. TRIMPEY		850.00
			148.17	77.75	624.08
07/23/05	00011075	80.00	ELAINE G. TRIMPEY		845.00
			147.07	77.75	620.18
08/06/05	00011118	80.00	ELAINE G. TRIMPEY		865.00
			151.43	77.75	635.82
08/20/05	00011152	80.00	ELAINE G. TRIMPEY		820.00
			141.62	77.75	600.63
09/03/05	00011185	80.00	ELAINE G. TRIMPEY		870.00
			152.52	77.75	639.73
09/17/05	00011218	80.00	ELAINE G. TRIMPEY		860.00
			150.34	77.75	631.91
10/01/05	00011253	80.00	ELAINE G. TRIMPEY		865.00
			151.43	77.75	635.82
10/15/05	00011290	80.00	ELAINE G. TRIMPEY		880.00
			155.17	75.56	649.27
10/29/05	00011331	80.00	ELAINE G. TRIMPEY		895.00
			158.45	75.56	660.99
11/12/05	00011365	80.00	ELAINE G. TRIMPEY		940.00
			168.26	75.56	696.18
11/26/05	00011398	80.00	ELAINE G. TRIMPEY		910.00
			161.72	75.56	672.72
12/10/05	00011436	64.00	ELAINE G. TRIMPEY		640.00
			118.82	0.00	521.18
12/10/05	00011437	0.00	ELAINE G. TRIMPEY		1,000.00
			203.87	0.00	796.13
12/10/05	00011438	80.00	ELAINE G. TRIMPEY		940.00
			168.26	75.56	696.18

01/17/2006

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2005 TO 12/31/2005

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DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
12/24/05	00011483	80.00	ELAINE G. TRIMPEY		865.00
			151.91	75.56	637.53
TOTALS:			4,230.02	2,008.36	23,980.00 17,741.62

Selectus
Direct Access PPO

GROUP SUBSCRIBER APPLICATION

M.C. 30-26
100 North Academy Avenue
Danville, PA 17822

GROUP NUMBER	DIVISION NUMBER	INSURANCE ID NUMBER	EFFECTIVE DATE	SALES REP

GENERAL INFORMATION (Please Print or Type)

APPLICANT

LEGAL NAME (LAST)	(MAIDEN NAME)	(FIRST)	(M.I.)	
Trimpey		Elaine	G	☒ FEMALE ☐ MALE

ADDRESS (NUMBER) (STREET) (APT. NO.)	CITY	STATE	ZIP CODE	COUNTY	PHONE NUMBER
1881 Keewaydin Rd.	Frenchville	PA	16836	Clearfield	814-263-4696

SOCIAL SECURITY NUMBER	DATE OF BIRTH (MONTH / DAY / YEAR)	MARITAL STATUS
169 36 2186	09 / 29 / 1946	☒ MARRIED ☐ SINGLE ☐ DIVORCED/SEPARATED ☐ WIDOWED

EMPLOYER (NAME, CITY, AND PHONE NUMBER)	DATE OF EMPLOYMENT	MEDICAL RECORD NUMBER (if any)
B S R Optical Inc	01/14/1988	

WHILE ENROLLED IN SELECTUS DIRECT ACCESS PPO, WILL YOU OR YOUR SPOUSE, IF LISTED ON THIS FORM, ALSO BE COVERED BY:

☐ MEDICARE	YOUR MEDICARE NUMBER	PART A	PART B	SPOUSE'S MEDICARE NUMBER	PART A	PART B

☐ OTHER HEALTH INSURANCE	NAME OF INSURANCE CO.	SUBSCRIBER NAME	☐ FAMILY PLAN ☐ SELF ONLY	
	EFFECTIVE DATE OF COVERAGE	I.D. OR SOCIAL SECURITY NO.	GROUP NAME (EMPLOYER)	GROUP NUMBER

DEPENDENT

LEGAL NAME — FIRST	M.I.	LAST / MAIDEN NAME	SOCIAL SECURITY NO.	RELATIONSHIP	DATE OF BIRTH	MEDICAL RECORD NUMBER (if any)
Frederick	C	LAST: MAIDEN NAME	180-34-8787	☒ HUSBAND ☐ WIFE	06 07 44	
				☐ (STEP) ☐ SON ☐ DAUGHTER		
				☐ (STEP) ☐ SON ☐ DAUGHTER		
				☐ (STEP) ☐ SON ☐ DAUGHTER		
				☐ (STEP) ☐ SON ☐ DAUGHTER		

I hereby apply to Selectus Direct Access PPO for the coverage now being offered for myself and the dependent(s), if any, as shown above. I understand that this application is subject to acceptance by Selectus Direct Access PPO, and that if a Subscription Certificate is issued, services will be available subject to the exclusions, limitations and other conditions of the Subscription Certificate and/or Rider(s), if applicable. In the event it is determined that one (1) or more of my dependent(s) is/are ineligible for enrollment in Selectus Direct Access PPO pursuant to the Subscription Certificate, I authorize Selectus Direct Access PPO to process this application, omitting the names of such ineligible dependent(s). I further understand that rates for the Subscription Certificate and/or Rider(s), if applicable, issued to me are subject to change by Selectus Direct Access PPO, in accordance with terms of the agreement with my employer, and upon thirty (30) days prior notice to my employer acting on my behalf. I authorize my employer to make periodic deductions from my salary or wages of the amount, if any, I am required to contribute toward the rates for the coverage provided under my Subscription Certificate and/or Rider(s).

The information recorded above is true and correct to the best of my knowledge and belief. I understand that the misrepresentation of any material fact by me on this application could constitute grounds for the cancellation of any Subscription Certificate and/or Rider(s), if applicable, issued by Selectus Direct Access PPO in consideration of this application.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalities.

Signature of Applicant	Date Signed	Signature of Employer	Date Signed
E Elaine L. Trimpey	9-10-05		

PLEASE NOTE: If any of your dependent(s) do not live at the above address, please indicate name(s), current address(es) and reason(s) why your dependent(s) do not live at the above address. If your dependent(s) live with a custodial parent, please provide name of custodial parent.

White - Selectus Direct Access PPO *Yellow - Employer* *Pink - Applicant*

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/10/04	00009538	80.00	ELAINE G. TRIMPEY		810.00
			138.14	81.70	590.16
01/24/04	00009577	80.00	ELAINE G. TRIMPEY		840.00
			144.69	81.70	613.61
02/07/04	00009622	80.00	ELAINE G. TRIMPEY		830.00
			142.50	81.70	605.80
02/21/04	00009661	80.00	ELAINE G. TRIMPEY		830.00
			142.50	81.70	605.80
03/06/04	00009700	80.00	ELAINE G. TRIMPEY		840.00
			144.69	81.70	613.61
03/20/04	00009739	80.00	ELAINE G. TRIMPEY		885.00
			154.50	81.70	648.80
04/03/04	00009778	80.00	ELAINE G. TRIMPEY		870.00
			151.22	81.70	637.08
04/17/04	00009817	80.00	ELAINE G. TRIMPEY		855.00
			147.95	81.70	625.35
05/01/04	00009862	80.00	ELAINE G. TRIMPEY		840.00
			144.69	81.70	613.61
05/15/04	00009901	80.00	ELAINE G. TRIMPEY		835.00
			143.59	81.70	609.71
05/29/04	00009939	80.00	ELAINE G. TRIMPEY		835.00
			143.59	81.70	609.71
06/12/04	00009977	80.00	ELAINE G. TRIMPEY		835.00
			143.59	81.70	609.71
06/26/04	00010014	80.00	ELAINE G. TRIMPEY		825.00
			141.41	81.70	601.89
07/10/04	00010052	80.00	ELAINE G. TRIMPEY		815.00
			139.22	81.70	594.08
07/24/04	00010090	80.00	ELAINE G. TRIMPEY		810.00
			138.14	81.70	590.16
08/07/04	00010134	80.00	ELAINE G. TRIMPEY		855.00
			147.95	81.70	625.35
08/21/04	00010172	80.00	ELAINE G. TRIMPEY		875.00
			152.31	81.70	640.99
09/04/04	00010210	80.00	ELAINE G. TRIMPEY		860.00
			149.04	81.70	629.26
09/18/04	00010248	80.00	ELAINE G. TRIMPEY		830.00
			142.50	81.70	605.80
10/02/04	00010286	80.00	ELAINE G. TRIMPEY		835.00
			144.89	75.75	614.36
10/16/04	00010328	80.00	ELAINE G. TRIMPEY		820.00
			141.62	75.75	602.63
10/30/04	00010365	80.00	ELAINE G. TRIMPEY		835.00
			144.89	75.75	614.36
11/13/04	00010402	80.00	ELAINE G. TRIMPEY		845.00
			147.07	75.75	622.18
11/27/04	00010437	80.00	ELAINE G. TRIMPEY		810.00
			139.44	75.75	594.81
12/11/04	00010473	80.00	ELAINE G. TRIMPEY		830.00
			143.81	75.75	610.44
12/25/04	00010508	80.00	ELAINE G. TRIMPEY		840.00
			145.98	75.75	618.27
					21,790.00

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/11/03	00008504	80.00	ELAINE G. TRIMPEY		845.00
			173.38	70.54	601.08
01/25/03	00008542	80.00	ELAINE G. TRIMPEY		835.00
			170.74	70.54	593.72
02/08/03	00008581	80.00	ELAINE G. TRIMPEY		825.00
			168.09	70.54	586.37
02/22/03	00008621	80.00	ELAINE G. TRIMPEY		820.00
			166.76	70.54	582.70
03/08/03	00008660	80.00	ELAINE G. TRIMPEY		850.00
			174.71	70.54	604.75
03/22/03	00008701	80.00	ELAINE G. TRIMPEY		860.00
			177.35	70.54	612.11
04/05/03	00008742	80.00	ELAINE G. TRIMPEY		880.00
			182.65	70.54	626.81
04/19/03	00008788	80.00	ELAINE G. TRIMPEY		875.00
			181.33	70.54	623.13
05/03/03	00008828	80.00	ELAINE G. TRIMPEY		830.00
			150.75	70.54	608.71
05/17/03	00008874	80.00	ELAINE G. TRIMPEY		840.00
			153.40	70.54	616.06
05/31/03	00008916	80.00	ELAINE G. TRIMPEY		820.00
			148.10	70.54	601.36
06/14/03	00008956	80.00	ELAINE G. TRIMPEY		830.00
			150.75	70.54	608.71
06/28/03	00008996	80.00	ELAINE G. TRIMPEY		810.00
			145.45	70.54	594.01
07/12/03	00009034	80.00	ELAINE G. TRIMPEY		815.00
			139.07	70.54	605.39
07/26/03	00009077	80.00	ELAINE G. TRIMPEY		845.00
			145.52	70.54	628.94
08/09/03	00009114	80.00	ELAINE G. TRIMPEY		850.00
			146.59	70.54	632.87
08/23/03	00009152	80.00	ELAINE G. TRIMPEY		840.00
			144.45	70.54	625.01
09/06/03	00009189	80.00	ELAINE G. TRIMPEY		855.00
			147.66	70.54	636.80
09/20/03	00009227	80.00	ELAINE G. TRIMPEY		825.00
			141.23	70.54	613.23
10/04/03	00009265	80.00	ELAINE G. TRIMPEY		815.00
			136.67	81.70	596.63
10/18/03	00009303	80.00	ELAINE G. TRIMPEY		860.00
			146.34	81.70	631.96
11/01/03	00009347	80.00	ELAINE G. TRIMPEY		825.00
			138.83	81.70	604.47
11/15/03	00009386	80.00	ELAINE G. TRIMPEY		820.00
			137.75	81.70	600.55
11/29/03	00009424	80.00	ELAINE G. TRIMPEY		800.00
			133.46	81.70	584.84
12/13/03	00009462	80.00	ELAINE G. TRIMPEY		835.00
			140.97	81.70	612.33
12/27/03	00009500	80.00	ELAINE G. TRIMPEY		820.00
			137.75	81.70	600.55
					21,725.00

PAYROLL JOURNAL
01/01/2002 TO 12/31/2002

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/12/02	00007463	80.00	ELAINE G. TRIMPEY		810.00
			163.96	37.66	608.38
01/26/02	00007499	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
02/09/02	00007535	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
02/23/02	00007572	80.00	ELAINE G. TRIMPEY		840.00
			171.89	37.66	630.45
03/09/02	00007618	80.00	ELAINE G. TRIMPEY		825.00
			167.92	37.66	619.42
03/23/02	00007655	80.00	ELAINE G. TRIMPEY		835.00
			170.57	37.66	626.77
04/06/02	00007693	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
04/20/02	00007731	80.00	ELAINE G. TRIMPEY		875.00
			181.15	37.66	656.19
05/04/02	00007774	80.00	ELAINE G. TRIMPEY		800.00
			161.31	37.66	601.03
05/18/02	00007813	80.00	ELAINE G. TRIMPEY		855.00
			175.86	37.66	641.48
06/01/02	00007852	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
06/15/02	00007893	80.00	ELAINE G. TRIMPEY		805.00
			162.63	37.66	604.71
06/29/02	00007936	80.00	ELAINE G. TRIMPEY		830.00
			169.25	37.66	623.09
07/13/02	00007977	80.00	ELAINE G. TRIMPEY		845.00
			173.21	37.66	634.13
07/27/02	00008016	80.00	ELAINE G. TRIMPEY		820.00
			166.60	37.66	615.74
08/10/02	00008056	80.00	ELAINE G. TRIMPEY		855.00
			175.86	37.66	641.48
08/24/02	00008102	80.00	ELAINE G. TRIMPEY		825.00
			167.92	37.66	619.42
09/07/02	00008142	80.00	ELAINE G. TRIMPEY		800.00
			161.31	37.66	601.03
09/21/02	00008181	80.00	ELAINE G. TRIMPEY		880.00
			182.47	37.66	659.87
10/05/02	00008221	80.00	ELAINE G. TRIMPEY		800.00
			161.31	70.54	568.15
10/19/02	00008264	80.00	ELAINE G. TRIMPEY		830.00
			169.25	70.54	590.21
11/02/02	00008303	80.00	ELAINE G. TRIMPEY		835.00
			170.57	70.54	593.89
11/16/02	00008343	80.00	ELAINE G. TRIMPEY		860.00
			177.18	70.54	612.28
11/30/02	00008383	80.00	ELAINE G. TRIMPEY		815.00
			165.28	70.54	579.18
12/14/02	00008424	80.00	ELAINE G. TRIMPEY		830.00
			169.25	70.54	590.21
12/28/02	00008464	80.00	ELAINE G. TRIMPEY		815.00
			165.28	70.54	579.18
					21,605.00

12/18/99	00005219	80.00	820.00	189.68	0.00	630.32
YTD		2,080.00	$20,835.00	$4,790.68	$0.00	$16,044.32

PAYROLL JOURNAL
01/01/2001 TO 12/31/2001

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/13/01	00006344	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
01/27/01	00006375	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
02/10/01	00006407	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
02/24/01	00006438	0.00	ELAINE G. TRIMPEY		35.00
			4.01	0.00	30.99
02/24/01	00006464	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
03/10/01	00006497	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
03/24/01	00006530	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
04/07/01	00006598	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
04/21/01	00006633	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
05/05/01	00006668	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
05/19/01	00006736	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/02/01	00006771	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/16/01	00006811	0.00	ELAINE G. TRIMPEY		25.00
			2.86	0.00	22.14
06/16/01	00006836	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/30/01	00006871	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
07/14/01	00006942	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
07/28/01	00006976	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
08/11/01	00007014	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
08/25/01	00007068	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
09/08/01	00007107	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
09/22/01	00007149	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
10/06/01	00007184	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
10/20/01	00007221	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/03/01	00007260	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/17/01	00007299	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/17/01	00007330	0.00	ELAINE G. TRIMPEY		50.00
			5.73	0.00	44.27
12/01/01	00007350	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2001 TO 12/31/2001

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
12/15/01	00007388	80.00	ELAINE G. TRIMPEY		800.00
			184.39	37.66	577.95
12/29/01	00007426	80.00	ELAINE G. TRIMPEY		800.00
			184.39	37.66	577.95
	TOTALS:		4,933.70	75.32	21,390.00 16,380.98

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/01/00	00005274	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
01/15/00	00005307	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
01/29/00	00005341	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
02/12/00	00005376	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
02/26/00	00005409	0.00	ELAINE G. TRIMPEY		25.00
			2.86	0.00	22.14
02/26/00	00005437	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
03/11/00	00005469	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
03/25/00	00005503	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
04/08/00	00005536	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
04/22/00	00005569	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
05/06/00	00005602	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
05/20/00	00005636	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/03/00	00005717	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/17/00	00005751	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
06/30/00	00005821	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
07/15/00	00005831	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
07/29/00	00005887	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
08/12/00	00005922	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
08/26/00	00005958	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
09/09/00	00005991	0.00	ELAINE G. TRIMPEY		85.00
			9.73	0.00	75.27
09/09/00	00006047	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
09/23/00	00006076	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
10/07/00	00006108	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
10/21/00	00006139	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/04/00	00006171	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
11/18/00	00006202	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
12/02/00	00006253	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2000 TO 12/31/2000

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
12/16/00	00006284	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
12/30/00	00006315	80.00	ELAINE G. TRIMPEY		820.00
			189.68	0.00	630.32
	TOTALS:		5,133.95	0.00	22,250.00 17,116.05

EMPLOYEE CARD REPORT
ELAINE G. TRIMPEY

EMPLOYEE ID: BF/TRIMP

CATEGORY: Full Time

ADDRESS:
ELAINE G. TRIMPEY
R.D. #1 BOX 132
FRENCHVILLE, PA 16836
Phone: -
Department: C.C.S.M.A. Ext:
Social Security #: 169-36-2186

PERSONNEL DATA:
Date of Birth: 09/29/1946
Date of Hire: 01/14/1988
Termination Date:
Previous Pay: 385.00/wk
Last Review Date: 09/13/1999
Next Review Date:

Pay Type: SALARY
Status: Active
Married Status: Married
Pay Frequency: Biweekly

Accrued Vacation: 0.00
Accrued Sick: 0.00

COMMENTS:
COVINGTON TWP *P* OPT1

EMPLOYEE HISTORY

DATE	REF NO	TOTAL HRS YTD	GROSS PAY YTD	WITHHOLDINGS YTD	DEDUCTIONS YTD	NET PAY YTD
01/02/99	00004227	80.00	790.00	181.74	0.00	608.26
YTD		80.00	$790.00	$181.74	$0.00	$608.26
01/16/99	00004259	80.00	790.00	181.74	0.00	608.26
YTD		160.00	$1,580.00	$363.48	$0.00	$1,216.52
01/30/99	00004292	80.00	790.00	181.74	0.00	608.26
YTD		240.00	$2,370.00	$545.22	$0.00	$1,824.78
02/13/99	00004325	80.00	790.00	181.74	0.00	608.26
YTD		320.00	$3,160.00	$726.96	$0.00	$2,433.04
02/27/99	00004358	80.00	790.00	181.74	0.00	608.26
YTD		400.00	$3,950.00	$908.70	$0.00	$3,041.30
03/13/99	00004397	0.00	30.00	3.44	0.00	26.56
YTD		400.00	$3,980.00	$912.14	$0.00	$3,067.86
03/13/99	00004398	80.00	790.00	181.74	0.00	608.26
YTD		480.00	$4,770.00	$1,093.88	$0.00	$3,676.12
03/27/99	00004450	80.00	790.00	181.74	0.00	608.26
YTD		560.00	$5,560.00	$1,275.62	$0.00	$4,284.38
04/10/99	00004507	80.00	790.00	181.75	0.00	608.25
YTD		640.00	$6,350.00	$1,457.37	$0.00	$4,892.63
04/24/99	00004541	80.00	790.00	181.75	0.00	608.25
YTD		720.00	$7,140.00	$1,639.12	$0.00	$5,500.88
05/08/99	00004575	80.00	790.00	181.75	0.00	608.25
YTD		800.00	$7,930.00	$1,820.87	$0.00	$6,109.13

EMPLOYEE CARD REPORT
ELAINE G. TRIMPEY

05/22/99	00004609	80.00	790.00	181.75	0.00	608.25
YTD		880.00	$8,720.00	$2,002.62	$0.00	$6,717.38
06/05/99	00004667	80.00	790.00	181.75	0.00	608.25
YTD		960.00	$9,510.00	$2,184.37	$0.00	$7,325.63
06/19/99	00004699	80.00	790.00	181.75	0.00	608.25
YTD		1,040.00	$10,300.00	$2,366.12	$0.00	$7,933.88
07/03/99	00004731	80.00	790.00	181.75	0.00	608.25
YTD		1,120.00	$11,090.00	$2,547.87	$0.00	$8,542.13
07/17/99	00004763	80.00	790.00	181.75	0.00	608.25
YTD		1,200.00	$11,880.00	$2,729.62	$0.00	$9,150.38
07/31/99	00004795	80.00	790.00	181.75	0.00	608.25
YTD		1,280.00	$12,670.00	$2,911.37	$0.00	$9,758.63
08/14/99	00004827	80.00	790.00	181.75	0.00	608.25
YTD		1,360.00	$13,460.00	$3,093.12	$0.00	$10,366.88
08/28/99		0.00	0.00	0.00	0.00	0.00
YTD		1,360.00	$13,460.00	$3,093.12	$0.00	$10,366.88
08/28/99	00004888	80.00	790.00	181.75	0.00	608.25
YTD		1,440.00	$14,250.00	$3,274.87	$0.00	$10,975.13
09/11/99	00004922	80.00	790.00	181.75	0.00	608.25
YTD		1,520.00	$15,040.00	$3,456.62	$0.00	$11,583.38
09/25/99	00004983	0.00	55.00	6.30	0.00	48.70
YTD		1,520.00	$15,095.00	$3,462.92	$0.00	$11,632.08
09/25/99	00005010	80.00	820.00	189.68	0.00	630.32
YTD		1,600.00	$15,915.00	$3,652.60	$0.00	$12,262.40
10/09/99	00005047	80.00	820.00	189.68	0.00	630.32
YTD		1,680.00	$16,735.00	$3,842.28	$0.00	$12,892.72
10/23/99	00005081	80.00	820.00	189.68	0.00	630.32
YTD		1,760.00	$17,555.00	$4,031.96	$0.00	$13,523.04
11/06/99	00005114	80.00	820.00	189.68	0.00	630.32
YTD		1,840.00	$18,375.00	$4,221.64	$0.00	$14,153.36
11/20/99	00005147	80.00	820.00	189.68	0.00	630.32
YTD		1,920.00	$19,195.00	$4,411.32	$0.00	$14,783.68
12/03/99	00005179	0.00	0.00	0.00	0.00	0.00
YTD		1,920.00	$19,195.00	$4,411.32	$0.00	$14,783.68
12/04/99	00005179	0.00	0.00	0.00	0.00	0.00
YTD		1,920.00	$19,195.00	$4,411.32	$0.00	$14,783.68
12/04/99	00005206	80.00	820.00	189.68	0.00	630.32
YTD		2,000.00	$20,015.00	$4,601.00	$0.00	$15,414.00

EMPLOYEE CARD REPORT
ELAINE G. TRIMPEY

12/18/99	00005219	80.00	820.00	189.68	0.00	630.32
YTD		2,080.00	$20,835.00	$4,790.68	$0.00	$16,044.32

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	20,020.00
COMMENTS	COVINGTON *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1						
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/03/98	80.00	770.00	20.00	91.28	22.12	0.00
3242	0.00	0.00	790.00	60.44	7.90	608.26
01/17/98	80.00	770.00	20.00	91.28	22.12	0.00
3275	0.00	0.00	790.00	60.44	7.90	608.26
01/31/98	80.00	770.00	20.00	91.28	22.12	0.00
3309	0.00	0.00	790.00	60.44	7.90	608.26
02/14/98	0.00	0.00	71.00	0.00	1.99	0.00
3343	0.00	0.00	71.00	5.43	0.71	62.87
02/14/98	80.00	770.00	20.00	91.28	22.12	0.00
3370	0.00	0.00	790.00	60.44	7.90	608.26
02/28/98	80.00	770.00	20.00	91.28	22.12	0.00
3404	0.00	0.00	790.00	60.44	7.90	608.26
03/14/98	80.00	770.00	20.00	91.28	22.12	0.00
3438	0.00	0.00	790.00	60.44	7.90	608.26
03/28/98	80.00	770.00	20.00	91.28	22.12	0.00
3472	0.00	0.00	790.00	60.44	7.90	608.26
04/11/98	80.00	770.00	20.00	91.28	22.12	0.00
3506	0.00	0.00	790.00	60.44	7.90	608.26
04/25/98	80.00	770.00	20.00	91.28	22.12	0.00
3539	0.00	0.00	790.00	60.44	7.90	608.26

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
05/09/98 3573	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
05/23/98 3619	0.00 0.00	0.00 0.00	36.00 36.00	0.00 2.75	1.01 0.36	0.00 31.88
05/23/98 3646	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
06/06/98 3680	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
06/20/98 3714	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
07/04/98 3748	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
07/18/98 3783	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
08/01/98 3817	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
08/15/98 3850	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
08/29/98 3883	0.00 0.00	0.00 0.00	81.00 81.00	0.00 6.19	2.27 0.81	0.00 71.73
08/29/98 3910	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
09/12/98 3944	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
09/26/98 3979	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
10/10/98 4014	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
10/24/98 4047	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
11/07/98 4080	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
11/21/98 4112	0.00 0.00	0.00 0.00	35.00 35.00	0.00 2.68	0.98 0.35	0.00 30.99

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
11/21/98	80.00	770.00	20.00	91.28	22.12	0.00
4133	0.00	0.00	790.00	60.44	7.90	608.26
12/05/98	80.00	770.00	20.00	91.28	22.12	0.00
4164	0.00	0.00	790.00	60.44	7.90	608.26
12/19/98	80.00	770.00	20.00	91.28	22.12	0.00
4194	0.00	0.00	790.00	60.44	7.90	608.26
Y-T-D	2,080.00	20,020.00	743.00	2,373.28	581.37	0.00
TOTAL	0.00	0.00	20,763.00	1,588.49	207.63	16,012.23

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	20,020.00
COMMENTS	COVINGTON *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1						
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/04/97	80.00	770.00	20.00	91.28	22.12	0.00
2275	0.00	0.00	790.00	60.44	7.90	608.26
01/18/97	80.00	770.00	20.00	91.28	22.12	0.00
2309	0.00	0.00	790.00	60.44	7.90	608.26
02/01/97	80.00	770.00	20.00	91.28	22.12	0.00
2342	0.00	0.00	790.00	60.44	7.90	608.26
02/15/97	80.00	770.00	20.00	91.28	22.12	0.00
2376	0.00	0.00	790.00	60.44	7.90	608.26
02/15/97	0.00	0.00	66.00	10.00	1.85	0.00
2408	0.00	0.00	66.00	5.05	0.66	48.44
03/01/97	80.00	770.00	20.00	91.28	22.12	0.00
2433	0.00	0.00	790.00	60.44	7.90	608.26
03/15/97	80.00	770.00	20.00	91.28	22.12	0.00
2465	0.00	0.00	790.00	60.44	7.90	608.26
03/29/97	80.00	770.00	20.00	91.28	22.12	0.00
2497	0.00	0.00	790.00	60.44	7.90	608.26
04/12/97	80.00	770.00	20.00	91.28	22.12	0.00
2532	0.00	0.00	790.00	60.44	7.90	608.26
04/26/97	80.00	770.00	20.00	91.28	22.12	0.00
2564	0.00	0.00	790.00	60.44	7.90	608.26

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
05/10/97 2596	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
05/24/97 2628	0.00 0.00	0.00 0.00	83.00 83.00	0.00 6.35	2.32 0.83	0.00 73.50
05/24/97 2652	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
06/07/97 2685	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
06/21/97 2718	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
07/05/97 2752	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
07/19/97 2786	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
08/02/97 2820	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
08/16/97 2854	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
08/30/97 2888	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
09/13/97 2923	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
09/13/97 2955	0.00 0.00	76.00 0.00	0.00 76.00	0.00 5.81	2.13 0.76	0.00 67.30
09/27/97 2982	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
10/11/97 3017	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
10/25/97 3050	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
11/08/97 3083	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26
11/22/97 3116	80.00 0.00	770.00 0.00	20.00 790.00	91.28 60.44	22.12 7.90	0.00 608.26

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
12/06/97	80.00	770.00	20.00	91.28	22.12	0.00
3157	0.00	0.00	790.00	60.44	7.90	608.26
12/20/97	80.00	770.00	20.00	91.28	22.12	0.00
3209	0.00	0.00	790.00	60.44	7.90	608.26
Y-T-D	2,080.00	20,096.00	669.00	2,383.43	581.42	0.00
TOTAL	0.00	0.00	20,765.00	1,588.65	207.65	16,003.85

Capital BlueCross Pennsylvania BlueShield

Independent Licensees of the Blue Cross and Blue Shield Association
1-800-958-5558

ENROLLMENT CHANGE FORM (GROUP MEMBERS)

10. FOR GROUP LEADER/ADMINISTRATOR USE

EFFECTIVE DATE: 12/01/97

PLEASE PRINT OR TYPE

1. CONTRACTHOLDER INFORMATION

NAME (LAST)	(FIRST)	(MI)	IDENTIFICATION NO.	GROUP NO.
Hinson	Uneeda	J	165-52-8788	668611000

MAILING ADDRESS (STREET)	(CITY)	(STATE) (ZIP)	(COUNTY)	IS THIS A NEW ADDRESS?	TELEPHONE NUMBERS
9373 William Penn Rd.	Osterburg	PA 16667	Bedford	☒ YES ☐ NO	Home ( ) Work (814 623-0335 Ext:

2. ADD OR REMOVE CONTRACTHOLDER, SPOUSE OR DEPENDENT

ADD/REMOVE THE SUBSCRIBER LISTED. (IF DEPENDENT IS REMOVED, INCLUDE ADDRESS IF DIFFERENT FROM CONTRACTHOLDER)

NAME (LAST IF DIFFERENT FROM CONTRACTHOLDER) (FIRST) (MI)	SOCIAL SECURITY NO.	BIRTHDATE MO DAY YR	HANDICAPPED DEPENDENT	ADD/REMOVE
CONTRACTHOLDER →				☐ REMOVE
SPOUSE				☐ ADD ☐ REMOVE
☐ SON ☐ DAU			☐ YES ☐ NO	☐ ADD ☐ REMOVE
☐ SON ☐ DAU			☐ YES ☐ NO	☐ ADD ☐ REMOVE
☐ SON ☐ DAU			☐ YES ☐ NO	☐ ADD ☐ REMOVE
OTHER			☐ YES ☐ NO	☐ ADD ☐ REMOVE

DEPENDENT ADDRESS (STREET) (CITY) (STATE) (ZIP) (COUNTY)

3. REASON FOR CHANGE

COMPLETE THIS SECTION WHEN ADDING OR REMOVING SUBSCRIBER/DEPENDENT(S). CHECK REASON AND GIVE DATE OF CHANGE.

- ☐ NO LONGER EMPLOYED
- ☐ DECEASED
- ☐ MARRIAGE
- ☐ OTHER BLUE CROSS BLUE SHIELD COVERAGE (SEE SECTIONS 4 & 5)
- ☐ DIVORCE
- ☐ OTHER INSURANCE CO. (SEE SECTIONS 4 & 5)
- ☐ NEWBORN
- ☐ OVERAGE DEPENDENT
- ☐ OTHER (please explain below)

DATE CHANGE OCCURRED (MO, DAY, YR)

4. CHANGE COVERAGE

CHECK EACH TYPE OF COVERAGE YOU ARE ADDING OR REMOVING

BLUE CROSS	BLUE SHIELD	MAJOR MED	DENTAL	VISION	RX DRUG	HEARING	COMP/WRAP	65-SPECIAL	ADD OR REMOVE
									☐ ADD ☐ REMOVE
									☐ ADD ☐ REMOVE
									☐ ADD ☐ REMOVE
									☐ ADD ☐ REMOVE
									☐ ADD ☐ REMOVE
									☐ ADD ☐ REMOVE

IF YOU ARE UNSURE WHICH TYPE(S) OR COVERAGE YOU NOW HAVE OR ARE ELIGIBLE TO ADD, ASK YOUR GROUP LEADER/ADMINISTRATOR

5. OTHER COVERAGE

COMPLETE IF YOU OR ANY OF YOUR DEPENDENTS HAVE ANY OTHER HEALTH CARE SERVICES COVERAGE WITH A BLUE CROSS AND/OR BLUE SHIELD PLAN OR ANOTHER INSURANCE COMPANY.

NAME OF CONTRACTHOLDER	NAME OF HEALTHCARE PLAN OR INSURANCE CO.	IDENTIFICATION / POLICY NO.

6. STUDENT INFORMATION

COMPLETE THE FOLLOWING INFORMATION FOR DEPENDENTS THAT ARE ENROLLED AS FULL-TIME STUDENTS AT AN ACCREDITED SCHOOL OR UNIVERSITY.

STUDENT'S NAME	NAME OF SCHOOL OR UNIVERSITY	EXPECTED GRADUATION DATE

7. CHANGE COVERAGE TO MEDICARE COMPLEMENTARY 65-SPECIAL

PERSON APPLYING FOR CHANGE IN COVERAGE ☐ CONTRACTHOLDER ☐ DEPENDENT — BIRTHDATE (MO, DAY, YR)

EFFECTIVE DATE OF CHANGE

HEALTH INSURANCE CLAIM NO.

COVERAGE SELECTED

☐ BLUE CROSS 65-SPECIAL AND BLUE SHIELD 65-SPECIAL

HOSPITAL INSURANCE EFFECTIVE DATE

MEDICAL INSURANCE EFFECTIVE DATE

REASON FOR MEDICARE ELIGIBILITY: ☐ AGE 65 & OVER ☐ DISABLED ☐ END STAGE RENAL DISEASE
*SEND A COPY OF YOUR MEDICARE HEALTH INSURANCE CARD

IF DISABLED OR AGE 65 & OVER ARE YOU ACTIVELY EMPLOYED OR A DEPENDENT OF AN ACTIVELY EMPLOYED INDIVIDUAL? ☐ YES ☐ NO

DOES YOUR COMPANY EMPLOY 20 OR MORE EMPLOYEES? ☐ YES ☐ NO

8. CHANGE THE FOLLOWING INFORMATION

CHANGE IS FOR ☐ CONTRACTHOLDER ☐ DEPENDENT (NAME) _____

NAME	FROM	TO
BIRTHDATE (MO, DAY, YR)	FROM	TO
ID NO.	FROM	TO

9. STATEMENT OF AUTHORIZATION

Capital Blue Cross and Pennsylvania Blue Shield are authorized to make changes requested above to my enrollment records. I understand the effective date of the changes will be determined by Capital Blue Cross. **Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.** I verify that the information given in the Enrollment Change Form is true and correct.

SIGNATURE [signature] DATE [signature]

A-19 (1/96)

GROUP LEADER/ADMINISTRATOR - Keep bottom copy for your records and forward top two copies to Capital Blue Cross

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	20,020.00
COMMENTS	COVINGTON *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.030%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/06/96	80.00	770.00	131.00	108.08	25.23	0.27
1249	0.00	0.00	901.00	68.92	9.01	689.49
01/20/96	80.00	770.00	20.00	91.43	22.12	0.24
1284	0.00	0.00	790.00	60.44	7.90	607.87
02/03/96	80.00	770.00	20.00	91.43	22.12	0.24
1321	0.00	0.00	790.00	60.44	7.90	607.87
02/17/96	80.00	770.00	60.00	97.43	23.24	0.25
1357	0.00	0.00	830.00	63.50	8.30	637.28
03/02/96	80.00	770.00	70.00	98.93	23.52	0.25
1393	0.00	0.00	840.00	64.26	8.40	644.64
03/16/96	80.00	770.00	20.00	91.43	22.12	0.24
1429	0.00	0.00	790.00	60.44	7.90	607.87
03/30/96	80.00	770.00	20.00	91.43	22.12	0.24
1465	0.00	0.00	790.00	60.44	7.90	607.87
04/13/96	80.00	770.00	20.00	91.43	22.12	0.24
1501	0.00	0.00	790.00	60.44	7.90	607.87
04/27/96	80.00	770.00	20.00	91.43	22.12	0.24
1548	0.00	0.00	790.00	60.44	7.90	607.87
05/06/96	0.00	0.00	130.00	10.00	3.64	0.04
1584	0.00	0.00	130.00	9.94	1.30	105.08

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/11/96	80.00	770.00	20.00	91.43	22.12	0.24
1616	0.00	0.00	790.00	60.44	7.90	607.87
05/25/96	80.00	770.00	20.00	91.43	22.12	0.24
1652	0.00	0.00	790.00	60.44	7.90	607.87
06/08/96	80.00	770.00	20.00	91.43	22.12	0.24
1688	0.00	0.00	790.00	60.44	7.90	607.87
06/22/96	80.00	770.00	20.00	91.43	22.12	0.24
1724	0.00	0.00	790.00	60.44	7.90	607.87
07/06/96	80.00	770.00	20.00	91.43	22.12	0.24
1760	0.00	0.00	790.00	60.44	7.90	607.87
07/20/96	80.00	770.00	20.00	91.43	22.12	0.24
1797	0.00	0.00	790.00	60.44	7.90	607.87
08/03/96	80.00	770.00	20.00	91.43	22.12	0.24
1833	0.00	0.00	790.00	60.44	7.90	607.87
08/10/96	0.00	0.00	220.00	10.00	6.16	0.07
1869	0.00	0.00	220.00	16.83	2.20	184.74
08/17/96	80.00	770.00	20.00	91.43	22.12	0.24
1901	0.00	0.00	790.00	60.44	7.90	607.87
08/31/96	80.00	770.00	20.00	91.43	22.12	0.24
1937	0.00	0.00	790.00	60.44	7.90	607.87
09/14/96	80.00	770.00	20.00	91.43	22.12	0.24
1973	0.00	0.00	790.00	60.44	7.90	607.87
09/28/96	80.00	770.00	20.00	91.43	22.12	0.24
2010	0.00	0.00	790.00	60.44	7.90	607.87
10/12/96	80.00	770.00	20.00	91.43	22.12	0.24
2047	0.00	0.00	790.00	60.44	7.90	607.87
10/26/96	80.00	770.00	20.00	91.43	22.12	0.24
2084	0.00	0.00	790.00	60.44	7.90	607.87
11/09/96	80.00	770.00	20.00	91.43	22.12	0.24
119	0.00	0.00	790.00	60.44	7.90	607.87
11/23/96	80.00	770.00	20.00	91.43	22.12	0.24
175	0.00	0.00	790.00	60.44	7.90	607.87
12/07/96	80.00	770.00	20.00	91.43	22.12	0.24
208	0.00	0.00	790.00	60.44	7.90	607.87

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
12/21/96	80.00	770.00	20.00	91.43	22.12	0.24
2241	0.00	0.00	790.00	60.44	7.90	607.87
Y-T-D	2,080.00	20,020.00	1,071.00	2,427.33	590.55	6.40
TOTAL	0.00	0.00	21,091.00	1,613.57	210.91	16,242.24

Capital BlueCross
Pennsylvania BlueShield
Independent Licensees of the Blue Cross and Blue Shield Association
Harrisburg, PA 17177
(717) 255-0820 • (610) 820-2700

WAIVER OF GROUP HEALTH INSURANCE COVERAGE

1. APPLICANT INFORMATION

APPLICANT'S NAME	(LAST) Trimpey	(FIRST) Elaine	(MI) G	SOCIAL SECURITY NO.	169-36-2186
SPOUSE'S NAME	(LAST) Trimpey	(FIRST) Frederick G. SR.	(MI)	SOCIAL SECURITY NO.	180-34-8787

2. VALIDATION STATEMENT

I hereby certify that I have been given the opportunity to participate in the group health insurance plan provided by my employer through Capital Blue Cross and Pennsylvania Blue Shield. This plan has been explained to me and I decline to participate in:

☒ EMPLOYEE COVERAGE ☐ SPOUSE COVERAGE ☐ OTHER ELIGIBLE DEPENDENT COVERAGE

3. OTHER INSURANCE INFORMATION

COMPLETE THE FOLLOWING INFORMATION FOR APPLICANT AND/OR SPOUSE AND/OR OTHER ELIGIBLE DEPENDENT(S) WAIVING COVERAGE BECAUSE THEY ARE CURRENTLY COVERED FOR HEALTH CARE SERVICES WITH A BLUE CROSS AND/OR BLUE SHIELD PLAN, AN INSURANCE COMPANY, AN HMO, OR OTHER HEALTH CARE PLAN.

NAME OF CONTRACTHOLDER	NAME OF HEALTH CARE PLAN / INSURANCE CO.	POLICY / IDENTIFICATION NO.
Perma Grain Products Inc	Benefit Concepts, INC	A 49403

4. WAIVER INFORMATION

LIST ALL ELIGIBLE DEPENDENTS WHO ARE WAIVING COVERAGE

NAME (LAST) (FIRST) (MI)	RELATIONSHIP TO EMPLOYEE	SOCIAL SECURITY NO.
a. APPLICANT		
b. SPOUSE		
c. ELIGIBLE DEPENDENT		
d. ELIGIBLE DEPENDENT		
e. ELIGIBLE DEPENDENT		
f. ELIGIBLE DEPENDENT		

5. COVERAGE BEING WAIVED

CHECK (✓) COVERAGE BEING WAIVED

Blue Cross	Blue Shield	Major Medical	Dental	Vision	Rx Drug	Hearing	Comp	Wrap	BC 65	BS 65

6. STATEMENT OF AUTHORIZATION

I understand that in the event that I decide to apply for this coverage at a later date, I and/or my spouse and/or any other eligible dependents, may be subject to certain waiting periods involving any pre-existing conditions.

EMPLOYEE SIGNATURE	Elaine L. Trimpey	DATE	1/1/1 1/4/1 19/6
NAME OF GROUP	R & R Optical, Inc.	GROUP NO.	668611000

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
COMMENTS	COVINGTON OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State witholding ta	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.110%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
09/16/95	88.00	550.00	115.00	72.82	18.62	0.73
1010	0.00	0.00	665.00	50.87	6.65	515.31
09/30/95	80.00	500.00	209.00	79.42	19.85	0.78
1009	0.00	0.00	709.00	54.24	7.09	547.62
10/14/95	80.00	500.00	181.00	75.22	19.07	0.75
1043	0.00	0.00	681.00	52.09	6.81	527.06
10/28/95	80.00	500.00	204.00	78.67	19.71	0.78
1079	0.00	0.00	704.00	53.86	7.04	543.94
11/11/95	80.00	500.00	223.00	81.52	20.24	0.80
1113	0.00	0.00	723.00	55.31	7.23	557.90
11/25/95	80.00	500.00	223.00	81.52	20.24	0.80
1147	0.00	0.00	723.00	55.31	7.23	557.90
12/09/95	80.00	500.00	30.00	52.57	14.84	0.58
1181	0.00	0.00	530.00	40.54	5.30	416.17
12/23/95	80.00	500.00	180.00	75.07	19.04	0.75
1215	0.00	0.00	680.00	52.02	6.80	526.32
Y-T-D	648.00	4,050.00	1,365.00	596.81	151.61	5.97
TOTAL	0.00	0.00	5,415.00	414.24	54.15	4,192.22

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	08/31/95
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
COMMENTS	COVINGTON *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.110%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/07/95	80.00	500.00	121.00	66.22	17.39	0.68
3469	0.00	0.00	621.00	47.50	6.21	483.00
01/21/95	80.00	500.00	212.00	79.87	19.94	0.78
3566	0.00	0.00	712.00	54.46	7.12	549.83
02/04/95	80.00	500.00	222.00	81.37	20.22	0.80
3650	0.00	0.00	722.00	55.23	7.22	557.16
02/18/95	80.00	500.00	314.00	95.17	22.79	0.90
3739	0.00	0.00	814.00	62.27	8.14	624.73
03/04/95	80.00	500.00	562.00	132.37	29.74	1.17
3824	0.00	0.00	1,062.00	81.24	10.62	806.86
03/18/95	80.00	500.00	336.00	98.47	23.41	0.92
3922	0.00	0.00	836.00	63.95	8.36	640.89
04/01/95	80.00	500.00	207.00	79.12	19.80	0.78
3995	0.00	0.00	707.00	54.08	7.07	546.15
04/15/95	80.00	500.00	277.00	89.62	21.76	0.86
4076	0.00	0.00	777.00	59.44	7.77	597.55
04/29/95	80.00	500.00	204.00	78.67	19.71	0.78
4148	0.00	0.00	704.00	53.86	7.04	543.94
05/13/95	80.00	500.00	251.00	85.72	21.03	0.83
4219	0.00	0.00	751.00	57.45	7.51	578.46

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/27/95	80.00	500.00	229.00	82.42	20.41	0.80
4287	0.00	0.00	729.00	55.77	7.29	562.31
06/10/95	80.00	500.00	218.00	80.77	20.10	0.79
4356	0.00	0.00	718.00	54.93	7.18	554.23
06/24/95	80.00	500.00	381.00	105.22	24.67	0.97
4425	0.00	0.00	881.00	67.39	8.81	673.94
07/08/95	80.00	500.00	296.00	92.47	22.29	0.88
4495	0.00	0.00	796.00	60.89	7.96	611.51
07/22/95	80.00	500.00	197.00	77.62	19.52	0.77
4560	0.00	0.00	697.00	53.32	6.97	538.80
08/05/95	80.00	500.00	279.00	89.92	21.81	0.86
4624	0.00	0.00	779.00	59.60	7.79	599.02
08/19/95	80.00	500.00	290.00	91.57	22.12	0.87
4691	0.00	0.00	790.00	60.44	7.90	607.10
09/02/95	72.00	450.00	374.00	96.67	23.07	0.91
4751	0.00	0.00	824.00	63.04	8.24	632.07
09/02/95	0.00	0.00	167.00	10.00	4.68	0.18
4752	0.00	0.00	167.00	12.77	1.67	137.70
Y-T-D	1,432.00	8,950.00	5,137.00	1,613.26	394.46	15.53
TOTAL	0.00	0.00	14,087.00	1,077.63	140.87	10,845.25

EMPLOYEE ID	BF/TRIMP TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
COMMENTS	COVINGTON OPT *P*	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/08/94	80.00	500.00	145.00	70.11	18.06	0.97
1292	0.00	0.00	645.00	49.34	6.45	500.07
01/22/94	80.00	500.00	174.00	74.46	18.87	1.01
1380	0.00	0.00	674.00	51.56	6.74	521.36
02/05/94	80.00	500.00	172.00	74.16	18.82	1.01
1466	0.00	0.00	672.00	51.40	6.72	519.89
02/19/94	80.00	500.00	203.00	78.81	19.68	1.06
1552	0.00	0.00	703.00	53.78	7.03	542.64
03/05/94	80.00	500.00	244.00	84.96	20.83	1.12
1643	0.00	0.00	744.00	56.92	7.44	572.73
03/19/94	80.00	500.00	292.00	92.16	22.18	1.19
1728	0.00	0.00	792.00	60.58	7.92	607.97
04/02/94	80.00	500.00	357.00	101.91	24.00	1.29
1810	0.00	0.00	857.00	65.56	8.57	655.67
04/16/94	80.00	500.00	409.00	109.71	25.45	1.36
1895	0.00	0.00	909.00	69.54	9.09	693.85
04/30/94	80.00	500.00	335.00	98.61	23.38	1.25
1976	0.00	0.00	835.00	63.88	8.35	639.53
05/14/94	80.00	500.00	254.00	86.46	21.11	1.13
2056	0.00	0.00	754.00	57.68	7.54	580.08

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
05/28/94	80.00	500.00	245.00	85.11	20.86	1.12
2134	0.00	0.00	745.00	56.99	7.45	573.47
06/11/94	80.00	500.00	330.00	97.86	23.24	1.25
2215	0.00	0.00	830.00	63.50	8.30	635.85
06/25/94	80.00	500.00	292.00	92.16	22.18	1.19
2293	0.00	0.00	792.00	60.58	7.92	607.97
07/09/94	80.00	500.00	275.00	89.61	21.70	1.16
2371	0.00	0.00	775.00	59.29	7.75	595.49
07/23/94	80.00	500.00	407.00	109.41	25.40	1.36
2452	0.00	0.00	907.00	69.38	9.07	692.38
08/06/94	80.00	500.00	300.00	93.36	22.40	1.20
2535	0.00	0.00	800.00	61.20	8.00	613.84
08/20/94	80.00	500.00	384.00	105.96	24.75	1.33
2622	0.00	0.00	884.00	67.63	8.84	675.49
09/03/94	80.00	500.00	238.00	84.06	20.66	1.11
2707	0.00	0.00	738.00	56.46	7.38	568.33
09/17/94	80.00	500.00	280.00	90.36	21.84	1.17
2793	0.00	0.00	780.00	59.67	7.80	599.16
10/01/94	80.00	500.00	280.00	90.36	21.84	1.17
2877	0.00	0.00	780.00	59.67	7.80	599.16
10/15/94	80.00	500.00	280.00	90.36	21.84	1.17
2958	0.00	0.00	780.00	59.67	7.80	599.16
10/29/94	80.00	500.00	617.00	140.91	31.28	1.68
3039	0.00	0.00	1,117.00	85.45	11.17	846.51
11/12/94	80.00	500.00	184.00	75.96	19.15	1.03
3130	0.00	0.00	684.00	52.33	6.84	528.69
11/26/94	80.00	500.00	235.00	83.61	20.58	1.10
3217	0.00	0.00	735.00	56.23	7.35	566.13
12/10/94	80.00	500.00	124.00	66.96	17.47	0.94
3301	0.00	0.00	624.00	47.74	6.24	484.65
12/24/94	80.00	500.00	97.00	62.91	16.72	0.90
3385	0.00	0.00	597.00	45.67	5.97	464.83
Y-T-D	2,080.00	13,000.00	7,153.00	2,330.31	564.29	30.27
TOTAL	0.00	0.00	20,153.00	1,541.70	201.53	15,484.90

EMPLOYEE ENROLLMENT FORM
(NON-MEDICAL UNDERWRITING)

The Travelers
LOCAL CUSTOMER ACCOUNTS

POLICY/ACCOUNT NUMBER

Please Print, Using Ink

GENERAL INFORMATION

NAME OF EMPLOYER/CONTRIBUTOR	WISE EYES OPTICAL	EMPLOYEE'S OCCUPATION OR DUTIES	Optician
EMPLOYER/CONTRIBUTOR ADDRESS	2591-3 Clyde Avenue STATE COLLEGE, PA 16801	DATE OF FULL-TIME EMPLOYMENT	01/14/88
CITY	STATE/ZIP CODE	HOURS WORKED PER WEEK	40
MARITAL STATUS	☐ Single ☒ Married	ANNUAL SALARY (IF APPLICABLE)	

	SEX	FAMILY MEMBER'S NAME - List all family members to be insured. (First) (Middle) (Last)	DATE OF BIRTH (MO) (DAY) (YR)	FULL-TIME STUDENT (Y OR N)	SOCIAL SECURITY NUMBER
Employee	F	Elaine G Trimpey	09/29/46	N/A	169-36-2186
Spouse					
Child					
Child					
Child					
Child					

HOME ADDRESS (street)	CITY	STATE	ZIP CODE
R.D. #1 Box 132	Frenchville	PA	16836

BENEFICIARY - FULL NAME	ADDRESS	RELATIONSHIP
Frederick George Trimpey Sr	R#1 Box 132 Frenchville, Pa 16836	Husband

ENROLLMENT INFORMATION

☐ I wish to enroll for all coverage offered by my employer

☐ I wish to cover:
- ☐ Myself
- ☐ My Spouse
- ☐ My Dependent Child(ren)

☐ I wish to enroll for all coverage except:
- ☐ Health
- ☐ Health & Dental

WAIVER

I decline to enroll for the following coverage due to the existence of other group coverage.

	Employee	Spouse/Child
Health	☐	☐
Dental	☐	☐

☒ I decline to enroll for all coverages (sign below)

If you are currently continuing coverage under COBRA or a state continuation provision, advise date continuation began. _____

I hereby request group insurance for myself and, if the plan provides dependent insurance, for my dependents indicated above and hereby authorize my employer or successor to make deductions from my earnings of the required contributions, if any, to apply toward the premiums for the insurance provided for in the policy of group insurance issued to my employer by The Travelers Insurance Company.

I understand that if I and/or my dependents decline coverage and desire to participate in the plan at a later date, evidence of insurability satisfactory to The Travelers Insurance Company must be furnished.

