

08-1893-CD
Angela Caldwell al vs Eric Freethy

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

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

No. 08- 1893 -CD

Type of Pleading:

CIVIL COMPLAINT

Filed By:

Plaintiffs

Counsel of Record:

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

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FILED Atty. pd. 95.00
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OCT 06 2008
4CC Atty Noble
William A. Shaw
Prothonotary/Clerk of Courts

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

ANGELA M. CALDWELL, individually and as)
parent and natural guardian of SHAWN)
CALDWELL; and NED C. CALDWELL, III,)
individually and as parent and natural guardian of)
SHAWN CALDWELL, adult individuals;)

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,)

DEFENDANT.)

No. 08-_____-CD

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

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

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

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

No. 08-_____-CD

CIVIL COMPLAINT

NOW COMES, the Plaintiffs, ANGELA M. CALDWELL and NED C.

CALDWELL, III, individually and as parents and natural guardians of SHAWN

CALDWELL, by and through their counsel of record, Theron G. Noble, Esquire, of

Ferraraccio & Noble, who avers as follows in support of their CIVIL

COMPLAINT:

The Parties

1. That first Plaintiff is ANGELA M. CALDWELL, an adult individual, and as parent and natural guardian of Shawn Caldwell, a minor child who suffers from Asperger syndrome, who on October 23, 2006, was a resident of 876 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.

2. That second Plaintiff is NED C. CALDWELL, III, an adult individual, and as parent and natural guardian of Shawn Caldwell, a minor child who suffers from Asperger

syndrome, who on October 23, 2006, was a resident of 876 Treasure Lake, DuBois, Clearfield County, Pennsylvania 15801.

3. That first Defendant is Eric P. Freethy, upon information and belief, an adult individual who did on October 23, 2006, reside at 323 Racht Road, Honesdale, Wayne County, Pennsylvania 18431.

Background

4. That Plaintiffs were and currently husband and wife living together as such on October 23, 2006, and from said union have a minor son, Shawn Caldwell, born on February 9, 1999, who did and does suffer from a form of autism called Asperger syndrome.

5. That on October 23, 2006, at approximately 4:00 P.M., Mrs. Caldwell was operating a motor vehicle, being a Honda Odyssey, heading southerly on State Route 219, in DuBois on a street known as Brady Street, at or about the intersection of Scribner Avenue, in the “downtown” or “commercial” area of DuBois.

6. That as is usual at that time of day, traffic was somewhat congested and traveling somewhat slowly and in a “stop and go” manner.

7. That defendant was also operating a motor vehicle, also in a southerly direction in the vicinity of the Caldwell vehicle, believed to be a red pick up truck of some unknown make and model, when his vehicle, without notice or warning, forcibly struck the rear of the vehicle being operated by Mrs. Caldwell.

8. That at the time of said collision, Shawn Caldwell was a passenger in the rear seat of his mother’s vehicle.

9. That as a result of the defendant’s vehicle striking the Caldwell vehicle, Mrs.

Caldwell, and upon information and belief, Shawn Caldwell were thrown about in a “whip lash” type manner, possibly even part of their body striking parts of the vehicle, and in turn, part of their body, striking other parts of their body.

10. That as a result of the aforementioned collisions Shawn Caldwell, upon information and belief, received some minor injuries and acted in a manner which required medical treatment consisting of two visits to the emergency room.

11. That as a result of the aforementioned collisions Shawn Caldwell, upon information and belief, received some minor injuries and acted in a manner which required medical treatment consisting of two visits to the emergency room.

12. That as a result of the aforementioned collisions Shawn Caldwell, upon information and belief, experienced pain and suffering from his injuries.

13. That as a result of the aforementioned collisions Shawn Caldwell, upon information and belief, suffered mental anguish.

14. That as a result of the aforementioned collisions Mrs. Caldwell received injuries to her neck and lower back which required medical treatment consisting of a visit to the emergency room, visits to her primary care physician, physical therapy, chiropractic treatment, and medicines.

15. That as a result of the aforementioned collisions Mrs. Caldwell suffered pain and suffering, and to this day still experiences pain and suffering, from her injuries.

16. That as a result of the aforementioned collisions, her subsequent injuries and the ensuing pain and suffering, Mrs. Caldwell, has lost an ability to enjoy life to the same capacity as she did prior to said incident.

17. That as a result of the aforementioned collisions, injuries, pain and suffering and loss

of enjoyment of life, Mrs. Caldwell suffers mental anguish.

18. That the defendant was negligent at, or shortly before, the time his vehicle forcibly struck the Caldwell vehicle in that:

- (a) he failed to keep his vehicle under control;
- (b) he struck the rear of a stopped vehicle;
- (c) he failed to pay proper attention;
- (d) he failed to keep a proper lookout; and/or
- (e) he failed to keep a safe distance between his vehicle and the Caldwell vehicle.

19. That as he operated his vehicle on October 23, 2006, at approximately 4:00 P.M., in a southerly direction on State Route 219, in the vicinity of the Caldwell vehicle, Defendant owed a duty to the Caldwells, and all persons on the highways of the Commonwealth, to do so in a non-negligent manner.

