

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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY  
JUDICIAL DISTRICT

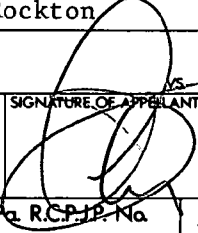
FROM

## 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 SCOTT MOORE and LINDA MOORE		MAG. DIST. NO. OR NAME OF D.J. 46-3-01	
ADDRESS OF APPELLANT 1322 Spruce Hill Road		CITY Rockton	STATE Pennsylvania
		ZIP CODE 15856	
DATE OF JUDGMENT 09/08/08	IN THE CASE OF (Plaintiff) Scott Moore, et al.		(Defendant) Norbert Snell
CLAIM NO. CV 0000246-08 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

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

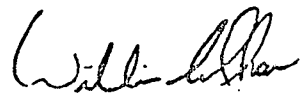
**RULE:** To \_\_\_\_\_, appellee(s).  
Name of appellee(s)

(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.



\_\_\_\_\_  
Signature of Prothonotary or Deputy

FILED Atty. pd. 75.00  
m/11/25/08  
SEP 23 2008 Copies to: Atty Blakley  
Def.  
MBS Ford  
William A. Shaw  
Prothonotary/Clerk of Courts

## 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 \_\_\_\_\_

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

08-1803-015

## 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 76011 COURT AND BUILDING		MAG. DIST. NO. OR NAME OF D.J. 18-0-01	
ADDRESS OF APPELLANT 1822 Beaver Mill Road		CITY Rockton	STATE Pennsylvania
		ZIP CODE 19086	
DATE OF JUDGMENT 09/02/08	IN THE CASE OF (Plaintiff) Robert Brown, et al.		
		(Defendant) vs. Deborah B. B.	
CLAIM NO. CV 08001/0-01 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		

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

\_\_\_\_\_  
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.:	<b>46-3-01</b>
MDJ Name: Hon.	<b>PATRICK N. FORD</b>
Address:	<b>309 MAPLE AVENUE PO BOX 452 DUBOIS, PA</b>
Telephone: (814)	<b>371-5321 15801</b>

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**MOORE, SCOTT, ET AL.**  
**1322 SPRUCE HILL ROAD**  
**ROCKTON, PA 15856**

VS.  
DEFENDANT: NAME and ADDRESS  
**SNELL, NORBERT**  
**706 ORIENT AVENUE**  
**DUBOIS, PA 15801**

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

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**

<input checked="" type="checkbox"/> Judgment was entered for: (Name) <b>SNELL, NORBERT</b>																	
<input checked="" type="checkbox"/> Judgment was entered against: (Name) <b>MOORE, SCOTT, ET AL.</b> in the amount of \$ <b>.00</b>																	
<input type="checkbox"/> Defendants are jointly and severally liable.																	
<input type="checkbox"/> Damages will be assessed on Date & Time _____																	
<input type="checkbox"/> This case dismissed without prejudice.																	
<input type="checkbox"/> Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____																	
<input type="checkbox"/> Portion of Judgment for physical damages arising out of residential lease \$ _____																	
	<table border="1"><tr><td>Amount of Judgment</td><td>\$ <b>.00</b></td></tr><tr><td>Judgment Costs</td><td>\$ <b>.00</b></td></tr><tr><td>Interest on Judgment</td><td>\$ <b>.00</b></td></tr><tr><td>Attorney Fees</td><td>\$ <b>.00</b></td></tr><tr><td><b>Total</b></td><td>\$ <b>.00</b></td></tr><tr><td>Post Judgment Credits</td><td>\$ _____</td></tr><tr><td>Post Judgment Costs</td><td>\$ _____</td></tr><tr><td><b>Certified Judgment Total</b></td><td>\$ _____</td></tr></table>	Amount of Judgment	\$ <b>.00</b>	Judgment Costs	\$ <b>.00</b>	Interest on Judgment	\$ <b>.00</b>	Attorney Fees	\$ <b>.00</b>	<b>Total</b>	\$ <b>.00</b>	Post Judgment Credits	\$ _____	Post Judgment Costs	\$ _____	<b>Certified Judgment Total</b>	\$ _____
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<b>Total</b>	\$ <b>.00</b>																
Post Judgment Credits	\$ _____																
Post Judgment Costs	\$ _____																
<b>Certified Judgment Total</b>	\$ _____																

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**, 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

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**

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

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: **MOORE, SCOTT, ET AL.**  
NAME and ADDRESS  
**1322 SPRUCE HILL ROAD**  
**ROCKTON, PA 15856**

VS.  
DEFENDANT: **SNELL, NORBERT**  
NAME and ADDRESS  
**706 ORIENT AVENUE**  
**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	\$ <b>.00</b>
Judgment Costs	\$ <b>.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>.00</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	\$ _____

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.