I hereby represent and agree that all the answers and statements on this request are full, complete and true, to the best of my knowledge and belief, and understand that the said answers and statements form the basis upon which insurance will be made effective. I understand that omissions, misrepresentations or misstatements could result in denial of an otherwise valid claim and voiding or reformation of insurance.

DATE 11/11/94 x Elaine L Trimpey
EMPLOYEE SIGNATURE

EMPLOYEE ENROLLMENT APPLICATION

1. Employer/Policyholder Name: Wise Eyes | 2. Policy Number:

3. Employee's (Your) Name: Last: Trimpey | First: Elaine | Middle Initial: G
Street & Number: R.D. #1 Box 132
City, State & Zip: Frenchville, Pa. 16836
Residence Phone Number ( )

4. ☐ Male ☒ Female Date of Birth: Mo. 09 | Day 29 | Yr. 46

5. 1st Day at work (Full-Time): Mo. 01 | Day 14 | Yr. 88
(Part-Time):

6. Soc. Sec. No. 169-36-2186

7. Your Occupation: Optician

8. Annual Earnings $ 13,000.-

9. Marital Status ☐ Single ☒ Married ☐ Widowed ☐ Divorced or Legally Separated

10. Are dependents to be insured? (Except Disability)
☐ Yes: ☐ Spouse ☒ Children
☐ No: If no, Reason

11. Beneficiary Relationship to Employee: Frederick L Trimpey Sr. Husband

PERSONS TO BE COVERED: Please list all Eligible Dependents below.

Full Name	Relationship	Sex	Birth Date	Coverages (refer to back of app.)
Employee Listed Above (Complete Info at right)	Self	F	9/26 46	ADD/LIF/LTD

12. Optional Life ☒ No ☐ Yes Amount

13. Special Data Field:

"NEW ENTRANTS NOTICE" — We will pay no more than ($500.00) in benefits for charges for treatment of a preexisting condition during the first 12 months of major medical coverage for a family member unless three months have elapsed since the last care or treatment for this condition. A "preexisting condition" is any injury or illness that was diagnosed or treated (including taking prescribed medications) during the three months before major medical coverage became effective.

With my signature below I confirm that I understand the "New Entrants Notice" printed above. When this insurance becomes effective, I authorize deduction from my wages to pay my portion (if any) of premiums.

Date 11/11/94 Signature Elaine L. Trimpey

HOME OFFICE USE ONLY
Effective Date
P/E: E ☐ D ☐

U207.1PA EDUCATORS MUTUAL LIFE INSURANCE COMPANY (2063)10/93

EMPLOYEE ID	TRIMPE E TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	ELAINE G. TRIMPEY	SINGLE / MARRIED	MARRIED
ADDRESS	R.D. #1 BOX 132	EXEMPTIONS FED:	0 ST: 0
	FRENCHVILLE, PA. 16836	EXTRA W/H	10.00
PHONE	OFFICE BLFT	DATE HIRED	01/14/88
DEPARTMENT	BELLEFNT	DATE TERMINATED	
SOCIAL SEC #	169-36-2186	DATE OF BIRTH	09/29/46
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	13,000.00
COMMENTS		OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY	6010 Commissions	123456	$	TAXABLE		0.00
STATE TAX	2220 State witholding ta	123456	%	% GROSS		2.80%
LOCAL TAX	2250 Local witholding ta	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
DEDUCTION 2	2100 Employee health ins	123456	$	TAXABLE		0.00
DEDUCTION 3	2110 Other (Legal/PHEAA)	123456	$	TAXABLE		0.00
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
1st QTR	0.00	4,877.00	0.00	538.00	136.56	7.31
	0.00	0.00	4,877.00	373.09	48.77	3,773.27
2nd QTR	0.00	5,303.00	0.00	624.00	148.49	7.95
	0.00	0.00	5,303.00	405.68	53.03	4,063.85
3rd QTR	0.00	4,449.00	0.00	522.00	124.58	6.63
	0.00	0.00	4,449.00	340.35	44.49	3,410.90
4th QTR	560.00	3,500.00	1,555.00	582.00	141.55	7.57
	0.00	0.00	5,055.00	386.69	50.55	3,886.64
YEAR-TO-DATE	560.00	18,129.00	1,555.00	2,266.00	551.18	29.51
TOTAL	0.00	0.00	19,684.00	1,505.81	196.84	15,134.66

opt 4193

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
09/29/46			M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
sp				R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
		250.00	+3%+½sp	Covington Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	19 93 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed.	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNING
FORWARDED															
1						56 00									
2	1/9			(135.13)	500 00	40 00	596 00	99	56 00	45 55	16 69	5 96	470 87	5217	
3						130 00									
4	1/23			(162.26)	500 00	105 00	735 00	1 10	77 00	56 23	20 58	7 35	572 74	5343	
5				(150.52)			689 00	1 03	78 00	52 71	19 29	6 89	531 08	5412	
6	MONTH TOTAL						2020 00	3 02	211 00	154 53	56 56	20 20	1574 69		2020 00
7						66 00									
8	2/6			(158.16)	500 00	125 00	691 00	1 04	78 00	52 86	19 35	6 91	532 84	5495	
9						115 00									
10	2/20			(168.34)	500 00	112 00	727 00	1 09	84 00	55 62	20 36	7 27	558 66	5565	
11															
12	MONTH TOTAL						1418 00	2 13	162 00	108 48	39 71	14 18	1091 50		3438 00
13						86 00									
14	3/6			(158.50)	500 00	108 00	694 00	1 04	78 00	53 09	19 43	6 94	535 50	5642	
15						139 00									
16	3/20			(173.43)	500 00	107 00	745 00	1 12	89 00	56 59	20 86	7 45	571 58	5715	
17															
18	MONTH TOTAL						1439 00	2 16	165 00	110 08	40 29	14 39	1107 08		4877 00
19	QUAR. TOTAL						4877 00	7 31	538 00	373 09	136 56	48 77	3773 27		
20						65 00									
21	4/3			(151.68)	500 00	96 00	661 00	99	75 00	50 57	18 51	6 61	509 32	5789	
22						121 00									
23	4/17			(178.94)	500 00	144 00	765 00	1 15	90 00	58 52	21 42	7 65	586 26	5864	
24															
25	MONTH TOTAL					99 00	1426 00	2 14	165 00	109 05	35 93	14 26	1095 58		6303 00
26	5/1			(178.04)	500 00	160 00	759 00	1 14	90 00	58 06	21 25	7 59	580 96	5961	
27						130 00									
28	5/15			(184.24)	500 00	191 00	821 00	1 23	99 00	62 81	22 99	8 21	626 76	6043	
29						122 00									
30	5/29	WEEK VACATION		(188.14)	500 00	181 00	803 00	1 20	96 00	61 43	22 48	8 03	613 86	6119	
31	MONTH TOTAL						2383 00	3 57	285 00	182 30	66 72	23 83	1821 58		8586 00
32						50 00									
33	6/12			(159.11)	500 00	132 00	682 00	1 02	78 00	52 17	19 10	6 82	524 89	6199	
34						182 00									
35	6/26			(190.20)	500 00	125 00	812 00	1 22	96 00	62 12	22 74	8 12	621 80	6270	
36															
37	MONTH TOTAL						1494 00	2 24	174 00	114 29	41 84	14 94	1146 69		10180 00
38	QUAR. TOTAL						5303 00	795	624 00	405 68	148 49	53 03	4063 85		
39	TOTAL														

OPT 453

09/29/46	SEX M / F	EXEMPTION CLASS +10 M-0	NAME — LAST	FIRST	MIDDLE
			TRIMPEY	Elaine	G
sp	MARITAL M / S	NUMBER OF DEPENDENTS	ADDRESS	R.D. #1 Box 132 Frenchville, Pa. 16836	
	REGULAR EARNINGS $ 250.00	HOUR RATE $ +3%+½sp	Covington Twp	SOCIAL SECURITY NO 169-36-2186	COMPANY NO. 01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	19 93 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED						10180 00	15 26	1162 00	778 77	285 05	101 80	7837 12		10180 00
1						135 00									
2	9/10		(138.07)		500 00	107 00	742 00	1 11	87 00	56 76	20 78	7 42	568 93	6345	
3															
4	9/24		(145.50)		500 00	137 00	637 00	96	72 00	48 73	17 84	6 37	491 10	6421	
5															
6	MONTH TOTAL						1379 00	2 07	159 00	105 45	38 62	13 79	1060 03		11555 00
7						268 00									
8	9/17		(143.58)		500 00	108 00	817 00	1 23	95 00	62 50	22 85	8 17	623 22	6517	
9						124 00									
10	9/21		(167.84)		500 00	99 00	723 00	1 08	84 00	55 31	20 24	7 23	555 14	6595	
11															
12	MONTH TOTAL						1540 00	2 31	183 00	117 81	43 12	15 40	1178 36		13095 00
13						177 00									
14	9/24		(185.50)		500 00	125 00	806 00	1 21	96 00	61 66	22 57	8 06	616 50	6673	
5						151 00									
16	9/15		(116.75)		500 00	73 00	724 00	1 09	84 00	55 89	20 27	7 24	556 01	6761	
17															
18	MONTH TOTAL						1530 00	2 30	180 00	117 05	42 84	15 30	1172 51		14629 00
19	QUAR. TOTAL					140 00	4449 00	668	522 00	340 35	124 58	44 49	3410 90		
20	10/2		(169.02)		500 00	93 00	733 00	1 10	84 00	56 09	20 53	7 33	563 98	6848	
21						169 00									
22	10/16		(178.28)		500 00	94 00	761 00	1 14	90 00	58 22	21 31	7 61	582 72	6934	
23						122 00									
24	10/30		(169.53)		500 00	69 00	689 00	1 03	78 00	52 71	19 25	6 85	531 08	7034	
25	MONTH TOTAL						2183 00	3 27	252 00	167 00	61 12	21 83	1677 78		16812 00
26						184 00									
27	11/13		(153.35)		500 00	138 00	822 00	1 23	98 00	62 88	23 02	8 22	628 65	7123	
28						132 00									
29	11/27				500 00	110 00	742 00							7077	
30															
31	MONTH TOTAL														
32															
33															
34															
5															
36															
37	MONTH TOTAL														
38	QUAR. TOTAL														
39	TOTAL TO DATE														

OPT 4192

09/29/46	SEX M / F	EXEMPTION CLASS M-0	NAME — LAST TRIMPEY	FIRST Elaine	MIDDLE G	
SP	MARITAL M / S	NUMBER OF DEPENDENTS	ADDRESS R.D. #1 Box 132 Frenchville, Pa. 16836			
	REGULAR EARNINGS $ 250.00 +	HOUR RATE $ 3% +½	Covington Twp. ~~Girard Twp~~	SOCIAL SECURITY NO. 169-36-2186	COMPANY NO. 01/14/88	

EMPLOYEES EARNINGS RECORD

LINE NO.	19 92 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS Unc.2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
FORWARDED															
1						73 00									
2	1/11			(151.64)	500 00	68 00	641 00	32	76 00	49 04	9 87	6 41	485 36	8550	
3						89 00									
4	1/25			(156.38)	500 00	68 00	655 00	33	79 00	50 11	20 31	6 55	498 70	3610	
5															
6	MONTH TOTAL						1296 00	65	155 00	99 15	40 18	12 96	988 06		1296 00
7						82 00									
8	2/8			(151.8)	500 00	78 00	660 00	33	79 00	50 75	20 46	6 60	502 82	3685	
9						105 00									
10	2/22			(193.55)	500 00	120 00	725 00	36	88 00	55 46	22 48	7 25	551 45	3746	
11															
12	MONTH TOTAL						1385 00	69	167 00	106 25	42 54	13 85	1054 37		2681 00
13						89 00									
14	3/7			(160.5)	500 00	133 00	722 00	36	75 00	55 23	22 38	7 22	561 81	3816	
15						129 00									
16	3/21			(160.5)	500 00	93 00	722 00	36	75 00	55 23	22 38	7 22	561 81	3877	
17															
18	MONTH TOTAL						1444 00	72	150 00	110 46	44 76	14 44	1123 62		4135 00
19	QUAR. TOTAL						4135 00	206	472 00	315 96	127 88	41 25	3165 95		
20						144 00									
21	4/4			(165.69)	500 00	99 00	743 00	37	78 00	56 84	23 03	7 43	577 33	3938	
22						143 00									
23	4/18			(166.51)	500 00	107 00	750 00	38	78 00	57 38	22 25	7 50	583 49	4002	
24															
25	MONTH TOTAL					76 00	1493 00	75	156 00	114 22	46 28	14 93	1160 82		5619 00
26	5/2			(150.54)	500 00	115 00	691 00	35	69 00	52 86	21 42	6 91	540 46	4086	
27						120 00									
28	5/16			(165.91)	500 00	125 00	745 00	37	78 00	56 99	23 10	7 45	579 09	4147	
29						99 00									
30	5/30			(160.5)	500 00	144 00	722 00	36	75 00	55 23	22 38	7 22	561 81	4210	
31	MONTH TOTAL						2158 00	108	222 00	165 08	66 90	21 58	1681 36		7976 00
32						90 00									
33	6/13			(149.34)	500 00	91 00	681 00	34	69 00	52 10	21 11	6 81	531 64	4274	
34						120 00									
35	6/27			(161.26)	500 00	111 00	731 00	37	75 00	55 82	22 66	7 31	569 74	4338	
36															
37	MONTH TOTAL						1412 00	71	144 00	108 02	43 77	14 12	1101 38		9188 00
38	QUAR. TOTAL						5063 00	254	522 00	387 32	156 95	50 63	3943 80		
39	TOTAL						9198								

ONT 4192

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
09/29/46			M-0	TRIMPEY	Elaine	G
OCCUPATION	**MARITAL M**	**MARITAL S**	**NUMBER OF DEPENDENTS**	**ADDRESS**		
SP				R.D. #1 Box 132 Frenchville, Pa. 16836		
HOURS FULL TIME WEEK	**WORK WEEK BEGINS DAY**	**REGULAR EARNINGS $**	**HOUR RATE $**		**SOCIAL SECURITY NO.**	**COMPANY NO.**
		250.00 +	3% +½	Covington Twp ~~Graxx Twp~~	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

4191 - 19

LINE NO	19 92 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS	fed	fica	state	1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED						9198 00	4 60	984 00	703 18	284 83	91 98	7109 61		9198 00
1						97 00									
2	9/11			145 24	500 00	70 00	667 00	33	66 00	51 03	18 68	6 67	524 29	4405	
3		-WEEK-				69 00									
4	9/25			139 46	500 00	54 00	621 00	31	60 00	47 51	17 39	6 21	498 55	4473	
5															
6	MONTH TOTAL						1288 00	64	126 00	98 54	36 07	12 88	1013 84		10426 00
7						72 00									
8	9/a			148 24	500 00	19 00	691 00	35	69 00	53 26	19 35	6 91	542 53	4553	
9						60 00									
10	10/9			142 24	500 00	103 00	663 00	33	66 00	50 72	18 56	6 63	520 76	4619	
11															
12	MONTH TOTAL						1354 00	68	135 00	103 58	37 91	13 54	1063 29		11430 00
13						119 00									
14	10/2			163 33	500 00	139 00	742 00	37	78 00	56 76	20 78	7 42	578 67	4686	
15						151 00									
16	10/9			189 9?	500 00	21 00	842 00	42	93 00	64 41	23 58	8 42	652 17	4748	
17															
18	MONTH TOTAL						1584 00	79	171 00	121 17	44 36	15 84	1230 84		13414 00
19	QUAR. TOTAL	-WEEK-				114 00	4226 00	211	432 00	323 29	118 34	42 26	3308 00		
20	10/23			147 30	500 00	69 00	681 00	34	69 00	52 10	19 07	6 81	533 68	4807	
21						106 00									
22	10/17			149.50	500 00	77 00	683 00	34	69 00	52 25	19 12	6 83	535 46	4869	
23						103 00									
24	10/31			159.5	500 00	103 00	706 00	35	72 00	54 01	19 77	7 06	552 81	4932	
25	MONTH TOTAL						2070 00	103	210 00	158 36	58 96	20 70	1621 95		15484 00
26						103 00									
27	11/14			159.15	500 00	103 00	706 00	35	72 00	54 01	19 77	7 06	552 81	5014	
28						103 00									
29	11/28			153.15	500 00	103 00	706 00	35	72 00	54 01	19 77	7 06	552 81	5077	
30															
31	MONTH TOTAL						1412 00	70	144 00	108 02	39 54	14 12	1105 62		10898 00
32															
33	12/12			152.87	500 00	212 00	712 00	36	72 00	54 47	19 94	7 12	558 11	5143	
34						113 00									
35	12/26			148.23	500 00	76 00	689 00	34	69 00	52 71	19 29	6 89	540 77	5210	
36															
37	MONTH TOTAL						1401 00	70	141 00	107 18	39 23	14 01	1098 88		10353 00
38	QUAR. TOTAL						4883 00	243	495 00	373 54	136 73	48 83	3826 45		12297 00
39	TOTAL														

OPT 481

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
DOE 09129146			M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
SP				R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $3% r1/2sp +2% + sp		SOCIAL SECURITY NO.	COMPANY NO.
		250.00		Girard Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	19 91 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS	fed	soc sec	Pa. state	1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED														
1						13 00									
2	1/12			115.44	500 00	12 00	512 00		59 00	40 16	11 03	5 12	405 56	1943	
3						116 00									
4	1/26			178.24	500 00	158 00	774 00		95 00	59 21	16 25	7 74	595 80	1954	
5															
6	MONTH TOTAL						1299 00		154 00	99 37	27 28	12 99	1005 36		1299 00
7						?									
8	2/9			172.05	500 00	245 00	745 00		92 00	56 99	15 65	7 45	572 91	2054	
9						165 00									
10	2/23			181.42	500 00	107 00	776 00		98 00	59 36	16 30	7 76	594 58	2105	
11															
12	MONTH TOTAL						1521 00		156 00	116 35	31 95	15 21	1167 49		2521 00
13						35 00									
14	3/9			126.77	500 00	73 00	612 00		71 00	46 82	12 25	6 12	475 21	2156	
15						105 00									
16	3/23			161.65	500 00	99 00	704 00		86 00	53 86	14 78	7 04	542 32	2207	
17															
18	MONTH TOTAL						1316 00		159 00	100 68	27 63	13 16	1017 53		4136 00
19	QUAR. TOTAL						4136 00		501 00	316 40	86 86	41 36	3150 38		
20						142 00									
21	4/6			196.77	500 00	157 00	799 00		101 00	61 12	16 98	7 99	612 11	2258	
22						73 00									
23	4/20			150.29	500 00	118 00	691 00		93 00	52 86	14 51	6 91	533 12	2312	
24															
25	MONTH TOTAL						1490 00		194 00	113 98	31 49	14 90	1145 83		5136 00
26						149 00									
27	5/4			183.6	500 00	138 00	787 00		98 00	60 21	16 53	7 87	604 39	2388	
28						203 00									
29	5/18			162.12	500 00	126 00	929 00		104 00	63 12	17 41	8 29	635 28	2445	
30															
31	MONTH TOTAL					155 00	1.616 00		202 00	123 63	33 94	16 16	1240 89		7242 00
32	6/1			161.14	500 00	40 00	699 00		86 00	53 47	14 68	6 99	537 86	2505	
33						90 00									
34	6/15			151.49	500 00	75 00	665 00		91 00	50 87	13 90	6 65	512 61	2568	
35						96 00									
36	6/29			155.67	500 00	80 00	696 00		93 00	51 91	14 20	6 96	530 22	2631	
37	MONTH TOTAL						2046 00		270 00	156 65	42 85	20 40	1581 10		3342 00
38	QUAR. TOTAL						5146 00		635 00	392 63	107 85	51 46	3950 70		
39	TOTAL TO DATE	1010					9292 00		1136 00	710 06	194 94	92 82	7148 18		

ORT 4191

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
05/25/96			M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
SP				R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE		SOCIAL SECURITY NO.	COMPANY NO.
		250.00	$3.30 + 12% + 12 SP	Covington Twp ~~Girard Twp~~	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	1991 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed	DEDUCTIONS soc sec	DEDUCTIONS Pa. state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED		1040				9795 00	1134 00	710 04	154 94	93 82	7119 18		9795 00
1						124 00								
2	7/13			165 91	500 00	93 00	716 00	93 60	51 97	15 04	7 16	550 03	2695	
3						66 00								
4	7/27			166 65	500 00	116 00	641 00	77 60	49 04	13 41	6 41	495 54	2958	
5														
6	MONTH TOTAL						1500 00	166 60	103 71	[illegible]	13 59	1045 18		1661 60
7						75 00								
8	8/10			166 64	500 00	71 00	646 00	72 00	44 69	10 50	6 46	455 35	2841	
9						31 00								
10	8/24			166 [illegible]	[illegible]	62 00	654 00	77 00	50 03	12 00	6 54	458 43	2905	
11														
12	MONTH TOTAL						1300 00	154 00	94 45	[illegible]	13 00	991 09		1300 00
13						111 00								
14	9/7			172 44	500 00	102 00	713 00	86 00	51 55	24 [illegible]	7 13	540 [illegible]	2967	
15						72 00								
16	9/21			166 84	[illegible]	118 00	750 00	92 00	52 09	[illegible]	6 70	533 16	3025	
17														
18	MONTH TOTAL						1463 00	165 00	107 34	49 11	14 03	1063 52		1300 00
19	QUAR. TOTAL						4060 00	489 00	315 60	114 07	40 60	3105 83		
20						90 00								
21	10/5			155 31	500 00	59 00	645 00	90 00	49 34	[illegible]	6 45	[illegible]	3094	
22						105 00								
23	10/19			165 35	[illegible]	73 00	654 00	82 00	51 87	[illegible]	6 98	513 62	3157	
24														
25	MONTH TOTAL					98 00	1323 00	160 00	101 21	46 91	13 23	1.002 [illegible]		1462 50
26	11/2			160 07	500 00	61 00	655 00	90 00	50 41	23 07	6 55	498 93	3252	
27						104 00								
28	11/16			173 56	500 00	92 00	696 00	86 00	53 24	24 36	6 96	525 44	3314	
29						32 00								
30	11/30			166 11	500 00	92 00	684 00	82 00	52 33	23 94	6 84	[illegible]	3372	
31	MONTH TOTAL						2035 00	249 00	155 98	71 37	20 89	1542 [illegible]		1694 00
32						92 00								
33	12/14			166 11	500 00	92 00	684 00	82 00	52 33	23 94	6 84	517 89	3425	
34														
35	12/28			171 12	500 00	3 00	503 00	56 00	38 48	17 61	5 03	385 88	3486	
36														
37	MONTH TOTAL						1189 00	139 00	90 81	41 55	11 90	903 77		1189 00
38	QUAR. TOTAL						4549 00	548 00	348 00	155 23	45 49	3449 [illegible]		17891 00
39	TOTAL TO DATE						17891 00	2173 00	1368 66	465 34	178 51	13703 15		

FORM 882-13 WJ U.S.A.

CA .062 1109.24

CA .0145 259.42

O.P.T. 4190

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
			M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
				R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
		180.00		Girard Twp.	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO.	19 90 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed.	DEDUCTIONS soc sec.	DEDUCTIONS Pa state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED													
1														
2	1/12			(71.67)	360 00	65 00	425 00	46 00	32 51	8 93	4 25	333 31	0554	
3						55 00								
4	1/27			(111.02)	360 00	84 00	503 00	57 00	38 48	10 56	5 03	391 93	0638	
5														
6	MONTH TOTAL						928 00	103 00	70 99	19 49	9 28	725 24		928 00
7						80 00								
8	2/10			(115.58)	360 00	77 00	517 00	60 00	39 55	10 86	5 17	401 42	0697	
9						74 00								
10	2/24			(111.61)	360 00	74 00	508 00	57 00	38 86	10 67	5 08	396 39	0743	
11														
12	MONTH TOTAL						1025 00	117 00	78 41	21 53	10 25	797 81		1553 00
13						72 00								
14	3/10			(110.43)	360 00	65 00	497 00	57 00	38 02	10 44	4 97	386 57	0791	
15						54 00								
16	3/24			(102.21)	360 00	53 00	467 00	52 00	35 73	9 81	4 67	364 79	0839	
17														
18	MONTH TOTAL						964 00	109 00	73 75	20 25	9 64	751 36		2917 00
19	QUAR. TOTAL						2917 00	329 00	232 15	61 27	29 17	2274 41		
20						68 00								
21	4/7			(108.10)	360 00	66 00	494 00	55 00	37 79	10 37	4 94	385 90	0890	
22						56 00								
23	4/21			(90.16)	360 00	29 00	448 00	49 00	34 27	9 41	4 48	350 84	0941	
24														
25	MONTH TOTAL						943 00	104 00	72 06	19 78	9 42	736 74		3955 00
26						7								
27	5/5			(93.87)	360 00	76 00	436 00	47 00	33 35	9 16	4 36	342 13	1013	
28						50 00								
29	5/19			(101.55)	360 00	55 00	465 00	52 00	35 57	9 77	4 65	363 01	1064	
30														
31	MONTH TOTAL					64 00	901 00	99 00	68 93	18 93	9 01	705 14		4796 00
32	6/2			(109.78)	360 00	67 00	491 00	55 00	37 56	10 31	4 91	383 22	1114	
33						80 00								
34	6/16			(112.15)	360 00	73 00	513 00	57 00	39 25	10 77	5 13	400 85	1164	
35						52 00								
36	6/30			(102.42)	360 00	57 00	469 00	52 00	35 88	9 85	4 69	366 58	1217	
37	MONTH TOTAL						1473 00	164 00	112 69	30 53	14 73	1150 65		6233 00
38	QUAR. TOTAL						3316 00	369 00	253 67	69 64	33 16	2593 53		
39	TOTAL TO DATE						6233 00	696 00	476 82	130 91	62 33	4866 94		

CAT 4150

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
Bake			M-0	TRIMPEY	Elaine	G
OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS R.D. #1 Box 132 Frenchville, Pa. 16836		

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
37	~~150.00~~ (11/5)	~~180.00~~	11/26 250.00 12%	Girard Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	1990 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed.	DEDUCTIONS soc. sec.	DEDUCTIONS Pa state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED		1040				6233 00	156 00	476 82	109 51	62 33	4866 94		6233 00
1						51 00								
2	7/14			(99.34)	360 00	47 00	1558 00	50 00	35 04	9 62	4 58	358 76	1265	
3						22 00								
4	7/28			(104.52)	360 00	72 00	432 00	53 00	36 95	10 11	4 83	327 08	1315	
5														
6	MONTH TOTAL						941 00	103 00	71 85	19 76	9 41	736 84		
7						51 00								
8	8/11			(120.58)	360 00	118 00	535 00	63 00	40 93	11 24	5 35	414 48	1386	
9						66 00								
10	8/25			(101.92)	360 00	54 00	480 00	53 00	36 97	10 12	4 80	375 11	1437	
11														
12	MONTH TOTAL						1.019 00	116 00	77 80	21 36	10 17	791 67		8191 00
13						95 00								
14	9/8			(110.56)	360 00	53 00	502 00	59 00	38 40	10 54	5 02	391 04	1489	
15						53 00								
16	9/22	1 WK VACATION		(97.20)	360 00	40 00	452 00	49 00	34 66	9 51	4 52	354 31	1533	
17														
18	MONTH TOTAL						955 00	106 00	73 06	20 05	9 55	746 34		9146 00
19	QUAR. TOTAL						2913 00	325 00	222 85	61 17	29 13	2294 85		
20						-0-								
21	10/6			(97.20)	360 00	54 00	414 00	43 00	31 67	8 69	4 14	326 50	1583	
22						62 00								
23	10/20			(122.63)	360 00	49 00	471 00	52 00	36 03	9 88	4 71	368 38	1632	
24														
25	MONTH TOTAL						885 00	95 00	67 70	18 58	8 85	694 87		10031 00
26						65 00								
27	11/3			(111.72)	360 00	84 00	509 00	57 00	38 94	10 69	5 09	399 28	1696	
28						55 00								
29	11/17			(107.14)	360 00	50 00	485 00	55 00	37 10	10 19	4 85	377 86	1748	
30														
31	MONTH TOTAL					50 00	994 00	112 00	76 04	20 98	9 94	775 14		11025 00
32	12/1			(144.66)	360 00	50 00	490 00	53 00	36 72	10 08	4 80	385 40	1797	
33						50 00								
34	12/15				360 00	50 00	490 00	53 00	36 72	10 08	4 80	385 40	1847	
35														
36	12/29			(204.21)	500 00	367 00	867 00	111 00	66 33	18 21	8 67	662 79	1896	
37	MONTH TOTAL						1827 00	217 00	139 77	38 37	18 27	1413 59		12852 00
38	QUAR. TOTAL						3706 00	424 00	283 51	77 83	37 06	2883 60		
39	TOTAL TO DATE	OK					12852 00	1445 00	983 18	269 91	128 52	10025 39		

S.S.# 169-36-2186

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
			M-0	TRIMPEY	Elaine	G
OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS	R.D. #1 Box 132 Frenchville, Pa. 16836	

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
		180.00		Girard Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	19 89 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed	fica	state	1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNING
	FORWARDED													
1						14 00								
2	1/14			(92.20)	360 00	52 00	426 00	47 00	31 95	8 95	4 26	333 80	9325	
3						89 00								
4	1/28			(115.65)	360 00	66 00	515 00	61 00	38 68	10 82	5 15	399 35	9362	
5														
6	MONTH TOTAL						941 00	108 00	70 67	19 77	9 41	733 15		941 00
7						63 00								
8	2/11			(102.55)	360 00	44 00	467 00	53 00	35 07	9 81	4 67	364 45	9410	
9						56 00								
10	2/25			(99.22)	360 00	29 00	445 00	50 00	33 42	9 35	4 45	347 78	9447	
11														
12	MONTH TOTAL						912 00	103 00	68 49	19 16	9 12	712 23		1.853 00
13						41 00								
14	3/11			(107.88)	360 00	99 00	495 00	56 00	36 72	10 27	4 89	381 12	9485	
15						50 00								
16	3/25			(104.62)	360 00	69 00	479 00	54 00	35 97	10 06	4 79	374 18	9526	
17														
18	MONTH TOTAL						968 00	110 00	72 69	20 33	9 68	755 30		2.821 00
19	QUAR. TOTAL						2821 00	321 00	211 85	59 24	28 21	2200 68		
20						78 00								
21	4/8			(111.26)	360 00	69 00	502 00	58 00	37 70	10 54	5 02	390 74	9562	
22						86 00								
23	4/22			(116.28)	360 00	75 00	521 00	61 00	39 13	10 94	5 21	404 72	9611	
24														
25	MONTH TOTAL						1.023 00	119 00	76 83	21 48	10 23	795 46		3.844 00
26						60 00								
27	5/6			(109.57)	360 00	66 00	486 00	56 00	36 50	10 21	4 86	378 43	9671	
28						72 00								
29	5/20			(108.20)	360 00	60 00	492 00	56 00	36 95	10 33	4 92	383 80	9713	
30														
31	MONTH TOTAL						978 00	112 00	73 45	20 54	9 78	762 23		4822 00
32						45 00								
33	6/3			(100.13)	360 00	58 00	463 00	51 00	34 77	9 72	4 63	362 88	9756	
34						31 00								
35	6/17			(99.28)	360 00	64 00	455 00	51 00	34 17	9 56	4 55	355 72	9801	
36														
37	MONTH TOTAL						918 00	102 00	68 84	19 28	9 18	718 60		5740 00
38	QUAR. TOTAL						2919 00	333 00	219 22	61 30	29 19	2276 29		
39	TOTAL TO DATE						5140 00	654 00	431 07	120 54	57 40	4476 97		

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DEPARTMENT	SEX	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
-CLEARFIELD-	M F	M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M S	NUMBER OF DEPENDENTS	ADDRESS
			R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
		180.00		Girard Twp	169-36-2186	01/14/88

EMPLOYEES EARNINGS RECORD

LINE NO	19 89 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS fed	fica	state	1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED					55 00	5740 00	654 00	431 07	120 56	57 40	4476 97		5740 00
1	7/1			(97.22)	360 00	20 00	445 00	50 00	33 42	9 35	4 45	347 78	9847	
2						49 00								
3	7/15			(87.40)	360 00	-	409 00	44 00	30 72	8 59	4 09	321 66	9858	
4	7/22	(1) -WEEK- VACATION		(111.05)		90 00	500 00	58 00	37 55	10 50	5 00	388 95	9942	
5	7/29			(94.68)	360 00	-0-	440 00	48 00	33 04	9 24	4 40	345 32	9968	
6	MONTH TOTAL						1794 00	200 00	134 73	37 68	17 94	1403 65		7534 00
7						100 00								
8	8/12			(126.00)	360 00	96 00	556 00	67 00	41 96	11 68	5 56	430 00	10048	
9						43 00								
10	8/26			(99.35)	360 00	53 00	456 00	51 00	34 25	9 58	4 56	356 61	0096	
11														
12	MONTH TOTAL						1012 00	118 00	76 01	21 26	10 12	786 61		9546 00
13						70 00								
14	9/9			(112.35)	360 00	82 00	512 00	58 00	38 45	10 75	5 12	399 68	0147	
15						35 00								
16	9/23	(2)		(97.35)	360 00	57 00	456 00	51 00	34 25	9 58	4 56	356 61	0197	
17		-WEEK- VACATION												
18	MONTH TOTAL						968 00	109 00	72 70	20 33	9 68	756 29		9514 00
19	QUAR. TOTAL						3774 00	427 00	283 44	79 37	37 74	2944 55		
20						53 00								
21	10/7			(87.82)	360 00	-0-	413 00	44 00	31 02	8 67	4 13	325 18	0246	
22						53 00								
23	10/21			(105.33)	360 00	21 00	484 00	54 00	36 35	10 16	4 84	378 65	0254	
24														
25	MONTH TOTAL						897 00	98 00	67 37	18 83	8 97	703 83		10.411 00
26						62 00								
27	11/4			(117.02)	360 00	106 00	528 00	61 00	39 65	11 09	5 28	410 98	0355	
28						64 00								
29	11/18			(105.03)	360 00	57 00	481 00	54 00	36 12	10 10	4 81	375 97	0401	
30														
31	MONTH TOTAL					74 00	1009 00	115 00	75 77	21 19	10 09	786 95		11420 00
32	12/2			(105.14)	360 00	48 00	482 00	54 00	36 20	10 12	4 82	376 86	0445	
33						57 00								
34	12/16			(103.29)	360 00	57 00	474 00	53 00	35 60	9 95	4 74	370 71	0498	
35						57 00								
36	12/30				360 00	57 00	474 00	53 00	35 60	9 95	4 74	370 71	0546	
37	MONTH TOTAL						1430 00	160 00	107 40	30 02	14 30	1118 28		12850 00
38	QUAR. TOTAL						3336 00	373 00	250 54	70 04	33 36	2609 00		
39	TOTAL TO DATE						12850 00	1454 00	965 05	269 87	128 50	10.032 58		

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DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
			M-0	TRIMPEY	Elaine	G

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
				R.D. #1 Box 132 Frenchville, Pa. 16836

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $4.50 ~~4.25~~ $17	PHONE NO.	SOCIAL SECURITY NO.	COMPANY NO.
					169-36-2186	1/14/88

EMPLOYEES EARNINGS RECORD

LINE NO.	1988 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS	RATE PER	EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS C.A.B. UC-2	DEDUCTIONS WITH-HOLDING fed.	DEDUCTIONS SOC. SEC.	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED														
1															
2															
3	1/16		9												
4	1/23		20	(23.29)			124 00	12	10 00	9 31	2 60	1 24	100 73	7624	
5	1/30		32	(32.53)			158 00	16	16 00	11 87	3 32	1 58	125 07	7658	
6	MONTH TOTAL						282 00	28	26 00	21 18	5 92	2 82	225 80		282 00
7	2/6		40	(35.21)			170 00	17	17 00	12 77	3 57	1 70	134 75	7704	
8	2/13		38	(33.35)			162 00	16	16 00	12 17	3 40	1 62	128 65	7738	
9	2/20		37	(31.53)			158 00	16	15 00	11 87	3 32	1 58	126 07	7771	
10	2/27		38	(33.35)			162 00	16	16 00	12 17	3 40	1 62	128 65	7805	
11															
12	MONTH TOTAL						652 00	65	64 00	48 98	13 69	6 52	518 16		934 00
13	3/5		38	(33.35)			162 00	16	16 00	12 17	3 40	1 62	128 65	7843	
14	3/12		40	(35.21)			170 00	17	17 00	12 77	3 57	1 70	134 75	7878	
15	3/19		↓				170 00	17	17 00	12 77	3 57	1 70	134 75	7916	
16	3/26						170 00	17	17 00	12 77	3 57	1 70	134 75	7952	
17															
18	MONTH TOTAL						672 00	67	67 00	50 48	14 11	6 72	533 02		1606 00
19	QUAR. TOTAL						1606 00	160	159 00	120 64	33 72	16 06	1276 58		
20	4/2			(35.21)			170 00	17	17 00	12 77	3 57	1 70	134 75	7986	
21	4/9						170 00	17	17 00	12 77	3 57	1 70	134 75	8023	
22	4/16						170 00	17	17 00	12 77	3 57	1 70	134 75	8058	
23	4/23						170 00	17	17 00	12 77	3 57	1 70	134 75	8093	
24	4/30						170 00	17	17 00	12 77	3 57	1 70	134 75	8128	
25	MONTH TOTAL						850 00	85	85 00	63 85	17 85	8 50	673 75		2456 00
26	5/7			(38.28)	180 00	-0-	180 00	18	19 00	13 52	3 78	1 80	141 72	8181	
27	5/14			(48.46)	180 00	39 00	219 00	22	25 00	16 45	4 60	2 19	170 54	8215	
28	5/21			(50.32)	180 00	47 00	227 00	23	26 00	17 05	4 77	2 27	176 68	8250	
29	5/28			(48.35)	180 00	38 00	218 00	22	25 00	16 37	4 58	2 18	165 65	8286	
30															
31	MONTH TOTAL						844 00	85	95 00	63 35	17 73	8 44	658 59		3300 00
32	6/4			(48.28)	180 00	37 00	217 00	22	25 00	16 30	4 56	2 17	168 75	8321	
33	6/11			(43.42)	180 00	20 00	200 00	20	22 00	15 03	4 20	2 00	156 58	8364	
34	6/18			(45.28)	180 00	28 00	208 00	21	23 00	15 62	4 37	2 08	162 72	8358	
35	6/25			(45.49)	180 00	30 00	210 00	21	23 00	15 77	4 41	2 10	164 51	8440	
36															
37	MONTH TOTAL						835 00	84	93 00	62 71	17 54	8 35	652 56		4135 00
38	QUAR. TOTAL						2529 00	254	273 00	189 85	53 12	25 25	1985 10		
39	TOTAL														

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
			M-0	TRIMPEY	Elaine	G
OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS R.D. #1 Box 132 Frenchville, Pa. 16836		

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $ 4.50 ~~4.25~~ 5.17	PHONE NO.	SOCIAL SECURITY NO.	COMPANY NO.
				9 RICARTS TWP	169-36-2186	1/14/88

EMPLOYEES EARNINGS RECORD

LINE	19 88 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS	RATE PER	EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS C.A.B. UC-2	DEDUCTIONS WITH-HOLDING fed.	DEDUCTIONS SOC SEC.	DEDUCTIONS Pa state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED						4135 00	4 14	430 00	310 55	86 84	41 35	3262 08		4135 00
1	9/2		(48.44)		180 00	35 00	215 00	22	25 00	16 15	4 52	2 15	166 96	8469	
2	9/5		(54.02)		180 00	63 00	243 00	24	28 00	18 25	5 10	2 43	188 98	8505	
3	9/16		(45.54)		180 00	30 00	210 00	21	23 00	15 77	4 41	2 10	164 51	8544	
4	9/23		(48.77)		180 00	42 00	222 00	22	25 00	16 67	4 66	2 22	173 23	8579	
5	9/30		(48.67)		180 00	41 00	221 00	22	25 00	16 66	4 64	2 21	172 33	8629	
6	MONTH TOTAL						1.111 00	111	126 00	83 44	23 33	11 11	866 01		5246 00
7	8/6		(50.11)		180 00	45 00	225 00	23	26 00	16 90	4 73	2 25	174 89	8663	
8	8/13		(50.32)		180 00	47 00	227 00	23	26 00	17 05	4 77	2 27	176 68	8700	
9	8/20		(45.35)		180 00	29 00	209 00	21	23 00	15 70	4 35	2 09	163 61	8731	
10	8/27		(35.53)		180 00	6 00	186 00	19	20 00	13 97	3 51	1 86	146 07	8765	
11															
12	MONTH TOTAL						847 00	86	95 00	63 62	17 80	8 47	661 25		6053 00
13	9/3		(43.21)		180 00	18 00	198 00	20	22 00	14 87	4 16	1 98	154 79	8805	
14	9/10		(43.42)		180 00	20 00	200 00	20	22 00	15 02	4 20	2 00	156 58	8841	
15	9/17		(43.24)		180 00	18 00	198 00	20	22 00	14 87	4 16	1 98	154 79	8804	
16	9/24		(45.6)		180 00	31 00	211 00	21	23 00	15 85	4 43	2 11	165 40	8842	
17															
18	MONTH TOTAL						807 00	81	89 00	60 61	16 95	8 07	631 56		6900 00
19	3rd QUAR. TOTAL						2765 00	278	310 00	207 67	58 08	27 65	2158 82		
20	10/1		(120.55)			48 00	500 00	50	67 00	37 55	10 50	5 00	379 45	8977	
21	10/8		(101.46)		360 00	50 00	458 00	46	52 00	34 40	9 62	4 58	356 54	9015	
22						35 00									
23	10/22		(104.34)		360 00	25 00	470 00	47	54 00	35 30	9 87	4 70	365 66	9052	
24															
25	MONTH TOTAL						1428 00	143	173 00	107 25	25 99	14 28	1102 05		8328 00
26	11/5		(113.52)		360 00	63 00 80 00	509 00	51	55 00	38 23	10 65	5 09	395 48	9100	
27	11/12		(120.55)				500 00	50	67 00	37 55	10 50	5 00	379 45	9135	
28	11/19		(113.52)				509 00	51	55 00	38 23	10 65	5 09	395 48	9171	
29															
30															
31	MONTH TOTAL						1518 00	152	185 00	114 01	31 88	15 18	1170 41		9846 00
32	12/3		(98.05)		360 00	14 00	374 00	37	39 00	28 09	7 85	3 74	294 95	9205	
33															
34	12/17		(106.20)		360 00	51 00 67 00	478 00	48	55 00	35 96	10 04	4 78	371 80	9249	
35															
36	12/31		(93.84)		360 00	37 00 31 00	428 00	43	48 00	32 14	8 99	4 28	334 16	9281	
37	MONTH TOTAL						1.280 00	128	142 00	96 13	26 88	12 80	1000 91		11.126 00
38	4th QUAR. TOTAL						4226 00	423	500 00	317 39	88 75	42 26	3.373 37		

Cut along this line and give this form to your employer. Keep the rest for your records.

Form **W-4**
Department of the Treasury
Internal Revenue Service

Employee's Withholding Allowance Certificate

► **For Privacy Act and Paperwork Reduction Act Notice, see instructions.**

OMB No. 1545-0010

1987

1 Type or print your full name
ELAINE GARLAND TRIMPEY

2 Your social security number
169-36-2186

Home address (number and street or rural route)
R.D 1 Box 132

3 Marital Status
☐ Single ☐ Married
☐ Married, but withhold at higher Single rate
Note: *If married, but legally separated, or spouse is a nonresident alien, check the Single box.*

City or town, state, and ZIP code
FRENCHVILLE, PA. 16836

4 Total number of allowances you are claiming (from the Worksheet on page 3) 0

5 Additional amount, if any, you want deducted from each pay (see Step 4 on page 2) . . . . . $

6 I claim exemption from withholding because (see Step 2 above and check boxes below that apply):

a ☐ Last year I did not owe any Federal income tax and had a right to a full refund of **ALL** income tax withheld, **AND**

b ☐ This year I do not expect to owe any Federal income tax and expect to have a right to a full refund of **ALL** income tax withheld. If both a and b apply, enter the year effective and "EXEMPT" here . . . ► Year 19

c If you entered "EXEMPT" on line 6b, are you a full-time student? . . . . . ☐ Yes ☐ No

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or, if claiming exemption from withholding, that I am entitled to claim the exempt status.

Employee's signature ► Elaine Garland Trimpey **Date** ► June 15, 1987

7 Employer's name and address **(Employer: Complete 7, 8, and 9 only if sending to IRS)**

8 Office code

9 Employer identification number

EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
TRIMPEY	ELAINE	GARLAND	
Address: Street Name and Number	**City**	**State**	**ZIP Code**
R.D. 1 Box 132	FRENCHville	PA	16836
Date of Birth (Month/Day/Year)	**Social Security Number**		
9/29/46	169-36-2186		

I attest, under penalty of perjury, that I am (check a box):

- ☑ 1. A citizen or national of the United States.
- ☐ 2. An alien lawfully admitted for permanent residence (Alien Number A _____).
- ☐ 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____ or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware th federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month/Day/Year)
Elaine G Trimpey	1/15/88

PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Instructions:

Examine one document from List A and check the appropriate box, ***OR*** examine one document from List B ***and*** one from List C and check the appropriate boxe Provide the ***Document Identification Number*** and ***Expiration Date*** for the document checked.

List A Documents that Establish Identity and Employment Eligibility		List B Documents that Establish Identity	**and**	List C Documents that Establish Employment Eligibility
☐ 1. United States Passport		☑ 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) PA		☐ 1. Original Social Security Number Card (othe than a card stating it is not valid fc employment)
☐ 2. Certificate of United States Citizenship		☐ 2. U.S. Military Card		☒ 2. A birth certificate issued by State, county, c municipal authority bearing a seal or othe certification
☐ 3. Certificate of Naturalization		☐ 3. Other (Specify document and issuing authority)		☐ 3. Unexpired INS Employment Authorizatio Specify form
☐ 4. Unexpired foreign passport with attached Employment Authorization				#
☐ 5. Alien Registration Card with photograph				
Document Identification		***Document Identification***		***Document Identification***
#		# 13-044-603		# 583
Expiration Date (if any)		***Expiration Date (if any)***		***Expiration Date (if any)***
		9/30/90		

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine and te relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
[illegible]		
Employer Name	**Address**	**Date**

Employment Eligibility Verification

NOTICE: Authority for collecting the information on this form is in Title 8, United States Code, Section 1324A, which requires employers to verify employment eligibility of individuals on a form approved by the Attorney General. This form will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Immigration and Naturalization Service or Department of Labor within the time period specified by regulation, or improper completion or retention of this form, may be a violation of the above law and may result in a civil money penalty.

Section 1. Instructions to Employee/Preparer for completing this form

Instructions for the employee.

All employees, upon being hired, must complete Section 1 of this form. Any person hired after November 6, 1986 must complete this form. (For the purpose of completion of this form the term "hired" applies to those employed, recruited or referred for a fee.)

All employees must print or type their complete name, address, date of birth, and Social Security Number. The block which correctly indicates the employee's immigration status must be checked. If the second block is checked, the employee's Alien Registration Number must be provided. If the third block is checked, the employee's Alien Registration Number ***or*** Admission Number must be provided, as well as the date of expiration of that status, if it expires.

All employees whose present names differ from birth names, because of marriage or other reasons, must print or type their birth names in the appropriate space of Section 1. Also, employees whose names change after employment verification should report these changes to their employer.

All employees must sign and date the form.

Instructions for the preparer of the form, if not the employee.

If a person assists the employee with completing this form, the preparer must certify the form by signing it and printing or typing his or her complete name and address.

Section 2. Instructions to Employer for completing this form

(For the purpose of completion of this form, the term "employer" applies to employers and those who recruit or refer for a fee.)

Employers must complete this section by examining evidence of identity and employment eligibility, and:

- checking the appropriate box in List A ***or*** boxes in both Lists B and C;
- recording the document identification number and expiration date (if any);
- recording the type of form if not specifically identified in the list;
- signing the certification section.

NOTE: Employers are responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Copies of documentation presented by an individual for the purpose of establishing identity and employment eligibility may be copied and retained for the purpose of complying with the requirements of this form and no other purpose. Any copies of documentation made for this purpose should be maintained with this form.

Name changes of employees which occur after preparation of this form should be recorded on the form by lining through the old name, printing the new name and the reason (such as marriage), and dating and initialing the changes. Employers should not attempt to delete or erase the old name in any fashion.

RETENTION OF RECORDS.

The completed form must be retained by the employer for:

- three years after the date of hiring; or
- one year after the date the employment is terminated, whichever is later.

Employers may photocopy or reprint this form as necessary.

CLEARFIELD BANK
&
TRUST COMPANY

MAIN OFFICE 11 N. Second Street PO Box 171 Clearfield, PA 16830 T (814) 765-7551 F (814) 765-2943

February 20, 2008

Deborah L. Cleeton
Plan Administrator
R & R Optical, Inc.
P. O. Box 10077
State College, PA 16805

IN RE: R & R Optical, Inc. Profit Sharing Plan

Dear Ms. Cleeton:

Today we have forwarded the checks directly to the following employees from the R & R Optical, Inc. Profit Sharing Plan handled through our Trust Department:

~~Susan A. Keith~~	~~$72,507.94~~	~~Ameripaise Trust Co. FBO Susan A. Keith~~
Karen D. Swatsworth	$1,286.50	Janney Montgomery Scott, LLC FBO Karen D. Swatsworth
~~Blaine C. Tillapey~~	~~$2,318.72~~	~~CNB Bank FBO Blaine C. Tillapey~~

Thank you for the opportunity to be of service. Should you have any questions or concerns, please feel free to call.

Sincerely,

Vicki J. Myers

Vicki J. Myers
Assistant Vice President/Trust Officer

R & R OPTICAL, INC.
PROFIT SHARING PLAN
BENEFIT ELECTION FORM

PARTICIPANT: Karen O. Swatsworth

LUMP SUM/ROLLOVER ELECTION

As a participant in the R & R OPTICAL, INC. PROFIT SHARING PLAN, after reading the Description of Tax and Withholding Requirements I elect the following:.

☐ Lump Sum Payment, less 20% mandatory withholding, with the check issued to me.

or

☒ Rollover my total Lump Sum Payment and transfer it to:

☒ IRA - issue the check to:
Name of IRA Custodian (Bank, Insurance Company, etc): Janney Montgomery Sc

or

☐ Retirement Plan - issue the check to:
Name of Plan Trustee: _____

Karen Swatsworth — Participant's Signature
203 - 42 - 1346 — Social Security Number
1-28-08 — Date

• • • •

R & R OPTICAL, INC.
PROFIT SHARING PLAN
SPOUSE'S CONSENT FORM

PARTICIPANT: KAREN SWATSWORTH

SPOUSE'S CONSENT

I hereby approve of, and consent to, the payment option elected by my spouse on their Benefit Election Form. I understand that benefits in excess of $1,000 must be paid in the form of a joint and 50% survivor annuity unless I consent to a different form of payment as chosen by my spouse on their Benefit Election Form.

David Swatsworth 1-31-08
Spouse's Signature Date

Signed and Sworn before me this 31st day of January, 2008.

Lori A. Rowles
Notary Public's Signature

Commonwealth of Pennsylvania
NOTARIAL SEAL
LORI A. ROWLES, Notary Public
Curwensville Boro, Clearfield County
My Commission Expires Nov. 14, 2010

{SEAL}

CERTIFICATION OF NO SPOUSE

I hereby certify that I am not now married and that there are no Plan benefits payable to a former spouse under a qualified domestic relations order.

Participant's Signature Date

Signed and Sworn before me this _____ day of _____, 20____.

Notary Public's Signature

{SEAL}

GEISINGER
EALTH OPTIONS

M.C. 30-26
100 N. Academy Avenue
Danville, PA 17822

SUBSCRIBER APPLICATION CHANGE FORM

Effective Date of Change 10 /01 /07

105985 | 0001 | 100204331
GROUP NUMBER | DIVISION NUMBER | INSURANCE I.D. NUMBER

Swatsworth | Karen | D
LEGAL NAME (LAST) | (FIRST) | (M.I.)