20. That by doing as stated in averment 18 hereof, Defendant breached said duty owed to the Caldwells.

**Count I: All Plaintiffs v. Defendant;
Negligence**

21. That the averments of paragraphs 1 - 20, inclusive, are hereby incorporated as if again fully set forth at length.

21. That as a direct and proximate result of Defendant's aforementioned negligence, his vehicle struck the Caldwell vehicle.

22. That as a direct and proximate result of the aforementioned collision, Shawn Caldwell suffered the aforementioned injuries and experienced the aforementioned damages, for which he should be compensated for in an amount to be determined at time

of trial.

WHEREFORE, Plaintiffs request JUDGMENT be entered in their favor and against Defendant, together with interest and costs of prosecution, in an amount less than Twenty Thousand Dollars (\$20,000).

**Count II: Angela M. Caldwell v. Defendant;
Negligence**

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

24. That as a direct and proximate result of the aforementioned collision, Angela M. Caldwell suffered the aforementioned injuries and experienced the aforementioned damages, for which she should be compensated for in an amount to be determined at time of trial.

WHEREFORE, Plaintiff Angela M. Caldwell requests JUDGMENT be entered in her favor and against Defendant, together with interest and costs of prosecution, in an amount in excess of Twenty Thousand Dollars (\$20,000).

**Count III: Ned C. Caldwell, III v. Defendant;
Loss of Consortium**

25. That the averments of paragraphs 1 - 24, inclusive, are hereby incorporated as if again fully set forth at length.

26. That as a direct and proximate result of the injuries and damages suffered by his wife, Mr. Caldwell suffered damages in that his wife was not able to perform certain tasks which one spouse normally does for another for a period of time, for which he should be

compensated in an amount to be determined at time of trial.

WHEREFORE, Plaintiff Ned C. Caldwell requests JUDGMENT be entered in his favor and against Defendant, together with interest and costs of prosecution, in an amount in excess of Twenty Thousand Dollars (\$20,000).

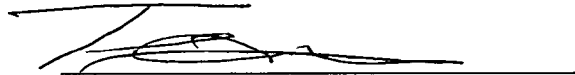
Miscellaneous Averments

27. That jurisdiction is proper.

28. That venue is proper.

WHEREFORE, all Plaintiffs requests JUDGMENT be entered in their favor and against Defendant, together with interest and costs of prosecution, in an amount in excess of Twenty Thousand Dollars (\$20,000).

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Theron G. Noble', is written over a horizontal line.

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

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

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

No. 08-_____-CD

VERIFICATION

I, Ned C. Caldwell, III, Caldwell, individually and as parent and natural guardian for Shawn Caldwell, Plaintiff, do hereby swear and affirm that I have read the foregoing CIVIL COMPLAINT and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 2nd day of October, 2008.

By,



Ned C. Caldwell, individually and as parent and
natural guardian for Shawn Caldwell, Plaintiff

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

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

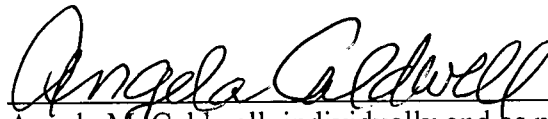
No. 08-_____-CD

VERIFICATION

I, Angela M. Caldwell, individually and as parent and natural guardian for Shawn Caldwell, Plaintiff, do hereby swear and affirm that I have read the foregoing CIVIL COMPLAINT and that the averments therein contained are true and correct to the best of my knowledge, information and belief. Furthermore, I am over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 30 day of September, 2008.

By,



Angela M. Caldwell, individually and as parent and
natural guardian for Shawn Caldwell, Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian
of SHAWN CALDWELL, adult individuals
Plaintiffs

vs.

ERIC P. FREETHY, an adult individual
Defendant

CIVIL DIVISION

No. 08-1893-CD

DEFENDANT'S PRAECIPE FOR
APPEARANCE

Filed on Behalf of Defendant:
Eric P. Freethy

Counsel of Record for this Party:

ANTHONY R. DeLUCA, ESQUIRE
PA. I.D. No. 26685
Email: Anthony.DeLuca@LibertyMutual.com
Baginski, Mezzanotte, Hasson & Rubinate
Suite 500 - Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-3476
215-627-3087

FILED
NOV 06 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

ANGELA M. CALDWELL, individually and as parent and natural guardian of SHAWN CALDWELL; and NED C. CALDWELL, III, individually and as parent and natural guardian of SHAWN CALDWELL, adult individuals Plaintiffs	:	
	:	NO. 08-1893-CD
vs.	:	
ERIC P. FREETHY, an adult individual Defendant	:	

PRAECIPE FOR APPEARANCE

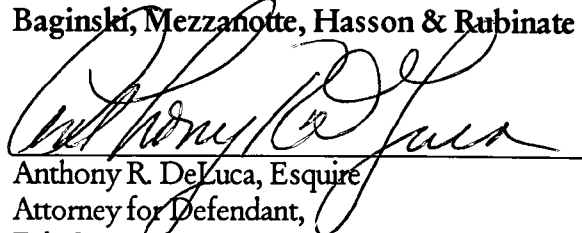
TO THE PROTHONOTARY:

Kindly enter my appearance in the above entitled case for Defendant Eric P. Freethy.