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**FILED**

**SEP 26 2008**

*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

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:

VS.

NAME and ADDRESS

NORBERT SNELL  
706 Orient Avenue  
DuBois, PA 15801

Docket No.: CV-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.

Scott Moore  
(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,	:	Type of Case: CIVIL ACTION
	:	
vs.	:	Type of Pleading:
	:	COMPLAINT
NORBERT SNELL,	:	
	:	Filed on Behalf of: PLAINTIFFS
Defendant.	:	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*  
m110:5364  
OCT 07 2008 *GW*

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.

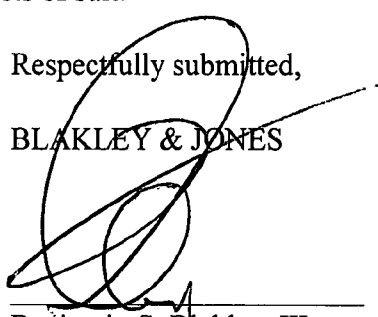
9. The Defendant knew that the Plaintiffs did not permit the Defendant to enter upon the lands of the Plaintiffs and to cut or remove any standing timber or other vegetation.

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 6<sup>th</sup> 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

  
~~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

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
<b>Subtotal</b>			\$9,125.00
<b>Sales Tax (6.0%)</b>			\$547.50
<b>Total</b>			\$9,672.50

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 Pleading: Answer to Complaint

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

OCT 17 2008

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.

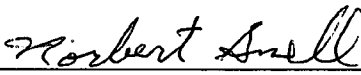
WHEREFORE, Defendant demands judgment dismissing Plaintiffs' Complaint with prejudice.

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

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

SCOTT MOORE and LINDA MOORE,  
Plaintiffs

vs.

NORBERT SNELL,  
Defendant

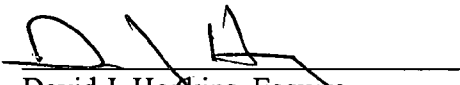
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No. 08-1803 C.D.

**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 17<sup>th</sup> 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 be executed by Trial Counsel Only)		TO THE PROTHONOTARY DATE PRESENTED
CASE NUMBER <b>08-1803-C.D.</b> Date Complaint filed: <b>October 7, 2008</b>	TYPE TRIAL REQUESTED ( ) Jury ( ) Non-jury (X) Arbitration	ESTIMATED TRIAL TIME <u>1/2</u> DAY(S)

**FILED**

NOV 05 2008

W/10:20/11  
William A. Shaw

Check Block Prothonotary/Clerk of Courts  
if a Minor  
is a Party  
to the Case

PLAINTIFF(S)

SCOTT MOORE and LINDA MOORE ( )

DEFENDANT(S)

NORBERT SNELL ( )

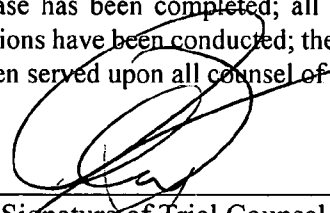
ADDITIONAL DEFENDANT(S)

\_\_\_\_\_ ( )

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 <b>Benjamin S. Blakley, III, Esquire</b>	TELEPHONE NUMBER (814) 371-2730
FOR THE DEFENDANT <b>David J. Hopkins, Esquire</b>	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,

Plaintiffs,

vs.

NORBERT SNELL,

Defendant.

: NO. 08 - 1803 - C.D.

