

2008-1991-CD
Richard Mazanec vs. Vadim Seletsky etal

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S.
Transportation, Inc., a corporation,
Viral B. Patel, individually, Jaime D.
Rodriguez, individually, Cristina
Athwal, t/d/b/a London Transport,
London Transport Inc., a corporation
and Antonio Garcia, t/d/b/a GAR
Trucking, a/k/a Gar Trucking,

Defendants

CIVIL ACTION NO.:

2008-1991-CD

FILED
OCT 17 2008
m 12:10/aw
William A. Shaw
Prothonotary/Clerk of Courts
No other copies
Issued 11/11/08
To Att'y

PRAECIPE FOR ISSUANCE OF WRIT OF SUMMONS

TO: THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please issue a Writ of Summons to the Defendants, Vadim Seletskiy,
individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, Orient
Express, Inc., a corporation, William V. Emerson, individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation, Inc., a corporation, Viral B. Patel,
individually, Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport,
London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a
Gar Trucking, with regard to the above captioned matter.

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

**Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,
Plaintiff**

Vs.

NO.: 2008-01991-CD

**Vadim Seletskiy, individually, Vadim Seletskiy
and Alla Seletskaya, t/d/b/a Orient Express,
Orient Express, Inc., a corporation, William
V. Emerson, individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation, Inc.,
a corporation, Viral B. Patel, individually, Jaime
D. Rodriguez, individually, Cristina Athwal, t.d.b.a
London Transport, London Transport Inc., a corporation
and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a
Gar Trucking,**

Defendants

TO: VADIM SELETSKIY, individually
VADIM SELETSKIY and ALLA SELETSKAYA, t/d/b/a
ORIENT EXPRESS,
ORIENT EXPRESS, INC., a corporation
WILLIAM V. EMERSON, individually
DOS TRANSPORTATION, INC., a corporation, a/k/a
D.O.S. TRANSPORTATION, INC., a corporation
VIRAL B. PATEL, individually
JAIME D. RODRIGUEZ, individually
CRISTINA ATHWAL, t/d/b/a LONDON TRANSPORT
LONDON TRANSPORT INC., a corporation
ANTONIO GARCIA, t/d/b/a GAR TRUCKING, a/k/a
Gar TRUCKING

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

Date: 10/17/2008

William A. Shaw
Prothonotary

Issuing Attorney:
John W. McCandless
2222 West Grandview Blvd.
Erie, PA 16506 (814) 833-2222

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

• • • • •

:NO: 2008-01991-CD

n

—

NOV 05 2008

ICC Atty
McCaulee

GIC

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon Defendant DOS TRANSPORTATION, INC., a copy of the Writ of Summons filed in said matter by sending it CERTIFIED MAIL –RETURN RECEIPT REQUESTED to Defendant’s last know address of 9101 Elm Street, Seaford, DE 19973. Service was effected on October 29, 2008 as evidenced by the attached Return Receipt Card.

Respectfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.,

By:

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

DATED: 11-3-08

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

DOS TRANSPORTATION, INC
9101 Elm St.
SEAFORD, DE 19973

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

P. T. J. B. B.

C. Date of Delivery

10/29

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0006 1158 2578

PS Form 3811, February 2004

Domestic Return Receipt

PATEL/JDB

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$.42

Certified Fee

2.70

Return Receipt Fee
(Endorsement Required)

2.20

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 5.32



PATEL/JDB

Sent To

DOS TRANSPORTATION, INC

Street, Apt. No.,
or PO Box No.

9101 ELM ST.

City, State, ZIP+4

Seaford, DE 19973

PS Form 3800, June 2002

See Reverse for Instructions

Richard O. Mazanec, Administrator of
The Estate of Manish Patel, deceased

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a/
Orient Express, Orient Express, Inc., a
Corporation, William V. Emerson,
individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
Individually, Jaime D. Rodriguez,
Individually, Cristina Athwal, t/d/b/a/
London Transport, London Transport,
Inc., a corporation and Antonio Garcia,
t/d/b/a GAR Trucking, a/k/a Gar
Trucking,

Defendants

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

:

:

:

: NO: 2008-01991-CD

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

FILED

11:50 a.m. GK

NOV 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty
McLanless
GK

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon Defendant ANTONIO GARCIA t/d/b/a GAR TRUCKING, a/k/a Gar Trucking., a copy of the Writ of Summons filed in said matter by sending it CERTIFIED MAIL –RETURN RECEIPT REQUESTED to Defendant's last know address of 10402 Campagnoni Street, Bakersfield, CA 93313. Service was effected on October 29, 2008 as evidenced by the attached Return Receipt Card.

Respectfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.,

By:

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

DATED: 11-3-08

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

ANTONIO GARCIA, t/l/t/l/a GAR
TRUCKING, d/l/k/a GAR TRUCKING

10402 Compagnoni St.

BAKERSFIELD, CA 93313-9723

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x C. Athna

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Athna

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 1490 0002 7498 4981

PS Form 3811, February 2004

Domestic Return Receipt Patel - JB

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$.42

Certified Fee

2.20

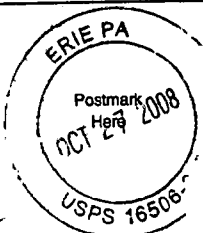
Return Receipt Fee
(Endorsement Required)

2.20

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 5.32



Sent To ANTONIO GARCIA, t/l/t/l/a GAR TRUCKING,

d/l/k/a GAR TRUCKING

Street, Apt. No.,
or PO Box No. 10402 Compagnoni St.

City, State, ZIP+4
Bakersfield, CA 93313-9723

PS Form 3800, August 2006

See Reverse for Instructions

Richard O. Mazanec, Administrator of
The Estate of Manish Patel, deceased

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a/
Orient Express, Orient Express, Inc., a
Corporation, William V. Emerson,
individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
Individually, Jaime D. Rodriguez,
Individually, Cristina Athwal, t/d/b/a/
London Transport, Lordon Transport,
Inc., a corporation and Antonio Garcia,
t/d/b/a GAR Trucking, a/k/a Gar
Trucking,

Defendants

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

:

:

:

:NO: 2008-01991-CD

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

FILED

in 11:50 a.m. GK

NOV 05 2008

ICC Atty

Mc Candless

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of
Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck
Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon
Defendant LONDON TRANSPORT, Inc., a copy of the Writ of Summons filed in said
matter by sending it CERTIFIED MAIL –RETURN RECEIPT REQUESTED to
Defendant's last know address of 10402 Campagnoni Street, Bakersfield, CA 93313.
Service was effected on October 29, 2008 as evidenced by the attached Return Receipt
Card.

Respectfully submitted,

Quinn Busack Leemhuis Toohey & Kroto, Inc.,

By:

JOHN W. MCCANDLESS, ESQ.
PA ID#: 27928

Attorneys For Plaintiff
2222 West Grandview Blvd.
Erie, PA 16505

DATED: 4-3-08

SENDER: COMPLETE THIS SECTION	
1. Article Addressed to: London Teaspoon, Inc. 10402 Campagnoni St. Bakersfield, CA 93313-9723	
2. Article Number 7004 1160 0006 1158 2615 (Transfer from service label) PS Form 3811, February 2004	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Signature A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
6. COMPLETE THIS SECTION ON DELIVERY A. Signature B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32
Sent To London Teaspoon, Inc. 10402 Campagnoni St. Bakersfield, CA 93313-9723 City, State, ZIP+4 [®] PS Form 3800, June 2002	

Postmark: OCT 2 2008
Erie PA
USPS 16506-90-7
Patel/58

Richard O. Mazanec, Administrator of
The Estate of Manish Patel, deceased

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a/
Orient Express, Orient Express, Inc., a
Corporation, William V. Emerson,
individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
Individually, Jaime D. Rodriguez,
Individually, Cristina Athwal, t/d/b/a/
London Transport, London Transport,
Inc., a corporation and Antonio Garcia,
t/d/b/a GAR Trucking, a/k/a Gar
Trucking,

Defendants

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

:

:

:

:NO: 2008-01991-CD

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

FILED

11:47 a.m. 6K

NOV 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

Bcc Atty McCandless

670

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of
Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck
Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon
Defendant CRISTINA ATHWAL t/d/b/a LONDON TRANSPORT., a copy of the Writ of
Summons filed in said matter by sending it CERTIFIED MAIL -RETURN RECEIPT
REQUESTED to Defendant's last know address of 10402 Campagnoni Street, Bakersfield,
CA 93313. Service was effected on October 29, 2008 as evidenced by the attached Return
Receipt Card.

Respectfully submitted,

Quinn Buseek Leemhuis Toohey & Kroto, Inc.,

By: 

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

DATED: 11/3/08

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

CRISTINA ATHWAL, t/d/t/a
London Transport
10402 Campagnoni St.
Bakersfield, CA 93313

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x C. Athwal

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 1490 0002 7498 4998

PS Form 3811, February 2004

Domestic Return Receipt

PATEL / J.B.

102595-02-M-1540

U.S. Postal Service™

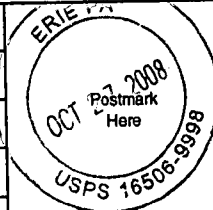
CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32



PATEL / J.B.

Sent To: CRISTINA ATHWAL t/d/t/a
London Transport
Street, Apt. No.,
or PO Box No. 10402 Campagnoni St.
City, State, ZIP+4
Bakersfield, Pa 93313

PS Form 3800, August 2006

See Reverse for Instructions

Richard O. Mazanec, Administrator of
The Estate of Manish Patel, deceased

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a/
Orient Express, Orient Express, Inc., a
Corporation, William V. Emerson,
individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
Individually, Jaime D. Rodriguez,
Individually, Cristina Athwal, t/d/b/a/
London Transport, Lordon Transport,
Inc., a corporation and Antonio Garcia,
t/d/b/a GAR Trucking, a/k/a Gar
Trucking,

Defendants

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

:

:

:

: NO: 2008-01991-CD

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

FILED *NO cc*
NOV 11 30 30 PM
NOV 12 2008 *(GK)*
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon Defendant WILLIAM V. EMERSON, a copy of the Writ of Summons filed in said matter by sending it CERTIFIED MAIL –RETURN RECEIPT REQUESTED to Defendant's last know address of 9803 Magnolia Drive, Laurel, DE 19956. Service was effected on November 5, 2008 as evidenced by the attached Return Receipt Card.

Respectfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.,

By: 

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

DATED: 11/10/08

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

William V. Emerson
9803 Magnolia Dr.
Laurel, DE 19956

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Diane L. Emerson

☐ Agent

☐ Addressee

B. Received by (Printed Name)

DIANE L. EMERSON

C. Date of Delivery

11/5/08

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service)

7006 0810 0005 6631 7330

PS Form 3811, February 2004

Domestic Return Receipt

Patel (JDB)

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$.42

Certified Fee

2.70

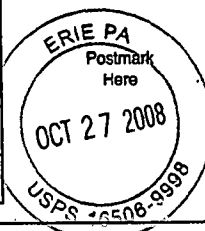
Return Receipt Fee
(Endorsement Required)

2.20

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 5.32



Sent To

William V. Emerson

Street, Apt. No.,
or PO Box No.

9803 Magnolia Dr.

City, State, ZIP+4

LAUREL, DE 19956

PS Form 3800, June 2002

See Reverse for Instructions

Richard O. Mazanec, Administrator of
The Estate of Manish Patel, deceased

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a/
Orient Express, Orient Express, Inc., a
Corporation, William V. Emerson,
individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
Individually, Jaime D. Rodriguez,
Individually, Cristina Athwal, t/d/b/a/
London Transport, Lordon Transport,
Inc., a corporation and Antonio Garcia,
t/d/b/a GAR Trucking, a/k/a Gar
Trucking,

Defendants

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

:

:

:

:NO: 2008-01991-CD

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

FILED *NO CC*
m/11:30 AM
NOV 12 2008 *(GK)*

S William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of
Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck
Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon
Defendant ORIENT EXPRESS, INC., a copy of the Writ of Summons filed in said matter
by sending it CERTIFIED MAIL -RETURN RECEIPT REQUESTED to Defendant's last
know address of 750 126th Avenue, N.E., Blaine, MN 55434. Service was effected on
November 5, 2008 as evidenced by the attached Return Receipt Card.

Respectfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.,

By: 

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

DATED: 11/10/08

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

ORIENT Express, Inc.
750 126th AVE, N.E.
BLAINE, MN. 55434

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0006 1158 2592

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$.42

Certified Fee

\$ 8.70

Return Receipt Fee
(Endorsement Required)

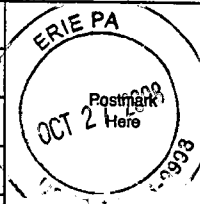
\$ 2.20

Restricted Delivery Fee
(Endorsement Required)

\$ 0.00

Total Postage & Fees

\$ 5.32



Sent To

ORIENT EXPRESS, INC.

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

BLAINE, MN 55434

PS Form 3800, June 2002

See Reverse for Instructions

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

⋮

:NO: 2008-01991-CD

en

⋮

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon Defendants VADIM SELETSKIY AND ALLA SELETSKAYA, t/d/b/a ORIENT EXPRESS, a copy of the Writ of Summons filed in said matter by sending it CERTIFIED MAIL –RETURN RECEIPT REQUESTED to Defendants’ last know address of 750 126th Avenue, N.E., Blaine, MN 55434. Service was effected on November 5, 2008 as evidenced by the attached Return Receipt Card.

Respectfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.,

By: 

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

DATED: 11/10/08

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Vadim Seletskiy + Alla Seletskaya
t/d/b/a Quent Express
750 126th Ave, N.E.
BLAINE, MN 55434

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X



☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 1490 0002 7498 7517

PS Form 3811, February 2004

Domestic Return Receipt

PATEL/ JB

PSN 595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$.42

Certified Fee

2.70

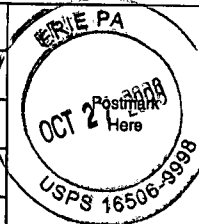
Return Receipt Fee
(Endorsement Required)

2.20

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 5.32



PATEL/ JB

Sent To

VADIM Seletskiy and Alla Seletskaya

Street, Apt. No., or PO Box No. 750 126th Ave, N.E.

City, State, ZIP+4

BLAINE MN 55434

PS Form 3800, August 2005

See Reverse for Instructions

Richard O. Mazanec, Administrator of
The Estate of Manish Patel, deceased

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a/
Orient Express, Orient Express, Inc., a
Corporation, William V. Emerson,
individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
Individually, Jaime D. Rodriguez,
Individually, Cristina Athwal, t/d/b/a/
London Transport, Lordon Transport,
Inc., a corporation and Antonio Garcia,
t/d/b/a GAR Trucking, a/k/a Gar
Trucking,

Defendants

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

:

:

:

: NO: 2008-01991-CD

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

FILED *no cc*
NOV 12 2008

S William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of
Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck
Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon
Defendant VADIM SELETSKIY, a copy of the Writ of Summons filed in said matter by
sending it CERTIFIED MAIL –RETURN RECEIPT REQUESTED to Defendant's last
know address of 750 126th Avenue, N.E., Blaine, MN 55434. Service was effected on
November 5, 2008 as evidenced by the attached Return Receipt Card.

Respectfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.,

By:

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

11/10/08
DATED: _____

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

VADIM SELETSKIY
750 126th AVE., N.E.
BLAINE, MN 55434

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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



Patel/113

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0006 1158 2585

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$ 4.42

Certified Fee

2.70

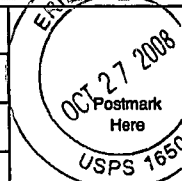
Return Receipt Fee
(Endorsement Required)

2.20

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 9.32



JEL Patel

Sent To

VADIM SELETSKIY

Street, Apt. No.,
or PO Box No.

750 126th Ave., N.E.

City, State, Zip

BLAINE, MN 55434

PS Form 3800, June 2002

See Reverse for Instructions

Richard O. Mazanec, Administrator of
The Estate of Manish Patel, deceased

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a/
Orient Express, Orient Express, Inc., a
Corporation, William V. Emerson,
individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
Individually, Jaime D. Rodriguez,
Individually, Cristina Athwal, t/d/b/a/
London Transport, Lordon Transport,
Inc., a corporation and Antonio Garcia,
t/d/b/a GAR Trucking, a/k/a Gar
Trucking,

Defendants

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

:

:

:

:NO: 2008-01991-CD

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

FILED *NO CC*
NOV 11 30 2008
NOV 12 2008 *CK*

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of
Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck
Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon
Defendant D.O.S. Transportation, Inc.,, a copy of the Writ of Summons filed in said
matter by sending it CERTIFIED MAIL –RETURN RECEIPT REQUESTED to
Defendant's last know address of 33098 Bi-State Blvd., Laurel, DE 19956. Service was
effected on November 4, 2008 as evidenced by the attached Return Receipt Card.

Respectfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.,

By: 

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

11/10/08

DATED: _____

Document #420975, v1

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

D.O.S. TRANSPORTATION, Inc.
33098 BI-STATE BLVD.
LAUREL, DE. 19456

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 ☒ Agent

☒ Addressee

B. Received by (Printed Name)

Don. W. McCandless

C. Date of Delivery

11/4/08

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7007 1490 0002 7498 5001

PS Form 3811, February 2004

Domestic Return Receipt

PATEL/JSB

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$ 2.70

Certified Fee

2.70

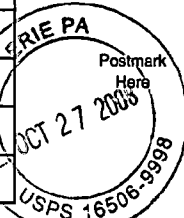
Return Receipt Fee
(Endorsement Required)

2.20

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 5.32



PATEL/JSB

Delivered To
D.O.S. TRANSPORTATION, Inc.
Street, Apt. No.,
or PO Box No. 33098 BI-STATE BLVD.
City, State, ZIP+4
LAUREL, DE 19456

PS Form 3800, August 2006

See Reverse for Instructions

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff

vs.

CIVIL ACTION NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S.
Transportation, Inc., a corporation, Viral
B. Patel, individually, Jaime D.
Rodriguez, individually, Cristina Athwal,
t/d/b/a London Transport, London
Transport Inc., a corporation and
Antonio Garcia, t/d/b/a GAR Trucking,
a/k/a Gar Trucking,

Defendants

FILED ^{N^occ}
NOV 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

**MOTION FOR ADMISSION PRO HAC VICE
PURSUANT TO Pa.R.C.P. 1012.1**

NOW COMES John W. McCandless, sponsor, and makes the following Motion
for Admission Pro Hac Vice:

1. John W. McCandless is an attorney who has been admitted to the bar of the Commonwealth of Pennsylvania since October 1978, and is in good standing.
2. John W. McCandless has entered his appearance on behalf of the Plaintiff, Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased.
3. John W. McCandless hereby sponsors the candidacy of the following attorneys who seek to represent the Plaintiff in this action:

- (a) Mark D. Amaddio, Esquire, Mark D. Amaddio Co., LPA, 55 Public Square, Suite 850, Cleveland, Ohio 44113;
 - (b) Richard O. Mazanec, Esquire, Wheeler & Mazanec, LLC, 55 Public Square, Suite 850, Cleveland, Ohio 44113.
4. The verified statements provided by the candidates pursuant to Pa. R.C.P. 1012.1(c) are attached hereto, marked Exhibits "A" and "B" and made a part hereof by reference.
5. As sponsor, his verified statement pursuant to Pa.R.C.P. 1012.1(d)(2) is attached hereto, marked Exhibit "C" and made a part hereof by reference.

Respectfully submitted,

John W. McCandless
Pa.I.D. #27928
2222 West Grandview Blvd.
Erie, PA 16506
(814) 833-2222
Attorney for Plaintiff

Date: 11/17/08

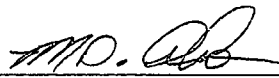
VERIFICATION OF MARK D. AMADDIO, *PRO HAC VICE* CANDIDATE

I, Mark D. Amaddio depose and say that the following facts set forth herein are true and correct to the best of my knowledge, information and belief. This statement is subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsifications to authorities:

1. I am licensed to practice law in the State of Ohio by the Ohio Supreme Court, the highest court in the state. My Ohio Bar License Number is 0041276. I am also licensed by the United States District Court for the Northern District of Ohio, Eastern Division, and the United States Court of Appeals for the Sixth Circuit. I seek admission to practice *pro hac vice* in this matter.
2. I have never been suspended, disbarred or otherwise disciplined in any jurisdiction.
3. I am not the subject of any disciplinary proceedings.
4. I have not applied for admission *pro hac vice* in any pending actions in any court of record in Pennsylvania other than this case. I have never been denied admission *pro hac vice* in any jurisdiction.
5. I shall comply with and be bound by the applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct.

6. I submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during the appearance in the matter for which admission *pro hac vice* is sought.

7. I have consented to the appointment of the sponsor, John W. McCandless, as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in the matter for which admission *pro hac vice* is sought.

 10/28/08

Mark D. Amaddio

EXHIBIT "A"



SUPREME COURT OF PENNSYLVANIA
**PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD**

P. O. BOX 1025 • 115 STATE STREET
HARRISBURG, PENNSYLVANIA 17108-1025
717/238-2001 • 888-PA-IOLTA (724-6582) • 717/238-2003 FAX
paiolta@pacourts.us
www.pciolta.org

Chair

MAUREEN P. KELLY, Esquire
Two Gateway Center
613 Stanwix Street, 8th Floor
Pittsburgh, PA 15222-5412

November 12, 2008

Vice-Chair

WILLIAM P. CARLUCCI, Esquire
Williamsport, PA

Sent by fax: (216) 522-1150

Mark Douglas Amaddio, Esquire
MARK D. AMADDIO CO., LPA
55 Public Square
Suite 850
Cleveland, OH 44113

Board Members

ROBERT X. GILROY, Esquire
Carlisle, PA

WILLIAM T. HANGLEY, Esquire
Philadelphia, PA

Dear Attorney Amaddio:

PENIN, J. KESSLER LIEBER, Esquire
Pittsburgh, PA

MICHAEL H. REED, Esquire
Philadelphia, PA

ANDREW F. SUSKO, Esquire
Philadelphia, PA

This letter serves as the fee payment certification referenced in 204 Pa Code §81.503 and acknowledges receipt of the \$100 fee paid by Check, number 1094, on this date related to your pursuit for admission pro hac vice in the case identified as Richard O. Mazanec, Adm. of Estate of Manish Patel v. Vadim Seletsky, et al., case no. 2008-01991-CD, filed in the Court of Common Pleas of Clearfield County.

Executive Director
ALFRED J. AZEN

You should refer to Pa Rule of Civil Procedure 1012.1, local court rules, and other regulations of 204 Pa Code §81.501 et. seq. concerning additional requirements related to seeking pro hac vice admission.

Sincerely,

Alfred J. Azen
Executive Director

cc: John W. McCandless, Esq.
(814) 833-6753

G:\CL\DOC\PHV\ACK LTR\2008\Nov\November 12.wpd

VERIFICATION OF RICHARD O. MAZANEC, *PRO HAC VICE* CANDIDATE

I, Richard O. Mazanec depose and say that the following facts set forth herein are true and correct to the best of my knowledge, information and belief. This statement is subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsifications to authorities:

1. I am licensed to practice law in the State of Ohio by the Ohio Supreme Court, the highest court in the state. My Ohio Bar License Number is 0007741. I am also licensed by the United States District Court for the Northern District of Ohio, Eastern Division, and the United States Court of Appeals for the Sixth Circuit. I seek admission to practice *pro hac vice* in this matter.
2. I have never been suspended, disbarred or otherwise disciplined in any jurisdiction.
3. I am not the subject of any disciplinary proceedings.
4. I have not applied for admission *pro hac vice* in any pending actions in any court of record in Pennsylvania other than this case. I have never been denied admission *pro hac vice* in any jurisdiction.
5. I shall comply with and be bound by the applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct.



SUPREME COURT OF PENNSYLVANIA
PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD

P. O. BOX 1025 • 115 STATE STREET
HARRISBURG, PENNSYLVANIA 17108-1025
717/238-2001 • 888-PA-IOLTA (724-6582) • 717/238-2003 FAX
paiolta@pacourts.us
www.paiolta.org

Chair

LAUREEN P. KELLY, Esquire
Two Gateway Center
613 Stanwix Street, 8th Floor
Pittsburgh, PA 15222-5412

November 12, 2008

Vice-Chair

WILLIAM P. CARLUCCI, Esquire
Williamsport, PA

Sent by fax: (216) 522-1150

Board Members

ROBERT X. GILROY, Esquire
Carlisle, PA

Richard Orie Mazanec, Esquire
WHEELER & MAZANEC, LLC
55 Public Square
Suite 850
Cleveland, OH 44113

WILLIAM T. HANGLEY, Esquire
Philadelphia, PA

Dear Attorney Mazanec:

PENIN, KESSLER LIEBER, Esquire
Pittsburgh, PA

MICHAEL H. REED, Esquire
Philadelphia, PA

ANDREW F. SUSKO, Esquire
Philadelphia, PA

This letter serves as the fee payment certification referenced in 204 Pa Code §81.503 and acknowledges receipt of the \$100 fee paid by Check, number 1095, on this date related to your pursuit for admission pro hac vice in the case identified as Richard O. Mazanec, Adm. of Estate of Manish Patel v. Vadim Seletskiy, et al., case no. 2008-01991-C.D, filed in the Court of Common Pleas of Clearfield County.

Executive Director
ALFRED J. AZEN

You should refer to Pa Rule of Civil Procedure 1012.1, local court rules, and other regulations of 204 Pa Code §81.501 et. seq. concerning additional requirements related to seeking pro hac vice admission.

Sincerely,

Alfred J. Azen
Executive Director

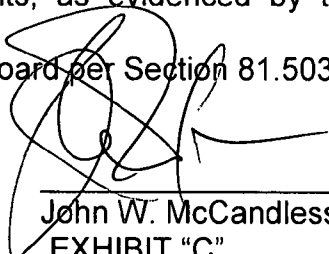
cc: John W. McCandless, Esq.
(814) 833-6753

G:\CL\DOC\PHV\ACK LTR\2008\Nov\November 12.wpd

VERIFICATION OF JOHN W. McCANDLESS, SPONSOR

I, John W. McCandless depose and say that the following facts set forth herein are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities:

1. That, after reasonable investigation, he reasonably believes that the candidates are reputable and competent attorneys and that he is in a position to recommend them for admission.
2. That he is currently not acting as a sponsor of a candidate for admission pro hac vice in any other cases in any of the courts of record in this Commonwealth.
3. That any proceeds of any settlement of the causes of action in which the candidates are granted admission as a result of this Motion shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.
4. That the fees required by Section 81.505(a) of the Pennsylvania Interest on Lawyer Trust Account Board Regulations on Pro Hac Vice Admission have been paid by each of the applicants, as evidenced by the attached fee payment certifications from the IOLTA Board per Section 81.503(e).


John W. McCandless
EXHIBIT "C"

11/17/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff

vs.