Theron G. Noble, Esquire
301 E. Pine Street
Clearfield, PA 16830

Baginski, Mezzanotte, Hasson & Rubinate

BY:


Anthony R. DeLuca, Esquire
Attorney for Defendant,
Eric P. Freethy

ARD
CPU-007673966-0002
Kristi Shiperly/Robinson Township Claims

FILED: NOVEMBER, 2008
MAILED: NOVEMBER, 2008

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

ANGELA M. CALDWELL, individually and as :
parent and natural guardian of SHAWN :
CALDWELL; and NED C. CALDWELL, III, : NO. 08-1893-CD
individually and as parent and natural guardian :
of SHAWN CALDWELL, adult individuals :
Plaintiffs :

vs. :

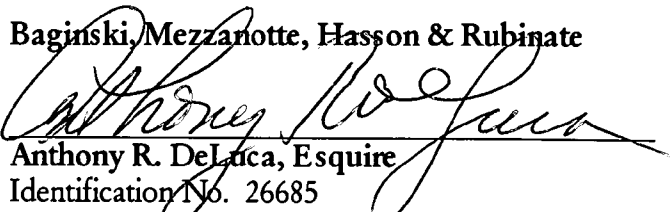
ERIC P. FREETHY, an adult individual :
Defendant :

CERTIFICATE OF SERVICE

Anthony R. DeLuca, Esquire, being duly sworn according to law, deposes and says that on November 3, 2008, he served Defendant's Praecipe for Appearance on the above Plaintiffs by mailing a true and correct copy to Plaintiffs' attorney of record, Theron G. Noble, Esquire, Ferraraccio & Noble, 301 E. Pine Street, Clearfield, PA 16830.

Baginski, Mezzanotte, Hasson & Rubinate

BY:


Anthony R. DeLuca, Esquire
Identification No. 26685
Suite 500 - Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-3476
215-627-3087
Attorney for Defendant,
Eric P. Freethy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian
of SHAWN CALDWELL, adult individuals
Plaintiffs

vs.

ERIC P. FREETHY, an adult individual
Defendant

To Plaintiffs: You are hereby notified to
plead to the enclosed New Matter
within twenty (20) days from service
hereof or a default judgment may be
entered against you.


Anthony R. DeLuca, Esquire

CIVIL DIVISION

No. 08-1893-CD

DEFENDANT'S ANSWER TO
PLAINTIFFS' COMPLAINT WITH
NEW MATTER

Filed on Behalf of Defendant:
Eric P. Freethy

Counsel of Record for this Party:

ANTHONY R. DeLUCA, Esquire
PA. I.D. No. 26685
Email: Anthony.DeLuca@LibertyMutual.com
Baginski, Mezzanotte, Hasson & Rubinate
Suite 500 - Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-3476
215-627-3087

⁵ FILED

NOV 10 2008

M/10/30/08
William A. Shaw

Prothonotary/Clerk of Courts

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ANGELA M. CALDWELL, individually and as :
parent and natural guardian of SHAWN :
CALDWELL; and NED C. CALDWELL, III, : NO. 08-1893-CD
individually and as parent and natural guardian :
of SHAWN CALDWELL, adult individuals :
Plaintiffs :
 :
vs. :
 :
ERIC P. FREETHY, an adult individual :
Defendant :

And now comes the Defendant, Eric P. Freethy, by and through his attorneys, Baginski, Mezzanotte, Hasson & Rubinate, and advice of counsel of record, Anthony R. DeLuca, Esquire, the Defendant files this herein Answer to the Complaint and sets forth the following:

3. Denied as stated. By way of further answer, Answering Defendant resides at 323 Rock Road, Honesdale, PA.

18.-19. Denied. It is specifically denied that the Answering Defendant acted negligently as alleged. After reasonable investigation, the Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of these paragraphs, and strict proof thereof is demanded. The corresponding paragraphs of the Plaintiffs' Complaint

express conclusions of law which are at issue herein, and to which no responsive pleading need be set forth thereto. However, strict proof is demanded at time of trial.

20. The corresponding paragraph of the Plaintiffs' Complaint express conclusions of law which are at issue herein, and to which no responsive pleading need be set forth thereto. However, strict proof is demanded at time of trial.

COUNT I
All Plaintiffs v. Defendant
Negligence

21. The Answering Defendant herein incorporates the above paragraphs as if the same were fully set forth.

21.(sic) Denied. It is specifically denied that the Answering Defendant acted negligently as alleged. After reasonable investigation, the Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph, and strict proof thereof is demanded. The corresponding paragraph of the Plaintiffs' Complaint express conclusions of law which are at issue herein, and to which no responsive pleading need be set forth thereto. However, strict proof is demanded at time of trial.

22. Denied. After reasonable investigation, the Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph, and strict proof thereof is demanded.

WHEREFORE, it is requested that judgment be entered in favor of the Answering Defendant.

COUNT II
Angela M. Caldwell v. Defendant
Negligence

23. The Answering Defendant herein incorporates the above paragraphs as if the same were fully set forth.

24. Denied. After reasonable investigation, the Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph, and strict proof thereof is demanded.

WHEREFORE, it is requested that judgment be entered in favor of the Answering Defendant.

COUNT III
Ned C. Caldwell, III v. Defendant
Negligence

25. The Answering Defendant herein incorporates the above paragraphs as if the same were fully set forth.

26. Denied. After reasonable investigation, the Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of this paragraph, and strict proof thereof is demanded.

