

08-1803-CD
Scott Moore et al vs Norbert Snell

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
JUDICIAL DISTRICT

446th

NOTICE OF APPEAL

FROM

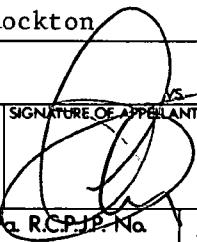
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

08-1803-CD

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.	
SCOTT MOORE and LINDA MOORE		46-3-01	
ADDRESS OF APPELLANT		CITY	ZIP CODE
1322 Spruce Hill Road		Rockton	15856
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)	(Defendant)	
09/08/08	Scott Moore, et al.	vs Norbert Snell	
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV 0000246-08			
LT			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>			
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. _____) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

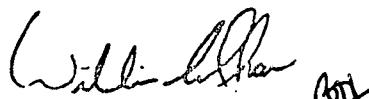
RULE: To _____, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: September 23, 2008



Signature of Prothonotary or Deputy

FILED Atty pd.
M/11/2008 95.00
SEP 23 2008 Cepies to: Atty Blakley
William A. Shaw
Prothonotary/Clerk of Courts
Def
MSS Ford

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

- a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, _____ by personal service by (certified) (registered) mail, sender's receipt attached hereto.
- and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

H.L.C.

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 08-1803-13

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT TOMAS COOK and MINDI COOK		MAG. DIST. NO. OR NAME OF D.J. 18-1-01		
ADDRESS OF APPELLANT 1022 Spruce Mill Road		CITY Prothonotary	STATE Pennsylvania	ZIP CODE 15606
DATE OF JUDGMENT 09/08/08	IN THE CASE OF (Plaintiff) Debbie Cook, et al.	vs. Plaintiff(s) (Defendant) Husband Et al.		
CLAIM NO. CV 100016-0	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
LT	/			

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. _____) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: September 23, 2008.

Willie Cook

Signature of Prothonotary or Deputy

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

- a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on
(date of service) _____, by personal service by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) _____, on _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.
- and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on _____, by personal service by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____,

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____,

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE
PO BOX 452
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

**MOORE, SCOTT, ET AL.
1322 SPRUCE HILL ROAD
ROCKTON, PA 15856**

NAME and ADDRESS

DEFENDANT:

**SNELL, NORBERT
706 ORIENT AVENUE
DUBOIS, PA 15801**

NAME and ADDRESS

VS.

Docket No.: **CV-0000246-08**
Date Filed: **6/03/08**



**SCOTT MOORE
1322 SPRUCE HILL ROAD
ROCKTON, PA 15856**

THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

(Date of Judgment) **9/08/08**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) SNELL, NORBERT	<table border="0"> <tr> <td>Amount of Judgment</td> <td>\$.00</td> </tr> <tr> <td>Judgment Costs</td> <td>\$.00</td> </tr> <tr> <td>Interest on Judgment</td> <td>\$.00</td> </tr> <tr> <td>Attorney Fees</td> <td>\$.00</td> </tr> </table>	Amount of Judgment	\$.00	Judgment Costs	\$.00	Interest on Judgment	\$.00	Attorney Fees	\$.00
Amount of Judgment		\$.00							
Judgment Costs	\$.00								
Interest on Judgment	\$.00								
Attorney Fees	\$.00								
<input checked="" type="checkbox"/> Judgment was entered against: (Name) MOORE, SCOTT, ET AL. in the amount of \$.00									
<input type="checkbox"/> Defendants are jointly and severally liable.	Amount of Judgment \$.00								
<input type="checkbox"/> Damages will be assessed on Date & Time _____	Judgment Costs \$.00								
<input type="checkbox"/> This case dismissed without prejudice.	Interest on Judgment \$.00								
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____	Attorney Fees \$.00								
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____	Total \$.00								
	Post Judgment Credits \$ _____								
	Post Judgment Costs \$ _____								
	Certified Judgment Total \$ _____								

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

9-8-08 Date Patrick N. Ford, Jr., Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-07

DATE PRINTED: **9/08/08 10:09:00 AM**

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: CLEARFIELD

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
PO BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

MOORE, SCOTT, ET AL.
1322 SPRUCE HILL ROAD
ROCKTON, PA 15856

NAME and ADDRESS

DEFENDANT:

SNELL, NORBERT
706 ORIENT AVENUE
DUBOIS, PA 15801

NAME and ADDRESS

2008-1803-C0

VS.

PATRICK N. FORD
309 MAPLE AVENUE
PO BOX 452
DUBOIS, PA 15801

Docket No.: **CV-0000246-08**
Date Filed: **6/03/08**



THIS IS TO NOTIFY YOU THAT:

Judgment: **FOR DEFENDANT**

(Date of Judgment) **9/08/08**

- Judgment was entered for: (Name) **SNELL, NORBERT**
- Judgment was entered against: (Name) **MOORE, SCOTT, ET AL.**
in the amount of \$ **.00**
- Defendants are jointly and severally liable.
- Damages will be assessed on Date & Time _____
- This case dismissed without prejudice.
- Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127
\$ _____
- Portion of Judgment for physical damages arising out of
residential lease \$ _____

Amount of Judgment	\$.00
Judgment Costs	\$.00
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$.00
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total \$ _____	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

FILED

SEP 26 2008 *6:00*

~12:00/

William A. Shaw
Prothonotary/Clerk of Courts

9-8-08 Date *Patrick N. Ford-PNF*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, Magisterial District Judge

My commission expires first Monday of January, **2012**

SEAL

AOPC 315-07

DATE PRINTED: **9/08/08 10:09:00 AM**

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: _____

CIVIL COMPLAINT

Mag. Dist. No.:

46-3-01

DJ Name: Hon. _____

PATRICK N. FORD
Address: _____

309 Maple Avenue
P. O. Box 452, DuBois, PA 15801
Telephone: (814) 371-5321

PLAINTIFF:

NAME and ADDRESS

SCOTT MOORE and LINDA MOORE
1322 Spruce Hill Road
Rockton, PA 15856

DEFENDANT:

NAME and ADDRESS

NORBERT SNELL
706 Orient Avenue
DuBois, PA 15801

VS.