CIVIL ACTION NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S.
Transportation, Inc., a corporation, Viral
B. Patel, individually, Jaime D.
Rodriguez, individually, Cristina Athwal,
t/d/b/a London Transport, London
Transport Inc., a corporation and
Antonio Garcia, t/d/b/a GAR Trucking,
a/k/a Gar Trucking,

Defendants

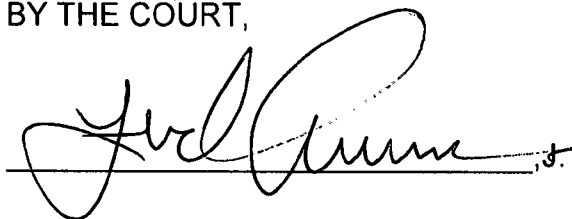
ORDER OF COURT

AND NOW, to-wit, this 24th day of November, 2008,

upon consideration of the foregoing Motion, it is hereby Ordered that the following
candidates are admitted Pro Hac Vice:

- (a) Mark D. Amaddio, Esquire, Mark D. Amaddio Co., LPA, 55 Public Square,
Suite 850, Cleveland, Ohio 44113;
- (b) Richard O. Mazanec, Esquire, Wheeler & Mazanec, LLC, 55 Public Square,
Suite 850, Cleveland, Ohio 44113.

BY THE COURT,



FILED
NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

2cc
Amy McCandless

FILED

NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/24/08

X You are responsible for serving all appropriate parties.

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

 Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

Richard O. Mazanec, Administrator of
The Estate of Manish Patel, deceased

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a/
Orient Express, Orient Express, Inc., a
Corporation, William V. Emerson,
individually, DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
Individually, Jaime D. Rodriguez,
Individually, Cristina Athwal, t/d/b/a/
London Transport, Lordon Transport,
Inc., a corporation and Antonio Garcia,
t/d/b/a GAR Trucking, a/k/a Gar
Trucking,

Defendants

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

:

:

:

:NO: 2008-01991-CD

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

S
FILED NO
DEC 03 2008 CC
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

It is hereby certified that Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, Plaintiff herein, by and through his attorneys, Quinn Buseck Leemhuis Toohey & Kroto, Inc., and John W. McCandless, Esquire, served upon Defendant JAIME D. RODRIGUEZ, a copy of the Writ of Summons filed in said matter by sending it CERTIFIED MAIL -RETURN RECEIPT REQUESTED to Defendant's last know address c/o ANTONIO GARCIA d/b/a GAR TRUCKING, a/k/a Gar Trucking, 10402 Campagnoni Street, Bakersfield, CA 93313-9723. Service was effected on November 24, 2008 as evidenced by the attached Return Receipt Card.

Respectfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.,

By: _____

JOHN W. MCCANDLESS, ESQ.

PA ID#: 27928

Attorneys For Plaintiff

2222 West Grandview Blvd.

Erie, PA 16505

DATED: 12/10/08

Document #420975, v1

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <input checked="" type="checkbox"/> C. Athwa <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
1. Article Addressed to: JAIME D. Rodriguez c/o Antonio Garcia d/b/a GAR Trucking, aka Gar Trucking 10402 Campagnoni Street BAKERSFIELD, CA 93313-9723		B. Received by (Printed Name) C. Athwa	C. Date of Delivery
2. Article Number (Transfer from ser) 7006 2150 0002 3134 7173		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

PATEL/JB

102595-02-M-1540

7006 2150 0002 3134 7173

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32
Sent To: JAIME D. RODRIGUEZ, c/o Antonio Garcia d/b/a Gar Trucking, aka Gar Trucking Street, Apt. No., or PO Box No. 10402 Campagnoni St. City, State, ZIP+4 BAKERSFIELD, CA 93313-9723	

PS Form 3800, August 2006

See Reverse for Instructions

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of :
the Estate of Manish Patel, deceased, :

Plaintiff :

vs. :

NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim :
Seletskiy and Alla Seletskaya, t/d/b/a :
Orient Express, Orient Express, Inc., a :
corporation, William V. Emerson, :
individually, DOS Transportation, Inc., a :
corporation, a/k/a D.O.S. Transportation: :
Inc., a corporation, Viral B. Patel, :
individually, Jaime D. Rodriguez, :
individually, Cristina Athwal, t/d/b/a/ :
London Transport, London Transport, Inc: :
a corporation and Antonio Garcia, t/d/b/a :
GAR Trucking, a/k/a Gar Trucking, :


Defendants :

5
FILED 3CC ~~AAH~~
m/12/13cm mCandless
DEC 04 2008
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF INTENT TO SERVE SUBPOENA
PURSUANT TO RULE 4009.22

Plaintiff Richard O. Mazanec, Administrator of the Estate of Manish Patel,
deceased, intends to serve a Subpoena identical to the one that is attached to this notice.
You have twenty(20) days from the date listed below in which to file of record and serve
upon the undersigned an objection to the Subpoena. If no objection is made the Subpoena
may be served.

DATE: 12/2/08


JOHN W. MCCANDLESS, ESQ.
Attorney for Plaintiff
PA I.D.#: 27928
Quinn Law Firm
2222 West Grandview Blvd.
Erie, PA 16506
(814)833-2222

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Richard O. Mazanec
Manish Patel
Plaintiff(s)

*

Vs.

*

No. 2008-01991-CD

*

SUBPOENA DUCES TECUM

Vadim Seletskiy; Alla Seletskaya
Orient Express; Orient Express, Inc.
William V. Emerson; DOS Transportation, Inc.
D.O.S. Transportation, Inc; Viral B. Patel
Jaime D. Rodriguez; Cristina Athwal
London Transport; London Transport Inc.
Antonio Garcia; GAR Trucking; GarTrucking
Defendant(s)

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

TO: Pennsylvania State Police, ATTN: SGT. THOMAS HOLLENBAUGH
147 Doe Hill Road, Woodland, PA 16881
(Name of Person or Entity)

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

SEE ATTACHMENT TO SUBPOENA FOR REQUESTED DOCUMENTS.

Quinn Law Firm, 2222 West Grandview Blvd., Erie, PA 16506
(Address)

You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty
(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME John W. McCandless/ Quinn Law Firm
ADDRESS: 2222 West Grandview Blvd.
Erie, PA 16506

TELEPHONE: (814) 833-2222

SUPREME COURT ID # 27928

ATTORNEY FOR: Plaintiffs

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, November 21, 2008
Seal of the Court

Deputy

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

This accident occurred on October 20, 2006 at approximately 12:17 A.M.. The location of the accident is I-80 East at Mile Marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

The Pennsylvania State Police Report Number is: C03-0882488;

Companion Report Numbers are: C03-0882486, C03-0882487, C03-0882358;

Requesting as follows:

- 1. All police reports, investigation documentation, photographs with regard to all four (4) of the above listed Police Reports;**
- 2. A copy of Traffic Citation No. 396110-1 issued to William V. Emerson, PA Vehicle Code 3351(a) stopping, standing and parking outside business and residence districts;**
- 3. A copy of Traffic Citation No.396543-0 issued to Viral B. Patel, PA Vehicle Code 3361;**
- 4. A copy of any Traffic Citations issued to Vadim Seletskiy or Jaime D. Rodriguez;**
- 5. A copy of the Lawrence Township Volunteer Fire Department records;**
- 6. A copy of the Clearfield County EMS records;**

This Subpoena request includes all Police Investigation Materials, including all logs, photographs, witness statements and any and all materials contained within these Accident Investigation Files.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

**Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,**

Plaintiff

vs.

NO: 2008-01991-CD

**Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc., a
corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
individually, Jaime D. Rodriguez,
individually, Cristina Athwal, t/d/b/a/
London Transport, London Transport, Inc:
a corporation and Antonio Garcia, t/d/b/a:
GAR Trucking, a/k/a Gar Trucking,**

Defendants

NOTICE

**TO: PENNSYLVANIA STATE POLICE
ATTN: SGT. THOMAS HOLLENBAUGH
147 Doe Hill Road
Woodland, PA 16881**

**You are required to complete the following CERTIFICATE OF COMPLIANCE
when producing documents or things pursuant to the Subpoena.**

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA
TO PRODUCE DOCUMENTS OR THINGS**

**I, _____, hereby certify to the best of my knowledge,
information and belief that all documents or things required to be produced pursuant to
the Subpoena issued on _____ have been produced.**

DATE: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of
the estate of Manish Patel, deceased,

Plaintiff,

v.

VADIM SELETSKIY, individually, VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS, ORIENT
EXPRESS, INC., a corporation, WILLIAM V.
EMERSON, individually, DOS
TRANSPORTATION, INC., a corporation,
a/k/a D.O.S. TRANSPORTATION, INC., a
corporation, VIRAL B. PATEL, individually,
JAIME D. RODRIQUEZ, individually,
CRISTINA ATHWAL t/d/b/a LONDON
TRANSPORT, LONDON TRANSPORT,
INC. a corporation and ANTONIO GARCIA,
t/d/b/a GAR TRUCKING a/k/a Gar Trucking,

Defendants.

CIVIL DIVISION

No. 2008-01991 CD

Issue No.

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Code:

Filed on behalf of Defendants, William
Emerson and DOS Transportation, Inc.

Counsel of record for this party:

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

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

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

(412) 281-7272

JURY TRIAL DEMANDED

FILED
DEC 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

2 Rules
to Atty Pion
610

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of) CIVIL DIVISION
the estate of Manish Patel, deceased,)
Plaintiff,) No. 2008-01991-CD

v.)

VADIM SELETSKIY, individually, VADIM)
SELETSKIY and ALLA SELETSKAYA,)
t/d/b/a ORIENT EXPRESS, ORIENT)
EXPRESS, INC., a corporation, WILLIAM)
V. EMERSON, individually, DOS)
TRANSPORTATION, INC., a corporation,)
a/k/a D.O.S. TRANSPORTATION, INC., a)
corporation, VIRAL B. PATEL, individually,)
JAIME D. RODRIQUEZ, individually,)
CRISTINA ATHWAL t/d/b/a LONDON)
TRANSPORT, LONDON TRANSPORIOT,)
INC. a corporation and ANTONIO)
GARCIA, t/d/b/a GAR TRUCKING a/k/a)
Gar Trucking,)

Defendants.

PRAECIPE FOR RULE TO FILE COMPLAINT

TO: PROTHONOTARY

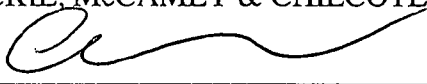
Please issue the necessary Rule upon Plaintiffs to file a Complaint in the above-captioned matter within twenty (20) days of service thereof.

JURY TRIAL DEMANDED.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By



John T. Pion, Esquire

Edward M. Vavro, Jr., Esquire


Attorneys for Defendants, William Emerson and
DOS Transportation, Inc.

CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing *Praecipe for Rule to File Complaint* have been served this 26 day of November, 2008, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

John W. McCandless, Esquire
2222 West Grandview Blvd.
Erie, PA 16506

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William Emerson and
DOS Transportation, Inc.

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

Richard O. Mazanec
Manish Patel

Vs.

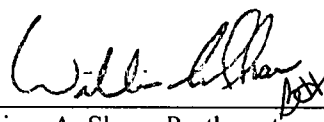
Case No. 2008-01991-CD

Vadim Seletskiy
Alla Seletskaya
Orient Express
Orient Express, Inc.
William V. Emerson
DOS Transportation, Inc.
Viral B. Patel
Jaime D. Rodriguez
Cristina Athwal
London Transport
London Transport, Inc.
Antonio Garcia
GAR Trucking

RULE TO FILE COMPLAINT

TO: Richard O. Mazanec, Administrator of the Estate of Manish Patel, Deceased

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


William A. Shaw, Prothonotary

Dated: December 5, 2008

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

FILED 3cc Athy
m/12:40pm McCandless
DEC 08 2008 (GID)

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE :TO DEFEND

TO: VADIM SELETSKIY
750 126TH Street
Blaine, MN 55434

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: VADIM SELETSKIY AND ALLA SELETSKAYA
t/d/b/a ORIENT EXPRESS
750 126TH Street
Blaine, MN 55434**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator of the Estate of Manish Patel, deceased,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
	:	
Plaintiff	:	
	:	
v.	:	
	:	NO. 2008-01991-CD
VADIM SELETSKIY, individually,	:	
VADIM SELETSKIY and ALLA	:	
SELETSKAYA, t/d/b/a ORIENT	:	
EXPRESS, ORIENT EXPRESS, INC., a	:	
corporation, WILLIAM V. EMERSON,	:	
individually, DOS TRANSPORTATION,	:	
INC., a corporation, VIRAL B. PATEL,	:	
individually, JAIME D. RODRIGUEZ,	:	
individually, CRISTINA ATHWAL,	:	
t/d/b/a/ LONDON TRANSPORT,	:	
LONDON TRANSPORT, INC., a	:	
corporation and ANTONIO GARCIA,	:	
t/d/b/a/ GAR TRUCKING, a/k/a Gar	:	
Trucking,	:	
	:	
Defendants	:	

NOTICE :TO DEFEND

TO: ORIENT EXPRESS INC., a corporation
750 126TH Street
Blaine, MN 55434

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: WILLIAM V. EMERSON, individually
John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire
c/o Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: DOS TRANSPORTATION, INC. a corporation
John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire
c/o Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: VIRAL B. PATEL
1102 East Erie Avenue
Apt. #7
Lorain, OH 44052

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: JAIME D. RODRIGUEZ
c/o ANTONIO GARCIA t/d/b/a GAR TRUCKING, a/k/a Gar Trucking
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: CRISTINA ATHWAL, t/d/b/a LONDON TRANSPORT
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878; v1

RICHARD O. MAZANEC, Administrator : IN THE COURT OF COMMON PLEAS OF
of the Estate of Manish Patel, deceased, : CLEARFIELD COUNTY, PENNSYLVANIA

Plaintiff :

v. :

NO. 2008-01991-CD

VADIM SELETSKIY, individually, :
VADIM SELETSKIY and ALLA :
SELETSKAYA, t/d/b/a ORIENT :
EXPRESS, ORIENT EXPRESS, INC., a :
corporation, WILLIAM V. EMERSON, :
individually, DOS TRANSPORTATION, :
INC., a corporation, VIRAL B. PATEL, :
individually, JAIME D. RODRIGUEZ, :
individually, CRISTINA ATHWAL, :
t/d/b/a/ LONDON TRANSPORT, :
LONDON TRANSPORT, INC., a :
corporation and ANTONIO GARCIA, :
t/d/b/a/ GAR TRUCKING, a/k/a Gar :
Trucking, :

Defendants :

NOTICE :TO DEFEND

**TO: LONDON TRANSPORT, INC., a corporation
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: ANTONIO GARCIA t/d/b/a GAR TRUCKING, a/k/a Gar Trucking
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff

vs.

CIVIL ACTION NO:

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S.
Transportation, Inc., a corporation, Viral
B. Patel, individually, Jaime D.
Rodriguez, individually, Cristina Athwal,
t/d/b/a London Transport, London
Transport Inc., a corporation and
Antonio Garcia, t/d/b/a GAR Trucking,
a/k/a Gar Trucking,

Defendants

COMPLAINT IN CIVIL ACTION

NOW COMES RICHARD O. MAZANEC, ADMINISTRATOR OF THE ESTATE OF
MANISH PATEL, DECEASED, plaintiff, by and through counsel, and for the complaint,
states as follows:

1. Plaintiff, Richard O. Mazanec, is the duly appointed Administrator of the
Estate of Manish Patel ("Patel Estate"), deceased, having been appointed by
the Probate

Court of Cuyahoga County, Ohio in Case No. 2007 EST 123387. Manish Patel died
intestate on October 20, 2006.

2. Decedent, Manish Patel, was the son of Ramesh Patel and Jashoda Patel, and was a resident of Strongsville, Ohio.
3. Upon information and belief, Defendant DOS Transportation, Inc., a/k/a D.O.S. Transportation, Inc. ("DOS Transportation") is a Delaware corporation and having a place of business located at 9101 Elm Street, Seaford, DE 19973. Upon information and belief, DOS Transportation also has a place of business located at 33098 Bi-State Blvd., Laurel, DE 19956. Upon information and belief, DOS Transportation is engaged in the business of interstate trucking.
4. Defendant William V. Emerson ("Emerson") is an adult individual who is believed to reside at 9803 Magnolia Drive, Laurel, DE 19956. Upon information and belief, at all times relevant hereto Emerson was an agent, servant and/or employee of DOS Transportation, acting within the scope of his authority.
5. Upon information and belief, Defendant Orient Express, Inc. is a Minnesota corporation, or Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, a proprietorship, or a limited liability company, or a partnership or an unincorporated association or other legal entity ("Orient Express"), and having a place of business located at 750 126th Avenue, N.E., Blaine, MN 55434. Upon information and belief, Orient Express is engaged in the business of interstate trucking.
6. Defendant Vadim Seletskiy ("Selitskiy") is an adult individual who is believed to reside at 750 126th Avenue, N.E., Blaine, MN 55434. Upon information and belief, at all times relevant hereto Seletskiy was an agent, servant and/or employee of Orient Express, acting within the scope of his authority.

7. Defendant Viral B. Patel is an adult individual who resides at 1102 East Erie Avenue, Apt. #7, Lorain, OH 44052.
8. Upon information and belief, Defendant London Transport, Inc. is a California corporation, or Cristina Athwal, t/d/b/a London Transport ("London Transport"), a sole proprietorship, or a limited liability company, or a partnership or an unincorporated association or other legal entity, with a place of business located at 10402 Campagnoni Street, Bakersfield, CA 93313-9723, and/or a mailing address at P.O. Box 3142, Bakersfield, CA 93385. Upon information and belief, London Transport is engaged in the business of interstate trucking.
9. Upon information and belief, Defendant Antonio Garcia is an adult individual t/d/b/a GAR Trucking, a/k/a Gar Trucking ("Garcia"), with a place of business located at 850 Deer Ridge Dr., Bakersfield, CA 93306, and a mailing address at P.O. Box 3142, Bakersfield, CA 93385. Upon information and belief, Garcia is engaged in the business of interstate trucking.
10. Defendant Jaime D. Rodriguez ("Rodriguez") is an adult individual who is believed to reside at 66 Sasser Lane, Clinton, NC 28326. Upon information and belief, at all times relevant hereto, Rodriguez was an agent, servant and/or employee of London Transport and/or Garcia, acting within the scope of his authority.
11. Venue in this case is proper in Clearfield County, Pennsylvania.
12. The accident herein complained of occurred on Friday, October 20, 2006 at or about 12:17 a.m. in the eastbound lanes of Interstate 80, approximately one tenth of a mile west of Exit 120, in Lawrence Township, Clearfield County, PA.

13. At said time and place, it was raining and dark, and the roadway was saturated with rainwater. I-80 was a divided, four lane roadway with a generally east and west orientation. The roadway had a curve to the left in the eastbound direction.
14. At that time and place, decedent Manish Patel was a passenger in a 2003 Nissan Sentra owned and operated by Viral Patel.
15. At that time and place, Defendant Rodriguez was driving a 2002 Freightliner tractor trailer, owned and/or leased by Defendants London Transport and/or Garcia on I-80 in an eastbound direction when he negligently, recklessly and carelessly lost control of his tractor trailer, causing it to jackknife onto the north berm of I-80.
16. At said time and place, the Defendant Emerson was operating a 2005 Freightliner truck, owned by the Defendant DOS Transportation, eastbound on I-80 when he negligently, recklessly and carelessly stopped his tractor trailer in the eastbound lane or lanes of travel at or near the Rodriguez tractor trailer, and left the vehicle unattended on the roadway.
17. Following the events set forth above, the Defendant Viral Patel was operating his 2003 Nissan Sentra eastbound on I-80 when he negligently, recklessly and carelessly failed to stop his vehicle before colliding with the stopped and standing trailer of the Emerson truck.
18. Following the events set forth above, the Defendant Seletskiy was operating a 2006 Volvo tractor trailer, owned by the Defendant Orient Express, eastbound on I-80 when he came upon the stopped and standing vehicles, and negligently, recklessly and carelessly failed to stop his vehicle in time to avoid impact with the

Nissan Sentra occupied by Manish Patel, causing his trailer to drag the Nissan Sentra and Manish Patel approximately 170 feet in the eastbound lanes, whereupon the Nissan Sentra burst into flames, killing and consuming Manish Patel.

COUNT ONE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking

19. Plaintiff Patel Estate incorporates the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
20. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
21. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Rodriguez in the following particulars:
 - (a) In operating his tractor trailer at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;
 - (b) In failing to keep his tractor trailer under proper and adequate control under the conditions, thereby permitting it to slide and jackknife on and upon the roadway and onto the berm;
 - (c) In failing to maintain his tractor trailer in proper operating condition, thereby permitting it to slide and jackknife upon the roadway and onto the berm;
 - (d) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his tractor trailer accordingly, thereby permitting it to slide and jackknife on and upon the roadway and onto the berm;
 - (e) In failing to provide proper and adequate warning to vehicles approaching his disabled tractor trailer of the hazard it created;

- (f) In failing to place in a timely fashion such warning devices as are required by the Federal Motor Carrier Safety Regulations, §§392.22(b) and 393.95, on and upon the shoulder in the direction of and away from approaching traffic, and/or to view a distance of 100 to 500 feet of the curve, so as to afford ample warning to other users of the roadway;
- (g) In failing to exercise that degree of care and caution required of the Defendant Rodriguez for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (h) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (i) In acting in reckless disregard for the hazard which his vehicle created for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

22. The Defendants London Transport and Garcia are vicariously liable for the negligence, recklessness and carelessness of their agent, servant and employee, Rodriguez.

23. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (j) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (k) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (l) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (m) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR

Trucking, a/k/a Gar Trucking in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT TWO – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking

24. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 23 above inclusive as though fully set forth at length.

25. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

26. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

27. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:

- (n) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (o) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;

- (p) Expenses of his funeral and administration of his estate; and
- (q) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT THREE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

- 28. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
- 29. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
- 30. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Emerson, as follows:
 - (r) In stopping, parking or standing his tractor trailer in the travel lanes of I-80, a violation of 75 Pa.C.S.A. §3351;
 - (s) In stopping, standing or parking his tractor trailer on the travel lanes of I-80, a limited access highway, a violation of 75 Pa.C.S.A. §3353(a)(1)(vii);
 - (t) In leaving his tractor trailer unattended in the travel lanes of I-80 when the defendant knew, or should have known, that it would create a hazard for traffic approaching in the travel lanes under the conditions set forth above;
 - (u) In continuing to leave his tractor trailer unattended in the travel lanes of I-80 after it had been struck by a garbage truck, whereupon the defendant recklessly disregarded the fact that his vehicle created a hazard for traffic approaching in the

travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736;

- (v) In failing to pull his tractor trailer to a position of safety off of the travel lanes of I-80 when the defendant knew or should have known, and/or recklessly disregarded that it created a hazard for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736;
- (w) In failing to provide proper and adequate warning to vehicles approaching his stopped and standing tractor trailer of the hazard it created;
- (x) In failing to place in a timely fashion such warning devices as are required by the Federal Motor Carrier Safety Regulations, §§392.22(b) and 393.95, on and upon the center of the travel lane in the direction of and away from approaching traffic, and/or to view a distance of 100 to 500 feet of the curve, so as to afford ample warning to other users of the roadway;
- (y) In failing to exercise that degree of care and caution required of the Defendant Emerson for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (z) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714.

31. The Defendant DOS Transportation is vicariously liable for the negligence, recklessness and carelessness of its agent, servant and employee, Emerson.

32. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (aa) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (bb) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (cc) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (dd) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT FOUR – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

33. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, 30, and 31 above inclusive as though fully set forth at length.

34. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

35. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

36. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:

- (ee) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (ff) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
- (gg) Expenses of his funeral and administration of his estate; and
- (hh) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT FIVE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

37. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.

38. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.

39. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Viral B. Patel, as follows:

- (a) In operating his vehicle at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;

- (b) In operating his vehicle at a speed greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead, a violation of 75 Pa.C.S.A. §3361;
- (c) In failing to keep his vehicle under proper and adequate control under the conditions, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (d) In failing to maintain his vehicle in proper operating condition, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (e) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his vehicle accordingly, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (f) In failing to stop, slow or turn his vehicle in a timely manner so as to avoid collision with the stopped and standing Emerson tractor trailer;
- (g) In obstructing traffic on the travel lanes of I-80 following his collision with the unattended Emerson vehicle, a violation of 75 Pa.C.S.A. §3745;
- (h) In failing to immediately remove his vehicle to a safe refuge on the shoulder of I-80 or otherwise remove it from the roadway following the impact with the stopped and standing Emerson vehicle, a violation of 75 Pa.C.S.A. §3745.1;
- (i) In failing to provide proper and adequate warning to vehicles approaching his stopped and standing vehicle of the hazard it created;
- (j) In failing to exercise that degree of care and caution required of the Defendant Viral B. Patel for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (k) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (l) In acting in reckless disregard for the hazard which his vehicle created for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

40. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (a) Great conscious physical pain, suffering, and agony from the time of the accident until his death;

- (b) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (c) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (d) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendant Viral B. Patel in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT SIX – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

- 41. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, and 39 above inclusive as though fully set forth at length.
- 42. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

- 43. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

- (b) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (c) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (d) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendant Viral B. Patel in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT SIX - WRONGFUL DEATH ACTION

- Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel
41. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, and 39 above inclusive as though fully set forth at length.
42. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
 Jashoda Patel, mother
 Sander Street at Vassar, BO
 Ta Borsad
 Di Anand
 Gujarat, India
 PIN 388540

43. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

44. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:

- (e) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (f) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
- (g) Expenses of his funeral and administration of his estate; and
- (h) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendant Viral B. Patel in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT SEVEN – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

45. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.

46. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.

47. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Seletskiy as follows:

- (a) In operating his tractor trailer at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;

44. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to

suffer the following damages:

- (e) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (f) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
- (g) Expenses of his funeral and administration of his estate; and
- (h) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendant Vital B. Patel in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT SEVEN - SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Selskiy, individually, Vadim Selskiy and Alla Selskiy, Vadim Orient Express, and Orient Express, Inc., a corporation

45. Plaintiff Patel Estate incorporates herein by reference the averments of

Paragraphs 1 through 18 above inclusive as though fully set forth at length.

46. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.

47. The aforesaid accident was the direct and proximate result, jointly and severally,

of the negligence, recklessness and carelessness of the Defendant Selskiy as

follows:

- (a) In operating his tractor trailer at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §8301;

- (b) In operating his tractor trailer at a speed greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead, a violation of 75 Pa.C.S.A. §3361;
- (c) In failing to keep his tractor trailer under proper and adequate control under the conditions, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (d) In failing to maintain his tractor trailer in proper operating condition, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (e) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his vehicle accordingly, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (f) In failing to stop, slow or turn his vehicle in a timely manner so as to avoid collision with the stopped and standing Patel vehicle;
- (g) In failing to exercise that degree of care and caution required of the Defendant Seletskiy for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (h) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (i) In acting in reckless disregard for the hazard which his operation of his vehicle created for the safety of persons in the travel lanes as he was approaching, under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

48. The Defendant Orient Express is vicariously liable for the negligence, recklessness and carelessness of its agent, servant and employee, Seletskiy.

49. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (a) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (b) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and

- (c) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (d) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT EIGHT – WRONGFUL DEATH

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

50. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, 47 and 48 above inclusive as though fully set forth at length.

51. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

52. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

53. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:

- (a) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (b) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
- (c) Expenses of his funeral and administration of his estate; and
- (d) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater.

TRIAL BY JURY OF TWELVE DEMANDED

Respectfully submitted,
Mark D. Amaddio Co. LPA

By: 

Mark D. Amaddio
55 Public Square
Suite 850
Cleveland, OH 44113
(216) 274-0800

WHEELER & MAZANEC, LLC

By: 

Richard O. Mazanec

55 Public Square
Suite 850
Cleveland, OH 44113
(216) 522-1100

QUINN, BUSECK, LEEMHUIS, TOOHEY
& KROTO, INC.

By:


John W. McCandless
Pa. J.D. #27928
2222 West Grandview Blvd.
Erie, PA 16506
(814) 833-2222

Date: 12-5-2008

Attorneys for Plaintiff Richard O. Mazanec,
Administrator of the Estate of Manish Patel, deceased
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of the
Estate of Manish Patel, deceased,

Plaintiff

vs.

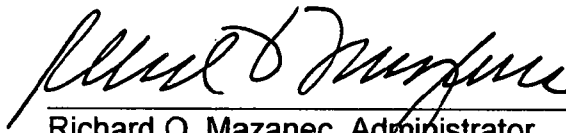
CIVIL ACTION NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S. Transportation,
Inc., a corporation, Viral B. Patel,
individually, Jaime D. Rodriguez,
individually, Cristina Athwal, t/d/b/a
London Transport, London Transport Inc.,
a corporation and Antonio Garcia, t/d/b/a
GAR Trucking, a/k/a Gar Trucking,

Defendants

VERIFICATION

I, Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, Plaintiff in the above matter, depose and say that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

 ADMINISTRATOR
Richard O. Mazanec, Administrator
of the Estate of Manish Patel, deceased, 10/31/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of :
the Estate of Manish Patel, deceased, :

Plaintiff :

vs. :

NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim :
Seletskiy and Alla Seletskaya, t/d/b/a :
Orient Express, Orient Express, Inc., a :
corporation, William V. Emerson, :
individually, DOS Transportation, Inc., a :
corporation, a/k/a D.O.S. Transportation: :
Inc., a corporation, Viral B. Patel, :
individually, Jaime D. Rodriguez, :
individually, Cristina Athwal, t/d/b/a/ :
London Transport, London Transport, Inc: :
a corporation and Antonio Garcia, t/d/b/a :
GAR Trucking, a/k/a Gar Trucking, :

Defendants :

FILED *NR*
11:08/64
DEC 31 2008 *GN*
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE PREREQUISITE TO SERVICE OF SUBPOENA

As a prerequisite to service of Subpoena for Documents and Things Pursuant to Rule 4009.22, John W. McCandless, Esquire, attorney for Plaintiff Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, certifies that:

1. A Notice of Intent To Serve Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty(20) days prior to the date on which the Subpoena was sought to be served;

2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;

3. No objection to the Subpoena has been received; and

4. The Subpoena which will be served is identical to the Subpoena which was attached to the Notice of Intent to Serve Subpoena.

Respecfully submitted,

Quinn Buseck Leemhuis Toohey & Kroto, Inc.

By: 

JOHN W. MCCANDLESS, ESQUIRE
2222 West Grandview Blvd.
Erie, PA 16506
Attorney for Plaintiff
PA ID#: 27928

DATED: 12/29/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff

vs.

NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc., a
corporation, a/k/a D.O.S. Transportation:
Inc., a corporation, Viral B. Patel,
individually, Jaime D. Rodriguez,
individually, Cristina Athwal, t/d/b/a/
London Transport, London Transport, Inc:
a corporation and Antonio Garcia, t/d/b/a :
GAR Trucking, a/k/a Gar Trucking,

Defendants

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

DEC 04 2008

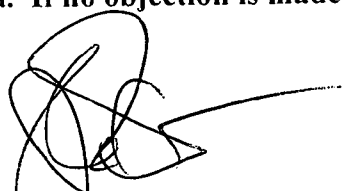
Attest.

William A. Bane
Prothonotary/
Clerk of Courts

NOTICE OF INTENT TO SERVE SUBPOENA
PURSUANT TO RULE 4009.22

Plaintiff Richard O. Mazanec, Administrator of the Estate of Manish Patel,
deceased, intends to serve a Subpoena identical to the one that is attached to this notice.
You have twenty(20) days from the date listed below in which to file of record and serve
upon the undersigned an objection to the Subpoena. If no objection is made the Subpoena
may be served.

DATE: 12/2/08


JOHN W. MCCANDLESS, ESQ.
Attorney for Plaintiff
PA I.D.#: 27928
Quinn Law Firm
2222 West Grandview Blvd.
Erie, PA 16506
(814)833-2222

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Richard O. Mazanec
Manish Patel
Plaintiff(s)

Vs.

No. 2008-01991-CD

Vadim Seletskiy; Alla Seletskaya
Orient Express; Orient Express, Inc.
William V. Emerson; DOS Transportation, Inc.
D.O.S. Transportation, Inc; Viral B. Patel
Jaime D. Rodriguez; Cristina Athwal
London Transport; London Transport Inc.
Antonio Garcia; GAR Trucking; GarTrucking
Defendant(s)

"SUBPOENA DUCES TECUM"

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

Pennsylvania State Police Commissioner
TO: 1800 Elmerton Avenue, Harrisburg, PA 17110
(Name of Person or Entity)

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

PLEASE SEE ATTACHMENT TO SUBPOENA FOR REQUESTED DOCUMENTS

To: Quinn Law Firm, 2222 West Grandview, Erie, PA 16506
(Address)

You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty
(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME: John W. McCandless, Esq.
ADDRESS: 2222 West Grandview Blvd.
Erie, PA 16506
TELEPHONE: (814) 833-2222
SUPREME COURT ID # 27928
ATTORNEY FOR: Plaintiffs

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, November 21, 2008
Seal of the Court

Deputy

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

This accident occurred on October 20, 2006 at approximately 12:17 A.M.. The location of the accident is I-80 East at Mile Marker 119.5 in Lawrence Township, Clearfield County, Pennsylvania.

The Pennsylvania State Police Report Number is: C03-0882488;

Companion Report Numbers are: C03-0882486, C03-0882487, C03-0882358;

Requesting as follows:

- 1. All police reports, investigation documentation, photographs with regard to all four (4) of the above listed Police Reports;**
- 2. A copy of Traffic Citation No. 396110-1 issued to William V. Emerson, PA Vehicle Code 3351(a) stopping, standing and parking outside business and residence districts;**
- 3. A copy of Traffic Citation No.396543-0 issued to Viral B. Patel, PA Vehicle Code 3361;**
- 4. A copy of any Traffic Citations issued to Vadim Seletskiy or Jaime D. Rodriguez;**
- 5. A copy of the Lawrence Township Volunteer Fire Department records;**
- 6. A copy of the Clearfield County EMS records;**

This Subpoena request includes all Police Investigation Materials, including all logs, photographs, witness statements and any and all materials contained within these Accident Investigation Files.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of :
the Estate of Manish Patel, deceased, :

Plaintiff :

vs. :

NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim :
Seletskiy and Alla Seletskaya, t/d/b/a :
Orient Express, Orient Express, Inc., a :
corporation, William V. Emerson, :
individually, DOS Transportation, Inc., a :
corporation, a/k/a D.O.S. Transportation: :
Inc., a corporation, Viral B. Patel, :
individually, Jaime D. Rodriguez, :
individually, Cristina Athwal, t/d/b/a/ :
London Transport, London Transport, Inc: :
a corporation and Antonio Garcia, t/d/b/a :
GAR Trucking, a/k/a Gar Trucking, :

Defendants :

NOTICE

TO: PENNSYLVANIA STATE POLICE COMMISSIONER
1800 Elmerton Avenue
Harrisburg, PA 17110

You are required to complete the following CERTIFICATE OF COMPLIANCE
when producing documents or things pursuant to the Subpoena.

CERTIFICATE OF COMPLIANCE WITH SUBPOENA
TO PRODUCE DOCUMENTS OR THINGS

I, _____, hereby certify to the best of my knowledge,
information and belief that all documents or things required to be produced pursuant to
the Subpoena issued on _____ have been produced.

DATE: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DKT PG. 105078

service 1 OF 1

RICHARD O. MAZANEC, Admin.

NO . 08-1991-CD

-VS-

VADIM SELETSKIY cl

NOTICE TO DEFEND & COMPLAINT

SHERIFF'S RETURN

NOW DECEMBER 22, 2008, SHERIFF OF BUCKS COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN NOTICE TO DEFEND & COMPLAINT ON VIRAL B. PATEL, DEFENDANT.

NOW JANUARY 2, 2009, RETURN THE WITHIN NOTICE TO DEFEND & COMPLAINT "NOT SERVED" AS TO VIRAL B. PATEL, DEFENDANT. BUCKS COUNTY RETURNED THE COMPLAINT "NOT ENOUGH TIME TO SERVE".

SHFF. HAWKINS: \$31.00

Paid by: atty.

BUCKS CO. SHFF: NO COSTS

So Answers,

SWORN TO BEFORE ME THIS

____ DAY OF _____ 2008

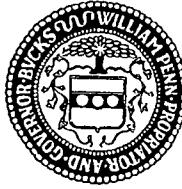
CHESTER A. HAWKINS
SHERIFF

5
FILED
01/31/2009
JAN 02 2009
William A. Shaw
Prothonotary/Clerk of Courts

BUCKS COUNTY SHERIFF'S OFFICE

EDWARD J. DONNELLY
SHERIFF

WALLACE H BATEMAN, JR
SOLICITOR



Bucks County Courthouse
Doylestown PA 18901
(215) 348-6124
(215) 348-6138

12-29-08

YOUR PAPERWORK IS BEING RETURNED FOR THE FOLLOWING
REASON FROM THE CIVIL DEPT (OUT OF COUNTY/ OUT OF STATE):

- () FEE IS INCORRECT
- () FEE IS MISSING
- () NO PROTHONOTARY DATE
- ☒ NOT ENOUGH TIME TO SERVE
- () ADDRESS NOT IN OUR COUNTY
- () WE DO NOT SERVE P.O. BOXES
- () CHECK NOT SIGNED
- () PAPER HAS EXPIRED
- () NO ORDER FOR SERVICE
- () OTHER

RE-IN STATE +
RETURN ASAP

RECEIVED
C3 DEC 29 AM 7:14
SHERIFFS DEPT.
BUCKS CO., PA.

THANK YOU FOR YOUR COOPERATION WITH THE ABOVE

Bob



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 105078

TERM & NO. 08-1991-CD

RICHARD O. MAZANEC, Administrator of the Estate of Manish Patel, deceased

NOTICE TO DEFEND & COMPLAINT

vs.

VADIM SELETSKIY al

SERVE BY: 01/07/09
COURT DATE:

MAKE REFUND PAYABLE TO QUINN BUSECK LEEMHUIS TOOHEY & KROTO INC

SERVE: VIRAL B. PATEL

ADDRESS: 3000 FORD ROAD, APT J-4, BRISTOL, PA 19007

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 BUCKS COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, December 22, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

RECEIVED
3 DEC 29 AM 7:14
SHERIFFS DEPT
BUCKS CO., PA

OFFICE OF THE SHERIFF

ERIE COUNTY, PENNSYLVANIA
140 WEST SIXTH STREET • ERIE, PENNSYLVANIA 16501
814/451-6254 FAX 814/451-6323

ERIE COUNTY SHERIFF'S SERVICE INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE SHERIFF" on the reverse of the last (No. 4) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF RICHARD O. MAZANEC, Administrator of the
Estate of Manish Patel, deceased

TERM AND NO.

2008-01991-CD

DEFENDANT
VIRAL B. PATEL, et al.

TYPE OF WRIT

COMPLAINT

SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

VIRAL B. PATEL

ADDRESS (Street or RFD, Apartment No., City, State and Zip Code)

3000 Ford Road

AT Apt. J-4, Bristol, PA 19007

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

John W. McCandless, Esquire
Quinn Law Firm
2222 West Grandview Blvd
Erie, PA 16506

SHOW number of this writ and
total number of writs submitted,
i.e., 1 of 1, 1 of 3, etc.



No.	Total
1	1

Check if applicable:

☐ Serve Secretary of Commonwealth

☒ Deputized Service

☐ Publication

Special instructions required for all of the above.

SHOW IN THE SPACE BELOW ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

** PLEASE NOTE THIS NEEDS TO BE SERVED BEFORE JANUARY 8, 2009. **

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR

TELEPHONE NUMBER

DATE

John W. McCandless, Esq.

(814) 833-2222

12/17/08

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of
prepaid fees and sign



DEPOSIT

DISTRICT TO SERVE

I acknowledge receipt for the total number of writs
indicated and for the deposit (if applicable) shown.

SIGNATURE OF AUTHORIZED DEPUTY OR CLERK

DATE

OVERTIME AUTHORIZATION

DEPUTY

DATE AND TIME

AUTHORIZING ATTORNEY

☐ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS",
the writ described on the individual, company, corporation, etc., at the address shown above on the individual, company,
corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc.,
named above within the bailiwick of Erie County, Pennsylvania.

NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above)

☐ A person of suitable age then abiding
in the defendant's usual place of abode.

ADDRESS (Complete only if different than shown above)

FEE (If applicable)

MILEAGE

DATE(S) OF ENDEAVOR (Use remarks if necessary)

DATE OF SERVICE

TIME

AM
PM

SIGNATURE OF SHERIFF OR DEPUTY

REMARKS

**INSTRUCTIONS FOR SERVICE OF PROCESS
BY THE SHERIFF OF ERIE COUNTY**

Submit one copy of each writ and one instruction and process record for each individual, company, corporation, etc., to be served or property to be seized plus the applicable fees for such service(s). Fee schedules are available in the Sheriff's office upon request.

Complete all entries above the double line. Mark the check box and use the "Special Instructions" only if applicable.

If more than one writ and instruction and process record is submitted on a single case, the Sheriff will receipt for all of them. You will receive for your records the last (No. 4) copy for all the instruction and process record forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Prothonotary or Clerk of Courts or Register of Wills or Clerk of Records.

DATE RECEIVED

OFFICE OF THE SHERIFF

ERIE COUNTY, PENNSYLVANIA
140 WEST SIXTH STREET • ERIE, PENNSYLVANIA 16501 •
814/451-6254 - FAX: 814/451-6323

ERIE COUNTY SHERIFF'S SERVICE INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE SHERIFF" on the reverse of the last (No. 4) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF RICHARD O. MAZANEC, Administrator of the Estate of Manish Patel, deceased	TERM AND NO. 2008-01991-CD
DEFENDANT VIRIM SELETSKIY, et al.	TYPE OF WRIT COMPLAINT
SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN VIRAL B. PATEL	
ADDRESS (Street or RFD, Apartment No., City, State and Zip Code) 3000 Ford Road Apt. J-4, Bristol, PA 19007	

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

John W. McCandless, Esquire
Quinn Law Firm
2222 West Grandview Blvd
Erie, PA 16506

SHOW number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc.

No.	Total
1	1

Check if applicable:

☐ Serve Secretary of Commonwealth

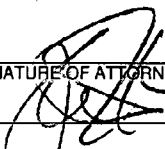

☒ Deputized Service

☐ Publication

Special instructions required for all of the above.

SHOW IN THE SPACE BELOW ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

**** PLEASE NOTE THIS NEEDS TO BE SERVED BEFORE JANUARY 8, 2009. ****

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR  John W. McCandless, Esq.		TELEPHONE NUMBER (814) 833-2222	DATE 12/17/08
SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE			
Show amount of prepaid fees and sign 	DEPOSIT	DISTRICT TO SERVE	
I acknowledge receipt for the total number of writs indicated and for the deposit (if applicable) shown.		SIGNATURE OF AUTHORIZED DEPUTY OR CLERK	
DATE		DATE	
OVERTIME AUTHORIZATION	DEPUTY	DATE AND TIME	AUTHORIZING ATTORNEY
<input type="checkbox"/> I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS", the writ described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc., at the address inserted below.			
<input type="checkbox"/> I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within the bailiwick of Erie County, Pennsylvania.			
NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above)		<input type="checkbox"/> A person of suitable age then abiding in the defendant's usual place of abode.	
ADDRESS (Complete only if different than shown above)		FEE (If applicable)	MILEAGE
DATE(S) OF ENDEAVOR (Use remarks if necessary)		DATE OF SERVICE	TIME
			AM PM
REMARKS		SIGNATURE OF SHERIFF OR DEPUTY	

DATE RECEIVED

OFFICE OF THE SHERIFF

ERIE COUNTY, PENNSYLVANIA
140 WEST SIXTH STREET • ERIE, PENNSYLVANIA 16501
814/451-6254 FAX 814/451-6323

ERIE COUNTY SHERIFF'S SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE SHERIFF" on the reverse of the last (No. 4) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF **RICHARD O. MAZANEC, Administrator of the**
Estate of Manish Patel, deceased

TERM AND NO.

2008-01991-CD

DEFENDANT

VIRAL SELETSKIY, et al.

TYPE OF WRIT

COMPLAINT

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

VIRAL B. PATEL

ADDRESS (Street or RFD, Apartment No., City, State and Zip Code)

3000 Ford Road

AT

Apt. J-4, Bristol, PA 19007

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

John W. McCandless, Esquire
Quinn Law Firm
2222 West Grandview Blvd
Erie, PA 16506

SHOW number of this writ and total number of writs submitted, i.e., 1 of 1, 1 of 3, etc.

No.	Total
1	1

Check if applicable:

☐ Serve Secretary of Commonwealth

☒ Deputized Service

☐ Publication

Special instructions required for all of the above.

SHOW IN THE SPACE BELOW ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

**** PLEASE NOTE THIS NEEDS TO BE SERVED BEFORE JANUARY 8, 2009. ****

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR

TELEPHONE NUMBER

DATE

John W. McCandless, Esq.

(814) 833-2222

12/17/09

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of prepaid fees and sign

DEPOSIT

DISTRICT TO SERVE

I acknowledge receipt for the total number of writs indicated and for the deposit (if applicable) shown.

SIGNATURE OF AUTHORIZED DEPUTY OR CLERK

DATE

OVERTIME AUTHORIZATION

DEPUTY

DATE AND TIME

AUTHORIZING ATTORNEY

☐ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS", the writ described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within the bailiwick of Erie County, Pennsylvania.

NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above)

☐ A person of suitable age then abiding in the defendant's usual place of abode.

ADDRESS (Complete only if different than shown above)

FEE (If applicable)

MILEAGE

DATE(S) OF ENDEAVOR (Use remarks if necessary)

DATE OF SERVICE

TIME

AM
PM

SIGNATURE OF SHERIFF OR DEPUTY

REMARKS

**INSTRUCTIONS FOR SERVICE OF PROCESS
BY THE SHERIFF OF ERIE COUNTY**

Submit one copy of each writ and one instruction and process record for each individual, company, corporation, etc., to be served or property to be seized plus the applicable fees for such service(s). Fee schedules are available in the Sheriff's office upon request.

Complete all entries above the double line. Mark the check box and use the "Special Instructions" only if applicable.

If more than one writ and instruction and process record is submitted on a single case, the Sheriff will receipt for all of them. You will receive for your records the last (No. 4) copy for all the instruction and process record forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Prothonotary or Clerk of Courts or Register of Wills or Clerk of Records.

OFFICE OF THE SHERIFF

ERIE COUNTY, PENNSYLVANIA
140 WEST SIXTH STREET • ERIE, PENNSYLVANIA 16501
814/451-6254 FAX 814/451-6323

ERIE COUNTY SHERIFF'S SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE SHERIFF" on the reverse of the last (No. 4) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF **RICHARD O. MAZANEC, Administrator of the**
Estate of Manish Patel, deceased

TERM AND NO.

2008-01991-CD

DEFENDANT
✓ **✓ VIM SELETSKIY, et al.**

TYPE OF WRIT

COMPLAINT

SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

VIRAL B. PATEL

ADDRESS (Street or RFD, Apartment No., City, State and Zip Code)

3000 Ford Road

AT **Apt. J-4, Bristol, PA 19007**

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

John W. McCandless, Esquire
Quinn Law Firm
2222 West Grandview Blvd
Erie, PA 16506

SHOW number of this writ and
total number of writs submitted,
i.e., 1 of 1, 1 of 3, etc.

No.

1

of

Total

1

Check if applicable:

☐ Serve Secretary of Commonwealth

☒ Deputized Service

☐ Publication

Special instructions required for all of the above.

SHOW IN THE SPACE BELOW ANY SPECIAL INSTRUCTIONS OR OTHER INFORMATION PERTINENT TO SERVING THE WRIT DESCRIBED ABOVE.

**** PLEASE NOTE THIS NEEDS TO BE SERVED BEFORE JANUARY 8, 2009. ****

NAME AND SIGNATURE OF ATTORNEY OR OTHER ORIGINATOR

John W. McCandless, Esq.

TELEPHONE NUMBER

814-833-2222

DATE

12/17/08

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

Show amount of
prepaid fees and sign

DEPOSIT

DISTRICT TO SERVE

I acknowledge receipt for the total number of writs
indicated and for the deposit (if applicable) shown.

SIGNATURE OF AUTHORIZED DEPUTY OR CLERK

DATE

OVERTIME AUTHORIZATION

DEPUTY

DATE AND TIME

AUTHORIZING ATTORNEY

☐ I hereby certify and return that I have personally served, have legal evidence of service, or have executed as shown in "REMARKS",
the writ described on the individual, company, corporation, etc., at the address shown above on the individual, company,
corporation, etc., at the address inserted below.

☐ I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc.,
named above within the bailiwick of Erie County, Pennsylvania.

NAME AND TITLE OF INDIVIDUAL SERVED (If not shown above)

☐ A person of suitable age then abiding
in the defendant's usual place of abode.

ADDRESS (Complete only if different than shown above)

FEE (If applicable)

MILEAGE

DATE(S) OF ENDEAVOR (Use remarks if necessary)

DATE OF SERVICE

TIME

AM
PM

SIGNATURE OF SHERIFF OR DEPUTY

REMARKS

**INSTRUCTIONS FOR SERVICE OF PROCESS
BY THE SHERIFF OF ERIE COUNTY**

Submit one copy of each writ and one instruction and process record for each individual, company, corporation, etc., to be served or property to be seized plus the applicable fees for such service(s). Fee schedules are available in the Sheriff's office upon request.

Complete all entries above the double line. Mark the check box and use the "Special Instructions" only if applicable.

If more than one writ and instruction and process record is submitted on a single case, the Sheriff will receipt for all of them. You will receive for your records the last (No. 4) copy for all the instruction and process record forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Prothonotary or Clerk of Courts or Register of Wills or Clerk of Records.

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

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

DEC 08 2008

Attest.

William A. Brown
Prothonotary/
Clerk of Courts

NOTICE :TO DEFEND

TO: VADIM SELETSKIY
750 126TH Street
Blaine, MN 55434

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE : TO DEFEND

TO: VIRAL B. PATEL
1102 East Erie Avenue
Apt. #7
Lorain, OH 44052

(also)

VIRAL B. PATEL
3000 Ford Road
Apt. J-4
Bristol, PA 19007

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: VADIM SELETSKIY AND ALLA SELETSKAYA
t/d/b/a ORIENT EXPRESS
750 126TH Street
Blaine, MN 55434**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: ORIENT EXPRESS INC., a corporation
 750 126TH Street
 Blaine, MN 55434**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: WILLIAM V. EMERSON, individually
John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire
c/o Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: DOS TRANSPORTATION, INC. a corporation
John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire
c/o Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: JAIME D. RODRIGUEZ
c/o ANTONIO GARCIA t/d/b/a GAR TRUCKING, a/k/a Gar Trucking
10402 Campagnoni Street
Bakersfield, CA 93313-9723

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: CRISTINA ATHWAL, t/d/b/a LONDON TRANSPORT
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: LONDON TRANSPORT, INC., a corporation
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

.v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: ANTONIO GARCIA t/d/b/a GAR TRUCKING, a/k/a Gar Trucking
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff

vs.

CIVIL ACTION NO:

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S.
Transportation, Inc., a corporation, Viral
B. Patel, individually, Jaime D.
Rodriguez, individually, Cristina Athwal,
t/d/b/a London Transport, London
Transport Inc., a corporation and
Antonio Garcia, t/d/b/a GAR Trucking,
a/k/a Gar Trucking,

Defendants

COMPLAINT IN CIVIL ACTION

NOW COMES RICHARD O. MAZANEC, ADMINISTRATOR OF THE ESTATE OF
MANISH PATEL, DECEASED, plaintiff, by and through counsel, and for the complaint,
states as follows:

1. Plaintiff, Richard O. Mazanec, is the duly appointed Administrator of the
Estate of Manish Patel ("Patel Estate"), deceased, having been appointed by
the Probate

Court of Cuyahoga County, Ohio in Case No. 2007 EST 123387. Manish Patel died
intestate on October 20, 2006.

2. Decedent, Manish Patel, was the son of Ramesh Patel and Jashoda Patel, and was a resident of Strongsville, Ohio.
3. Upon information and belief, Defendant DOS Transportation, Inc., a/k/a D.O.S. Transportation, Inc. ("DOS Transportation") is a Delaware corporation and having a place of business located at 9101 Elm Street, Seaford, DE 19973. Upon information and belief, DOS Transportation also has a place of business located at 33098 Bi-State Blvd., Laurel, DE 19956. Upon information and belief, DOS Transportation is engaged in the business of interstate trucking.
4. Defendant William V. Emerson ("Emerson") is an adult individual who is believed to reside at 9803 Magnolia Drive, Laurel, DE 19956. Upon information and belief, at all times relevant hereto Emerson was an agent, servant and/or employee of DOS Transportation, acting within the scope of his authority.
5. Upon information and belief, Defendant Orient Express, Inc. is a Minnesota corporation, or Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, a proprietorship, or a limited liability company, or a partnership or an unincorporated association or other legal entity ("Orient Express"), and having a place of business located at 750 126th Avenue, N.E., Blaine, MN 55434. Upon information and belief, Orient Express is engaged in the business of interstate trucking.
6. Defendant Vadim Seletskiy ("Seletskiy") is an adult individual who is believed to reside at 750 126th Avenue, N.E., Blaine, MN 55434. Upon information and belief, at all times relevant hereto Seletskiy was an agent, servant and/or employee of Orient Express, acting within the scope of his authority.