WHEREFORE, it is requested that judgment be entered in favor of the Answering Defendant.

27.-28. The averments of these paragraphs are admitted.

WHEREFORE, it is requested that judgment be entered in favor of the Answering Defendant.

NEW MATTER DIRECTED TO PLAINTIFFS

By way of further answer, the Answering Defendant avers the following New Matter:

29. The Plaintiffs' claims are barred and/or limited by the provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. C.S.A. §7102.

30. Any acts or omissions of the Answering Defendant alleged to constitute negligence were not the substantial or factual causes of the subject incident and/or did not result in the injuries and/or losses alleged by the Plaintiffs.

31. The Plaintiffs' claims are barred and/or limited by the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1701, et seq.

32. The Plaintiffs did not sustain a "serious injury" as defined in the Pennsylvania Motor Vehicle Financial Responsibility Law and, therefore, Plaintiffs are barred from recovering non-economic damages.

33. Plaintiffs' claims are due in whole or in part to an act or acts of commission or omission of persons, parties or entities other than the Answering Defendant and over whom the Answering Defendant had no control or right of control.

34. All allegations of negligence, as contained in the Plaintiffs' Complaint, which Answering Defendant specifically denies, if proven, constitute ordinary negligence in fact and law, and therefore, it would not entitle the Plaintiffs to recover any punitive damages thereon.

35. The Answering Defendant did not owe a duty of care to the Plaintiffs.

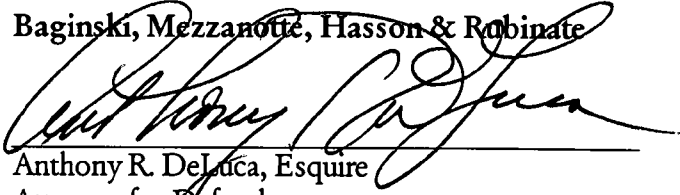
36. If the Answering Defendant owed a duty of care to the Plaintiffs, said duty was not breached or violated.

37. The claims of the spouse are derivative in nature, and to the extent the claims of the injured Plaintiffs are barred and/or limited, so too are the claims of the spouse.

WHEREFORE, it is requested that judgment be entered in favor of the Answering Defendant.

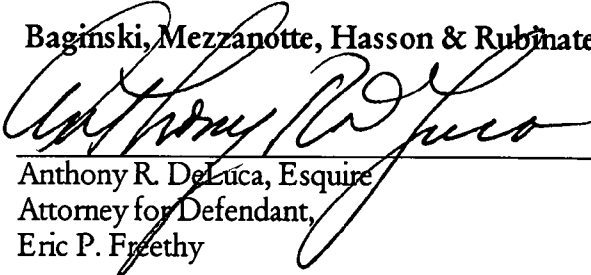
Baginski, Mezzanotte, Hasson & Robinate

By:


Anthony R. DeLuca, Esquire
Attorney for Defendant,
Eric P. Freethy

VERIFICATION

ANTHONY R. DeLUCA, ESQUIRE, states that he is the attorney for the Defendant in this action, and the facts set forth in the foregoing Answer to Plaintiffs' Complaint with New Matter are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

By:  Baginski, Mezzanotte, Hasson & Rubinate
Anthony R. DeLuca, Esquire
Attorney for Defendant,
Eric P. Freethy

Re: Caldwell v. Freethy

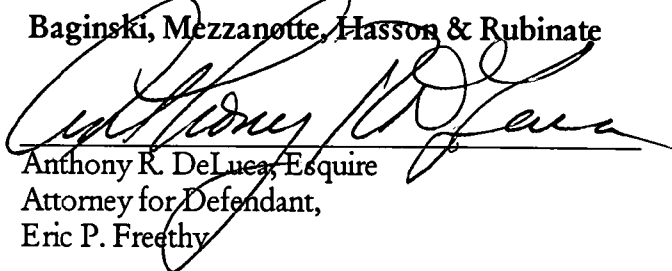
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA - CIVIL DIVISION

ANGELA M. CALDWELL, individually and as parent and natural guardian of SHAWN CALDWELL; and NED C. CALDWELL, III, individually and as parent and natural guardian of SHAWN CALDWELL, adult individuals Plaintiffs	:	
	:	NO. 08-1893-CD
vs.	:	
ERIC P. FREETHY, an adult individual Defendant	:	

CERTIFICATION OF SERVICE

I, Anthony R. DeLuca, Esquire, do hereby certify that service of a true and correct copy of Defendant's Answer to Plaintiffs' Complaint with New Matter was made on the 6th day of November, 2008, to all counsel of record named by United States Mail, postage prepaid.

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

By: 
Baginski, Mezzanotte, Hasson & Rubinate
Anthony R. DeLuca, Esquire
Attorney for Defendant,
Eric P. Freethy

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
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SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

No. 08- 1893 -CD

Type of Pleading:

REPLY TO NEW MATTER

Filed By:

Plaintiffs

Counsel of Record:

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

FILED *NO CC*
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DEC 01 2008 *(GR)*

William A. Shaw
Prothonotary/Clerk of Courts

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

ANGELA M. CALDWELL, individually and as)	
parent and natural guardian of SHAWN)	
CALDWELL; and NED C. CALDWELL, III,)	
individually and as parent and natural guardian of)	
SHAWN CALDWELL, adult individuals;)	
)	
PLAINTIFFS,)	
)	
v.)	No. 08- <u>1893</u> -CD
)	
ERIC P. FREETHY, an adult individual,)	
)	
DEFENDANT.)	