Docket No.: CW-24608
Date Filed: 6/3/08

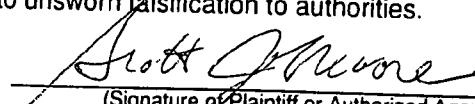


	AMOUNT	DATE PAID
FILING COSTS	\$ 130.00	6/13/08
SERVING COSTS	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 6,148.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Amount sought represents damages to trees, for replanting of thirty-two (32) white pine trees improperly removed by the Defendant during the summer of 2006.

I, Scott Moore, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.


(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: Benjamin S. Blakley, III, Esquire Address: 90 Beaver Drive, Box 6
Telephone: (814) 371-2730 DuBois, PA 15801

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

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

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.
Plaintiffs, :
vs. : Type of Case: CIVIL ACTION
NORBERT SNELL, :
Defendant. : Type of Pleading:
: COMPLAINT
: Filed on Behalf of: PLAINTIFFS
: SCOTT MOORE and LINDA MOORE
: Counsel of Record:
: BENJAMIN S. BLAKLEY, III, ESQ.
: Supreme Court No. 26331
: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: Du Bois, Pa 15801
: (814) 371-2730

FILED NOCC
m110:53/84
OCT 07 2008
GW
S William A. Shaw
Prothonotary/Clerk of Courts

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

SCOTT MOORE and LINDA MOORE,	:	NO. 08 - 1803 - C.D.
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
NORBERT SNELL,	:	
	:	
Defendant.	:	

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint is 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 an order may be entered against you by the Court without further notice for any money claimed in the Complaint requested by Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Daniel J. Nelson, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.

Plaintiffs, :

vs. :

NORBERT SNELL, :

Defendant. :

COMPLAINT

AND NOW, comes the Plaintiffs, **SCOTT MOORE and LINDA MOORE**, by and through their attorneys **BLAKLEY & JONES** and files the following Complaint of which the following is a statement:

1. The Plaintiffs are **SCOTT MOORE and LINDA MOORE**, husband and wife, residing at 1322 Spruce Hill Road, Rockton, Clearfield County, Pennsylvania.
2. The Defendant is **NORBERT SNELL**, an adult individual residing at 706 Orient Avenue, DuBois, Clearfield County, Pennsylvania.
3. That at all times material hereto, the Plaintiffs were the owners of real property located at on McCracken Run Road, DuBois, Clearfield County, Pennsylvania.
4. The Defendant's real property borders the real property of the Plaintiffs.
5. In 2006, the Plaintiffs had growing on their real property, thirty-two (32) white pine trees and four (4) white birch trees.

6. That in the summer of 2006, Defendant entered upon the lands of the Plaintiffs and did cut down or otherwise remove the thirty-two (32) white pine trees and four (4) white birch trees, each having diameters in excess of six (6) inches.

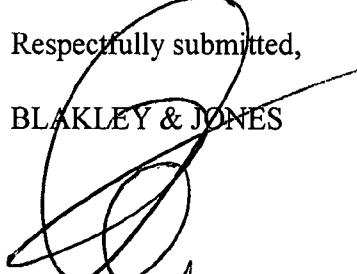
7. That the actions of the Defendant in entering upon the lands of the Plaintiffs were without the permission of the Plaintiffs and with said actions constituting a trespass upon the lands of the Plaintiffs.

8. The Plaintiffs aver that the values of the trees removed by the Defendant was Nine Thousand Six Hundred Seventy-Two Dollars and Fifty Cents (\$9,672.50). A copy of McDonald Lawn & Landscape is attached hereto and made a part hereof.

9. The Defendant knew that the Plaintiffs did not permit the Defendant to enter upon the lands of the Plaintiffs and to cut or remove any standing timber or other vegetation.

10. The actions of the Defendant in the removal of the Plaintiffs' white pine and birch trees was deliberate, entitling the Plaintiffs to three times the market value of the trees cut in accordance with the provisions of 42 Pa. C.S.A. 8311.

WHEREFORE, Plaintiff demands judgment in their favor and against the Defendant in the amount of \$20,000.00, together with interest and costs of suit.

Respectfully submitted,
BLAKLEY & JONES


Benjamin S. Blakley, III
Attorney for Plaintiffs

VERIFICATION

We, **SCOTT MOORE** and **LINDA MOORE**, hereby state that we are the Plaintiffs in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of our knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: Oct 2 2008

Scott Moore
SCOTT MOORE

Dated: Oct 2 2008

Linda Moore
LINDA MOORE

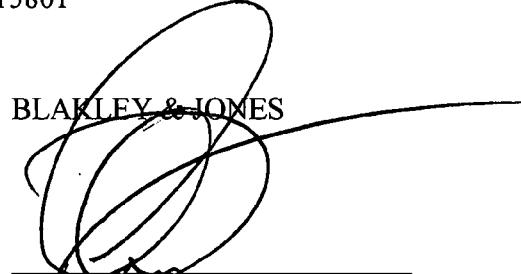
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.
:
Plaintiffs, :
:
vs. :
:
NORBERT SNELL, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I served a true and correct copy of Plaintiffs' Complaint on the Defendant on the 16th day of October, 2008, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Norbert Snell
706 Orient Avenue
DuBois, PA 15801



Benjamin S. Blakley, III
Attorney for Plaintiffs

McDonald Lawn & Landscape
 PO Box 42
 Curwensville, PA 16833
 Phone # 814-236-1602