:

: Type of Case: CIVIL ACTION

:

: Type of Pleading:

: CERTIFICATE OF SERVICE

:

: 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

JAN 05 2009

William A. Shaw  
Prothonotary/Clerk of Courts

ICC  
Amy Blakley

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

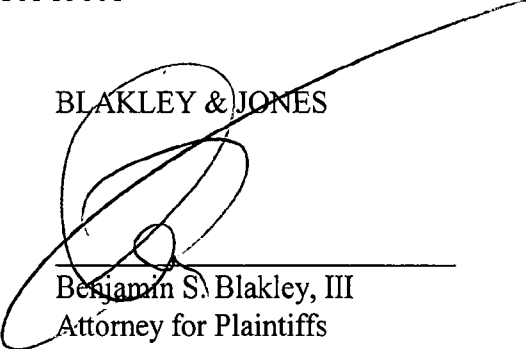
SCOTT MOORE and LINDA MOORE,	:	NO. 08 - 1803 - C.D.
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
NORBERT SNELL,	:	
	:	
Defendant.	:	

**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 31<sup>st</sup> 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 14<sup>th</sup> 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, 2<sup>nd</sup> Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

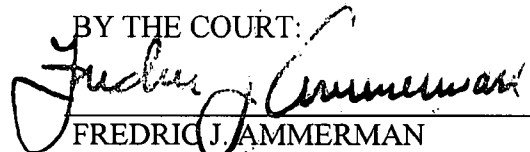
Michael P. Yeager, Esquire, Chairman

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 is enclosed as well as a copy of said Local Rule of Court.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

FILED

0110.3784  
JAN 14 2009

William A. Shaw  
Prothonotary/Clerk of Courts



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

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

*Michael P. Yeager*  
Chairman  
*Girard Kasubick*  
*RF*

Sworn to and subscribed before me this  
January 30, 2009

*William A. Shaw*  
Prothonotary

FILED  
01/30/09  
JAN 30 2009

1/30/09 - Notices  
mailed to Atty's  
Blaikley & Hopkins

William A. Shaw  
Prothonotary/Clerk of Courts

AWARD OF ARBITRATORS

Now, this 30<sup>th</sup> 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*  
*RF*

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 30<sup>th</sup> 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

*William A. Shaw*  
Prothonotary  
By \_\_\_\_\_

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

Scott Moore and  
Linda Moore

:

Vs.

: No. 2008-01803-CD

:

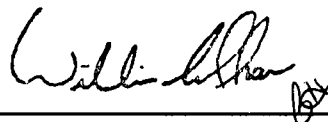
Norbert Snell

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.

CP

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: 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**

018:54/Boi  
FEB 27 2009

William A. Shaw  
Prothonotary/Clerk of Courts

ICC  
Amy Blakley  
Atty pd.  
\$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**

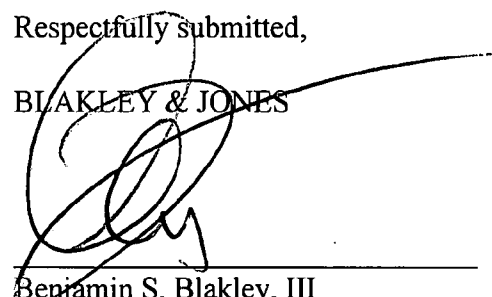
TO THE PROTHONOTARY:

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  
SCOTT MOORE

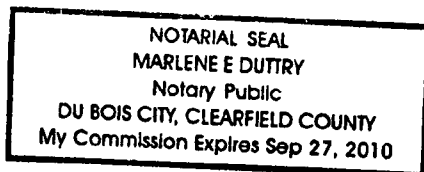
Linda Moore  
LINDA MOORE

SWORN TO and SUBSCRIBED

before me this 25<sup>th</sup> day of

February, 2009.

Marlene E. Duttry  
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 27<sup>th</sup> 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.