REPLY TO NEW MATTER

NOW COMES, the Plaintiffs, ANGELA M. CALDWELL and NED C. CALDWELL, III, individually and as parents and natural guardians of SHAWN CALDWELL, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their REPLY TO NEW MATTER:

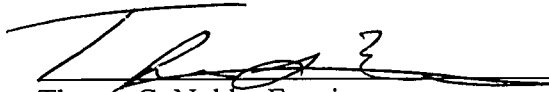
23. Plaintiffs hereby incorporate their Averments as if fully set forth at length.

24. - 37. The same are legal conclusion for which no response is deemed necessary. To the extent such a response might be required, the same are DENIED and strict proof demanded at time of trial.

WHEREFORE, all Plaintiffs requests JUDGMENT be entered in their favor and against Defendant, together with interest and costs of prosecution, in an amount in

excess of Twenty Thousand Dollars (\$20,000).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Theron G. Noble', written over a horizontal line.

Theron G. Noble, Esquire

Attorney for Plaintiffs

Ferraraccio & Noble

301 East Pine Street

Clearfield, PA 16830

(814)-375-2221

PA I.D. #: 55942

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

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

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DEFENDANT.

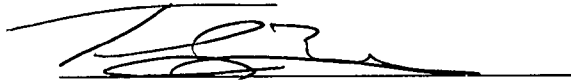
No. 08- 1893 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, counsel for Plaintiffs, does hereby certify this 26th day of November, 2008, that I did mail a true and correct copy of Plaintiff's REPLY TO NEW MATTER to the below indicated person, being counsel of record for the Defendant, via United States Mail, postage pre-paid, first class, as follows:

Anthony R. DeLuca, Esquire
Baginski, Mezzanotte, Hasson, et.al.
150 Independence Mall West
Suite 500 -Public Ledger Building
Philadelphia, PA 19106-3476

Respectfully Submitted,



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104751
NO: 08-1893-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: ANGELA M. CALDWELL, ind & as parent & natural guardian of SHAWN CALDWELL a
vs.
DEFENDANT: ERIC P. FREETHY

SHERIFF RETURN

NOW, October 08, 2008, SHERIFF OF WAYNE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON ERIC P. FREETHY.

NOW, October 20, 2008 AT 3:00 PM SERVED THE WITHIN COMPLAINT ON ERIC P. FREETHY, DEFENDANT. THE RETURN OF WAYNE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

S
FILED
JAN 28 2009
6/3/10
William A Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104751
NO: 08-1893-CD
SERVICES 1
COMPLAINT

PLAINTIFF: ANGELA M. CALDWELL, ind & as parent & natural guardian of SHAWN CALDWELL al
vs.
DEFENDANT: ERIC P. FREETHY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NOBLE	3542	10.00
SHERIFF HAWKINS	NOBLE	3542	21.42
WAYNE CO.	NOBLE	3541	50.00
WAYNE CO.	NOBLE	3556	18.00

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

SHERIFF'S DEPARTMENT

WAYNE COUNTY, PENNSYLVANIA

COURTHOUSE ANNEX 925 COURT STREET, HONESDALE, PA 18431

SHERIFF'S RETURN OF SERVICE

Place of Origin: Clearfield County, PA

Court Number: 1893-Civil-2008

Type of Writ or Complaint: Complaint

Plaintiff/s/: Angela M. Caldwell, individually and as parent and natural guardian of Shawn Caldwell; and Ned C. Caldwell, III, individually and as parent and natural guardian of Shawn Caldwell, adult individuals

Defendant/s/: Eric P. Freethy

Plaintiff Atty: Theron G. Noble, Esq.

Name of Entity to Serve: Eric P. Freethy

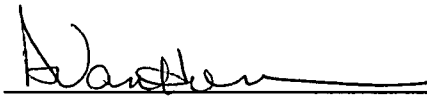
Address: 323 Racht Road, Honesdale, PA 18431

Place of Service: 323 Racht Road, Honesdale, PA 18431

Date and time of Service: October 20, 2008 3:00 PM

I hereby CERTIFY and RETURN that I, Danene VanHorn, Deputy, have served person in charge, Brenda Freethy, wife, the writ or complaint described upon the above named individual, company, corporation, etc., at the place of service shown above.

Witness my hand and seal of office at Honesdale, Pennsylvania this 22nd day of October, 2008. So Answers Charles Morelli, Sheriff.

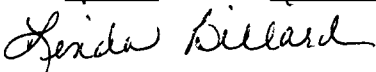


Danene VanHorn, Deputy

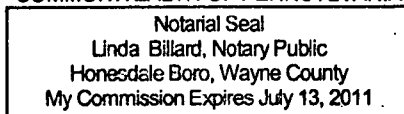


Charles Morelli
Sheriff of Wayne County

Sworn to and subscribed before me
this 21st day of November 2008



COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association of Notaries



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

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

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 104751

TERM & NO. 08-1893-CD

ANGELA M. CALDWELL, ind & as parent & natural guardian of SHAWN CALDWELL al

COMPLAINT

VS.