Estimate

Date	Estimate #
11/19/2007	423

Name / Address
Linda Moore P.O. Box 217 Curwensville, PA 16833

Description	Qty	Rate	Total
32 white pine trees 6'	32	125.00	4,000.00T
Labor planting trees with soil amendments	20	90.00	1,800.00T
4 white birch 6" caliper	4	700.00	2,800.00T
Labor planting 4 birch trees 6" caliper	7	75.00	525.00T
		Subtotal	\$9,125.00
		Sales Tax (6.0%)	\$547.50
		Total	\$9,672.50

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

SCOTT MOORE and LINDA MOORE, : No. 08-1803 C.D.
Plaintiffs :
vs. : Type of Pleading: Answer to Complaint
NORBERT SNELL, :
Defendant : Filed on behalf of: Norbert Snell,
Defendant :
: HOPKINS HELTZEL LLP
: DAVID J. HOPKINS, Esquire
: Attorney at Law
: Supreme Court No. 42519
: LEA ANN HELTZEL, Esquire
: Attorney at Law
: Supreme Court No. 83998
: 100 Meadow Lane, Suite 5
: DuBois, Pennsylvania 15801
: (814) 375-0300

FILED NOCC
S 01/39/01
OCT 17 2008
B
William A. Shaw
Prothonotary/Clerk of Courts

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

SCOTT MOORE and LINDA MOORE, :
Plaintiffs :
: :
vs. : No. 08-1803 C.D.
: :
NORBERT SNELL, :
Defendant :
:

ANSWER TO COMPLAINT

AND NOW, comes Defendant, Norbert Snell, by and through his attorneys, Hopkins Heltzel LLP and files the within Answer to Plaintiffs' Complaint and in support thereof says:

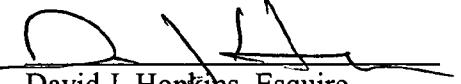
1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied. Plaintiffs had a few tree growing on their property.
6. Denied. Defendant admits entering onto the lands of Plaintiffs and cutting four (4) pine trees that were about to fall on Plaintiffs' land.
7. No answer is required of this paragraph inasmuch as it calls for a legal conclusion. To the extent that an answer is required, same is denied.
8. Neither admitted nor denied. Defendant is without knowledge to admit or deny the allegations set forth in paragraph 8 and strict proof is demanded at trial.

9. Denied. It had been the regular practice of individuals bordering Plaintiffs' property to cut old or dying trees. Plaintiffs had never objected and tacitly approved of the action.

10. No answer is required of this paragraph inasmuch as it calls for a legal conclusion. To the extent that an answer is required, same is denied.

WHEREFORE, Defendant demands judgment dismissing Plaintiffs' Complaint with prejudice.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Norbert Snell

VERIFICATION

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

Norbert Snell
Norbert Snell

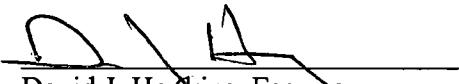
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

SCOTT MOORE and LINDA MOORE, :
Plaintiffs :
:
vs. : No. 08-1803 C.D.
:
NORBERT SNELL, :
Defendant :
:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Defendant's Answer to Complaint, filed on behalf of Norbert Snell, was forwarded by first class mail, postage prepaid, on the 17th day of October, 2008 to all counsel of record, addressed as follows:

Benjamin S. Blakley, II, Esquire
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801



David J. Hopkins, Esquire
Attorney for Norbert Snell

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS		TO THE PROTHONOTARY
(To be executed by Trial Counsel Only)		DATE PRESENTED
CASE NUMBER 08-1803-C.D. Date Complaint filed: October 7, 2008	TYPE TRIAL REQUESTED <input type="checkbox"/> Jury <input type="checkbox"/> Non-jury <input checked="" type="checkbox"/> Arbitration	ESTIMATED TRIAL TIME 1/2 DAY(S)

PLAINTIFF(S)

SCOTT MOORE and LINDA MOORE ()

DEFENDANT(S)

NORBERT SNELL ()

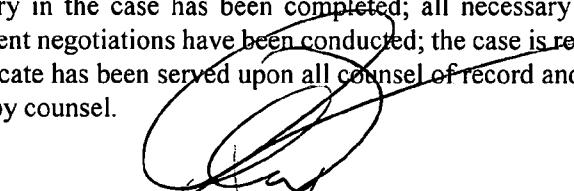
ADDITIONAL DEFENDANT(S)

NOV 05 2008
S m/10/2008
William A. Shaw
Check Block if a Minor
Prothonotary/Clerk of Courts
is a Party
to the Case

JURY DEMAND FILED BY:	DATE JURY DEMAND FILED:	
AMOUNT AT ISSUE \$ 20,000.00 plus interests and costs of suit	CONSOLIDATION () Yes () No	DATE CONSOLIDATION ORDERED

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.


Signature of Trial Counsel

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF Benjamin S. Blakley, III, Esquire	TELEPHONE NUMBER (814) 371-2730
FOR THE DEFENDANT David J. Hopkins, Esquire	TELEPHONE NUMBER (814) 375-0300
FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER

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

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.
Plaintiffs, : Type of Case: CIVIL ACTION
vs. : Type of Pleading:
NORBERT SNELL, : CERTIFICATE OF SERVICE
Defendant. : Filed on Behalf of: PLAINTIFFS
: SCOTT MOORE and LINDA MOORE
: Counsel of Record:
: BENJAMIN S. BLAKLEY, III, ESQ.
: Supreme Court No. 26331
: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: Du Bois, Pa 15801
: (814) 371-2730

S
FILED 1CC
JAN 05 2008 *Atty Blakley*
10:46 AM
William A. Shaw
Prothonotary/Clerk of Courts