126 Bonnie Court
ADDRESS (NUMBER) (STREET) (APT. NO.)

Curwensville | PA | 16833
CITY | STATE | ZIP CODE

Clearfield
COUNTY

203-42-1346
SOCIAL SECURITY NUMBER

CHANGES:
Check which change(s) apply:
- ☐ Adding Dependent(s)
- ☐ Name Change

_____
(Previous last name)

- ☐ Address Change
- ☐ New Home Telephone Number
  (_____)_____
- ☐ Changing Primary Care Physician (PCP)

Reason for PCP Change:
(check one)
- ☐ Medical care dissatisfaction
- ☐ Access dissatisfaction
- ☐ Provider service dissatisfaction
- ☐ Failure to establish relationship
- ☐ PCP leaves the Health Plan
- ☐ PCP moves
- ☐ Error in PCP selection
- ☐ Convenience

DISENROLLMENT
Check which reason may apply

☒ **SUBSCRIBER** OR ☒ **DEPENDENT**
- ☒ Termination of employment (TE)
- ☐ Lay off (LO)
- ☐ Leave of absence (LA)
- ☐ Reduction in work hours (RH)
- ☐ Retired (RT)
- ☐ Moved out of service area (OA)
- ☐ Deceased (DD)
  (Date of Death)___/___/___
- ☐ Personal preference (PP)
- ☐ Dissatisfaction with Plan (DI)
- ☐ Non payment of premium
- ☐ Selected other insurance (SO)
  - ☐ Open enrollment ___/___/___ (OE)
- ☐ Loss of dependent status (LS)

SUBSCRIBER AND DEPENDENT CHANGES (PLEASE PRINT OR TYPE)

CHECK ONE		LEGAL NAME			BIRTHDATE			RELATION-SHIP TO SUBSCRIBER	CHECK REASON (NOTE DATE) DATE OF MAR-RIAGE	DATE OF DIVORCE	OTHER CHANGE OF STATUS	SOCIAL SECURITY NUMBER	MEDICAL RECORD NUMBER	PCP NAME/ LOCATION (TOWN)
ADD	RE-MOVE	LAST	FIRST	MAIDEN NAME	M.I.	MO.	DAY	YR.							
	X	Swatsworth	Karen		D	02	17	50	Self			TE	203-42-1346		
	X	Swatsworth	David		A	12	28	50	Spouse				195-42-9906		

HEREBY apply for amendment of my subscriber application.
T is mutually agreed as follows: That these changes shall not become effective unless and until accepted by my employer. That this application for change in coverage will become a part of my original application and if accepted will be subject to the terms of my Employer's Health Benefit Plan.
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

SUBSCRIBER SIGNATURE | DATE SIGNED | GROUP BENEFITS ADMINISTRATOR / GROUP NAME | 10/09/07 DATE SIGNED

M-150-537-F Rev. 3/03js

WHITE - GEISINGER HEALTH OPTIONS YELLOW - EMPLOYER

ELECTION OF CONTINUATION OF COVERAGE UNDER COBRA REGULATIONS

SECTION 1. TO THE EMPLOYER — Please complete Section 1.

Employee Name:	Agreement Number:	Date of Qualifying Event:
Karen D. Swatsworth	100204331	08/18/2007
Group Name: R & R Optical	Group Number: 105985	Date You Sent Notice of Cobra Rights: 08/20/2007
Group Address: P.O. Box 10077 State College, PA 16805-0077		Group Phone Number: 814-867-5045
Premium Payment (Subject to Change): $844.33 per month		Authorized Group Signature:

Identify the Qualifying Event:

A. Qualified employees and/or dependents may continue coverage for up to 18 months if:
- ☒ The employee's employment terminated for reasons other than gross misconduct.
- ☐ The employee's working hours decreased so that coverage is no longer available.

No Response as 10/15/07

B. Qualified employees may continue coverage for up to 29 months if:
- ☐ The employee is deemed disabled by the Social Security Administration.
  Date of Onset of Disability: ____/____/____

C. Qualified dependents may continue coverage for up to 36 months if:
- ☐ The dependent no longer meets the eligiblity requirements for a dependent.
- ☐ The dependent is divorced or legally separated from the employee.
- ☐ The employee is deceased.
- ☐ The employee is eligible for Medicare.

SECTION 2. TO THE QUALIFIED EMPLOYEE OR DEPENDENT — Please complete Section 2.
NOTE: Each qualified beneficiary, age 18 or older, may make a separate election.

	Name	Social Security Number	Birth Date
Employee			
For Disabled Employees Only — Expected Date of Medicare Benefits: / /			
Spouse			
Dependent Child			
Dependent Child			
Dependent Child			
Dependent Child			

Person To Be Billed —
Name: _____
Address: _____
_____

Coverage Being Continued:
(Check one.)
- ☐ Core Coverage Only
- ☐ Core and Non-Core Coverage
- ☐ None

Signature of Qualified Employee or Dependent Making Election: _____ Date: _____

To apply for continued coverage, send the completed election form and your first premium payment to the Employer/Group at the address shown above. You are responsible to pay all premiums. If you do not pay premiums when they are due, your coverage will terminate. Make checks payable to WISE EYES).

** GEISINGER **

Notice of Cancellation

1. Group Name	2. Group Number
R & R Optical, Inc.	20798/00002

3. Employee's Name	Last	First	Middle Initial	4. SSN#
	Swatsworth	Karen	D	203-42-1346

5. Employment Termination Date (Date last worked) 08 / 18 / 2007
Mo. Day Yr.

The Employee named above is no longer employed as of the date indicated. We request that the insurance of this Employee be discontinued.

Any conversion and/or continuation rights that may be applicable have been explained to this terminated employee.

Date 08/20/2007 Employer Signature _____

EDUCATORS MUTUAL LIFE INSURANCE COMPANY
202 N. Prince Street, P.O. Box 83149
Lancaster, PA 17608-3149
Phone: (717) 397-2751 or (800) 233-0307

PAYROLL JOURNAL

01/01/2007 TO 12/31/2007

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/06/07	00012437	80.00	KAREN D. SWATSWORTH		620.00
			135.62	42.68	441.70
01/20/07	00012470	80.00	KAREN D. SWATSWORTH		605.00
			128.22	61.60	415.18
02/03/07	00012504	80.00	KAREN D. SWATSWORTH		640.00
			135.87	61.60	442.53
02/17/07	00012538	80.00	KAREN D. SWATSWORTH		595.00
			116.23	106.89	371.88
03/03/07	00012573	80.00	KAREN D. SWATSWORTH		625.00
			122.76	106.89	395.35
03/17/07	00012607	80.00	KAREN D. SWATSWORTH		610.00
			119.49	104.89	385.62
03/31/07	00012640	80.00	KAREN D. SWATSWORTH		615.00
			120.58	104.89	389.53
04/14/07	00012674	80.00	KAREN D. SWATSWORTH		600.00
			117.31	104.89	377.80
04/28/07	00012714	80.00	KAREN D. SWATSWORTH		590.00
			115.12	104.89	369.99
05/12/07	00012748	80.00	KAREN D. SWATSWORTH		610.00
			119.49	104.89	385.62
05/26/07	00012783	80.00	KAREN D. SWATSWORTH		620.00
			121.67	104.89	393.44
06/09/07	00012817	80.00	KAREN D. SWATSWORTH		620.00
			121.67	104.89	393.44
06/23/07	00012855	80.00	KAREN D. SWATSWORTH		610.00
			119.49	104.89	385.62
07/07/07	00012892	80.00	KAREN D. SWATSWORTH		645.00
			127.12	104.89	412.99
07/21/07	00012937	80.00	KAREN D. SWATSWORTH		590.00
			115.12	104.89	369.99
08/04/07	00012979	80.00	KAREN D. SWATSWORTH		620.00
			121.67	104.89	393.44
08/18/07	00013016	80.00	KAREN D. SWATSWORTH		615.00
			120.58	104.89	389.53
09/01/07	00013053	80.00	KAREN D. SWATSWORTH		580.00
			112.95	104.89	362.16
					11,010.00
TOTALS:			2,190.96	1,743.23	7,075.81

SUBSCRIBER APPLICATION CHANGE FORM

GEISINGER HEALTH OPTIONS

M.C. 30-26
100 N. Academy Avenue
Danville, PA 17822

Effective Date of Change 02 / 01 / 07

105985 | 100204331
GROUP NUMBER | DIVISION NUMBER | INSURANCE I.D. NUMBER

Swatsworth | Karen | D
LEGAL NAME (LAST) | (FIRST) | (M.I.)

126 Bonnie Court
ADDRESS (NUMBER) (STREET) (APT. NO.)

Curwensville | PA | 16833
CITY | STATE | ZIP CODE

Clearfield
COUNTY

203-42-1346
SOCIAL SECURITY NUMBER

CHANGES:
Check which change(s) apply:
- ☒ Adding Dependent(s)
- ☐ Name Change

_____ (Previous last name)
- ☐ Address Change
- ☐ New Home Telephone Number (_____)_____
- ☐ Changing Primary Care Physician (PCP)

Reason for PCP Change:
(check one)
- ☐ Medical care dissatisfaction
- ☐ Access dissatisfaction
- ☐ Provider service dissatisfaction
- ☐ Failure to establish relationship
- ☐ PCP leaves the Health Plan
- ☐ PCP moves
- ☐ Error in PCP selection
- ☐ Convenience

DISENROLLMENT
Check which reason may apply

☐ **SUBSCRIBER** OR ☐ **DEPENDENT**
- ☐ Termination of employment (TE)
- ☐ Lay off (LO)
- ☐ Leave of absence (LA)
- ☐ Reduction in work hours (RH)
- ☐ Retired (RT)
- ☐ Moved out of service area (OA)
- ☐ Deceased (DD)
  (Date of Death)___/___/___
- ☐ Personal preference (PP)
- ☐ Dissatisfaction with Plan (DI)
- ☐ Non payment of premium
- ☐ Selected other insurance (SO)
  - ☐ Open enrollment ___/___/___ (OE)
- ☐ Loss of dependent status (LS)

SUBSCRIBER AND DEPENDENT CHANGES (PLEASE PRINT OR TYPE)

CHECK ONE		LEGAL NAME				BIRTHDATE			RELATION-SHIP TO SUBSCRIBER	CHECK REASON (NOTE DATE)			SOCIAL SECURITY NUMBER	MEDICAL RECORD NUMBER	PCP NAME/ LOCATION (TOWN)
ADD	RE-MOVE	LAST	FIRST	MAIDEN NAME	M.I.	MO.	DAY	YR.		DATE OF MAR-RIAGE	DATE OF DIVORCE	OTHER CHANGE OF STATUS			
X		SWATSWORTH	DAVID		A	12	28	50	HUSBAND	4/21/72			195-42-9906		

HEREBY apply for amendment of my subscriber application.
T is mutually agreed as follows: That these changes shall not become effective unless and until accepted by my employer. That this application for change in coverage will become a part of my original application and if accepted will be subject to the terms of my Employer's Health Benefit Plan.
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

David A Swatsworth — SUBSCRIBER SIGNATURE
2-6-07 — DATE SIGNED
_____ — GROUP BENEFITS ADMINISTRATOR / GROUP NAME
_____ — DATE SIGNED

M-150-537-F Rev. 3/03is

WHITE - GEISINGER HEALTH OPTIONS YELLOW - EMPLOYER

1

01/10/2007 R & R Optical, Inc. 04:51:53 P

PAYROLL JOURNAL

01/01/2006 TO 12/31/2006

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/07/06	00011524	80.00	KAREN D. SWATSWORTH		560.00
			122.52	42.68	394.80
01/21/06	00011558	90.00	KAREN D. SWATSWORTH		715.00
			156.33	42.68	515.99
02/04/06	00011593	91.00	KAREN D. SWATSWORTH		775.50
			169.53	42.68	563.29
02/18/06	00011631	89.00	KAREN D. SWATSWORTH		704.50
			154.05	42.68	507.77
03/04/06	00011664	90.00	KAREN D. SWATSWORTH		725.00
			158.51	42.68	523.81
03/18/06	00011696	80.00	KAREN D. SWATSWORTH		585.00
			127.98	40.68	416.34
04/01/06	00011731	80.00	KAREN D. SWATSWORTH		595.00
			130.17	40.68	424.15
04/15/06	00011769	80.00	KAREN D. SWATSWORTH		590.00
			129.07	40.68	420.25
04/29/06	00011805	80.00	KAREN D. SWATSWORTH		560.00
			122.52	40.68	396.80
05/13/06	00011840	80.00	KAREN D. SWATSWORTH		725.00
			158.51	40.68	525.81
05/27/06	00011877	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
06/10/06	00011912	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
06/24/06	00011949	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
07/08/06	00011985	80.00	KAREN D. SWATSWORTH		590.00
			129.07	40.68	420.25
07/22/06	00012026	80.00	KAREN D. SWATSWORTH		630.00
			137.80	40.68	451.52
08/05/06	00012060	80.00	KAREN D. SWATSWORTH		560.00
			122.52	40.68	396.80
08/19/06	00012094	80.00	KAREN D. SWATSWORTH		645.00
			141.06	40.68	463.26
09/02/06	00012128	80.00	KAREN D. SWATSWORTH		625.00
			136.70	40.68	447.62
09/16/06	00012162	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
09/30/06	00012196	80.00	KAREN D. SWATSWORTH		610.00
			133.44	40.68	435.88
10/14/06	00012230	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.68	428.07
10/28/06	00012270	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
11/11/06	00012304	80.00	KAREN D. SWATSWORTH		635.00
			138.89	40.68	455.43
11/25/06	00012338	80.00	KAREN D. SWATSWORTH		605.00
			132.33	40.68	431.99
12/09/06	00012371	80.00	KAREN D. SWATSWORTH		630.00
			137.80	40.68	451.52
12/23/06	00012404	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.68	412.43
					16,205.00

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2006 TO 12/31/2006

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
	TOTALS:		3,544.47	1,067.68	11,592.85

PAYROLL JOURNAL
01/01/2005 TO 12/31/2005

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/08/05	00010548	80.00	KAREN D. SWATSWORTH		575.00
			126.40	39.97	408.63
01/22/05	00010585	80.00	KAREN D. SWATSWORTH		520.00
			114.40	39.97	365.63
02/05/05	00010627	80.00	KAREN D. SWATSWORTH		560.00
			123.12	39.97	396.91
02/19/05	00010663	80.00	KAREN D. SWATSWORTH		565.00
			124.21	39.97	400.82
03/05/05	00010700	80.00	KAREN D. SWATSWORTH		540.00
			118.76	39.97	381.27
03/19/05	00010736	80.00	KAREN D. SWATSWORTH		595.00
			130.76	37.97	426.27
04/02/05	00010774	80.00	KAREN D. SWATSWORTH		560.00
			123.12	37.97	398.91
04/16/05	00010816	80.00	KAREN D. SWATSWORTH		580.00
			127.48	37.97	414.55
04/30/05	00010854	80.00	KAREN D. SWATSWORTH		605.00
			132.93	37.97	434.10
05/14/05	00010892	80.00	KAREN D. SWATSWORTH		575.00
			126.40	37.97	410.63
05/28/05	00010930	80.00	KAREN D. SWATSWORTH		560.00
			123.12	37.97	398.91
06/11/05	00010967	80.00	KAREN D. SWATSWORTH		640.00
			140.57	37.97	461.46
06/25/05	00011004	80.00	KAREN D. SWATSWORTH		585.00
			128.57	37.97	418.46
07/09/05	00011042	80.00	KAREN D. SWATSWORTH		625.00
			137.29	37.97	449.74
07/23/05	00011080	80.00	KAREN D. SWATSWORTH		585.00
			128.57	37.97	418.46
08/06/05	00011122	80.00	KAREN D. SWATSWORTH		610.00
			134.02	37.97	438.01
08/20/05	00011156	80.00	KAREN D. SWATSWORTH		605.00
			132.93	37.97	434.10
09/03/05	00011189	80.00	KAREN D. SWATSWORTH		580.00
			127.48	37.97	414.55
09/17/05	00011223	87.00	KAREN D. SWATSWORTH		683.50
			150.06	37.97	495.47
10/01/05	00011257	87.00	KAREN D. SWATSWORTH		688.50
			151.14	37.97	499.39
10/15/05	00011295	87.00	KAREN D. SWATSWORTH		668.50
			146.18	40.68	481.64
10/29/05	00011335	87.00	KAREN D. SWATSWORTH		668.50
			146.18	40.68	481.64
11/12/05	00011368	87.00	KAREN D. SWATSWORTH		668.50
			146.18	40.68	481.64
11/26/05	00011402	91.00	KAREN D. SWATSWORTH		710.50
			155.35	40.68	514.47
12/10/05	00011441	89.00	KAREN D. SWATSWORTH		694.50
			151.87	40.68	501.95
12/24/05	00011488	86.00	KAREN D. SWATSWORTH		673.00
			147.17	40.68	485.15
					15,920.50

R & R Optical, Inc.
PAYROLL JOURNAL
01/01/2005 TO 12/31/2005

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
TOTALS:			3,494.26	1,013.48	11,412.76

Selectus
Direct Access PPO

GROUP SUBSCRIBER APPLICATION

M.C. 30-26
100 North Academy Aven
Danville, PA 17822

GROUP NUMBER	DIVISION NUMBER	INSURANCE ID NUMBER	EFFECTIVE DATE	SALES RE

GENERAL INFORMATION (Please Print or Type)

APPLICANT

LEGAL NAME (LAST)	(MAIDEN NAME)	(FIRST)	(M.I.)	☐ FEMAL ☐ MALE
Swatsworth		Karen	D	

ADDRESS (NUMBER) (STREET) (APT. NO.)	CITY	STATE	ZIP CODE	COUNTY	PHONE NUMBER
126 Bonnie Court	Curwensville	PA	16833	Clearfield	814-236-37??

SOCIAL SECURITY NUMBER	DATE OF BIRTH (MONTH / DAY / YEAR)	MARITAL STATUS
205 42 1346	02 / 17 / 1950	☑ MARRIED ☐ SINGLE ☐ DIVORCED/SEPARATED ☐ WIDOWED

EMPLOYER (NAME, CITY, AND PHONE NUMBER)	DATE OF EMPLOYMENT	MEDICAL RECORD NUMBER (if any)
R & R Optical, Inc.	06/17/1992	

WHILE ENROLLED IN SELECTUS DIRECT ACCESS PPO, WILL YOU OR YOUR SPOUSE, IF LISTED ON THIS FORM, ALSO BE COVERED BY:

☐ MEDICARE	YOUR MEDICARE NUMBER	PART A	PART B	SPOUSE'S MEDICARE NUMBER		PART A	PART
☐ OTHER HEALTH INSURANCE	NAME OF INSURANCE CO.			SUBSCRIBER NAME		☐ FAMILY PLAN	☐ SELF ONLY
	EFFECTIVE DATE OF COVERAGE	I.D. OR SOCIAL SECURITY NO.		GROUP NAME (EMPLOYER)		GROUP NUMBER	

DEPENDENT

LEGAL NAME FIRST	M.I.	LAST / LIST LAST NAME IF DIFFERENT FROM APPLICANT	SOCIAL SECURITY NO.	RELATIONSHIP	DATE OF BIRTH	MEDICAL RECORD NUMBER (if any)
		LAST MAIDEN NAME		☐ HUSBAND ☐ WIFE		
				☐ (STEP) ☐ SON ☐ DAUGHTER		
				☐ (STEP) ☐ SON ☐ DAUGHTER		
				☐ (STEP) ☐ SON ☐ DAUGHTER		
				☐ (STEP) ☐ SON ☐ DAUGHTER		

I hereby apply to Selectus Direct Access PPO for the coverage now being offered for myself and the dependent(s), if any, as shown above. I understand that this application is subject to acceptance by Selectus Direct Access PPO, and that if a Subscription Certificate is issued, services will be available subject to the exclusions, limitations and other conditions of the Subscription Certificate and/or Rider(s), if applicable. In the event it is determined that one (1) or more of my dependent(s) is/are ineligible for enrollment in Selectus Direct Access PPO pursuant to the Subscription Certificate, I authorize Selectus Direct Access PPO to process this application, omitting the names of such ineligible dependent(s). I further understand that rates for the Subscription Certificate and/or Rider(s), if applicable, issued to me are subject to change by Selectus Direct Access PPO, in accordance with terms of the agreement with my employer, and upon thirty (30) days prior notice to my employer acting on my behalf. I authorize my employer to make periodic deductions from my salary or wages of the amount, if any, I am required to contribute toward the rates for the coverage provided under my Subscription Certificate and/or Rider(s).

The information recorded above is true and correct to the best of my knowledge and belief. I understand that the misrepresentation of any material fact by me on this application could constitute grounds for the cancellation of any Subscription Certificate and/or Rider(s), if applicable, issued by Selectus Direct Access PPO in consideration of this application.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalities.

Signature of Applicant | Date Signed | Signature of Employer | Date Signed

PLEASE NOTE: If any of your dependent(s) do not live at the above address, please indicate name(s), current address(es) and reason(s) why your dependent(s) do not live at the above address. If your dependent(s) live with a custodial parent, please provide name of custodial parent.

White - Selectus Direct Access PPO *Yellow - Employer* *Pink - Applicant*

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/10/04	00009542	80.00	KAREN D. SWATSWORTH		570.00
			124.71	40.66	404.63
01/24/04	00009582	80.00	KAREN D. SWATSWORTH		585.00
			127.98	40.66	416.36
02/07/04	00009626	80.00	KAREN D. SWATSWORTH		560.00
			122.52	40.66	396.82
02/21/04	00009665	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.66	412.45
03/06/04	00009704	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.66	412.45
03/20/04	00009743	80.00	KAREN D. SWATSWORTH		540.00
			118.17	40.66	381.17
04/03/04	00009782	80.00	KAREN D. SWATSWORTH		640.00
			139.98	40.66	459.36
04/17/04	00009822	80.00	KAREN D. SWATSWORTH		565.00
			123.62	40.66	400.72
05/01/04	00009866	80.00	KAREN D. SWATSWORTH		575.00
			125.80	40.66	408.54
05/15/04	00009905	80.00	KAREN D. SWATSWORTH		580.00
			126.89	40.66	412.45
05/29/04	00009943	80.00	KAREN D. SWATSWORTH		585.00
			127.98	40.66	416.36
06/12/04	00009980	80.00	KAREN D. SWATSWORTH		595.00
			130.17	40.66	424.17
06/26/04	00010018	80.00	KAREN D. SWATSWORTH		555.00
			121.44	40.66	392.90
07/10/04	00010056	80.00	KAREN D. SWATSWORTH		600.00
			131.25	40.66	428.09
07/24/04	00010095	80.00	KAREN D. SWATSWORTH		540.00
			118.17	40.66	381.17
08/07/04	00010138	80.00	KAREN D. SWATSWORTH		585.00
			127.98	40.66	416.36
08/21/04	00010176	80.00	KAREN D. SWATSWORTH		575.00
			125.80	40.66	408.54
09/04/04	00010214	80.00	KAREN D. SWATSWORTH		540.00
			118.17	40.66	381.17
09/18/04	00010252	80.00	KAREN D. SWATSWORTH		605.00
			132.34	40.66	432.00
10/02/04	00010291	83.00	KAREN D. SWATSWORTH		604.25
			132.76	37.97	433.52
10/16/04	00010332	80.00	KAREN D. SWATSWORTH		570.00
			125.29	37.97	406.74
10/30/04	00010369	80.00	KAREN D. SWATSWORTH		560.00
			123.12	37.97	398.91
11/13/04	00010405	80.00	KAREN D. SWATSWORTH		595.00
			130.76	37.97	426.27
11/27/04	00010441	80.00	KAREN D. SWATSWORTH		575.00
			126.40	37.97	410.63
12/11/04	00010477	80.00	KAREN D. SWATSWORTH		590.00
			129.66	37.97	422.37
12/25/04	00010512	80.00	KAREN D. SWATSWORTH		545.00
			119.85	37.97	387.18
					14,994.25

PAYROLL JOURNAL
01/01/2003 TO 12/31/2003

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/11/03	00008508	80.00	KAREN D. SWATSWORTH		575.00
			138.65	200.33	236.02
					580.00
01/25/03	00008546	80.00	KAREN D. SWATSWORTH		239.95
			139.72	200.33	580.00
02/08/03	00008585	80.00	KAREN D. SWATSWORTH		239.95
			139.72	200.33	560.00
02/22/03	00008625	80.00	KAREN D. SWATSWORTH		224.25
			135.42	200.33	580.00
03/08/03	00008664	80.00	KAREN D. SWATSWORTH		239.95
			139.72	200.33	575.00
03/22/03	00008705	80.00	KAREN D. SWATSWORTH		236.02
			138.65	200.33	580.00
04/05/03	00008747	80.00	KAREN D. SWATSWORTH		416.96
			139.72	23.32	575.00
04/19/03	00008792	80.00	KAREN D. SWATSWORTH		413.03
			138.65	23.32	595.00
05/03/03	00008833	80.00	KAREN D. SWATSWORTH		433.74
			137.94	23.32	595.00
05/17/03	00008878	80.00	KAREN D. SWATSWORTH		433.74
			137.94	23.32	540.00
05/31/03	00008920	80.00	KAREN D. SWATSWORTH		390.55
			126.13	23.32	600.00
06/14/03	00008960	81.50	KAREN D. SWATSWORTH		437.67
			139.01	23.32	590.00
06/28/03	00009000	80.00	KAREN D. SWATSWORTH		429.81
			136.87	23.32	600.00
07/12/03	00009039	83.00	KAREN D. SWATSWORTH		443.63
			133.05	23.32	555.00
07/26/03	00009081	80.00	KAREN D. SWATSWORTH		408.29
			123.39	23.32	540.00
08/09/03	00009118	80.00	KAREN D. SWATSWORTH		396.51
			120.17	23.32	620.00
08/23/03	00009156	80.00	KAREN D. SWATSWORTH		459.34
			137.34	23.32	570.00
09/06/03	00009193	80.00	KAREN D. SWATSWORTH		420.07
			126.61	23.32	570.00
09/20/03	00009231	80.00	KAREN D. SWATSWORTH		420.07
			126.61	23.32	575.00
10/04/03	00009269	80.00	KAREN D. SWATSWORTH		410.38
			123.96	40.66	575.00
10/18/03	00009308	80.00	KAREN D. SWATSWORTH		410.38
			123.96	40.66	614.00
11/01/03	00009351	85.00	KAREN D. SWATSWORTH		441.02
			132.32	40.66	595.00
11/15/03	00009390	83.00	KAREN D. SWATSWORTH		426.09
			128.25	40.66	550.00
11/29/03	00009428	80.00	KAREN D. SWATSWORTH		390.75
			118.59	40.66	560.00
12/13/03	00009466	80.00	KAREN D. SWATSWORTH		398.61
			120.73	40.66	540.00
12/27/03	00009504	80.00	KAREN D. SWATSWORTH		382.90
			116.44	40.66	
					14,989.00

CAPTAC BLUE CROSS

22.32 | pay as alle

Deb,

Please take David off my ins. as of today. he got his own thruye his work.

Thank you.

Karen Swadaworth

Capital BlueCross

Capital BlueCross and its subsidiary, Capital Advantage Insurance Company® (collectively "Capital") Independent Licensees of the Blue Cross and Blue Shield Association

APPLICATION TO ENROLL OR CHANGE ENROLLMENT

(Please print or type)

1-866-686-2242 www.capbluecross.com

SUBSCRIBER: Please refer to the attached Instruction Sheet when completing sections 1 through 8 of this form.

1. SUBSCRIBER INFORMATION:

Subscriber Identification (Social Security Number) [illegible] | Birth Date [illegible] | ☐ Male ☑ Female

Subscriber Name (Last, First, M.I.) Swatsworth, Kathy M. | ☐ Single ☐ Married

Mailing Address (Include street address, city, state and ZIP Code) 126 Bonnie Court Curwensville, PA 16833 | (New Address? ☐ Yes ☑ No) | County Clearfield

Home Phone Number ( ) | Work Phone Number / Ext. ( )

Employment Status/Class: ☑ Active (Full-Time) ☐ Active (Part-Time) ☐ Retired ☐ Hourly ☐ Salary ☐ Exempt ☐ Non-Exempt ☐ Union ☐ Non-Union | Average Number of Hours Worked Per Week

GROUP ADMINISTRATOR: Please complete shaded area of form

Employer's Name: K & R Optical, Inc. | Employer's ID Number

Group Name *(if different from above)*

Group Number: 00501690 | Subgroup Number

Does your company employ 20 or more employees? ☐ Yes ☐ No

Employer's Address *(For Association Groups Only)*

Effective Date of Coverage/Change: 04 / 01 / 2003

Date Hired / / | Has waiting period been met? ☐ Yes ☐ No

TYPE OF ACTIVITY

☐ Enrollment ☐ Change of Enrollment ☐ Termination

REASON CODES *(See back for codes and descriptions)*

☐ Open Enrollment

☐ Life Status Change: CODE | Date of Change / /

☐ Initial Eligibility Change: CODE | Date of Change / /

☑ Termination: CODE 05 | Date of Change 03/31/03

☐ Other (Please Explain) | Date of Change / /

2. ENROLLMENT/CHANGE INFORMATION

3. COVERAGE SELECTION/CHANGE

Place an **"A" to ADD** Coverage or an **"R" to REMOVE** Coverage

First Name & Middle Initial (Show Last Name if different from Subscriber)	Social Security Number	Birth Date	Handicapped Dependent?	ADD or REMOVE?	Traditional	Comprehensive	PPO	Senior	Options	Dental	Vision	Rx
SUBSCRIBER				☐ REMOVE ONLY								
Spouse ☐ Male ☐ Female David A	[illegible]	12 / 28 / 30		☐ ADD ☑ REMOVE								
☐ Son ☐ Dau		/ /	☐ Yes ☐ No	☐ ADD ☐ REMOVE								
☐ Son ☐ Dau		/ /	☐ Yes ☐ No	☐ ADD ☐ REMOVE								
☐ Son ☐ Dau		/ /	☐ Yes ☐ No	☐ ADD ☐ REMOVE								
☐ Other		/ /	☐ Yes ☐ No	☐ ADD ☐ REMOVE								

Dependent Address if different from Subscriber

Traditional = CBC hospital, CAIC Med Surg and Major Medical Comprehensive = CAIC comprehensive major medical
PPO = CAIC Preferred Provider Organization Senior = CAIC Medicare Complementary Options = CAIC Option

4. MEDICARE COVERAGE INFORMATION

Complete Medicare Information for Subscriber and/or Dependents CURRENTLY enrolled for Medicare. *(Refer to your red, white and blue Medicare Health Insurance Card for the Medicare claim number and effective dates.)*

Name of Subscriber or Dependent	Medicare Claim Number	Effective Date(s) Hospital (Part A)	Effective Date(s) Medical (Part B)	Disabled?	ESRD?
		/ /	/ /	☐ Yes ☐ No	☐ Yes ☐ No
		/ /	/ /	☐ Yes ☐ No	☐ Yes ☐ No

5. OTHER INSURANCE COVERAGE

Complete if YOU or ANY OF YOUR DEPENDENTS have any other health care coverage with a Blue Cross and/or Blue Shield Plan OR another insurance company. *(Please attach a separate sheet of paper if additional space is needed)*

Name of Subscriber or Dependent	Name of Health Care Plan/Insurance Co.	Identification/Policy Number
David A. Swatsworth		

6. STUDENT INFORMATION

Complete the following information for DEPENDENTS who are 19 YEARS OLD OR OLDER and enrolled as full-time students at an accredited school or college/university. *(Please attach a separate sheet of paper if additional space is needed)*

Student's Name	Name of School or College/University	Expected Date of Graduation
		/
		/

7. CHANGE THE FOLLOWING INFORMATION

Change is for ☐ Subscriber ☐ Dependent (Name)

Name	From	To
Birth Date	From / /	To / /
Social Security Number	From ___ ___ / / ___ ___	To ___ ___ / / ___ ___

8. STATEMENT OF APPLICATION

By signing this application, I am indicating that I have read the statement of application on the back of the form. I verify that the information given is true and correct.

Subscriber's Signature | Date

PAYROLL JOURNAL
01/01/2002 TO 12/31/2002

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/12/02	00007466	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
01/26/02	00007503	80.00	KAREN D. SWATSWORTH		578.00
			139.17	0.00	438.83
02/09/02	00007539	80.00	KAREN D. SWATSWORTH		560.00
			135.31	0.00	424.69
02/23/02	00007576	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
03/09/02	00007622	80.00	KAREN D. SWATSWORTH		570.00
			137.46	0.00	432.54
03/23/02	00007659	80.00	KAREN D. SWATSWORTH		590.00
			141.75	0.00	448.25
04/06/02	00007697	80.00	KAREN D. SWATSWORTH		570.00
			137.46	0.00	432.54
04/20/02	00007735	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
05/04/02	00007778	84.00	KAREN D. SWATSWORTH		609.00
			145.82	0.00	463.18
05/18/02	00007817	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
06/01/02	00007856	88.00	KAREN D. SWATSWORTH		648.00
			154.19	0.00	493.81
06/15/02	00007897	80.00	KAREN D. SWATSWORTH		595.00
			142.82	0.00	452.18
06/29/02	00007940	80.00	KAREN D. SWATSWORTH		585.00
			140.67	0.00	444.33
07/13/02	00007981	80.00	KAREN D. SWATSWORTH		540.00
			131.02	0.00	408.98
07/27/02	00008020	84.00	KAREN D. SWATSWORTH		649.00
			154.40	0.00	494.60
08/10/02	00008060	84.00	KAREN D. SWATSWORTH		594.00
			142.60	0.00	451.40
08/24/02	00008106	80.00	KAREN D. SWATSWORTH		555.00
			134.24	0.00	420.76
09/07/02	00008146	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
09/21/02	00008185	80.00	KAREN D. SWATSWORTH		590.00
			141.75	0.00	448.25
10/05/02	00008225	84.00	KAREN D. SWATSWORTH		599.00
			143.68	0.00	455.32
10/19/02	00008268	80.00	KAREN D. SWATSWORTH		575.00
			138.53	0.00	436.47
11/02/02	00008307	80.00	KAREN D. SWATSWORTH		565.00
			136.38	0.00	428.62
11/16/02	00008347	80.00	KAREN D. SWATSWORTH		585.00
			140.67	0.00	444.33
11/30/02	00008387	84.50	KAREN D. SWATSWORTH		634.00
			151.18	0.00	482.82
12/14/02	00008428	84.50	KAREN D. SWATSWORTH		609.00
			145.82	200.33	262.85
12/28/02	00008468	80.00	KAREN D. SWATSWORTH		540.00
			131.02	200.33	208.65
					15,215.00

PAYROLL JOURNAL
01/01/2001 TO 12/31/2001

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/13/01	00006348	83.00	KAREN D. SWATSWORTH		527.00
			142.18	0.00	384.82
01/27/01	00006379	80.00	KAREN D. SWATSWORTH		520.00
			140.33	0.00	379.67
02/10/01	00006411	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
02/24/01	00006442	0.00	KAREN D. SWATSWORTH		35.00
			4.01	0.00	30.99
02/24/01	00006468	80.00	KAREN D. SWATSWORTH		555.00
			149.59	0.00	405.41
03/10/01	00006501	80.00	KAREN D. SWATSWORTH		545.00
			146.94	0.00	398.06
03/24/01	00006534	80.00	KAREN D. SWATSWORTH		545.00
			146.94	0.00	398.06
04/07/01	00006602	80.00	KAREN D. SWATSWORTH		565.00
			152.23	0.00	412.77
04/21/01	00006637	80.00	KAREN D. SWATSWORTH		590.00
			158.85	0.00	431.15
05/05/01	00006672	83.00	KAREN D. SWATSWORTH		602.00
			162.02	0.00	439.98
05/19/01	00006740	80.00	KAREN D. SWATSWORTH		555.00
			149.59	0.00	405.41
06/02/01	00006775	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
06/16/01	00006840	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
06/30/01	00006875	80.00	KAREN D. SWATSWORTH		640.00
			172.07	0.00	467.93
07/14/01	00006946	80.00	KAREN D. SWATSWORTH		530.00
			142.98	0.00	387.02
07/28/01	00006980	80.00	KAREN D. SWATSWORTH		520.00
			140.33	0.00	379.67
08/11/01	00007018	80.00	KAREN D. SWATSWORTH		530.00
			142.98	0.00	387.02
08/25/01	00007072	80.00	KAREN D. SWATSWORTH		545.00
			146.94	0.00	398.06
09/08/01	00007111	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
09/22/01	00007153	80.00	KAREN D. SWATSWORTH		545.00
			146.94	0.00	398.06
10/06/01	00007188	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
10/20/01	00007225	80.00	KAREN D. SWATSWORTH		540.00
			145.62	0.00	394.38
11/03/01	00007264	80.00	KAREN D. SWATSWORTH		510.00
			137.69	0.00	372.31
11/17/01	00007303	80.00	KAREN D. SWATSWORTH		535.00
			144.30	0.00	390.70
12/01/01	00007354	84.50	KAREN D. SWATSWORTH		591.00
			159.11	0.00	431.89
12/15/01	00007392	80.00	KAREN D. SWATSWORTH		530.00
			142.98	0.00	387.02
12/29/01	00007430	80.00	KAREN D. SWATSWORTH		540.00
			145.62	0.00	394.38

03/27/2001 R & R Optical, Inc. 10:56:47 AM
PAYROLL JOURNAL
01/01/2000 TO 12/31/2000

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
01/01/00	00005277	80.00	KAREN D. SWATSWORTH		500.00
			125.04	0.00	374.96
01/15/00	00005310	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
01/27/00	00005367	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
02/12/00	00005379	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
02/26/00	00005412	0.00	KAREN D. SWATSWORTH		98.00
			11.22	0.00	86.78
02/26/00	00005440	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
03/11/00	00005472	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
03/25/00	00005506	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
04/08/00	00005539	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
04/22/00	00005572	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
05/06/00	00005605	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
05/20/00	00005639	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
06/03/00	00005693	0.00	KAREN D. SWATSWORTH		70.00
			18.02	0.00	51.98
06/03/00	00005720	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
06/17/00	00005754	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
07/01/00	00005790	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
07/15/00	00005835	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
07/29/00	00005891	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
08/12/00	00005926	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
08/26/00	00005962	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
09/09/00	00005994	0.00	KAREN D. SWATSWORTH		110.00
			22.60	0.00	87.40
09/09/00	00006051	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
09/23/00	00006080	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
10/07/00	00006112	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
10/21/00	00006143	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
11/04/00	00006175	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96
11/18/00	00006206	80.00	KAREN D. SWATSWORTH		500.00
			135.04	0.00	364.96

PAYROLL JOURNAL
01/01/2000 TO 12/31/2000

DATE	REF NO	TOT HRS	EMPLOYEE/ TOTAL WITHHOLDINGS & DEDUCTIONS		GROSS PAY/ NET PAY
11/18/00	00006230	0.00	KAREN D. SWATSWORTH		35.00
			4.01	0.00	30.99
12/02/00	00006257	88.00	KAREN D. SWATSWORTH		572.00
			154.08	0.00	417.92
12/16/00	00006288	86.00	KAREN D. SWATSWORTH		554.00
			149.32	0.00	404.68
12/30/00	00006319	82.00	KAREN D. SWATSWORTH		518.00
			139.80	0.00	378.20
	TOTALS:		3,730.01	0.00	13,957.00 10,226.99

Karen - please fill out to authorize additional withholding. Ok to use 1999 Form

Form W-4 (1999)

Purpose. Complete Form W-4 so your employer can withhold the correct Federal income tax from your pay. Because your tax situation may change, you may want to refigure your withholding each year.

Exemption from withholding. If you are exempt, complete only lines 1, 2, 3, 4, and 7, and sign the form to validate it. Your exemption for 1999 expires February 16, 2000.

Note: *You cannot claim exemption from withholding if (1) your income exceeds $700 and includes more than $250 of unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return.*

Basic instructions. If you are not exempt, complete the Personal Allowances Worksheet. The worksheets on page 2 adjust your withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply. They will help you figure the number of withholding allowances you are entitled to claim. **However, you may claim fewer allowances.**

Child tax and higher education credits. For details on adjusting withholding for these and other credits, see **Pub. 919,** Is My Withholding Correct for 1999?

Head of household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See line **E** below.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES. Otherwise, you may owe additional tax.

Two earners/two jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding will usually be most accurate when all allowances are claimed on the Form W-4 prepared for the highest paying job and zero allowances are claimed for the others.

Check your withholding. After your Form W-4 takes effect, use Pub. 919 to see how the dollar amount you are having withheld compares to your estimated total annual tax. Get Pub. 919 especially if you used the Two-Earner/Two-Job Worksheet and your earnings exceed $150,000 (Single) or $200,000 (Married).

Recent name change? If your name on line 1 differs from that shown on your social security card, call 1-800-772-1213 for a new social security card.

Personal Allowances Worksheet

A	Enter "1" for **yourself** if no one else can claim you as a dependent	A ____
B	Enter "1" if: • You are single and have only one job; or • You are married, have only one job, and your spouse does not work; or • Your wages from a second job or your spouse's wages (or the total of both) are $1,000 or less.	B ____
C	Enter "1" for your **spouse.** But, you may choose to enter -0- if you are married and have either a working spouse or more than one job. (This may help you avoid having too little tax withheld.)	C ____
D	Enter number of **dependents** (other than your spouse or yourself) you will claim on your tax return	D ____
E	Enter "1" if you will file as **head of household** on your tax return (see conditions under **Head of household** above)	E ____
F	Enter "1" if you have at least $1,500 of **child or dependent care expenses** for which you plan to claim a credit	F ____
G	**Child Tax Credit:** • If your total income will be between $20,000 and $50,000 ($23,000 and $63,000 if married), enter "1" for each eligible child. • If your total income will be between $50,000 and $80,000 ($63,000 and $115,000 if married), enter "1" if you have two eligible children, enter "2" if you have three or four eligible children, or enter "3" if you have five or more eligible children	G ____
H	Add lines A through G and enter total here. **Note:** This amount may be different from the number of exemptions you claim on your return. ▶	H ____

For accuracy, complete all worksheets that apply.

- If you plan to **itemize or claim adjustments to income** and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are **single,** have **more than one job** and your combined earnings from all jobs exceed $32,000, OR if you are **married** and have a **working spouse or more than one job** and the combined earnings from all jobs exceed $55,000, see the Two-Earner/Two-Job Worksheet on page 2 to avoid having too little tax withheld.
- If **neither** of the above situations applies, **stop here** and enter the number from line H on line 5 of Form W-4 below.

Cut here and give the certificate to your employer. Keep the top part for your records.

Form **W-4** — Department of the Treasury, Internal Revenue Service

Employee's Withholding Allowance Certificate

▶ **For Privacy Act and Paperwork Reduction Act Notice, see page 2.**

OMB No. 1545-0010

1999

1 Type or print your first name and middle initial: KAREN D. — Last name: SWATSWORTH

2 Your social security number: 203 42 1346

Home address (number and street or rural route): 126 BONNIE COURT

3 ☐ Single ☐ Married ☒ Married, but withhold at higher Single rate.
Note: *If married, but legally separated, or spouse is a nonresident alien, check the Single box.*

City or town, state, and ZIP code: CURWENSVILLE, PA. 16833

4 If your last name differs from that on your social security card, check here. **You** must call 1-800-772-1213 for a new card ▶ ☐

5	Total number of allowances you are claiming (from line H above or from the worksheets on page 2 if they apply)	5 0
6	Additional amount, if any, you want withheld from each paycheck	6 $ 20.00
7	I claim exemption from withholding for 1999, and I certify that I meet **BOTH** of the following conditions for exemption: • Last year I had a right to a refund of **ALL** Federal income tax withheld because I had **NO** tax liability **AND** • This year I expect a refund of **ALL** Federal income tax withheld because I expect to have **NO** tax liability. If you meet both conditions, write "EXEMPT" here ▶	7

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate, or I am entitled to claim exempt status.

Employee's signature (Form is not valid unless you sign it) ▶ Karen D. Swatsworth **Date** ▶ 1-18-00

8 Employer's name and address (Employer: Complete 8 and 10 only if sending to the IRS)	9 Office code (optional)	10 Employer identification number

Deductions and Adjustments Worksheet

Note: *Use this worksheet only if you plan to itemize deductions or claim adjustments to income on your 1999 tax return.*

1 Enter an estimate of your 1999 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes (but not sales taxes), medical expenses in excess of 7.5% of your income, and miscellaneous deductions. (For 1999, you may have to reduce your itemized deductions if your income is over $126,600 ($63,300 if married filing separately). Get Pub. 919 for details.) . . . 1 $

2 Enter: { $7,200 if married filing jointly or qualifying widow(er); $6,350 if head of household; $4,300 if single; $3,600 if married filing separately } . . . . . 2 $

3 **Subtract** line 2 from line 1. If line 2 is greater than line 1, enter -0- . . . . . 3 $

4 Enter an estimate of your 1999 adjustments to income, including alimony, deductible IRA contributions, and student loan interest . . 4 $

5 **Add** lines 3 and 4 and enter the total . . . . . 5 $

6 Enter an estimate of your 1999 nonwage income (such as dividends or interest) . . . . . 6 $

7 **Subtract** line 6 from line 5. Enter the result, but not less than -0- . . . . . 7 $

8 **Divide** the amount on line 7 by $3,000 and enter the result here. Drop any fraction 8

9 Enter the number from Personal Allowances Worksheet, line H, on page 1 9

10 **Add** lines 8 and 9 and enter the total here. If you plan to use the Two-Earner/Two-Job Worksheet, also enter this total on line 1 below. Otherwise, **stop here** and enter this total on Form W-4, line 5, on page 1 10

Two-Earner/Two-Job Worksheet

Note: *Use this worksheet only if the instructions for line H on page 1 direct you here.*

1 Enter the number from line H on page 1 (or from line 10 above if you used the Deductions and Adjustments Worksheet) 1

2 Find the number in **Table 1** below that applies to the **LOWEST** paying job and enter it here 2

3 If line 1 is **GREATER THAN OR EQUAL TO** line 2, subtract line 2 from line 1. Enter the result here (if zero, enter -0-) and on Form W-4, line 5, on page 1. **DO NOT** use the rest of this worksheet 3

Note: *If line 1 is **LESS THAN** line 2, enter -0- on Form W-4, line 5, on page 1. Complete lines 4–9 to calculate the additional withholding amount necessary to avoid a year end tax bill.*

4 Enter the number from line 2 of this worksheet 4

5 Enter the number from line 1 of this worksheet 5

6 **Subtract** line 5 from line 4 6

7 Find the amount in **Table 2** below that applies to the **HIGHEST** paying job and enter it here . . . . 7 $

8 **Multiply** line 7 by line 6 and enter the result here. This is the additional annual withholding amount needed 8 $

9 Divide line 8 by the number of pay periods remaining in 1999. (For example, divide by 26 if you are paid every other week and you complete this form in December 1998.) Enter the result here and on Form W-4, line 6, page 1. This is the additional amount to be withheld from each paycheck . . . . . 9 $

Table 1: Two-Earner/Two-Job Worksheet

Married Filing Jointly

If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above
$0 - $4,000	0	40,001 - 45,000	8
4,001 - 7,000	1	45,001 - 54,000	9
7,001 - 12,000	2	54,001 - 62,000	10
12,001 - 18,000	3	62,001 - 70,000	11
18,001 - 24,000	4	70,001 - 85,000	12
24,001 - 28,000	5	85,001 - 100,000	13
28,001 - 35,000	6	100,001 - 110,000	14
35,001 - 40,000	7	110,001 and over	15

All Others

If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above
$0 - $5,000	0	65,001 - 80,000	8
5,001 - 11,000	1	80,001 - 100,000	9
11,001 - 16,000	2	100,001 and over	10
16,001 - 21,000	3		
21,001 - 25,000	4		
25,001 - 40,000	5		
40,001 - 50,000	6		
50,001 - 65,000	7		

Table 2: Two-Earner/Two-Job Worksheet

Married Filing Jointly		**All Others**	
If wages from **HIGHEST** paying job are—	Enter on line 7 above	If wages from **HIGHEST** paying job are—	Enter on line 7 above
$0 - $50,000	$400	$0 - $30,000	$400
50,001 - 100,000	770	30,001 - 60,000	770
100,001 - 130,000	850	60,001 - 120,000	850
130,001 - 240,000	1,000	120,001 - 250,000	1,000
240,001 and over	1,100	250,001 and over	1,100

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. The Internal Revenue Code requires this information under sections 3402(f)(2)(A) and 6109 and their regulations. Failure to provide a **properly** completed form will result in your being treated as a single person who claims no withholding allowances; **providing fraudulent information may also subject you to penalties.** Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, and the District of Columbia for use in administering their tax laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping** 46 min., **Learning about the law or the form** 10 min., **Preparing the form** 1 hr., 10 min. If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the tax form to this address. Instead, give it to your employer.