ERIC P. FREETHY

SERVE BY: 11/05/08

COURT DATE:

MAKE REFUND PAYABLE TO THERON G. NOBLE, ESQ.

SERVE: ERIC P. FREETHY

ADDRESS: 323 RACHT ROAD, HONESDALE, PA 18431

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF WAYNE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, October 09, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

10/15/08
Called + left
message that
we need an
additional
\$100 check.
pw

UN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
Individually and as parent and natural guardian
of SHAWN CALDWELL, adult individuals
Plaintiffs

vs.

ERIC P. FREETHY, an adult individual
Defendant

CIVIL DIVISION

No. 08-1893-CD

DEFENDANT'S MOTION TO
COMPEL PLAINTIFFS'
ANSWERS TO DISCOVERY

Filed on Behalf of Defendant:
Eric P. Freethy

Counsel of Record for this Party:

ANTHONY R. DELUCA, ESQ
PA. ID No. 26685
Email: Anthony.DeLuca@LibertyMutual.com
Baginski, Mezzanotte, Hasson & Rubinate
Suite 500 – Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-3476
215-627-3087

⁵ **FILED** ¹⁰⁰
APR 02 2009
William A. Shaw
Prothonotary/Clerk of Courts
bed *100* *Any DeLuca*

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

ANGELA M. CALDWELL, individually and as :
parent and natural guardian of SHAWN :
CALDWELL; and NED C. CALDWELL, III, : NO. 08-1893-CD
individually and as parent and natural guardian :
of SHAWN CALDWELL, adult individuals :
Plaintiffs :

vs.

ERIC P. FREETHY, an adult individual
Defendant

**DEFENDANT MR. ERIC P. FREETHY'S MOTION TO COMPEL ANSWERS TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, Mr. Eric P. Freethy, by his undersigned counsel, files this Motion to Compel Answers to Interrogatories and Request for Production of Documents as follows:

1. Defendant's counsel served Interrogatories and Requests for Production of Documents on counsel for ANGELA M. CALDWELL, individually and as parent and natural guardian of SHAWN CALDWELL; and NED C. CALDWELL, III, individually and as parent and natural guardian of SHAWN CALDWELL, adult individuals on November 6, 2008. A copy of cover letter is attached hereto as Exhibit "A".

2. Pa. R.C.P. 4005 provides that "any party may serve upon any other party written interrogatories to be answered by the party served..."

3. Pa. R.C.P. 4006 provides that "each interrogatory shall be answered fully and completely unless objected to, in which event the reasons for the objection shall be stated in lieu of an answer... The answering party shall serve a copy of the answers and objections if any, within thirty days after the service of the interrogatories."

4. Pa. R.C.P. 4009 provides that "any party may serve on any other party a request to produce and permit the party making the request, or someone

acting on his behalf, to inspect and copy any designated documents... The answering party upon whom the request is served shall serve a written response within thirty days after the service of the request..."

5. Pursuant to Pa. R.C.P. 4006(a)(2), Plaintiff's answers and objections, if any, to said Interrogatories and Request for Production of Documents are overdue.

6. Defendant sent a letter to Plaintiff's counsel on February 26, 2009 inquiring as to when we would be receiving responses to our discovery. To date, we have had no response. A copy of said letter is attached hereto and marked as Exhibit "B".

7. To date, Plaintiff has not responded to this written discovery, nor has sought a protective order.

8. Defendant requires an Order of this Court pursuant to Pa. R.C.P. 4019(a)(1)(i) compelling Plaintiff to answer said discovery.

WHEREFORE, Defendant respectfully request that this Court to enter an Order compelling Plaintiff to answer Defendant's Interrogatories and to produce the documents and things requested.

BY:



Anthony R. DeLuca, Esquire

Identification No. 26685

Suite 500 Public Ledger Building

150 South Independence Mall West

Philadelphia, PA 19106-3476

215-627-3087

Attorney for Defendant(s)

Mr. Eric P. Freethy

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

ANGELA M. CALDWELL, individually and as :
parent and natural guardian of SHAWN :
CALDWELL; and NED C. CALDWELL, III, : NO. 08-1893-CD
individually and as parent and natural guardian :
of SHAWN CALDWELL, adult individuals :
Plaintiffs :

vs.

ERIC P. FREETHY, an adult individual
Defendant

AFFIDAVIT OF SERVICE

Anthony R. DeLuca, Esquire, being duly sworn according to law, deposes and says that on March 31, 2009, he served Defendant's Motion to Compel Answers to Interrogatories and Request for Production of Documents on the above Plaintiff, Mrs. Angela M. Caldwell, by mailing a true and correct copy to Plaintiff's attorney of record, Theron Noble, Esquire, Ferraraccio & Noble, 301 E. Pine Street, Clearfield, PA 16830.