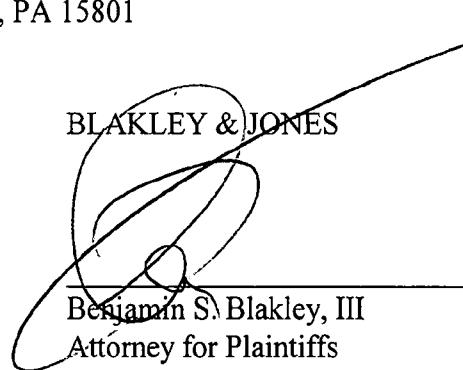
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.
:
Plaintiffs, :
:
vs. :
:
NORBERT SNELL, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I served a true and correct copy of the estimate of McDonald Lawn and Landscape pursuant to 46 J.D.R.C.P. 1306(c) on counsel for the Defendant on the 31st day of December, 2008, by personal service, addressed as follows:

David J. Hopkins, Esquire
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801



BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

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

SCOTT MOORE and LINDA MOORE :

vs. : No. 08-1803-CD

NORBERT SNELL :

ORDER

AND NOW, this 14th day of January, 2009, it is the ORDER of the Court
that the above-captioned matter is scheduled for Arbitration on **Friday, January 30, 2009 at**
9:00 A.M. in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse,
Clearfield, PA. The following have been appointed as Arbitrators:

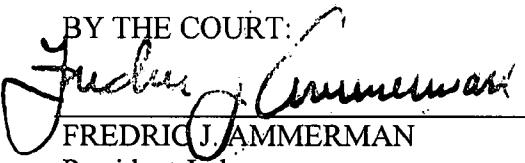
Michael P. Yeager, Esquire, Chairman

Girard Kasubick, Esquire

Robin J. Foor, Esquire,

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven
(7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court**
Administrator's Office and copies to opposing counsel and each member of the Board of
Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form
in enclosed as well as a copy of said Local Rule of Court.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

01037-001
JAN 14 2009 CJA

600
S William A. Shaw
Prothonotary/Clerk of Courts
610

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Scott Moore; Linda Moore;

vs.

Norbert Snell;

No. 2008-01803-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 30, day of January, 2009, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Michael P. Yeager, Esq., Chairman

Michael P. Yeager
Chairman

Girard Kasubick, Esq.
Robin J. Foor, Esq.

Girard Kasubick
Robin J. Foor

Sworn to and subscribed before me this
January 30, 2009

W.H.L.
Prothonotary

FILED

01/23/09 BPL
JAN 30 2009

1/30/09-Notices
mailed to Attys
Blaikley & Hopkins

AWARD OF ARBITRATORS

Now, this 30th day of January, 2009, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*In favor of Plaintiff in the amount of \$680.00
together with interest at the legal rate and costs
of suit. Interest to be computed from the date
of award (1/30/09)*

Michael P. Yeager Chairman
Girard Kasubick

Robin J. Foor

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 30th day of January, 2009, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

W.H. L. Yeager
Prothonotary
By _____

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

Scott Moore and
Linda Moore

Vs. : No. 2008-01803-CD

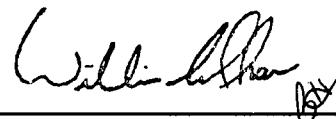
Norbert Snell

NOTICE OF AWARD

TO: Benjamin S. Blakley, Esq.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on January 30, 2009, and have awarded:

In favor of Plaintiff in the amount of \$680.00 together with interest at the legal rate and costs of suite. Interest to be computed from the date of award (1/30/09).



William A. Shaw, Prothonotary

January 30, 2009

Date

This notice of award was placed on the docket and given by mail to the parties or their attorneys on January 30, 2009, at 12:35 p.m.

An Appeal from Award of Arbitration must be filed within thirty (30) days of date of award. Filing fee is fifty percent (50%) of the total award or the amount of compensation paid to the arbitrators, whichever is the least. Arbitrators' compensation to be paid upon appeal:
\$825.00.

COPY

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

Scott Moore and
Linda Moore

Vs. : No. 2008-01803-CD

Norbert Snell

NOTICE OF AWARD

TO: David J. Hopkins, Esq.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on January 30, 2009, and have awarded:

In favor of Plaintiff in the amount of \$680.00 together with interest at the legal rate and costs of suite. Interest to be computed from the date of award (1/30/09).



William A. Shaw, Prothonotary

January 30, 2009

Date

This notice of award was placed on the docket and given by mail to the parties or their attorneys on January 30, 2009, at 12:35 p.m.

An Appeal from Award of Arbitration must be filed within thirty (30) days of date of award. Filing fee is fifty percent (50%) of the total award or the amount of compensation paid to the arbitrators, whichever is the least. Arbitrators' compensation to be paid upon appeal:
\$825.00.

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

SCOTT MOORE and LINDA MOORE,

: NO. 08 - 1803 - C.D.

Plaintiffs,

: Type of Case: CIVIL ACTION

vs.

NORBERT SNELL,

Defendant.

: Type of Pleading: NOTICE OF APPEAL
FROM AWARD OF ARBITRATORS

: Filed on Behalf of: PLAINTIFFS
SCOTT MOORE and LINDA MOORE

: Counsel of Record:
BENJAMIN S. BLAKLEY, III, ESQ.
Supreme Court No. 26331

: BLAKLEY & JONES
90 Beaver Drive, Box 6
Du Bois, Pa 15801
(814) 371-2730

FILED *ICC*
018-541801 *Atty Blakley*
FEB 27 2009

5 William A. Shaw *Atty. pd.*
Prothonotary/Clerk of Courts *\$340.00*

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

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.

Plaintiffs, :

vs. :

NORBERT SNELL, :

Defendant. :

NOTICE OF APPEAL FROM AWARD OF ARBITRATORS

TO THE PROTHONOTARY:

Notice is given that Plaintiffs, SCOTT MOORE and LINDA MOORE, appeal from the award of the Board of Arbitrators entered in this case on January 30, 2009.

I hereby certify that the compensation of the Arbitrators has been paid

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Appellants

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF CLEARFIELD :
:

Before me, the undersigned, personally appeared SCOTT MOORE and LINDA MOORE, who being duly sworn according to law, deposes and states that they appeal from the award of Arbitrators, dated January 30, 2009. They state further that this appeal is not taken for the purpose of delay, but because he believes an injustice has been done.