7. Defendant Viral B. Patel is an adult individual who resides at 1102 East Erie Avenue, Apt. #7, Lorain, OH 44052.
8. Upon information and belief, Defendant London Transport, Inc. is a California corporation, or Cristina Athwal, t/d/b/a London Transport ("London Transport"), a sole proprietorship, or a limited liability company, or a partnership or an unincorporated association or other legal entity, with a place of business located at 10402 Campagnoni Street, Bakersfield, CA 93313-9723, and/or a mailing address at P.O. Box 3142, Bakersfield, CA 93385. Upon information and belief, London Transport is engaged in the business of interstate trucking.
9. Upon information and belief, Defendant Antonio Garcia is an adult individual t/d/b/a GAR Trucking, a/k/a Gar Trucking ("Garcia"), with a place of business located at 850 Deer Ridge Dr., Bakersfield, CA 93306, and a mailing address at P.O. Box 3142, Bakersfield, CA 93385. Upon information and belief, Garcia is engaged in the business of interstate trucking.
10. Defendant Jaime D. Rodriguez ("Rodriguez") is an adult individual who is believed to reside at 66 Sasser Lane, Clinton, NC 28326. Upon information and belief, at all times relevant hereto, Rodriguez was an agent, servant and/or employee of London Transport and/or Garcia, acting within the scope of his authority.
11. Venue in this case is proper in Clearfield County, Pennsylvania.
12. The accident herein complained of occurred on Friday, October 20, 2006 at or about 12:17 a.m. in the eastbound lanes of Interstate 80, approximately one tenth of a mile west of Exit 120, in Lawrence Township, Clearfield County, PA.

13. At said time and place, it was raining and dark, and the roadway was saturated with rainwater. I-80 was a divided, four lane roadway with a generally east and west orientation. The roadway had a curve to the left in the eastbound direction.
14. At that time and place, decedent Manish Patel was a passenger in a 2003 Nissan Sentra owned and operated by Viral Patel.
15. At that time and place, Defendant Rodriguez was driving a 2002 Freightliner tractor trailer, owned and/or leased by Defendants London Transport and/or Garcia on I-80 in an eastbound direction when he negligently, recklessly and carelessly lost control of his tractor trailer, causing it to jackknife onto the north berm of I-80.
16. At said time and place, the Defendant Emerson was operating a 2005 Freightliner truck, owned by the Defendant DOS Transportation, eastbound on I-80 when he negligently, recklessly and carelessly stopped his tractor trailer in the eastbound lane or lanes of travel at or near the Rodriguez tractor trailer, and left the vehicle unattended on the roadway.
17. Following the events set forth above, the Defendant Viral Patel was operating his 2003 Nissan Sentra eastbound on I-80 when he negligently, recklessly and carelessly failed to stop his vehicle before colliding with the stopped and standing trailer of the Emerson truck.
18. Following the events set forth above, the Defendant Seletskiy was operating a 2006 Volvo tractor trailer, owned by the Defendant Orient Express, eastbound on I-80 when he came upon the stopped and standing vehicles, and negligently, recklessly and carelessly failed to stop his vehicle in time to avoid impact with the

Nissan Sentra occupied by Manish Patel, causing his trailer to drag the Nissan Sentra and Manish Patel approximately 170 feet in the eastbound lanes, whereupon the Nissan Sentra burst into flames, killing and consuming Manish Patel.

COUNT ONE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking

19. Plaintiff Patel Estate incorporates the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
20. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
21. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Rodriguez in the following particulars:
 - (a) In operating his tractor trailer at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;
 - (b) In failing to keep his tractor trailer under proper and adequate control under the conditions, thereby permitting it to slide and jackknife on and upon the roadway and onto the berm;
 - (c) In failing to maintain his tractor trailer in proper operating condition, thereby permitting it to slide and jackknife upon the roadway and onto the berm;
 - (d) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his tractor trailer accordingly, thereby permitting it to slide and jackknife on and upon the roadway and onto the berm;
 - (e) In failing to provide proper and adequate warning to vehicles approaching his disabled tractor trailer of the hazard it created;

- (f) In failing to place in a timely fashion such warning devices as are required by the Federal Motor Carrier Safety Regulations, §§392.22(b) and 393.95, on and upon the shoulder in the direction of and away from approaching traffic, and/or to view a distance of 100 to 500 feet of the curve, so as to afford ample warning to other users of the roadway;
- (g) In failing to exercise that degree of care and caution required of the Defendant Rodriguez for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (h) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (i) In acting in reckless disregard for the hazard which his vehicle created for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

22. The Defendants London Transport and Garcia are vicariously liable for the negligence, recklessness and carelessness of their agent, servant and employee, Rodriguez.

23. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (j) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (k) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (l) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (m) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR

Trucking, a/k/a Gar Trucking in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT TWO – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking

24. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 23 above inclusive as though fully set forth at length.

25. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent, Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

26. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

27. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:

- (n) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (o) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;

- (p) Expenses of his funeral and administration of his estate; and
- (q) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT THREE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

- 28. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
- 29. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
- 30. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Emerson, as follows:
 - (r) In stopping, parking or standing his tractor trailer in the travel lanes of I-80, a violation of 75 Pa.C.S.A. §3351;
 - (s) In stopping, standing or parking his tractor trailer on the travel lanes of I-80, a limited access highway, a violation of 75 Pa.C.S.A. §3353(a)(1)(vii);
 - (t) In leaving his tractor trailer unattended in the travel lanes of I-80 when the defendant knew, or should have known, that it would create a hazard for traffic approaching in the travel lanes under the conditions set forth above;
 - (u) In continuing to leave his tractor trailer unattended in the travel lanes of I-80 after it had been struck by a garbage truck, whereupon the defendant recklessly disregarded the fact that his vehicle created a hazard for traffic approaching in the

travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736;

- (v) In failing to pull his tractor trailer to a position of safety off of the travel lanes of I-80 when the defendant knew or should have known, and/or recklessly disregarded that it created a hazard for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736;
- (w) In failing to provide proper and adequate warning to vehicles approaching his stopped and standing tractor trailer of the hazard it created;
- (x) In failing to place in a timely fashion such warning devices as are required by the Federal Motor Carrier Safety Regulations, §§392.22(b) and 393.95, on and upon the center of the travel lane in the direction of and away from approaching traffic, and/or to view a distance of 100 to 500 feet of the curve, so as to afford ample warning to other users of the roadway;
- (y) In failing to exercise that degree of care and caution required of the Defendant Emerson for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (z) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714.

31. The Defendant DOS Transportation is vicariously liable for the negligence, recklessness and carelessness of its agent, servant and employee, Emerson.

32. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (aa) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (bb) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (cc) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (dd) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT FOUR – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

33. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, 30, and 31 above inclusive as though fully set forth at length.

34. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

35. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

36. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:
- (ee) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
 - (ff) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
 - (gg) Expenses of his funeral and administration of his estate; and
 - (hh) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT FIVE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

37. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
38. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
39. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Viral B. Patel, as follows:
- (a) In operating his vehicle at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;

- (b) In operating his vehicle at a speed greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead, a violation of 75 Pa.C.S.A. §3361;
- (c) In failing to keep his vehicle under proper and adequate control under the conditions, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (d) In failing to maintain his vehicle in proper operating condition, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (e) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his vehicle accordingly, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (f) In failing to stop, slow or turn his vehicle in a timely manner so as to avoid collision with the stopped and standing Emerson tractor trailer;
- (g) In obstructing traffic on the travel lanes of I-80 following his collision with the unattended Emerson vehicle, a violation of 75 Pa.C.S.A. §3745;
- (h) In failing to immediately remove his vehicle to a safe refuge on the shoulder of I-80 or otherwise remove it from the roadway following the impact with the stopped and standing Emerson vehicle, a violation of 75 Pa.C.S.A. §3745.1;
- (i) In failing to provide proper and adequate warning to vehicles approaching his stopped and standing vehicle of the hazard it created;
- (j) In failing to exercise that degree of care and caution required of the Defendant Viral B. Patel for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (k) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (l) In acting in reckless disregard for the hazard which his vehicle created for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

40. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (a) Great conscious physical pain, suffering, and agony from the time of the accident until his death;

- (b) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (c) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (d) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendant Viral B. Patel in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT SIX – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

41. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, and 39 above inclusive as though fully set forth at length.

42. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

43. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

44. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:

- (e) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (f) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
- (g) Expenses of his funeral and administration of his estate; and
- (h) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendant Viral B. Patel in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT SEVEN – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

- 45. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
- 46. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
- 47. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Seletskiy as follows:
 - (a) In operating his tractor trailer at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;

- (b) In operating his tractor trailer at a speed greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead, a violation of 75 Pa.C.S.A. §3361;
- (c) In failing to keep his tractor trailer under proper and adequate control under the conditions, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (d) In failing to maintain his tractor trailer in proper operating condition, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (e) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his vehicle accordingly, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (f) In failing to stop, slow or turn his vehicle in a timely manner so as to avoid collision with the stopped and standing Patel vehicle;
- (g) In failing to exercise that degree of care and caution required of the Defendant Seletskiy for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (h) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (i) In acting in reckless disregard for the hazard which his operation of his vehicle created for the safety of persons in the travel lanes as he was approaching, under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

48. The Defendant Orient Express is vicariously liable for the negligence, recklessness and carelessness of its agent, servant and employee, Seletskiy.

49. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (a) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (b) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and

- (c) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (d) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT EIGHT – WRONGFUL DEATH

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

50. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, 47 and 48 above inclusive as though fully set forth at length.

51. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

52. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

53. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:

- (a) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (b) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
- (c) Expenses of his funeral and administration of his estate; and
- (d) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater.

TRIAL BY JURY OF TWELVE DEMANDED

Respectfully submitted,
Mark D. Amaddio Co. LPA

By: 

Mark D. Amaddio
55 Public Square
Suite 850
Cleveland, OH 44113
(216) 274-0800

WHEELER & MAZANEC, LLC

By: 

Richard O. Mazanec

55 Public Square
Suite 850
Cleveland, OH 44113
(216) 522-1100

QUINN, BUSECK, LEEMHUIS, TOOHEY
& KROTO, INC.

By:


John W. McCandless
Pa. J.D. #27928
2222 West Grandview Blvd.
Erie, PA 16506
(814) 833-2222

Date: 12-5-2008

Attorneys for Plaintiff Richard O. Mazanec,
Administrator of the Estate of Manish Patel, deceased
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of the
Estate of Manish Patel, deceased,

Plaintiff

vs.

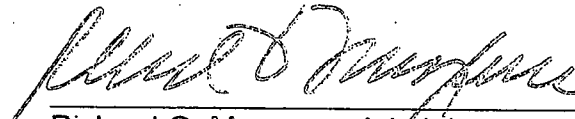
CIVIL ACTION NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S. Transportation,
Inc., a corporation, Viral B. Patel,
individually, Jaime D. Rodriguez,
individually, Cristina Athwal, t/d/b/a
London Transport, London Transport Inc.,
a corporation and Antonio Garcia, t/d/b/a
GAR Trucking, a/k/a Gar Trucking,

Defendants

VERIFICATION

I, Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, Plaintiff in the above matter, depose and say that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

 Administrator
Richard O. Mazanec, Administrator
of the Estate of Manish Patel, deceased, 10/31/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased, :

Plaintiff :

vs. :

NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc., a
corporation, a/k/a D.O.S. Transportation,
Inc., a corporation, Viral B. Patel,
individually, Cristina Athwal, t/d/b/a/
London Transport, London Transport, Inc.,
a corporation and Antonio Garcia, t/d/b/a
GAR Trucking, a/k/a Gar Trucking,

Defendants :

FILED

JAN 13 2009

m/11:30/um

William A. Shaw

Prothonotary/Clerk of Courts

1 SENT TO SWEE W/

REINSTATED COMPLAINT

5 1 SENT AMT W/

2 REINSTATED COMPLAINT

Pr ionotary/Clerk

PRAECIPE TO REINSTATE COMPLAINT

TO: CLEARFIELD COUNTY PROTHONOTARY

Please reinstate the Complaint for the above referenced matter at Docket

Number 2008-01991-CD.

Respectfully submitted,

QUINN BUSECK LEEHMUIS TOOHEY & KROTO, INC.

BY:

John W. McCandless

JOHN W. MCCANDLESS, ESQUIRE

Attorney for Plaintiffs

Pa.I.D. No: 27928

2222 West Grandview Blvd.

Erie, PA 16506

(814)833-2222

DATED: 1-5-09

Document #428976, v1

[illegible]

5007 60 11/11

Prothonotary/Clerk of Courts
William A. Shaw
2009

JAN 13 2009

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

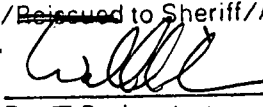
Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased, :

Plaintiff :

vs. :

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc., a
corporation, a/k/a D.O.S. Transportation,
Inc., a corporation, Viral B. Patel,
individually, Cristina Athwal, t/d/b/a/
London Transport, London Transport, Inc.,
a corporation and Antonio Garcia, t/d/b/a
GAR Trucking, a/k/a Gar Trucking, :

Defendants :

JAN. 13, 2009 Document
Reinstated/Reissued to Sheriff/Attorney
for service. 

Deputy Prothonotary

NO: 2008-01991-CD

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

JAN 13 2009

Attest. 

Prothonotary/
Clerk of Courts

PRAECIPE TO REINSTATE COMPLAINT

TO: CLEARFIELD COUNTY PROTHONOTARY

Please reinstate the Complaint for the above referenced matter at Docket

Number 2008-01991-CD.

Respectfully submitted,

QUINN BUSECK LEEHMUIS TOOHEY & KROTO, INC.

BY: 

JOHN W. MCCANDLESS, ESQUIRE

Attorney for Plaintiffs

Pa.I.D. No: 27928

2222 West Grandview Blvd.

Erie, PA 16506

(814)833-2222

DATED: 1-5-09

Document #428976, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

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

JAN 13 2009

Attest.

William A. Brown
Prothonotary/
Clerk of Courts

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

Attest.

William A. Brown
Prothonotary/
Clerk of Courts

NOTICE :TO DEFEND

TO: VADIM SELETSKIY
750 126TH Street
Blaine, MN 55434

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: VIRAL B. PATEL
1102 East Erie Avenue
Apt. #7
Lorain, OH 44052

(also)

VIRAL B. PATEL
3000 Ford Road
Apt. J-1
E 19401 PA 19007

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: VADIM SELETSKIY AND ALLA SELETSKAYA
t/d/b/a ORIENT EXPRESS
750 126TH Street
Blaine, MN 55434**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: ORIENT EXPRESS INC., a corporation
 750 126TH Street
 Blaine, MN 55434**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: WILLIAM V. EMERSON, individually
John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire
c/o Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: DOS TRANSPORTATION, INC. a corporation
John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire
c/o Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

TO: JAIME D. RODRIGUEZ
c/o ANTONIO GARCIA t/d/b/a GAR TRUCKING, a/k/a Gar Trucking
10402 Campagnoni Street
Bakersfield, CA 93313-9723

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: CRISTINA ATHWAL, t/d/b/a LONDON TRANSPORT
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: LONDON TRANSPORT, INC., a corporation
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

RICHARD O. MAZANEC, Administrator
of the Estate of Manish Patel, deceased,

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA
SELETSKAYA, t/d/b/a ORIENT
EXPRESS, ORIENT EXPRESS, INC., a
corporation, WILLIAM V. EMERSON,
individually, DOS TRANSPORTATION,
INC., a corporation, VIRAL B. PATEL,
individually, JAIME D. RODRIGUEZ,
individually, CRISTINA ATHWAL,
t/d/b/a/ LONDON TRANSPORT,
LONDON TRANSPORT, INC., a
corporation and ANTONIO GARCIA,
t/d/b/a/ GAR TRUCKING, a/k/a Gar
Trucking,

Defendants

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 2008-01991-CD

NOTICE :TO DEFEND

**TO: ANTONIO GARCIA t/d/b/a GAR TRUCKING, a/k/a Gar Trucking
10402 Campagnoni Street
Bakersfield, CA 93313-9723**

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Court Administration
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814)765-2641 Ext.50-51**

Document #425878, v1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff

vs.

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S.
Transportation, Inc., a corporation, Viral
B. Patel, individually, Jaime D.
Rodriguez, individually, Cristina Athwal,
t/d/b/a London Transport, London
Transport Inc., a corporation and
Antonio Garcia, t/d/b/a GAR Trucking,
a/k/a Gar Trucking,

Defendants

CIVIL ACTION NO:

COMPLAINT IN CIVIL ACTION

NOW COMES RICHARD O. MAZANEC, ADMINISTRATOR OF THE ESTATE OF
MANISH PATEL, DECEASED, plaintiff, by and through counsel, and for the complaint,
states as follows:

1. Plaintiff, Richard O. Mazanec, is the duly appointed Administrator of the
Estate of Manish Patel ("Patel Estate"), deceased, having been appointed by
the Probate

Court of Cuyahoga County, Ohio in Case No. 2007 EST 123387. Manish Patel died
intestate on October 20, 2006.

2. Decedent, Manish Patel, was the son of Ramesh Patel and Jashoda Patel, and was a resident of Strongsville, Ohio.
3. Upon information and belief, Defendant DOS Transportation, Inc., a/k/a D.O.S. Transportation, Inc. ("DOS Transportation") is a Delaware corporation and having a place of business located at 9101 Elm Street, Seaford, DE 19973. Upon information and belief, DOS Transportation also has a place of business located at 33098 Bi-State Blvd., Laurel, DE 19956. Upon information and belief, DOS Transportation is engaged in the business of interstate trucking.
4. Defendant William V. Emerson ("Emerson") is an adult individual who is believed to reside at 9803 Magnolia Drive, Laurel, DE 19956. Upon information and belief, at all times relevant hereto Emerson was an agent, servant and/or employee of DOS Transportation, acting within the scope of his authority.
5. Upon information and belief, Defendant Orient Express, Inc. is a Minnesota corporation, or Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, a proprietorship, or a limited liability company, or a partnership or an unincorporated association or other legal entity ("Orient Express"), and having a place of business located at 750 126th Avenue, N.E., Blaine, MN 55434. Upon information and belief, Orient Express is engaged in the business of interstate trucking.
6. Defendant Vadim Seletskiy ("Selitskiy") is an adult individual who is believed to reside at 750 126th Avenue, N.E., Blaine, MN 55434. Upon information and belief, at all times relevant hereto Seletskiy was an agent, servant and/or employee of Orient Express, acting within the scope of his authority.

7. Defendant Viral B. Patel is an adult individual who resides at 1102 East Erie Avenue, Apt. #7, Lorain, OH 44052.
8. Upon information and belief, Defendant London Transport, Inc. is a California corporation, or Cristina Athwal, t/d/b/a London Transport ("London Transport"), a sole proprietorship, or a limited liability company, or a partnership or an unincorporated association or other legal entity, with a place of business located at 10402 Campagnoni Street, Bakersfield, CA 93313-9723, and/or a mailing address at P.O. Box 3142, Bakersfield, CA 93385. Upon information and belief, London Transport is engaged in the business of interstate trucking.
9. Upon information and belief, Defendant Antonio Garcia is an adult individual t/d/b/a GAR Trucking, a/k/a Gar Trucking ("Garcia"), with a place of business located at 850 Deer Ridge Dr., Bakersfield, CA 93306, and a mailing address at P.O. Box 3142, Bakersfield, CA 93385. Upon information and belief, Garcia is engaged in the business of interstate trucking.
10. Defendant Jaime D. Rodriguez ("Rodriguez") is an adult individual who is believed to reside at 66 Sasser Lane, Clinton, NC 28326. Upon information and belief, at all times relevant hereto, Rodriguez was an agent, servant and/or employee of London Transport and/or Garcia, acting within the scope of his authority.
11. Venue in this case is proper in Clearfield County, Pennsylvania.
12. The accident herein complained of occurred on Friday, October 20, 2006 at or about 12:17 a.m. in the eastbound lanes of Interstate 80, approximately one tenth of a mile west of Exit 120, in Lawrence Township, Clearfield County, PA.

13. At said time and place, it was raining and dark, and the roadway was saturated with rainwater. I-80 was a divided, four lane roadway with a generally east and west orientation. The roadway had a curve to the left in the eastbound direction.
14. At that time and place, decedent Manish Patel was a passenger in a 2003 Nissan Sentra owned and operated by Viral Patel.
15. At that time and place, Defendant Rodriguez was driving a 2002 Freightliner tractor trailer, owned and/or leased by Defendants London Transport and/or Garcia on I-80 in an eastbound direction when he negligently, recklessly and carelessly lost control of his tractor trailer, causing it to jackknife onto the north berm of I-80.
16. At said time and place, the Defendant Emerson was operating a 2005 Freightliner truck, owned by the Defendant DOS Transportation, eastbound on I-80 when he negligently, recklessly and carelessly stopped his tractor trailer in the eastbound lane or lanes of travel at or near the Rodriguez tractor trailer, and left the vehicle unattended on the roadway.
17. Following the events set forth above, the Defendant Viral Patel was operating his 2003 Nissan Sentra eastbound on I-80 when he negligently, recklessly and carelessly failed to stop his vehicle before colliding with the stopped and standing trailer of the Emerson truck.
18. Following the events set forth above, the Defendant Seletski was operating a 2006 Volvo tractor trailer, owned by the Defendant Orient Express, eastbound on I-80 when he came upon the stopped and standing vehicles, and negligently, recklessly and carelessly failed to stop his vehicle in time to avoid impact with the

Nissan Sentra occupied by Manish Patel, causing his trailer to drag the Nissan Sentra and Manish Patel approximately 170 feet in the eastbound lanes, whereupon the Nissan Sentra burst into flames, killing and consuming Manish Patel.

COUNT ONE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking

19. Plaintiff Patel Estate incorporates the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
20. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
21. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Rodriguez in the following particulars:
 - (a) In operating his tractor trailer at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;
 - (b) In failing to keep his tractor trailer under proper and adequate control under the conditions, thereby permitting it to slide and jackknife on and upon the roadway and onto the berm;
 - (c) In failing to maintain his tractor trailer in proper operating condition, thereby permitting it to slide and jackknife upon the roadway and onto the berm;
 - (d) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his tractor trailer accordingly, thereby permitting it to slide and jackknife on and upon the roadway and onto the berm;
 - (e) In failing to provide proper and adequate warning to vehicles approaching his disabled tractor trailer of the hazard it created;

- (f) In failing to place in a timely fashion such warning devices as are required by the Federal Motor Carrier Safety Regulations, §§392.22(b) and 393.95, on and upon the shoulder in the direction of and away from approaching traffic, and/or to view a distance of 100 to 500 feet of the curve, so as to afford ample warning to other users of the roadway;
- (g) In failing to exercise that degree of care and caution required of the Defendant Rodriguez for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (h) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (i) In acting in reckless disregard for the hazard which his vehicle created for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

22. The Defendants London Transport and Garcia are vicariously liable for the negligence, recklessness and carelessness of their agent, servant and employee, Rodriguez.

23. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (j) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (k) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (l) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (m) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR

Trucking, a/k/a Gar Trucking in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT TWO – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking

24. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 23 above inclusive as though fully set forth at length.

25. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

26. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

27. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:

- (n) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
- (o) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;

- (p) Expenses of his funeral and administration of his estate; and
- (q) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT THREE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

- 28. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
- 29. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
- 30. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Emerson, as follows:
 - (r) In stopping, parking or standing his tractor trailer in the travel lanes of I-80, a violation of 75 Pa.C.S.A. §3351;
 - (s) In stopping, standing or parking his tractor trailer on the travel lanes of I-80, a limited access highway, a violation of 75 Pa.C.S.A. §3353(a)(1)(vii);
 - (t) In leaving his tractor trailer unattended in the travel lanes of I-80 when the defendant knew, or should have known, that it would create a hazard for traffic approaching in the travel lanes under the conditions set forth above;
 - (u) In continuing to leave his tractor trailer unattended in the travel lanes of I-80 after it had been struck by a garbage truck, whereupon the defendant recklessly disregarded the fact that his vehicle created a hazard for traffic approaching in the

travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736;

- (v) In failing to pull his tractor trailer to a position of safety off of the travel lanes of I-80 when the defendant knew or should have known, and/or recklessly disregarded that it created a hazard for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736;
- (w) In failing to provide proper and adequate warning to vehicles approaching his stopped and standing tractor trailer of the hazard it created;
- (x) In failing to place in a timely fashion such warning devices as are required by the Federal Motor Carrier Safety Regulations, §§392.22(b) and 393.95, on and upon the center of the travel lane in the direction of and away from approaching traffic, and/or to view a distance of 100 to 500 feet of the curve, so as to afford ample warning to other users of the roadway;
- (y) In failing to exercise that degree of care and caution required of the Defendant Emerson for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (z) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714.

31. The Defendant DOS Transportation is vicariously liable for the negligence, recklessness and carelessness of its agent, servant and employee, Emerson.

32. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (aa) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (bb) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (cc) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (dd) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT FOUR – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

33. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, 30, and 31 above inclusive as though fully set forth at length.

34. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

35. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

36. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:
- (ee) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
 - (ff) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
 - (gg) Expenses of his funeral and administration of his estate; and
 - (hh) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT FIVE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

37. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
38. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
39. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Viral B. Patel, as follows:
- (a) In operating his vehicle at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;

- (b) In operating his vehicle at a speed greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead, a violation of 75 Pa.C.S.A. §3361;
- (c) In failing to keep his vehicle under proper and adequate control under the conditions, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (d) In failing to maintain his vehicle in proper operating condition, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (e) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his vehicle accordingly, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (f) In failing to stop, slow or turn his vehicle in a timely manner so as to avoid collision with the stopped and standing Emerson tractor trailer;
- (g) In obstructing traffic on the travel lanes of I-80 following his collision with the unattended Emerson vehicle, a violation of 75 Pa.C.S.A. §3745;
- (h) In failing to immediately remove his vehicle to a safe refuge on the shoulder of I-80 or otherwise remove it from the roadway following the impact with the stopped and standing Emerson vehicle, a violation of 75 Pa.C.S.A. §3745.1;
- (i) In failing to provide proper and adequate warning to vehicles approaching his stopped and standing vehicle of the hazard it created;
- (j) In failing to exercise that degree of care and caution required of the Defendant Viral B. Patel for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (k) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (l) In acting in reckless disregard for the hazard which his vehicle created for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

40. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (a) Great conscious physical pain, suffering, and agony from the time of the accident until his death;

- (b) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and
- (c) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (d) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendant Viral B. Patel in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT SIX – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

- 41. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, and 39 above inclusive as though fully set forth at length.
- 42. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A. §8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

- 43. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.

44. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:
- (e) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
 - (f) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
 - (g) Expenses of his funeral and administration of his estate; and
 - (h) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendant Viral B. Patel in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT SEVEN – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

45. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18 above inclusive as though fully set forth at length.
46. Plaintiff Patel Estate brings this Survival Action pursuant to 42 Pa.C.S.A. §8302.
47. The aforesaid accident was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Seletskiy as follows:
- (a) In operating his tractor trailer at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;

- (b) In operating his tractor trailer at a speed greater than would permit him to bring his vehicle to a stop within the assured clear distance ahead, a violation of 75 Pa.C.S.A. §3361;
- (c) In failing to keep his tractor trailer under proper and adequate control under the conditions, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (d) In failing to maintain his tractor trailer in proper operating condition, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (e) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his vehicle accordingly, thereby permitting it to jackknife and slide into and collide with the stopped and standing Patel vehicle;
- (f) In failing to stop, slow or turn his vehicle in a timely manner so as to avoid collision with the stopped and standing Patel vehicle;
- (g) In failing to exercise that degree of care and caution required of the Defendant Seletskiy for the protection of the decedent Manish Patel, under the conditions and circumstances set forth above;
- (h) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (i) In acting in reckless disregard for the hazard which his operation of his vehicle created for the safety of persons in the travel lanes as he was approaching, under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

48. The Defendant Orient Express is vicariously liable for the negligence, recklessness and carelessness of its agent, servant and employee, Seletskiy.

49. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to his death and to suffer the following injuries and damages which survive his death:

- (a) Great conscious physical pain, suffering, and agony from the time of the accident until his death;
- (b) Great conscious psychological pain, suffering, anxiety, fright and panic from the time of the accident until his death; and

- (c) Loss of the future earnings and/or earning capacity through the period of his life expectancy, less the cost of his personal maintenance and contributions to his family;
- (d) Such other damages as are recoverable under the Survival Act.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater, together with costs of suit and interest.

COUNT EIGHT – WRONGFUL DEATH

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

50. Plaintiff Patel Estate incorporates herein by reference the averments of Paragraphs 1 through 18, 47 and 48 above inclusive as though fully set forth at length.

51. Plaintiff Patel Estate brings this Wrongful Death Action pursuant to 42 Pa.C.S.A.

§8301 on behalf of the following beneficiaries and heirs at law of the decedent,

Manish Patel:

Ramesh Patel, father
Jashoda Patel, mother
Sander Street at Vasna, BO
Ta Borsad
Di Anand
Gujarat, India
PIN 388540

52. No prior action for the injuries and damages suffered by the decedent Manish Patel in this accident was brought during his lifetime.
53. As a direct and proximate result of the aforesaid accident, the decedent, Manish Patel, was caused to be burned to death, and the foregoing beneficiaries to suffer the following damages:
- (a) Great loss of maintenance, services, gifts of cash and other items of value, and other pecuniary loss which they could have expected throughout his lifetime;
 - (b) Reasonable medical, hospital, and nursing expense necessitated by reason of his injuries resulting in his death;
 - (c) Expenses of his funeral and administration of his estate; and
 - (d) Such other damages as are recoverable under the Wrongful Death Statute.

WHEREFORE, Richard O. Mazanec, Administrator of the Estate of Manish Patel demands judgment of the Defendants Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation in an amount in excess of \$30,000.00 or the limits of arbitration, whichever are greater.

TRIAL BY JURY OF TWELVE DEMANDED

Respectfully submitted,
Mark D. Amaddio Co. LPA

By: 

Mark D. Amaddio
55 Public Square
Suite 850
Cleveland, OH 44113
(216) 274-0800

WHEELER & MAZANEC, LLC

By: 

Richard O. Mazanec

55 Public Square
Suite 850
Cleveland, OH 44113
(216) 522-1100

QUINN, BUSECK, LEEMHUIS, TOOHEY
& KROTO, INC.

By:


John W. McCandless
Pa.I.D. #27928
2222 West Grandview Blvd.
Erie, PA 16506
(814) 833-2222

Date: 12-5-2008

Attorneys for Plaintiff Richard O. Mazanec,
Administrator of the Estate of Manish Patel, deceased
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Richard O. Mazanec, Administrator of the
Estate of Manish Patel, deceased,

Plaintiff

vs.

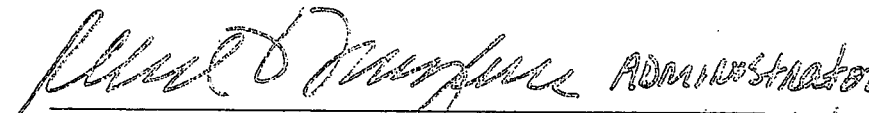
CIVIL ACTION NO: 2008-01991-CD

Vadim Seletskiy, individually, Vadim
Seletskiy and Alla Seletskaya, t/d/b/a
Orient Express, Orient Express, Inc., a
corporation, William V. Emerson,
individually, DOS Transportation, Inc. a
corporation, a/k/a D.O.S. Transportation,
Inc., a corporation, Viral B. Patel,
individually, Jaime D. Rodriguez,
individually, Cristina Athwal, t/d/b/a
London Transport, London Transport Inc.,
a corporation and Antonio Garcia, t/d/b/a
GAR Trucking, a/k/a Gar Trucking,

Defendants

VERIFICATION

I, Richard O. Mazanec, Administrator of the Estate of Manish Patel, deceased, Plaintiff in the above matter, depose and say that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

 Administrator
Richard O. Mazanec, Administrator
of the Estate of Manish Patel, deceased, 10/31/08

5
FILED
m/11:55 am
JAN 23 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff,

v.

VADIM SELETSKIY, individually, VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS, ORIENT
EXPRESS, INC., a corporation, WILLIAM V.
EMERSON, individually, DOS
TRANSPORTATION, INC., a corporation,
VIRAL B. PATEL, individually, JAIME D.
RODRIGUEZ, individually, CRISTINA
ATHWAL, t/d/b/a LONDON TRANSPORT,
INC., a corporation, and ANTONIO GARCIA,
t/d/b/a GAR TRUCKING, a/k/a Gar Trucking,

Defendants.

CIVIL DIVISION

No. 2008-01991-CD

Issue No.

PRAECIPE FOR APPEARANCE

Code:

Filed on behalf of Defendants, William V.
Emerson and DOS Transportation, Inc., a
corporation

Counsel of record for this party:

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

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

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

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of)	CIVIL DIVISION
the Estate of Manish Patel, deceased,)	
)	No. 2008-01991-CD
Plaintiff,)	
)	
v.)	
)	
VADIM SELETSKIY, individually, VADIM)	
SELETSKIY and ALLA SELETSKAYA,)	
t/d/b/a ORIENT EXPRESS, ORIENT)	
EXPRESS, INC., a corporation, WILLIAM)	
V. EMERSON, individually, DOS)	
TRANSPORTATION, INC., a corporation,)	
VIRAL B. PATEL, individually, JAIME D.)	
RODRIGUEZ, individually, CRISTINA)	
ATHWAL, t/d/b/a LONDON TRANSPORT,)	
INC., a corporation, and ANTONIO)	
GARCIA, t/d/b/a GAR TRUCKING, a/k/a)	
Gar Trucking,)	
)	
Defendants.)	

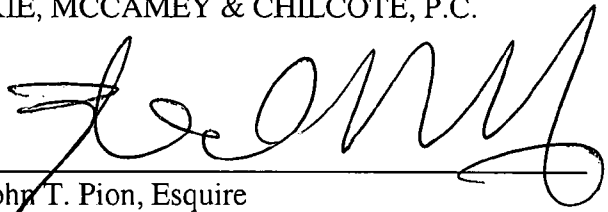
PRAECIPE FOR APPEARANCE

TO: Prothonotary,

Kindly enter the appearances of the attorneys below on behalf of the
Defendants, William V. Emerson and DOS Transportation, Inc.

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

BY 
John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William V. Emerson and
DOS Transportation, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff,

v.

VADIM SELETSKIY, individually, VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS, ORIENT
EXPRESS, INC., a corporation, WILLIAM V.
EMERSON, individually, DOS
TRANSPORTATION, INC., a corporation,
VIRAL B. PATEL, individually, JAIME D.
RODRIGUEZ, individually, CRISTINA
ATHWAL, t/d/b/a LONDON TRANSPORT,
INC., a corporation, and ANTONIO GARCIA,
t/d/b/a GAR TRUCKING, a/k/a Gar Trucking,

Defendants.

CIVIL DIVISION

No. 2008-01991-CD

Issue No.

**ANSWER, NEW MATTER, AND NEW
MATTER PURSUANT TO RULE 1031.1
TO PLAINTIFF'S COMPLAINT IN CIVIL
ACTION**

Code:

Filed on behalf of Defendants, William V.
Emerson and DOS Transportation, Inc., a
corporation

Counsel of record for this party:

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

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

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

(412) 281-7272

JURY TRIAL DEMANDED

FILED

7712:4234
FEB 04 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of)	CIVIL DIVISION
the Estate of Manish Patel, deceased,)	
)	No. 2008-01991-CD
Plaintiff,)	
)	
v.)	
)	
VADIM SELETSKIY, individually, VADIM)	
SELETSKIY and ALLA SELETSKAYA,)	
t/d/b/a ORIENT EXPRESS, ORIENT)	
EXPRESS, INC., a corporation, WILLIAM)	
V. EMERSON, individually, DOS)	
TRANSPORTATION, INC., a corporation,)	
VIRAL B. PATEL, individually, JAIME D.)	
RODRIGUEZ, individually, CRISTINA)	
ATHWAL, t/d/b/a LONDON TRANSPORT,)	
INC., a corporation, and ANTONIO)	
GARCIA, t/d/b/a GAR TRUCKING, a/k/a)	
Gar Trucking,)	
)	
Defendants.)	

**ANSWER, NEW MATTER, AND NEW MATTER PURSUANT TO
RULE 1031.1 TO PLAINTIFF'S COMPLAINT IN CIVIL ACTION**

AND NOW, come the Defendants, William V. Emerson and DOS Transportation, Inc., a corporation, by and through their attorneys, Dickie, McCamey & Chilcote, P.C., John T. Pion, Esquire, and Edward M. Vavro, Jr., Esquire, and hereby files the within Answer, New Matter, and New Matter Pursuant to Rule 1031.1 in response to Plaintiff's Complaint and avers as follows:

1. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

2. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

3. Admitted.

4. It is admitted that Defendant William Emerson is an adult individual who resides at 9803 Magnolia Drive, Laurel, DE 19956. It is also admitted that at the time of the subject accident that Defendant Emerson was an employee of DOS Transportation and was acting within the scope of his employment.

5. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

6. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

7. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

8. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in

Paragraph 8 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

9. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

10. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

11. Admitted.

12. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

13. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

14. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 14 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

15. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 15 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

16. The allegations set forth in Paragraph 16 of Plaintiff's Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

17. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 17 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

18. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 18 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

COUNT ONE – SURVIVAL ACTION

*Richard O. Mazanec, Administrator of the Estate of Manish Patel v.
Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London
Transport, Inc., a corporation, and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking*

19. With regard to Paragraph 19 of Plaintiff's Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 18 above, as if the same were set forth herein at length.

20. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in

Paragraph 20 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

21. The allegations set forth in Paragraph 21 of Plaintiff's Complaint, including subparagraphs (a) through (i) are not directed to these Defendants, and therefore, no response is required. However, to the extent that the allegations set forth in Paragraph 21, including subparagraphs (a) through (i) of Plaintiff's Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

22. The allegations set forth in Paragraph 22 are not directed to these Defendants, and therefore, no response is required. However, to the extent that the allegations set forth in Paragraph 22 of Plaintiff's Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

23. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 23 of Plaintiff's Complaint, including subparagraphs (j) through (m). Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

COUNT TWO – WRONGFUL DEATH ACTION

*Richard O. Mazanec, Administrator of the Estate of Manish Patel v.
Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London
Transport, Inc., a corporation, and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking*

24. With regard to Paragraph 24 of Plaintiff's Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 23 above, as if the same were set forth herein at length.

25. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in

Paragraph 25 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

26. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 26 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

27. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 27, of Plaintiff's Complaint including subparagraphs (n) through (q) of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

COUNT THREE – SURVIVAL ACTION

*Richard O. Mazanec, Administrator of the Estate of Manish Patel v.
William V. Emerson, individually, and DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation, Inc., a corporation*

28. With regard to Paragraph 28 of Plaintiff's Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 27 above, as if the same were set forth herein at length.

29. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 29 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

30. The allegations set forth in Paragraph 30 of Plaintiff's Complaint, including subparagraphs (r) through (z), attempt to set forth conclusions of law to which no

responsive pleading is required. To the extent a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

31. It is admitted that at the time of the subject accident that Defendant Emerson was acting in the course and scope of his employment for Defendant D.O.S. Transportation. The remaining allegations in Paragraph 31 of Plaintiff's Complaint attempt to set forth conclusions of law to which no responsive pleading is required. To the extent a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

32. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 32, including subparagraphs (aa) through (dd) of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

COUNT FOUR – WRONGFUL DEATH ACTION

*Richard O. Mazanec, Administrator of the Estate of Manish Patel v.
William V. Emerson, individually, and DOS Transportation, Inc.,
a corporation, a/k/a D.O.S. Transportation, Inc., a corporation*

33. With regard to Paragraph 33 of Plaintiff's Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 32 above, as if the same were set forth herein at length.

34. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 34 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

35. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in

Paragraph 35 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

36. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 36, including subparagraphs (ee) through (hh) of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

COUNT FIVE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

37. With regard to Paragraph 37 of Plaintiff's Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 36 above, as if the same were set forth herein at length.

38. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 38 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

39. The allegations set forth in Paragraph 39, including subparagraphs (a) through (l) are not directed to these Defendants, and therefore, no response is required. However, to the extent that the allegations set forth in Paragraph 39, including subparagraphs (a) through (l) of Plaintiff's Complaint attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

40. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 40, including subparagraphs (a) through (d) of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

COUNT SIX – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

41. With regard to Paragraph 41 of Plaintiff's Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 40 above, as if the same were set forth herein at length.

42. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 42 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

43. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 43 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

44. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 44, including subparagraphs (e) through (h) of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

COUNT SEVEN – SURVIVAL ACTION

*Richard O. Mazanec, Administrator of the Estate of Manish Patel v.
Vadim Seletskiy, individually, Vadim Seletskiy and
Alla Seletskaya t/d/b/a Orient Express, and Orient Express, Inc., a corporation*

45. With regard to Paragraph 45 of Plaintiff's Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 44 above, as if the same were set forth herein at length.

46. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 46 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

47. The allegations set forth in Paragraph 47 of Plaintiff's Complaint, including subparagraphs (a) through (i) are not directed to these Defendants, and therefore, no response is required. However, to the extent that the allegations set forth in Paragraph 47, including subparagraphs (a) through (i) attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

48. The allegations set forth in Paragraph 48 of Plaintiff's Complaint, are not directed to these Defendants, and therefore, no response is required. However, to the extent that the allegations set forth in Paragraph 48 attempt to impose any liability upon these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

49. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 49, including subparagraphs (a) through (d) of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

COUNT EIGHT – WRONGFUL DEATH

*Richard O. Mazanec, Administrator of the Estate of Manish Patel v.
Vadim Seletskiy, individually, Vadim Seletskiy and
Alla Seletskaya t/d/b/a Orient Express, and Orient Express, Inc., a corporation*

50. With regard to Paragraph 50 of Plaintiff's Complaint, Defendants incorporate herein by reference the averments set forth in Paragraphs 1 through 49 above, as if the same were set forth herein at length.

51. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 51 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

52. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 52 of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

53. After reasonable investigation, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 53, including subparagraphs (a) through (d) of Plaintiff's Complaint. Consequently, said allegations are denied and strict proof thereof will be demanded at the time of trial.

NEW MATTER

54. By way of further response, to the entirety of Plaintiff's Complaint, Defendants set forth the following New Matter upon advice of counsel so as not to waive any defense later available to the Defendants notwithstanding these Defendants' present lack of knowledge of the circumstances complained of in Plaintiff's Complaint.

55. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

56. To the extent justified by the evidence developed through discovery or introduced at the time of trial, all claims alleged in Plaintiff's Complaint are barred by the applicable statute of limitations.

57. To the extent justified by the evidence developed through discovery and introduced at the time of trial, Defendants raise Plaintiff Decedent's negligence as a complete and/or partial bar to any recovery.

58. To the extent justified by the evidence developed through discovery or introduced at the time of trial, Defendants raise Plaintiff Decedent's assumption of the risk as a complete and/or partial bar to any recovery.

59. To the extent it is established by competent evidence that Plaintiff Decedent's injuries and/or damages were caused and contributed by persons, entities, or circumstances beyond the control of these Defendants, then these Defendants plead that Plaintiff Decedent's claims are barred in whole or in part by theories of intervening cause and/or superseding cause.

60. To the extent it is established by competent evidence that Plaintiff Decedent failed to mitigate damages that affirmative defense is hereby asserted as a complete and/or partial bar to any recovery.

61. These Defendants raise the terms and provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law, 75 Pa. C.S.A. §1701, et seq. as a complete and/or partial bar to Plaintiff's recovery.

62. To the extent justified by the evidence developed through discovery or introduced at the time of trial, these Defendants raise all defenses set forth in Pa. R. Civ. Pro. 1030(a).

63. To the extent that it is established by competent evidence that Defendant William Emerson was confronted with a set of circumstances constituting a sudden emergency

not of his own making, that affirmative defense is hereby asserted as a complete and/or partial bar to any recovery.

NEW MATTER PURSUANT TO RULE 1031.1

By way of New Matter Pursuant to Rule 1031.1 these Defendants aver as follows:

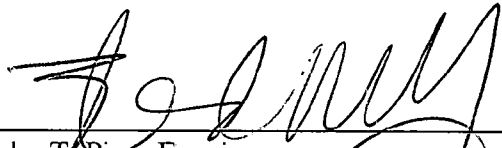
1. The averments set forth in Paragraphs 1 through 63 of the foregoing Answer and New Matter are incorporated herein by reference as if they were more fully set forth herein at length.

2. For the purposes of this New Matter Pursuant to Rule 1031.1 only, these Defendants incorporate the averments directed against the other Co-Defendants as set forth in Plaintiff's Complaint and aver that those Co-Defendants, one, some, and/or all of them is/are solely liable to the Plaintiff and/or aver that if it is judicially determined that these Co-Defendants were negligent, which is denied, then the other Co-Defendants, one, some, and/or all of them is/are jointly and/or severally liable with these Co-Defendants to the Plaintiff and by this New Matter Pursuant to Rule 1031.1, these Co-Defendants assert and preserve their right to contribution, indemnity, and/or liability over against one, some, and/or all of the other Co-Defendants.

WHEREFORE, Co-Defendants William V. Emerson and DOS Transportation, Inc. deny that they are liable to the Plaintiff and/or to any other party of record in this action in a sum demanded or in any sum whatsoever, and they demand that judgment be entered in their favor and against all parties and/or judgment be entered in favor of these Co-Defendants for contribution, indemnity, and/or liability together with all costs.

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

BY 

John T. Pien, Esquire
Edward M. Vavro, Jr., Esquire

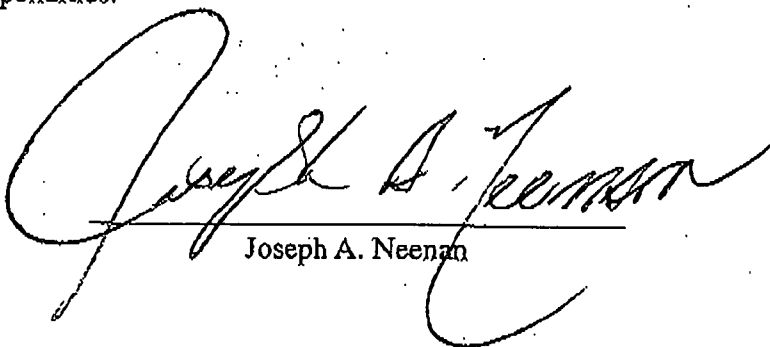
Attorneys for Defendants, William V. Emerson and
DOS Transportation, Inc., a corporation

No. 2008-01991-CD

VERIFICATION

I, Joseph A. Neenan, Safety Director of DOS Transportation, Inc., a corporation, have read the foregoing ANSWER, NEW MATTER, AND NEW MATTER PURSUANT TO RULE 1031.1 TO PLAINTIFF'S COMPLAINT IN CIVIL ACTION. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.



Joseph A. Neenan

DATED

1/21/09

CERTIFICATE OF SERVICE

I, , Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing Answer, New Matter, and New Matter Pursuant to Rule 1031.1 to Plaintiff's Complaint in Civil Action have been served this 30 day of January , 2009, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Michael T. Taxler, Esquire
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, PA 17101

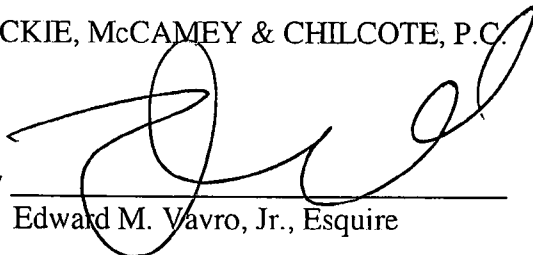
Troy J. Harper, Esquire
Dennison Dennison & Harper
293 Main Street
Brookville, PA 15825

Erik B. Jensen, Esquire
Suite 101
1528 Walnut Street
Philadelphia, PA 19102

Mark D. Amaddio, Esquire
Mark D. Amaddio Co., LPA
55 Public Square, Suite 850
Cleveland, OH 44113

Richard O. Mazanec, Esquire
Wheeler & Mazanec, LLC
55 Public Square, Suite 850
Cleveland, OH 44113

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William V.
Emerson and DOS Transportation, Inc.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICHARD O. MAZANEC, Administrator
of Estate of Manish Patel, deceased,
Plaintiff,

CIVIL ACTION - LAW

Number 2008 - 01991 C. D.

vs.

Type of Case: Civil Division

VADIM SELETSKIY, individually; VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS; ORIENT
EXPRESS, INC., a corporation; WILLIAM
V. EMERSON, individually; DOS
TRANSPORTATION, INC., a corporation,
a/k/a/ D.O.S. TRANSPORTATION, INC.,
a corporation; VIRAL B. PATEL,
individually; JAIME D. RODRIGUEZ,
individually; CRISTINA ATHWAL t/d/b/a
LONDON TRANSPORT; LONDON
TRANSPORT, INC., a corporation; and
ANTONIO GARCIA, t/d/b/a GAR TRUCK-
ING, a/k/a GAR TRUCKING,
Defendants.

Type of Pleading: Appearance

Filed on Behalf of: Viral B. Patel,
Defendant

Counsel of Record for this Party:
Troy J. Harper

Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED
FEB 05 2009

William A. Shaw
Prothonotary/Clerk of Courts

VS.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

*
*
*
*
*
*
*
*
*
*
*
*
*
*

APPEARANCE

DENNISON, DENNISON & HARPER

By

1

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Appearance was served on the 4th day of February, 2009, by United States Mail, First Class, postage prepared, addressed to the following:

John W. McCandless, Esq.
2222 West Grandview Blvd.
Erie, PA 16506

Mark D. Amaddio, Esq.
55 Public Square, Suite 850
Cleveland, OH 44113

Edward Vavro, Esq.
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Michael T. Traxler, Esq.
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, PA 17101

Jaime D. Rodriguez
c/o Antonio Garcia
10402 Campagnoni Street
Bakersfield, CA 93313-9723

Cristina Athwal
t/d/b/a London Transport
10402 Campagnoni Street
Bakersfield, CA 93313-9723

London Transport, Inc.
10402 Campagnoni Street
Bakersfield, CA 93313-9723

Erik B. Jensen, Esq.
1528 Walnut Street, Suite 101
Philadelphia, PA 19102

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Viral B. Patel, Defendant

FILED

FEB 05 2009

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICHARD O. MAZANEC, Administrator
of Estate of Manish Patel, deceased,
Plaintiff,

vs.

VADIM SELETSKIY, individually; VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS; ORIENT
EXPRESS, INC., a corporation; WILLIAM
V. EMERSON, individually; DOS
TRANSPORTATION, INC., a corporation,
a/k/a/ D.O.S. TRANSPORTATION, INC.,
a corporation; VIRAL B. PATEL,
individually; JAIME D. RODRIGUEZ,
individually; CRISTINA ATHWAL t/d/b/a
LONDON TRANSPORT; LONDON
TRANSPORT, INC., a corporation; and
ANTONIO GARCIA, t/d/b/a GAR TRUCK-
ING, a/k/a GAR TRUCKING,
Defendants.

CIVIL ACTION - LAW

Number 2008 - 01991 C. D.

Type of Case: Civil Division

Type of Pleading: Answer, New Matter and
Crossclaim Pursuant to Pa.R.C.P. 1031.1

Filed on Behalf of: Viral B. Patel,
Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

FILED

MAR 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

*

✱

*

✱

*

*

*

*

*

*

*

*

*

✻

✱

✱

*

* Number 2008 - 01991 - C. D.

**TO: RICHARD O. MAZANEC, ADMINISTRATOR OF THE ESTATE OF
MANISH PATEL:**

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

DENNISON, DENNISON & HARPER

By

Troy J. Harper
Attorneys for the Defendant,
Viral B. Patel

RICHARD O. MAZANEC, Administrator
of Estate of Manish Patel, deceased,
Plaintiff,

vs.

VADIM SELETSKIY, individually; VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS; ORIENT
EXPRESS, INC., a corporation; WILLIAM
V. EMERSON, individually; DOS
TRANSPORTATION, INC., a corporation,
a/k/a/ D.O.S. TRANSPORTATION, INC.,
a corporation; VIRAL B. PATEL,
individually; JAIME D. RODRIGUEZ,
individually; CRISTINA ATHWAL t/d/b/a
LONDON TRANSPORT; LONDON
TRANSPORT, INC., a corporation; and
ANTONIO GARCIA, t/d/b/a GAR TRUCK-
ING, a/k/a GAR TRUCKING,
Defendants.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

* Number 2008 - 01991 - C. D.

NOTICE TO PLEAD

**TO: JAIME D. RODRIGUEZ, INDIVIDUALLY, CRISTINA ATHWAL, T/D/B/A LONDON
TRANSPORT, LONDON TRANSPORT, INC., A CORPORATION; ANTONIO GARCIA,
T/D/B/A GAR TRUCKING, A/K/A GAR TRUCKING; WILLIAM V. EMERSON,
INDIVIDUALLY, DOS TRANSPORTATION, INC., A CORPORATION, A/K/A D.O.S.
TRANSPORTATION, INC., A CORPORATION; VADIM SELETSKIY, INDIVIDUALLY,
VADIM SELETSKIY AND ALLA SELETSKAYA, T/D/B/A ORIENT EXPRESS, AND
ORIENT EXPRESS, INC., A CORPORATION, DEFENDANTS:**

You are hereby notified to plead to the within Crossclaim pursuant to Pa.R.C.P.

1031.1 within twenty (20) days from service hereof or a default judgment may be entered against you.

DENNISON, DENNISON & HARPER

By

Troy B. Harper

Attorneys for the Defendant,

Viral B. Patel

VS.

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

* Number 2008 - 01991 C.D.

1. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 1 of the Plaintiff's Complaint, and said averments are therefore denied.

2. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 2 of the Plaintiff's Complaint, and said averments are therefore denied.

3. The averments of Paragraph 3 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, after reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 3 of the Plaintiff's Complaint, and said averments are therefore denied.

4. The averments of Paragraph 4 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, after reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 4 of the Plaintiff's Complaint, and said averments are therefore denied.

5. The averments of Paragraph 5 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, after reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and

information to form a belief as to the truth of the averments of Paragraph 5 of the Plaintiff's Complaint, and said averments are therefore denied.

6. The averments of Paragraph 6 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, after reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 6 of the Plaintiff's Complaint, and said averments are therefore denied.

7. Denied as stated. On the contrary, the Defendant, Viral B. Patel, is an adult individual who resides at 3000 Ford Road, Apt. J-4, Bristol, Pennsylvania 19007.

8. The averments of Paragraph 8 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, after reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 8 of the Plaintiff's Complaint, and said averments are therefore denied.