Printed on recycled paper

EMPLOYEE CARD REPORT
KAREN D. SWATSWORTH

EMPLOYEE ID: CL/SWATS

CATEGORY: Full Time

ADDRESS:
KAREN D. SWATSWORTH
126 BONNIE COURT
CURWENSVILLE, PA 16833
Phone: -
Department: C.C.S.M.A. Ext:
Social Security #: 203-42-1346

PERSONNEL DATA:
Date of Birth: 02/17/1950
Date of Hire: 06/17/1992
Termination Date:
Previous Pay: 0
Last Review Date:
Next Review Date:

Pay Type: SALARY
Status: Active
Married Status: Married
Pay Frequency: Biweekly

Accrued Vacation: 0.00
Accrued Sick: 0.00

COMMENTS:
CURWENSVILLE *P* OPT1

EMPLOYEE HISTORY

DATE	REF NO	TOTAL HRS YTD	GROSS PAY YTD	WITHHOLDINGS YTD	DEDUCTIONS YTD	NET PAY YTD
01/02/99	00004230	80.00	500.00	125.03	0.00	374.97
YTD		80.00	$500.00	$125.03	$0.00	$374.97
01/16/99	00004262	80.00	500.00	125.03	0.00	374.97
YTD		160.00	$1,000.00	$250.06	$0.00	$749.94
01/30/99	00004295	80.00	500.00	125.03	0.00	374.97
YTD		240.00	$1,500.00	$375.09	$0.00	$1,124.91
02/13/99	00004328	80.00	500.00	125.03	0.00	374.97
YTD		320.00	$2,000.00	$500.12	$0.00	$1,499.88
02/27/99	00004361	80.00	500.00	125.03	0.00	374.97
YTD		400.00	$2,500.00	$625.15	$0.00	$1,874.85
03/13/99	00004403	0.00	57.00	6.53	0.00	50.47
YTD		400.00	$2,557.00	$631.68	$0.00	$1,925.32
03/13/99	00004404	80.00	500.00	125.03	0.00	374.97
YTD		480.00	$3,057.00	$756.71	$0.00	$2,300.29
03/27/99	00004453	80.00	500.00	125.03	0.00	374.97
YTD		560.00	$3,557.00	$881.74	$0.00	$2,675.26
04/10/99	00004510	80.00	500.00	125.04	0.00	374.96
YTD		640.00	$4,057.00	$1,006.78	$0.00	$3,050.22
04/24/99	00004545	80.00	500.00	125.04	0.00	374.96
YTD		720.00	$4,557.00	$1,131.82	$0.00	$3,425.18
05/08/99	00004579	80.00	500.00	125.04	0.00	374.96
YTD		800.00	$5,057.00	$1,256.86	$0.00	$3,800.14

12/23/1999 R & R Optical, Inc. 04:05:20 PM

EMPLOYEE CARD REPORT

KAREN D. SWATSWORTH

05/22/99	00004613	80.00	500.00	125.04	0.00	374.96
YTD		880.00	$5,557.00	$1,381.90	$0.00	$4,175.10
06/05/99	00004644	0.00	101.00	11.56	0.00	89.44
YTD		880.00	$5,658.00	$1,393.46	$0.00	$4,264.54
06/05/99	00004671	80.00	500.00	125.04	0.00	374.96
YTD		960.00	$6,158.00	$1,518.50	$0.00	$4,639.50
06/19/99	00004703	80.00	500.00	125.04	0.00	374.96
YTD		1,040.00	$6,658.00	$1,643.54	$0.00	$5,014.46
07/03/99	00004735	80.00	500.00	125.04	0.00	374.96
YTD		1,120.00	$7,158.00	$1,768.58	$0.00	$5,389.42
07/17/99	00004767	80.00	500.00	125.04	0.00	374.96
YTD		1,200.00	$7,658.00	$1,893.62	$0.00	$5,764.38
07/31/99	00004799	82.00	518.00	129.80	0.00	388.20
YTD		1,282.00	$8,176.00	$2,023.42	$0.00	$6,152.58
08/14/99	00004831	80.00	500.00	125.04	0.00	374.96
YTD		1,362.00	$8,676.00	$2,148.46	$0.00	$6,527.54
08/28/99		0.00	0.00	0.00	0.00	0.00
YTD		1,362.00	$8,676.00	$2,148.46	$0.00	$6,527.54
08/28/99	00004892	80.00	500.00	125.04	0.00	374.96
YTD		1,442.00	$9,176.00	$2,273.50	$0.00	$6,902.50
09/11/99	00004926	80.00	500.00	125.04	0.00	374.96
YTD		1,522.00	$9,676.00	$2,398.54	$0.00	$7,277.46
09/25/99	00004986	0.00	145.00	16.60	0.00	128.40
YTD		1,522.00	$9,821.00	$2,415.14	$0.00	$7,405.86
09/25/99	00005014	80.00	500.00	125.04	0.00	374.96
YTD		1,602.00	$10,321.00	$2,540.18	$0.00	$7,780.82
10/09/99	00005050	80.00	500.00	125.04	0.00	374.96
YTD		1,682.00	$10,821.00	$2,665.22	$0.00	$8,155.78
10/23/99	00005084	80.00	500.00	125.04	0.00	374.96
YTD		1,762.00	$11,321.00	$2,790.26	$0.00	$8,530.74
11/06/99	00005117	80.00	500.00	125.04	0.00	374.96
YTD		1,842.00	$11,821.00	$2,915.30	$0.00	$8,905.70
11/20/99	00005150	80.00	500.00	125.04	0.00	374.96
YTD		1,922.00	$12,321.00	$3,040.34	$0.00	$9,280.66
12/04/99	00005182	80.00	500.00	125.04	0.00	374.96
YTD		2,002.00	$12,821.00	$3,165.38	$0.00	$9,655.62
12/18/99	00005222	80.00	500.00	125.04	0.00	374.96
YTD		2,082.00	$13,321.00	$3,290.42	$0.00	$10,030.58

12/18/99	00005250	0.00	70.00	8.02	0.00	61.98
YTD		2,082.00	$13,391.00	$3,298.44	$0.00	$10,092.56

EMPLOYEE ID	CL/SWATS TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	30.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCMSA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	12,480.00
COMMENTS	CURWENSVILLE *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1						
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/03/98	80.00	480.00	20.00	67.78	14.00	0.00
3245	0.00	0.00	500.00	38.25	5.00	374.97
01/17/98	80.00	480.00	20.00	67.78	14.00	0.00
3278	0.00	0.00	500.00	38.25	5.00	374.97
01/31/98	80.00	480.00	20.00	67.78	14.00	0.00
3312	0.00	0.00	500.00	38.25	5.00	374.97
02/14/98	0.00	0.00	53.00	0.00	1.48	0.00
3346	0.00	0.00	53.00	4.06	0.53	46.93
02/14/98	80.00	480.00	20.00	67.78	14.00	0.00
3373	0.00	0.00	500.00	38.25	5.00	374.97
02/28/98	80.00	480.00	20.00	67.78	14.00	0.00
3407	0.00	0.00	500.00	38.25	5.00	374.97
03/14/98	80.00	480.00	20.00	67.78	14.00	0.00
3441	0.00	0.00	500.00	38.25	5.00	374.97
03/28/98	80.00	480.00	20.00	67.78	14.00	0.00
3475	0.00	0.00	500.00	38.25	5.00	374.97
04/11/98	80.00	480.00	20.00	67.78	14.00	0.00
3509	0.00	0.00	500.00	38.25	5.00	374.97
04/25/98	80.00	480.00	20.00	67.78	14.00	0.00
3542	0.00	0.00	500.00	38.25	5.00	374.97

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
05/09/98	80.00	480.00	20.00	67.78	14.00	0.00
3576	0.00	0.00	500.00	38.25	5.00	374.97
05/23/98	0.00	0.00	94.00	0.00	2.63	0.00
3622	0.00	0.00	94.00	7.19	0.94	83.24
05/23/98	80.00	480.00	20.00	67.78	14.00	0.00
3649	0.00	0.00	500.00	38.25	5.00	374.97
06/06/98	80.00	480.00	20.00	67.78	14.00	0.00
3683	0.00	0.00	500.00	38.25	5.00	374.97
06/20/98	80.00	480.00	20.00	67.78	14.00	0.00
3717	0.00	0.00	500.00	38.25	5.00	374.97
07/04/98	80.00	480.00	20.00	67.78	14.00	0.00
3751	0.00	0.00	500.00	38.25	5.00	374.97
07/18/98	80.00	480.00	20.00	67.78	14.00	0.00
3786	0.00	0.00	500.00	38.25	5.00	374.97
08/01/98	80.00	480.00	20.00	67.78	14.00	0.00
3820	0.00	0.00	500.00	38.25	5.00	374.97
08/15/98	80.00	480.00	20.00	67.78	14.00	0.00
3853	0.00	0.00	500.00	38.25	5.00	374.97
08/29/98	0.00	0.00	85.00	0.00	2.38	0.00
3886	0.00	0.00	85.00	6.50	0.85	75.27
08/29/98	80.00	480.00	20.00	67.78	14.00	0.00
3913	0.00	0.00	500.00	38.25	5.00	374.97
09/12/98	80.00	480.00	20.00	67.78	14.00	0.00
3947	0.00	0.00	500.00	38.25	5.00	374.97
09/26/98	80.00	480.00	20.00	67.78	14.00	0.00
3982	0.00	0.00	500.00	38.25	5.00	374.97
10/10/98	80.00	480.00	20.00	67.78	14.00	0.00
4017	0.00	0.00	500.00	38.25	5.00	374.97
10/24/98	80.00	480.00	20.00	67.78	14.00	0.00
4050	0.00	0.00	500.00	38.25	5.00	374.97
11/07/98	80.00	480.00	20.00	67.78	14.00	0.00
4083	0.00	0.00	500.00	38.25	5.00	374.97
11/21/98	0.00	0.00	30.00	0.00	0.84	0.00
4115	0.00	0.00	30.00	2.30	0.30	26.56

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
11/21/98	80.00	480.00	20.00	67.78	14.00	0.00
4136	0.00	0.00	500.00	38.25	5.00	374.97
12/05/98	80.00	480.00	20.00	67.78	14.00	0.00
4167	0.00	0.00	500.00	38.25	5.00	374.97
12/19/98	80.00	480.00	20.00	67.78	14.00	0.00
4197	0.00	0.00	500.00	38.25	5.00	374.97
Y-T-D	2,080.00	12,480.00	782.00	1,762.28	371.33	0.00
TOTAL	0.00	0.00	13,262.00	1,014.55	132.62	9,981.22

EMPLOYEE ID	CL/SWATS TYPE PART SUSPEND NO	HOURLY / SALARY	SALARY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	30.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCMSA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	12,480.00
COMMENTS	CURWENSVILLE *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1						
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

AS 3/3/97

TAKE EXTRA $30.00 OUT OF KAREN SWATSWORTH'S CHECK

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHE / GROS			
01/04/97	80.00	440.00				00
2279	0.00	0.00				55
01/18/97	80.00	440.00				00
2313	0.00	0.00				55
02/01/97	80.00	440.00				00
2346	0.00	0.00				55
02/15/97	80.00	440.00				.00
2380	0.00	0.00				.55
02/15/97	0.00	0.00				.00
2412	0.00	0.00				.50
03/01/97	42.50	234.00	0.00	0.00	[illegible]	.00
2437	0.00	0.00	234.00	17.90	2.34	207.21
03/15/97	40.00	220.00	0.00	30.00	6.16	0.00
2469	0.00	0.00	220.00	16.83	2.20	164.81
03/29/97	40.00	220.00	0.00	30.00	6.16	0.00
2501	0.00	0.00	220.00	16.83	2.20	164.81
04/12/97	40.00	220.00	198.00	55.48	11.70	0.00
2536	0.00	0.00	418.00	31.98	4.18	314.66
04/26/97	40.00	220.00	0.00	30.00	6.16	0.00
2568	0.00	0.00	220.00	16.83	2.20	164.81

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
05/10/97 2600	40.00 0.00	220.00 0.00	0.00 220.00	30.00 16.83	6.16 2.20	0.00 164.81
05/24/97 2631	0.00 0.00	0.00 0.00	51.00 51.00	0.00 3.90	1.43 0.51	0.00 45.16
05/24/97 2656	40.00 0.00	220.00 0.00	0.00 220.00	30.00 16.83	6.16 2.20	0.00 164.81
06/07/97 2689	52.00 0.00	286.00 0.00	0.00 286.00	35.68 21.88	8.01 2.86	0.00 217.57
06/21/97 2722	40.00 0.00	220.00 0.00	0.00 220.00	30.00 16.83	6.16 2.20	0.00 164.81
07/05/97 2756	49.00 0.00	270.00 0.00	0.00 270.00	33.28 20.66	7.56 2.70	0.00 205.80
07/19/97 2790	72.50 0.00	399.00 0.00	0.00 399.00	52.63 30.53	11.17 3.99	0.00 300.68
08/02/97 2824	51.00 0.00	281.00 0.00	0.00 281.00	34.93 21.49	7.87 2.81	0.00 213.90
08/16/97 2858	66.00 0.00	363.00 0.00	0.00 363.00	47.23 27.77	10.16 3.63	0.00 274.21
08/30/97 2892	76.00 0.00	418.00 0.00	0.00 418.00	55.48 31.98	11.70 4.18	0.00 314.66
09/13/97 2926	80.00 0.00	480.00 0.00	20.00 500.00	67.78 38.25	14.00 5.00	0.00 374.97
09/13/97 2958	0.00 0.00	105.00 0.00	0.00 105.00	0.00 8.03	2.94 1.05	0.00 92.98
09/27/97 2985	40.00 0.00	240.00 0.00	182.00 422.00	56.08 32.28	11.82 4.22	0.00 317.60
10/11/97 3020	80.00 0.00	480.00 0.00	20.00 500.00	67.78 38.25	14.00 5.00	0.00 374.97
10/25/97 3053	80.00 0.00	480.00 0.00	20.00 500.00	67.78 38.25	14.00 5.00	0.00 374.97
11/08/97 3086	80.00 0.00	480.00 0.00	20.00 500.00	67.78 38.25	14.00 5.00	0.00 374.97
11/22/97 3119	80.00 0.00	480.00 0.00	20.00 500.00	67.78 38.25	14.00 5.00	0.00 374.97

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
12/06/97	0.00	0.00	60.00	0.00	1.68	0.00
3162	0.00	0.00	60.00	4.59	0.60	53.13
12/06/97	80.00	480.00	20.00	67.78	14.00	0.00
3163	0.00	0.00	500.00	38.25	5.00	374.97
12/20/97	80.00	480.00	20.00	67.78	14.00	0.00
3212	0.00	0.00	500.00	38.25	5.00	374.97
Y-T-D	1,609.00	9,256.00	759.00	1,292.52	280.41	0.00
TOTAL	0.00	0.00	10,015.00	766.16	100.15	7,575.76

EMPLOYEE CHANGE CARD

1. Employer/Policyholder Name: Wise Eyes Optical

2. Policy Number: 00020798

3. Employee's (Your) Name: Last: Swatsworth; First: Karen; Middle Initial: D

4. Soc. Sec. No.: 203-42-1346

5. Change Requested

- ☐ Name — From _____ To _____
- ☐ Salary — From _____ To _____
- ☒ Class — From Part time To Full time
- ☐ Beneficiary — From _____ To _____

Relationship of Beneficiary to Employee _____

☐ Dependents

Check One			Reason For Change Name *(First, Last)*	Date of Birth
Add	Remove			
		Spouse		
		Child		
		Child		
		Child		

6. Date of Change 09/01/97 *(If marriage, please provide date)* _____

Date 09/03/97 Employee Signature _____

U202.2

EDUCATORS MUTUAL LIFE INSURANCE COMPANY

(3129) 10/88

Form W-4 (1997)

Want More Money In Your Paycheck?
If you expect to be able to take the earned income credit for 1997 and a child lives with you, you may be able to have part of the credit added to your take-home pay. For details, get Form W-5 from your employer.

Purpose. Complete Form W-4 so that your employer can withhold the correct amount of Federal income tax from your pay. Form W-4 may be completed electronically, if your employer has an electronic system. Because your tax situation may change, you may want to refigure your withholding each year.

Exemption From Withholding. Read line 7 of the certificate below to see if you can claim exempt status. *If exempt, only complete lines 1, 2, 3, 4, 7, and sign the form to validate it.* No Federal income tax will be withheld from your pay. Your exemption expires February 17, 1998.

Note: *You cannot claim exemption from withholding if (1) your income exceeds $650 and includes unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return.*

Basic Instructions. If you are not exempt, complete the Personal Allowances Worksheet. Additional worksheets are on page 2 so you can adjust your withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply to your situation. The worksheets will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances than this.

Head of Household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

Nonwage Income. If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES. Otherwise, you may find that you owe additional tax at the end of the year.

Two Earners/Two Jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one W-4. This total should be divided among all jobs. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

Check Your Withholding. After your W-4 takes effect, use **Pub. 919,** Is My Withholding Correct for 1997?, to see how the dollar amount you are having withheld compares to your estimated total annual tax. Get Pub. 919 especially if you used the Two-Earner/Two-Job Worksheet and your earnings exceed $150,000 (Single) or $200,000 (Married). To order Pub. 919, call 1-800-829-3676. Check your telephone directory for the IRS assistance number for further help.

Sign This Form. Form W-4 is not considered valid unless you sign it.

Personal Allowances Worksheet

A	Enter "1" for **yourself** if no one else can claim you as a dependent	A ____
B	Enter "1" if: • You are single and have only one job; or • You are married, have only one job, and your spouse does not work; or • Your wages from a second job or your spouse's wages (or the total of both) are $1,000 or less.	B ____
C	Enter "1" for your **spouse.** But, you may choose to enter -0- if you are married and have either a working spouse or more than one job (this may help you avoid having too little tax withheld)	C ____
D	Enter number of **dependents** (other than your spouse or yourself) you will claim on your tax return	D ____
E	Enter "1" if you will file as **head of household** on your tax return (see conditions under **Head of Household** above)	E ____
F	Enter "1" if you have at least $1,500 of **child or dependent care expenses** for which you plan to claim a credit	F ____
G	Add lines A through F and enter total here. **Note:** This amount may be different from the number of exemptions you claim on your return ▶	G ____

For accuracy, complete all worksheets that apply.

- If you plan to **itemize or claim adjustments to income** and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are **single** and have **more than one job** and your combined earnings from all jobs exceed $32,000 OR if you are **married** and have a **working spouse or more than one job,** and the combined earnings from all jobs exceed $55,000, see the Two-Earner/Two-Job Worksheet on page 2 if you want to avoid having too little tax withheld.
- If **neither** of the above situations applies, **stop here** and enter the number from line G on line 5 of Form W-4 below.

Cut here and give the certificate to your employer. Keep the top portion for your records.

Form **W-4**
Department of the Treasury
Internal Revenue Service

Employee's Withholding Allowance Certificate

▶ **For Privacy Act and Paperwork Reduction Act Notice, see reverse.**

OMB No. 1545-0010
1997

1 Type or print your first name and middle initial: KAREN D. Last name: SWATSWORTH

2 Your social security number: 203 42 1346

Home address (number and street or rural route): 126 BONNIE CT.

3 ☐ Single ☐ Married ☒ Married, but withhold at higher Single rate.
Note: *If married, but legally separated, or spouse is a nonresident alien, check the Single box.*

City or town, state, and ZIP code: CURWENSVILLE, PA. 16833

4 If your last name differs from that on your social security card, check here and call 1-800-772-1213 for a new card ▶ ☐

5	Total number of allowances you are claiming (from line G above or from the worksheets on page 2 if they apply)	5 0
6	Additional amount, if any, you want withheld from each paycheck	6 $ 0
7	I claim exemption from withholding for 1997, and I certify that I meet **BOTH** of the following conditions for exemption: • Last year I had a right to a refund of **ALL** Federal income tax withheld because I had **NO** tax liability; **AND** • This year I expect a refund of **ALL** Federal income tax withheld because I expect to have **NO** tax liability. If you meet both conditions, enter "EXEMPT" here ▶	7

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exempt status.

Employee's signature ▶ Karen Swatsworth Date ▶ 2-24, 1997

8 Employer's name and address (Employer: Complete 8 and 10 only if sending to the IRS)	9 Office code (optional)	10 Employer identification number

Deductions and Adjustments Worksheet

Note: *Use this worksheet only if you plan to itemize deductions or claim adjustments to income on your 1997 tax return.*

1 Enter an estimate of your 1997 itemized deductions. These include qualifying home mortgage interest, charitable contributions, state and local taxes (but not sales taxes), medical expenses in excess of 7.5% of your income, and miscellaneous deductions. (For 1997, you may have to reduce your itemized deductions if your income is over $121,200 ($60,600 if married filing separately). Get Pub. 919 for details.) 1 $

2 Enter: { $6,900 if married filing jointly or qualifying widow(er); $6,050 if head of household; $4,150 if single; $3,450 if married filing separately } . . . . . 2 $

3 **Subtract** line 2 from line 1. If line 2 is greater than line 1, enter -0- . . . . . 3 $

4 Enter an estimate of your 1997 adjustments to income. These include alimony paid and deductible IRA contributions 4 $

5 **Add** lines 3 and 4 and enter the total . . . . . 5 $

6 Enter an estimate of your 1997 nonwage income (such as dividends or interest) . . . . . 6 $

7 **Subtract** line 6 from line 5. Enter the result, but not less than -0- . . . . . 7 $

8 **Divide** the amount on line 7 by $2,500 and enter the result here. Drop any fraction 8

9 Enter the number from Personal Allowances Worksheet, line G, on page 1 9

10 **Add** lines 8 and 9 and enter the total here. If you plan to use the Two-Earner/Two-Job Worksheet, also enter this total on line 1 below. Otherwise, **stop here** and enter this total on Form W-4, line 5, on page 1 10

Two-Earner/Two-Job Worksheet

Note: *Use this worksheet only if the instructions for line G on page 1 direct you here.*

1 Enter the number from line G on page 1 (or from line 10 above if you used the Deductions and Adjustments Worksheet) 1

2 Find the number in **Table 1** below that applies to the **LOWEST** paying job and enter it here 2

3 If line 1 is **GREATER THAN OR EQUAL TO** line 2, subtract line 2 from line 1. Enter the result here (if zero, enter -0-) and on Form W-4, line 5, on page 1. **DO NOT** use the rest of this worksheet 3

Note: *If line 1 is **LESS THAN** line 2, enter -0- on Form W-4, line 5, on page 1. Complete lines 4–9 to calculate the additional withholding amount necessary to avoid a year end tax bill.*

4 Enter the number from line 2 of this worksheet 4

5 Enter the number from line 1 of this worksheet 5

6 **Subtract** line 5 from line 4 6

7 Find the amount in **Table 2** below that applies to the **HIGHEST** paying job and enter it here . . . . 7 $

8 **Multiply** line 7 by line 6 and enter the result here. This is the additional annual withholding amount needed 8 $

9 Divide line 8 by the number of pay periods remaining in 1997. (For example, divide by 26 if you are paid every other week and you complete this form in December 1996.) Enter the result here and on Form W-4, line 6, page 1. This is the additional amount to be withheld from each paycheck . . . . . 9 $

Table 1: Two-Earner/Two-Job Worksheet

Married Filing Jointly

If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above
0 - $4,000	0	35,001 - 40,000	8
4,001 - 7,000	1	40,001 - 50,000	9
7,001 - 12,000	2	50,001 - 60,000	10
12,001 - 17,000	3	60,001 - 70,000	11
17,001 - 22,000	4	70,001 - 80,000	12
22,001 - 28,000	5	80,001 - 100,000	13
28,001 - 32,000	6	100,001 - 110,000	14
32,001 - 35,000	7	110,001 and over	15

All Others

If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above
0 - $5,000	0	75,001 - 90,000	8
5,001 - 11,000	1	90,001 - 110,000	9
11,001 - 15,000	2	110,001 and over	10
15,001 - 20,000	3		
20,001 - 24,000	4		
24,001 - 45,000	5		
45,001 - 60,000	6		
60,001 - 75,000	7		

Table 2: Two-Earner/Two-Job Worksheet

Married Filing Jointly		**All Others**	
If wages from **HIGHEST** paying job are—	Enter on line 7 above	If wages from **HIGHEST** paying job are—	Enter on line 7 above
0 - $50,000	$400	0 - $30,000	$400
50,001 - 100,000	740	30,001 - 60,000	740
100,001 - 130,000	820	60,001 - 120,000	820
130,001 - 240,000	950	120,001 - 250,000	950
240,001 and over	1,050	250,001 and over	1,050

Privacy Act and Paperwork Reduction Act Notice.—We ask for the information on this form to carry out the Internal Revenue laws of the United States. The Internal Revenue Code requires this information under sections 3402(f)(2)(A) and 6109 and their regulations. Failure to provide a completed form will result in your being treated as a single person who claims no withholding allowances. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, and the District of Columbia for use in administering their tax laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue Law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping** 46 min., **Learning about the law or the form** 10 min., **Preparing the form** 69 min. If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send the tax form to this address. Instead, give it to your employer.

Printed on recycled paper

*U.S. GOVERNMENT PRINTING OFFICE 1996 407-119

EMPLOYEE ID	CL/SWATS TYPE FULL SUSPEND NO	HOURLY / SALARY	SALARY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCMSA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	11,440.00
COMMENTS	CURWENSVILLE *P* OPT1	OVERTIME PAY RATE	0.00

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.030%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/06/96	80.00	400.00	42.00	64.23	12.38	0.13
1253	0.00	0.00	442.00	33.81	4.42	327.03
01/20/96	80.00	400.00	20.00	60.93	11.76	0.13
1288	0.00	0.00	420.00	32.13	4.20	310.85
02/03/96	80.00	400.00	20.00	60.93	11.76	0.13
1325	0.00	0.00	420.00	32.13	4.20	310.85
02/17/96	80.00	400.00	40.00	63.93	12.32	0.13
1361	0.00	0.00	440.00	33.66	4.40	325.56
03/02/96	80.00	400.00	25.00	61.68	11.90	0.13
1397	0.00	0.00	425.00	32.51	4.25	314.53
03/16/96	80.00	400.00	20.00	60.93	11.76	0.13
1433	0.00	0.00	420.00	32.13	4.20	310.85
03/30/96	80.00	400.00	20.00	60.93	11.76	0.13
1469	0.00	0.00	420.00	32.13	4.20	310.85
04/13/96	80.00	400.00	20.00	60.93	11.76	0.13
1516	0.00	0.00	420.00	32.13	4.20	310.85
04/27/96	80.00	400.00	20.00	60.93	11.76	0.13
1552	0.00	0.00	420.00	32.13	4.20	310.85
05/06/96	0.00	0.00	162.00	35.00	4.54	0.05
1588	0.00	0.00	162.00	12.39	1.62	108.40

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
05/11/96	80.00	400.00	20.00	60.93	11.76	0.13
1620	0.00	0.00	420.00	32.13	4.20	310.85
05/25/96	80.00	400.00	20.00	60.93	11.76	0.13
1656	0.00	0.00	420.00	32.13	4.20	310.85
06/08/96	80.00	400.00	20.00	60.93	11.76	0.13
1692	0.00	0.00	420.00	32.13	4.20	310.85
06/22/96	80.00	400.00	20.00	60.93	11.76	0.13
1728	0.00	0.00	420.00	32.13	4.20	310.85
07/06/96	80.00	400.00	20.00	60.93	11.76	0.13
1764	0.00	0.00	420.00	32.13	4.20	310.85
07/20/96	80.00	400.00	20.00	60.93	11.76	0.13
1801	0.00	0.00	420.00	32.13	4.20	310.85
08/03/96	80.00	400.00	20.00	60.93	11.76	0.13
1837	0.00	0.00	420.00	32.13	4.20	310.85
08/10/96	0.00	0.00	125.00	35.00	3.50	0.04
1873	0.00	0.00	125.00	9.56	1.25	75.65
08/17/96	80.00	400.00	20.00	60.93	11.76	0.13
1905	0.00	0.00	420.00	32.13	4.20	310.85
08/31/96	80.00	440.00	20.00	66.93	12.88	0.14
1941	0.00	0.00	460.00	35.19	4.60	340.26
09/14/96	80.00	440.00	20.00	66.93	12.88	0.14
1977	0.00	0.00	460.00	35.19	4.60	340.26
09/28/96	80.00	440.00	20.00	66.93	12.88	0.14
2014	0.00	0.00	460.00	35.19	4.60	340.26
10/12/96	80.00	440.00	20.00	66.93	12.88	0.14
2051	0.00	0.00	460.00	35.19	4.60	340.26
10/26/96	80.00	440.00	20.00	66.93	12.88	0.14
2088	0.00	0.00	460.00	35.19	4.60	340.26
11/09/96	80.00	440.00	20.00	66.93	12.88	0.14
123	0.00	0.00	460.00	35.19	4.60	340.26
11/16/96	0.00	0.00	88.00	35.00	2.46	0.03
152	0.00	0.00	88.00	6.74	0.88	42.89
11/23/96	80.00	440.00	20.00	66.93	12.88	0.14
179	0.00	0.00	460.00	35.19	4.60	340.26

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
12/07/96	80.00	440.00	20.00	66.93	12.88	0.14
2212	0.00	0.00	460.00	35.19	4.60	340.26
12/21/96	80.00	440.00	20.00	66.93	12.88	0.14
2245	0.00	0.00	460.00	35.19	4.60	340.26
Y-T-D	2,080.00	10,760.00	942.00	1,750.23	327.66	3.59
TOTAL	0.00	0.00	11,702.00	895.20	117.02	8,608.30

Capital BlueCross
Pennsylvania BlueShield
Independent Licensees of the Blue Cross and Blue Shield Association
Harrisburg, PA 17177
(717) 255-0820 • (610) 820-2700

WAIVER OF GROUP HEALTH INSURANCE COVERAGE

1. APPLICANT INFORMATION

APPLICANT'S NAME	(LAST) Swatsworth	(FIRST) Karen	(MI) D	SOCIAL SECURITY NO. 203-42-3146
SPOUSE'S NAME	(LAST) [illegible]	(FIRST) [illegible]	(MI) [illegible]	SOCIAL SECURITY NO. [illegible]

2. VALIDATION STATEMENT

I hereby certify that I have been given the opportunity to participate in the group health insurance plan provided by my employer through Capital Blue Cross and Pennsylvania Blue Shield. This plan has been explained to me and I decline to participate in:

☒ EMPLOYEE COVERAGE ☐ SPOUSE COVERAGE ☐ OTHER ELIGIBLE DEPENDENT COVERAGE

3. OTHER INSURANCE INFORMATION

COMPLETE THE FOLLOWING INFORMATION FOR APPLICANT AND/OR SPOUSE AND/OR OTHER ELIGIBLE DEPENDENT(S) WAIVING COVERAGE BECAUSE THEY ARE CURRENTLY COVERED FOR HEALTH CARE SERVICES WITH A BLUE CROSS AND/OR BLUE SHIELD PLAN, AN INSURANCE COMPANY, AN HMO, OR OTHER HEALTH CARE PLAN.

NAME OF CONTRACTHOLDER	NAME OF HEALTH CARE PLAN / INSURANCE CO.	POLICY / IDENTIFICATION NO.
David A. Swatsworth	Blue Cross Blue Shield of Utica-Watertown	195-42-9406

4. WAIVER INFORMATION

LIST ALL ELIGIBLE DEPENDENTS WHO ARE WAIVING COVERAGE			
NAME (LAST) (FIRST) (MI)		RELATIONSHIP TO EMPLOYEE	SOCIAL SECURITY NO.
a. APPLICANT			
b. SPOUSE			
c. ELIGIBLE DEPENDENT			
d. ELIGIBLE DEPENDENT			
e. ELIGIBLE DEPENDENT			
f. ELIGIBLE DEPENDENT			

5. COVERAGE BEING WAIVED

CHECK (✓) COVERAGE BEING WAIVED										
Blue Cross	Blue Shield	Major Medical	Dental	Vision	Rx Drug	Hearing	Comp	Wrap	BC 65	BS 65

6. STATEMENT OF AUTHORIZATION

I understand that in the event that I decide to apply for this coverage at a later date, I and/or my spouse and/or any other eligible dependents, may be subject to certain waiting periods involving any pre-existing conditions.

EMPLOYEE SIGNATURE Karen D. Swatsworth	DATE 1/1/17 96
NAME OF GROUP R & R Optical, Inc.	GROUP NO. 668611000

EMPLOYEE ID	CR/SWATS TYPE FULL SUSPEND NO	HOURLY / SALARY	HOURLY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	5.00
COMMENTS	CURWENSVILLE OPT1	OVERTIME PAY RATE	7.50

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State witholding ta	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCMSA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.110%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
09/16/95	96.00	432.00	32.00	67.67	12.99	0.51
1014	0.00	0.00	464.00	35.50	4.64	342.69
09/30/95	80.00	360.00	43.00	75.77	14.50	0.57
1013	17.00	115.00	518.00	39.63	5.18	382.35
10/14/95	80.00	360.00	89.00	65.42	12.57	0.49
1047	0.00	0.00	449.00	34.35	4.49	331.68
10/28/95	80.00	400.00	42.00	64.37	12.38	0.49
1083	0.00	0.00	442.00	33.81	4.42	326.53
11/11/95	80.00	400.00	68.00	68.27	13.10	0.52
1117	0.00	0.00	468.00	35.81	4.68	345.62
11/25/95	80.00	400.00	68.00	68.27	13.10	0.52
1151	0.00	0.00	468.00	35.81	4.68	345.62
12/09/95	80.00	400.00	1.00	58.22	11.23	0.44
1185	0.00	0.00	401.00	30.67	4.01	296.43
12/23/95	80.00	400.00	16.00	70.07	13.44	0.53
1219	8.50	64.00	480.00	36.72	4.80	354.44
Y-T-D	656.00	3,152.00	359.00	538.06	103.31	4.07
TOTAL	25.50	179.00	3,690.00	282.30	36.90	2,725.36

EMPLOYEE ID	CF/SWATS TYPE FULL SUSPEND NO	HOURLY / SALARY	HOURLY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCSMA	DATE TERMINATED	08/31/95
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	4.50
COMMENTS	CURWENSVILLE OPT1	OVERTIME PAY RATE	6.75

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.110%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/07/95	80.00	360.00	130.00	71.57	13.72	0.54
3489	0.00	0.00	490.00	37.48	4.90	361.79
01/21/95	80.00	360.00	46.00	58.97	11.37	0.45
3572	0.00	0.00	406.00	31.06	4.06	300.09
02/04/95	80.00	360.00	94.00	66.17	12.71	0.50
3656	0.00	0.00	454.00	34.73	4.54	335.35
02/18/95	80.00	360.00	73.00	63.02	12.12	0.48
3745	0.00	0.00	433.00	33.13	4.33	319.92
03/04/95	80.00	360.00	63.00	61.52	11.84	0.47
3830	0.00	0.00	423.00	32.36	4.23	312.58
03/18/95	80.00	360.00	67.00	62.12	11.96	0.47
3928	0.00	0.00	427.00	32.66	4.27	315.52
04/01/95	80.00	360.00	38.00	57.77	11.14	0.44
4001	0.00	0.00	398.00	30.45	3.98	294.22
04/15/95	80.00	360.00	61.00	61.22	11.79	0.46
4082	0.00	0.00	421.00	32.20	4.21	311.12
04/29/95	80.00	360.00	20.00	55.07	10.64	0.42
4154	0.00	0.00	380.00	29.07	3.80	281.00
05/13/95	57.00	257.00	29.00	40.97	8.01	0.32
4224	0.00	0.00	286.00	21.88	2.86	211.96

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
05/27/95	60.00	270.00	0.00	38.57	7.56	0.30
4292	0.00	0.00	270.00	20.66	2.70	200.21
06/10/95	56.00	252.00	0.00	35.87	7.06	0.28
4361	0.00	0.00	252.00	19.27	2.52	187.00
06/24/95	64.00	288.00	0.00	41.27	8.06	0.32
4430	0.00	0.00	288.00	22.04	2.88	213.43
07/08/95	60.00	270.00	0.00	38.57	7.56	0.30
4500	0.00	0.00	270.00	20.66	2.70	200.21
07/22/95	55.00	248.00	0.00	35.27	6.94	0.27
4565	0.00	0.00	248.00	18.98	2.48	184.06
08/05/95	80.00	360.00	4.00	52.67	10.19	0.40
4630	0.00	0.00	364.00	27.85	3.64	269.25
08/19/95	80.00	360.00	71.00	62.72	12.07	0.48
4695	0.00	0.00	431.00	32.97	4.31	318.45
09/02/95	64.00	288.00	119.00	59.12	11.40	0.45
4759	0.00	0.00	407.00	31.13	4.07	300.83
09/02/95	0.00	0.00	240.00	35.00	6.72	0.27
4760	0.00	0.00	240.00	18.36	2.40	177.25
Y-T-D	1,296.00	5,833.00	1,055.00	997.46	192.86	7.62
TOTAL	0.00	0.00	6,888.00	526.94	68.88	5,094.24

EMPLOYEE ID	CF/SWATS TYPE ~~PART~~ Full SUSPEND NO	HOURLY / SALARY	HOURLY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CCSMA	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	4.50
COMMENTS	CURWENSVILLE OPT	OVERTIME PAY RATE	6.75

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State Tax - PA	123456	%	% GROSS		2.800%
LOCAL TAX	2237 Local Tax - CCSMA	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
DEDUCTION 2						
DEDUCTION 3						
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
01/08/94	69.00	311.00	64.00	54.61	10.50	0.56
1298	0.00	0.00	375.00	28.69	3.75	276.89
01/22/94	80.00	360.00	71.00	63.01	12.07	0.65
1386	0.00	0.00	431.00	32.97	4.31	317.99
02/05/94	74.00	333.00	41.00	54.46	10.47	0.56
1472	0.00	0.00	374.00	28.61	3.74	276.16
02/19/94	75.00	338.00	149.00	71.41	13.64	0.73
1558	0.00	0.00	487.00	37.25	4.87	359.10
03/05/94	74.00	333.00	282.00	90.61	17.22	0.92
1649	0.00	0.00	615.00	47.05	6.15	453.05
03/19/94	74.00	333.00	130.00	67.81	12.96	0.70
1734	0.00	0.00	463.00	35.42	4.63	341.48
04/02/94	74.00	333.00	378.00	105.01	19.91	1.07
1816	0.00	0.00	711.00	54.39	7.11	523.51
04/16/94	80.00	360.00	166.00	77.26	14.73	0.79
1901	0.00	0.00	526.00	40.24	5.26	387.72
04/30/94	77.00	347.00	397.00	109.96	20.83	1.12
1982	0.00	0.00	744.00	56.92	7.44	547.73
05/14/94	74.00	333.00	133.00	68.26	13.05	0.70
2062	0.00	0.00	466.00	35.65	4.66	343.68

DATE CHECK #	REG HOURS O/T HOURS	REG WAGES O/T WAGES	OTHER PAY GROSS PAY	FED WH TAX FICA TAX	STATE TAX LOCAL TAX	OTHER DED NET PAY
05/28/94	75.00	338.00	225.00	82.81	15.76	0.85
2140	0.00	0.00	563.00	43.07	5.63	414.88
06/11/94	74.00	333.00	219.00	81.16	15.46	0.83
2221	0.00	0.00	552.00	42.22	5.52	406.81
06/25/94	70.00	315.00	136.00	66.01	12.63	0.68
2299	0.00	0.00	451.00	34.50	4.51	332.67
07/09/94	63.00	284.00	10.00	42.46	8.23	0.44
2377	0.00	0.00	294.00	22.49	2.94	217.44
07/23/94	71.00	320.00	45.00	53.11	10.22	0.55
2458	0.00	0.00	365.00	27.92	3.65	269.55
08/06/94	36.00	162.00	40.00	35.00	5.66	0.30
2541	0.00	0.00	202.00	15.45	2.02	143.57
08/20/94	103.00	464.00	81.00	80.11	15.26	0.82
2628	0.00	0.00	545.00	41.69	5.45	401.67
09/03/94	57.00	257.00	2.00	37.21	7.25	0.39
2713	0.00	0.00	259.00	19.82	2.59	191.74
09/17/94	83.00	374.00	40.00	60.46	11.59	0.62
2799	0.00	0.00	414.00	31.67	4.14	305.52
10/01/94	70.00	315.00	0.00	45.61	8.82	0.47
2883	0.00	0.00	315.00	24.10	3.15	232.85
10/15/94	70.00	315.00	0.00	45.61	8.82	0.47
2964	0.00	0.00	315.00	24.10	3.15	232.85
10/29/94	59.00	258.00	0.00	37.06	7.22	0.39
3045	0.00	0.00	258.00	19.74	2.58	191.01
11/12/94	72.00	324.00	0.00	46.96	9.07	0.49
3136	0.00	0.00	324.00	24.79	3.24	239.45
11/26/94	67.00	302.00	0.00	43.66	8.46	0.45
3223	0.00	0.00	302.00	23.10	3.02	223.31
12/10/94	74.00	333.00	0.00	48.31	9.32	0.50
3307	0.00	0.00	333.00	25.48	3.33	246.06
12/24/94	79.00	356.00	0.00	51.76	9.97	0.54
3391	0.00	0.00	356.00	27.23	3.56	262.94
Y-T-D	1,874.00	8,431.00	2,609.00	1,619.70	309.12	16.59
TOTAL	0.00	0.00	11,040.00	844.56	110.40	8,139.63

EMPLOYEE ENROLLMENT FORM
(NON-MEDICAL UNDERWRITING)

The Travelers
LOCAL CUSTOMER ACCOUNT

POLICY/ACCOUNT NUMBER

Please Print, Using Ink

GENERAL INFORMATION

NAME OF EMPLOYER/CONTRIBUTOR	WISE EYES INC.	EMPLOYEE'S OCCUPATION OR DUTIES	Optician
EMPLOYER/CONTRIBUTOR ADDRESS	2591-3 CLYDE AVE.	DATE OF FULL-TIME EMPLOYMENT	12/26/94
CITY	STATE COLLEGE	STATE/ZIP CODE	PA 16801
		HOURS WORKED PER WEEK	40
MARITAL STATUS	☐ Single ☒ Married	ANNUAL SALARY (IF APPLICABLE)	

	SEX	FAMILY MEMBER'S NAME - List all family members to be insured. (First)	(Middle)	(Last)	DATE OF BIRTH (MO) (DAY) (YR)	FULL-TIME STUDENT (Y OR N)	SOCIAL SECURITY NUMBER
Employee	F	Karen	D	Swatsworth	02/17/50	N/A	203-42-1346
Spouse							
Child							
Child							
Child							
Child							

HOME ADDRESS (street)	CITY	STATE	ZIP CODE
126 Bonnie Court	Curwensville	PA	16833

BENEFICIARY - FULL NAME	ADDRESS	RELATIONSHIP
David A. Swatsworth	126 Bonnie Court	Husband

ENROLLMENT INFORMATION

☐ I wish to enroll for all coverage offered by my employer

☒ I wish to cover:

- ☒ Myself
- ☐ My Spouse
- ☐ My Dependent Child(ren)

☐ I wish to enroll for all coverage except:

- ☐ Health
- ☒ Health & Dental

WAIVER

I decline to enroll for the following coverage due to the existence of other group coverage.

	Employee	Spouse/Child
Health	☐	☐
Dental	☐	☐

☐ I decline to enroll for all coverages (sign below)

If you are currently continuing coverage under COBRA or a state continuation provision, advise date continuation began. _____

I hereby request group insurance for myself and, if the plan provides dependent insurance, for my dependents indicated above and herel authorize my employer or successor to make deductions from my earnings of the required contributions, if any, to apply toward the premiums f the insurance provided for in the policy of group insurance issued to my employer by The Travelers Insurance Company.

I understand that if I and/or my dependents decline coverage and desire to participate in the plan at a later date, evidence of insurabili satisfactory to The Travelers Insurance Company must be furnished.

I hereby represent and agree that all the answers and statements on this request are full, complete and true, to the best of my knowledge an belief, and understand that the said answers and statements form the basis upon which insurance will be made effective. I understand th omissions, misrepresentations or misstatements could result in denial of an otherwise valid claim and voiding or reformation of insurance.

12-29-94 x Karen D. Swatsworth

DATE EMPLOYEE SIGNATURE

EMPLOYEE ENROLLMENT APPLICATION

1. Employer/Policyholder Name: Wise Eyes Inc. | 2. Policy Number:

3. Employee's (Your) Name: Last: Swatsworth | First: Karen | Middle Initial: D
Street & Number: 126 Bonnie Court
City, State & Zip: Curwensville, Pa. 16833
Residence Phone Number ( ) _____

4. ☐ Male ☒ Female Date of Birth: Mo. 02 | Day 17 | Yr. 50

5. 1st Day at work: Mo. | Day | Yr.
(Full-Time) 12 | 26 | 94
Part-Time) | | |

6. Soc. Sec. No. 203-42-1346

7. Your Occupation: Optician

8. Annual Earnings $ 9,360.00

9. Marital Status ☐ Single ☒ Married ☐ Widowed ☐ Divorced or Legally Separated

10. Are dependents to be insured? (Except Disability)
☐ Yes: ☐ Spouse ☐ Children
☐ No: If no, Reason _____

11. Beneficiary David Swatsworth
Relationship to Employee Husband

PERSONS TO BE COVERED: Please list all Eligible Dependents below.

Full Name	Relationship	Sex	Birth Date	Coverages (refer to back of app.)
Employee Listed Above (Complete Info at right)	Self	F	2/17 50	ADD/LIF/LTD

12. Optional Life ☒ No ☐ Yes Amount _____

13. Special Data Field:

"NEW ENTRANTS NOTICE" — We will pay no more than ($500.00) in benefits for charges for treatment of a preexisting condition during the first 12 months of major medical coverage for a family member unless three months have elapsed since the last care or treatment for this condition. A "preexisting condition" is any injury or illness that was diagnosed or treated (including taking prescribed medications) during the three months before major medical coverage became effective.

With my signature below I confirm that I understand the "New Entrants Notice" printed above. When this insurance becomes effective, I authorize deduction from my wages to pay my portion (if any) of premiums.

Date 12-29-94 Signature Karen Swatsworth

HOME OFFICE USE ONLY
Effective Date
P/E: E ☐ D ☐

U207.1PA EDUCATORS MUTUAL LIFE INSURANCE COMPANY (2063) 10/93

EMPLOYEE ID	SWATSW K TYPE PART SUSPEND NO	HOURLY / SALARY	HOURLY
NAME	KAREN D. SWATSWORTH	SINGLE / MARRIED	MARRIED
ADDRESS	126 BONNIE COURT	EXEMPTIONS FED:	0 ST: 0
	CURWENSVILLE, PA. 16833	EXTRA W/H	35.00
PHONE	OFFICE CLFD	DATE HIRED	06/17/92
DEPARTMENT	CLEARFIE	DATE TERMINATED	
SOCIAL SEC #	203-42-1346	DATE OF BIRTH	02/17/50
SALARY ACCT	6000 Salaries & Wages	REGULAR PAY RATE	4.50
COMMENTS		OVERTIME PAY RATE	6.75

DEDUCTIONS	G/L ACCOUNT	CYCLE	TYPE	BASIS	LIMIT	AMOUNT
OTHER PAY						
STATE TAX	2220 State witholding ta	123456	%	% GROSS		2.800%
LOCAL TAX	2250 Local witholding ta	123456	%	% GROSS		1.000%
DEDUCTION 1	2260 Employee UC-2 Contr	123456	%	TAXABLE		0.150%
DEDUCTION 2	2100 Employee health ins	123456	$	TAXABLE		0.00
DEDUCTION 3	2110 Other (Legal/PHEAA)	123456	$	TAXABLE		0.00
DEDUCTION 4						
DEDUCTION 5						

DATE / CHECK #	REG HOURS / O/T HOURS	REG WAGES / O/T WAGES	OTHER PAY / GROSS PAY	FED WH TAX / FICA TAX	STATE TAX / LOCAL TAX	OTHER DED / NET PAY
1st QTR	0.00	2,032.00	0.00	303.00	56.89	3.09
	0.00	0.00	2,032.00	155.44	20.32	1,493.30
2nd QTR	0.00	2,506.00	0.00	380.00	70.17	3.76
	0.00	0.00	2,506.00	191.72	25.06	1,835.29
3rd QTR	0.00	1,824.00	0.00	273.00	51.07	2.75
	0.00	0.00	1,824.00	139.55	18.24	1,339.39
4th QTR	479.00	2,157.00	0.00	321.00	60.40	3.24
	0.00	0.00	2,157.00	165.02	21.57	1,585.77
Y-T-D	479.00	8,519.00	0.00	1,277.00	238.53	12.80
TOTAL	0.00	0.00	8,519.00	651.73	85.19	6,253.75

PT 4193

02/17/50	SEX M / F	EXEMPTION CLASS 35 M-0 ~~+15~~	NAME — LAST SWATSWORTH	FIRST Karen	MIDDLE D
pt	MARITAL M / S	NUMBER OF DEPENDENTS	ADDRESS 126 Bonnie Court Curwensville, Pa. 16833		
	REGULAR EARNINGS $	HOUR RATE $4.50	Pike Twp	SOCIAL SECURITY NO. 203-42-1346	COMPANY NO. 06/17/92

EMPLOYEES EARNINGS RECORD

LINE NO.	1993 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED														
1			31												
2	1/9		32	74.95			284 00	43	42 00	21 73	7 95	2 84	209 05	S285	
3															
4	1/23		61	73.50			275 00	41	42 00	21 04	7 70	2 75	201 10	S351	
5				74.32			275 00	42	42 00	21 34	7 81	2 79	204 64	S420	
6	MONTH TOTAL		124				834 00	126	126 00	64 11	23 46	8 38	614 79		834 00
7															
8	2/6		67	90.05			302 00	45	45 00	23 10	8 46	3 02	221 97	S503	
9															
10	2/20		69	82.08			311 00	47	46 00	23 79	8 71	3 11	228 92	S577	
11															
12	MONTH TOTAL		136				613 00	92	91 00	46 89	17 17	6 13	450 89		1451 00
13															
14	3/6		64	26.40			288 00	43	43 00	22 03	8 06	2 88	211 60	S650	
5															
16	3/20		65	76.58			293 00	44	43 00	22 41	8 20	2 93	216 02	S723	
17															
18	MONTH TOTAL		129				581 00	87	86 00	44 44	16 26	5 81	427 62		2032 00
19	QUAR. TOTAL		385				2032 00	305	303 00	155 44	56 89	20 32	1493 30		
20															
21	4/3		65	76.98			293 00	44	43 00	22 41	8 20	2 93	216 02	S797	
22															
23	4/17		68	81.50			306 00	46	46 00	23 41	8 57	3 06	224 50	S872	
24															
25	MONTH TOTAL		133			74 00	599 00	90	89 00	45 82	16 77	5 99	440 52		2631 00
26	5/1		70	121.78	315 00	66 00	455 00	68	69 00	34 81	12 74	4 55	333 22	S975	
27						38 00									
28	5/15		72	112.15	284 00	62 00	424 00	64	63 00	32 44	11 87	4 24	311 81	6051	
29						88 00									
30	5/25		72	134.17	324 00	85 00	501 00	75	76 00	38 33	14 03	5 01	366 88	6127	
31	MONTH TOTAL		214				1380 00	207	208 00	105 58	38 64	13 80	1011 91		4011 00
32			-WEEK-			36 00									
33	6/12		39	51.60	176 00	-0-	212 00	32	35 00	16 22	5 94	2 12	152 40	6205	
34															
5	6/26		70	84.54			315 00	47	48 00	24 10	8 82	3 15	230 46	6278	
36															
37	MONTH TOTAL		109				527 00	79	83 00	40 32	14 76	5 27	382 86		4538 00
38	QUAR. TOTAL		456				2506 00	376	380 00	191 72	70 17	25 06	1835 29		
39	TOTAL TO DATE		2457				4538 00	681	680 00	340 11	120 06	45 38	3328 59		

DEPARTMENT	SEX	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
02/17/50	M / F	35 M-0 +~~15~~	SWATSWORTH	Karen	D
OCCUPATION	**MARITAL**	**NUMBER OF DEPENDENTS**	**ADDRESS**		
pt	M / S		126 Bonnie Court Curwensville, Pa. 16833		
HOURS FULL TIME WEEK	**WORK WEEK BEGINS DAY**	**REGULAR EARNINGS $**	**HOUR RATE $**	**SOCIAL SECURITY NO.**	**COMPANY NO.**
			4.50 Pike Twp	203-42-1346	P 06/17/92

EMPLOYEES EARNINGS RECORD

LINE NO.	19 93 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS	EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
	FORWARDED		445			4598 00	6 81	683 00	347 16	127 06	45 98	3329 55		4598 00
1														
2	7/10		63 (74.75)			284 00	43	42 06	21 73	7 95	2 84	209 05	6353	
3														
4	7/24		72 (85.50)			324 00	49	48 00	24 79	9 07	3 24	238 41	6429	
5														
6	MONTH TOTAL		135			608 00	92	90 00	46 52	17 02	6 08	447 16		646 00
7														
8	8/7		66 (78.36)			297 00	45	45 00	22 72	8 32	2 97	217 54	6525	
9														
10	8/21		71 (85.12)			320 00	48	48 00	24 48	8 96	3 20	234 88	6603	
11														
12	MONTH TOTAL		137			617 00	93	93 00	47 20	17 28	6 17	452 42		5763 00
13														
14	9/4		72 (85.50)			324 00	49	48 00	24 79	9 07	3 24	238 41	6681	
15														
16	9/18		61 (73.90)			295 00	41	42 00	21 04	7 70	2 95	201 10	6769	
17														
18	MONTH TOTAL		133			599 00	90	90 00	45 83	16 77	5 99	439 51		6362 00
19	QUAR. TOTAL		405			1824 00	275	278 00	135 55	51 07	18 24	1339 35		
20	10/2		69 (82.08)			311 00	47	46 00	23 79	8 71	3 11	228 92	6856	
21														
22	10/16		69 (82.08)			311 00	47	46 00	23 79	8 71	3 11	228 92	6942 6982	
23														
24	10/30		74 (88.63)			333 00	50	50 00	25 48	9 32	3 33	244 37	7042	
25	MONTH TOTAL		212			955 00	144	142 00	73 06	26 74	9 55	702 21		7317 00
26														
27	11/13		70 (83.91)			315 00	47	47 00	24 10	8 82	3 15	231 46	7131	
28														
29	11/27		64			288 00							1074	
30														
31	MONTH TOTAL													
32														
33														
34														
35														
36														
37	MONTH TOTAL													
38	QUAR. TOTAL													
39	TOTAL TO DATE													

DEPARTMENT	SEX	EXEMPTION CLASS	NAME — LAST	FIRST	MIDDLE
02/17/50	M / F	M-0+5	SWATSWORTH	Karen	D

OCCUPATION	MARITAL M / S	NUMBER OF DEPENDENTS	ADDRESS
PT			126 Bonnie Court Curwensville, Pa. 16833

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
			4.50	Pike Township	203-42-1346	06/17/92

EMPLOYEES EARNINGS RECORD

LINE NO	19 92 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS Pa. state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNINGS
FORWARDED															
1															
2															
3															
4															
5															
6	MONTH TOTAL														
7															
8															
9															
10															
11															
12	MONTH TOTAL														
13															
14															
15															
16															
17															
18	MONTH TOTAL														
19	QUAR. TOTAL														
20															
21															
22															
23															
24															
25	MONTH TOTAL														
26															
27															
28															
29															
30															
31	MONTH TOTAL														
32															
33															
34			27												
35	6/27		28	(28.24)			248 00	12	9 00	18 97	2 65	2 48	205 74	4348	
36															
37	MONTH TOTAL		55				248 00	12	9 00	18 97	2 65	2 48	205 74		248 00
38	QUAR. TOTAL		55				248 00	12	9 00	18 97	2 65	2 48	205 74		
39	TOTAL TO DATE		55				248 00	12	9 00	18 97	2 65	2 48	205 74		

OPT. 1052

DEPARTMENT	SEX M	SEX F	EXEMPTION CLASS (7/92)	NAME — LAST	FIRST	MIDDLE
02/17/50			M-0+815	SWATSWORTH	Karen	D

OCCUPATION	MARITAL M	MARITAL S	NUMBER OF DEPENDENTS	ADDRESS
PT				126 Bonnie Court Curwensville, Pa. 16833

HOURS FULL TIME WEEK	WORK WEEK BEGINS DAY	REGULAR EARNINGS $	HOUR RATE $		SOCIAL SECURITY NO.	COMPANY NO.
			4.50	Pike Twnshp	203-42-1346	06/17/92

EMPLOYEES EARNINGS RECORD

LINE NO	19 92 PERIOD ENDING	TIME WORKED DAYS	TIME WORKED HOURS		EARNINGS REGULAR	EARNINGS EXTRA FOR OVERTIME	EARNINGS TOTAL	DEDUCTIONS UC-2	DEDUCTIONS fed	DEDUCTIONS fica	DEDUCTIONS Pa. state	DEDUCTIONS 1%	NET PAID AMOUNT	NET PAID CHECK NO.	TAXABLE EARNING
FORWARDED			55				248 00	12	9 60	18 97	7 65	2 48	205 74		248 00
1			33												
2	7/11		32	(48.65)			293 00	15	15 00	22 41	8 20	2 93	244 31	4418	
3			35												
4	7/25		35	(45.85)			315 00	16	19 00	24 10	8 82	3 15	259 93	4482	
5															
6	MONTH TOTAL		135				608 00	31	34 00	46 51	17 02	6 08	504 08		756 00
7			34												
8	7/18		33	(10.73)			202 00	15	26 00	23 10	8 46	3 02	241 27	4561	
9			33												
10	8/22		34	(60.73)			302 00	15	26 00	23 10	8 46	3 02	241 27	4628	
11															
12	MONTH TOTAL		134				604 00	30	52 00	46 20	16 92	6 04	482 54		1460 00
13			30												
14	9/5		30	(53.06)			270 00	14	22 00	20 66	7 56	2 70	216 54	4654	
15			28												
16	9/19		32	53.06			270 00	14	22 00	20 66	7 56	2 70	216 54	4756	
17															
18	MONTH TOTAL		120				540 00	28	44 00	41 32	15 12	5 40	433 08		2000 00
19	QUAR. TOTAL		388				1752 00	89	130 00	134 03	49 06	17 52	1420 50		
20	10/3		31	(53.06)			279 00	14	23 00	21 34	7 81	2 79	223 92	4815	
21			30												
22	10/17		31	54.63			295 00	14	23 00	21 04	7 70	2 75	220 37	4817	
23			30												
24	10/31		30	(53.06)			270 00	14	22 00	20 66	7 56	2 70	216 94	4940	
25	MONTH TOTAL		183				824 00	42	68 00	63 04	23 07	8 24	661 23		2824 00
26			30												
27	11/14		30	53.06			270 00	14	22 00	20 66	7 56	2 70	216 94	5022	
28			30												
29	11/28		30	53.06			270 00	14	22 00	20 66	7 56	2 70	216 94	5085	
30															
31	MONTH TOTAL		120				540 00	28	44 00	41 32	15 12	5 40	433 88		3364 00
32															
33	12/12		72	46.26			824 00	16	29 00	24 75	9 07	3 24	250 74	5151	
34			33												
35	12/26		29	(55.08)			209 00	14	23 00	21 34	7 81	2 79	223 92	5218	
36															
37	MONTH TOTAL		134				603 00	30	52 00	46 13	16 88	6 03	481 96		3967 00
38	QUAR. TOTAL		435				1967 00	100	164 00	150 48	55 07	19 67	1576 77		
39	TOTAL TO DATE		891				3967 00	201	303 00	303 48	111 82	39 67	3207 01		

THIS FORM MUST BE COMPLETED BY THE EMPLOYEE TO ESTABLISH RESIDENCE. EMPLOYERS: USE THIS INFORMATION TO COMPLETE QUARTERLY TAX RETURN FORM 511 AND RETURN IT TO THIS TAX BUREAU.