SCOTT MOORE

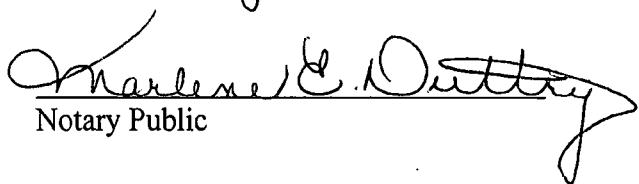


LINDA MOORE

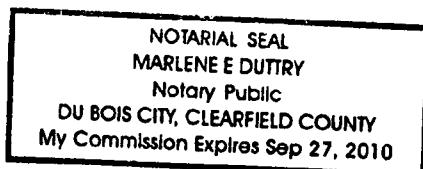
SWORN TO and SUBSCRIBED

before me this 25th day of

February, 2009.



Notary Public



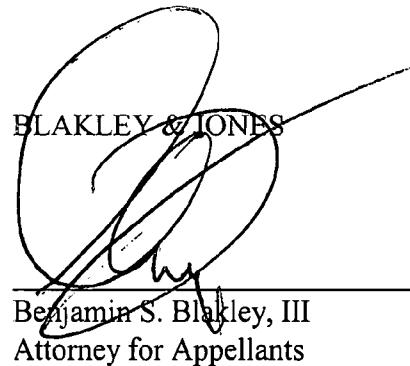
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.
: Plaintiffs, :
: vs. :
: NORBERT SNELL, :
: Defendant. :
:

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I served a true and correct copy of the Appellants' Notice of Appeal and Affidavit on the following parties on the 27th day of February, 2009, by U.S. First Class Mail, addressed as follows:

David J. Hopkins, Esquire
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801



BLAKLEY & JONES
Benjamin S. Blakley, III
Attorney for Appellants

1
UP

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

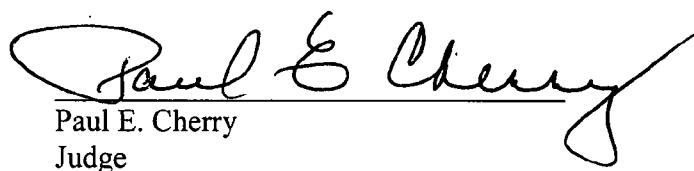
SCOTT MOORE and LINDA MOORE :
vs. : No. 08-1803-CD
NORBERT SNELL :
:

ORDER

AND NOW, this 2nd day of March, 2009, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for Tuesday, March 31, 2009 at 1:30 P.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, if Jury Trial is demanded, Jury Selection in this matter shall be and is hereby scheduled for April 2, 2009 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


Paul E. Cherry
Judge

FILED
014-00604
MAR 02 2009
S William A. Shaw
Prothonotary/Clerk of Courts
Blackley
Hopkins
(611)

FILED

MAR 02 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE 3/2/09

- You are responsible for serving all appropriate parties.
- The Prothonotary's office has provided service to the following parties:
- Plaintiff(s) Plaintiff(s) Attorney Other
- Defendant(s) Defendant(s) Attorney Other
- Special Instructions:

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

SCOTT MOORE and LINDA MOORE : NO. 08-1803-CD
:
V. :
:
NORBERT SNELL :
:

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William A. Shaw
Prothonotary/Clerk of Courts

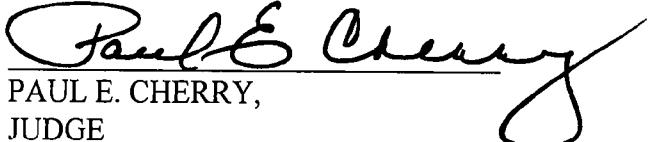
ORDER

Court ATTY'S BURKES
↓
HOPKINS

AND NOW, this 31st day of March, 2009, following Pre-Trial Conference, it is
the ORDER of this Court as follows:

1. Trial in this matter is scheduled for Monday, June 15, 2009, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
3. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days prior to the commencement of trial.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

William A. Shew
Photostatary/Clerk of Courts

APR 01 2000

FILED

www.english-test.net

For the responsible use of a drug product, please refer to the product information page.

DATE: 4-1-09

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

5
FILED

MAY 05 2009

William A. Shaw
Prothonotary/Clerk of Courts
(Ent to

BLAKEMORE
HOPKINS

SCOTT MOORE AND LINDA MOORE
Plaintiffs,

vs.

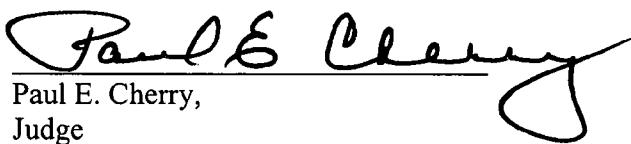
NO. 08-1803-C.D.

NORBERT SNELL
Defendant,

SCHEDULING ORDER

AND NOW, this 5th day of May 2009, it is hereby ORDERED that Non-Jury Trial in the above captioned matter shall be and is hereby rescheduled from June 15, 2009 at 9:00 A.M. to **Thursday, September 24, 2009 at 9:00 A.M.** in Courtroom No. 2, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


Paul E. Cherry,
Judge

DATE: 5-5-05

- You are responsible for serving all appropriate parties.
- The Prothonotary's office has provided service to the following parties:
- Plaintiff(s) Plaintiff(s) Attorney
- Defendant(s) Defendant(s) Attorney
- Other _____
- Special Instructions:

FILED
MAY 05 2005
William A. Shaw
Prothonotary/Clerk of Courts

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

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.
Plaintiffs, : Type of Case: CIVIL ACTION
vs. : Type of Pleading: NOTICE OF INTENT
NORBERT SNELL, : TO ADMIT EVIDENCE PURSUANT TO
Defendant. : PA. R.C.P. 1305
: Filed on Behalf of: PLAINTIFFS
: SCOTT MOORE and LINDA MOORE
: Counsel of Record:
: BENJAMIN S. BLAKLEY, III
: Supreme Court No. 26331
: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: DuBois Pa 15801
: (814) 371-2730

5 FILED NO
M1404061 CC
AUG 19 2009
10
William A. Shaw
Prothonotary/Clerk of Courts

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

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.