NORBERT SNELL

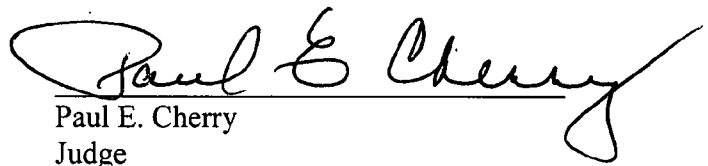
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: No. 08-1803-CD  
:  
:

**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  
014:00/604  
MAR 02 2009

S William A. Shaw  
Prothonotary/Clerk of Courts

ICC Atty's:  
Blakely  
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.  
  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

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

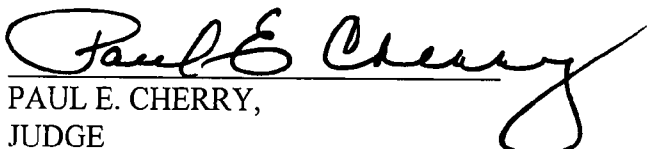
5 FILED  
APR 01 2009  
01/9:06/10  
William A. Shaw  
Prothonotary/Clerk of Courts  
CENT. ATTY' BUREAU  
HARRISBURG

ORDER

AND NOW, this 31<sup>st</sup> 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

DATE: 4-1-09

\_\_\_\_ You are responsible for serving all appropriate parties.

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

\_\_\_\_ Plaintiff(s) ☒ Plaintiff(s) Attorney \_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_ Defendant(s) ☒ Defendant(s) Attorney \_\_\_\_\_

\_\_\_\_ Special Instructions:

FILED

APR 01 2009

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.

NORBERT SNELL  
Defendant,

NO. 08-1803-C.D.

5 FILED

MAY 05 2009

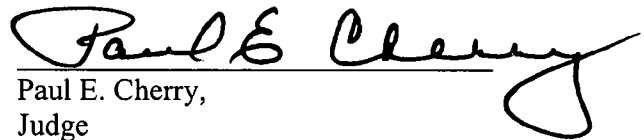
William A. Shaw  
Prothonotary/Clerk of Courts  
CEAT TO

BLAKLEY  
&  
HOPKIN

**SCHEDULING ORDER**

AND NOW, this 5<sup>th</sup> 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: 5-5-03

- ☒ 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  
\_\_\_\_ Special Instructions: \_\_\_\_\_ Other

**FILED**  
MAY 05 2003  
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.

NORBERT SNELL,

Defendant.

: NO. 08 - 1803 - C.D.

:

: Type of Case: CIVIL ACTION

:

: Type of Pleading: NOTICE OF INTENT

: TO ADMIT EVIDENCE PURSUANT TO

: 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

<sup>5</sup> FILED <sup>NO</sup> CC  
M110:4961  
AUG 19 2009

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

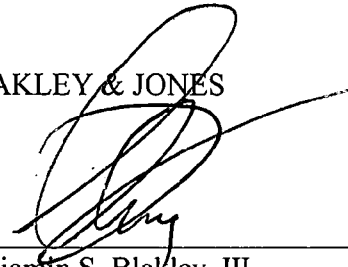
  
Benjamin S. Blakley, III  
Attorney for Plaintiffs

**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 18<sup>th</sup> day of August, 2009:

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

BLAKLEY & JONES

A handwritten signature in black ink, appearing to read 'Benjamin S. Blakley, III', is written over a horizontal line.

Benjamin S. Blakley, III  
Attorney for Plaintiffs



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: PRAECIPE TO  
: SETTLE, DISCONTINUE AND END

:

: 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

<sup>5</sup>  
**FILED** 1cc + 1cc of  
m/10:33 am disc issued  
SEP 30 2009 to Atty Blakley

William A. Shaw  
Prothonotary/Clerk of Courts

Copy to C/A

**CERTIFICATE OF SERVICE**

I, BENJAMIN S. BLAKLEY, III, hereby certify that I served a true and correct copy of

the Plaintiff's Petition to Settle, Discontinue and End on the following parties on the 26 day

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

David J. Hopkins, Esquire  
Hopkins Hitzel, LLP  
100 Meadow Lane, Suite 2  
Dulles, VA 22801

BLAKLEY & JONES

Benjamin S. Blakley, III  
Attorney 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

COPY

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.

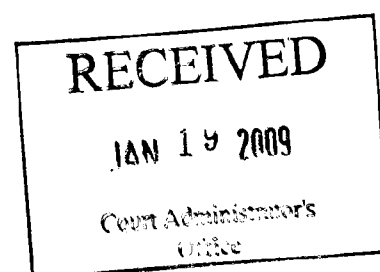
IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 30th day of September A.D. 2009.