CERTIFICATE OF RESIDENCE
PRINT OR TYPE ONLY

203 | 42 | 1346 — SOCIAL SECURITY NUMBER

EMPLOYEES NAME: Swatsworth (LAST) Karen (FIRST) Diane (MIDDLE)

MAILING ADDRESS: 126 Bonnie Court (STREET, R.D. OR BOX NO.) | Curwensville (POST OFFICE) | Pa. (STATE) | 16833 (ZIP CODE)

RESIDENT MUNICIPALITY: Curwensville (CITY-BORO-TOWNSHIP WHERE YOU LIVE) | Pike township. D (COUNTY)

EMP. PSD. (DO NOT USE)

EMPLOYEE PSD (DO NOT USE)

EMPLOYERS NAME

ADDRESS

EMPLOYER ID # (DO NOT USE)

I CERTIFY THAT INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Karen Swatsworth (SIGNATURE) 6-13-9[illegible] (DATE)

[illegible]ly, you [illegible] working

4. ~~[illegible] DEVELOPMENT~~

5. ~~REAL ESTATE 1912~~

We've got ideas!

CURWENSVILLE STATE BANK
FDIC

CURWENSVILLE 236-2550 | CLEARFIELD TARGET SQUARE 765-7516 | CLEARFIELD Kwasi PLAZA 765-1781 | COALPORT 672-5396

Dear Dev.

I would like you to take an additional $10 off my pay Cheak a pay.

(M-o+15) Thank-yo
Karen Swatsworth
SS. 203-42-1346

1991 Form W-4

Department of the Treasury
Internal Revenue Service

Purpose. Complete Form W-4 so that your employer can withhold the correct amount of Federal income tax from your pay.

Exemption From Withholding. Read line 6 of the certificate below to see if you can claim exempt status. *If exempt, complete line 6; but do not complete lines 4 and 5.* No Federal income tax will be withheld from your pay. Your exemption is good for one year only. It expires February 15, 1992.

Basic Instructions. Employees who are not exempt should complete the Personal Allowances Worksheet. Additional worksheets are provided on page 2 for employees to adjust their withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply to your situation. The worksheets will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances than this.

Head of Household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

Nonwage Income. If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES. Otherwise, you may find that you owe additional tax at the end of the year.

Two-Earner/Two-Jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. This total should be divided among all jobs. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

Advance Earned Income Credit. If you are eligible for this credit, you can receive it added to your paycheck throughout the year. For details, get Form W-5 from your employer.

Check Your Withholding. After your W-4 takes effect, you can use **Pub. 919,** Is My Withholding Correct for 1991?, to see how the dollar amount you are having withheld compares to your estimated total annual tax. Call 1-800-829-3676 to order this publication. Check your local telephone directory for the IRS assistance number if you need further help.

Personal Allowances Worksheet For 1991, the value of your personal exemption(s) is reduced if your income is over $100,000 ($150,000 if married filing jointly, $125,000 if head of household, or $75,000 if married filing separately). Get Pub. 919 for details.

A	Enter "1" for **yourself** if no one else can claim you as a dependent	A 1
B	Enter "1" if: 1. You are single and have only one job; or 2. You are married, have only one job, and your spouse does not work; or 3. Your wages from a second job or your spouse's wages (or the total of both) are $1,000 or less.	B
C	Enter "1" for your **spouse.** But, you may choose to enter "0" if you are married and have either a working spouse or more than one job (this may help you avoid having too little tax withheld)	C 0
D	Enter number of **dependents** (other than your spouse or yourself) whom you will claim on your tax return	D 0
E	Enter "1" if you will file as **head of household** on your tax return (see conditions under "Head of Household," above)	E
F	Enter "1" if you have at least $1,500 of **child or dependent care expenses** for which you plan to claim a credit	F
G	Add lines A through F and enter total here	▶ G

For accuracy, do all worksheets that apply.

- If you plan to **itemize or claim adjustments to income** and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are **single** and have **more than one job** and your combined earnings from all jobs exceed $27,000 OR if you are **married** and have a **working spouse or more than one job,** and the combined earnings from all jobs exceed $46,000, see the Two-Earner/Two-Job Worksheet on page 2 if you want to avoid having too little tax withheld.
- If **neither** of the above situations applies, **stop here** and enter the number from line G on line 4 of Form W-4 below.

---------- **Cut here and give the certificate to your employer. Keep the top portion for your records.** ----------

Form **W-4** Department of the Treasury Internal Revenue Service

Employee's Withholding Allowance Certificate

▶ **For Privacy Act and Paperwork Reduction Act Notice, see reverse.**

OMB No. 1545-0010

1991

1 Type or print your first name and middle initial: Karen D. Last name: Swartsworth

2 Your social security number: 203-40-1346

Home address (number and street or rural route): 126 Bonnie Court

City or town, state, and ZIP code: Carnegie PA

3 Marital status: ☐ Single ☒ Married ☐ Married, but withhold at higher Single rate.

Note: *If married, but legally separated, or spouse is a nonresident alien, check the Single box.*

4 Total number of allowances you are claiming (from line G above or from the Worksheets on back if they apply) . . . 4

5 Additional amount, if any, you want deducted from each pay . . . 5 $5.00

6 I claim exemption from withholding and I certify that I meet **ALL** of the following conditions for exemption:

- Last year I had a right to a refund of **ALL** Federal income tax withheld because I had **NO** tax liability; **AND**
- This year I expect a refund of **ALL** Federal income tax withheld because I expect to have **NO** tax liability; **AND**
- This year if my income exceeds $550 and includes nonwage income, another person cannot claim me as a dependent.

If you meet all of the above conditions, enter the year effective and "EXEMPT" here . . . ▶ 6 19

7 Are you a full-time student? (**Note:** *Full-time students are not automatically exempt.*) . . . 7 ☐ Yes ☒ No

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exempt status.

Employee's signature ▶ Karen Swartsworth **Date** ▶ 6-13 19 91

8 Employer's name and address (**Employer:** Complete 8 and 10 **only if sending to IRS**)

9 Office code (optional)

10 Employer identification number

Deductions and Adjustments Worksheet

Note: *Use this worksheet only if you plan to itemize deductions or claim adjustments to income on your 1991 tax return.*

1 Enter an estimate of your 1991 itemized deductions. These include: qualifying home mortgage interest, charitable contributions, state and local taxes (but not sales taxes), medical expenses in excess of 7.5% of your income, and miscellaneous deductions. (For 1991, you may have to reduce your itemized deductions if your income is over $100,000 ($50,000 if married filing separately). Get Pub. 919 for details.) . . . . . 1 $

2 Enter: { $5,700 if married filing jointly or qualifying widow(er); $5,000 if head of household; $3,400 if single; $2,850 if married filing separately } . . . . . 2 $

3 **Subtract** line 2 from line 1. If line 2 is greater than line 1, enter zero . . . . . 3 $

4 Enter an estimate of your 1991 adjustments to income. These include alimony paid and deductible IRA contributions . . 4 $

5 **Add** lines 3 and 4 and enter the total . . . . . 5 $

6 Enter an estimate of your 1991 nonwage income (such as dividends or interest income) . . . . . 6 $

7 **Subtract** line 6 from line 5. Enter the result, but not less than zero . . . . . 7 $

8 **Divide** the amount on line 7 by $2,000 and enter the result here. Drop any fraction 8

9 Enter the number from Personal Allowances Worksheet, line G, on page 1 9

10 **Add** lines 8 and 9 and enter the total here. If you plan to use the Two-Earner/Two-Job Worksheet, also enter the total on line 1, below. Otherwise, **stop here** and enter this total on Form W-4, line 4 on page 1 10

Two-Earner/Two-Job Worksheet

Note: *Use this worksheet only if the instructions for line G on page 1 direct you here.*

1 Enter the number from line G on page 1 (or from line 10 above if you used the Deductions and Adjustments Worksheet) . 1

2 Find the number in **Table 1** below that applies to the **LOWEST** paying job and enter it here 2

3 If line 1 is **GREATER THAN OR EQUAL TO** line 2, subtract line 2 from line 1. Enter the result here (if zero, enter "0") and on Form W-4, line 4, on page 1. **DO NOT** use the rest of this worksheet 3

Note: *If line 1 is **LESS THAN** line 2, enter "0" on Form W-4, line 4, on page 1. Complete lines 4–9 to calculate the additional dollar withholding necessary to avoid a year-end tax bill.*

4 Enter the number from line 2 of this worksheet 4

5 Enter the number from line 1 of this worksheet 5

6 **Subtract** line 5 from line 4 6

7 Find the amount in **Table 2** below that applies to the **HIGHEST** paying job and enter it here . . . . . 7 $

8 **Multiply** line 7 by line 6 and enter the result here. This is the additional annual withholding amount needed 8 $

9 Divide line 8 by the number of pay periods remaining in 1991. (For example, divide by 26 if you are paid every other week and you complete this form in December of 1990.) Enter the result here and on Form W-4, line 5, page 1. This is the additional amount to be withheld from each paycheck . . . . . 9 $

Table 1: Two-Earner/Two-Job Worksheet

Married Filing Jointly		All Others	
If wages from **LOWEST** paying job are—	Enter on line 2 above	If wages from **LOWEST** paying job are—	Enter on line 2 above
0 - $4,000	0	0 - $6,000	0
4,001 - 8,000	1	6,001 - 10,000	1
8,001 - 12,000	2	10,001 - 14,000	2
12,001 - 17,000	3	14,001 - 18,000	3
17,001 - 21,000	4	18,001 - 22,000	4
21,001 - 26,000	5	22,001 - 45,000	5
26,001 - 30,000	6	45,001 and over	6
30,001 - 35,000	7		
35,001 - 40,000	8		
40,001 - 55,000	9		
55,001 - 75,000	10		
75,001 and over	11		

Table 2: Two-Earner/Two-Job Worksheet

Married Filing Jointly		All Others	
If wages from **HIGHEST** paying job are—	Enter on line 7 above	If wages from **HIGHEST** paying job are—	Enter on line 7 above
0 - $46,000	$320	0 - $26,000	$320
46,001 - 94,000	600	26,001 - 55,000	600
94,001 and over	670	55,001 and over	670

Privacy Act and Paperwork Reduction Act Notice.—We ask for the information on this form to carry out the Internal Revenue laws of the United States. The Internal Revenue Code requires this information under sections 3402(f)(2)(A) and 6109 and their regulations. Failure to provide a completed form will result in your being treated as a single person who claims no withholding allowances. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, and the District of Columbia for use in administering their tax laws.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping** 46 min., **Learning about the law or the form** 10 min., **Preparing the form** 70 min. If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service,** Washington, DC 20224, Attention: IRS Reports Clearance Officer, T:FP; and the **Office of Management and Budget,** Paperwork Reduction Project (1545-0010), Washington, DC 20503. **DO NOT** send the tax form to either of these offices. Instead, give it to your employer.

*U.S. Government Printing Office: 1990 — 265-083

EMPLOYMENT ELIGIBILITY VERIFICATION (Form I-9)

1 EMPLOYEE INFORMATION AND VERIFICATION: (To be completed and signed by employee.)

Name: (Print or Type) Last	First	Middle	Birth Name
Swatsworth	Karen	Diane	Angstadt
Address: Street Name and Number	**City**	**State**	**ZIP Code**
126 Bonnie Court	Curwensville	PA	16833
Date of Birth (Month/Day/Year)		**Social Security Number**	
2-17-50		203-42-1346	

I attest, under penalty of perjury, that I am (check a box):

☑ 1. A citizen or national of the United States.
☐ 2. An alien lawfully admitted for permanent residence (Alien Number A _____).
☐ 3. An alien authorized by the Immigration and Naturalization Service to work in the United States (Alien Number A _____
or Admission Number _____, expiration of employment authorization, if any _____).

I attest, under penalty of perjury, the documents that I have presented as evidence of identity and employment eligibility are genuine and relate to me. I am aware that federal law provides for imprisonment and/or fine for any false statements or use of false documents in connection with this certificate.

Signature	Date (Month/Day/Year)
Karen Swatsworth	6-13-92

PREPARER/TRANSLATOR CERTIFICATION (To be completed if prepared by person other than the employee). I attest, under penalty of perjury, that the above was prepared by me at the request of the named individual and is based on all information of which I have any knowledge.

Signature	Name (Print or Type)		
Address (Street Name and Number)	City	State	Zip Code

2 EMPLOYER REVIEW AND VERIFICATION: (To be completed and signed by employer.)

Instructions:
Examine one document from List A and check the appropriate box, ***OR*** examine one document from List B ***and*** one from List C and check the appropriate boxe
Provide the ***Document Identification Number*** and ***Expiration Date*** for the document checked.

List A Documents that Establish Identity and Employment Eligibility		List B Documents that Establish Identity	and	List C Documents that Establish Employment Eligibility
☐ 1. United States Passport		☑ 1. A State-issued driver's license or a State-issued I.D. card with a photograph, or information, including name, sex, date of birth, height, weight, and color of eyes. (Specify State) PA		☑ 1. Original Social Security Number Card (oth than a card stating it is not valid f employment)
☐ 2. Certificate of United States Citizenship		☐ 2. U.S. Military Card		☐ 2. A birth certificate issued by State, county, municipal authority bearing a seal or ot certification
☐ 3. Certificate of Naturalization		☐ 3. Other (Specify document and issuing authority)		☐ 3. Unexpired INS Employment Authorizat Specify form #
☐ 4. Unexpired foreign passport with attached Employment Authorization				
☐ 5. Alien Registration Card with photograph				
Document Identification #		***Document Identification*** # 15-876-067		***Document Identification*** # 203-42-1346
Expiration Date (if any)		***Expiration Date (if any)*** 02-28-94		***Expiration Date (if any)***

CERTIFICATION: I attest, under penalty of perjury, that I have examined the documents presented by the above individual, that they appear to be genuine ar relate to the individual named, and that the individual, to the best of my knowledge, is eligible to work in the United States.

Signature	Name (Print or Type)	Title
	John R. Rossetti	Mgr.
Employer Name	Address	Date
Wise Eyes Optical Inc.		6/13/92

Form I-9 (05/07/87)

U.S. Department of Justice
Immigration and Naturalization Ser

Employment Eligibility Verification

NOTICE: Authority for collecting the information on this form is in Title 8, United States Code, Section 1324A, which requires employers to verify employment eligibility of individuals on a form approved by the Attorney General. This form will be used to verify the individual's eligibility for employment in the United States. Failure to present this form for inspection to officers of the Immigration and Naturalization Service or Department of Labor within the time period specified by regulation, or improper completion or retention of this form, may be a violation of the above law and may result in a civil money penalty.

Section 1. Instructions to Employee/Preparer for completing this form

Instructions for the employee.

All employees, upon being hired, must complete Section 1 of this form. Any person hired after November 6, 1986 must complete this form. (For the purpose of completion of this form the term "hired" applies to those employed, recruited or referred for a fee.)

All employees must print or type their complete name, address, date of birth, and Social Security Number. The block which correctly indicates the employee's immigration status must be checked. If the second block is checked, the employee's Alien Registration Number must be provided. If the third block is checked, the employee's Alien Registration Number *or* Admission Number must be provided, as well as the date of expiration of that status, if it expires.

All employees whose present names differ from birth names, because of marriage or other reasons, must print or type their birth names in the appropriate space of Section 1. Also, employees whose names change after employment verification should report these changes to their employer.

All employees must sign and date the form.

Instructions for the preparer of the form, if not the employee.

If a person assists the employee with completing this form, the preparer must certify the form by signing it and printing or typing his or her complete name and address.

Section 2. Instructions to Employer for completing this form

(For the purpose of completion of this form, the term "employer" applies to employers and those who recruit or refer for a fee.)

Employers must complete this section by examining evidence of identity and employment eligibility, and:

- checking the appropriate box in List A *or* boxes in both Lists B and C;
- recording the document identification number and expiration date (if any);
- recording the type of form if not specifically identified in the list;
- signing the certification section.

NOTE: Employers are responsible for reverifying employment eligibility of employees whose employment eligibility documents carry an expiration date.

Copies of documentation presented by an individual for the purpose of establishing identity and employment eligibility may be copied and retained for the purpose of complying with the requirements of this form and no other purpose. Any copies of documentation made for this purpose should be maintained with this form.

Name changes of employees which occur after preparation of this form should be recorded on the form by lining through the old name, printing the new name and the reason (such as marriage), and dating and initialing the changes. Employers should not attempt to delete or erase the old name in any fashion.

RETENTION OF RECORDS.

The completed form must be retained by the employer for:

- three years after the date of hiring; or
- one year after the date the employment is terminated, whichever is later.

Employers may photocopy or reprint this form as necessary.

U.S. Department of Justice
Immigration and Naturalization Service

OMB #1115-0136
Form I-9 (05 07 87)

FILED
JUL 20 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667____-CD

Type of Pleading:

MOTION FOR PROTECTIVE ORDER

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO CC
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JUL 21 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

MOTION FOR PROTECTIVE ORDER

AND NOW, comes the Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their MOTION FOR PROTECTIVE ORDER:

1. That this MOTION is being submitted pursuant to this Court's ORDER of July 7, 2009, specifically paragraph 3.

2. That Plaintiffs have submitted as part of their claim a claim for attorney fees, as permitted by the ADEA and PHRA.

3. That in antcipation of said claim, counsel for Plaintiffs has been and is maintaing notes for purposes of submitting a statement to be used at time of trial and/or in support of a motion for counsel fees following trial.[1]

4. That said notes clearly apply to this Court's ORDER of July 7th in that Plaintiffs' will

[1] Pursuant to request of counsel by letter of April 23, 2009, a status conference was requested to sort out some legal issues given each counsels and this Court's unfamiliarity with this type of case, which is directly related to this issue.

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

MOTION FOR PROTECTIVE ORDER

AND NOW, comes the Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their MOTION FOR PROTECTIVE ORDER:

1. That this MOTION is being submitted pursuant to this Court's ORDER of July 7, 2009, specifically paragraph 3.

2. That Plaintiffs have submitted as part of their claim a claim for attorney fees, as permitted by the ADEA and PHRA.

3. That in antcipation of said claim, counsel for Plaintiffs has been and is maintaing notes for purposes of submitting a statement to be used at time of trial and/or in support of a motion for counsel fees following trial.[1]

4. That said notes clearly apply to this Court's ORDER of July 7th in that Plaintiffs' will

[1] Pursuant to request of counsel by letter of April 23, 2009, a status conference was requested to sort out some legal issues given each counsels and this Court's unfamiliarity with this type of case, which is directly related to this issue.

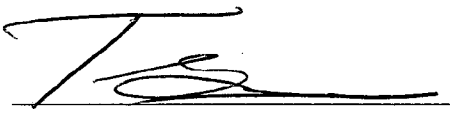
rely on the same and most likely will admit the same as an exhibit.

5. However, the same also clearly reflect "work product" in that disclosure by Plaintiffs' counsel would enable Defendant to determine certain strategies and give an insight into Plaintiffs' claims that are generally not permitted pursuant to attorney work product doctrine.

6. That Plaintiffs believe and therefore aver that balancing of these two competing interests would be that Plaintiffs not produce this document at this time but rather deliver the same within thirty (30) days of trial date.

WHEREFORE, Plaintiffs request that their MOTION FOR PROTECTIVE ORDER be granted.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

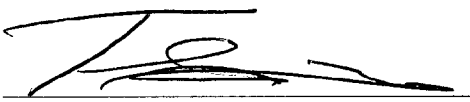
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 21st day of July, 2009, that I did mail a true and correct copy of Plaintiffs' MOTION FOR PROTECTIVE ORDER to the below indicated persons, being counsel of record for the Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

FILED

JUL 21 2009

William A. Shaw
Prothonotary/Clerk of Courts

UA

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	*	NO. 08-1667-CD
vs.	*	
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendants	*	

ORDER

NOW, this 22nd day of July, 2009, upon receipt and review of the Plaintiffs' Motion for Protective Order; it is the ORDER of this Court that the Argument on said Motion be and is hereby scheduled for the 11th day of September, 2009 at 10:00 A m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

FILED 1cc Atty's:
JUL 23 2009 Noble
Ryan
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/23/09

____ You are responsible for serving all appropriate parties.

__X__ 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:

CA

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

MOTION TO COMPEL RESPONSE TO DISCOVERY

Filed on behalf of:
Defendant, R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
0/10:54/BA
AUG 14 2009
William A. Shaw
Prothonotary/Clerk of Courts

3cc Atty Ryan

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

MOTION TO COMPEL RESPONSE TO DISCOVERY

NOW COMES, R&R Optical, Inc., Defendant above named, and by its attorneys, Belin, Kubista & Ryan LLP, moves the Honorable Court as follows:

1. On July 7, 2009, Defendant sent Interrogatories to counsel for the Plaintiffs pursuant to Pa.R.C.P. 4005, et seq.

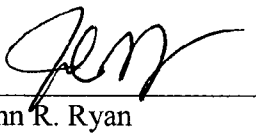
2. Plaintiffs have failed to submit answers to the said Interrogatories as required by the applicable Rules of Civil Procedure, nor have Plaintiffs filed any objection or sought a protective order as to the said Interrogatories.

3. Pa.R.C.P. 4019 (a)(1)(I) permits the Court to impose sanctions, including but not limited to an order compelling a response to the requested discovery, under these circumstances.

WHEREFORE, Plaintiff requests that the Court enter an Order compelling the Defendant to answer the Interrogatories within a time to be established by the Court, and in the

event said Order is not complied with, to impose sanctions, including an award of counsel fees and costs, and granting such other relief as the Court deems appropriate.

Respectfully submitted,



John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

ORDER

AND NOW, this 14th day of August, 2009, upon consideration of the foregoing Motion, it is the ORDER of this Court that the Plaintiffs file their responses to the Interrogatories propounded by Defendant in no less than five (5) days from the date of this Order.

BY THE COURT:

Fredric J. Ammerman,
President Judge

FILED 3cc
01 4:00 BY Atty Ryan
AUG 14 2009
William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 1 4 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/14/09

X 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, CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667____-CD

Type of Pleading:

JURY TRIAL DEMAND

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED
AUG 17 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

To: William A. Shaw, Prothonotary

Date: August 13, 2009

REQUEST FOR JURY TRIAL

Pursuant to 29 U.S.C. § 626(c)(2), Plaintiffs hereby request and serve notice that all issues which are appropriate for determination by jury shall be decided by jury.

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

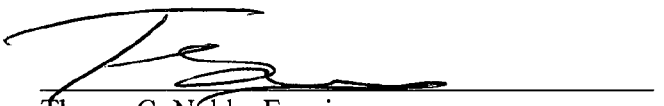
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals; PLAINTIFFS, v. R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation DEFENDANT.	)	No. 08-__1667___-CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 13th day of August, 2009, that I did mail a true and correct copy of Plaintiffs' REQUEST FOR JURY TRIAL to the below indicated persons, being counsel of record for the Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
01/0:5/01 no cc
AUG 18 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

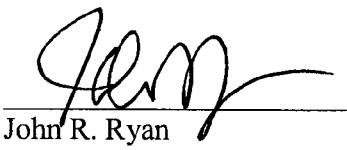
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion to Compel Response to Discovery and Order dated August 14, 2009, in the above-captioned matter by facsimile and regular mail on the 17th day of August, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
Facsimile: (814) 765-9377

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

MOTION TO STRIKE REQUEST FOR JURY TRIAL

Filed on behalf of:
Defendant, R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL

Counsel of Record for this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc Atty Ryan
01/11/2051
AUG 18 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

MOTION TO STRIKE REQUEST FOR JURY TRIAL

NOW COMES, R&R OPTICAL,INC., Defendant above named, and by its Attorneys, Belin, Kubista & Ryan LLP, and moves the Honorable Court as follows:

1. The above captioned action was commenced by the filing of a Complaint by the Plaintiffs on September 4, 2008. Said Complaint was not endorsed with a demand for jury trial.

2. On or about August 13, 2009, Plaintiffs through counsel filed a "Request for Jury Trial".

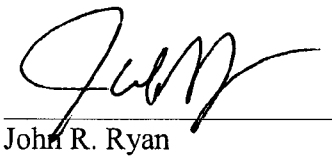
3. Pennsylvania Rule of Civil Procedure 1007.1 (a) states as follows:

> "In any action in which the right to jury trial exists, that right shall be deemed waived unless a party files and serves a written demand for a jury trial not later than twenty days after service of the last permissible pleading. The demand shall be made by endorsement on a pleading or by a separate writing." (Emphasis provided)

4. The last permissible pleading in this action was the Reply to New Matter and Answer to Counterclaim filed by the Plaintiffs on April 16, 2009 and served on Defendant by mail on April 20, 2009.
5. None of the pleadings filed by the Plaintiffs have contained an endorsement demanding a jury trial.
6. Pursuant to Rule 1007.1, Plaintiffs were required to file their demand for jury trial no later than May 10, 2009.
7. By failing to comply with the express mandate of Rule 1007.1, Plaintiffs have clearly waived any right that may exist to have this case heard by a jury.

WHEREFORE, Defendant requests that the Court issue an Order striking the Plaintiffs' Request for Jury Trial for failure to comply with Rule 1007.1.

Respectfully submitted,



John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667___-CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO CC
AUG 19 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

To: William A. Shaw, Prothonotary

Date: June 6, 2009

NOTICE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 18th day of August, 2009, that I did serve ANSWERS TO DEFENDANT'S INTERROGATORIES to the below indicated person, being counsel of record for Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

ORDER

AND NOW, this 19th day of August, 2009, upon consideration of the Defendant's Motion to Strike Request for Jury Trial, a rule is issued upon the Plaintiffs to appear and show cause why the relief requested therein should not be granted.

Rule made returnable for argument the 11th day of September, 2009, at 10:00 o'clock A.m, Clearfield County Courthouse, Courtroom No. 1.

BY THE COURT:

Judge J. Ammerman

Fredric J. Ammerman,
President Judge

FILED 3cc
01:08BH Atty Ryan
AUG 19 2009
William A. Shaw
Prothonotary/Clerk of Courts
Cert

FILED

AUG 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/19/09

X 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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
01:11:00
AUG 20 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

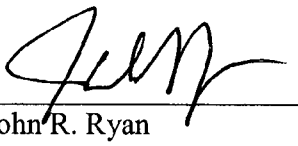
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion to Strike Request for Jury Trial and Order dated August 19, 2009, in the above-captioned matter by regular mail on the 20th day of August, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

FILED
AUG 20 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

FILED
AUG 24 2009
William A. Shaw
Prothonotary/Clerk of Courts

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

JURY TRIAL DEMANDED

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

To: William A. Shaw, Prothonotary

Date: June 6, 2009

NOTICE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 21st day of August, 2009, that I did serve (Amended) NSWERS TO DEFENDANT'S INTERROGATORIES, with VERIFICATION to the below indicated person, being counsel of record for Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667___-CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

JURY TRIAL DEMANDED

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO CC
m/11:14/61
AUG 28 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

To: William A. Shaw, Prothonotary

Date: August 27, 2009

NOTICE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 27th day of August, 2009, that I did propound Plaintiffs' THIRD SET OF DISCOVERY REQUESTS, consisting of Interrogatories; Requests for Admissions and Requests for Production of Documents, on the below indicated person, being counsel of record for Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

CA

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY	:	
-vs-	:	No. 08-1667-CD
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	:	

FILED

SEP 11 2009

0/3:17/c (6K)

William A. Shaw

Prothonotary/Clerk of Courts

Cert to Norm + Ryan

ORDER

AND NOW, this 11th day of September, 2009, following argument on the Motion for Protective Order, and upon agreement of the parties that any claim for attorney's fees to be made by either party would be subsequent to trial and depending upon who would prevail at time of trial, it is the ORDER of this Court that any claim for attorney's fees subsequent to trial by either party shall be made in the form of a motion or petition. Said motion or petition shall attach as exhibit(s) to the same complete copies of all legal billing documents that will be relied on at time of hearing to support the claim for attorney's fees.

BY THE COURT,

Judge J. Zimmerman

President Judge

DATE: 9-11-05

____ You are responsible for serving all appropriate parties.

__X__ 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:

FILED

SEP 11 2005

William A. Shaw

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY	:	
-vs-	:	No. 08-1667-CD
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	:	

FILED

SEP 11 2009

03:00/6

William A. Shaw

Prothonotary/Clerk of Courts

Copy to

NORLIN

&

RYAN

ORDER

AND NOW, this 11th day of September, 2009, following argument on the Motion to Strike Demand for Jury Trial filed on behalf of the Defendant, it is the ORDER of this Court that Plaintiff shall have no more than ten (10) days from this date in which to supply the Court with a letter brief relative the issues.

BY THE COURT,

Judge J. Ammerman

President Judge

FILED
SEP 11 2009
William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9-11-09

___ You are responsible for serving all appropriate parties.

<u>X</u> The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) <u>X</u> Plaintiff(s) Attorney ___ Other

___ Defendant(s) <u>X</u> Defendant(s) Attorney

___ Special Instructions:

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NoCC.
0/10:50Lm
SEP 28 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of Defendant's Answers to Plaintiffs' Third Set of Interrogatories and a copy of Defendant's Answer to Request for Production of Documents, in the above-captioned matter by regular mail on the 24th day of September, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

JURY TRIAL DEMANDED

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED No CC
m/12:38 BK
OCT 01 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 29th day of September, 2009, that I did mail a true and correct copy of Plaintiffs' NOTICE OF INTENT TO SERVE SUBPOENA to the below indicated person, being counsel of record for the Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

CA

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	*	NO. 08-1667-CD
vs.	*	
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	*	

ORDER

NOW, this 2nd day of October, 2009, relative the Defendant's Motion to Strike Plaintiffs' Request for Jury Trial, the Court notes and ORDERS as follows:

1. The pleading stage closed on April 16, 2009 when the Plaintiffs filed their Reply to New Matter and Answer to Counterclaim;
2. On August 17, 2009 Plaintiffs filed their Request for Jury Trial;
3. Pennsylvania Rule of Civil Procedure 1007.1(a) states as follows:

   > "In any action in which the right to trial by jury exists, that right shall be deemed waived unless a party files and serves a written demand for a jury trial not later than twenty days after service of the last permissible pleading. The demand shall be made by endorsement of a pleading or by a separate writing."

4. The letter dated April 23, 2009 sent by Plaintiffs' attorney to the Court which references a "jury determination" does not meet with the requirements of the Rule as it was not filed with the record.
5. The Plaintiffs Request for Jury Trial was filed more than 20 days after the last permissible pleading and, as such, the Plaintiffs have waived any right to a jury trial.

FILED 2cc
01:04:15 Atty Noble
OCT 02 2009 Ryan

William A. Shaw
Prothonotary/Clerk of Courts

6. In addition, considerations of prejudice to the Defendant are not relevant for the Court to consider. Jones v. Van Norman, 522 A.2d 503 (Pa. 1987).

7. Therefore, it is the ORDER of this Court that the Defendant's Motion to Strike be and is hereby GRANTED. The case shall be heard nonjury.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED

OCT 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/2/09

____ You are responsible for serving all appropriate parties.

__X__ 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, CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED No cc.
m/11:15cm
OCT 13 2009
William A. Shaw
Prothonotary/Clerk of Courts

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667____-CD

Type of Pleading:

CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA PURSUANT TO RULE 4009.22

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals; PLAINTIFFS, v. R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation DEFENDANT.	)	No. 08-__1667___-CD

CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA PURSUANT TO RULE 4009.22

Date: October 11, 2009

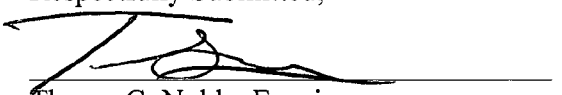
As a prerequisite to service of subpoena for documents and things pursuant to Rule 4009.22, Plaintiffs certifies as follows:

1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty (20) days prior to the date on which the subpoena was sought to be served;

2) a copy of the notice of intent, including the proposed subpoena, and letter indicating that counsel for Defendants WAIVED the twenty (20) day period are attached to this certificate, as Exhibit "A"; and

3) the subpoena directed to Geinsinger Indemnity Insurance Company which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Respectfully Submitted,



Theron G. Noble, Esquire
Counsel for Petitioner Lori Schena, Heir
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No. 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

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

Date: September 29, 2009

Plaintiffs intend to serve a subpoena identical to that attached to this notice to Geisinger Indemnity Insurance Co.. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

Exhibit "A"

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Karen D. Swatsworth *
Elaine G. Trimpey
Plaintiff(s)

Vs. * No. 2008-01667-CD

R & R Optical, Inc. *
Defendant(s)

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

TO: Geisinger Indemnity Insurance Company
P.O. Box 827498 (Name of Person or Entity) Philadelphia, PA 19182-7498

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:
All documents and correspondence to or from R & R Optical, Group No. 105985, concerning invoices and premiums and changes thereto and the reasons therefore, for the period 1/1/07 through 12/31/08.
~~(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: Theron G. Noble, Esqsuire
ADDRESS: 301 E. Pine Street
Clearfield, PA 16830
TELEPHONE: (814)-375-2221
SUPREME COURT ID # 55942
ATTORNEY FOR: Plaintiffs

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

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

BELIN, KUBISTA & RYAN LLP
ATTORNEYS AT LAW
15 NORTH FRONT STREET
P.O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

CARL A. BELIN, JR.
KIMBERLY M. KUBISTA
JOHN R. RYAN

CARL A. BELIN
1901-1997

AREA CODE 814
TELEPHONE 765-8972
FAX (814) 765-9893

October 6, 2009

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

RE: Karen D. Swatsworth & Elaine G. Trimpey
vs. R & R Optical, Inc., et al.
No. 08-1667-C.D.

Dear Terry:

This will confirm that on behalf of R&R Optical, Inc., proceed to serve the subpoena on Geisinger Indemnity Insurance Company. We are willing to waive the twenty (20) day waiting period.

Very truly yours,

BELIN, KUBISTA & RYAN LLP

John R. Ryan

JRR/lgp

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 11th day of October, 2009, that I did mail a true and correct copy of Plaintiffs' CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA PURSUANT TO RULE 4009.22 to the below indicated persons, being counsel of record for the Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

Type of Pleading:

PRAECIPE TO LIST FOR TRIAL

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO CC
10:25 BOY
OCT 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

PRAECIPE TO LIST FOR TRIAL

To: William A. Shaw, Prothonotary

Date: September 26, 2006

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify that in the above captioned matter, (i) pleadings are closed; (ii) there is no outstanding discovery requests; and (iii) attempts to amicably resolve this matter have failed or would be non-productive. Therefore, request is hereby made that the same be placed on the non-jury trial list and listed for a three (3) trial days.

Respectfully Submitted,

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

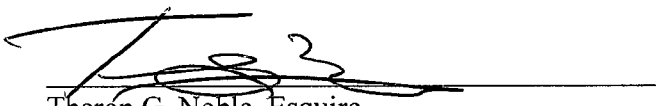
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 23rd day of October, 2009, that I did mail a true and correct copy of Plaintiffs' PRAECIPE TO LIST FOR TRIAL to the below indicated persons, being counsel of record for the Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

MOTION FOR SUMMARY JUDGMENT

Filed on behalf of:
Defendant, R & R OPTICAL, INC.,
d/b/a WISE EYES OPTICAL

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc Atty
OCT 29 2009 Ryan
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

MOTION FOR SUMMARY JUDGMENT

NOW COMES, R&R Optical, Inc., Defendant above named, and by its Attorneys, Belin, Kubista & Ryan LLP, and moves the Honorable Court for Summary Judgment pursuant to Pennsylvania Rule of Civil Procedure 1035.2, and avers as follows:

1. The pleadings are closed and time exists within which to dispose of this Motion without delaying trial.

2. Plaintiffs, through counsel, has filed a Praecipe to list the case for trial, which includes a certification that discovery is complete.

3. The pleadings, depositions, answers to interrogatories, and admissions filed of record show that there is no genuine issue of material fact to be tried.

4. Plaintiffs have filed the instant action alleging that they were dismissed from their prior employment with the Defendant in violation of Federal and State law prohibiting discrimination on the basis of age.

4. The record is clear that Plaintiffs were at-will employees, which, under Pennsylvania law, means that they could have been terminated from their employment for any

reason, or no reason at all, provided such termination does not violate public policy or statutory authority.

4. The record is further clear that at the time of their dismissal, the Plaintiffs admit that they were told that they were being dismissed as part of restructuring the store at which they had been employed. The record is further clear that the Plaintiffs admit that they were subsequently advised that in fact they were being dismissed for their failure and refusal to comply with company policy.

5. The Plaintiffs have failed to produce any evidence that they would not have been terminated but for their age.

6. Accordingly, Defendant is entitled to judgment as a matter of law.

WHEREFORE, Defendant requests that the Court enter Summary Judgment in its favor and against the Plaintiffs.

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant R & R Optical, Inc.,
d/b/a Wise Eyes Optical

CA

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals,	*	NO. 08-1667-CD
Plaintiffs	*	
vs.	*	
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation,	*	
Defendant	*	

ORDER

NOW, this 30th day of October, 2009, the Court being in receipt of and having reviewed the Defendant's Motion for Summary Judgment filed October 29, 2009 it is the ORDER of this Court that said Motion for Summary Judgment be and is hereby DENIED.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED
02:22 BY
OCT 30 2009
William A. Shaw
Prothonotary/Clerk of Courts

1 CC Attys: Noble Ryan

FILED

OCT 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/30/09

___ You are responsible for serving all appropriate parties.

X 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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
03:00 BL
NOV 05 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Defendant's Motion for Summary Judgment and Order dated October 30, 2009, in the above-captioned matter by regular mail on the 5th day of November, 2009, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals	:	
vs.	:	No. 08-1667-CD
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	:	

ORDER

AND NOW, this 3rd day of December, 2009, it is the Order of the Court that a Non-Jury pre-trial conference in the above-captioned matter shall be and is hereby scheduled for **Monday, December 21, 2009 at 9:00 A.M.** in Hearing Room #3, Clearfield County Courthouse, Clearfield, PA, with the Honorable Judge Charles C. Brown, Jr., Senior Judge, specially presiding.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

FILED 1cc Attys:
014:00/cst Noble
DEC 04 2009 Ryan
William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 0 4 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/4/09

___ You are responsible for serving all appropriate parties.

X 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:

FILED 2CC Attys: Noble Ryan
02:21 PM
DEC 22 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KAREN D. SWATSWORTH, AND	}	
ELAINE G. TRIMPEY, ADULT	}	
INDIVIDUALS	}	
VS	}	NO. 08-1667-CD
R&R OPTICAL, INC., D/B/A	}	
WISE EYES OPTICAL, A DULY	}	
FORMED AND EXISTING	}	
PENNSYLVANIA CORPORATION	}	

O R D E R

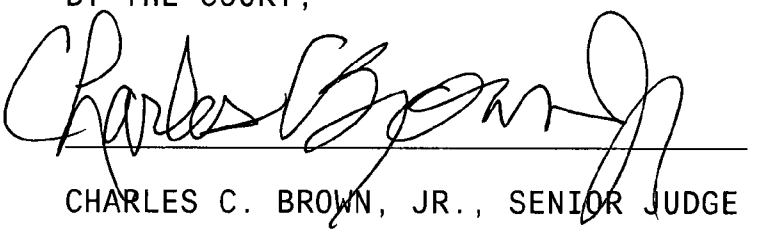
NOW, this 21st day of December, 2009, after a pretrial conference with the attorneys for the parties in the above-captioned case, it is ORDERED as follows:

1. The non-jury trial of said case shall be held in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA, on February 9, 10 and 11, 2010 beginning at 9:00 a.m. on February 9, 2010.

2. Pretrial motions, including motions in limine, shall be filed with the Clearfield County Court of Common Pleas no later than 3:30 p.m. on January 15, 2010.

Briefs shall accompany motions that are filed.

BY THE COURT,



CHARLES C. BROWN, JR., SENIOR JUDGE

SPECIALLY PRESIDING

FILED

DEC 22 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/22/09

X You are responsible for serving all appropriate parties.

___ 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:

CA

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

Type of Pleading:

MOTION IN LIMINE

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO CC
M/10:28/BA
JAN 08 2010
GC
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

MOTION IN LIMINE

AND NOW, comes the Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their MOTION IN LIMINE:

Background

1. Plaintiffs bring forth actions under the ADEA and PHRA relating to employment discrimination based upon age.

2. Following each of their terminations, Plaintiffs, each of whom were informed at the time their terminations were 'not for cause', applied for and received unemployment compensation benefits.

3. Plaintiff Elaine G. Trimpey given her age and inability to find alternative employment, subsequently started to receive Social Security benefits.

4. During discovery, Defendant sought information regarding Plaintiffs' unemployment compensation and social security benefits, all of which was supplied but with a standing

objection that the same was not relevant nor material in that Defendant was not entitled to an off set under applicable law.

ADEA

6. The Third Circuit of Appeals has a firm rule that Social Security benefits and Unemployment Compensation benefits should not be off set. Steinkirchner v. Tammac Corporation, 1999 U.S. Dist. LEXIS 22604.

PHRA

7. Pennsylvania applies a similar rule as to PHRA claims relating to Unemployment Compensation benefits. Orweco Frocks, Inc., v. Pennsylvania Human Relations Commission, 113 Pa.Commw. 333, 537 A.2d 897 (1988), reversed on other grounds, 527 Pa. 315, 591 A.2d 281 (1991).

WHEREFORE, Plaintiffs requests that Defendant not be permitted to introduce into evidence benefits paid to them on account of either their Unemployment Compensation or in the situation for Plaintiff Trimpey, additionally her social security benefits.

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

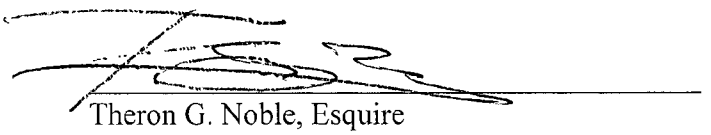
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 7th day of January, 2010, that I did mail a true and correct copy of Plaintiffs' MOTION IN LIMINE to the below indicated persons, being counsel of record for the Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

UA

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

MOTION IN LIMINE

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc Atty Ryan
01/3:00cm
JAN 15 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

MOTION IN LIMINE

NOW COMES, R&R Optical, Inc. d/b/a Wise Eyes Optical, Defendant above named, and by its Attorneys, Belin, Kubista & Ryan LLP, moves the Honorable Court as follows:

COUNT I

1. Plaintiffs intend to call as witnesses several persons, including prior employees or persons previously contracting with Defendant, for the purpose of attempting to show that one or both Plaintiffs were capable of performing their jobs.

2. Specifically, among the witnesses listed by Plaintiffs in their Pre-Trial Statement was Dr. William Tatcher, who as an independent contractor worked as an optometrist at the Defendant's store in Philipsburg until June, 2008. Plaintiffs have provided in discovery the following statement as to the testimony to be offered by Dr. Tatcher:

> "As to Dr. Tatcher, he would be expected to testify that he worked with Plaintiff Elaine Trimpey for many years and thought her to be a good worker and knowledgeable as an optician/office manager." (See Plaintiffs' Answers to Interrogatories of Defendant)

3. The relevant period of time regarding the job performance of the Plaintiffs in the case at hand is from April, 2007, when Ralph Hinson was hired as General Manager by Defendant, until August 18 and August 20, 2007, when the Plaintiffs were terminated.

4. Plaintiffs' responses to discovery indicate that Dr. Tatcher has no knowledge of whether either Plaintiff performed in accordance with the policies established by Ralph Hinson in the Clearfield store location from April, 2007, until the date of their termination.

5. Further, Defendant does not and has never disputed that Plaintiffs were capable of performing their jobs and qualified to do so. It is the position of the Defendant that the Plaintiffs chose not to comply with certain policies established by Ralph Hinson upon his hiring as General Manager in April of 2007, and for this reason they were terminated by Ralph Hinson.

6. Accordingly, there is no legitimate reason for the Plaintiffs to offer the testimony of Dr. Tatcher.

WHEREFORE, Defendant requests that the Court issue an Order finding that the testimony of Dr. William Tatcher, as proposed, is irrelevant and immaterial to the case at hand, and therefore inadmissible.

COUNT II

7. Plaintiffs intend to call as witnesses the two current employees of Defendant who were hired to fill the positions left vacant by the termination of the Plaintiffs.

8. The two witnesses as listed by Plaintiffs in their Pre-Trial Statement are Heather McLaughlin and Rachel Luzier. Both are listed as liability witnesses.

9. The sole relevance of the testimony of these individuals would be to establish that both are younger than Plaintiffs and that the starting wages and benefits of these individuals

were less then were being paid to Plaintiffs at the time of their termination. Further, Plaintiffs may also intend to show that neither Heather McLaughlin nor Rachel Luzier had any experience as opticians at their hiring.

10. Defendant has freely admitted in the pleadings, responses to discovery and in various depositions that in fact Heather McLaughlin and Rachel Luzier were in fact younger that the Plaintiffs and that they were paid less in wages than Plaintiffs and were not immediately entitled to the same benefits as were Plaintiffs. Defendant has further admitted that neither McLaughlin nor Luzier had any experience and were trained on the job. The dates of birth of both are a matter of record and will be stipulated to by Defendant.

11. As Defendant has admitted the above facts, there can be no legitimate reason to require the testimony of Heather McLaughlin and Rachel Luzier at the time of trial.

WHEREFORE, Defendant requests that the Court enter an Order preventing the Plaintiffs from calling Heather McLaughlin and Rachel Luzier as witnesses at the time of trial.

COUNT III

12. Plaintiffs intend to call as a witness Patrick J. Malley, an investigator employed by the Equal Employment Opportunity Commission, as a liability witness. Plaintiffs also indicate that they intend to offer certain "notes" taken by Malley during the course of the EEOC proceedings into evidence.

13. From the onset of this case, Plaintiffs have attempted to interject into this action information from prior administrative proceedings between the parties before the EEOC. These attempts have been uniformly rejected by various decisions of Judge Fredric Ammerman, who has clearly held that evidence from the EEOC proceedings is irrelevant and immaterial to this action.

14. The sole finding made by the EEOC in those proceedings was that Plaintiffs had stated a *prima facie* case of age discrimination. Such a finding requires a *de minimis* showing that Plaintiffs are members of the protected class (they are over the age of 40); they were qualified for their jobs; they were discharged from those jobs; and were replaced by persons not protected. Defendant does not and has never contended otherwise; therefore, there can be no legitimate reason to present testimony from Mr. Malley.

15. Plaintiffs may argue that they are entitled to offer evidence of conflicting statements made to Mr. Malley by Defendant or its employees during the course of the EEOC investigation. Defendant believes that there are no such conflicting statements and therefore no reason to offer any testimony whatsoever from Mr. Malley.

16. The "notes" contain various conclusions made by Malley as to credibility of persons, which are immaterial in that this Court has sole discretion in matters of credibility.

WHEREFORE, Defendant requests that the Court issue an Order precluding Plaintiffs from presenting the testimony of Patrick J. Malley, and further from offering any evidence pertaining to the administrative proceeding before the EEOC.

COUNT IV

17. Plaintiffs have taken the position that evidence of their receipt of unemployment compensation benefits, social security retirement benefits subsequent to their termination by Defendant is not admissible as evidence.

18. Defendant believes that such evidence is admissible in the discretion of the court and should be admitted in mitigation of damages alleged to have been incurred by the Plaintiffs, should the Court determine that Plaintiffs have proven liability.

WHEREFORE, Defendant requests that the Court issue an Order permitting the admission of evidence of Plaintiffs' receipt of unemployment compensation benefits, social security retirement benefits and other earned income since the time of their termination by Defendant.

COUNT VI

19. Plaintiffs have indicated that they both intend to testify that they believed they performed their job duties in compliance with the 2007 policies established by Ralph Hinson. (See Plaintiffs' Answers to Interrogatories)

20. It is also believed that Plaintiffs intend to call other past or present employees of Defendant to testify to that effect.

21. As a matter of law it is irrelevant and immaterial whether Plaintiffs, or anyone else other than Ralph Hinson as General Manager of the Defendant, believes that Plaintiffs performed their job duties in compliance with such policies.

22. Accordingly, any such testimony offered by Plaintiffs or any other witness, other than Ralph Hinson, must be excluded by the Court.

WHEREFORE, Defendant requests that the Court issue an Order excluding from evidence testimony from Plaintiffs or any witness, other than Ralph Hinson, as to whether Plaintiffs did perform their jobs in compliance with the 2007 policies established by Ralph Hinson.

COUNT VII

23. Defendant has learned that counsel for Plaintiffs is contacting former employees of Defendant seeking to obtain their testimony at trial. Defendant is aware of two such

individuals that have been contract by counsel for Plaintiffs, being Beth Burchner and Linda Knott.

24. The individuals in question have not been disclosed by Plaintiffs in discovery as witnesses, nor has counsel for Defendant been advised of the substance of the testimony to be offered by such persons.

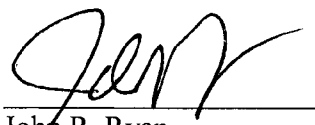
25. Counsel for Plaintiff has previously certified to the Court that discovery is complete and that the case is ready for trial.

26. Further, the persons in question were not listed in Plaintiffs' Pre Trial Memorandum as witnesses to be called at the time of trial.

27. Plaintiffs cannot be permitted to call any witness who has not been identified through the discovery process, and who has not been listed as a witness in Plaintiffs' Pre Trial Memorandum.