9. The averments of Paragraph 9 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, after

reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 9 of the Plaintiff's Complaint, and said averments are therefore denied.

10. The averments of Paragraph 10 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, after reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 10 of the Plaintiff's Complaint, and said averments are therefore denied.

11. The averments of Paragraph 11 of the Plaintiff's Complaint constitute conclusions of law to which no response is required.

12. The averments of Paragraph 12 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

13. The averments of Paragraph 13 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

14. The averments of Paragraph 14 of the Plaintiff's Complaint are admitted only insofar as on October 20, 2006, Manish Patel was a passenger in a vehicle owned and operated by the Defendant, Viral B. Patel. All other averments of Paragraph 14 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e).

15. The averments of Paragraph 15 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, said averments are denied pursuant to Pa.R.C.P. 1029(e).

16. The averments of Paragraph 16 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, said averments are denied pursuant to Pa.R.C.P. 1029(e).

17. The averments of Paragraph 17 of the Plaintiff's Complaint are admitted only insofar as on October 20, 2006, the Defendant, Viral B. Patel, was operating a vehicle on Interstate 80. All other averments of Paragraph 17 of the Plaintiff's Complaint are denied pursuant to Pa.R.C.P. 1029(e).

18. The averments of Paragraph 18 of the Plaintiff's Complaint are directed to a party other than the answering Defendant, Viral B. Patel, and as such, no response is deemed required by this answering Defendant. To the extent any additional response would be deemed required, said averments are denied pursuant to Pa.R.C.P. 1029(e).

COUNT ONE - SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually; Cristina Athwal, t/d/b/a London Transport,; London Transport, Inc., a corporation; and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a GAR Trucking

19. Paragraph 19 of the Plaintiff's Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 18 of this Answer are incorporated herein by reference thereto.

20. The averments of Paragraph 20 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required

21. through 23. The averments of Paragraphs 21 through 23 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering Defendant, Viral B. Patel, and as such, no response is required by this answering Defendant.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

COUNT TWO - WRONGFUL DEATH

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually; Cristina Athwal, t/d/b/a London Transport; London Transport, Inc., a corporation; and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a GAR Trucking

24. Paragraph 24 of the Plaintiff's Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 23 of this Answer are incorporated herein by reference thereto.

25. through 27. The averments of Paragraphs 25 through 27 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering Defendant, Viral B. Patel, and as such, no response is required by this answering Defendant.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

COUNT THREE - SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc., a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

28. Paragraph 28 of the Plaintiff's Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 27 of this Answer are incorporated herein by reference thereto.

29. The averments of Paragraph 29 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required

30. through 32. The averments of Paragraphs 30 through 32 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering Defendant, Viral B. Patel, and as such, no response is required by this answering Defendant.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

COUNT FOUR - WRONGFUL DEATH

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc., a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

33. Paragraph 33 of the Plaintiff's Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 32 of this Answer are incorporated herein by reference thereto.

34. through 36. The averments of Paragraphs 34 through 36 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering Defendant, Viral B. Patel, and as such, no response is required by this answering Defendant.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

COUNT FIVE - SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

37. Paragraph 37 of the Plaintiff's Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 36 of this Answer are incorporated herein by reference thereto.

38. The averments of Paragraph 38 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

39. The averments of Paragraph 39 of the Plaintiff's Complaint and all subparagraphs thereof are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

40. The averments of Paragraph 40 of the Plaintiff's Complaint and all subparagraphs thereof are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

COUNT SIX - WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

41. Paragraph 41 of the Plaintiff's Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 40 of this Answer are incorporated herein by reference thereto.

42. The averments of Paragraph 42 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

43. After reasonable investigation, the Defendant, Viral B. Patel, is without sufficient knowledge and information to form a belief as to the truth of the averments of Paragraph 43 of the Plaintiff's Complaint, and said averments are therefore denied.

44. The averments of Paragraph 44 of the Plaintiff's Complaint and all subparagraphs thereof are denied pursuant to Pa.R.C.P. 1029(e), and no further response is required.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

COUNT SEVEN - SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually; Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

45. Paragraph 45 of the Plaintiff's Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 44 of this Answer are incorporated herein by reference thereto.

46. The averments of Paragraph 46 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required

47. through 49. The averments of Paragraphs 47 through 49 of the Plaintiff's Complaint and all subparagraphs thereof, are directed to parties other than the answering Defendant, Viral B. Patel, and as such, no response is required by this answering Defendant.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

COUNT EIGHT - WRONGFUL DEATH

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually; Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

50. Paragraph 50 of the Plaintiff's Complaint fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required, the averments of Paragraphs 1 through 49 of this Answer are incorporated herein by reference thereto.

51. through 53. The averments of Paragraphs 51 through 53 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering Defendant, Viral B. Patel, and as such, no response is required by this answering Defendant.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

NEW MATTER

54. The terms and conditions of the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended, 75 Pa.C.S.A. §1701 et seq., are hereby incorporated herein by reference thereto as fully as the same bar and/or diminish any claim or cause of action of the Plaintiff.

55. The injuries and/or damages allegedly sustained by the Plaintiff or the decedent, without admission of the same, were caused or contributed to, in whole or in part, by persons or entities other than the Defendant, Viral B. Patel, and over whom the Defendant, Viral B. Patel, had no control, and for whose actions the Defendant, Viral B. Patel, is not liable.

56. All of the Plaintiff's claims are or may be barred by the applicable statute of limitations.

57. All of the Plaintiff's claims are barred by the sudden emergency doctrine.

58. The Plaintiff has failed to state a cause of action against the Defendant, Viral B. Patel, upon which relief can be granted.

59. To the extent the decedent was not a United States citizen or otherwise was not in the United States of America under a lawful visa or otherwise, any claims of the Plaintiff are barred.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against the Plaintiff. **A JURY TRIAL OF TWELVE IS DEMANDED.**

**CROSSCLAIM PURSUANT TO P.A.R.C.P. 1031.1 DIRECTED TO
THE DEFENDANTS, JAIME D. RODRIGUEZ, INDIVIDUALLY; CRISTINA
ATHWAL, T/D/B/A LONDON TRANSPORT; LONDON TRANSPORT, INC., A
CORPORATION, AND ANTONIO GARCIA, T/D/B/A GAR TRUCKING, A/K/A GAR
TRUCKING**

60. The Defendants, Jamie D. Rodriguez, individually; Cristina Athwal, t/d/b/a London Transport; London Transport, Inc., a corporation, and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking, are solely liable to the Plaintiff for any alleged damages, without admission of the same, and the averments of the Plaintiff's Complaint directed against the Defendants, Jamie D. Rodriguez; individually, Cristina Athwal, t/d/b/a London Transport; London Transport, Inc., a corporation, and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking, are incorporated herein by reference thereto without admitting or adopting the truth of the same solely for the purpose of establishing a claim for sole liability.

61. If the Defendant, Viral B. Patel, is held liable to the Plaintiff on any cause of action as set forth in the Plaintiff's Complaint, such liability being expressly denied, then the Defendants, Jamie D. Rodriguez; individually, Cristina Athwal, t/d/b/a London Transport; London Transport, Inc., a corporation, and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking, are liable over to the Defendant, Viral B. Patel, for contribution and/or indemnity, and the averments of the Plaintiff's Complaint directed against the Defendants, Jamie D. Rodriguez; individually, Cristina Athwal, t/d/b/a London Transport; London Transport, Inc., a corporation, and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking, are incorporated herein by reference thereto without admitting or adopting the truth of the same solely for the purpose of establishing a claim against the Defendants, Jamie D. Rodriguez; individually, Cristina Athwal, t/d/b/a London Transport; London Transport, Inc., a corporation, and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking, for indemnity and contribution.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment against the Defendants, Jamie D. Rodriguez; individually, Cristina Athwal, t/d/b/a London Transport; London Transport, Inc., a corporation, and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking, as being solely liable for the damages claimed by the Plaintiff, or in the alternative, as being liable over to the Defendant, Viral B. Patel, for indemnity and/or contribution. **JURY TRIAL OF TWELVE DEMANDED.**

**CROSSCLAIM PURSUANT TO P.A.R.C.P. 1031.1 DIRECTED TO
THE DEFENDANTS, WILLIAM V. EMERSON, INDIVIDUALLY, AND DOS
TRANSPORTATION, INC., A CORPORATION, A/K/A D.O.S. TRANSPORTATION,
INC., A CORPORATION**

62. The Defendants, William V. Emerson, individually, and DOS Transportation, Inc., a corporation, a/k/a D.O.S. Transportation, Inc., a corporation, are solely liable to the Plaintiff for any alleged damages, without admission of the same, and the averments of the Plaintiff's Complaint directed against the Defendants, William V. Emerson, individually, and DOS Transportation, Inc., a corporation, a/k/a D.O.S. Transportation, Inc., a corporation, are incorporated herein by reference thereto without admitting or adopting the truth of the same solely for the purpose of establishing a claim for sole liability.

63. If the Defendant, Viral B. Patel, is held liable to the Plaintiff on any cause of action as set forth in the Plaintiff's Complaint, such liability being expressly denied, then the Defendants, William V. Emerson, individually, and DOS Transportation, Inc., a corporation, a/k/a D.O.S. Transportation, Inc., a corporation, are liable over to the Defendant, Viral B. Patel, for contribution and/or indemnity, and the averments of the Plaintiff's Complaint directed against the Defendants, William V. Emerson, individually, and DOS Transportation, Inc., a corporation, a/k/a D.O.S. Transportation, Inc., a corporation, are incorporated herein by reference thereto without admitting or adopting the truth of the same solely for the purpose of establishing a claim against the Defendants, William V. Emerson, individually, and DOS Transportation, Inc., a corporation, a/k/a

D.O.S. Transportation, Inc., a corporation, for indemnity and contribution.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment against the Defendants, William V. Emerson, individually, and DOS Transportation, Inc., a corporation, a/k/a D.O.S. Transportation, Inc., a corporation, as being solely liable for the damages claimed by the Plaintiff, or in the alternative, as being liable over to the Defendant, Viral B. Patel, for indemnity and/or contribution. **JURY TRIAL OF TWELVE DEMANDED.**

**CROSSCLAIM PURSUANT TO P.A.R.C.P. 1031.1 DIRECTED TO
THE DEFENDANTS, VADIM SELETSKIY, INDIVIDUALLY; VADIM SELETSKIY
AND ALLA SELETSKAYA, T/D/B/A ORIENT EXPRESS, AND ORIENT EXPRESS,
INC., A CORPORATION**

64. The Defendants, Vadim Seletskiy, individually; Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation, are solely liable to the Plaintiff for any alleged damages, without admission of the same, and the averments of the Plaintiff's Complaint directed against the Defendants, Vadim Seletskiy, individually; Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation, are incorporated herein by reference thereto without admitting or adopting the truth of the same solely for the purpose of establishing a claim for sole liability.

65. If the Defendant, Viral B. Patel, is held liable to the Plaintiff on any cause of action as set forth in the Plaintiff's Complaint, such liability being expressly denied, then the Defendants, Vadim Seletskiy, individually; Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and

Orient Express, Inc., a corporation, are liable over to the Defendant, Viral B. Patel, for contribution and/or indemnity, and the averments of the Plaintiff's Complaint directed against the Defendants, Vadim Seletskiy, individually; Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation, are incorporated herein by reference thereto without admitting or adopting the truth of the same solely for the purpose of establishing a claim against the Defendants, Vadim Seletskiy, individually; Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation, for indemnity and contribution.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment against the Defendants, Vadim Seletskiy, individually; Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation, as being solely liable for the damages claimed by the Plaintiff, or in the alternative, as being liable over to the Defendant, Viral B. Patel, for indemnity and/or contribution. **JURY TRIAL OF TWELVE DEMANDED.**

DENNISON, DENNISON & HARPER

By

Troy J. Harper

Attorneys for Viral B. Patel, Defendant

VERIFICATION

I verify that the averments made in the foregoing Answer, New Matter and Crossclaim Pursuant to Pa.R.C.P. 1031.1 are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.



Viral B. Patel

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Answer, New Matter and Crossclaim Pursuant to Pa.R.C.P. 1031.1 was served on the 10th day of March, 2009, by United States Mail, First Class, postage prepared, addressed to the following:

John W. McCandless, Esq.
2222 West Grandview Blvd.
Erie, PA 16506

Mark D. Amaddio, Esq.
55 Public Square, Suite 850
Cleveland, OH 44113

Edward Vavro, Esq.
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Michael T. Traxler, Esq.
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, PA 17101

Jaime D. Rodriguez
c/o Antonio Garcia
10402 Campagnoni Street
Bakersfield, CA 93313-9723

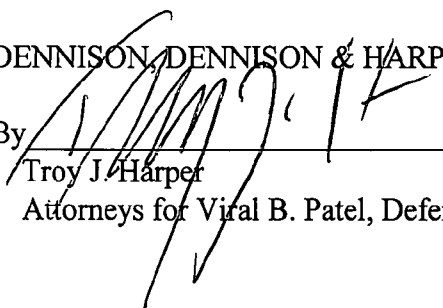
Cristina Athwal
t/d/b/a London Transport
10402 Campagnoni Street
Bakersfield, CA 93313-9723

London Transport, Inc.
10402 Campagnoni Street
Bakersfield, CA 93313-9723

Erik B. Jensen, Esq.
1528 Walnut Street, Suite 101
Philadelphia, PA 19102

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Viral B. Patel, Defendant

5 FILED *No CC.*
m/11:37am
MAR 16 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff,

v.

VADIM SELETSKIY, individually, VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS, ORIENT
EXPRESS, INC., a corporation, WILLIAM V.
EMERSON, individually, DOS
TRANSPORTATION, INC., a corporation,
VIRAL B. PATEL, individually, JAIME D.
RODRIGUEZ, individually, CRISTINA
ATHWAL, t/d/b/a LONDON TRANSPORT,
INC., a corporation, and ANTONIO GARCIA,
t/d/b/a GAR TRUCKING, a/k/a Gar Trucking,

Defendants.

CIVIL DIVISION

No. 2008-01991-CD

Issue No.

**ANSWER TO CROSSCLAIM PURSUANT
TO RULE 1031.1 OF CO-DEFENDANT
VIRAL PATEL**

Code:

Filed on behalf of Defendants, William V.
Emerson and DOS Transportation, Inc., a
corporation

Counsel of record for this party:

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

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

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

(412) 281-7272

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of)	CIVIL DIVISION
the Estate of Manish Patel, deceased,)	
)	No. 2008-01991-CD
Plaintiff,)	
)	
v.)	
)	
VADIM SELETSKIY, individually, VADIM)	
SELETSKIY and ALLA SELETSKAYA,)	
t/d/b/a ORIENT EXPRESS, ORIENT)	
EXPRESS, INC., a corporation, WILLIAM)	
V. EMERSON, individually, DOS)	
TRANSPORTATION, INC., a corporation,)	
VIRAL B. PATEL, individually, JAIME D.)	
RODRIGUEZ, individually, CRISTINA)	
ATHWAL, t/d/b/a LONDON TRANSPORT,)	
INC., a corporation, and ANTONIO)	
GARCIA, t/d/b/a GAR TRUCKING, a/k/a)	
Gar Trucking,)	
)	
Defendants.)	

ANSWER TO CROSSCLAIM PURSUANT TO RULE 1031.1 OF CO-DEFENDANT
VIRAL PATEL

AND NOW, come the Defendants, William V. Emerson and DOS Transportation, Inc., a corporation, by and through their attorneys, Dickie, McCamey & Chilcote, P.C., John T. Pion, Esquire, and Edward M. Vavro, Jr., Esquire, and hereby files the within Answer to the Crossclaim Pursuant to Rule 1031.1 and avers as follows:

1. The allegations set forth in paragraph 60 of Defendant's Crossclaim are not directed to these Defendant's therefore no response is required. To the extent that Defendants attempt to depose any liability upon these Defendants through this allegation, then the same are denied and strict proof thereof is demanded at the time of trial.

2. The allegations set forth in paragraph 61 of Defendants Crossclaim are not directed to these Defendants therefore no response is required. To the extent that Defendants

attempt to depose any liability upon these Defendants through this allegation, then the same are denied and strict proof thereof is demanded at the time of trial.

3. The allegations set forth in paragraph 62 of Defendants Crossclaim attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.

4. The allegations set forth in paragraph 63 of Defendant's Crossclaim attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at the time of trial.


5. The allegations set forth in paragraph 64 of Defendants Crossclaim are not directed to these Defendants therefore no response is required. To the extent that Defendants attempt to depose any liability upon these Defendants through this allegation, then the same are denied and strict proof thereof is demanded at the time of trial.

6. The allegations set forth in paragraph 65 of Defendants Crossclaim are not directed to these Defendants therefore no response is required. To the extent that Defendants attempt to depose any liability upon these Defendants through this allegation, then the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, these Defendants request judgment in their favor and against all other parties to this action.

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

BY 

John T. Pion, Esquire
Edward M. Vavro, Jr., Esquire

Attorney's for Defendants, William V. Emerson and
D.O.S. Transportation

CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing ANSWER TO CROSSCLAIM PURSUANT TO RULE 1031.1 OF CO-DEFENDANT VIRAL PATEL have been served this 11 day of March, 2009, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Michael T. Taxler, Esquire
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, PA 17101


Troy J. Harper, Esquire
Dennison Dennison & Harper
293 Main Street
Brookville, PA 15825

Erik B. Jensen, Esquire
Suite 101
1528 Walnut Street
Philadelphia, PA 19102

Mark D. Amaddio, Esquire
Mark D. Amaddio Co., LPA
55 Public Square, Suite 850
Cleveland, OH 44113

Richard O. Mazanec, Esquire
Wheeler & Mazanec, LLC
55 Public Square, Suite 850
Cleveland, OH 44113

DICKIE, McCAMEY & CHILCOTE, P.C.

By 
Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William V.
Emerson and DOS Transportation, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105140
NO: 08-1991-CD
SERVICE # 1 OF 1
COMPLAINT & PRAECIPE

PLAINTIFF: RICHARD O. MAZANEC, administrator of the Estate of Manish Patel, deceased
vs.
DEFENDANT: VADIM SELETSKIY, IND. al

SHERIFF RETURN

NOW, January 13, 2009, SHERIFF OF BUCKS COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT & PRAECIPE ON VIRAL B. PATEL.

NOW, January 27, 2009 AT 11:20 AM SERVED THE WITHIN COMPLAINT & PRAECIPE ON VIRAL B. PATEL, DEFENDANT. THE RETURN OF BUCKS COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
013140/BL
MAR 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105140
NO: 08-1991-CD
SERVICES 1
COMPLAINT & PRAECIPE

PLAINTIFF: RICHARD O. MAZANEC, administrator of the Estate of Manish Patel, deceased
vs.
DEFENDANT: VADIM SELETSKIY, IND. al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	QUINN	293880	10.00
SHERIFF HAWKINS	QUINN	293880	12.00
BUCKS CO.	QUINN	293881	48.00

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

(1-21)
**BUCKS COUNTY
SHERIFF'S RETURN**

OC

1 of 1

Bucks County Case # 200930146

Invoice to be mailed to

CLEARFIELD County Sheriff's Office

Attn: _____

JOHN W MCCANDLESS, ESQ

Special Instructions _____

OFFICIAL RECEIPT
RECEIPT # 2009 1 01053
TRANSACTION # SM 2009 30146
FOR E QUINN BUSECK LE
01/20/2009 10:27
PC #0293881 48.00
TOTAL PAID 48.00
TOTAL COST 48.00
CHANGE 0.00

Notes THANK YOU
HMM

Filed 1/13/2009 in CLEARFIELD COUNTY

Bucks Case # 200930146

Rec'd 1/20/2009

Special Instructions _____

Action Civil Action COMPLAINT

Plaintiff RICHARD O MAZANEC

- VS -

Defendant VIRAL B PATEL

3000 FORD RD APT J-4
BRISTOL, PA 19007

Address Served if Different _____

Served under Pa. R.C.P. #402

- ☒ (A) (i) Defendant personally served
☐ (A) (2) (i) Family Member
☐ (A) (2) (i) Adult in Charge of Residence
☐ (A) (2) (ii) Manager/Clerk at Def't's Lodging
☐ (A) (2) (iii) Person in Charge of Business

By Handling to Viral Patel

By Posting _____

Not Served

- | | |
|--|--|
| <input type="checkbox"/> 30 Days Ran Out | <input type="checkbox"/> Defendant Not Home |
| <input type="checkbox"/> Defendant Moved | <input type="checkbox"/> Address Vacant |
| <input type="checkbox"/> Defendant Unknown | <input type="checkbox"/> Deputy needs better address |
| <input type="checkbox"/> Checked Post Office | <input type="checkbox"/> No Forwarding |
| <input type="checkbox"/> Forwarding Address | |

Twp./Boro Bristol

By Deputy J. Rexson

Witness _____

At 1120 o'clock (AM / PM) on 1/20/09

The above document was served/not served on the defendant as per information listed above to the County of Bucks, Commonwealth of Pennsylvania.

So answers: _____

Edward J. Connelly
Sheriff of Bucks County

Affirmed and Subscribed before me on this day 2/2/09

Prothontary

Affirmed and subscribed before me on this day / /

Notary Public

My Com. Exp. _____

1/20/09
1146
1001

1-30-09
1003
1147



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 105140

TERM & NO. 08-1991-CD

RICHARD O. MAZANEC, administrator of the Estate of Manish Patel, deceased

COMPLAINT & PRAECIPE

vs.

VADIM SELETSKIY, IND. al

SERVE BY: 02/12/09

COURT DATE:

MAKE REFUND PAYABLE TO QUINN BUSECK LEEMHUIS TOOHEY & KROTO INC

SERVE: VIRAL B. PATEL

ADDRESS: 300 FORD ROAD, APT. J-4, BRISTOL, PA 19007

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 BUSKS COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 13, 2009.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

SH0201,
DATE: 01/30/2009
TIME: 18:00

SHERIFFS OFFICE - EDWARD J. DONNELLY, SHERIFF
ADMINISTRATION BUILDING
DOYLESTOWN, PA 18901

BUCKS MISC DOCKET # 2009 30146 LOCATION: OUT OF COUNTY CLASS: ASSUMPSIT

***** SHERIFF'S RETURN OF SERVICE *****

SHERIFF'S OFFICE
CLEARFIELD COUNTY
MARKET ST
CLEARFIELD PA 16830
ATTN:JOHN W MCCANDLESS,ESQ

PLAINTIFF DEFENDANT
MAZANEC RICHAR O VS. PATEL VIRAL B
3000 FORD RD APT J-4
BRISTOL, PA 19007

01132009 COMPLAINT - CIVIL ACTION RECEIVED FROM CLEARFIELD CO SHERIFFS DEPT RAG
01202009 RECEIVED IN SHERIFF'S OFFICE FOR SERVICE. TRANSACTION #09-1-01053 RAG
AMOUNT PAID \$48.00.
01272009 SHERIFF'S RETURN, UNDER OATH, FILED. DEPUTY RENSON AT 1120AM RAG
SERVED DEFENDANT(S) PURSUANT TO PA.R.C.P. #402(A)(I)
SERVED DEFT VIRAL B PATEL AT 3000 FORD RD APT J-4 BRISTOL, PA 19007 B RAG
Y HANDING TO DEFT PERSONALLY.
01302009 INVOICE MAILED TO CLEARFIELD CO SHEREIFFS DEPT ATTN:JOHN W MCCANDLES RAG
S,ESQ TRANSACTION #09-1-01053
END OF CASE

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICHARD O. MAZANEC, Administrator
of Estate of Manish Patel, deceased,
Plaintiff,

CIVIL ACTION - LAW

Number 2008 - 01991 C. D.

vs.

Type of Case: Civil Division

VADIM SELETSKIY, individually; VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS; ORIENT
EXPRESS, INC., a corporation; WILLIAM
V. EMERSON, individually; DOS
TRANSPORTATION, INC., a corporation,
a/k/a/ D.O.S. TRANSPORTATION, INC.,
a corporation; VIRAL B. PATEL,
individually; JAIME D. RODRIGUEZ,
individually; CRISTINA ATHWAL t/d/b/a
LONDON TRANSPORT; LONDON
TRANSPORT, INC., a corporation; and
ANTONIO GARCIA, t/d/b/a GAR TRUCK-
ING, a/k/a GAR TRUCKING,
Defendants.

Type of Pleading: Reply to Crossclaim Pursuant
to Pa.R.C.P. 1031.1

Filed on Behalf of: Viral B. Patel,
Defendant

Counsel of Record for this Party:

Troy J. Harper
Supreme Court Number: 74753

DENNISON, DENNISON & HARPER
293 Main Street
Brookville, Pennsylvania 15825
(814) 849-8316

S
FILED
APR 28 2009
William A. Shaw
Prothonotary/Clerk of Courts

* In the Court of Common Pleas of
* Clearfield County, Pennsylvania
* Civil Action - Law

*

*

*

*

*

*

✱

1

•

*

*

*

*

*

*

* Number 2008 - 01991 C.D.

REPLY TO THE DEFENDANTS, WILLIAM V. EMERSON'S AND DOS

AND NOW, comes the Defendant, VIRAL B. PATEL, by and through his attorneys,

1. Paragraph 1 of the Defendants, William V. Emerson's and DOS Transportation, Inc.'s,

Matter and Crossclaim Pursuant to Pa.R.C.P. 1031.1 are incorporated herein by reference thereto.

2. To the extent the averments of Paragraph 2 of the Defendants, William V. Emerson's and DOS Transportation, Inc.'s, New Matter Pursuant to Pa.R.C.P. 1031.1 are directed to the answering Defendant, Viral B. Patel, said averments fail to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. Moreover, said averments constitute conclusions of law and are otherwise denied pursuant to Pa.R.C.P. 1029(e). To the extent any further response would be deemed required, the averments of the Defendant, Viral Patel's, Answer, New Matter and Crossclaim pursuant to Pa.R.C.P. 1031.1 are incorporated herein by reference thereto.

WHEREFORE, the Defendant, Viral B. Patel, demands judgment in his favor and against all other parties. **JURY TRIAL OF TWELVE DEMANDED.**

DENNISON, DENNISON & HARPER

By 

Troy J. Harper

Attorneys for Viral B. Patel, Defendant

VERIFICATION

I verify that the averments made in the foregoing Reply to Crossclaim Pursuant to Pa.R.C.P. 1031.1 are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.