Plaintiffs, :

vs. :

NORBERT SNELL, :

Defendant. :

NOTICE OF INTENT TO ADMIT EVIDENCE PURSUANT TO PA. R.C.P. 1305

Plaintiffs intend to offer a written estimate of repair to real property at trial scheduled for September 24, 2009. Repair of the property has not been completed.

A. Estimate from McDonald's Lawn and Landscape, Curwensville, Pennsylvania, for replacement of trees.

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

This will certify that the undersigned served a copy of Plaintiffs' Notice of Intent to Admit Evidence Pursuant to Pa. R.C.P. 1305 in the above-captioned matter on the following parties at the addresses shown below by first-class U.S. Mail on the 18th day of August, 2009:

David J. Hopkins, Esquire
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

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

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.
Plaintiffs, : Type of Case: CIVIL ACTION
vs. : Type of Pleading: PRAECIPE TO
NORBERT SNELL, : SETTLE, DISCONTINUE AND END
Defendant. : Filed on Behalf of: PLAINTIFFS
: SCOTT MOORE and LINDA MOORE
: Counsel of Record:
: BENJAMIN S. BLAKLEY, III, ESQ.
: Supreme Court No. 26331
: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: Du Bois, Pa 15801
: (814) 371-2730

⁵
FILED 10/30/2009
m/10:33 am JSC issued
SEP 30 2009 to Atty Blakley

William A. Shaw *Copy to C/A*
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, **BENTWYN S. BLACKFORD, III**, hereby certify that I served a true and correct copy of the Plaintiff's Complaint to Saints, Disconume and Eng at the following address on the day of

of September, 2009, by Personal service, addressed as follows:

David T. Hopkins, Esquire
Hopkins Hopkins LLP
100 Meadow Lane, Suite 2
Dunmore, PA 18801

BLACKFORD, BENTWYN S.

BENTWYN S. BLACKFORD, III
Attn: Attn: Clerk for Plaintiff

FILED

SEP 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

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Scott Moore
Linda Moore

Vs.
Norbert Snell

No. 2008-01803-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on September 30, 2009, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$455.00 have been paid in full by Benjamin S. Blakley III Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of September A.D. 2009.



William A. Shaw, Prothonotary

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

SCOTT MOORE and LINDA MOORE,

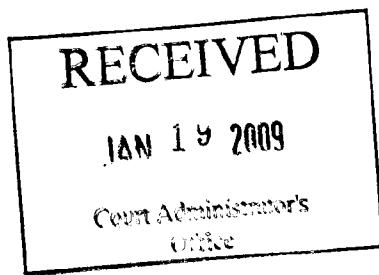
Plaintiffs,

vs.

NORBERT SNELL,

Defendant.

: NO. 08 - 1803 - C.D.
:
: Type of Case: CIVIL ACTION
:
: Type of Pleading: PLAINTIFFS'
: PRETRIAL STATEMENT
:
: Filed on Behalf of: PLAINTIFFS
: SCOTT MOORE and LINDA MOORE
:
: Counsel of Record:
: BENJAMIN S. BLAKLEY, III, ESQ.
: Supreme Court No. 26331
:
: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: Du Bois, Pa 15801
: (814) 371-2730



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

SCOTT MOORE and LINDA MOORE,	:	NO. 08 - 1803 - C.D.
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
NORBERT SNELL,	:	
	:	
Defendant.	:	

PLAINTIFFS' PRETRIAL STATEMENT

AND NOW comes the Plaintiffs **SCOTT MOORE and LINDA MOORE**, by and through their attorneys, **BLAKLEY & JONES**, and files the following pretrial statement in the above-captioned matter:

I. STATEMENT OF CASE

Plaintiffs, Scott Moore and Linda Moore, who are the owners' of real property located off McCracken Run Road, DuBois, Clearfield County, Pennsylvania. The Defendant, Norbert Snell, resides at 706 Orient Avenue, DuBois, Clearfield County, Pennsylvania, on property bordering the Plaintiffs' property. In the year 2006, the Plaintiffs had growing on their property thirty-two (32) white Pine trees and four (4) white Birch trees. During the summer of 2006, the Defendant, without the knowledge and permission of the Plaintiffs, entered on the Plaintiffs' land and cut down or otherwise removed the aforesaid trees, each having diameters in excess of six (6) inches. The value of the trees is Nine Thousand Six Hundred Seventy-Two Dollars and Fifty Cents (\$9,672.50) as shown by the copy of the estimate of McDonald Lawn & Landscape of Curwensville, Pennsylvania,

which is attached to the Complaint. As the action of the Defendant were deliberate and without the knowledge and consent of the Plaintiffs, the Plaintiffs, not only seek the damages for the value of the trees, but also three (3) times the market value of the trees in accordance with the provisions of 42 Pa. C.S.A. §8311. Therefore, the Plaintiffs now seek the arbitration limit in this matter of Twenty Thousand Dollars (\$20,000.00) together with interests and costs of suit.

II. CITATION TO APPLICABLE CASES OR STATUTES

42 Pa. C.S.A. §8311 (a copy of which is attached hereto).

III. NAMES AND ADDRESSES OF WITNESSES TO BE CALLED

Plaintiffs may call the following persons to testify at trial:

- a. Plaintiffs, Scott Moore and Linda Moore, 1332 Spruce Hill Road, Rockton Pennsylvania, 15856;
- b. Representative of McDonald Lawn & Landscape, P.O. Box 42, Curwensville, Pennsylvania;
- c. All witness listed on the Pretrial Statement of the Defendant; and
- d. Plaintiffs reserve the right to call additional witnesses with adequate notice to the Defendant and to the Arbitrators.