WHEREFORE, Defendant requests that the Court issue an Order prohibiting Plaintiffs from calling any witness at trial who has not been identified in Plaintiffs' discovery responses, and who has not been listed as a witness in Plaintiffs' Pre Trial Memorandum. Further, Defendant would request that in the event that Plaintiffs have obtained subpoenas for any such witness, that the Court enter an Order quashing same to avoid those persons having to appear at the time of trial.

Respectfully submitted,



John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Defendant's Motion in Limine filed in the above-captioned matter by regular mail on the 15th day of January, 2010, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

MOTION TO QUASH SUBPOENAS IN PART

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 5cc
01 4:30 Atty Ryan
FEB 02 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

MOTION TO QUASH SUBPOENAS IN PART

NOW COMES, R&R Optical, Defendant above named, and by its Attorneys, Belin, Kubista & Ryan LLP and moves the Honorable Court as follows:

1. The above captioned action is scheduled for non-jury trial to commence Tuesday, February 9, 2010 at 9:00 a.m.

2. Pursuant to the agreement of counsel, Counsel for Plaintiffs has provided Counsel for Defendant with a number of subpoenas requiring the presence at trial of several persons employed by Defendant.

3. Among the subpoenas issued by Plaintiff is one issued to Deborah Cleeton, who is employed by Defendant as its Office Manager, and one issued to Sheena Creps, who is employed by Defendant as the manager of its Bedford store location. Copies of the subpoenas are attached hereto as Exhibits "A" and "B".

4. The subpoenas issued to Cleeton and Creps contain, in part, a direction to each witness to bring certain documents to the trial, including personnel files for persons identified by Plaintiffs' Counsel as "A.D. Black" and "W.K. Steele."

5. Plaintiffs have not previously provided any information, either in their responses to discovery of in their Pre-Trial Memorandum, as to said individuals. Specifically, Plaintiffs were required to respond to Interrogatories to advise Defendants what witnesses they intended to call and the substance of the testimony for each. Again, there was absolutely no mention of either "A.D. Black" or "W.K. Steele."

6. The Court must therefore quash those portions of the subpoenas issued to Cleeton and Creps regarding said persons.

WHEREFORE, Defendant requests that the Court enter an Order quashing the subpoenas issued to Deborah Cleeton and Sheena Creps as to the requirement that the witnesses produce the personnel files of A.D. Black and W.K. Steele.

Respectfully submitted,

John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Defendant's Motion to Quash Subpoenas in Part in the above-captioned matter by facsimile and regular mail on the 2nd day of February, 2010, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
Facsimile (814) 765-9377

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Karen D. Swatsworth
Elaine G. Trimpey
Plaintiff(s)
Vs.
R & R Optical, Inc.
Defendant(s)

No. 2008-01667-CD

SUBPOENA TO ATTEND AND TESTIFY

TO: Ms. Deborah Cleeton, C/O Wise Eyes Optical
P.O. Box 10077
State College, PA 16805

1. You are ordered by the Court to come to Clearfield County Courthouse, Courtroom Number 2
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on 2/9 - 2/11/10 at 9:00 o'clock, A M., to testify on behalf of Plaintiffs in the above case, and to remain until excused.

2. And bring with you the following: Personnell files for: (i) Elaine Trimpey; (ii) Karen Swatsworth; (iii) Jennifer Mitchell; (iv) Nicole Miller; (v) A. D. Black; and (vi) W. K. Steele; all documents in your (see Attached)

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: Theron G. Noble, Esquire
ADDRESS: 301 E. Pine Street
Clearfield, PA 16830
TELEPHONE: (814)-375-2221
SUPREME COURT ID # 55942

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Thursday, January 07, 2010
Seal of the Court

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No. 234.1 . If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

EXHIBIT
tabbies
A

ATTACHMENT TO SUBPOENA

All documents in your possession relating to:

A. Defendant's replies to Pennsylvania's Department of Labor concerning Unemployment Compensation Benefits paid to Plaintiffs;

B. Defendant's replies or information supplied on account of Plaintiffs' separation from employment concerning their COBRA benefits;

C. Information supplied by Defendant to the EEOC concerning employees who were hired, dates of hire and dates of birth as well as employees who had been separated from employment, dates of birth and separation dates;

D. Invoices for Health Insurance coverage paid for the year 2007 for Plaintiffs' coverage;

E. Invoices for Life and Disability Insurance coverage paid for the year 2007 for Plaintiffs' coverage; and

F. Pension contributions made to or on behalf of Plaintiffs for the years 2004, 2005, 2006 and 2007.

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Karen D. Swatsworth
Elaine G. Trimpey
Plaintiff(s)
Vs.
R & R Optical, Inc.
Defendant(s)

No. 2008-01667-CD

SUBPOENA TO ATTEND AND TESTIFY

TO: Sheena Creps, c/o Wise Eyes Optical
P.O. Box 10077
State Colle, PA 16805

1. You are ordered by the Court to come to Clearfield County Courthouse, Courtroom Number 2,
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on 2/9 - 2/11/10 at 9:00 o'clock, A M., to testify on behalf of Plaintiffs in the above case, and to remain until excused.

2. And bring with you the following: Personnell files for Nicole Miller, A. D. Black, W. K. Steele

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: Theron G. Noble, Esquire
ADDRESS: 301 E. Pine St.
Clearfield, PA 16830
TELEPHONE: (814)-375-2221
SUPREME COURT ID # 55942

BY THE COURT:

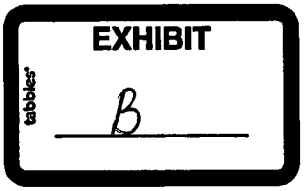
William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

DATE: Thursday, January 07, 2010
Seal of the Court

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No. 234.1 . If a subpoena for production of documents, records or things is desired, complete Paragraph 2.



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

FILED
FEB 02 2010
William A. Shaw
Prothonotary/Clerk of Courts
3cc Atty Ryan
(610)

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ,

DEFENDANT.

No. 08- 1667 -CD

JOINT STIPULATION

For purposes of trial in this matter, Plaintiffs and Defendant hereby agree and stipulate that:

1. Karen D. Swatsworth, born on 2/17/50, was terminated as an optician by Defendant at its Clearfield store on August 18, 2007, when she was 57 years of age.

2. Elaine G. Trimpey, born on 9/29/46, was terminated as an optician by Defendant at its Clearfield store on August 20, 2007, when she was 60 years of age.

3. That Heather McLaughlin, born on 9/9/86, was hired as an optician by Defendant for its Clearfield store on August 28, 2007, at the age of 22 years

4. That Rachel Luzier, born on February 14, 1984, was hired as an optician by Defendant for its Clearfield store on September 4, 2007, at the age of 23 years.

5. That neither Ms. Luzier nor McLaughlin, at the time each was hired, had any prior experience, training or education as opticians.

6. That Mrs. Trimpey was a store manager for the Defendant's Bellefonte store,

from 1992 until 2006, when it was destroyed by fire.

7. That Mrs. Swatsworth and Mrs. Trimpey were competent as opticians and had worked for the defendant as such for many years without adverse employment action or disciplinary warning."

Respectfully Submitted,

Theron G. Noble, Esquire
Attorney for Plaintiffs
Pa. I.D.#: 55942
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221

Respectfully Submitted,

John R. Ryan, Esquire
Attorney for Defendant
Pa I.D.#: 38739
P.O. Box 1
Clearfield, PA 16830
(814)-765-8972

COURT OF COMMON PLEAS OF THE
COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

FILED
m 1:00 p.m. G/C
FEB 08 2010
William A. Shaw
Prothonotary/Clerk of Courts
1 cc Atty
GL

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY,	)	
	)	
	)	**Civil Action No. 2008-01667-CD**
Plaintiffs	)	
	)	
v.	)	
	)	
R & R OPTICAL, INC.,	)	
	)	
Defendant	)	

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S MOTION TO QUASH SUBPOENA

The United States Equal Employment Opportunity Commission ("EEOC"), an agency of the federal government charged with the administration and enforcement of federal laws prohibiting discrimination in employment, hereby moves this Court to quash the Subpoena issued to Investigator Patrick J. Malley by Plaintiff's counsel, Theron G. Noble, in the above-captioned matter. A Memorandum in Support of this Motion and a Proposed Order are both attached.

WHEREFORE, for the reasons set forth in the attached Memorandum in Support of Motion to Quash, EEOC respectfully requests that the Subpoena issued to Patrick J. Malley be quashed.

Respectfully submitted,

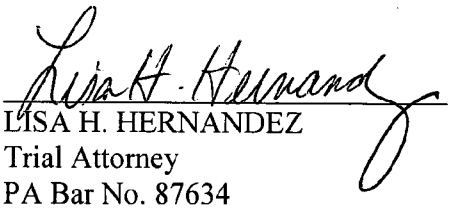
JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS

Associate General Counsel

DEBRA M. LAWRENCE
Acting Regional Attorney

RONALD L. PHILLIPS
Acting Supervisory Trial Attorney



LISA H. HERNANDEZ
Trial Attorney
PA Bar No. 87634

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222

(412) 395-5902
Lisa.Hernandez@eeoc.gov

CERTIFICATE OF SERVICE

I certify that I have this date sent a copy of **EEOC's Motion to Quash Subpoena and all attached documents**, via electronic and U.S. mail, to the following counsel of record:

Theron G. Noble, Esq.
301 E. Pine Street
Clearfield, PA 16830

2/5/10
Date

Lisa H. Hernandez
Lisa H. Hernandez

COURT OF COMMON PLEAS OF THE COMMONWEALTH OF PENNSYLVANIA CLEARFIELD COUNTY

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY,	)	
	)	
	)	**Civil Action No. 2008-01667-CD**
Plaintiffs	)	
	)	
v.	)	
	)	
R & R OPTICAL, INC.,	)	
	)	
Defendant	)	

MEMORANDUM IN SUPPORT OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S MOTION TO QUASH SUBPOENA

INTRODUCTION

The Equal Employment Opportunity Commission ("EEOC" or "Commission") submits this Memorandum in Support of its Motion to Quash the subpoena served on Patrick J. Malley, Investigator for the Pittsburgh Area Office of the Equal Employment Opportunity Commission, an agency of the federal government charged with the administration and enforcement of federal laws prohibiting discrimination in employment. *See* Subpoena, attached as Exhibit 1. The EEOC moves to quash the subpoena for the following reasons:

1. The subpoena is barred by sovereign immunity;
2. The Commission has not waived sovereign immunity;
3. The files have previously been produced to Defendant; and
4. The subpoena subjects the EEOC to an undue burden.

PROCEDURAL HISTORY

Plaintiffs' attorney, Theron G. Noble, caused the subpoena in question to be served on

Patrick J. Malley on January 29, 2010. Mr. Malley is currently employed as an Investigator for the Pittsburgh Area Office of EEOC. Service was effected by hand delivery.

The undersigned attorney has had multiple discussions with Mr. Noble since approximately mid-December 2009 regarding the appropriateness of serving Mr. Malley with a subpoena in the instant litigation. See Declaration of Lisa H. Hernandez, attached as Exhibit 2. On December 18, 2009, the undersigned followed up the telephone conversations with an electronic message, briefly explaining the Commission's position to Mr. Noble and putting him on notice that the Commission would file a Motion to Quash should Mr. Malley receive a subpoena in this matter. *See* electronic message dated 12/18/09, attached as Exhibit 3. Mr. Noble contacted Ms. Hernandez via telephone in response to the electronic message, and informed her that he would be issuing the subpoena if his case did not settle at a conference before the Court. Hernandez Declaration, attached as Exhibit 2. Mr. Noble did not contact Ms. Hernandez again until the evening of January 28, 2010, when he sent her an electronic message informing her he would be arriving at the EEOC Pittsburgh Area Office to serve a subpoena upon Mr. Malley. *See* electronic message dated 1/28/10, attached as Exhibit 4. On January 28, Mr. Noble appeared and served the subpoena on Mr. Malley.

ARGUMENT

1(a). The Subpoena is Barred by Sovereign Immunity

Federal governmental agencies are subject to the jurisdiction of a court only where the government's sovereign immunity has previously been waived. United States v. Mitchell, 455 U.S. 535 (1980). It is axiomatic that the United States may not be subject to state action without its consent. Id. EEOC has not consented to enforcement of state court subpoenas against its

officers and employees, nor has Congress ever unequivocally waived the EEOC's sovereign immunity from such proceedings in state courts. Thus any action regarding the aforementioned subpoena is barred by sovereign immunity. See, e.g., Edwards v. Dept. of Justice, 43 F. 3rd 312, 317 (7th Cir. 1994)(sovereign immunity bars state court enforcement of subpoena to federal employee); See also, Exxon Shipping Company v. Dept. of Interior, 34 F. 3rd 774 (9th Cir. 1994)(noting that sovereign immunity applies in state court subpoena proceedings and subsequent removal actions and distinguishing federal actions brought pursuant to the Administrative Procedures Act, 5 U.S.C. § 702).

As these and other cases make clear, application of sovereign immunity does not turn on the presence of the United States as a party. As the Fourth Circuit explained in Boron Oil Co. v. Downie, 873 F. 2nd 67, 70-71 (4th Cir. 1989), a subpoena to obtain information related to an official's duties "compels the federal agency to act in a manner different from that in which the agency would ordinarily choose to exercise its public function." However a state court subpoena is styled, its effect falls upon the government and the proceeding, consequently, falls within the protection of sovereign immunity. Id. (Citing Dugan v. Rank, 372 U.S. 609, 620 (1963)).

Patrick J. Malley is a federal officer who has been subpoenaed in his official capacity for information arising out of the performance of his official duties. Thus, the bar of sovereign immunity applies with full force.

1(b). EEOC Has Not Waived Sovereign Immunity

It is well-settled that a waiver of sovereign immunity must be explicitly and unequivocally done by an act of Congress; such waiver may not be implied. U.S. v. Mitchell, 445 U.S. 535, 538 (1980). EEOC has not in any way, shape or form expressly waived sovereign

immunity, and as such, the Court of Common Pleas lacks jurisdiction to enforce the instant subpoena. See Pollock v. Barbosa Group, Inc., 478 F.Supp.2d 410, 413 (W.D. NY 2007); see also In re S.E.C. ex rel Glotzer, 374 F.3d 184, 190 (2d Cir. 2004) ("absent a waiver of sovereign immunity, a federal agency, as representative of the sovereign, cannot be compelled to act.")

Contrary to Mr. Heron's assertions in his January 20, 2010 electronic mail message to Ms. Hernandez, the Work-Sharing Agreement between EEOC and the Pennsylvania Human Relations Commission does not constitute a waiver of sovereign immunity. The fact that the Commission has an agreement to share jurisdiction with the state agency charged with investigating charges of unlawful employment discrimination does not in any way waive sovereign immunity, nor is there any language in the Work-Sharing Agreement that constitutes a waiver. See Walker v. Texas, Office of Atty. Gen., 217 F.Supp.2d 776 (E.D. Tex. 2002). [1]

1(c). The State Court Has No Jurisdiction To Require Testimony From A Federal Employee Who Has Been Instructed, Pursuant to "Touhy" Regulations, Not to Testify.

Federal agencies, including the EEOC, have promulgated regulations that prohibit an agency employee from responding to a subpoena without agency permission. Such regulations are known as Touhy regulations, a reference to the leading Supreme Court case upholding the validity of such regulations. United States ex rel Touhy v. Ragen, 340 U.S. 462 (1951). Operation of a Touhy regulation is a jurisdictional bar to compelling testimony of an employee

1 It bears mention that even in the absence of Supreme Court caselaw requiring an express, unequivocal act of Congress to waive EEOC's sovereign immunity, the facts would still not support such waiver here. The fact that there is a Work-Sharing Agreement between EEOC and PHRC does not mean that EEOC functions as a state agency – it does not. Although EEOC will, pursuant to the Work-Sharing Agreement, accept a charge as dual filed under both federal and state statutes, EEOC does not investigate state law violations, does not apply state law, does not make any findings under state law, and does not bring enforcement actions under state law. Declaration of Joseph M. Hardiman, III, attached as Exhibit 5.

in state court. Swett v. Schenk, 792 F.2nd 1447 (9th Cir. 1986). The relevant EEOC regulations are set out at 29 C.F.R. § 1610 30-36 and provide that no EEOC employee shall testify unless authorized by the agency. The Court of Appeals for the Third Circuit has recognized the existence of "numerous cases in which courts have held that a federal employee may not be compelled to obey a subpoena contrary to the agency's instructions under valid agency regulations." Davis Enterprises v. EPA, 877 F.2d 1181, 1186 (3d Cir. 1989), citing Schenk and Giza v. Dept. of Health Ed. And Welfare, 628 F.2d 748 (1st Cir. 1980).

Upon receipt, this office informed the EEOC's Office of Legal Counsel ("OLC") of the subpoena. OLC has directed that EEOC Investigator Malley shall not appear and testify, nor shall he produce records. This regulatory constraint is a jurisdictional bar to subpoena enforcement proceedings in a state court. Any challenge to the EEOC's regulations must be brought in a separate action in federal court pursuant to the Administrative Procedures Act, 5 U.S.C. § 702. Swett, id. at 1452, n.2. Accord, Elko County Grand Jury v. Siminoe, 109 F.3rd 554 (9th Cir. 1997). Accordingly, pursuant to EEOC's procedural regulations, EEOC is not required to make the Custodian of Records or the records themselves available.

2. The files have already been produced to Defendant under a §83 request.

It is well settled that litigants must exhaust all available administrative remedies before resorting to court action. Myers v. Bethlehem Shipbuilding Corp., 303 U.S. 41 (1938); FTC v. Standard Oil of California, 449 U.S. 232 (1980). *See also* Trevino-Barton v. Pittsburgh National Bank, 919 F.2d 874, 878-879 (3d Cir. 1990). A premature interruption of the administrative process established by Congress undermines the efficiency and autonomy of the administrative agencies. State of California ex rel. Christiansen v. FTC, 549 F.2d 1321(9th Cir.), cert denied,

Christian v. FTC, 434 U.S. 876 (1977) and sub nom California Milk Producer Advisory Bd. v. FTC, 434 U.S. 876 (1977).

Plaintiffs do not need this Court's action to obtain the materials in question, since the materials are already in their position. As indicated by EEOC records, and admitted by the Plaintiffs' counsel during phone calls with EEOC trial attorney, Lisa H. Hernandez, all discloseable documents from charge files 533-2007-01709 and 533-2007-01780 have already been produced in response to Plaintiffs' Section 83 Request for Information. Those documents included all discloseable "notes or reports made by [Patrick J. Malley] relative to statements made or given by the Defendant of its employees relating to [Patrick J. Malley's] investigation of cases 533-2007-01709 and 533-2007-01780." In short, Plaintiffs already possess the documents identified in the subpoena.

3. The subpoena subjects the EEOC to an undue burden.

EEOC employees are responsible for processing a burgeoning load of employment discrimination charges. In Fiscal Year 2009, EEOC processed 93,277 charges.[2] Every charge which the Commission's personnel investigate has the potential to result in litigation. If EEOC personnel were required to testify in each litigated case, large numbers of charging parties would experience significant delays in the processing, investigation and resolution of their charges. Moreover, the successful performance of EEOC personnel's duties requires that the Commission maintain a neutral role. See, Boron Oil; Swett v. Schenk; Moore v. Armour Pharm. Co., 927 F.2d 1194, 1197 (11th Cir. 1991).

2 EEOC charge statistics can be found at http://www.eeoc.gov/eeoc/statistics/enforcement/charges.cfm.

CONCLUSION

The EEOC respectfully declines to comply with the subpoena in accordance with EEOC regulations and the cases cited above. For the foregoing reasons, the EEOC respectfully requests this Court grant the EEOC's Motion to Quash the subpoena served on Patrick J. Malley.

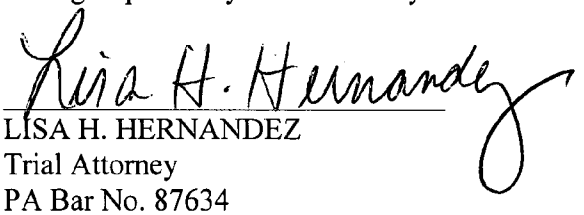
Respectfully submitted,

JAMES LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

DEBRA M. LAWRENCE
Acting Regional Attorney

RONALD L. PHILLIPS
Acting Supervisory Trial Attorney



LISA H. HERNANDEZ
Trial Attorney
PA Bar No. 87634

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Pittsburgh Area Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222

(412) 395-5902
Lisa.Hernandez@eeoc.gov

EXHIBIT 1

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Karen D. Swatsworth
Elaine G. Trimpey
Plaintiff(s)
Vs.
R & R Optical, Inc.
Defendant(s)

No. 2008-01667-CD

SUBPOENA TO ATTEND AND TESTIFY

TO: Patrick J. Malley, c/o EEOC
1000 Liberty Avenue, Suite 300
Pittsburgh, PA 15222-4187

1. You are ordered by the Court to come to Clearfield County Courthouse,
Courtroom Number 2,
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on 2/9/10-2/11/10 at 9:00
o'clock, A M., to testify on behalf of Plaintiff
in the above case, and to remain until excused.

2. And bring with you the following: All notes or reports made by you relative to statements made or given by the the Defendant or its employees relating to your investigation of cases: 533200701700 & 533200701780 (Plaintiffs v. Wise Eyes Optical).

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: Theron G. Noble, Esquire
ADDRESS: 301 E. Pine Street
Clearfield, PA 16830
TELEPHONE: (814)-375-2221
SUPREME COURT ID # 55942

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Thursday, January 07, 2010
Seal of the Court

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No. 234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

EXHIBIT 2

COURT OF COMMON PLEAS OF THE COMMONWEALTH OF PENNSYLVANIA CLEARFIELD COUNTY

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY,	)	
	)	**Civil Action No. 2008-01667-CD**
Plaintiffs	)	
v.	)	
R & R OPTICAL, INC.,	)	
Defendant	)	

DECLARATION OF LISA H. HERNANDEZ

I, Lisa H. Hernandez, under penalty of perjury, do depose and state as follows:

1. My name is Lisa H. Hernandez.

2. I am a Trial Attorney with the Pittsburgh Area Office of the United States Equal Employment Opportunity Commission ("EEOC").

3. Since in or around mid-December 2009, I have had multiple telephone conversations with Theron P. Noble about the appropriateness of serving Patrick J. Malley, EEOC Investigator, with a subpoena for a trial in the Court of Common Pleas in the above-captioned case.

4. On or about December 18, 2009, I sent Mr. Noble an electronic message, setting forth the Commission's position on state court subpoenas, and putting him on notice that I would file a Motion to Quash if he served a subpoena on Mr. Malley.

5. In or around late December, Mr. Noble contacted me via telephone and told me that he would serve Mr. Malley with a subpoena if his case did not settle at a scheduled conference before the Court.

6. I did not hear from Mr. Noble again until January 28, 2010, when he emailed me late in the day, after I had already left work, informing me that he would arrive the following day to serve a subpoena on Mr. Malley.

The foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed this 4th day of February, 2010

Lisa H. Hernandez

Lisa H. Hernandez

EXHIBIT 3

LISA HERNANDEZ - Sovereign Immunity

From: LISA HERNANDEZ
To: theronnoble@comcast.net
Date: 12/18/2009 3:33 PM
Subject: Sovereign Immunity

Terry,

Pursuant to the doctrine of sovereign immunity, the Equal Employment Opportunity Commission, an agency of the United States government, is not compelled to act pursuant to a subpoena issued by a state court. *See, e.g., Edwards v. Dept. of Justice*, 43 F.3rd 313, 317 (7th Civ. 1994) (sovereign immunity bars state court enforcement of subpoena to federal employee); *see also Exxon Shipping Company v. Dept. of Interior*, 34 F.3rd 774 (9th Cir. 1994) (noting that sovereign immunity applies in state court subpoena proceedings and subsequent removal actions and distinguishing federal actions brought pursuant to the Administrative Procedures Act, 5 U.S.C. § 702).

I hope this answers your questions. If you decide to issue a subpoena to Patrick, I will immediately file a Motion to Quash.

Thank you,

Lisa H. Hernandez, Trial Attorney
Equal Employment Opportunity Commission
Pittsburgh Area Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222

Direct Dial: 412.395.5852
Fax: 412.395.5749

EXHIBIT 4

LISA HERNANDEZ - Subpoena

From: <theronnoble@comcast.net>
To: "HERNANDEZ, LISA" <LISA.HERNANDEZ@EEOC.GOV>
Date: 1/28/2010 8:29 PM
Subject: Subpoena

Lisa:

Please be advised that I shall arrive today (Friday, the 29th) to serve a subpoena on Patrick J. Malley in the case we had discussed about a month ago. I do not believe sovereign immunity applies. The cases you provided are not controlling, and in any event, Mr. Malley also investoigated this matter alson through and on behalf of the PHRC. As such, even if Sovereign immunity applies, it has been waived.

In the event you wish to make arrangements for acceptance, or have some prpeared to accept service, you may call me on my cell phone at 814-541-5154. Please be mindful there are numerous spots on my travel in which I do not have reception.

Sincerely,

Theron G. "Terry" Noble

EXHIBIT 5

COURT OF COMMON PLEAS OF THE COMMONWEALTH OF PENNSYLVANIA CLEARFIELD COUNTY

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY,	)	
	)	**Civil Action No. 2008-01667-CD**
Plaintiffs	)	
v.	)	
R & R OPTICAL, INC.,	)	
Defendant	)	

DECLARATION OF JOSEPH M. HARDIMAN, III

I, Joseph M. Hardiman, III, under penalty of perjury, do depose and state as follows:

1. My name is Joseph M. Hardiman, III.

2. I am the Pittsburgh Area Director of the United States Equal Employment Opportunity Commission ("EEOC").

3. As the Pittsburgh Area Director of the EEOC, I am familiar with the policies, practices and procedures of the EEOC's Pittsburgh Area Office.

4. As the Pittsburgh Area Director of the EEOC, I am familiar specifically with the Work-Sharing Agreement between EEOC and the Pennsylvania Human Relations Commission.

5. Although the Pittsburgh Area Office accepts a charge as dual filed for purposes of a state statute pursuant to the Work-Sharing Agreement, we do not investigate state law violations, we do not apply state law, we do not make any findings under state law, nor do we bring enforcement actions under state law.

The foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed this 4th day of February, 2010

Joseph M. Hardiman, III

COURT OF COMMON PLEAS OF THE COMMONWEALTH OF PENNSYLVANIA CLEARFIELD COUNTY

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY,	)	
	)	**Civil Action No. 2008-01667-CD**
Plaintiffs	)	
v.	)	
R & R OPTICAL, INC.,	)	
Defendant	)	

ORDER

AND NOW, this _____th day of _____, 2010, upon consideration of the Equal Employment Opportunity Commission's Motion to Quash the Subpoena issued to Patrick J. Malley by Plaintiff's counsel in the above-captioned case is hereby QUASHED.

_____

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

KAREN D. SWATSORTH and ELAINE G. TRIMPEY	)	
VS.	)	NO. 08-1667-CD
R & R OPTICAL, INC., D/B/A WISE EYES OPITCAL	)	

O R D E R

NOW this 8th day of March, 2010, following completion of testimony, it is the ORDER of this Court that counsel have forty-five (45) days from receipt of a copy of the transcript within which to supply proposed Findings of Fact, proposed Conclusions of Law, any Briefs to the Court, with copies submitted to opposing counsel, and thereafter an additional ten (10) days within which to file a reply.

BY THE COURT,

Charles C. Brown, Jr.
Senior Judge
Specially Presiding

FILED
013:03 2cc
MAR 08 2010
William A. Shaw
Prothonotary/Clerk of Courts
2cc Attys: Noble
Ryan

FILED

MAR 08 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/8/10

____ You are responsible for serving all appropriate parties.

__X__ 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

KAREN D. SWATSWORTH, and	:	
ELAINE G. TRIMPEY, adult individuals;	:	
Plaintiffs,	:	**NO. 08-1667-CD**
v.	:	
	:	
R&R OPTICAL, INC., d/b/a	:	
WISE EYES OPTICAL, a duly formed	:	
and existing Pennsylvania Corporation;	:	
Defendant.	:	

FILED
APR 05 2010
William A. Shaw
Prothonotary/Clerk of Courts
3 cc Atty Hardiman

MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* AND BRIEF OF *AMICUS CURIAE*, PENNSYLVANIA HUMAN RELATIONS COMMISSION, IN SUPPORT OF ABOVE-CAPTIONED PLAINTIFFS

AND NOW COMES the Pennsylvania Human Relations Commission, by and through its undersigned counsel, and files this Motion for Leave to File an *Amicus Curiae* Brief in this action in the form attached as Exhibit A and, in support thereof, avers the following:

Original Sent in to Atty Hardiman office

1. The Pennsylvania Human Relations Commission (the "Commission") is an administrative agency of the Commonwealth of Pennsylvania, duly authorized by the Pennsylvania Human Relations Act, 43 P.S. §§ 951-963 (the "PHRA"), to enforce the anti-discrimination provisions of the PHRA pursuant to the Act and the regulations promulgated thereunder, 16 Pa. Code §§ 41 *et seq.*

2. The statutory interpretation issues at bar regarding the PHRA have neither been decided nor addressed by the Pennsylvania Supreme Court.

3. As the agency charged with administration and enforcement of the PHRA, the Commission has significant interest, experience, and expertise with respect to the PHRA

statutory interpretation issues now before the Court. Pennsylvania courts have long recognized that "the Commission is a recognized expert in discrimination matters." *Johnstown Redevelopment Auth. v. Commonwealth of Pa., Pa. Human Relations Commission*, 556 A.2d 479, 482 (Pa. Commw. Ct. 1989), *aff'd*, 527 Pa. 71 (1991). *See also Orweco Frocks, Inc., Petitioner v. Commonwealth of Pennsylvania, Pennsylvania Human Relations Commission*, 113 Pa. Commw. 333, 338 (1988).

4. No Pennsylvania decision or rule directly addresses whether an amicus curiae brief is permitted at the trial court level. Nevertheless, several Pennsylvania appellate court decisions have noted that amicus curiae briefs were filed with the trial court and have not criticized this action. *See, e.g., Altshuler v. Pennsylvania Liquor Control Bd.*, 729 A.2d 1272, 1274 n.5 (Pa. Commw. Ct. 1999) (noting filing of amicus brief with trial court); *Cherry Valley Assocs. v. Stroud Twp. Bd. of Supervisors*, 109 Pa. Commw. 246, 530 A.2d 1039 (1987) (where petition to intervene was denied, trial court allowed petitioner to file amicus brief). Cf. *Newberg v. Board of Public Educ.*, 478 A.2d 1352, 1354 (1984) (appellants who participated in trial court proceedings as *amici curiae* had no standing to appeal the trial court's final decree); *In re Petition to Amend Home Rule Charter of City of Pittsburgh*, 450 A.2d 802 (1982) (one who appears as an *amicus curiae* before the trial court is not a party and does not have standing to appeal). Additionally, trial courts possess broad discretion when determining whether to admit or exclude evidence. See B.K. v. J. K., 823 A.2d 987, 990 & 991-92 (Pa. Super. Ct. 2003); Smalls v. Pittsburgh Corning Corp., 843 A.2d 410, 413 (Pa. Super. Ct. 2004); Sacco v. City of Scranton, 540

A.2d 1370, 1372 (Pa. Commw. Ct. 1988). These decisions support a conclusion that the Commission may file an amicus brief with the Court.

5. "Courts have found the participation of an amicus especially proper where the amicus will ensure 'complete and plenary presentation of difficult issues so that the court may reach a proper decision ... or where an issue of general public interest is at stake." *Liberty Resources, Inc. v. Philadelphia Housing Auth.*, 395 F. Supp. 2d 206, 209-210 (E.D. Pa. 2005) (granting *amicus curiae* status to a disability rights advocacy group in an ADA case).

6. Interpretation of the act designed to eliminate, *inter alia*, all forms of employment discrimination within the Commonwealth of Pennsylvania clearly raises an issue of "general public interest." Moreover, the PHRA satisfies the factors that warrant granting of *amicus curiae* status in this case: the PHRA has a "special interest" in the case; the PHRA's interests as an agency of the Commonwealth are not represented; the proffered information is "useful and timely"; and the PHRA is not partial to a particular outcome in the case, having no specific relationship with any of the parties to the action. *Cf. Liberty Resources*, *supra*, 395 F. Supp. at 209 (setting forth factors to consider in deciding *amicus curiae* motion in federal district courts); Pa. R.A.P. 531 (2010) ("Anyone interested in the questions involved in any matter pending in an appellate court . . . may . . . file a brief amicus curiae in regard to those questions.")

For the foregoing reasons, the Commission respectfully requests that the Court grant the Commission's Motion for Leave to File Brief *Amicus Curiae* and permit the filing of the attached Brief.

Respectfully submitted,

Dated: March 31, 2010

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

KAREN D. SWATSWORTH, and	:	
ELAINE G. TRIMPEY, adult individuals;	:	
Plaintiffs,	:	**NO. 08-1667-CD**
v.	:	
	:	
R&R OPTICAL, INC., d/b/a	:	
WISE EYES OPTICAL, a duly formed	:	
and existing Pennsylvania Corporation;	:	
Defendant.	:	

BRIEF *AMICUS CURIAE* OF THE PENNSYLVANIA HUMAN RELATIONS COMMISSION IN SUPPORT OF PLAINTIFF'S POSITION THAT *GROSS v. FBL FINANCIAL SERVICES INC., 129 S. Ct. 2343 (2009)* DOES NOT IMPACT ANALYSIS OF PLAINTIFFS' CLAIMS PURSUANT TO THE PENNSYLVANIA HUMAN RELATIONS ACT

I. STATEMENT OF INTEREST OF THE *AMICUS CURIAE*

The Pennsylvania Human Relations Commission (the "Commission" or "PHRC") is an administrative agency of the Commonwealth of Pennsylvania, duly authorized by the Pennsylvania Human Relations Act, Act of 1955, P.L.744, *as amended*, 43 P.S. §§ 951-963 (the "PHRA" or "Act"), to enforce the anti-discrimination provisions of the PHRA pursuant to the Act and the regulations promulgated thereunder, 16 Pa. Code §§ 41 *et seq.* The Commission has both a significant interest in, and experience regarding, the issues now before this Court relating to the PHRA. As the agency charged with administration and enforcement of the Act, the PHRC is uniquely positioned to address the statutory interpretation issues presented in this matter.

Exhibit A

II. *AMICUS* POSITION

The Commission submits that, when analyzing mixed motives age discrimination disparate-treatment claims arising under the PHRA, courts should apply the framework established by Congress in the Civil Rights Act of 1991 (the "1991 CRA"); and further, that the courts should not require a heightened evidentiary showing in order for a mixed-motives framework to apply. As set forth below, the reasons underlying the PHRC's position are four-fold: (i) utilizing a uniform legal framework in analyzing PHRA disparate treatment claims is consistent with and best effectuates the purposes of the Act; (ii) basic rules of statutory construction mandate that the PHRA be interpreted in a fashion which provides equal protection for all victims of discrimination and avoids illogical, inconsistent or absurd results, a result possible only through application of the 1991 CRA framework; (iii) case precedent and policy considerations reflect that the Pennsylvania Supreme Court, if presented with the issue, would apply the 1991 CRA framework; and (iv) neither the PHRA nor its implementing regulations require a "heightened evidentiary showing" to prove any particular type of employment discrimination case. Finally, the PHRC respectfully submits that, as the agency charged with administration and enforcement of the Act, its interpretation of the Act's provisions is entitled to a measure of deference by the Court.

III. ARGUMENT

A.) Background

Non-direct evidence disparate treatment employment discrimination claims essentially fall into three categories: (i) claims in which the plaintiff proceeds under the pretext theory set forth in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973),

arguing, essentially, that the employer's articulated reason for taking an adverse employment action is pretextual; and (ii) claims in which the plaintiff proceeds under the "mixed-motives" theory initially set forth by the United States Supreme Court in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), arguing that an adverse employment decision was made based on both legitimate and illegitimate reasons. *Sosa v. Napolitano*, 2009 U.S. App. LEXIS 6450 (3d Cir. 2009).

The legal framework for analyzing mixed-motives cases arising under Title VII of the Civil Rights Act of 1964, as noted, was first articulated In *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). In that case, the United States Supreme Court held that if a plaintiff can show that an illegal consideration was a "motivating factor" in the adverse employment action taken against him, then the burden shifts to the defendant to show by a preponderance of the evidence that it would have made the same decision even if it had not considered the illegal factor. 490 U.S. at 244-45, 258. This so-called "same decision" defense, if proved, provides the employer with a complete defense to the plaintiff's discrimination claim.

In response to the *Price Waterhouse* decision, Congress amended the 1964 Civil Rights Act to prevent employers whose employment decisions are motivated in part by an impermissible factor from escaping liability for employment discrimination. To that end, section 2000e-2(m) of the 1991 CRA states that: "Except as otherwise provided in this subchapter, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the

practice." The 1991 amendments provide an employer with a limitation on damages where the employer "demonstrates that [it] would have taken the same action in the absence of the impermissible motivating factor." *Id.* at § 2000e-5(g)(2)(B). Importantly, in mixed-motive cases, the Commission applies the 1991 CRA liability framework when determining if an entity has violated the PHRA. *See e.g.*, *Spanish Council of York, Inc. v. Pa. Human Relations. Commission*, 879 A. 2d 391 (2005).

Recently, the United States Supreme Court held that a plaintiff bringing a disparate-treatment claim pursuant to the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 621 et seq., must prove, by a preponderance of the evidence, that age was the "but-for" cause of the challenged employment action. *See Gross v. FLB Financial Services Inc.*, 192 S. Ct. 2343, 2352 (2009). In so holding, the Court reasoned that the ADEA substantially differed from Title VII with respect to the relevant burden of persuasion because the ADEA and Title VII's statutory language differed. *See id.* at 2349-50. Further, the Court stated that the ordinary meaning of the ADEA's language that an employer took an adverse action "because of" age is that age was the "reason" the employer decided to act. *See id.* at 2350.

The principal issue in this case, from the Amicus perspective, is whether courts addressing age discrimination cases arising under the PHRA should apply the *Gross* liability framework or the 1991 CRA liability framework. The significance of this Court's determination is profound. Under *Gross*, employers can avoid liability notwithstanding the fact that impermissible factors, such as age, motivated the adverse employment actions taken against their employees; under the 1991 CRA framework, employers cannot escape liability for their discriminatory actions. As noted, the PHRC

submits that the Court should allow a plaintiff to proceed under the 1991 CRA standard for all employment discrimination claims brought under the PHRA if plaintiff asserts a mixed-motive theory.[1]

B.) A Single Analytical Framework Should Be Applied To All Mixed-Motives Employment Discrimination Claims Arising Under the PHRA.

Since 1955, almost a decade before passage of Title VII of the Civil Rights Act, the Commonwealth of Pennsylvania has made it an unlawful employment practice "[f]or any employer because of the race, color, religious creed, ancestry, age, or national origin to refuse to hire or employ, or to bar or discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment ...." Pennsylvania Human Relations Act, 43 P.S. § 951(a).[2] The Act was amended in 1969 and 1974, to include "sex" and "non-job related handicap or disability," respectively, as protected categories. *Id.* at § 951(a). The Act also protects employees from retaliation for having opposed any practice forbidden by the Act, or for having filed a charge, testified, or assisted in any manner in any investigation, proceeding or hearing under the Act. *Id.* at § 955(d).

The PHRA, therefore, stands in stark contrast to federal law protections afforded employees. Under the Pennsylvania statute, all prohibitions on discrimination based upon an individual's "protected class," as well as prohibitions against taking retaliatory action against an employee who engages in statutorily protected activity, are enumerated in one statute. Federal protections, on the other hand, are set forth in at least three

[1] Although the case at bar involves age claims, the rationale for applying the 1991 CRA framework to PHRA mixed-motives claims applies with equal force to all protected categories.

[2] The title of the Act was changed in 1961 from the Pennsylvania Fair Employment Practices Act to the Pennsylvania Human Relations Act.

separate and distinct statutes: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, the Age Discrimination in Employment Act, 29 U.S.C. §§ 623-633(a), and the Americans with Disabilities Act, 42 U.S.C. §§ 12101 *et seq.* This contrast is of paramount significance in addressing the analytical framework to be applied in age disparate-treatment claims arising under the PHRA. That the Pennsylvania legislature encompassed all forms of discrimination in one statute makes clear, as a matter of common sense and under basic principles of statutory construction, as will be further discussed below, that the legislature intended uniform treatment of employment discrimination claims by the courts. Neither the Act nor its implementing regulations evidence any suggestion, nor would it be reasonable to conclude, that the legislature viewed any particular form of employment discrimination to be less serious or less invidious than another. Only a uniform standard that applies equally to all forms of discrimination, regardless of protected class, would effectuate the legislative goal of treating each protected class equally and of ridding the Commonwealth of all manner of discrimination and its accompanying toxic effects. In short, employing different analytical frameworks for different protected classes under the guise of a single statute clearly designed to eliminate all discrimination within the Commonwealth defies logic and would wholly frustrate the intent of the Pennsylvania legislature.

C.) Application Of The 1991 CRA Standard Best Serves The Legislative Intent Of Eradicating All Forms Of Discrimination And Of Avoiding Illogical, Inconsistent Or Absurd Results.

To determine the meaning of a statute, a court must first determine whether the issue before it may be resolved by reference to the express language of the statute, which

is to be read according to the plain meaning of the words. 1 Pa. Cons. Stat. § 1903. When the words of the statute are not explicit on the point at issue, "resort to statutory construction is appropriate." *City of Philadelphia v. Workers' Comp. Appeal Bd. (Williams)*, 578 Pa. 207, 851 A. 2d 838, 844 (Pa. 2004). Although the PHRA by its terms prohibits discrimination "because of" a wide-ranging list of protected categories set forth in the Act and/or "because" an employee engaged in protected activity, those terms are not defined in the Act. The "plain meaning of the words" also cannot resolve the issue of whether the Pennsylvania legislature intended that an employer who considers illegitimate factors in taking adverse action against one of its employees be permitted to avoid liability under the PHRA for employment discrimination. Indeed, the words "because of" mean "by reason of: on account of." 1 Webster's Third New International Dictionary 194 (1966). This definition, however, does not address whether an employer must act ***solely or exclusively*** because of a protected characteristic. Accordingly, it is appropriate for this Court to apply the basic principles of statutory construction to the issue at hand.

The Statutory Construction Act, 1 Pa. Cons. Stat. § 1921(c), provides, in pertinent part, that "[w]hen the words of the statute are not explicit, the intention of the General Assembly may be ascertained by considering, among other matters ... the occasion and necessity for the statute, ... the mischief to be remedied, ... [and] the object to be attained." Applying these principles to the applicable provisions of the PHRA makes clear that sections (5)(a) and (d) of the Act should be construed as imposing liability on employers who are motivated in part by an impermissible characteristic. There can be little doubt as to the "necessity for," "object to be attained," by, and

"mischief to be remedied" through the statute. Section 2 of the PHRA, entitled "Findings and Declaration of Policy," provides in pertinent part:

> (a) The practice or policy of discrimination against individuals or groups by reason of their race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability... is a matter of concern of the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of a free democratic state. The denial of equal employment ... opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives large segments of the population of the Commonwealth of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public health and welfare, ... [and] threatening the peace, health, safety and general welfare of the Commonwealth and its inhabitants.
>
> (b) It is hereby declared to be the public policy of this Commonwealth to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, sex, national origin, handicap or disability...and to safeguard their right to obtain and hold employment without such discrimination, to assure equal opportunities to all individuals....

43 P.S. §§ 952(a)-(c). Similarly, Section 3 of the PHRA, entitled in part, "Right to Freedom from Discrimination in Employment," provides in part that:

> The opportunity for an individual to obtain employment for which he is qualified ... without discrimination because of race, color, familial status, religious creed, ancestry, handicap or disability, age, sex, [or] national origin ... is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this act.

Id. at § 953. Applying the factors set forth above to ascertain the Pennsylvania legislature's intent dictates the conclusion that employers who are motivated by discriminatory factors in making employment decisions should not be able to escape liability. It is the expressed public policy of the Commonwealth to eradicate unlawful discrimination within the Commonwealth. This public policy exists because of the significance of the harm occasioned by such discrimination not only to the individual

victim but also to all of the inhabitants of the Commonwealth. Permitting a proven discriminator to avoid liability merely because other factors played a role in its personnel decision undermine that expressed public policy. In short, a 1991 CRA legal framework should be applied to PHRA discrimination claims.

A second basic principle of statutory construction compels the same result. It is well-settled that in construing statutes, a court "must presume that the General Assembly does not intend a result that is absurd... or unreasonable." 1 Pa. Cons. Stat. § 1922. *See generally McGrory v. DOT, Bureau off Driver Licensing*, 591 Pa. 56, 66 (2007) (applying 1 Pa.C.S. § 1922); *Pinto v. State Civil Service Comm'n*, 590 Pa.311, 321 (2006) (same). Adopting any standard short of a uniform legal framework prohibiting employers from being motivated in any way because of an inappropriate characteristic for all forms of employment discrimination would lead to absurd, unreasonable and/or inconsistent results. More specifically, if the 1991 CRA framework were applied to discrimination claims based on race, color, religion, sex, and national origin, and the *Gross* framework to age and/or disability discrimination claims, an absurd, illogical and inconsistent result would obtain. Indeed, Plaintiffs could succeed on race, sex, religion and other discrimination claims if they proved these impermissible factors were a motivating factor in the challenged personnel action. Contrarily, in an age discrimination claim, Pennsylvania employers would be able to avoid liability unless a plaintiff could demonstrate that the age was the "but-for" or determinative cause of the challenged employment action. Given that there is no common sense or public policy argument justifying such differential treatment and where, to the contrary, the goal of the PHRA is the elimination of all enumerated categories of discrimination, any result other than

uniform application of the 1991 CRA framework to all PHRA claims would be absurd, unreasonable, and contrary to legislative intent.

Finally, in this regard, the express statutory remedial authority given to the Commission when it adjudicates claims of unlawful discrimination provides additional evidence that the General Assembly of the Commonwealth of Pennsylvania intended that the statute be interpreted in a manner consistent with the 1991 CRA Section 959 (f)(1) reads as follows:

> (f)(1) If, upon all the evidence at the hearing, the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this act, the Commission shall state its findings of fact, and **shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist** from such unlawful discriminatory practice **and to take such affirmative action**, including, but not limited to, reimbursement of certifiable travel expenses in matters involving the complaint, compensation for loss of work in matters involving the complaint, hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the making of reasonable accommodations, or selling or leasing specified housing accommodations or commercial property upon such equal terms and conditions and with such equal facilities, services and privileges or lending money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations or commercial property, upon such equal terms and conditions to any person discriminated against or all persons, and any other verifiable, reasonable out-of-pocket expenses caused by such unlawful discriminatory practice, provided that, in those cases alleging a violation of Section 5(d), (e) or (h) or 5.3 where the underlying complaint is a violation of Section 5(h) or 5.3, the Commission may award actual damages, including damages caused by humiliation and embarrassment, **as, in the judgment of the Commission, will effectuate the purposes of this act,** and including a requirement for report of the manner of compliance.

43 P.S. §959 (f))(1) (emphasis added).

Note that the remedial authority given to the Commission is both mandatory and discretionary. In every case where unlawful discrimination has been found to exist, the Commission must issue a cease and desist order ("...shall issue..."). This injunctive

award is non-discretionary in nature. A finding of unlawful discrimination requires in every case the entry of an order to cease and desist. This legislative directive is similar to the mandate found in the 1991 CRA amendment that requires entry of a finding of liability if unlawful discrimination was a motivating factor (no discretion exists, liability automatically attaches).

On the other hand, under the PHRA, the Commission's remedial authority related to an award of an individual remedy to a prevailing complainant is discretionary in nature (the Commission should only make such an award when it will "...effectuate the purposes of this act...."). This discretionary remedial authority is similar to the qualified right to an award of an individual remedy under the CRA, where a defendant can defeat such an individual award by proving that entitlement to individual relief does not lie. In effect, the CRA is saying the same thing as the Pennsylvania General Assembly said, but in different words. Clearly, the point of each statute is to insure an injunctive remedy for all unlawful discrimination found to exist while not extending such individual relief beyond that which is necessary to effectuate the purposes of the statute in question.

D.) Pennsylvania Case Precedent and Public Policy Suggest that the Pennsylvania Supreme Court, If Presented with the Issue, Would Apply the CRA 1991 Framework to Age Discrimination PHRA Claims.

Beyond the fact that principles of statutory construction support application of the CRA 1991 framework here, another doctrine also leads to the same result. Although the Pennsylvania Supreme Court has not squarely addressed the issue of the appropriate framework to be applied in deciding age discrimination cases arising under the PHRA, the Commonwealth Court's decision in *Spanish Council of York, Inc. v. Pa. Human*

Relations. Commission, 2005 Pa. Commw. LEXIS 397, 879 A. 2d 391 (2005), provides guidance as to how the Supreme Court could be expected to rule.

In *Spanish Council*, the Commonwealth Court affirmed a Commission Order finding appellant-employer, a center which provided a variety of educational and social services to members of the Spanish-American community in York, Pennsylvania, liable for race discrimination and retaliation against two of its former employees. Appellee Feeser, who had been one of only two Caucasian employees at the Center, argued at the Commission level that the Center terminated his employment because of his race. Appellee Garcia-Jones argued that the Center discharged her employment in retaliation for supporting Feeser and counseling the Center's Board of Directors against firing him. In response, the Center argued that it did not discriminate against either of the complainants. Rather, it claimed that Feeser was terminated because of performance issues and that Garcia-Jones was discharged because the Center was experiencing financial difficulties.

The Commonwealth Court analyzed the case under both the *McDonnell Douglas* and the 1991 CRA frameworks.[3] Citing to *Price Waterhouse*, the Commonwealth Court explained that "a mixed motives case arises where a complainant demonstrates evidence that a discriminating factor played a motivating part in the respondent's decision in a case." *Id.* The Court acknowledged the Center's position that it was Feeser's lack of interpersonal skills, rather than his race, that led to his discharge. *Spanish Council*, 879 A. 2d at 398 ("It may be the genuine belief of some Board members that Feeser was not

[3] The Commonwealth Court did not expressly cite to the 1991 CRA when applying that Act's legal framework.

doing his job."). The Commonwealth Court stated, however, that "the fact that the Center may have mixed motives for dealing with Feeser did not relieve it of liability because racism was shown to have been one of the Center's motives in discharging him." *Id.* (Emphasis added). The Court concluded, therefore, that where a plaintiff demonstrates that an illegitimate factor played a motivating part in an adverse employment action, the fact that legitimate factors may also have led to the employment decision does not relieve the employer of liability for employment discrimination. In so doing, the Commonwealth Court effectively approved use of the 1991 CRA framework in PHRA mixed-motives cases.

The Commission respectfully submits that the *Spanish Council* decision provides this Court with guidance regarding the approach Pennsylvania courts should take in addressing age discrimination claims under the PHRA. Consistent with the Act's provisions and the Pennsylvania courts' stated approach of liberally interpreting that Act, *see Jenks v. Avco Corp.*, 340 Pa. Super. 542, 490 A. 2d 912 (1985), employers who are motivated whether in whole or in part by impermissible factors in taking adverse employment actions against their employees should not and cannot be permitted to avoid liability for their actions.

E. This Court Should Not Require a Heightened Evidentiary Showing For Application of the 1991 CRA Mixed Motives Framework.

In addition to leaving unresolved the issue of the applicable legal framework to be applied to non-Title VII disparate treatment mixed motives cases, Congress in the 1991 CRA, and the United States Supreme Court in *Price Waterhouse*, left unresolved the issue of the type of evidentiary showing required to obtain a mixed-motive jury

instruction in Title VII cases. The same issue also was left unresolved with respect to cases arising under the ADEA and the ADA. The Pennsylvania Supreme Court has neither directly addressed nor decided the issue of whether any sort of heightened evidentiary showing is required before a CRA 1991 mixed-motives framework should apply.[4] The PHRC respectfully submits that the 1991 CRA framework should be used whenever a plaintiff whose claim arises under the PHRA presents evidence, whether direct or circumstantial, that an impermissible factor was a motivating factor in the adverse employment action the plaintiff suffered at the employer's hands. In other words, the PHRC submits that the Act does not require any sort of heightened evidentiary showing for application of the mixed-motives analysis.