Viral B. Patel

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Reply to New Matter Crossclaim Pursuant to Pa.R.C.P. 1031.1 was served on the 24th day of April, 2009, by United States Mail, First Class, postage prepared, addressed to the following:

John W. McCandless, Esq.
2222 West Grandview Blvd.
Erie, PA 16506

Mark D. Amaddio, Esq.
55 Public Square, Suite 850
Cleveland, OH 44113

Edward Vavro, Esq.
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402

Michael T. Traxler, Esq.
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, PA 17101

Jaime D. Rodriguez
c/o Antonio Garcia
10402 Campagnoni Street
Bakersfield, CA 93313-9723

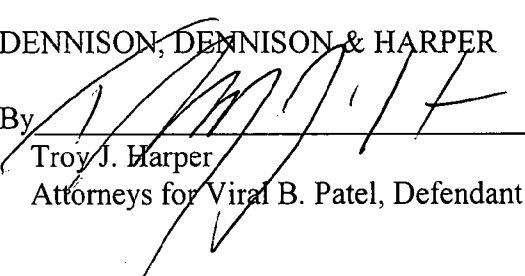
Cristina Athwal
t/d/b/a London Transport
10402 Campagnoni Street
Bakersfield, CA 93313-9723

London Transport, Inc.
10402 Campagnoni Street
Bakersfield, CA 93313-9723

Erik B. Jensen, Esq.
1528 Walnut Street, Suite 101
Philadelphia, PA 19102

DENNISON, DENNISON & HARPER

By


Troy J. Harper

Attorneys for Viral B. Patel, Defendant

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of the
ESTATE OF MANISH PATEL, Deceased

Plaintiff,

vs.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS,
ORIENT EXPRESS, INC., a corporation,
WILLIAM V. EMERSON, individually,
DOS TRANSPORTATION, INC. a corporation,
a/k/a D.O.S. TRANSPORTATION, INC.
a corporation, VIRAL B. PATEL, individually,
JAIME D. RODRIQUEZ, individually,
CRISTINA ATHWAL, t/d/b/a
LONDON TRANSPORT,
LONDON TRANSPORT INC., a corporation and
ANTONIO GARCIA, t/d/b/a GAR TRUCKING,
a/k/a GAR TRUCKING
Defendants.

CIVIL ACTION – LAW
NO: 2008-01991-CD

Type of Case: Civil Division

Type of Pleading: Answer, New
Matter and Crossclaim Pursuant to
Pa.R.C.P. 1031.1

Filed on Behalf of: Vadim Seletskiy
and Orient Express, Inc., Defendants

Counsel of Record for this Party:

Gary N. Stewart
Identification No.: 67353
Michael T. Traxler
Identification No.: 90961
RAWLE & HENDERSON LLP
240 N. Third Street, 9th Floor
Harrisburg, PA 17101

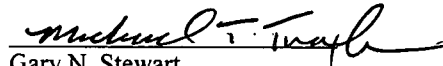
FILED *ice Atty*
m/11:48am *Traxler*
MAY 13 2009 *GU*

William A. Shaw
Prothonotary/Clerk of Courts

TO THE WITHIN NAMED PARTIES:

You are hereby notified to plead to the enclosed ANSWER WITH NEW MATTER AND CROSS-CLAIM, within twenty (20) days from the date of service hereof or default judgment will be entered against you.

RAWLE & HENDERSON LLP


Gary N. Stewart
Michael T. Traxler
Attorneys for Defendants

RAWLE & HENDERSON LLP

By: Gary N. Stewart
Identification No.: 67353
By: Michael T. Traxler
Identification No.: 90961
Payne Shoemaker Building
240 N. Third Street, 9th Floor
Harrisburg, PA 17101
(717) 234-7700

Attorneys for Defendants,
Vadim Seletskiy and
Orient Express

RICHARD O. MAZANEC, Administrator of the
ESTATE OF MANISH PATEL, Deceased

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Plaintiff,

NO: 2008-01991-CD

vs.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS,
ORIENT EXPRESS, INC., a corporation,
WILLIAM V. EMERSON, individually,
DOS TRANSPORTATION, INC. a corporation,
a/k/a D.O.S. TRANSPORTATION, INC.
a corporation, VIRAL B. PATEL, individually,
JAIME D. RODRIQUEZ, individually,
CRISTINA ATHWAL, t/d/b/a
LONDON TRANSPORT,
LONDON TRANSPORT INC., a corporation and
ANTONIO GARCIA, t/d/b/a GAR TRUCKING,
a/k/a GAR TRUCKING

Defendants.

**DEFENDANTS VADIM SELETSKIY AND ORIENT EXPRESS, INC.'S
ANSWER TO PLAINTIFF'S COMPLAINT WITH
NEW MATTER AND CROSSCLAIM PURSUANT TO P.A.R.C.P. 1031.1**

Defendants, Vadim Seletskiy and Orient Express, Inc., by and through their attorneys, Rawle & Henderson LLP, answer plaintiff's Complaint with New Matter and Crossclaim Pursuant to Pa.R.C.P. 1031.1 as follows:

1. Denied. Defendants have insufficient information or knowledge upon which to form a belief as to the truth of the averments contained this paragraph of the Complaint; therefore, said averments are denied. Further denied as this paragraph of the Complaint contains a conclusion of law to which no responsive pleading is required.

2. Denied. Defendants have insufficient information or knowledge upon which to form a belief as to the truth of the averments contained this paragraph of the Complaint; therefore, said averments are denied.

3. Admitted.

4. Admitted.

5. Admitted in part, denied in part. Defendant Orient Express admits only that its principal place of business is in Minnesota. Defendants have insufficient knowledge or information upon which to form a belief as to the truth of the remaining averments contained in this paragraph of the Complaint; therefore, said averments are denied.

6. Admitted in part, denied in part. It is admitted that defendant Seletskiy is an adult individual and that at the time of the accident at issue, defendant Seletskiy was acting within the course and scope of his employment with Orient Express. The remaining averments contained in this paragraph of the Complaint contain conclusions of law which require no responsive pleading. To the extent a responsive pleading is deemed to be required, all remaining averments are denied and strict proof thereof is demanded from plaintiff.

7. The allegations of this paragraph are directed to a party other than answering defendants; therefore, no response is required.

8. The allegations of this paragraph are directed to a party other than answering defendants; therefore, no response is required.

9. The allegations of this paragraph are directed to a party other than answering defendants; therefore, no response is required.

10. The allegations of this paragraph are directed to a party other than answering defendants; therefore, no response is required.

11. The averments of paragraph 11 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

12. Admitted in part, denied in part. The allegations in this paragraph are admitted only to the extent that the accident at issue occurred on Friday, October 20, 2006. Defendants have insufficient knowledge or information upon which to form a belief as to the truth of the averments contained in this paragraph of the Complaint; therefore, said averments are denied.

13. Denied. Defendants have insufficient information or knowledge upon which to form a belief as to the truth of the averments contained in this paragraph of the Complaint; therefore, said averments are denied.

14. Denied. Defendants have insufficient information or knowledge upon which to form a belief as to the truth of the averments contained in this paragraph of the Complaint; therefore, said averments are denied.

15. Denied. Defendants have insufficient information or knowledge upon which to form a belief as to the truth of the averments contained in this paragraph of the Complaint; therefore, said averments are denied.

16. Denied. Defendants have insufficient information or knowledge upon which to form a belief as to the truth of the averments contained this paragraph of the Complaint; therefore, said averments are denied.

17. Denied. Defendants have insufficient information or knowledge upon which to form a belief as to the truth of the averments contained this paragraph of the Complaint; therefore, said averments are denied.

18. Denied. It is specifically denied that the defendants were negligent, careless or reckless in any manner whatsoever and strict proof thereof is demanded at trial. By way of further answer, this paragraph of the Complaint contains conclusions of law to which no responsive pleading is required. To the extent they are deemed otherwise, they are denied. By way of further answer, defendants have insufficient knowledge or information upon which to form a belief as to the truth of the averments contained in this paragraph of the Complaint; therefore, said averments are denied.

COUNT ONE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport, Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking

19. Paragraph 19 of the plaintiff's Complaint fails to contain any specific averments of fact, it is merely an incorporation clause to which no response is deemed required.

20. The averments of paragraph 20 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

21. (a. – i.) The averments of paragraph 21 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

22. The averments of paragraph 22 of the Plaintiff's Complaint are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

23. (j. – m.) The averments of paragraph 23 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

COUNT TWO – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport, Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking

24. Paragraph 24 of the plaintiff's Complaint fails to contain any specific averments of fact, it is merely an incorporation clause to which no response is deemed required.

25. The averments of paragraph 25 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

26. The averments of paragraph 26 of the Plaintiff's Complaint are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

27. (n. – q.) The averments of paragraph 27 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

COUNT THREE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

28. Paragraph 28 of the plaintiff's Complaint fails to contain any specific averments of fact, it is merely an incorporation clause to which no response is deemed required.

29. The averments of paragraph 29 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

30. (r. – z.) The averments of paragraph 30 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

31. The averments of paragraph 31 of the Plaintiff's Complaint are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

32. (aa. – dd.) The averments of paragraph 32 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

COUNT FOUR – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation

33. Paragraph 33 of the plaintiff's Complaint fails to contain any specific averments of fact, it is merely an incorporation clause to which no response is deemed required.

34. The averments of paragraph 34 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

35. The averments of paragraph 35 of the Plaintiff's Complaint are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

36. (ee. – hh.) The averments of paragraph 36 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

COUNT FIVE – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

37. Paragraph 37 of the plaintiff's Complaint fails to contain any specific averments of fact, it is merely an incorporation clause to which no response is deemed required.

38. The averments of paragraph 38 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

39. (a. – l.) The averments of paragraph 39 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

40. (a. – d.) The averments of paragraph 40 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

COUNT SIX – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Viral B. Patel

41. Paragraph 41 of the plaintiff's Complaint fails to contain any specific averments of fact, it is merely an incorporation clause to which no response is deemed required.

42. The averments of paragraph 42 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

43. The averments of paragraph 43 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

44. (e. – h.) The averments of paragraph 44 of the Plaintiff's Complaint and all subparagraphs thereof are directed to parties other than the answering defendants, Vadim Seletskiy and Orient Express, and as such, no response is required by the answering defendants.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

COUNT SEVEN – SURVIVAL ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

45. Paragraph 45 of the plaintiff's Complaint fails to contain any specific averments of fact, it is merely an incorporation clause to which no response is deemed required.

46. The averments of paragraph 46 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

47. (a. – i.) Denied. Paragraph 47 and its subparts contain conclusions of law to which no responsive pleadings are required, and therefore, said averments are denied. In addition, answering defendants specifically deny any negligence, carelessness or recklessness and demand strict proof thereof at trial.

48. Denied. This paragraph contains a conclusion of law to which no responsive pleading is required. In addition, answering defendants specifically deny any negligence, carelessness or recklessness and demand strict proof thereof at trial.

49. (a. – d.) Defendants have insufficient knowledge or information upon which to form a belief as to the truth of the averments contained in paragraph of the Complaint and its subparts; therefore, said averments are denied. Further denied, this paragraph and its subparts contain conclusions of law to which no responsive pleading is required.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

COUNT EIGHT – WRONGFUL DEATH ACTION

Richard O. Mazanec, Administrator of the Estate of Manish Patel v. Vadim Seletskiy, individually, Vadim Seletskiy and Alla Seletskaya, t/d/b/a Orient Express, and Orient Express, Inc., a corporation

50. Paragraph 50 of the plaintiff's Complaint fails to contain any specific averments of fact, it is merely an incorporation clause to which no response is deemed required.

51. The averments of paragraph 51 of the Plaintiff's Complaint constitute conclusions of law, and no further response is required.

52. Defendants have insufficient knowledge or information upon which to form a belief as to the truth of the averments contained in this paragraph of the Complaint; therefore,

said averments are denied. Further denied, this paragraph contains a conclusion of law to which no responsive pleading is required.

53. (a. – d.) Defendants have insufficient knowledge or information upon which to form a belief as to the truth of the averments contained in paragraph of the Complaint and its subparts; therefore, said averments are denied. Further denied, this paragraph and its subparts contain conclusions of law to which no responsive pleading is required.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

NEW MATTER

54. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

55. Service of process was improper or insufficient. Plaintiff's claims are barred by the Statute of Limitations.

56. Plaintiff's claims are barred or limited by their violation of the rules, regulations and statutes of the Commonwealth of Pennsylvania and of all local authorities relevant hereto, governing the operation and parking of motor vehicles on the streets and highways.

57. Plaintiff failed to comply with applicable state law, including, but not limited to, The Motor Vehicle Code.

58. Defendant claims all defenses available to them under the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Act as set forth in 75 Pa.C.S.A. §1701 et seq.

59. No omissions or conduct on the part of defendants contributed to Plaintiff's alleged damages, if any.

60. Plaintiff failed to mitigate his alleged damages.

61. The damages complained of by plaintiff pre-existed, or are unrelated to, the accident which is the subject matter of this Complaint.

62. Plaintiff's claims are barred by the doctrine of assumption of the risk.

63. The negligence of plaintiff either bars his right to recover completely, or reduces his claims under the doctrine of comparative negligence.

64. Plaintiff's alleged damages, if any, were the result of an unavoidable accident, sudden emergency, or Act of God.

65. Plaintiff's alleged damages, if any, were proximately caused, in whole or in part, by the negligent, reckless and careless conduct of plaintiff.

66. Plaintiff's alleged damages, if any, were proximately caused, in whole or in part, by the fault of third parties for whom defendants are not legally responsible.

67. This Honorable Court lacks jurisdiction over defendant.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against the plaintiff.

**CROSSCLAIM OF DEFENDANTS
VADIM SELETSKIY AND ORIENT EXPRESS
DIRECTED TO ALL CO-DEFENDANTS**

68. If it is judicially determined that plaintiff is entitled to recover against answering defendants or answering defendants are in any way liable, that liability is the result of the actions, inactions or otherwise culpable conduct of co-defendants, as more fully set forth in plaintiff's Complaint against all defendants, the allegations of which are hereby incorporated by reference, but not admitted. Co-defendants are solely liable to the plaintiff, jointly and/or severally liable to plaintiff or they are liable over to answering defendants, in whole or in part, for any liability determined against answering defendants.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment against the defendants, Jaime D. Rodriguez, individually, Cristina Athwal, t/d/b/a London Transport, London Transport, Inc., a corporation and Antonio Garcia, t/d/b/a GAR Trucking, a/k/a Gar Trucking William V. Emerson, individually, and DOS Transportation, Inc. a corporation, a/k/a D.O.S. Transportation, Inc., a corporation and Viral B. Patel, as being solely liable for the damages claimed by the plaintiff, or in the alternative, as being liable over to defendants, Vadim Seletskiy and Orient Express, for indemnity and/or contribution.

**CROSSCLAIM OF DEFENDANTS
VADIM SELETSKIY AND ORIENT EXPRESS
DIRECTED TO DEFENDANTS,
VIRAL B. PATEL, JAIME D. RODRIGUEZ, ANTONIO GARCIA,
LONDON TRANSPORT, WILLIAM V. EMERSON,
AND DOS TRANSPORTATION**

69. Without admitting the truth thereof, defendants, Vadim Seletskiy and Orient Express, hereby incorporate paragraphs 1 through 18 of plaintiff's Complaint as if the same were set forth at length herein.

70. (a. – h.) The accident at issue in this litigation was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Rodriguez in the following particulars:

- a. In operating his tractor trailer at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 PaC.S.A. §3361;
- b. In failing to keep his tractor trailer under proper and adequate control under the conditions, thereby permitting it to slide and jackknife on and upon the roadway and onto the berm;
- c. In failing to maintain his tractor trailer in proper operating condition, thereby permitting it to slide and jackknife upon the roadway and onto the berm;
- d. In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his tractor trailer accordingly,

thereby permitting it to slide and jackknife on and upon the roadway and onto the berm;

- e. In failing to provide proper and adequate warning to vehicles approaching his disabled tractor trailer of the hazard it created;
- f. In failing to place in a timely fashion such warning devices as are required by the Federal Motor Carrier Safety Regulations;
- g. In operating his vehicle in a careless disregard for the safety of oncoming motorists, a violation of 75 Pa. CS.A. §3714.
- h. In acting in reckless disregard for the hazard which his vehicle created for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

71. Defendants, London Transport and Garcia, are vicariously liable for the negligence, recklessness and carelessness of their agent, servant and employee, Rodriguez.

72. As a direct and proximate result of the above stated negligent, reckless and careless acts, Vadim Seletskiy and Orient Express were forced to incur monetary damages associated with the loss of the cargo being transported by Orient Express.

73. As a direct and proximate result of the foresaid negligent, reckless and careless acts, Vadim Seletskiy and Orient Express were forced to incur damages for towing-related services.

74. Vadim Seletskiy and Orient Express sustained loss of cargo and towing-related expenses in the amount of \$29,805.37.

75. (a. – h.) The accident at issue in this suit was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Emerson, as follows:

- (a) In stopping, parking or standing his tractor trailer in the travel lanes of I-80, a violation of 75 Pa.C.S.A. §3351;
- (b) In stopping, standing or parking his tractor trailer on the travel lanes of I-80, a limited access highway, a violation, of 75 Pa.C.S.A. §3353(a)(1)(vii);

- (c) In leaving his tractor trailer unattended in the travel lanes of I-80 when the defendant knew, or should have known, that it would create a hazard for traffic approaching in the travel lanes under the conditions set forth above;
- (d) In continuing to leave his tractor trailer unattended in the travel lanes of I-80 after it had been struck by a garbage truck tractor and trailers, whereupon the defendant recklessly disregarded the fact that his vehicle created a hazard for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736;
- (e) In failing to pull his tractor trailer to a position of safety off of the travel lanes of I-80 when the defendant knew or should have known, and/or recklessly disregarded that it created a hazard for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa. C.S.A. §3736;
- (f) In failing to provide proper and adequate warning to vehicles approaching his stopped and standing tractor trailer of the hazard it created;
- (g) In failing to place in a timely fashion such warning devices as are required by the Federal Motor Carrier Safety Regulations;
- (h) In operating his vehicle in a careless disregard for the safety of oncoming motorists, a violation of 75 Pa. CS.A. §3714.

75. Defendant, DOS Transportation, is vicariously liable for the negligence, recklessness and carelessness of its agent servant and employee, William Emerson.

76. As a direct and proximate result of the above stated negligent, reckless and careless acts, Vadim Seletskiy and Orient Express were forced to incur monetary damages associated with the loss of the cargo being transported by Orient Express.

77. As a direct and proximate result of the foresaid negligent, reckless and careless acts, Vadim Seletskiy and Orient Express were forced to incur damages for towing-related services.

78. Vadim Seletskiy and Orient Express sustained loss of cargo and towing-related expenses in the amount of \$29,805.37.

79. (a. – k.) The accident at issue in this suit was the direct and proximate result, jointly and severally, of the negligence, recklessness and carelessness of the Defendant Viral B. Patel, as follows:

- (a) In operating his vehicle at a speed which was greater than was reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, a violation of 75 Pa.C.S.A. §3361;
- (b) In operating his vehicle at a speed greater than would permit him to bring, his vehicle to a stop within the assured clear distance ahead, a violation of 75 Pa.C.S.A. §3361;
- (c) In failing to keep his vehicle under proper and adequate control under the conditions, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (d) In failing to maintain his vehicle in proper operating condition, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (e) In failing to keep a proper and adequate lookout for the conditions existing on and upon the roadway and adjusting his operation of his vehicle accordingly, thereby permitting it to slide into and collide with the stopped and standing Emerson tractor trailer;
- (f) In failing to stop, slow or turn his vehicle in a timely manner so as to avoid collision with the stopped and standing Emerson tractor trailer;
- (g) In obstructing traffic on the travel lanes of I-80 following his collision with the unattended Emerson vehicle, a violation of 75 Pa.C.S.A. §3745;
- (h) In failing to immediately remove his vehicle to a safe refuge on the shoulder of I-80 or otherwise remove it from the roadway following the impact with the stopped and standing Emerson vehicle, a violation of 75 Pa.C.S.A. §3745.1;
- (i) In failing to provide proper and adequate warning to vehicles approaching his stopped and standing vehicle of the hazard it created;
- (j) In operating his vehicle in a careless disregard for the safety of persons including the decedent, Manish Patel, a violation of 75 Pa.C.S.A. §3714;
- (k) In acting in reckless disregard for the hazard which his vehicle created for traffic approaching in the travel lanes under the conditions set forth above, a violation of 75 Pa.C.S.A. §3736.

80. As a direct and proximate result of the above stated negligent, reckless and careless acts, Vadim Seletskiy and Orient Express were forced to incur monetary damages associated with the loss of the cargo being transported by Orient Express.

81. Vadim Seletskiy and Orient Express sustained loss of cargo and towing-related expenses in the amount of \$29,805.37.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express demand that this Honorable Court enter judgment in their favor in the amount of \$29,805.37, together with costs and interests.

REQUEST FOR JURY TRIAL

Defendants, Vadim Seletskiy and Orient Express, Inc., hereby request a trial by jury on all issues that are triable.

RAWLE & HENDERSON LLP

By: Michael T. Traxler
Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorney for Defendants,
Vadim Seletskiy and
Orient Express

Dated: 5/6/2009

VERIFICATION

MICHAEL T. TRAXLER, ESQUIRE, hereby states that he is a member of the law firm of Rawle & Henderson LLP, attorneys for defendants, Vadim Seletskiy and Orient Express, Inc., that he is authorized to take this verification on behalf of said defendant. The undersigned verifies that he has read the within pleading and that the same is true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements set forth in said pleading are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.


MICHAEL T. TRAXLER,, ESQUIRE

DATED: 5/6/2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon the below listed counsel this day by first-class mail, postage prepaid:

John W. McCandless, Esquire
2222 West Grandview Blvd.
Erie, PA 16506
Attorney for Plaintiff,
Richard O. Mazanec,
Administrator of the
Estate of Manish Patel, deceased

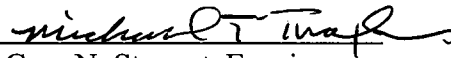
Mark D. Amaddio, Esquire
Richard O. Mazanec, Esquire
Mark D. Amaddio Co., LPA
55 Public Square, Suite 850
Cleveland, OH 44113
Pro Hac Vice Attorney for Plaintiff,
Richard O. Mazanec, Administrator of the
Estate of Manish Patel, deceased

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main St
Brookville, Pa 15825
Attorney for Defendant,
Viral Patel

Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, PC
Two PPG Place, Suite 400
Pittsburgh, Pa 15222
Attorney for Defendants,
William Emerson and
DOS Transportation, Inc.

Eric B. Jensen, Esquire
1528 Walnut St
Suite 1401
Philadelphia, Pa 19102
Attorney for Defendant,
Antonio Garcia

RAWLE & HENDERSON LLP

By: 
Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorney for Defendants,
Vadim Seletskiy and
Orient Express

Dated: 5/6/2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of
the Estate of Manish Patel, deceased,

Plaintiff,

v.

VADIM SELETSKIY, individually, VADIM
SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS, ORIENT
EXPRESS, INC., a corporation, WILLIAM V.
EMERSON, individually, DOS
TRANSPORTATION, INC., a corporation,
VIRAL B. PATEL, individually, JAIME D.
RODRIGUEZ, individually, CRISTINA
ATHWAL, t/d/b/a LONDON TRANSPORT,
INC., a corporation, and ANTONIO GARCIA,
t/d/b/a GAR TRUCKING, a/k/a Gar Trucking,

Defendants.

CIVIL DIVISION

No. 2008-01991-CD

Issue No.

**ANSWER IN RESPONSE TO THE
CROSS-CLAIM OF DEFENDANTS
VADIM SELETSKIY AND ORIENT
EXPRESS, INC.**

Code:

Filed on behalf of Defendants, William V.
Emerson and DOS Transportation, Inc., a
corporation

Counsel of record for this party:

James M. Girman, Esquire
PA I.D. #58825

Edward M. Vavro, Jr., Esquire
PA I.D. # 80401

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

(412) 281-7272

JURY TRIAL DEMANDED

FILED No CC
MAY 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of)	CIVIL DIVISION
the Estate of Manish Patel, deceased,)	
)	No. 2008-01991-CD
Plaintiff,)	
)	
v.)	
)	
VADIM SELETSKIY, individually, VADIM)	
SELETSKIY and ALLA SELETSKAYA,)	
t/d/b/a ORIENT EXPRESS, ORIENT)	
EXPRESS, INC., a corporation, WILLIAM)	
V. EMERSON, individually, DOS)	
TRANSPORTATION, INC., a corporation,)	
VIRAL B. PATEL, individually, JAIME D.)	
RODRIGUEZ, individually, CRISTINA)	
ATHWAL, t/d/b/a LONDON TRANSPORT,)	
INC., a corporation, and ANTONIO)	
GARCIA, t/d/b/a GAR TRUCKING, a/k/a)	
Gar Trucking,)	
)	
Defendants.)	

**ANSWER IN RESPONSE TO THE CROSS-CLAIM OF
DEFENDANTS VADIM SELETSKIY AND ORIENT EXPRESS, INC.**

AND NOW, come the Defendants, William V. Emerson and DOS Transportation, Inc., by and through their attorneys, Dickie, McCamey & Chilcote, P.C., James M. Girman, Esquire, and Edward M. Vavro, Jr., Esquire, and hereby file the within Answer to the Cross-Claim of Defendants Vadim Seletskiy and Orient Express, Inc. and in support thereof aver the following:

1. The averments contained in Paragraph 68 of Defendants' Cross-Claim state conclusions of law to which no response is required. By way of further answer, Defendants William V. Emerson and DOS Transportation deny that they are liable to any party under any theory of law.

2. With respect to Paragraph 69 of Defendant's Cross-claim, Defendants William V. Emerson and DOS Transportation incorporate herein by reference their Answer, New Matter and Cross-Claim pursuant to 1301.1 as if the same were set forth herein at length.

3. The allegations set forth in Paragraph 70 of Defendant's Cross-Claim including subparagraphs (a) through (h) are not directed to these Defendants, and therefore, no response is required. To the extent that Defendant Vadim Seletskiy and Orient Express attempt to impose any liability upon these Defendants, through these allegations, then the same are denied and strict proof thereof at the time of trial.

4. The allegations set forth in Paragraph 71 of Defendants' Cross-Claim are not directed to these Defendants, and therefore, no response is required. To the extent that Defendants attempt to impose any liability upon these Defendants through these allegations, then the same are denied and strict proof thereof is demanded at the time of trial.

5. The allegations set forth in Paragraph 72 of Defendants' Cross-Claim are not directed to these Defendants, and therefore, no response is required. To the extent that Defendants attempt to impose any liability upon these Defendants through these allegations, then the same are denied and strict proof thereof is demanded at the time of trial.

6. The allegations set forth in Paragraph 73 of Defendants' Cross-Claim are not directed to these Defendants, and therefore, no response is required. To the extent that Defendants attempt to impose any liability upon these Defendants through these allegations, then the same are denied and strict proof thereof is demanded at the time of trial.

7. The allegations set forth in Paragraph 74 of Defendants' Cross-Claim are not directed to these Defendants, and therefore, no response is required. To the extent that

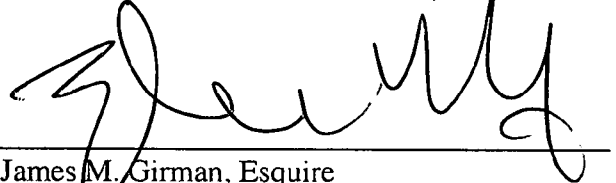
13. The averments set forth in Paragraph 80 of Defendants' Cross-Claim are not directed to these Defendants, and therefore, no response is required. To the extent that Defendants attempt to impose any liability on these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

14. The averments set forth in Paragraph 81 of Defendants' Cross-Claim are not directed to these Defendants, and therefore, no response is required. To the extent that Defendants attempt to impose any liability on these Defendants, then the same are denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants, William V. Emerson and DOS Transportation require that the Cross-Claim of Defendants Vadim Seletskiy and Orient Express, insofar as asserted against Defendants, William V. Emerson and DOS Transportation be dismissed with prejudiced and judgment be entered in their favor.