IV. STATEMENT OF DAMAGES AND COPIES OF THOSE BILLS WHICH PLAINTIFFS INTENDS TO OFFER

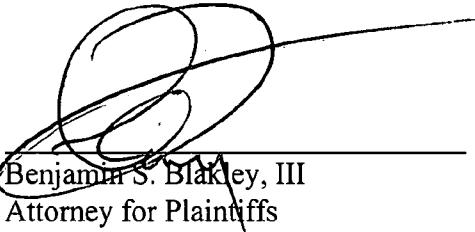
- a. Statement of McDonald Lawn & Landscape (attached hereto);
- b. Plaintiffs reserve the right to admit such other statements with adequate prior notice being given to the Defendant and the Arbitrators.

V. **ESTIMATES TIME FOR TRIAL**

One-half day

Respectfully submitted,

BLAKLEY & JONES



Benjamin S. Blakley, III
Attorney for Plaintiffs

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

SCOTT MOORE and LINDA MOORE, : NO. 08 - 1803 - C.D.

Plaintiffs, :

vs. :

NORBERT SNELL, :

Defendant. :

CERTIFICATE OF SERVICE

I, **BENJAMIN S. BLAKLEY, III**, hereby certify that I served a true and correct copy of the Plaintiffs' Pre-Trial Statement on the following parties on the 16th day of January, 2009, by personal service, addressed as follows:

David J. Hopkins, Esquire
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801

Girard Kasubick, Esquire
Lehman & Kasubick
611 Brisbin Street
Houtzdale, PA 16651

Michael P. Yeager, Esquire
110 North Second Street
P. O. Box 752
Clearfield, PA 16830

Robin J. Foor, Esquire
MidPenn Legal Services
211 E. Locust Street
Clearfield, PA 16830

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

McDonald Lawn & Landscape
PO Box 42
Curwensville, PA 16833
Phone # 814-236-1602

Estimate

Date	Estimate #
11/19/2007	423

Name / Address
Linda Moore
P.O. Box 217
Curwensville, PA 16833

Practice 14 West's Pennsylvania Practice 1491
is. Institutional Vandalism. 15751 318b1
ice E480, 15751 318b1
15751 318b1

ed States Supreme Court fees, pre- ty, administrative and investigatory
ages, see prosecutorial functions, see Buckle
992, 113 v. Fitzsimmons, U.S. 1993, 11
L.Ed.2d 113 S.Ct. 2606, 509 U.S. 259, 123
ors, false L.Ed.2d 209, on remand 20 F.3d 781
of evi- rehearing and suggestion for rehear-
immuni- ing en banc denied.

ctions on thefts of leased property

civil action based on theft of leased property. U.S. § 3932(a) (relating to theft of leased property). The extent jurisdiction may utilize the following

it to restore the merchandise to the plaintiff, if possible.

follows: to restore the merchandise in its original state. Paragraph (1), award the value of the merchandise and all damages arising from the incident. Damages do not include the loss of time or plaintiff in connection with the apprehension of the defendant.

le attorney fees and court costs. liability to the plaintiff in the amount of the plus \$150. If the defendant is a minor, the act of July 27, 1967 (An act imposing liability upon parents for destruction, or loss of property caused by children under eighteen years of age, and providing procedure for recovery)

Criminal prosecution under 18 Pa.C.S. relating to the applicability of this section.

er, this section may be maintained if the merchandise to the plaintiff and paid.

all obligations under the contract establishing a lease agreement plus the sum of \$150.

- (2) No civil action under this section may be maintained unless:
 - (i) the plaintiff has sent a notice to defendant's last known address; and
 - (ii) the plaintiff has given the defendant 20 days to respond to the notice before the action is commenced.
- (e) **Release.**—If the person to whom a written demand is made complies with such demand within 20 days after the receipt of the demand, that person shall be given a written release from further civil liability with respect to the specific act of theft of leased property.

1991, July 11, P.L. 79, No. 14, § 1, effective in 60 days.

11 P.S. §§ 2001 to 2005 (repealed); see 23 Pa.C.S.A. § 5501 et seq.

Law Review and Journal Commentaries

Annual survey of significant developments in the law—Civil practice and procedure. Harold K. Don, Jr., 63 Pa.

Library References

Damages 137 to 139.

Westlaw Topic No. 115.

§ 8311. Damages in actions for conversion of timber

(a) **General rule.**—In lieu of all other damages or civil remedies provided by law, a person who cuts or removes the timber of another person without the consent of that person shall be liable to that person in a civil action for an amount of damages equal to:

(1) the usual and customary costs of establishing the value of the timber cut or removed and of complying with the erosion and sedimentation control regulations contained in 25 Pa. Code Ch. 102 (relating to erosion control);

(1.1) the cost of any surveys obtained in connection with the civil action; and

(2) one of the following:

(i) three times the market value of the timber cut or removed if the act is determined to have been deliberate;

(ii) two times the market value of the timber cut or removed if the act is determined to have been negligent; or

(iii) the market value of the timber cut or removed if the defendant is determined to have had a reasonable basis for believing that the land on which the act was committed was his

or that of the person in whose service or by whose direction the act was done.

(b) **Restitution.**—Any damages awarded under this section shall be reduced by any restitution which is made under 18 Pa.C.S. § 1107 (relating to restitution for theft of timber).

(c) **Definitions.**—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Timber." Standing trees, logs or parts of trees that are commonly merchandized as wood products.

"Market value." The value of the standing timber at local market prices for the species and quality of timber cut or removed at the time it was cut or removed.

1994, Feb. 17, P.L. 113, No. 10, § 1, effective in 60 days. Amended 2001, May 17, P.L. 23, No. 7, § 1, effective in 60 days.