Fourteen years after deciding *Price Waterhouse,* the Supreme Court in *Desert Palace, Inc. v. Costa*, 539 U.S. 90 (2003), held that direct evidence of discrimination is not required for a plaintiff to obtain a mixed-motive jury instruction under Title VII. The Court based its decision, in part, on the fact that the 1991 CRA "unambiguously states that a plaintiff need only 'demonstrate' that an employer used a forbidden consideration with respect to 'any employment practice.' On its face, the statute does not mention, much less require, that a plaintiff make a heightened showing through direct evidence." 539 U.S. 98-99. The Supreme Court also stated that "Title VII's silence with respect to the type of evidence required in mixed-motive cases also suggests that we should not depart from the 'conventional rule of civil litigation [that] generally applies in Title VII

[4] *Cf. The New Corey Creeks Apts., Inc.*, 865 A. 2d 277 (Pa. Commw. Ct. 2004), *app. denied*, 879 A. 2d 784 (Pa. 2005) (discussing direct evidence, but not directly holding that a direct evidence or other heightened evidentiary showing is required to a apply mixed-motives analysis); *Taylor v. Pa. Human Relations Commission*, 681 A. 2d 228 (Pa. Commw. Ct. 1996) (where direct evidence was present, hearing examiner did not err in not applying *McDonnell Douglas* analysis).

cases. That rule requires a plaintiff to prove his case 'by a preponderance of the evidence,' using 'direct or circumstantial evidence.'" *Id.* at 100 (citations omitted). *See also id.* ("Circumstantial evidence is not only sufficient but may also be more certain, satisfying and persuasive than direct evidence." ... "The adequacy of circumstantial evidence also extends beyond civil cases; we have never questioned the sufficiency of circumstantial evidence in support of a criminal conviction, even though proof beyond a reasonable doubt is required.") (citations omitted).

The rationale underlying the *Desert Palace* decision applies with equal force to the issue of whether a heightened evidentiary showing is required for application of a mixed motives analysis to PHRA claims. The PHRA is silent with respect to the issue of the type of evidence required in mixed-motives cases. Indeed, the only reference in the Act to an evidentiary standard for any type of disparate treatment employment discrimination claim suggests that the Pennsylvania legislature did not intend for the Act to make any distinction between the weight or value to be given to either direct or circumstantial evidence. *See generally* 43 P.S. § 959(e)(1)("If, upon *all* the evidence at the hearing, the Commission shall find that a respondent has engaged in ... any unlawful discriminatory practice); 16 Pa. Code § 42.141 (same language).

Had the Pennsylvania legislature intended to treat circumstantial evidence differently from direct evidence in the context of discrimination claims, the PHRC submits that the legislature would clearly have expressed such an intent in the Act. In this connection, Pennsylvania courts have long recognized that circumstantial and direct

evidence should be accorded equal weight. *See Fitzpatrick v. Natter*, 961 A. 2d 1229, 1242 (Pa. 2008); *Commonwealth v. Tillery*, 417 Pa. Super. 26, 30 (1992).

The significance of according equal weight to circumstantial evidence in employment discrimination cases cannot be overstated. As the Commonwealth Court noted in *Spanish Council of York, Inc. v. Pa. Human Relations Commission, supra*, 879 A. 2d at 397, "discrimination is rarely documented and must, instead, be shown by inference from circumstantial evidence." Although *Spanish Council* involved claims of race discrimination and retaliation, the Commonwealth Court's incontrovertible observation applies with equal force to all forms of illegal discrimination. An employer is no more likely to document age or disability discrimination, for example, than the race discrimination and retaliation at issue in *Spanish Council*.

Moreover, just as *Spanish Council of York, supra,* provides guidance in determining which legal framework the Pennsylvania Supreme Court would apply to mixed-motives employment discrimination claims, so too that case provides guidance regarding the nature of the evidence required for application of the mixed-motives framework. Significantly, the Commonwealth Court cited *Desert Palace* with approval, noting that "the U.S. Supreme Court held that a complainant need only present sufficient evidence for a reasonable jury to conclude, by a preponderance of the evidence, that [an impermissible factor such as] race was a motivating factor for any employment practice." *Spanish York, supra*, 879 A. 2d at 399. To hold that a plaintiff who has circumstantial evidence that his or her employer was motivated by an illegitimate criterion in taking adverse action with respect to that plaintiff cannot make use of a mixed-motives

framework is to state, in essence, that that employee is somehow less a victim of invidious discrimination than one who can prove the illegitimate criterion through a so-called heightened evidentiary showing. Such an interpretation would directly contravene the remedial intent of the PHRA and overturn longstanding Pennsylvania case precedent treating circumstantial and direct evidence as having equal evidentiary value.

E.) As The Agency Charged With Administration And Enforcement Of The PHRA, The Commission's Interpretation Of The PHRA Is Entitled To Deference.

Pennsylvania courts give substantial weight to an administrative agency's interpretation of a statute it is charged with enforcing. *See Commonwealth of Pa., Office of Administration v. Pa. Labor Relations Board*, 591 Pa. 176 (2007) (citations omitted) (interpreting the Pennsylvania Employee Relations Act). As the Pennsylvania Supreme Court has stated:

> When considering an agency's interpretation of a statute that it is charged with implementing and enforcing, we afford substantial deference to that interpretation. ... Thus, our courts will not disturb administrative discretion in interpreting legislation within an agency's own sphere of expertise absent fraud, bad faith, abuse of discretion or clearly arbitrary action.

Id. at 190, n. 11. *See also Winslow-Quattlebaum v. Maryland Ins. Group*, 561 Pa. 629 (2000) ("It is well settled that when the courts of this Commonwealth are faced with interpreting statutory language, they afford great deference to the interpretation rendered by the administrative agency overseeing the implementation of such legislation.") Pennsylvania courts have long recognized that "the Commission is a recognized expert in discrimination matters." *Johnstown Redevelopment Auth. v. Commonwealth of Pa., Pa. Human Relations Commission*, 556 A.2d 479, 482 (Pa. Commw. Ct. 1989), *aff'd*, 527 Pa. 71 (1991). *See also Orweco Frocks, Inc., Petitioner v.*

Commonwealth of Pennsylvania, Pennsylvania Human Relations Commission, 113 Pa. Commw. 333, 338 (1988). The Commission, therefore, respectfully requests that in interpreting the PHRA with respect to the issues now before it, the Court give an appropriate measure of deference to the Commission's interpretation of the Act, as set forth in this *Amicus* Brief.

IV. CONCLUSION

For the foregoing reasons, amicus Pennsylvania Human Relations Commission respectfully submits that this Court should apply the CRA 1991 liability standard to the PHRA claim in this case and do so without need for any sort of "heightened evidentiary showing" on the part of the Plaintiff.

Respectfully submitted,

Dated: March 31, 2010

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

KAREN D. SWATSWORTH, and	:	
ELAINE G. TRIMPEY, adult individuals;	:	
Plaintiffs,	:	**NO. 08-1667-CD**
v.	:	
	:	
R&R OPTICAL, INC., d/b/a	:	
WISE EYES OPTICAL, a duly formed	:	
and existing Pennsylvania Corporation;	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that I am this 31st day of March, 2010, serving the foregoing Motion for Leave to File *Amicus Curiae* Brief upon the persons and in the manner indicated below, which service satisfies the requirements of 1 Pa. Code 33.35.

Service by first-class mail
Addressed as follows:

Theron Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(Counsel for Plaintiff)

John Ryan, Esquire
Belin, Kubista and Ryan
P.O. Box 1
Clearfield, PA 16830
(Counsel for Defendant)

BY: _____
Michael Hardiman – ID. 27018

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

KAREN D. SWATSWORTH, and	:	
ELAINE G. TRIMPEY, adult individuals;	:	
Plaintiffs,	:	**NO. 08-1667-CD**
v.	:	
	:	
R&R OPTICAL, INC., d/b/a	:	
WISE EYES OPTICAL, a duly formed	:	
and existing Pennsylvania Corporation;	:	
Defendant.	:	

ORDER OF COURT

And now, this _____ day of _____, 2010, upon consideration of the foregoing Motion, it is hereby ORDERED, ADJUDGED and DECREED that said Motion be, and hereby is, GRANTED, and further ordered that the Pennsylvania Human Relations Commission shall file the *Amicus Curiae* Brief attached to its Motion as Exhibit A on or before _____, 2010.

BY THE COURT:

_____

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ,	)	

ORDER

AND NOW, this 28th day of May, 2010, upon agreement of the parties, transcripts have now been produced and filed, the dates, pursuant to this Court's March 8th ORDER, for the parties to file their Proposed Findings of Fact, Conclusions of Law and Supporting Briefs are June 24th, and any Reply Brief due on July 5th, respectively.

By The Court,

Senior Judge

FILED
01:07/2cc
JUN 02 2010
William A. Shaw
Prothonotary/Clerk of Courts

2cc Attys: Noble Ryan

FILED

JUN 02 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/2/10

___ You are responsible for serving all appropriate parties.

_X_ 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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

FILED
JUN 24 2010
0/16:30
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Defendant's Proposed Findings of Fact and Conclusions of Law and Defendant's Brief, in the above-captioned matter on the 23rd day of June, 2010, to the following:

The Honorable Charles C. Brown, Jr.
Senior Judge Specially Presiding
c/o Clearfield County Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Via Hand Delivery

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
Attorney for Plaintiffs
Via Regular First Class U.S. Mail

BELIN, KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant

FILED
JUN 24 2020
William A. Shaw
Prothonotary/Clerk of Courts

APR 3 0 2010

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

KAREN D. SWATSWORTH, and	:	
ELAINE G. TRIMPEY, adult individuals;	:	
Plaintiffs,	:	**NO. 08-1667-CD**
v.	:	
	:	
R&R OPTICAL, INC., d/b/a	:	
WISE EYES OPTICAL, a duly formed	:	
and existing Pennsylvania Corporation;	:	
Defendant.	:	

ORDER OF COURT

And now, this 28th day of April, 2010, upon consideration of the foregoing Motion, it is hereby ORDERED, ADJUDGED and DECREED that said Motion be, and hereby is, GRANTED, and further ordered that the Pennsylvania Human Relations Commission shall file the *Amicus Curiae* Brief attached to its Motion as Exhibit A on or before May 14, 2010.

BY THE COURT:

Charles Brown Sr. Judge

FILED 1CC
01:25/BY
SEP 02 2010
William A. Shaw
Prothonotary/Clerk of Courts

Atty's: Noble
Ryan
Hardiman

(6W)

FILED
SEP 02 2010
William A. Shaw
Prothonotary/Clerk of Courts
Rec'd in Proth. office 9/2/10

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals;	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
Plaintiffs,	:	
vs.	:	CIVIL DIVISON
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly Formed and existing Pennsylvania Corporation,	:	
Defendants,	:	NO. 08-1667-CD

FILED
01:00 BL
JUL 08 2011
William A. Shaw
Prothonotary/Clerk of Courts
1 CC Attys: Noble
Ryan

BACKGROUND

Plaintiffs Karen D. Swatsworth and Elaine G. Trimpey have filed suit against Defendant R & R Optical, Inc., d/b/a Wise Eyes Optical, claiming they were terminated from their employment with Defendant because of their age (Plaintiff Swatsworth was 57 years old at the time of her termination; Plaintiff Trimpey was 60 years old at the time of her termination.) in violation of the Federal Age Discrimination in Employment Act (ADEA), 29 U.S.C. 623 (a)(1), and of the Pennsylvania Human Relations Act (PHRA), 43 P.S. 951, et seq., which both prohibit employment discrimination because of age. A non-jury trial was held on February 9 and 11 and March 8, 2010.

The transcript of the trial has been prepared and briefs and arguments of the parties have been submitted.

DISCUSSION

Generally, Pennsylvania is an "at will" employment state, meaning an employer can terminate an employee for virtually any reason without

ORIGINAL

repercussions. An exception to this general rule is when an employer violates a federal or state law, such as a discrimination statute.

In the seminal case of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), the United States Supreme Court set forth what has become a framework for analyzing discrimination cases. Under this framework, the plaintiff bears the initial burden of setting forth a prima facie case of discrimination by showing: (1) membership in a protected class; (2) an adverse employment action; (3) qualification for the position, and (4) replacement by someone younger. If the plaintiff has established a prima facie case, the burden of production then shifts to the defendant/employer to "articulate some legitimate, nondiscriminatory reason for the employee's rejection". 411 U.S. at 802. This is a relatively light burden and once met, the burden of production shifts back to the plaintiff to show by a preponderance of the evidence that the proffered reason was simply a pretext.

In the instant action, is no dispute that Plaintiffs have established a prima facie case of age discrimination, as they were over 40 years old at the time of their termination, were terminated from their employment, were qualified for their positions, and were replaced by two (2) twenty year olds. Defendant also has articulated a legitimate, nondiscriminatory reason for their discharge, namely insubordination.

Therefore, the issue for the Court to determine is whether Plaintiffs have presented, by a preponderance of the evidence, that this proffered reason was pretextual. In *Fuentes v. Perskie*, 32 F.3d 759 (3d Cir. 994), the Third Circuit

held that pretext is established if a plaintiff: (1) casts sufficient doubt upon each of the legitimate reasons proffered by the defendant so that a factfinder could reasonably conclude that each reason was a fabrication; or (2) allows the factfinder to infer that discrimination was more likely than not a motivating or determinative cause of the adverse employment action. Because employers seldom blatantly discriminate, a plaintiff can utilize either direct or circumstantial evidence to satisfy its burden.

The parties agree the *McDonnell Douglas* framework is applicable to this case. However, where there is a difference of opinion is whether Plaintiffs may alternatively recover under a mixed-motive theory should their *McDonnell Douglas* theory fail. Plaintiffs maintain that although the U.S. Supreme Court found the mixed-motive analysis inapplicable to ADEA claims, there is no equivalent ruling barring its use under the PHRA. Defendants, on the other hand, argue that because the PHRA language mirrors the language of ADEA, it too should prohibit a mixed-motive analysis.

Pennsylvania appellate courts have been silent on the issue, but the Pennsylvania Human Relations Commission, which is charged with administering and enforcing the PHRA, submitted an *amicus* brief in support of allowing Plaintiffs to proceed under a mixed-motive theory.

The mixed-motives theory of employment discrimination was first recognized by the U.S. Supreme Court in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). Under this framework, a plaintiff may recover if she can show that an illegal consideration was "a motivating factor" in the adverse employment

action. If so, the burden shifts to the employer to show by a preponderance of the evidence that it would have made the same decision anyway.

The doctrine was statutorily memorialized when Congress amended Title VII of the Civil Rights Act to expressly permit recovery if an improper consideration was a "a motivating factor" in an employer's adverse employment decision. *See* 42 U.S.C. §2000e-2(m).

Recently, the U.S. Supreme Court has found that to succeed on an age discrimination claim under the ADEA, a plaintiff must show that age was the "but-for" cause of the adverse employment action. *Gross v. FLB Fin. Servs. Inc.*, 192 S.Ct. 2343 (2009). The Court's rationale was that ADEA's language differed from that of Title VII of the Civil Rights Act and, therefore, they warrant different treatment. Namely, Title VII was amended to specifically include mixed motive recovery, whereas ADEA required proof that an adverse decision was "because of" age. Id. at 2350. Consequently, Plaintiffs may not use a mixed-motive theory to recover against Defendant on the federal claim. They could only succeed showing age was *the* reason for Defendant's decision.

The language of the PHRA mirrors that of the ADEA. It provides that an individual shall not be discriminated against "*because of* race, color, familial status, religious creed, ancestory, handicap or disability, *age,* sex, national origin..." 43 P.S. § 953 (emphasis added). Because the PHRA is traditionally interpreted in accordance with the ADEA, *see Rinehimer v. Cemcolift, Inc.* 292 F.3d 375 (3d Cir. 2002); *Kautz v. Met-Pro Corp.*, 412 F.3d 453 (3d Cir. 2005), it would be reasonable to conclude that a Pennsylvania court would interpret

"because of" to mean "but for", precluding a mixed-motive theory, consistent with *Gross, supra*. This is what Defendant argues.

Plaintiff and the Pennsylvania Human Relations Commission (hereinafter "Commission") which has filed an Amicus Curiae brief argue against such a determination. Unlike the federal system, Pennsylvania has one statute that pertains to discriminatory practices, namely the PHRA. Federally, there is the Civil Rights Act (governing discrimination on the basis of race, color, religion, sex and national origin), the Americans with Disabilities Act (governing discrimination on the basis of disabilities), and the ADEA (governing age discrimination). The PHRA, on the other hand, encapsulates all of these protected classes and more. *See* 43 P.S. § 953. It is argued it would be irrational to apply different analytic frameworks to different protected classes governed by one law. If interpreted as Defendant argues, an individual bringing suit under the PHRA for racial, religious or gender discrimination could proceed under a mixed-motive theory, but an individual bring suit under the same statute for age discrimination would have to prove but-for causation. Unlike its federal counterparts, the PHRA draws no distinction among the various protected classes. Therefore, the mixed-motive theory should apply to all protected classes under the PHRA, Plaintiff and the Commission maintain.

Following is a portion of the applicable state statute regarding public policy in these cases:

"It is hereby declared to be the public policy of this Commonwealth to foster the employment of all individuals in accordance with their fullest capacities

regardless of their race, color, religious creed, ancestry, age, sex, national origin, handicap or disability ...and to safeguard their right to obtain and hold employment without such discrimination, to assure equal opportunities to all individuals ..." 43 P.S. § 952 (b).

In this case Plaintiffs cannot recover against Defendant under federal law. Plaintiffs have not shown by a preponderance of the evidence that Defendant's proffered reason for their termination was simply a pretext. Defendant has articulated a legitimate, nondiscriminatory reason for their losing their job – insubordination. To succeed on their age discrimination claim under the ADEA, Plaintiffs are required to demonstrate that age was the "but for" cause of their termination. Plaintiffs have not sustained their burden of proof in light of the evidence presented.

The evidence in this case does require a mixed-motive analysis. Further, following the reasoning of the Commonwealth Court's decision in *Spanish Council of York, Inc. v. Pa. Human Relations Commission*, 879 A.2d 391 (Pa. Commw. 2005), in the event Plaintiffs demonstrate an illegitimate factor played a motivating part in their termination, the fact that legitimate factors may also have figured in Defendant's decision to let them go does not relieve it from liability for age discrimination. Even further, direct and circumstantial evidence is admissible (of course, so long as it is relevant).

FINDINGS OF FACT

General Manager Hinson implemented a written company wide policy which was signed by both Plaintiffs without reading it. Hinson reviewed the

policy with all employees at the Clearfield store where Plaintiffs worked. The policy contained a provision that the employee understood failure to comply with the policy could result in termination of employment. Plaintiffs understood that.

Plaintiff Swatsworth was terminated on August 18, 2007. She was 57 years of age. Defendant Trimpey was terminated on August 20, 2007. She was 60 years of age. The women hired to replace Plaintiffs were 22 and 23 years of age and had no prior experience, training or education as opticians, the positions held by Plaintiffs.

Plaintiff Trimpey did not train another employee although specifically directed by Hinson to do so. Plaintiff Trimpey did not explain to Hinson why she did not train the employee on the edging machine. Plaintiff Swatsworth repeatedly questioned Hinson about the new policies. An atmosphere of resistence to Hinson's policies had developed in Defendant's Clearfield office largely, if not exclusively, because of Plaintiffs. The resistence rose to the level of insubordination.

While the above was going on after Ralph Hinson became general manager, Defendant, showed it intended to have a company, or at least the Clearfield store, made up of persons younger than Plaintiffs. (The Court note Defendant's Exhibit B's statistics as of December 2008). Defendant's handling of Plaintiffs' terminations demonstrates this intent. Defendant considered Plaintiffs jointly. Hinson told Kim Weir in July, 2007, he intended to fire Plaintiffs. A 1996 company policy requiring warnings of disciplinary action was not followed.

Without advising Plaintiffs, Hinson treated the 2007 policies as a warning, thereby putting all employees on probation.

CONCLUSION

The Court concludes Defendant terminated Plaintiffs, at least partly based upon their ages – 57 and 60 – and partly based upon their resistence to new company policies, which amounted to insubordination.

The evidence in this case, in light of the framework provided by the PHRA for mixed-motive claims, compels this result. The Court does not quantify or qualify the motives. Both motives are clearly presented by the evidence.

Regarding damages, the Court will not reduce the awards by benefits either or both Plaintiffs received, e.g., Unemployment Compensation or Social Security. The damage awards here are "back pay awards".

VERDICT

AND NOW, July 6, 2011, after trial, the VERDICT in the above-captioned case is entered as follows:

Plaintiff Karen D. Swatsworth is awarded the sum of $60,617.96, plus interest and costs.

Plaintiff Elaine G. Trimpey is awarded the sum of $77,263.94, plus interest and costs.

COMPLIANCE HEREWITH IS DIRECTED.

BY THE COURT,

CHARLES C. BROWN, JR., S.J.

COPIES TO:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

John R. Ryan, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

FILED

JUL 08 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/8/11

____You are responsible for serving all appropriate parties.

__X__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:

CA

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

MOTION FOR
POST-TRIAL RELIEF

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

KUBISTA & RYAN LLP
202 South Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3CC Atty Ryan
0/11:00Lm
JUL 14 2011
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William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

MOTION FOR POST-TRIAL RELIEF

NOW COMES, R&R Optical, Inc., d/b/a Wise Eyes Optical, Defendant above named, and by its Attorneys, Kubista & Ryan LLP, moves the Honorable Court for Post-Trial Relief pursuant to Pennsylvania Rule of Civil Procedure 227.1 and avers in support thereof as follows:

1. Non-jury trial on the above captioned matter was held before the Honorable Charles C. Brown, Jr., Senior Judge, specially presiding on February 9 and 11, and March 8, 2010.

2. The Court issued its decision by order dated July 6, 2011, which was filed on July 8, 2011.

3. The Court correctly dismissed the Plaintiffs' claim under the Federal Age Discrimination in Employment Act (ADEA). However, the Court found in favor of the Plaintiffs on their claim under the Pennsylvania Human Relations Act (PHRA), and awarded damages for back pay.

4. Defendant submits that the Court erred, as a matter of law, in concluding that the PHRA should be interpreted to permit the Plaintiffs to recover under a "mixed-motive" theory, for the following reasons:

a. The Court in this case did correctly hold that the Supreme Court of the United States has determined that there is no cause of action under the ADEA based upon a mixed-motive theory of recovery. See **Gross v. FBL Financial Services, Inc.,** 192 A.Ct. 2342 (2009);

b. The relevant language of the PHRA is identical to the language of the ADEA on which the Supreme Court based its determination. Both statutes prohibit discrimination "because of" a person's membership in a protected class;

c. The Appellate Courts of Pennsylvania have historically and consistently interpreted the PHRA in accordance with Federal Court interpretation of the ADEA. See **Rinehimer v. Cemcolift, Inc.,** 292 F.3d 375 (3rd Cir. 2002); **Kautz v. Met-Pro Corp.,** 412 F.3d 463 (3rd Cir. 2005);

d. There is no persuasive reason to depart from this well-established tradition of deferring to the rulings of the Federal Courts as to the interpretation of identically worded statutes dealing with the same type of discrimination;

e. In fact, the actual theory of mixed-motive employment discrimination was the product of a decision of the United States Supreme Court in **Price Waterhouse v. Hopkins,** 490 U.S. 228 (1989);

f. In light of the identical statutory language contained in both statutes, the Supreme Court's decision in **Gross**, and the long standing practice of the Pennsylvania court deference to Federal interpretation, it is clear that the Plaintiffs in the case at hand cannot prevail under their mixed-motive theory of recovery.

5. In the alternative, even if the PHRA does provide a remedy in a mixed-motive case, the ruling of the Court that the Plaintiffs had established that age was a factor in the termination of their employment was against the weight of the evidence, in that:

a. Under the mixed motive analysis as established by the Supreme Court of the United States in **Price Waterhouse v. Hopkins,** 490 U.S. 228, 109 S,Ct. 1775, 104 L.Ed. 2d 268 (1989), the plaintiff presents direct evidence of an employer's discriminatory animus. When there is strong evidence of an employer's unlawful motives for the employment action, the burden of persuasion on the issue of causation shifts, and the employer must then prove that it would have fired the plaintiff even if it had not considered age;

b. However, **Price Waterhouse** requires that there be evidence that decision makers placed "substantial negative reliance" on an illegitimate criterion in reaching their decision, which holding has been followed by the Third Circuit Court of Appeals in various decisions;

c. The Court in the case at hand found as a fact that both Plaintiffs had "largely if not exclusively" caused an "atmosphere of resistance" to the policies of Defendant's general manager, which, in the Court's words "rose to the level of insubordination";

d. The undisputed evidence shows that Defendant employed, and continued to employ, a substantial number of persons over the age of 40 and therefore within the class of protected persons under the PHRA, which is indicative of a lack of intent or discriminatory motive on the part of Defendant;

e. It would appear that the Court misapprehended Defendant's Exhibit B, which confirms the ages of Defendant's employees as of December, 2008, in that the Court referred to that Exhibit apparently to support a finding that Defendant "intended to have a company, or at least the Clearfield store, made up of persons younger than Plaintiffs", when in fact that Exhibit

demonstrated that 58% of Defendant's employees were forty (40) years of age or older, and half of those employees were 50 or older;

f. The Court failed to consider that six of the thirteen employees hired after the terminations of Plaintiffs were over the age of forty, which disproves any intention to have a company consisting of younger people;

g. The Court failed to consider the fact that both Plaintiffs were older than forty when originally hired;

h. In finding that the termination of the Plaintiffs was motivated in part by their age, the Court failed to consider the uncontroverted evidence that Defendant's general manager had a good faith, honest belief, that the Plaintiffs were resistant to his policies and were insubordinate, which is contrary to the case law which precludes a court from second guessing the honestly held business judgments of employers and acting as a "super personnel manager". See **Riggs v. Airtran Airways**, 497 F.3d 1108 (10th Cir. 2007); **Martin v. Health Care & Retirement Corp.,** 67 Fed. Appx. 109 (3rd Cir. 2003) and **Fuentes v. Perskie,** 32 F.3d 759 (1994). In fact, both Plaintiffs admitted that the general manager could have reached the honest conclusion that they were disregarding his policies;

i. Both Plaintiffs admitted that they were well aware that they could be dismissed if they failed to comply with company policy. They did fail to comply, were openly insubordinate, and were consequently dismissed;

j. There is no evidence that the 1996 disciplinary policy was actually utilized by Defendants so as to lend credence to the argument that the Plaintiffs were treated differently that other employees;

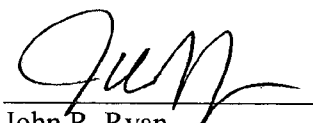
k. Further, that policy in no way can be construed to prohibit Defendant from summarily terminating any employee for open insubordination;

l. The Court found as fact that the Defendant's general manager promulgated an employment policy which was read to all employees and signed by all employees, including Plaintiffs. The Court found as fact that this policy contained clear language stating that failure to comply could result in termination of employment. The Court found as fact that Plaintiffs failed to comply and that their resistance rose to the level of insubordination. These findings are inconsistent with the Court's ultimate conclusion that the termination of Plaintiff's was motivated by their age. In fact the Court's own findings, under the applicable case law cited above, were sufficient as a matter of law to show that Plaintiff would have reached the decision to terminate the Plaintiffs regardless of their age, or as the Court put it "made the same decision anyway".

WHEREFORE, Defendant requests that the Court reconsider and reverse its determination that Defendant is liable to Plaintiffs, vacate its verdict and enter judgment in favor of the Defendant.

Respectfully submitted,

KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

CA

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

Type of Pleading:

POST TRIAL MOTION

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED
JUL 15 2011
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

PLAINTIFFS' POST TRIAL MOTION

AND NOW, comes the Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their POST TRIAL MOTION:

Background

1. That by opinion and Order, dated July 6, 2011, this Court found that defendant had violated the provisions of Pennsylvania's Human Relations Act in that it took into consideration each of the Plaintiffs' ages in terminating their employment.

2. This MOTION concerns various aspects of Plaintiffs' causes of action based upon such decision.

Count I: Reinstatement

3. That each Plaintiff had requested she be reinstated to her previous position with defendant. Attached hereto as Exhibits "A-1" and "A-2" are the relevant portions of each Plaintiff's requested relief from the CIVIL COMPLAINT concerning their respective

PHRA claims.

4. That pursuant to 43 P.S. 962 (c)(3) the Court of Common Pleas upon such finding may enter an ORDER (i) enjoining any future discrimination and (ii) reinstating such employees.

WHEREFORE, Plaintiffs request that Plaintiffs be ordered to be reinstated to their prior positions with commensurate pay and benefits; and that Defendant be enjoined from any future violations of the Pennsylvania Human Relations Act.

Count II: Attorney's Fees

5. That upon agreement of the parties, this Honorable Court entered an ORDER, dated September 11, 2009, in which the issue of attorney's fees was to be decided following the trial upon motion of the prevailing party. A true and correct copy of said ORDER is attached hereto as Exhibit "B".

6. That Plaintiffs, pursuant to said order as the prevailing parties, as well as pursuant to 43 P.S. §962(C)(C.2), should be awarded their counsel fees.

7. That each Plaintiff agreed to a contingency fee with their counsel based upon the outcome of this proceeding whereby counsel was to receive 1/3rd of the amount awarded, increasing to 40% if said amount is received following an appeal, with counsel fronting all costs.

8. Under the circumstances, such terms are standard and therefore reasonable.

9. In addition, if the Court elects to implement the Federal Standard concerning attorney's fees, Plaintiff's counsel also kept tract on an hourly basis in the event this

information was needed as it is.

10. Attached as Exhibit "C1" is Plaintiffs' counsel time records from the inception of this case with last entry made on July 15, 2009.

11. This "hard copy" 9 See Exhibit "C-1") was made upon defendant's discovery request subject matter of Plaintiffs' Motion for Protective Order, filed July 21, 2009, which resulted in the September 11, 2009 ORDER concerning Plaintiffs' request for attorney's fees and which lead to the entry of the ORDER attached as Exhibit "B".

12. On approximately June 10, 2010, counsel came in early to work on the impending briefing finding of facts, etc., prior to a scheduled hearing in another matter. In any event, apparently counsel did something to the computer file containing the time record for attorney's fees and the file was lost, namely saved an empty file. Thus, the only record for work performed up to that point is the information contained on Exhibit C-1".

13. Computer assistance was sought, including retrieval of the file from back-up (which should have retrieved up to the previous week info at least), but said file was also found to be empty. At such point, counsel started another file and it is current up to and including filing this motion with the first entry being June 10, 2010 as well as a note written contemporaneously with the events above described (as well as changed computer personnel).

14. In any event, counsel has no supporting records for the period of July 15, 2009 through June 9, 2010, which included pre-trial, trial and some post-trial work.

15. That Exhibit "C1" details 93.75 hours of work in this matter; while Exhibit "C2" details 57 hours of work from June 10, 2010 until present (filing of this motion).

16. Counsel avers that a conservative estimate for the time records which have been lost

is fifty (50) hours for pre-trial, trial and preliminary post-trial matters, bringing the estimated time to slightly over 200 hours of work performed in this case.

17. That counsel, at the time this case commenced, July, 2008, billed at the rate of $200 per hour, for a total of attorney's fees, on an hourly basis of in excess of $40,000, with additional time following verdict reasonably anticipated.

18. In addition to taxable costs, counsel also incurred an additional $2,500 in non-taxable costs for such items as travel, expert witness fees and records, which would typically be billed on an hourly basis.

19. That on a contingency fee basis, subject to adjustment as otherwise contained in this Motion, results in a fee of $45,960.63, commensurate with the hourly basis.

WHEREFORE, Plaintiffs request they be awarded attorney's fees of $45,960.63, with adjustments for interest and additional back pay as herein requested.

Count III: Additional Back Pay

20. That this Honorable Court determined that each Plaintiff was entitled to an award of back pay for the defendant's violation of the PHRA.

21. That the amount awarded to each Plaintiff is the amount of lost pay from the date of her termination until commencement of trial.

22. That 43 P.S. §962 (c) (3) each Plaintiff is entitled to back pay upon such finding of a violation of the PHRA.

23. That upon such finding, each Plaintiff's harm continued to accrue until they are offered reinstatement thereby ending the harm caused by the Defendant's unlawful

employment action. 43 P.S. §962 (c) (3). See also Goetz v. Norristown Area School District, 329 A.2d 579 (1974).

24. As to Plaintiff Trimpey, who as testified at trial initiated Social Secuirty payments, following her unemployment benefits, would have no offsetting income and her award can be mathmatically calulated in that back pay of $77,263.94, representing 902 days, or $85.66 per day.

25. That since the commencement of trial, until verdict, another 483 days lapsed, resulting in an additional loss, still accruing to Plaintuiff Trimpey, in the amount of $41,373.78.

26. As to Plaintiff Swatsworth, in that she was terminated two (2) days prior Plaintiff Trimpey, her back pay would be based on 904 days, or a per day basis of $67.06.

27. Similarly, Plaintiff Swatsworth has lost an additional $32,387.69 since the commencement of trial until July 6, 2010, with said loss still accruing but with an offset, to be determined at hearing concerning income she has earned from other gainful employment during said period.

WHEREFORE, each Plaintiff respectfully requests that their award of back pay be increased pursuant to 43 P.S. §962 (c) (3) until the date Defendant offers resintatement of their employment or the same is Ordered.

Count IV: Interest

28. That this Honorable Court also ORDERED that each Plaintiff be awarded interest.

29. That said interest should be awarded from August 20, 2007 for Plaintiff Trimpey and

August 18, 2007 as to Plaintiff Swatsworth. Goetz.

Count V: Mould Verdict

30. That contemporaneously with the filing of this MOTION, Plaintiffs have also presented a PRAECIPE TO TAX COSTS, detailing costs of $5,243.26, or $2,621.63 for each Plaintiff.

31. In addition to such costs, Plaintiffs respectfully request that each Plaintiff's verdict be moulded to reflect the issues herein presented of additional back pay, attorney's fees and interest and that such be entered as a judgments against Defendant and in favor of each Plaintiff..

WHEREFORE, Plaintiffs respectfully request their POST TRIAL MOTION be GRANTED and the herein requested relief so ordered.

Respectfully Submitted,

Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

COUNT I: **Swatsworth v. All Defendants;**
PHRA Cause of Action

22. That the averments of paragraphs 1 - 21, inclusive, are hereby incorporated as if again fully set forth at length.

23. That as of August 18, 2007, Mrs. Swatsworth was more than forty (40) years of age and as such, was protected against discrimination concerning her employment.

24. That the decision by Defendant Hinson, on behalf of Defendant Employer to terminate the employment of Mrs. Swatsworth, because of her age, violated 42 P.S. §951. et. seq., in particular §952(a) & (b); §953 and §955.

25. That when Defendant Hinson and Defendant Employer terminated Mrs. Swatsworth, without benefit of the discipline schedule set forth in Defendant Employer's employment handbook, as set forth in Exhibit "A", it also discriminated against her on the basis of her age, also in violation of 42 P.S. §952(a) & (b); §953 and §955 .

26. That as a direct and proximate result of these discriminatory acts of the Defendants, Mrs. Swatsworth did, and continues to suffer, economic losses from her lost wages and fringe benefits, in amounts to be determined at time of trial for which she should be fully compensated.

WHEREFORE, Plaintiff Swatsworth requests that a determination be made that Defendant Hinson and/or Defendant Employer discriminated against her based upon her age concerning her employment and that the following relief be afforded her pursuant to 43 P.S. §962(c)(3):

(1) Reinstatement of Mrs. Swatsworth to her prior employment;

(2) Granting of back pay to August 18, 2007, including fringe benefits;

Exhibit "A-1"

(3) **any other relief determined to be appropriate under the circumstances; and**

(4) **pursuant to 43 P.S. §962(c.2), Mrs. Swatsworth's reasonable attorney's fees.**

COUNT II: **Trimpey v. All Defendants;**
PHRA Cause of Action

27. That the averments of paragraphs 1 - 26, inclusive, are hereby incorporated as if again fully set forth at length.

28. That as of August 20, 2007, Mrs. Trimpey was more than forty (40) years of age and as such, was protected against discrimination concerning her employment.

29. That the decision by Defendant Hinson, on behalf of Defendant Employer to terminate the employment of Mrs. Trimpey, because of her age, violated 42 P.S. §951, et. seq., in particular §952(a) & (b); §953 and §955.

30. That when Defendant Hinson and Defendant Employer terminated Mrs. Trimpey, without benefit of the discipline schedule set forth in Defendant Employer's employment handbook, as set forth in Exhibit "A", it also discriminated against her on the basis of her age, also in violation of 42 P.S. §952(a) & (b); §953 and §955 .

31. That as a direct and proximate result of these discriminatory acts of the Defendants, Mrs. Trimpey did, and continues to suffer, economic losses from her lost wages and fringe benefits, in amounts to be determined at time of trial for which she should be fully compensated.

WHEREFORE, Plaintiff Trimpey requests that a determination be made that Defendant Hinson and/or Defendant Employer discriminated against her based upon her age concerning her employment and that the following relief be afforded

her pursuant to 43 P.S. §962(c)(3):

(1) Reinstatement of Mrs. Trimpey to her prior employment;

(2) Granting of back pay to August 18, 2007, including fringe benefits;

(3) any other relief determined to be appropriate under the circumstances; and

(4) pursuant to 43 P.S. §962(c.2), Mrs. Trimpey's reasonable attorney's fees.

Count III: **Swatsworth v. All Defendants;**
ADEA Cause of Action

32. That the averments of paragraphs 1 - 31, inclusive, are hereby incorporated as if again fully set forth at length.

33. That the defendants discriminated against Mrs. Swatsworth, in violation of the ADEA, specifically 29 U.S.C. 623(a)(1), when he, it or they terminated Mrs. Swatsworth aforementioned employment because, in whole or in part, or her age.

34. That the defendants discriminated against Mrs. Swatsworth, in violation of the ADEA, specifically 29 U.S.C. 623(a)(1), when he, it or they violated Defendant's employment practices in whole or in part because or her age.

35. That as a direct and proximate result of these discriminatory acts of the Defendants, Mrs. Swatsworth did, and continues to suffer, economic losses from her lost wages and fringe benefits, including future lost wages, in amounts to be determined at time of trial for which she should be fully compensated.

WHEREFORE, Mrs. Swatsworth requests that JUDGMENT be entered in her favor, and against each defendant, jointly and severally, in an amount in excess of Twenty Thousand Dollars ($20,000), together with interest, costs of suit, attorney's

CA

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY	:	
-vs-	:	No. 08-1667-CD
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	:	

FILED

SEP 11 2009

0/3:15/cc 6P

William A. Shaw

Prothonotary/Clerk of Courts

cert to Atty

1

Prem

ORDER

AND NOW, this 11th day of September, 2009, following argument on the Motion for Protective Order, and upon agreement of the parties that any claim for attorney's fees to be made by either party would be subsequent to trial and depending upon who would prevail at time of trial, it is the ORDER of this Court that any claim for attorney's fees subsequent to trial by either party shall be made in the form of a motion or petition. Said motion or petition shall attach as exhibit(s) to the same complete copies of all legal billing documents that will be relied on at time of hearing to support the claim for attorney's fees.

BY THE COURT,

Judge J. Ammerman

President Judge

Exhibit "B"

Date	Time	Re:
7/2/08	1.50hrs	Initial Conference w. Clnts.
7/5/08	2.25hrs	Rev. of Records frm. Clnts.
7/7/08	1.75hrs	Research Re: PHRA; letter to Clnts w. fee & author
7/14/08	0.25hrs	Letter to PHRC & EEOC
7/28/08	4.25hrs	Rev. of EEOC records
7/30/08	0.75hrs	Call w. EEOC; letter to Clnts
8/1/08	0.25hrs	Call w. Printbiz (EEOC records)
8/4/08	0.50hrs	Call w. Clnts Re: EEOC records
8/5/08	0.25hrs	Forward EEOC records to Clnts.; payment of bill
8/8/08	2.50hrs	Initial Draft of Complaint
8/9/08	0.50hrs	Rev. of PHRC letter, letter to PHRC
8/25/08	0.50hrs	Call w. Clnts; letter to EEOC
8/27/08	6.00hrs	Travel to and frm Pittsburgh; research on ADEA
8/28/08	1.75hrs	Finalize Comp.; letter to Clnts w. same
9/2/08	0.75hrs	Rev of EEOC Notes (per request, copies to Clnts w.note)
9/3/08	0.50hrs	Prep. Cov & NTD; rev verif, prep. complaint for filing
9/4/08	0.50hrs	Filing of Civil Comp arranging for Service of Process
9/5/08	0.75hrs	Letters to Att.Ryan w. copy of Comp; EEOC & PHRC Re: Notice of Complaint filing as required
9/12/08	0.25hrs	Rev of letter from Att. Ryan; prep Accept of Serv; letter to Attorney Ryan
9/16/08	0.25hrs	Rev. of letters frm EEOC Re: FOIA; copy to Clnts
9/16/08	0.25hrs	Rev. of FAX frm Att. Ryan; calls w. Clear Sheriff; Call w. Att. Ryan
9/18/08	0.25hrs	File ACCEPT SERV; pro letter & cert of serv; copies to Clnts
9/29/08	0.25hrs	Call w. Mrs. Swatsworth
10/16/08	0.50hrs	Rev. of Def. PO's; rev. of research & comp; copy to Clnts
10/22/08	1.50hrs	Rev. of letter frm Att. Mohney; rev. of Affidavit & consent frm Att. Ryan; research R.229 and 2229; call w. Clnt; prep. & serv. Praec to Disc (as to Def. Hinson) w/ pro letter & cert of serv.
11/17/08	0.25hrs	Rev of letters frm PHRC (dismissing case because suit filed) & giving notice of rights; copy sent to each client
11/17/08	0.75hrs	Rev. of Def's PO's; research on the same; retrieve cases
11/18/08	1.25hrs	Prep for & attend PO Argument; conference w. Clnts afterwards
11/215/08	0.25hrs	Rev of Crt. Order; copy to each client
12/2/08	0.25hrs	Rev of letter frm Att. Ryan; reply ot same w. "Exhibit "A"; copy to Clnts.
12/8/08	0.50hrs	Rev. of letter frm Att. Ryan; rev. of file; prep & file Praecipe to Add Exhibit "A" to Civil Complaint; letter to Pro w. same; copy to Att & Clnts.

Exhibit "C-1"

12/18/08	1.75hrs	Rev. of A NM & CC; copy to Clients; Research; Prep. and filing of POs as to CC w. Cert of Serv.
1/7/09	0.25hrs	Rev. of Def's POs to our POs; copy to Clnts; rev. of research
1/10/09	0.25hrs	Process Sheriff Return/Refund; copies to Clnt
1/25/09	0.50hrs	Research incl. Sheparding "Hoy"; prep for PO argument
1/26/09	1.00hrs	Attendance at argument on POs; conference w. Clnts following
1/27/09	1.75hrs	Drafting & filing of Brief in Support of PO's; research; copies to Clnts and Counsel
1/28/09	0.50hrs	Call w. Elaine; Re: updates about possible witnesses
1/30/09	0.25hrs	Rev. of Crt ORDER; copy to Clnts; note on schedule
2/4/09	0.50hrs	Research Re: "Bad faith" & PHRA; also checked but did not find anything relating to administrative agency determination impact on issue of "bad faith"
2/7/09	0.25hrs	Rev. of Defendant's Brief; copy to Clnts
2/9/09	2.25hrs	Drafting and filing of Reply Brief; research; copies to Clnts and Counsel
2/18/09	0.25hrs	Rev. of Def's reply brief; copy to Clnts; letter to Def. Att. Re: initial depositions
3/9/09	1.00hrs	Rev. of Def. Letters; call w. his office; Notice of Depositions; arrange for crt. rep., letter to Def. Att.; note to clnts.
3/23/09	1.25hrs	Rev. of letters & info frm Att. Ryan; rev of EEOC file and comparison thereto; calls w. EEOC (Messrs. Dean & Malley)
4/1/09	3.25hrs	Calls w. Clnts about depositions; prepare for deposition of John Rosselli
4/2/09	4.50hrs	Conference w. Clnts, before during and after Deposition; deposition of Defendant Pres.
4/11/09	1.50hrs	Rev. of Crt.Order; rev. of letter frm. Att. Ryan; rev. of file, prep of Rep2NM and Ans. to cc; letter to Clnts. with all and verif
4/15/09	3.75hrs	Filing of RNM & ACC; letter to Att. Ryan; rev. of depo transcript; filing of same; review of file; drafting of MT 2 COMP costs: $12.51 (copies); $9.66 (postage)
4/16/09	1.50hrs	Amend Mot2Comp; file same w. Pro letter; research costs: $9.33 (copies); $7.44 (postage)
4/18/09	0.25hrs	Rev. of letter frm Defense Counsel; copy to clnts. w. note ex. "denial of request to mediate" and req. to schedule conf to discuss strategy & direction
4/22/09	1.50hrs	Prep. First set of Discovery Requests; rev. file w. Note of Service and Pro. Letter. Costs: $5.94 (copies); $3.80(postage)

4/23/09	0.25hrs	Letter to Judge requesting conference; copies to Def. Counsel & Clnts.
4/23/09	0.50hrs	Rev. of Def's disc req., rev. of Def's letter; copies of each to clnts; call w. Def. Couns Re: Deposition scheduling issue; rev. of letters frm Clnts to me
4/27/09	0.25hrs	Rev. Res. to MOT2COMP; copies to Clnt., recheck case law
4/27/09	0.75hrs	Rev file & prep for Johnson Depo
4/28/09	2.25hrs	Attendance at Tish Johnson Depo; Conference w. Clnts following
4/29/09	0.25hrs	Rev Rule to Show Cause Re: MOT2COMP, prep & file NOT OF SERV; copies to Clnts & Def.Couns. $1.64 (Postage); $1.70 (copies)
4/30/09	0.25hrs	Rev of PI Statement Re: Former Manager Snyder; copy to Clnts, payment of bill ($PI Thomas $75) (Postage-$1.26)
5/5/09	0.25hrs	Call w. PSU-DuBois Re: Expert; call w. MD Choby (sp?) Re: economic damages to Clnts & possibly economic incentive to Def.; he is to send CV & will further discuss with him
5/6/09	0.25hrs	Call w. clnts to update status w. expert & start thinking jury vs. bench trial
5/7/09	0.50hrs	Call w. Elaine; rev. of expert1 CV; email to expert 1acknowledge receipt of CV and give update when I expect to needed info for him to performs tasks
5/8/09	0.75hrs	Rev. of Ms. Johnson depo transcript; copy to clnts copies-$3.82; postage $1.52
5/16/09	1.50hrs	Rev. of file in preparation of response to req.4prod /docs; prep response & letter to counsel
5/19/09	0.25hrs	Call w. potential expert (Annette Muth) explain case & needs, discuss her qualifications
5/29/09	0.75hrs	Initial rev. of defs answer to Int & Req for Prod.
5/30/09	0.50hrs	Further rev of Def's disc. responses
6/3/09	0.75hrs	Prep. for Arg on Motion to Compel; research; & rev. of Exp. resume; copy to Clnt; rev of Def's letter Re; depo; copy to Clnts.
6/3/09	1.25hrs	Conf w. Clnts Re: Motion to Compel, expert & Weir Depo; attendance at argument on Motion 2 Comp
6/3/09	1.25hrs	Conf w. Clnts Re: def's discovery responses and analysis of same
6/5/09	2.50hrs	Rev. of file; call w. Clnt Trimp.; issue Not of Depo; propound w. not of serv 2nd disc. req., letter to Def. couns

6/8/09	0.25hrs	Rev. of Def's Mot2Comp; scheduling of same & copies to Clnts
6/12/09	0.50hrs	Rev. of Scheduling ORDER; rev. of letter frm Def. Counsel; letter to him and copy of all to Clnts with note to call for dates depos.
6/17/09	4.50hrs	Research, rev. of file; prep, rev. and finalize Brief in Support of Motion to Compel, w. Cert of Serv., & letter to Crt. Admin.(will file on 6/23) Costs: $3.12(p); $5.94(c)
6/18/09	0.25hrs	Rev. of letter fr, Def. Counsel; copy to Clnts; rev of schedule
6/22/09	0.75hrs	Rev. of file, prep for depositions of Weir and replacement ees
6/23/09	3.75hrs	Attendance at Weir, Luzier & McGlaughlin depos; conference w. Clnts following
6/24/09	0.75hrs	Research Re; recent US Sup. Crt Decisions in ADEA claims
6/25/09	0.25hrs	Call w. Att. Ryan's office Re: Depos; call w. Clnts Re; dates for depos and appointment to prepare
6/26/09	0.50hrs	Rev of letter fr, Att. Ryan w/ add Hinson notes; letter to him w. Qs RE: notes and why not given earlier; copies of all to clnts
6/27/09	0.50hrs	Rev of Def's Not of Depos; call w. Clnt Trimp; research Re: termination due to lower. wages and health insr costs as evidence of discr.
6/30/09	0.50hrs	Research Re: Def's Motion to Compel i.e. "all exhibits" incl. "may use"
7/2/09	1.25hrs	Research, prep for argument on Def's Mot2Comp, attendance at same, conference w. clnts following
7/3/09	0.75hrs	Research Re: "burden of production"
7/4/09	0.50hrs	Research; work on Brief as to Def's M2COMP
7/8/09	0.50hrs	Rev. of Def's Brief in Opposition to MOT2COMP; rev (again) Murphy; rev of Plaintiff Brief
7/9/09	1.50hrs	Conference w. Clnts to prep for depos; update on Def's brief, etc.
7/11/09	1.75hrs	Rev. of file Re: Court Order to respond to MOT2COMP (Order not yet received but 15 days is approaching, need to get to copy center)
7/13/09	0.25hrs	Prep, file & serv-Not of Depo w. Not of Serv Re: Debbie Cleeton
7/14/09	0.50hrs	Research
7/15/09		Payment of inv ($122.73)-Way Copy Solutions;

NOTE: On June 10th at approximately 7:30 am, after working 45 minutes on proposed findings of facts, I went to update my billing and somehow deleted the entire file and somehow it corrupted even my back up file.

My recollection is that at some point prior to commencement of trial, I had added my hours as a matter of curiosity and totaled 112.?? to that point.

I also know that on Monday, June 7th and Tuesday the 8th, I had worked at least 6 hours mostly on proposed findings of fact but also researched and read one additional case which had caught my eye (Kay v. Simpson). On Wednesday, I had worked a total of 6.5 hours which included three sessions, including some evening work. With this in mind, noting that I have had computer people look to see what happened and can not offer any explanation, I shall start again with hopes that the file can somehow be retrieved and further noting at some point I had printed a hard copy of the hours which I hope I had given to Elaine and Karen.