Respectfully submitted,

DICKIE, MCCAMEY & CHILCOTE, P.C.

BY 

James M. Girman, Esquire
Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William V. Emerson and
DOS Transportation, Inc., a corporation

CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that true and correct copies of the foregoing **Answer In Response to the Cross-Claim Of Defendant Vadim Seletskiy And Orient Express, Inc.** have been served this 14 day of May, 2009, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Michael T. Taxler, Esquire
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street
Harrisburg, PA 17101

Troy J. Harper, Esquire
Dennison Dennison & Harper
293 Main Street
Brookville, PA 15825

Erik B. Jensen, Esquire
Suite 101
1528 Walnut Street
Philadelphia, PA 19102

Mark D. Amaddio, Esquire
Richard O. Mazanec, Esquire
Mark D. Amaddio Co., LPA
55 Public Square, Suite 850
Cleveland, OH 44113

John W. McCandless, Esquire
2222 West Grandview Blvd.
Erie, PA 16506

DICKIE, McCAMEY & CHILCOTE, P.C.

By 

Edward M. Vavro, Jr., Esquire

Attorneys for Defendants, William V.
Emerson and DOS Transportation, Inc.

FILED ²⁰

JUL 01 2009
William A. Shaw
Prothonotary/Clerk of Courts

1 cent to

Att

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of the
ESTATE OF MANISH PATEL, Deceased

Plaintiff,

vs.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS,
ORIENT EXPRESS, INC., a corporation,
WILLIAM V. EMERSON, individually,
DOS TRANSPORTATION, INC. a corporation,
a/k/a D.O.S. TRANSPORTATION, INC.
a corporation, VIRAL B. PATEL, individually,
JAIME D. RODRIQUEZ, individually,
CRISTINA ATHWAL, t/d/b/a
LONDON TRANSPORT,
LONDON TRANSPORT INC., a corporation and
ANTONIO GARCIA, t/d/b/a GAR TRUCKING,
a/k/a GAR TRUCKING

Defendants.

CIVIL ACTION – LAW
NO: 2008-01991-CD

Type of Case: Civil Division

Type of Pleading: Reply to
Defendant Viral B. Patel's
Crossclaim Pursuant to
Pa.R.C.P. 1031.1

Filed on Behalf of: Vadim Seletskiy
and Orient Express, Inc., Defendants

Counsel of Record for this Party:
Gary N. Stewart
Identification No.: 67353
Michael T. Traxler
Identification No.: 90961
RAWLE & HENDERSON LLP
240 N. Third Street, 9th Floor
Harrisburg, PA 17101

RAWLE & HENDERSON LLP

By: Gary N. Stewart

Identification No.: 67353

By: Michael T. Traxler

Identification No.: 90961

Payne Shoemaker Building

240 N. Third Street, 9th Floor

Harrisburg, PA 17101

(717) 234-7700

Attorneys for Defendants,

Vadim Seletskiy and

Orient Express

RICHARD O. MAZANEC, Administrator of the
ESTATE OF MANISH PATEL, Deceased

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Plaintiff,

NO: 2008-01991-CD

vs.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS,
ORIENT EXPRESS, INC., a corporation,
WILLIAM V. EMERSON, individually,
DOS TRANSPORTATION, INC. a corporation,
a/k/a D.O.S. TRANSPORTATION, INC.
a corporation, VIRAL B. PATEL, individually,
JAIME D. RODRIQUEZ, individually,
CRISTINA ATHWAL, t/d/b/a
LONDON TRANSPORT,
LONDON TRANSPORT INC., a corporation and
ANTONIO GARCIA, t/d/b/a GAR TRUCKING,
a/k/a GAR TRUCKING

Defendants.

DEFENDANTS VADIM SELETSKIY AND ORIENT EXPRESS, INC.'S

REPLY TO DEFENDANT, VIRAL B. PATEL'S

CROSSCLAIM PURSUANT TO PA.R.C.P. 1031.1

Defendants, Vadim Seletskiy and Orient Express, Inc., by and through their attorneys,

Rawle & Henderson LLP, reply to defendant, Viral B. Patel's Crossclaim Pursuant to Pa.R.C.P.

1031.1 as follows:

64. Paragraph 64 of defendant, Viral B. Patel's crossclaim pursuant to Pa.R.C.P.

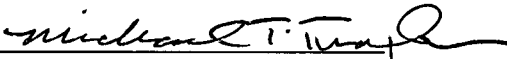
1031.1 fails to contain any specific averments of fact and is merely an incorporation clause to

which no response is deemed required. To the extent any further response would be deemed required the averments of defendants, Vadim Seletskiy and Orient Express, Inc.'s answer, new matter and crossclaim are incorporated herein by reference thereto. Further, the allegations set forth in paragraph 64 attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at trial.

65. Paragraph 65 of defendant, Viral B. Patel's crossclaim pursuant to Pa.R.C.P. 103.1 fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required the averments of defendants, Vadim Seletskiy and Orient Express, Inc.'s answer, new matter and crossclaim are incorporated herein by reference thereto. Further, the allegations set forth in paragraph 65 attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at trial.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against all other parties.

RAWLE & HENDERSON LLP

By: 
Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorney for Defendants,
Vadim Seletskiy and
Orient Express

Dated: 6/29/2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon the below listed counsel this day by first-class mail, postage prepaid:

John W. McCandless, Esquire
2222 West Grandview Blvd.
Erie, PA 16506
Attorney for Plaintiff,
Richard O. Mazanec,
Administrator of the
Estate of Manish Patel, deceased

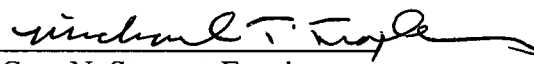
Mark D. Amaddio, Esquire
Richard O. Mazanec, Esquire
Mark D. Amaddio Co., LPA
55 Public Square, Suite 850
Cleveland, OH 44113
Pro Hac Vice Attorney for Plaintiff,
Richard O. Mazanec, Administrator of the
Estate of Manish Patel, deceased

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main St
Brookville, Pa 15825
Attorney for Defendant,
Viral Patel

Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, PC
Two PPG Place, Suite 400
Pittsburgh, Pa 15222
Attorney for Defendants,
William Emerson and
DOS Transportation, Inc.

Eric B. Jensen, Esquire
1528 Walnut St
Suite 1401
Philadelphia, Pa 19102
Attorney for Defendant,
Antonio Garcia

RAWLE & HENDERSON LLP

By: 
Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorney for Defendants,
Vadim Seletskiy and
Orient Express

Dated: 6/29/2009

VERIFICATION

MICHAEL T. TRAXLER, ESQUIRE, hereby states that he is a member of the law firm of Rawle & Henderson LLP, attorneys for defendants, Vadim Seletskiy and Orient Express, Inc., that he is authorized to take this verification on behalf of said defendant. The undersigned verifies that he has read the within pleading and that the same is true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements set forth in said pleading are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.


MICHAEL T. TRAXLER,, ESQUIRE

DATED: 6/29/2009

FILED

JUL 01 2009

William A. Shaw
Prothonotary/Clerk of Courts

1 cent to Mary

6
Pl
Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

RICHARD O. MAZANEC, Administrator of the
ESTATE OF MANISH PATEL, Deceased

Plaintiff,

vs.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS,
ORIENT EXPRESS, INC., a corporation,
WILLIAM V. EMERSON, individually,
DOS TRANSPORTATION, INC. a corporation,
a/k/a D.O.S. TRANSPORTATION, INC.
a corporation, VIRAL B. PATEL, individually,
JAIME D. RODRIQUEZ, individually,
CRISTINA ATHWAL, t/d/b/a
LONDON TRANSPORT,
LONDON TRANSPORT INC., a corporation and
ANTONIO GARCIA, t/d/b/a GAR TRUCKING,
a/k/a GAR TRUCKING

Defendants.

CIVIL ACTION – LAW
NO: 2008-01991-CD

Type of Case: Civil Division

Type of Pleading: Reply to
Defendants William V. Emerson and
Orient Express, Inc.
Crossclaim Pursuant to
Pa.R.C.P. 1031.1

Filed on Behalf of: Vadim Seletskiy
and Orient Express, Inc., Defendants
Counsel of Record for this Party:
Gary N. Stewart
Identification No.: 67353
Michael T. Traxler
Identification No.: 90961
RAWLE & HENDERSON LLP
240 N. Third Street, 9th Floor
Harrisburg, PA 17101

RAWLE & HENDERSON LLP

By: Gary N. Stewart

Identification No.: 67353

By: Michael T. Traxler

Identification No.: 90961

Payne Shoemaker Building

240 N. Third Street, 9th Floor

Harrisburg, PA 17101

(717) 234-7700

Attorneys for Defendants,

Vadim Seletskiy and

Orient Express

RICHARD O. MAZANEC, Administrator of the
ESTATE OF MANISH PATEL, Deceased

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Plaintiff,

NO: 2008-01991-CD

vs.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS,
ORIENT EXPRESS, INC., a corporation,
WILLIAM V. EMERSON, individually,
DOS TRANSPORTATION, INC. a corporation,
a/k/a D.O.S. TRANSPORTATION, INC.
a corporation, VIRAL B. PATEL, individually,
JAIME D. RODRIQUEZ, individually,
CRISTINA ATHWAL, t/d/b/a
LONDON TRANSPORT,
LONDON TRANSPORT INC., a corporation and
ANTONIO GARCIA, t/d/b/a GAR TRUCKING,
a/k/a GAR TRUCKING

Defendants.

**DEFENDANTS, VADIM SELETSKIY AND ORIENT EXPRESS, INC.'S,
REPLY TO DEFENDANTS,
WILLIAM V. EMERSON AND DOS TRANSPORTATION, INC.'S
CROSSCLAIM PURSUANT TO PA.R.C.P. 1031.1**

Defendants, Vadim Seletskiy and Orient Express, Inc., by and through their attorneys,
Rawle & Henderson LLP, reply to defendants, William V. Emerson and DOS Transportation,
Inc.'s Crossclaim Pursuant to Pa.R.C.P. 1031.1 as follows:

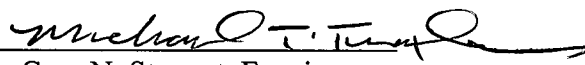
1. Paragraph 1 of, defendants, William V. Emerson and DOS Transportation, Inc.'s
crossclaim pursuant to Pa.R.C.P. 1031.1 fails to contain any specific averments of fact and is

merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required the averments of defendants, Vadim Seletskiy and Orient Express, Inc.'s answer, new matter and crossclaim are incorporated herein by reference thereto. Further, the allegations set forth in paragraph 1 of the crossclaim attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at trial.

2. Paragraph 2 of defendants, William V. Emerson and DOS Transportation, Inc.'s crossclaim pursuant to Pa.R.C.P. 1031.1 fails to contain any specific averments of fact and is merely an incorporation clause to which no response is deemed required. To the extent any further response would be deemed required the averments of defendants, Vadim Seletskiy and Orient Express, Inc.'s answer, new matter and crossclaim are incorporated herein by reference thereto. Further, the allegations set forth in paragraph 2 of the crossclaim attempt to set forth conclusions of law to which no responsive pleading is required. To the extent that a response is deemed required, said allegations are denied and strict proof thereof is demanded at trial.

WHEREFORE, defendants, Vadim Seletskiy and Orient Express, demand judgment in their favor and against all other parties.

RAWLE & HENDERSON LLP

By: 
Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorney for Defendants,
Vadim Seletskiy and
Orient Express

Dated: 6/29/2009

VERIFICATION

MICHAEL T. TRAXLER, ESQUIRE, hereby states that he is a member of the law firm of Rawle & Henderson LLP, attorneys for defendants, Vadim Seletskiy and Orient Express, Inc., that he is authorized to take this verification on behalf of said defendant. The undersigned verifies that he has read the within pleading and that the same is true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements set forth in said pleading are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.


MICHAEL T. TRAXLER,, ESQUIRE

DATED: 6/29/2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon the below listed counsel this day by first-class mail, postage prepaid:

John W. McCandless, Esquire
2222 West Grandview Blvd.
Erie, PA 16506
Attorney for Plaintiff,
Richard O. Mazanec,
Administrator of the
Estate of Manish Patel, deceased

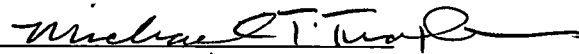
Mark D. Amaddio, Esquire
Richard O. Mazanec, Esquire
Mark D. Amaddio Co., LPA
55 Public Square, Suite 850
Cleveland, OH 44113
Pro Hac Vice Attorney for Plaintiff,
Richard O. Mazanec, Administrator of the
Estate of Manish Patel, deceased

Troy J. Harper, Esquire
Dennison, Dennison & Harper
293 Main St
Brookville, Pa 15825
Attorney for Defendant,
Viral Patel

Edward M. Vavro, Jr., Esquire
John T. Pion, Esquire
Dickie, McCamey & Chilcote, PC
Two PPG Place, Suite 400
Pittsburgh, Pa 15222
Attorney for Defendants,
William Emerson and
DOS Transportation, Inc.

Eric B. Jensen, Esquire
1528 Walnut St
Suite 1401
Philadelphia, Pa 19102
Attorney for Defendant,
Antonio Garcia

RAWLE & HENDERSON LLP

By: 
Gary N. Stewart, Esquire
Michael T. Traxler, Esquire
Attorney for Defendants,
Vadim Seletskiy and
Orient Express

Dated: 6/29/2009

IN THE COURT OF COMMON PLEAS
COUNTY, PENNSYLVANIA

FILED

JUN 21 2010

William A. Shaw
Prothonotary/Clerk of Courts

RICHARD O. MAZANEC,
ADMINISTRATOR OF THE ESTATE
OF MANISH PATEL, DECEASED

CASE NO. 2008-01991-CD

Plaintiff

v.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and **ALLA**
SELETSKIY, t/d/b/a **ORIENT**
EXPRESS, INC., a corporation,
WILLIAM V. EMERSON, individually,
DOS TRANSPORTATION, INC.,
a corporation, a/k/a **D.O.S.**
TRANSPORTATION, INC., a
corporation, **VIRAL B. PATEL**,
individually, **JAIME D. RODRIGUEZ**,
individually, **CRISTINA ATHWAL**,
t/d/b/a **LONDON TRANSPORT**,
LONDON TRANSPORT, INC., a
corporation, and **ANTONIO GARCIA**,
t/d/b/a **GAR TRUCKING**, a/k/a **GAR**
TRUCKING,

Defendants

ENTRY OF FOREIGN JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment upon the following foreign judgments:

1. In Re: Estate of Manish Patel, Probate Court of Cuyahoga County,
Ohio, Case No. 2007 EST 0123387, Entry Approving Settlement and Distribution of
Wrongful Death and Survival Claims, November 19, 2009;

2. In Re: Estate of Manish Patel, Probate Court of Cuyahoga County, Ohio, Case No. 2007 EST 0123387, Entry Approving Settlement and Distribution of Wrongful Death and Survival Claims, June 9, 2010.

Copies of said judgments, certified from the Probate Court of Cuyahoga County, Ohio are attached hereto and made part hereof by reference.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS,
TOOHEY & KROTO, INC.

BY: 

John W. McCandless
Pa.Id. 27928
2222 West Grandview Blvd.
Erie, PA 16506
(814) 833-2222
Attorneys for Richard O.
Mazanec, Administrator of the
Estate of Manish Patel, deceased

Date: June 17, 2010

cc: All counsel of record

PROBATE COURT OF CUYAHOGA COUNTY, OHIO

Anthony J. Russo, Presiding Judge

Laura J. Gallagher, Judge

ESTATE OF Manish Patel, DECEASED

CASE NUMBER 2007 EST 0123387

ENTRY APPROVING SETTLEMENT AND DISTRIBUTION OF
WRONGFUL DEATH AND SURVIVAL CLAIMS

Upon hearing the application to approve settlement and distribution of the wrongful death and survival claims, the Court:

- ☒ Approves the proffered settlement of \$ 390,000.00
- ☐ Orders payment of \$ 0 to be applied to decedent's funeral and burial expenses.
- ☐ Orders payment of \$ _____ to the fiduciary for services rendered with respect to the wrongful death and survival claims.
- ☒ Orders payment of \$ 17,518.28 to the attorney for reimbursement of case expenses and \$ 97,500.00 for attorney fees for services rendered with respect to the wrongful death and survival claims.
- ☒ Orders that the net proceeds of \$ _____ be allocated \$ 274,981.72 to the wrongful death claim and \$ _____ to the survival claim. The amount allocated to the survival claim shall be considered an asset of the estate and shall be reflected in the fiduciary's account of the administration of the estate
- ☒ Finds all of the beneficiaries of the wrongful death claim are on an equal degree of consanguinity, are adults, and have agreed how the net proceeds allocated to the wrongful death claim are to be distributed.
- ☐ Orders distribution of the net proceeds allocated to the wrongful death claim to the surviving spouse, children, parents and other next of kin, in the equitable shares shown below, fixed by the Court having due regard for the injury and loss of each beneficiary resulting from the death and for the age and condition of the beneficiaries.

Name	Residence Address	Relationship to Decedent	Birthdate of Minor	Amount
Ramesh Patel	Gujarat, India	Father		\$137,490.86
Jashoda Patel	Gujarat, India	Mother		\$137,490.86

Orders that the share of :

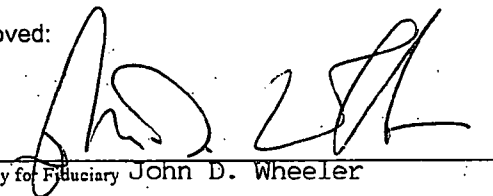
- ☐ _____ a minor(s) be deposited in lieu of bond pursuant of R.C.
2111.05.
- ☐ _____ a minor(s) be paid to the guardian of the estate of such
minor.
- ☐ _____ a child(ren) be deposited in a trust for the benefit
of the child(ren) until twenty-five years of age.

Authorizes the fiduciary to execute a release which, upon payment, shall be a discharge of the claim.

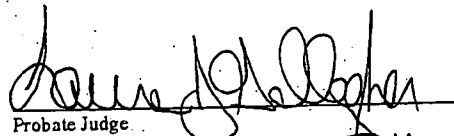
Orders the fiduciary and the attorney to report the distribution of the proceeds within thirty days of the date of this Entry.

Further orders Estate must remain open.

Approved:


Attorney for Fiduciary John D. Wheeler

Attorney Registration No. #0004852


Probate Judge

NOV 19 2009
Date

The State of Ohio, Cuyahoga County: IN THE PROBATE COURT I, Anthony J. Russo, Presiding Judge of the Probate Court within and for the County of Cuyahoga, do hereby certify this instrument is a true and correct copy, taken from the Probate Court Records in this office, where the same are required to be kept by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Probate Court at the City of Cleveland, in said County, this 19 day of Nov. 2009


PRESIDING JUDGE


Deputy Clerk

Probate Court of Cuyahoga County, Ohio

Anthony J. Russo, Presiding Judge

Laura J. Gallagher, Judge

ESTATE OF Manish Patel, DECEASED

CASE NUMBER: 2007 EST 0123387

**ENTRY APPROVING SETTLEMENT AND DISTRIBUTION OF
WRONGFUL DEATH AND SURVIVAL CLAIMS**

Upon hearing the application to approve settlement and distribution of the wrongful death and survival claims, the Court:

- ☒ Approves the proffered settlement of \$ 276,000.00.
- ☐ Orders payment of \$ _____ to be applied to decedent's funeral and burial expenses.
- ☒ Orders payment of \$ 10,062.00 to the fiduciary for services rendered with respect to the wrongful death and survival claims.
- ☒ Orders payment of \$ 69,000.00 to the attorney for reimbursement of case expenses and \$ _____ for attorney fees for services rendered with respect to the wrongful death and survival claims.
- ☒ Orders that the net proceeds of \$ 196,938.00 be allocated \$ 180,938.00 to the wrongful death claim and \$ 16,000.00 to the survival claim. The amount allocated to the survival claim shall be considered an asset of the estate and shall be reflected in the fiduciary's account of the administration of the estate.
- ☒ Finds all of the beneficiaries of the wrongful death claim are on an equal degree of consanguinity, are adults, and have agreed how the net proceeds allocated to the wrongful death claim are to be distributed.
- ☐ Orders distribution of the net proceeds allocated to the wrongful death claim to the surviving spouse, children, parents and other next of kin, in the equitable shares shown below, fixed by the Court having due regard for the injury and loss of each beneficiary resulting from the death and for the age and condition of the beneficiaries.

Name	Residence Address	Relationship to Decedent	Birthdate of Minor	Amount
Ramesh Patel	Gujarat, India	Father		90,469.00
Jashoda Patel	Gujurat, India	Mother		90,469.00

Orders that the share of :

- ☐ _____ a minor(s) be deposited in lieu of bond pursuant of R.C.
2111.05.
- ☐ _____ a minor(s) be paid to the guardian of the estate of such
minor.
- ☐ _____ a child(ren) be deposited in a trust for the benefit
of the child(ren) until twenty-five years of age.

Authorizes the fiduciary to execute a release which, upon payment, shall be a discharge of the claim.

Orders the fiduciary and the attorney to report the distribution of the proceeds within thirty days of the date of this Entry.

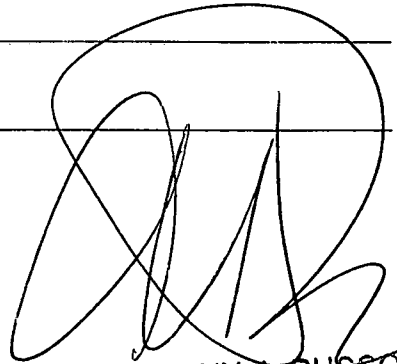
Further orders _____

Approved:



Attorney John D. Wheeler

Attorney Registration No. #0004852



Probate Judge JUDGE ANTHONY J. RUSSO

JUN 09 2010

Date

The State of Ohio, Cuyahoga County: IN THE PROBATE COURT I, Anthony J. Russo, Presiding Judge of the Probate Court within and for the County of Cuyahoga, do hereby certify this instrument is a true and correct copy, taken from the Probate Court Records in this office, where the same are required to be kept by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Probate Court at the City of Cleveland, in said County, this 12 day of June, 2010.



PRESIDING JUDGE




Deputy Clerk

CERTIFICATE OF SERVICE

I, John W. McCandless hereby certify that on June 17, 2010, I served a true and correct copy of the foregoing document upon all counsel of record as follows:

Troy J. Harper, Esq.
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825

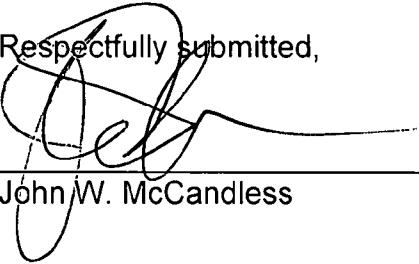
Mark D. Amaddio, Esq.
Mark D. Amaddio Co., LPA
55 Public Square, Suite 850
Cleveland, OH 44113

Gary N. Stewart, Esq.
Michael T. Traxler, Esq.
Rawle & Henderson, LLP
240 No. Third St., 9th Floor
Harrisburg, PA 17101

Richard O. Mazanec, Esq.
Wheeler & Mazanec, LLC
55 Public Square, Suite 850
Cleveland, OH 44113

John T. Pion, Esq.
Edward M. Vavro, Jr., Esq.
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222

Respectfully submitted,



John W. McCandless

RICHARD O. MAZANEC, Administrator of the
ESTATE OF MANISH PATEL, Deceased

Plaintiff,

vs.

VADIM SELETSKIY, individually,
VADIM SELETSKIY and ALLA SELETSKAYA,
t/d/b/a ORIENT EXPRESS,
ORIENT EXPRESS, INC., a corporation,
WILLIAM V. EMERSON, individually,
DOS TRANSPORTATION, INC. a corporation,
a/k/a D.O.S. TRANSPORTATION, INC.
a corporation, VIRAL B. PATEL, individually,
JAIME D. RODRIQUEZ, individually,
CRISTINA ATHWAL, t/d/b/a
LONDON TRANSPORT,
LONDON TRANSPORT INC., a corporation and
ANTONIO GARCIA, t/d/b/a GAR TRUCKING,
a/k/a GAR TRUCKING

Defendants.

COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

NO: 2008-01991-CD

FILED

JUN 21 2010

William A. Shaw
Prothonotary/Clerk of Courts

1 sent to App

PRAECIPE TO SETTLE, DISCONTINUE AND END

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter Settled, Discontinued and Ended, with
prejudice.

By: 

Mark D. Amaddio, Esquire
Pro Hac Vice Attorney for Plaintiff,
Richard O. Mazanec, Administrator of the
Estate of Manish Patel, deceased

By: 

John W. McCandless, Esquire
Attorney for Plaintiff,
Richard O. Mazanec,
Administrator of the
Estate of Manish Patel, deceased

CERTIFICATE OF SERVICE

I, John W. McCandless hereby certify that on June 17, 2010, I served a true and correct copy of the foregoing document upon all counsel of record as follows:

Troy J. Harper, Esq.
Dennison, Dennison & Harper
293 Main Street
Brookville, PA 15825

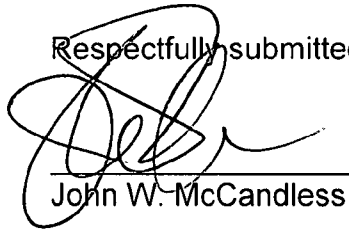
Mark D. Amaddio, Esq.
Mark D. Amaddio Co., LPA
55 Public Square, Suite 850
Cleveland, OH 44113

Gary N. Stewart, Esq.
Michael T. Traxler, Esq.
Rawle & Henderson, LLP
240 No. Third St., 9th Floor
Harrisburg, PA 17101

Richard O. Mazanec, Esq.
Wheeler & Mazanec, LLC
55 Public Square, Suite 850
Cleveland, OH 44113

John T. Pion, Esq.
Edward M. Vavro, Jr., Esq.
Dickie, McCamey & Chilcote, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222

Respectfully submitted,



John W. McCandless

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY
6 Certificates to
Amy McCandless
7/19/10

Richard O. Mazanec
Manish Patel

Vs.

No. 2008-01991-CD

Vadim Seletskiy
Alla Seletskaya
Orient Express
Orient Express, Inc.
William V. Emerson
DOS Transportation, Inc.
Viral B. Patel
Jaime D. Rodriguez
Cristina Athwal
London Transport
London Transport, Inc.
Antonio Garcia
GAR Trucking

CERTIFICATE OF DISCONTINUATION

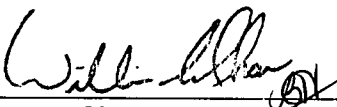
Commonwealth of PA
County of Clearfield

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 June 21, 2010, marked:

Settled, Discontinued and Ended, with Prejudice

Record costs in the sum of \$102.00 have been paid in full by John W. McCandless, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 19th day of July A.D. 2010.



William A. Shaw, Prothonotary