Baginski, Mezzanotte, Hasson and Rubinate

BY: 

Anthony R. DeLuca, Esquire
Identification No. 26685
Suite 500 - Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-3476
215-627-3087
Attorney for Defendant(s)
Mr. Eric P. Freethy

EXHIBIT "A"

LAW OFFICES
OF
BAGINSKI, MEZZANOTTE, HASSON & RUBINATE*
SUITE 500 - PUBLIC LEDGER BUILDING
6TH & CHESTNUT STREETS
150 SOUTH INDEPENDENCE MALL WEST
PHILADELPHIA, PENNSYLVANIA 19106-3476

TELEPHONE:
215-627-3087
215-627-3088

FAX:
215-629-1570
215-627-0399

*NOT A PARTNERSHIP

Anthony R. DeLuca, Esquire
Extension: 241

November 6, 2008

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

Re: Angela M. Caldwell, et al. v. Eric P. Freethy
Our File No.: CPU-007673966-0002

Dear Mr. Noble:

Enclosed is a copy of Defendant's Answer to Plaintiffs' Complaint with New Matter, the original of which has been filed with the Court.

In addition, enclosed are Interrogatories and a formal Request for Production of Documents addressed to your clients. Kindly provide the answers and requested documents in accordance with Pennsylvania Rules of Civil Procedure, and return one copy to this office.

Thank you.

Very truly yours,


Anthony R. DeLuca

ARD/dm
Encl.

cc:(w/encl.) Kristi Shiperly, Adjuster, Robinson Township Claims

EXHIBIT “B”

LAW OFFICES
OF
BAGINSKI, MEZZANOTTE, HASSON & RUBINATE*

SUITE 500 - PUBLIC LEDGER BUILDING
6TH & CHESTNUT STREETS
150 SOUTH INDEPENDENCE MALL WEST
PHILADELPHIA, PENNSYLVANIA 19106-3475

TELEPHONE:

215-627-3087
215-627-3088

FAX:

215-629-1570
215-627-0399

*NOT A PARTNERSHIP

Anthony R. DeLuca, Esquire
Extension: 241

February 26, 2009

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

Re: **Angela M. Caldwell, et al. v. Eric P. Freethy**
Our File No.: CPU-067573966-0002

Dear Mr. Noble:

I would appreciate hearing from you as to when I may expect to receive Plaintiffs' Answers to Interrogatories and Requests for Production of Documents which were mailed to you on November 6, 2008.

Please be advised that if I do not receive your answers to said discovery requests or hear from you concerning this matter within ten (10) days from the date of this letter, I will have no other alternative but to file the necessary motion.

I look forward to hearing from you shortly.

Very truly yours,


Anthony R. DeLuca

ARD/dm

UX

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

ANGELA M. CALDWELL, individually and as :
parent and natural guardian of SHAWN :
CALDWELL; and NED C. CALDWELL, III, : NO. 08-1893-CD
individually and as parent and natural guardian :
of SHAWN CALDWELL, adult individuals :
Plaintiffs :

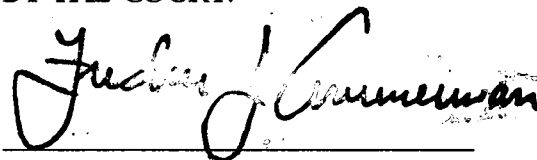
vs.

ERIC P. FREETHY, an adult individual
Defendant

ORDER

AND NOW, this 3rd day of April, 2009, upon consideration of
Defendants' Motion to Compel it is hereby ORDERED that said Motion is GRANTED.
Plaintiffs shall answer the Interrogatories and respond to the Request for Production within 20
twenty (20) days of the date of this Order.

BY THE COURT:


J.

FILED

APR 03 2009

William A. Shaw
Prothonotary/Clerk of Courts

1cc
Atty DeLuca

(910)

FILED

APR 03 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/3/09

☒ 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:

1/A

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

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

No. 08-1893-CD

Type of Pleading:

**PETITION TO APPROVE
MINOR'S SETTLEMENT**

Filed By:

Plaintiffs

Counsel of Record:

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

FILED No CC
m105280
JUN 18 2009
William A. Shaw
Prothonotary/Clerk of Courts

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

NOW COMES, the Plaintiffs, ANGELA M. CALDWELL and NED C. CALDWELL, III, as parents and natural guardians of SHAWN CALDWELL, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of PETITION TO APPROVE MINOR'S SETTLEMENT

1. That Plaintiffs are the parents and natural guardian of Shawn Caldwell, born on February 9, 1999.
2. That on October 23, 2006, Plaintiff Angela Caldwell, while doing her motherly chores, Shawn properly buckled in the Caldwell vehicle car and while in congested DuBois “rush hour” traffic, were struck from behind by Defendant who failed to stop for traffic backed

up at a stop light.

3. That as a result of the injuries suffered by Plaintiffs, suit was commenced on October 6, 2008.

4. It has now been agreed to resolve said dispute, particularly for purposes of this petition Shawn's claims for the sum of \$1,000.

5. Shawn is autistic with a form of autism known as "Aspberger Syndrome".

6. It is believed that his injuries consisted of headaches and nightmares which lasted for approximately two (2) weeks.

7. Shawn was taken to the hospital for two emergency room visits given his special circumstances and complaints, for which no medical bill or lien remains as the same would have been covered by his parents first party automobile insurance benefits.