6/10/10	0.75hrs	Work on Proposed Findings of Fact
6/10/10	1.25hrs	Work on Proposed Findings of Fact (Complete day 2 transc)
6/11/10	1.50hrs	Work on proposed findings of fact
6/14/10	1.75hrs	Work on proposed findings of fact
6/14/10	1.50hrs	Work on proposed findingsof fact (finish test. review)
6/14/10	1.50hrs	Work on proposed findings of fact; start to organize and clean up
6/15/10	6.25hrs	Bring Findings of Fact/Conclusions of Law to point for draft for Conf. w. Clnts and for their review
6/16/10	0.75hrs	Conf w. Clnts; research Re: "willful" violation
6/21/10	3.50hrs	Work on Brief; call w. Karen
6/21/10	4.75hrs	Work on Brief
6/22/10	7.50hrs	Work on Brief, research (Reeves and 3rd circuit); put finding of fact and conclusions of law in ready to go form
6/23/10	8.50hrs	Conclude work on Brief, finalize everything for filing.
6/24/10	0.25hrs	Filing of Post Trial materials, service by mail and hand
6/25/10	0.50hrs	Initial rev. of def's post trial msaterials
6/29/10	2.00hrs	Initial draft of Reply Brief and further rev of Def.'s post trial materials
6/29/10	2.50hrs	Finish First draft of Reply Brief, review
6/30/10	1.00hrs	Make Changes to Reply Brief, add cover page, exhibit & cert of serv w. letter to Crt. Admin, get ready for mailing on Friday.
6/30/10	0.75hrs	Calls w. Elaine & Karen; rework some sections of Reply Brief, ready for mailing
7/14/10	0.25hrs	Rev. of Def's Reply Brief
8/24/10	0.25hrs	Call w. each clnt . letting them know we haven't heard anything as of yet
9/2/10	0.25hrs	Rev of Crt's 5/14/10 ORDER (just received); copy to Clnts w. note
9/21/10	0.25hrs	Rev. of PHRC letter and Brief; copy to Clnts (Brief prev. sent)

Exhibit "C-2"

10/1/10	0.50hrs	Rev of file (looking for hard copy of time sheet) and retrieve copies of FF& brief for Plaintiffs and Defendant to make copies and send to PHRC Counsel in anticipation of decision and possible appeal
10/6/10	0.25hrs	Letter to PHRC Counsel w. FF,COL and Briefs (& replies): copy of letter to Clnts.
10/12/10	0.75hrs	Review of Brief in anticipation of decision and possible call from PHRC counsel
1/7/11	0.50hrs	Conf. w. clnts to rev options on non-decision (dclayed) and course of action (inaction) as to same
2/7/11	0.25hrs	Conversation w. Kim Weir (at Sheetz), mostly regarding her termination but also to determine, which she denies, that Def. put pressure on her to change test. Re: "Perkins meeting" (discussion more than being told Plains. were going to be terminated), She does again admit she was told at Perkins Plains were to be terminated and not a discussion (which changed at trial from depo).
2/8/11	0.25hrs	Call w. Elaine (Karen at work, Elaine will talk w. her) Re: Kim Weir conversation; also wanted them to know as Kim said she might send them a letter, which I encouraged, therefore Plains need to know it may be coming
3/14/11	0.25hrs	Blaise tells me he heard on NPR that Sup.Crt. (US?) "recently" decided case Re: "owner" liability for "supervisor's" discr. acts. Tried to locate but couldn't; call to (left message) to Att. Hardiman frm PHRC re: same. Since this at issue in this matter would like to review, possibly use as a means to stir the pot given delay
4/4/11	0.25hrs	-Call w. Karen & Elaine (not home, spoke with Fred, Elaine to call back) Re: Delay in case and "nudging the waters for a decision"
4/6/11	0.25hrs	Call w. Crt. Admin; calls w. Elaine and Karen Re: delay in decision
6/23/11	0.50hrs	Letter to Clnts. w. draft etter to Crt. Admin.
7/8/11	0.50hrs	Call w. Crt.Admin.; conf. w. clnts; call w. clnts
7/11/11	1.50hrs	Rev. of opinion; call w. Crt. Admin; call w. PHRC counsel (message); rev. of file; initial research re: interest; attorney's fees & reinstatement; appt. set w. clnts for Wednesday to discuss.
7/11/11	1.75hrs	Calls w. PHRC counsel & Elaine; work on Praec. 2 tax costs & Post Trial Motion
7/13/11	1.25hrs	Conf. w. clnts; research re: att. fees and backpay
7/14/11	2.00hrs	Finish post trl mot.; research; do cert. of servs for this and praec.; letters to prothonotary and counsel

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ,	)	

ORDER

AND NOW, this _____ day of _____, 2011, Plaintiffs' POST TRIAL MOTION is GRANTED. Furthermore, judgment in favor of Plaintiff Elaine G. Trimpey and against Defendant R & R Optical, Inc., d/b/a Wise Eyes Optical, is ORDERED to be entered in the amount of $_____, representing back pay of $_____; attorney's fees of $_____, interest of $_____, and costs of $2,621.23; and judgment in favor of Plaintiff Karen D. Swatsworth and against Defendant R & R Optical, Inc., d/b/a Wise Eyes Optical, is ORDERED to be entered in the amount of $_____, representing back pay of $_____; attorney's fees of $_____, interest of $_____, and costs of $2,621.23

By The Court,

_____
Judge

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

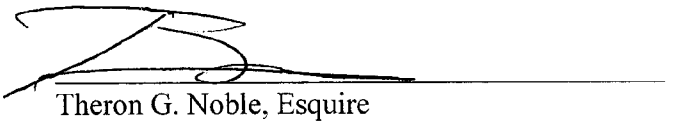
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 14th day of July, 2011, that I did mail a true and correct copy of Plaintiffs' POST TRIAL MOTION to the below indicated persons, being counsel of record for the Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667____-CD

Type of Pleading:

PRAECIPE TO TAX COSTS

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NO
cc
JUL 15 2011
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual,	)	
DEFENDANTS.	)	

PRAECIPE FOR COSTS TO BE TAXED

To: William A. Shaw, Prothonotary

Date: July 13, 2011

Please tax as costs the below listed items as costs ($5,243.26) to be awarded to Plaintiffs in the above captioned matter, allotting 1/2 of such costs ($2,621,63) to each Plaintiff:

Date	Payee	Nature	Payment	Amount
9/4/08	Prothonotary	Filing Fee	Ck.3499	$. 95.00
9/4/08	Clear.Sheriff	Service of Process	Ck.3500	$100.00
9/4/08	Centre .Sheriff	Service of Process	Ck.3501	$ 75.00
1/10/09	Sheriff (Clfd)	Service Refund	Cash	($ 59.00)
1/10/09	Sheriff (Centre)	Service Refund	Cash	($ 66.00)
4/15/09	Sargent's	Depo (Rosselli)	Ck.3812	$ 652.90
8/13/09	Sargent's Crt Rep.	Depo Transcripts	Ck.3932	$1,538.30
(Johnson, Weir, McGlaughlin, Luzier, Swatsworth, Trimpey & Cleeton Depos)				
9/26/09	Sargents	Depo Trans Hinson	Ck.4076	$ 867.30
11/22/09	Sargents	Depo (Grimme/Crepps)	Ck.4170	$ 396.50
1/6/10	Wm.Shaw, Pro	Subpoenae for trial	Ck.4246	$ 36.00

1/17/10	Jennifer Mitchell	Witness Fee	Ck.4268	$ 36.99
1/17/10	Beth Mitchell	Witness Fee	Ck.4266	$ 40.68
1/17/10	Lisa Glasgow	Witness Fee	Ck.4267	$ 26.90
1/18/10	EEOC	Pat Malley Witness Fee	Ck.4269	$ 66.15
2/2/10	Grimme	Witness Fee	Ck.4299	$ 35.87
2/2/10	Rosselli	Witness Fee	Ck.4294	$ 16.26
2/2/10	Weir	Witness Fee	Ck.4295	$ 16.26
2/2/10	Johnson	Witness Fee	Ck.4296	$ 16.26
2/2/10	Cleeton	Witness Fee	Ck.4297	$ 31.95
2/2/10	Hinson	Witness Fee	Ck.4298	$ 31.95
2/2/10	Creps	Witness Fee	Ck.4300	$ 52.55
2/3/10	Annette Muth	Expert Fees	Ck.4302	$ 150.00
5/3/10	Kathy Warrick	Trial Depo	Ck.4446	$ 271.36
5/3/10	BAK Reporting	Trial Depo	Ck.4447	$ 814.08

Total.....$5,243.26

Respectfully Submitted,

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

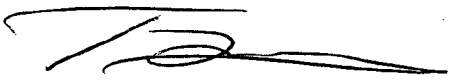
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667____-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 14th day of July, 2011, that I did mail a true and correct copy of Plaintiffs' PRAECIPE FOR COSTS TO BE TAXED to the below indicated persons, being counsel of record for the Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

KUBISTA & RYAN LLP
202 South Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO CC
JUL 15 2011
William A. Shaw
Prothonotary/Clerk of Courts

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

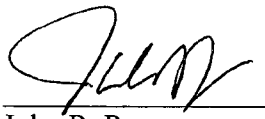
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Motion for Post-Trial Relief filed on behalf of Defendant in the above-captioned matter on the 14th day of July, 2011, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
Attorney for Plaintiffs
Via Regular First Class U.S. Mail

KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

CA

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

ORDER

AND NOW, this 15 day of July, 2011, upon consideration of the Motion for Post-Trial Relief filed by Defendant, it is the ORDER of this Court that said Motion be scheduled for argument the 14th day of September, 2011, at 3:00 o'clock p.m., Clearfield County Courthouse, Courtroom No. 1.

One-half (1/2) hour has been set aside for argument of this matter.

BY THE COURT:

Judge

FILED 3cc
01/2:35/01 Atty Ryan
JUL 19 2011
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 19 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/19/11

X 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:

CA

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ,	)	

RULE TO SHOW CAUSE

Now, this 18th day of July, 2011, upon consideration of the attached Plaintiffs' POST TRIAL MOTION a RULE is hereby issued upon the Defendant to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the 9th day of September, 2011, and hearing will be held on the 13th day of September, 2011, commencing at 3:00, P.M., Courtroom No.1, Clearfield County Courthouse.

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 SHOULD DO SO 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 ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. 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 CAN NOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,

Judge

FILED 1cc
JUL 19 2011 12:33 Atty Noble
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 19 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/19/11

X 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

FILED
JUL 22 2011
William A. Shaw
Prothonotary/Clerk of Courts

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals,
Plaintiffs

vs.

R&R OPTICAL, INC., d/b/a
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation,
Defendant

No. 08-1667-CD

ANSWER TO PLAINTIFFS' POST TRIAL MOTION

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

KUBISTA & RYAN LLP
202 South Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

ANSWER TO PLAINTIFFS' POST TRIAL MOTION

NOW COMES, R&R Optical, Inc., d/b/a Wise Eyes Optical, Defendant above named, and by its Attorneys, Kubista & Ryan LLP, and files its Answer to the Post Trial Motion of Plaintiffs as follows:

1. Admitted. By way of further response, the Court dismissed Plaintiffs' claims for relief under the Federal Age Discrimination in Employment Act (ADEA).

2. No response required.

Count I: Reinstatement

3. Admitted insofar as Plaintiffs did each seek reinstatement to her previous position as part of her prayer for relief.

4. Admitted insofar as the Court had the discretion to enjoin future discrimination and to order reinstatement. By way of further response, the Court clearly declined to grant either form of relief, and Plaintiffs' fail to state any reason why the Court's decision in this regard was an abuse of its discretion. Further, the Court did make findings relative to both the

state and federal claims of both Plaintiffs that they had been insubordinate and Defendant believes and therefore avers that such findings represent a basis for the Court declining to grant injunctive relief and reinstatement.

WHEREFORE, Defendant requests that Count I of Plaintiffs' Post Trial Motion be denied.

Count II: Attorney's Fees

5. No response required. The Court's Order of September 11, 2009, speaks for itself.

6. Denied. The order in questions does not state that the prevailing party is entitled to an award of counsel fees. Said order simply outlines the procedure under which such a claim would be determined. By way of further response, the statute in question states as follows:

> "If, after a trial held pursuant to subsection (c), the court of common pleas finds that a defendant engaged in or is engaging in any unlawful discriminatory practice as defined in the act, the court **MAY** award attorney fees and costs to the prevailing plaintiff." (Emphasis supplied).

It is clear from the above language that an award of counsel fees and costs is discretionary and is not an automatic remedy which must be granted.

7. Defendant is without knowledge as to the terms and conditions of any fee agreement between Plaintiffs and counsel, and no such agreement(s) are attached to Plaintiffs' Motion. The averments of Paragraph 7 are therefore denied and proof thereof demanded.

8. Denied for the reasons set forth at Paragraph 7 herein above.

9. Defendant believes and therefore avers that in any event and by any standard, Plaintiffs and counsel are required to show to the satisfaction of the Court that counsel has expended time and costs in order to recover.

10. Admitted insofar as Exhibit C1 purports to be time records compiled by counsel. By way of further response, a review of said records indicates that Plaintiffs in numerous areas seek to recover an award for fees incurred in disputing issues in an arbitrary and bad faith manner, and which issues were resolved in favor of Defendants, or for time expended as the result of errors and poor practices on the part of counsel for Plaintiffs.

11. Defendant is without knowledge as to the circumstances under which the said Exhibit was made, therefore the averments of Paragraph 11 are denied and proof thereof is demanded.

12. Defendant is without knowledge as to the averments of Paragraph 12, therefore the same are denied and proof thereof is demanded.

13. Defendant is without knowledge as to the averments of Paragraph 13, therefore the same are denied and proof thereof is demanded.

14. Defendant believes and therefore avers that without proof of time expended for the period in question, Plaintiffs cannot seek an award of fees for that period of time.

15. No response required. The said Exhibits speak for themselves.

16. Defendant is without knowledge as to the averments of Paragraph 16, therefore the same are denied and proof thereof is demanded. By way of further response, Defendant incorporates herein its response to Paragraph 14 herein above.

17. Defendant is without knowledge as to the averments of Paragraph 17, therefore the same are denied and proof thereof is demanded.

18. Defendant is without knowledge as to the averments of Paragraph 18, therefore the same are denied and proof thereof is demanded. By way of further response, Plaintiff has not provided any itemization of such "non-taxable costs" and therefore Defendant is unable to

admit or deny the same, nor can the court determine whether such costs were reasonably incurred.

19. Defendant is without knowledge as to the averments of Paragraph 19, therefore the same are denied and proof thereof is demanded.

WHEREFORE, Defendant requests that Count II of Plaintiffs' Post Trial Motion be denied.

Count III: Additional Back Pay

20. Admitted.

21. Admitted.

22. Denied. The relief to be granted to each Plaintiff upon a determination of a violation of the statute is within the discretion of the trial court.

23. Denied. The Court clearly in its discretion elected not to order the reinstatement of either Plaintiff, assumedly for the reasons stated herein above relating to the Court's determination that both Plaintiffs had been insubordinate and further relating to the Court's failure to grant relief pursuant to Plaintiffs' federal claims.

24. Denied for the reasons stated at Paragraph 23 herein above.

25. Denied for the reasons stated at Paragraph 23 herein above.

26. Denied for the reasons stated at Paragraph 23 herein above.

27. Denied for the reasons stated at Paragraph 23 herein above.

WHEREFORE, Defendant requests that County III of Plaintiffs' Post Trial Motion be denied.

Count IV: Interest

28. Admitted.

29. Admitted insofar as should the Court's decision in this matter be upheld on appeal, Plaintiffs would be entitled to interest on the unpaid damages as determined by the Court, and not as determined by Plaintiffs or by counsel.

WHEREFORE, Defendant requests that Count IV of Plaintiffs' Post Trial Motion be denied until final disposition of this matter by the appellate courts.

Count V: Mould Verdict

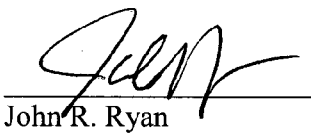
30. Admitted.

31. Denied for the reasons set forth herein above.

WHEREFORE, Defendant requests that Count V of Plaintiffs' Post Trial Motion be denied.

Respectfully submitted,

KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

FILED
JUL 22 2011
William A. Shaw
Prothonotary/Clerk of Courts

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

FILED No cc.
m 12:17 cm
JUL 25 2011
William A. Shaw
Prothonotary/Clerk of Courts

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08- 1667 -CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 22nd day of July, 2011, that I did mail a true and correct copy of the RULE TO SHOW CAUSE issued upon Plaintiffs' POST TRIAL MOTION to the below indicated persons, being counsel of record for the Defendant and PHRC's Counsel, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire Belin, Kubista & Ryan P.O. Box 1 Clearfield, PA 16830	Michael Hardiman, Chief Counsel c/o PHRC 301 Chestnut Street, Suite 300 Harrisburg, PA 17106-3145

Respectfully Submitted,

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

KUBISTA & RYAN LLP
202 South Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO
cc
AUG 02 2011
William A. Shaw
Prothonotary/Clerk of Courts

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

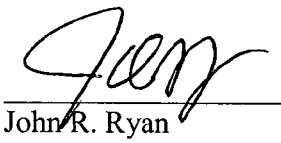
KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08-1667-CD
R&R OPTICAL, INC, d/b/a WISE EYES OPTICAL, a duly formed And existing Pennsylvania Corporation Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of the Answer to Plaintiffs' Post Trial Motion filed on behalf of Defendant in the above-captioned matter on the 26th day of July, 2011, to the following:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
Attorney for Plaintiffs
Via Regular First Class U.S. Mail

KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

FILED
AUG 02 2011
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

FILED No CC
10/10:56 am
OCT 03 2011
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

Filed on behalf of
Defendant

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law
Pa. I.D. 38739

KUBISTA & RYAN LLP
202 South Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972
(814) 765-9893

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

KAREN D. SWATSWORTH and ELAINE G. TRIMPEY, adult individuals, Plaintiffs	:	
vs.	:	No. 08 – 1667 – C.D.
R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation, Defendant	:	

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the Defendant's Brief in support of its Motion for Post Trial Relief and its response to the Plaintiffs' Post Trial Motion, in the above-captioned matter by regular mail on the 30th day of September, 2011, to the following:

The Honorable Charles C. Brown, Jr.
Senior Judge Specially Presiding
Judge's Chambers/courthouse Annex
108 South Allegheny Street
Bellefonte, PA 16823

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

KUBISTA & RYAN LLP

John R. Ryan
Attorney for Defendant

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

KAREN D. SWATSWORTH, and
ELAINE G. TRIMPEY, adult individuals;

PLAINTIFFS,

v.

R & R OPTICAL, INC., d/b/a/
WISE EYES OPTICAL, a duly formed
and existing Pennsylvania Corporation ;

DEFENDANT.

No. 08-__1667___-CD

Type of Pleading:

PRAECIPE TO ENTER JUDGMENT and TAX ADDITIONAL COSTS

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED
m/1:44/cc
DEC 14 2011
William A. Shaw
Prothonotary/Clerk of Courts

Atty Noble pd $20.00

Notice to Def. in case of John Ryan, Esq

GK

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals; PLAINTIFFS,	)	
	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; DEFENDANTS.	)	

PRAECIEP TO ENTER JUDGMENT AND TAX ADDITIONAL COSTS

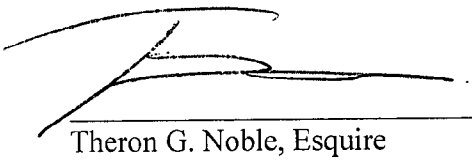
To: William A. Shaw, Prothonotary

Date: December 13, 2011

Pursuant to Pa. R. Civ. P. 227.4(b) Please enter JUDGMENT against Defendant R & R Optical, d/b/a Wise Eyes Optical in favor of Plaintiff Karen D. Swatsworth, in the amount of $60,617.96, plus costs of $2,621.68, and interest to be determined; and JUDGMENT against Defendant R & R Optical, d/b/a Wise Eyes Optical in favor of Plaintiff Elaine J. Trimpey, the amount of $77,263.94, plus costs of $2,621.68 and interest to be determined

Please also tax as costs the $20.00 filing fee associated with this filing.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	
	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 13th day of December, 2011, that I did mail a true and correct copy of Plaintiffs' PRAECIPE TO ENTER JUDGMENT AND TAX ADDITIONAL COSTS to the below indicated persons, being counsel of record for the Defendant and PHRC's Counsel, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Michael Hardiman, Chief Counsel
c/o PHRC
301 Chestnut Street, Suite 300
Harrisburg, PA 17106-3145

Respectfully Submitted,

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08- 1667 -CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ;	)	
DEFENDANT.	)	

NOTICE OF JUDGMENT

To: Defendant R & R Optical, Inc., d/b/a Wise Eyes Optical
c/o John Ryan, Esquire

Date: December 14, 2011

JUDGMENT has been entered against Defendant R & R Optical, d/b/a Wise Eyes Optical in favor of Plaintiff Karen D. Swatsworth, in the amount of $60,617.96, plus costs of $2,621.68, and interest to be determined; and JUDGMENT has been entered against Defendant R & R Optical, d/b/a Wise Eyes Optical in favor of Plaintiff Elaine J. Trimpey, the amount of $77,263.94, plus costs of $2,621.68 and interest to be determined

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
OFFICE OF THE PROTHONOTARY

FILED
013:00BY
JAN 03 2012
William A. Shaw
Prothonotary/Clerk of Courts

1 Certification to Atty Noble
Atty pd. $15.00
6K

Karen D. Swatsworth
Elaine G. Trimpey

Vs.

NO. 2008-01667-CD

R & R Optical, Inc.
Wise Eyes Optical

CERTIFICATION OF DOCKET ENTRIES AND JUDGMENT

I, William A. Shaw, Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

I further certify that a Judgment was entered on December 14, 2011, in the above captioned matter in favor of Plaintiff Karen D. Swatsworth and against Defendant R & R Optical, d/b/a Wise Eyes Optical, in the amount of $60,617.96, plus costs of $2,621.68 and interest to be determined; and Judgment in favor of Plaintiff Elaine J. Trimpey and against Defendant R & R Optical, d/b/a Wise Eyes Optical in the amount of $77,263.94, plus costs of $2,621.68 and interest to be determined.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court, on the 3rd day of January, A.D., 2012.

William A. Shaw
Prothonotary

BY: _____

Clearfield County Court of Common Pleas

ROA Report

Case: 2008-01667-CD

Current Judge: Charles C. Brown Jr.

Karen D. Swatsworth, et alvs.R & R Optical, Inc., et al

CIVIL ACTION

Date		Judge
9/4/2008	New Case Filed.	No Judge
	Filing: Civil Complaint Paid by: Noble, Theron G. (attorney for Swatsworth, Karen D.) Receipt number: 1925737 Dated: 9/4/2008 Amount: $95.00 (Check) For: Swatsworth, Karen D. (plaintiff) 6CC Atty Noble.	No Judge
	Case Filed.	Charles C. Brown Jr.
9/22/2008	Acceptance of Service, filed. I accept service of process, pursuant to PA.R.Civ.P. 402(b) of the Civil Complaint on behalf of Defendants R & R Optical Inc., d/b/a Wise Eyes Optical and Ralph Hinsonand, signed by s/ John Ryan Esq. (9/15/08) No CC.	No Judge
9/24/2008	Entry of Appearance, on behalf of Ralph Hinson, Defendant, enter appearance of Christopher E. Mohney, Esquire. no CC	No Judge
10/10/2008	Preliminary Objections, filed by s/ John R. Ryan, Esquire 4CC to Atty.	No Judge
10/13/2008	Order, this 13th day of Oct., 2008, upon consideration of Preliminary Objections, it is Ordered that Argument be scheduled the 19th day of Nov., 2008, at 10:00 A.M. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Ryan	Fredric Joseph Ammerman
10/14/2008	Certificate of Service, filed. Served a certified copy of Preliminary Objections filed on behalf of R & R Optical Inc d/b/a Wise Eyes Optical together with a certified copy of the Order Scheduling Argument by first class mail this 14th day of October 14, 2008 to Theron G. Noble Esq., and Christopher E. Mohney Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
10/23/2008	Praecipe to discontinue as to Defendant, Hinson, filed. Please mark the above captioned matter discontinued with prejudice only as to defendant RALPH HINSON, filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
11/24/2008	Order, AND NOW, this 19th day of November, 2008, following argument on Preliminary Objections filed on behalf of the Defendants, Order that said Preliminary Objection be and is hereby granted. Provisions of paragraph 12 of the Complaint are stricken as irrelevant and immaterial other than the fact that the said averments establish jurisdiction of the Court to proceed on the Plaintiff's claims. BY THE COURT: /s/Fredric J. Ammerman, P.J. One CC Attorneys Noble and Ryan	Fredric Joseph Ammerman
12/9/2008	Praecipe to Attach Exhibit "A" to Plaintiff's Civil Complaint. Filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
12/15/2008	Certificate of Service, filed. Served a certified copy of Answer, New Matter and Counterclaim by first class mail on the 15th day of December 2008 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
	Answer, New Matter and Counterclaim, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan	Fredric Joseph Ammerman
12/19/2008	Preliminary Objections to Answer, New Matter & Counterclaim, filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
12/29/2008	Defendant's Preliminary Objections to Preliminary Objections of Plaintiff, filed by s/John R. Ryan, Esq. Three CC Attorney Ryan	Fredric Joseph Ammerman
1/2/2009	Order, this 2nd day of Jan., 2009, upon consideration of Plaintiff's Preliminary Objections to Defendant's Counterclaim, and the Defendant's Preliminary Objections, it is Ordered that Argument be held on said filings on the 26th day of Jan., 2009, at 11:00 a.m. in Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Ryan	Fredric Joseph Ammerman

Clearfield County Court of Common Pleas
ROA Report
Case: 2008-01667-CD
Current Judge: Charles C. Brown Jr.
Karen D. Swatsworth, et alvs.R & R Optical, Inc., et al

CIVIL ACTION

Date		Judge
1/5/2009	Certificate of Service, filed. Served a certified copy of Defendant's Preliminary Objections to Preliminary Objection of Plaintiff together with a certified copy of the Order scheduling Argument by first class mail on the 5th day of January 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
1/28/2009	Order, this 26th day of Jan., 2009, following argument on the Preliminary Objections filed on behalf of the Plaintiffs to the Defendants' Counterclaim Seeking Attorney's Fees and the Defendants' Preliminary Objections, it is Ordered that counsel provide appropriate letter brief to the Court within no more that 15 days from this date. Within no more than 30 days from this date, both of counsel may file further letter brief in response to that of the opposing party. by the court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Noble, Ryan and Mohney	Fredric Joseph Ammerman
2/6/2009	Certificate of Service, filed. Served a true and correct copy of Defendant's Letter Brief on the 5th day of February 2009 to The Honorable Fredric J. Ammerman (via hand delivery) and Theron G. Noble Esq (via first class mail), filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
3/5/2009	Joint Praecipe to Amend Caption, filed by s/ Theron G. Noble Esq. and s/ John R. Ryan Esq. New caption: Karen D. Swatsworth and Elaine G. Trimpey, adult individuals Defendant Plaintiffs vs R & R Optical Inc., d/b/a Wise Eyes Optical, a duly formed and existing Pennsylvania Corporation 3CC Atty Ryan	Fredric Joseph Ammerman
4/8/2009	Order, this 8th day of April, 2009, Plaintiffs' Preliminary Objections to the Defendants' Counter-claim, are DISMISSED. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys; Ryan, Noble	Fredric Joseph Ammerman
4/16/2009	Reply to New Matter & Answer to Counter-claim, filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
	Transcript of Proceedings, dated April 2, 2009, filed. (see original). Deposition of John R. Rosselli.	Fredric Joseph Ammerman
4/17/2009	Motion to Compel, filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
4/21/2009	Certificate of Service, filed. Served a Request for Production of Documents submitted on behalf of of defendant on Theron G. Noble Esq. by United States mail on the 20th day of April 2009, filed by s/ John R. Ryan Esq. No CC.,	Fredric Joseph Ammerman
4/23/2009	Notice of Service, filed by Atty. Noble no c/c Mailed copy of Fisrt Set of Interrogatories and Request for Documents to Atty. Ryan.	Fredric Joseph Ammerman
4/24/2009	Response to Motion to Compel, filed by s/ John R. Ryan, Esquire. 4CC Atty. Ryan	Fredric Joseph Ammerman

Clearfield County Court of Common Pleas
ROA Report
Case: 2008-01667-CD
Current Judge: Charles C. Brown Jr.
Karen D. Swatsworth, et alvs.R & R Optical, Inc., et al

CIVIL ACTION

Date		Judge
4/24/2009	Rule to Show Cause, this 24th day of April, 2009, upon consideration of the Motion to Compel, a Rule is issued upon the Defendant. Rule Returnable for filing written response is set for the 14th of May, 2009, and hearing will be held on the 3rd of June, 2009 commencing at 11:00 a.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC atty. Noble	Fredric Joseph Ammerman
4/27/2009	Certificate of Service, filed. Served a certified copy of Responses to Motion to Compel by regualr mail on the 24th day of April 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
4/30/2009	Notice of Service, filed. This 29th day of APril 2009 mailed a true and correct copy of the Rule to Show Cause issued Plaintiffs' Motion to Compel to John Ryan Esq., via first class mail, filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
5/21/2009	Certificate of Service, filed. Served a copy of Defendant's Answer to Interrogatories and Defendant's Answer to Request for Production of Documents by regular mail on the 20th day of May 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Es. NO CC.	Fredric Joseph Ammerman
6/3/2009	Motion to Compel, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan	Fredric Joseph Ammerman
6/4/2009	Order this 4 day of June 2009 upon consideration of the foregoing Motion to Compel filed by defendants, rule is issued upon the plaintiff to appear and show cause why the relief requested therein should not be granted. Rule made returnable for argument the 2nd day of July 2009 at 2:00 pm in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Ryan.	Fredric Joseph Ammerman
6/5/2009	Order this 3rd day of June 2009, following argument on the Motion to Compel filed on April 17, 2009, on behalf of the Plaintiffs, it is the ORDER of this Court that counsel for the plaintiff shall have no more than twenty (20) days from this date to submit appropriate brief. The brief shall reference, by page number and line, each question of the deposition of John Rosselli that is at issue. The brief shall then state the Plaintiffs' legal position on why Plaintiffs believe that Mr. Rosselli should be mandated to answer the said questions over defense objections. Defense cousnel shall have no more that forth (40) days from this date in which to respond to the Plaintiffs' brief. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 2CC Attys: Noble and Ryan.	Fredric Joseph Ammerman
6/8/2009	Certificate of Service, filed. Served a certified copy of Motion to Compel and Order dated June 4, 2009 by regular mail on the 5th day of June 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
6/9/2009	Notice of Service, filed. This 6th day of June 2009 I did propound on Defendant Plaintiffs' Second Set of Discovery Requested (consisting of Interrogatories) by first class mail to John Ryan Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
6/25/2009	Certificate of Service, filed. Served a copy of Defendant's Supplemental Response to Plaintiff's First Request for Production of Documents by regular mail the 24th day of June 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
	Certificate of Service, filed. Sent a Notice of Deposition of Elaine G. Trimpey in the above-captioned matter by first class mail on the 25th day of June 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman

Clearfield County Court of Common Pleas

ROA Report

Case: 2008-01667-CD

Current Judge: Charles C. Brown Jr.

Karen D. Swatsworth, et alvs.R & R Optical, Inc., et al

CIVIL ACTION

Date		Judge
6/25/2009	Certificate of Service, filed. Sent a Notice of Deposition of Karen D. Swatsworth in the above-captioned matter by first class mail on the 25th day of June 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
7/2/2009	Certificate of Service, filed. Served a copy of Defendants's Answer to Second Set of Interrogatories by regular mail on the 2nd day of July 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
7/7/2009	Certificate of Service, filed. Served an original and two (2) copies of Defendants' Interrogatories Directed to Plaintiffs, Karen D. Swatsworth and Elaine G. Trimpey by regular mail on the 7th day of July 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
7/8/2009	Order, this 7th day of July, 2009, following argument on the Motion to Compel on behalf of the Defendant:, it is Ordered: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Noble and Ryan	Fredric Joseph Ammerman
7/14/2009	Notice of Service, filed. This 13th day of July 2009 that a Notice of Deposition (regarding Debbie Cleeton) via first class mail to John Ryan Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
7/20/2009	Response to Request For Production of Documents Pursuant to Court Order of July 7, 2009, with exhibits, filed by s/ Theron G. Noble, Esquire. no CC	Fredric Joseph Ammerman
7/21/2009	Motion For Protective Order, filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
7/23/2009	Order, this 22nd day of July, 2009, argument on Motion for Protective Order is scheduled for the 11th day of Sept., 2009 at 10:00 a.m. in courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Noble, Ryan.	Fredric Joseph Ammerman
7/28/2009	Transcript of Disposition of Elaine G. Trimpey, July 17, 2009, filed.	Fredric Joseph Ammerman
	Transcript filed. Deposition of Karen D. Swatsworth, July 16, 2009.	Fredric Joseph Ammerman
8/14/2009	Motion to Compel Response to Discovery, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan	Fredric Joseph Ammerman
	Order AND NOW, this 14th day of August 2009, upon consideration of the foregoing Motion, it is the ORDER of this Court that the Plaintiffs file their responses to the Interrogatories propounded by Defendant in no less than five (5) days from the date of this Order. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Ryan.	Fredric Joseph Ammerman
8/17/2009	Jury Trial Demand, filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
8/18/2009	Certificate of Service, filed. Served a certified copy of Motion to Compel Response to Discovery and Order by facsimile and regular mail on the 17th day of August 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
	Motion to Strike Request for Jury Trial, filed by s/John Ryan, Esq. Three CC Attorney Ryan	Fredric Joseph Ammerman
8/19/2009	Notice of Service, filed. This 18th day of August 2009 serve Answers to Defendants Interrogatories via United States Mail, first class to John Ryan Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman

Clearfield County Court of Common Pleas

ROA Report

Case: 2008-01667-CD

Current Judge: Charles C. Brown Jr.

Karen D. Swatsworth, et alvs.R & R Optical, Inc., et al

CIVIL ACTION

Date		Judge
8/19/2009	Order, this 19th day of August, 2009, upon consideration of the Defendants Motion to Strike Request for Jury Trial, a rule is issued upon the Plaintiffs. Rule Returnable for argument the 11th day of Sept., 2009, at 10:00 a.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Ryan	Fredric Joseph Ammerman
8/20/2009	Certificate of Service, filed. Served a certified copy of Motion to Strike Request for Jury Trial and Order by regular mail on the 20th day of August 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
8/24/2009	Notice of Service, on the 21st of August, 2009, (Amended) Answers to Defendant's Interrogatories with Verification was served on John Ryan, Esquire, via first class mail. Filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
8/28/2009	Notice of Service, filed. This 27th day of August 2009, that I did propound Plaintiffs' Third Set of Discovery Requests, consisting of Interrogatories; Requested for Admissions and Request for Production of Documents, via first class mail to John Ryan Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
9/11/2009	Order, this 11th day of Sept., 2009, following argument on the Motion for Protective Order it is Ordered that: (see original). By The court, /s/ Fredric J. Ammerman, Pres. Judge CC to Attys. Noble, Ryan	Fredric Joseph Ammerman
	Order, this 11th day of Sept., 2009, following argument on the Motion to Strike Demand for Jury Trial filed on behalf of the Defendant, it is Ordered that Plaintiff shall have no more than 10 days from this date in which to supply the Court with a letter brief relative the issues. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Attys Noble, Ryan	Fredric Joseph Ammerman
9/28/2009	Certificate of Service, filed. Served a copy of Defendant's Answers to Plaintiffs' Third Set of Interrogatories and a copy of Defendant's Answer to Request for Production of Documents by regular mail on the 24th day of September 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
10/1/2009	Notice of Service, filed. This 29th day of September 2009, mail a true and correct copy of Plaintiffs' Notice of Intent to Serve Subpoena via first class mail to John Ryan Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
10/2/2009	Order, this 2nd day of Oct., 2009, relative the Def.'s Motion to Strike Plaintiffs' Request for Jury Trial, the Court Orders: (see original). Defendant's Motion to Strike is GRANTED. The case shall be heard nonjury. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Noble, Ryan	Fredric Joseph Ammerman
10/13/2009	Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
10/26/2009	Certificate of Readiness for Non-Jury Trial, filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
10/29/2009	Motion For Summary Judgment, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan	Fredric Joseph Ammerman
10/30/2009	Order, NOW, this 30th day of October, 209, Court being in receipt of and having reviewed the Defendant's Motion for Summary Judgment filed October 29, 2009, Order that said Motion is Denied. BY THE COURT: /s/Fredric J. Ammerman, P.J. One CC Attorneys Noble and Ryan	Fredric Joseph Ammerman

CIVIL ACTION

Date		Judge
11/5/2009	Certificate of Service, filed. Served a certified copy of Defendant's Motion for Summary Judgment and Order dated October 30, 2009 by regular mail on the 5th day of November 2009 to Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Fredric Joseph Ammerman
12/4/2009	Order, this 3rd day of Dec., 2009, Non-Jury pre-trial conference is scheduled for Dec. 21, 2009 at 9:00 a.m. in Hearing Room 3. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Noble, Ryan	Fredric Joseph Ammerman
12/22/2009	Order, this 21st day of Dec., 2009, it is Ordered: 1. The non-jury trial of said case shall be held in Courtroom 2 on Feb. 9, 10, and 11, 2010 beginning at 9:00 a.m. on Feb. 9, 2010. 2. Pretrial motions, including motions in limine, shall be filed with the Clfd. Co. Court no later than 3:30 p.m. on Jan. 15, 2010. Briefs shall accompany motions that are filed. By The Court, /s/ Charles C. Brown, Jr., Senior Judge Specially Presiding	Charles C. Brown Jr.
1/8/2010	Motion in Limine, filed by s/ Theron G. Noble, Esquire. No CC	Charles C. Brown Jr.
1/15/2010	Motion in Limine, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan	Charles C. Brown Jr.
2/2/2010	Motion to Quash Subpoenas, filed by s/ John R. Ryan, Esquire. 5CC Atty. Ryan	Charles C. Brown Jr.
	Joint Stipulation, signed by Theron G. Noble, Esquire, Atty. for Plaintiffs; and John R. Ryan, Esquire, Attorney for Defendant. 3CC Atty. Ryan	Charles C. Brown Jr.
2/8/2010	Motion to Quash Subpoena, filed by s/ Lisa H. Hernandez, Esquire. 1CC Atty	Charles C. Brown Jr.
3/8/2010	Order, this 8th of March, 2010, following completion of testimony, it is Ordered that counsel have 45 days from receipt of a copy of the transcript within which to supply proposed Findings of Fact, proposed Conclusions of Law, and Briefs to the Court, with copies submitted to opposing counsel, and thereafter an additional 10 days within which to file a reply. By the Court, /s/ Charles C. Brown, Jr., Senior Judge, Specially Presiding. 2CC Attys: Noble, Ryan	Charles C. Brown Jr.
4/5/2010	Motion For Leave to File Brief Amicus Curiae and Brief of Amicus Curiae, Pennsylvania Human Relations Commission, In Support of Above-Captioned Plaintiffs, filed by s/Michael Hardiman, Chief Counsel, 3CC Atty. Hardiman	Charles C. Brown Jr.
5/11/2010	Transcript of Proceedings, filed. Nonjury Trial, Day 1 of 3, held before Charles C. Brown, Jr., Senior Judge, on Feb. 9, 2010 at 9:20 A.M.	Charles C. Brown Jr.
	Transcript of Proceedings, filed. Nonjury Trial, Day 2 of 3, held before Charles C. Brown, Jr., Senior Judge, on Feb. 11, 2010 at 9:00 a.m.	Charles C. Brown Jr.
	Transcript of Proceedings, filed. Nonjury Trial, Day 3 of 3, held before Charles C. Brown, Jr., Senior Judge, on Monday, March 8, 2010.	Charles C. Brown Jr.
6/2/2010	Order this 28th day of May 2010 upon agreement of the parties, transcripts have now been produced and filed, the dates, pursuant to this Court's March 8th ORDER, for the the parties to file their Proposed Findings of Fact, Conclusions of Law and Supporting Briefs are June 24th, and any Reply Brief due on July 5th respectively. BY THE COURT: /s/ Charles C. Brown Jr, Senior Judge. 2CC Attys: Noble and Ryan.	Charles C. Brown Jr.

Clearfield County Court of Common Pleas
ROA Report
Case: 2008-01667-CD
Current Judge: Charles C. Brown Jr.
Karen D. Swatsworth, et alvs.R & R Optical, Inc., et al

CIVIL ACTION

Date		Judge
6/24/2010	Certificate of Service, a copy of Defendant's Proposed Findings of Fact and Conclusions of Law and Defendant's Brief, served on the 23rd day of June, 2010 to The Honorable Charles C. Brown, Jr., and Theron G. Noble, Esquire, Via Regular First Class US Mail. Filed by s/ John R. Ryan, Esquire. No CC	Charles C. Brown Jr.
9/2/2010	Order, this 28th of April, 2010, Motion is GRANTED, and Penna. Human Relations Commission shall file the Amicus Curiae Brief attached to its Motion as Exhibit A on or before May 14, 2010. By The Court, /s/ Charles Brown, Sr. Judge. 1CC Attys; Noble, Ryan, Hardiman	Charles C. Brown Jr.
7/8/2011	Order/Verdict: AND NOW, July 6, 2011, after trial, Verdict is entered as follows: Plaintiff Karen D. Swatsworth is awarded the sum of $60,617.96, plus interest and costs. Plaintiff Elaine G. Trimpey is awarded the sum of $77,263.94, plus interest and costs. Compliance herewith is directed. BY THE COURT: /s/Charles C. Brown, Jr., S.J., Specially Presiding One CC Attorneys Noble and Ryan	Charles C. Brown Jr.
7/14/2011	Motion For Post-Trial Relief, filed by s/ John R. Ryan, Esq. 3CC Atty. Ryan	Charles C. Brown Jr.
7/15/2011	Post Trial Motion, filed by s/ Theron G. Noble, Esq. No CC	Charles C. Brown Jr.
	Praecipe to Tax Costs, filed by s/ Theron G. Noble, Esq. No CC	Charles C. Brown Jr.
	Certificate of Service, filed. Served a certified copy of the Motion for Post-trial Relief on the 14th day of July 2011 vis first class mail to Theron G. Noble Esq., filed by s/ John R Ryan Esq. No CC.	Charles C. Brown Jr.
7/19/2011	Order, this 15th of July, 2011, argument on Motion for Post-Trial Relief is scheduled for the 12th of Sept., 2011, at 3:00 p.m. Courtroom 1. By The Court, /s/ Fredric J Ammerman, Pres. Judge. 3CC Atty. Ryan	Charles C. Brown Jr.
	Rule, this 18th of July, 2011, Rule is issued upon the Def. Re: Post Trial Motion. Rule Returnable for filing written response is set for the 9th of Sept., 2011, and hearing will be held on the 12th of Sept., 2011 at 3:00 p.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Noble	Charles C. Brown Jr.
7/22/2011	Answer to Plaintiffs' Post Trial Motion, filed by Atty. Ryan 3 Cert. to Atty.	Charles C. Brown Jr.
7/25/2011	Certificate of Service, filed. This 22nd day of July 2011 mailed a true and correct copy of the Rule to Show Cause by first class mail to John Ryan Esq., and Michael Hardiman-Chief Counsel c/o PHRC, filed by s/ Theron G. Noble Esq. No CC.	Charles C. Brown Jr.
8/2/2011	Certificate of Service, filed. Served a certified copy of the Answer to Plaintiffs' Post Trial Motion on the 26th day of July 2011 to Theron G. Noble Esq via regualr first class mail, filed by s/ John R. Ryan Esq. No CC.	Charles C. Brown Jr.
10/3/2011	Certificate of Service, filed. Served a true and correct copy of the Defendant's Brief in Support of its Motion for Post Trial Relief and its response to Plaintiff's Post trial Motion by regular mail on the 30th day of September 2011 to The Honorable Charles C. Brown Jr., and Theron G. Noble Esq., filed by s/ John R. Ryan Esq. No CC.	Charles C. Brown Jr.

Clearfield County Court of Common Pleas
ROA Report
Case: 2008-01667-CD
Current Judge: Charles C. Brown Jr.

Karen D. Swatsworth, et alvs.R & R Optical, Inc., et al

CIVIL ACTION

Date		Judge
12/14/2011	Filing: Praecipe to Enter Judgment Paid by: Noble, Theron G. (attorney for Swatsworth, Karen D.) Receipt number: 1943256 Dated: 12/14/2011 Amount: $20.00 (Check) For: Swatsworth, Karen D. (plaintiff) Judgment in favor of Plaintiff Karen D. Swatsworth, and against Defendant R & R Optical, d/b/a Wise Eyes Optical, in the amount of $60,617.96, plus costs of $2,621.68 and interest to be determined; and Judgment in favor of Plaintiff Elaine J. Trimpey and against Defendant R & R Optical, d/b/a Wise Eyes Optical in the amount of $77,263.94, plus costs of $2,621.68 and interest to be determined. Filed by s/ Theron G. Noble, Esq. Notice to Def., in care of John Ryan, Esq.	Charles C. Brown Jr.

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

JAN 03 2012

Attest.

Prothonotary/
Clerk of Courts

FILED
JAN 03 2012
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINEG. TRIMPEY, adult individuals,

PLAINTIFFS,

v. : No. 08-1667-CD

R & R OPTICAL, Inc., d/b/a WISE EYES OPTICAL, a duly formed existing Pennsylvania Corporation,

DEFENDANT,

and

CLEARFIELD BANK AND TRUST COMPANY:

GARNISHEE.

FILED 1cc & 6 writs to Sheriff
01/09/2012
JAN 19 2012
William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 20.00
GK

PRAECIPE FOR WRIT OF EXECUTION

To: William A. Shaw, Prothonotary
Date: January 18, 2012

Please issue a WRIT OF EXECUTION in the above captioned matter,

(1) Directed to the Sheriff of Clearfield County;
(2) Against R & R OPTICAL, Inc., d/b/a WISE EYES OPTICAL, defendant;
(3) Against Clearfield Bank and Trust Company, garnishee; and
(4) Enter this writ in the judgment index:
  (a) against R & R OPTICAL, Inc., d/b/a WISE EYES OPTICAL, Defendant, and
  (b) against Clearfield Bank and Trust Company, garnishee; as an attachment against all personal property of R & R OPTICAL, INC., d/b/a WISE EYES OPTICAL in the custody, possession or control, including but not limited to all bank accounts,
(5) Amount due.....$137,881.90
  Interest from 9/4/08.....$ 27,878.57
  Costs due.....$ 5,317.36
  Plus Additional Costs and Interest.....$to be determined

  Total.....$171,077.83, plus additional costs and interest.

Prothonotary costs 150.00

Respectfully Submitted,

Theron G. Noble, Esquire
Attorney for Plaintiffs
Pa. I.D.#: 55942
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221

08-1667-CD

WRIT OF EXECUTION

Commonwealth of Pennsylvania
County of Clearfield

To the Sheriff of Clearfield County:

To satisfy the judgment, interest and costs against R& R OPTICAL, Inc., d/b/a WISE EYES OPTICAL, Defendant,

(1) you are directed to levy upon the property of the defendant and to sell the defendant's interest therein;

(2) you are also directed to attach the property of the defendant not levied upon in the possession of Clearfield Bank and Trust Company, as garnishee, consisting of all personal property of Defendant in the custody, possession, or control including, but not limited to, all bank accounts, and to notify the garnishee that

(a) an attachment has been issued;

(b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof;

(c) the attachment shall not include

(i) the first $10,000 of each account of the defendant with a bank or other financial institution containing any funds which are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(ii) each account of the defendant with a bank or other financial institution in which funds on deposit exceed $10,000 at any time if all funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law.

(iii) any funds in an account of the defendant with a bank or other financial institution that total $300 or less. If multiple accounts are attached, a total of $300 in all accounts shall not be subject to levy and attachment as determined by the executing officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42 Pa.C.S.§ 8123.

(3) if property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

Amount due	$137,881.90
Interest from 9/4/08	$ 27,878.57
Costs to be added	$ 5,317.36
Plus Additional Costs and Interest	$to be determined

Prothonotary costs 150.00

11/9/12

William A. Shaw, Prothonotary

Seal of the Court

By_____
(Deputy)

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals; PLAINTIFFS, v. R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation ; and RALPH HINSON, an adult individual, DEFENDANTS.	No. 08-1667-CD Type of Pleading: **DISCOVERY IN AID OF EXECUTION** Filed By: **Plaintiffs** Counsel of Record: Theron G. Noble, Esquire Ferraraccio & Noble 301 East Pine Street Clearfield, PA 16830 (814)-375-2221 PA I.D.#: 55942

FILED NO CC
01/15/2010
JAN 19 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

KAREN D. SWATSWORTH, and ELAINE G. TRIMPEY, adult individuals;	)	
PLAINTIFFS,	)	No. 08-__1667___-CD
v.	)	
R & R OPTICAL, INC., d/b/a/ WISE EYES OPTICAL, a duly formed and existing Pennsylvania Corporation	)	
DEFENDANT.	)	

To: William A. Shaw, Prothonotary

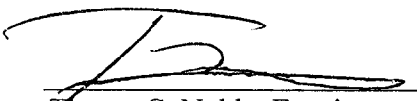
Date: January 19, 2012

NOTICE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiffs, does hereby certify this 27th day of August, 2009, that I did propound Plaintiffs' DISCOVERY IN AID OF EXECUTION, on the below indicated person, being counsel of record for Defendant, via United States Mail, first class, postage prepaid, as follows:

John Ryan, Esquire
Belin, Kubista & Ryan
P.O. Box 1
Clearfield, PA 16830

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
PA I.D.#: 55942
(814)-375-2221

To Deputy 1/19/2012

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-~~167~~-CD

KAREN D. SWATSWORTH and ELANE G. TRIMPEY 1067

vs SERVICE # 1 OF 1

R & R OPTICAL, INC. d/b/a WISE EYES OPTICAL, a duly fomed existing Pennsylvania Corporation

TO: CLEARFIELD BANK AND TRUST COMPANY, Garnishee

WRIT OF EXECUTION, INTERROGATORIES

SERVE BY: 04/17/2012 HEARING: PAGE: 109254

DEFENDANT: CLEARFIELD BANK AND TRUST COMPANY, Garnishee
ADDRESS: 11 N. 2ND ST.
CLEARFIELD, PA 16830
ALTERNATE ADDRESS

SERVE AND LEAVE WITH: GARNISHEE

FILED
01 2:12 pm
FEB 03 2012
William A. Shaw
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDESS IS: VACANT OCCUPIED

	Date	Time	Results	Date	Time	Results
ATTEMPTS:	____/____		____	____/____		____
	____/____		____	____/____		____

SHERIFF'S RETURN

NOW, 02-03-2012 AT 0930 AM / PM **SERVED** THE WITHIN

WRIT OF EXECUTION, INTERROGATORIES ON CLEARFIELD BANK AND TRUST COMPANY, Garnishee, DEFENDANT

BY HANDING TO MELISSA BISHOP / Asst. Comm. OFFICE MANAGER

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

ADDRESS SERVED 11 NORTH 2ND. STREET. CLEARFIELD, PA. 16830
( )Residence (X)Employment ( ) Sheriff's Office ( ) Other

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

WRIT OF EXECUTION, INTERROGATORIES FOR CLEARFIELD BANK AND TRUST COMPANY, Garnishee

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO CLEARFIELD BANK AND TRUST COMPANY, Garnishee

REASON UNABLE TO LOCATE _____

So Answers: CHESTER A. HAWKINS, SHERIFF

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2012

BY: _____
Deputy Signature

MARK A. COUDRIET
Print Deputy Name

_____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 109254
NO: 08-~~167~~-CD
SERVICES 1 1667
WRIT OF EXECUTION, INTERROGATORIES

PLAINTIFF: KAREN D. SWATSWORTH and ELANE G. TRIMPEY
vs.
DEFENDANT: R & R OPTICAL, INC. d/b/a WISE EYES OPTICAL, a duly fomed existing Pennsylvania Corporation
TO: CLEARFIELD BANK AND TRUST COMPANY, Garnishee

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NOBLE	4867	10.00
SHERIFF HAWKINS	NOBLE	4867	20.50

Sworn to Before Me This

_____ Day of _____ 2012

_____

So Answers,

Chester A. Hawkins
Sheriff

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

KAREN D. SWATSWORTH, and ELAINEG. TRIMPEY, adult individuals,	:	
PLAINTIFFS,	:	
v.	:	No. 08-1667-CD
R & R OPTICAL, Inc., d/b/a WISE EYES OPTICAL, a duly formed existing Pennsylvania Corporation,	:	
DEFENDANT,	:	
and	:	
CLEARFIELD BANK AND TRUST COMPANY	:	
GARNISHEE.	:	

FILED (2)
FEB 17 2012
m/ 8:45/c
William A. Shaw
Prothonotary/Clerk of Courts
No c/c

PRAECIPE

To: William A. Shaw, Prothonotary
Date: February 13, 2012

As to Garnishee Clearfield Bank and Trust Company, please mark the above captioned case ended, settled and forever discontinued, with prejudice.

As to Defendant R & R Optical, Inc., Wise Eyes Optical, please mark the judgment, SATISFIED.

Respectfully Submitted,

Theron G. Noble, Esquire
Attorney for Plaintiffs
Pa. I.D.#: 55942
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221

FILED
FEB 17 2012
William A. Shaw
Prothonotary/Clerk of Courts

FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

William A. Shaw, Prothonotary
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830

February 13, 2012

Re: Swatsworth & Trimpey v. R & R Optical, et.al.;
08-1667-CD
Praecipe

Dear Mr. Shaw:

Please find enclosed and proceed to file Plaintiffs'PRAECIPE. This praecipe requests that you discontinue this matter as to garnishee Clearfield Bank and Trust Company, while marking the judgment as to the defendant satisfied.

I have also enclosed a check for $7, representing the filing fee in this matter.

As always, your efforts are greatly appreciated.

With regards, I am

Sincerely,

Theron G. Noble, Esquire

tn/TGN w.encl
cc: Mrs. Karen D. Swatsworth w.encl.
Mrs. Elaine G. Trimpey w.encl.
John Ryan, Esquire w.encl.

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

UNIFUND CCR PARTNERS, et al	*	NO. 2008-1677-CD
Plaintiffs	*	
vs.	*	
LISA A. IRWIN	*	
Defendant	*	

ORDER

NOW, this 25th day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over four years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

NoCC
2 01 9:09cm
JUL 28 2013
S William A. Shaw
Prothonotary/Clerk of Courts
GK

ORIGINAL