William A. Shaw, Prothonotary

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

SCOTT MOORE and LINDA MOORE,	:	NO. 08 - 1803 - C.D.
	:	
Plaintiffs,	:	Type of Case: CIVIL ACTION
	:	
vs.	:	Type of Pleading: PLAINTIFFS'
	:	PRETRIAL STATEMENT
NORBERT SNELL,	:	
	:	Filed on Behalf of: PLAINTIFFS
Defendant.	:	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**

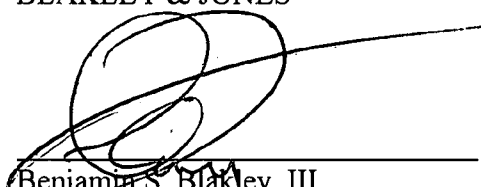
- a. Statement of McDonald Lawn & Landscape (attached hereto);
- b. Plaintiffs reserve the right to admit such other statements with adequate prior notice being given to the Defendant and the Arbitrators.

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 16<sup>th</sup> day of January, 2009, by  
personal service, addressed as follows:

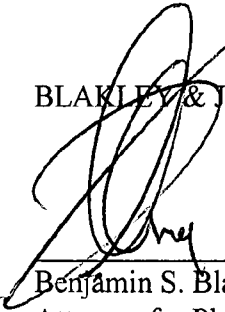
David J. Hopkins, Esquire  
Hopkins Heltzel, LLP  
100 Meadow Lane, Suite 5  
DuBois, PA 15801

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

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
		<b>Subtotal</b>	\$9,125.00
		<b>Sales Tax (6.0%)</b>	\$547.50
		<b>Total</b>	\$9,672.50

Practice 14 West's Pennsylvania Practice 149  
 15. Institutional Vandalism.  
 ice E480, 1991, 113 Pa. 2d 100, 529 A.2d 100, 603 P.2d 100, 113 Pa. 2d 100, 529 A.2d 100, 603 P.2d 100.

### United States Supreme Court

fees, pre- ty, administrative and investigatory  
 ages, see prosecutorial functions, see Buckle  
 992, 113 v. Fitzsimmons, U.S. 11993, 113  
 L.Ed.2d S.Ct. 2606, 509 U.S. 1259, 123  
 S.Ct. 2606, 509 U.S. 1259, 123  
 L.Ed.2d 209, on remand 20 F.3d 789  
 of false rehearing and suggestion for rehear-  
 9 of evi- ing en banc denied.

### Conditions on thefts of leased property

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

it to restore the merchandise to the plain-  
 on, if possible.

follows:  
 e to restore the merchandise in its original  
 raph (1), award the value of the merchan-

images arising from the incident. Dam-  
 agraph do not include the loss of time or  
 plaintiff in connection with the apprehen-  
 the defendant.

le attorney fees and court costs.

ity to the plaintiff in the amount of the  
 plus \$150.

ndant is a minor, the act of July 27, 1967  
 "An act imposing liability upon parents  
 t, destruction, or loss of property caused  
 of children under eighteen years of age,  
 nd providing procedure for recovery."

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

er, this section may be maintained if the  
 ie 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 develop- procedure. Harold K. Don, Jr., 63 Pa.  
 ments in the law—Civil practice and. B.A.Q. 55 (1992).

### 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



Ar 30  
1/30

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 Pleading: Pre-Trial Statement

Filed on behalf of: Norbert Snell,  
Defendant

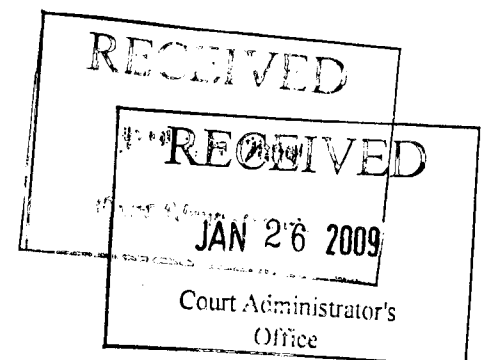
HOPKINS HELTZEL LLP

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.

NORBERT SNELL,  
Defendant

No. 08-1803 C.D.

**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:

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

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

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

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

  
David J. Hopkins, Esquire  
Attorney for Norbert Snell