8. That the offered sum appears to be fair and reasonable under the attenuate circumstances.

9. That as part of the resolution of the claims the carrier has agreed to pay record costs such that other than attorney's fees, there will be no other deduction from the proceeds payable on Shawn's behalf.

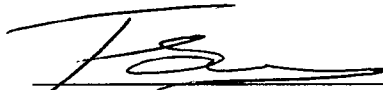
10. That attorney's fees are \$250 being 50% of the amount above the carrier's offer (\$500) at the time counsel was retained, which at that time seemed a fair and reasonable manner to proceed and in light of being 25% of the agreed upon settlement, time has illustrated the same to be fair and reasonable.

11. That the sum of \$750, being the settlement amount less attorney's fees will be distributed to Plaintiff Ned C. Caldwell, III, who has legal custody of Shawn who will hold and use the same exclusively for Shawn's benefit.

12. That since commencement of this suit, Plaintiffs have separated and are no longer living as husband and wife but each concurs with the settlement of this matter as herein set forth.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to approve the settlement and distribution of the Minor Shawn Caldwell's portion of this claim, pursuant to Pa.R.Civ.P. 2039 as herein presented.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Noble', is written over a horizontal line.

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

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

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

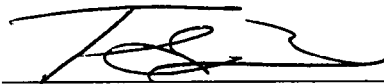
No. 08- 1893 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, counsel for Plaintiffs, does hereby certify this 16th day of June, 2009, that I did mail a true and correct copy of Plaintiff's PETITION TO APPROVE MINOR SETTLEMENT to the below indicated person, being counsel of record for the Defendant, via United States Mail, postage pre-paid, first class, as follows:

Anthony R. DeLuca, Esquire
Baginski, Mezzanotte, Hasson, et.al.
150 Independence Mall West
Suite 500 -Public Ledger Building
Philadelphia, PA 19106-3476

Respectfully Submitted,



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

VA

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

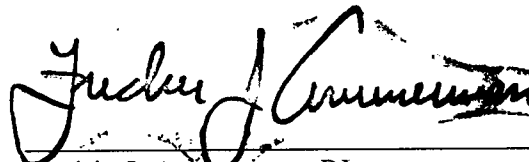
ANGELA M. CALDWELL, individually and as)	
parent and natural guardian of SHAWN)	
CALDWELL; and NED C. CALDWELL, III,)	
individually and as parent and natural guardian of)	
SHAWN CALDWELL, adult individuals;)	
)	
PLAINTIFFS,)	
)	No. 08- <u>1893</u> -CD
v.)	
)	
ERIC P. FREETHY, an adult individual,)	
)	
DEFENDANT.)	

ORDER

Upon presentation of Plaintiffs' PETITION TO APPROVE MINOR SETTLEMENT, concerning the claim for Shawn Caldwell in the above captioned matter, the same is APPROVED and it is hereby ORDERED and DECREED this 18th day of June, 2009, as follows:

- 1) Plaintiffs are hereby authorized to forever settle Shawn's claims for \$1,000 and sign all necessary documents to effectuate such settlement;
- 2) Plaintiffs' counsel shall distribute the sum of \$750, being said settlement fund less attorney's fees of \$250 to Plaintiff Ned C. Caldwell, III, and said money shall be held and used solely for Shawn's benefit; and
- 3) Upon doing as herein provided, Plaintiff's counsel shall proceed to file a PRAECIPE FOR DISCONTINUANCE to terminate this action.

By the Court,


Fredric J. Ammerman, PJ

FILED 2cc
013:56301 Amy Noble
JUN 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

(60)

FILED

JUN 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/18/09

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

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

ANGELA M. CALDWELL, individually and as
parent and natural guardian of SHAWN
CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS.

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

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FILED

JUL 02 2009 *was*
William A. Shaw
Prothonotary/Clerk of Courts
woc/c

No. 08- 1893 -CD

Type of Pleading:

PRAECIPE TO DISCONTINUE

Filed By:

Plaintiffs

Counsel of Record:

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

**IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY,
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No. 08- 1893 -CD

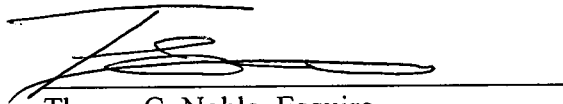
PRAECIPE TO DISCONTINUE

To: William A. Shaw, Prothonotary

Date: June 26, 2009

Please mark the above captioned case SETTLED, ENDED and FOREVER
DISCONTINUED, with prejudice.

Respectfully Submitted,



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

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

ANGELA M. CALDWELL, individually and as
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CALDWELL; and NED C. CALDWELL, III,
individually and as parent and natural guardian of
SHAWN CALDWELL, adult individuals;

PLAINTIFFS,

v.

ERIC P. FREETHY, an adult individual,

DEFENDANT.

No. 08- 1893 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, counsel for Plaintiffs, does hereby certify this 26th day of June, 2009, that I did mail a true and correct copy of Plaintiff's PRAECIPE TO DISCONTINUE to the below indicated person, being counsel of record for the Defendant, via United States Mail, postage pre-paid, first class, as follows:

Anthony R. DeLuca, Esquire
Baginski, Mezzanotte, Hasson, et.al.
150 Independence Mall West
Suite 500 -Public Ledger Building
Philadelphia, PA 19106-3476

Respectfully Submitted,



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