Historical and Statutory Notes

Act 2001-7 legislation

Act 2001-7, § 1, in subsection (a), added, effective in 60 days, par. (1.1).

Library References

Environmental Law § 46.
Logs and Logging § 35.
Westlaw Topic Nos. 149E, 245.

C.J.S. Health and Environment §§ 150, 156, 167, 173.
C.J.S. Logs and Logging § 5.

Research References

Encyclopedias

Summary Pa. Jur. 2d Torts § 9:73.
Trees and Shrubs—Damages in Action for Conversion of Timber

Summary Pa. Jur. 2d Torts § 23:12
Measure of Damages.

§ 8312. Profits received as a result of commission of crime

(a) **General rule.**—If a person has been convicted of a crime, every person who knowingly contracts for, pays or agrees to pay any profit from a crime to that person shall give written notice to the board of the payment or obligation to pay as soon as practicable after discovering that the payment or intended payment is a profit from a crime. The board, upon receipt of notice of a contract, an agreement to pay or payment of profits from a crime, shall notify all known eligible persons at their last known address of the existence of the profits.

(b) **Right of action.**—Notwithstanding any inconsistent provision of law or rules of civil procedure with respect to the timely bringing of an action, any eligible person shall have the right to bring a civil action in a court of competent jurisdiction to recover money damages from a person convicted of a crime or the legal representative of that

RIGHTS & IMMUNITIES

convicted person within three years from a crime. Any damages awarded shall only up to the value of the profits filed under this subsection after the statutes of limitation, any other excuse for damages as a result of the crime discovery of profits from the crime or notice published by the board. If any profits from a crime remain under this section, the board shall take action within two years in a civil case to recover any payments made by the person convicted of the crime under the act of April 9, 1929 (P.L. 177, Article 1, § 1, of the Administrative Code of 1929) and any other laws pursuant to Article IV of The Administrative Code of 1929, in section with regard to such crime.

(c) **Notice.**—Upon filing an action, the eligible person shall give notice to the board of the complaint to the board. The notice to the board prior to filing an action shall be given to the board prior to filing an action to apply for any appropriate remedy to be invoked prior to the commencement of the action.

(d) **Responsibilities of board.**—Upon receipt of notice, the board shall immediately:

(1) Notify all other known eligible persons of the existence of profits from a crime to the person initially notified, where the eligible person is known by the board.

(2) Publish, at least once a year, initially notified by an eligible person, notice in newspapers of general circulation in the area where the crime was committed and in advising any eligible persons of the existence of profits from a crime. The board may in its discretion publish the notice as it deems necessary.

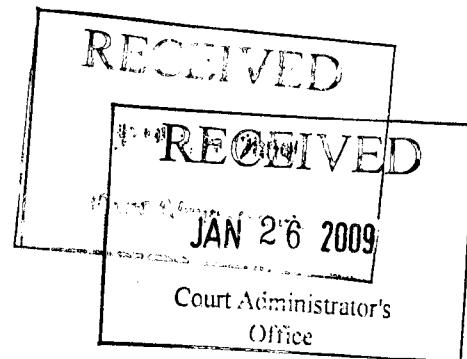
(3) Avoid the wasting of the profits by the newly discovered profits from a crime, as provided in subsection (e).

(e) **Other remedies.**—The board, in addition to the remedies available to an eligible person, shall have the right to any other remedies available to an eligible person under subsection (b). The remedies available to an eligible person under subsection (b) shall be limited to the recovery of the profits from a crime and notice of pendency of the action.

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

SCOTT MOORE and LINDA MOORE, : No. 08-1803 C.D.
Plaintiffs :
vs. : Type of Pleading: Pre-Trial Statement
NORBERT SNELL, :
Defendant :
: Filed on behalf of: Norbert Snell,
: Defendant :
: HOPKINS HELTZEL LLP :
: DAVID J. HOPKINS, Esquire :
: Attorney at Law :
: Supreme Court No. 42519 :
: LEA ANN HELTZEL, Esquire :
: Attorney at Law :
: Supreme Court No. 83998 :
: 100 Meadow Lane, Suite 5 :
: DuBois, Pennsylvania 15801 :
: (814) 375-0300 :



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

SCOTT MOORE and LINDA MOORE, :
Plaintiffs :
: vs. : No. 08-1803 C.D.
: :
NORBERT SNELL, :
Defendant :
:

PRE-TRIAL STATEMENT

AND NOW, comes Defendant, Norbert Snell, by and through his attorneys, Hopkins Heltzel LLP and files the following Pre-Trial Statement and in support thereof says:

I. STATEMENT OF FACTS

Norbert Snell cut four white Birch pines encroaching upon his property which had no value.

II. CITATION TO APPLICATION CASES OR STATUTES

None

III. NAME AND ADDRESSES OF WITNESSES TO BE CALLED

- a. Scott Moore and Linda Moore, 1332 Spruce Hill Road, Rockton, PA 15856;
- b. Norbert Snell, 706 Orient Avenue, DuBois, PA 15801;
- c. John Peterson, 708 Orient Avenue, DuBois, PA 15801;
- d. All witnesses listed on the Pre-Trial Statement of Plaintiff; and,

- e. Defendant reserves the right to call additional witnesses with adequate notice to the Plaintiff and to the Arbitrators.

IV. STATEMENT OF DAMAGES

Zero damages.

V. EXHIBITS

- a. Photographs of area in dispute;
- b. Plot drawing prepared by John Peterson; and
- c. City of DuBois Tax Map.

VI. ESTIMATED TIME FOR TRIAL

One-half day

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Norbert Snell

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

SCOTT MOORE and LINDA MOORE, Plaintiffs	:	
vs.	:	No. 08-1803 C.D.
NORBERT SNELL, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Defendant's Pre-Trial Statement, filed on behalf of Norbert Snell, was forwarded by first class mail, postage prepaid and by facsimile on the 23rd day of January, 2009 to all counsel of record, addressed as follows:

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Attorney for Norbert Snell