

2008-2003-CD

Angela Everett et al vs. Stephen Snyder

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,) CIVIL DIVISION
STEVEN EVERETTS, Jr.,)
)
Plaintiffs,) No.: 08-2003-CD
)
v.)
)
STEPHEN SNYDER,) COMPLAINT IN CIVIL ACTION
)
Defendant.)
) Code: 001/Motor Vehicle Accident
)
) Filed on behalf of Plaintiffs
)
)
) Counsel of Record for this Party:
)
)
) THOMAS D. BERRET, ESQUIRE
PA ID # 76733
)
)
) Hal K. Waldman & Assoc. LLC
Dominion Tower Suite 300
625 Liberty Avenue
Pittsburgh, PA 15222
)
) (412) 338-1000
)
) JURY TRIAL DEMANDED
)

FILED Atty pd.
m/j: 58301 95.00
OCT 17 2008
ICC Atty
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,) CIVIL DIVISION
STEVEN EVERETTS, Jr.,)
)
Plaintiffs,)
) No.:
v.)
)
STEPHEN SNYDER,)
)
Defendant.)

NOTICE TO DEFEND

YOU HAVE BEEN SUED in court. IF YOU WISH TO DEFEND against the claims set forth in the following pages, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS after this complaint 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 claim 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 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 OR KNOW A LAWYER THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

THE LAWYER REFERRAL SERVICE OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THEY 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.

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814)-765-2641, ext. 5982

By: 
Thomas D. Berret, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,) CIVIL DIVISION
STEVEN EVERETTS, Jr.,)
)
 Plaintiffs,)
) No.:
 v.)
)
 STEPHEN SNYDER,)
)
 Defendant.)

COMPLAINT IN CIVIL ACTION

AND NOW, come the Plaintiffs, ANGELA EVERETTS and STEVEN EVERETTS, Jr., by and through their attorneys, Hal K. Waldman & Associates, and THOMAS D. BERRET, ESQUIRE, and file the following Complaint in Civil Action, and in support thereof aver as follows:

1. Plaintiff Angela Everetts is an adult individual residing at 601 Lafayette Street, New Bethlehem, Clarion County, Pennsylvania 16242.
2. Plaintiff Steven Everetts, Jr., is an adult individual residing at 601 Lafayette Street, New Bethlehem, Clarion County, Pennsylvania 16242.
3. Plaintiffs Steven Everetts, Jr., and Angela Everetts are Husband and Wife.
4. Defendant Stephen Snyder is an adult individual residing at 63 Farrand Road, Princeton, Mercer County, New Jersey 08540.
5. This lawsuit arises out of a motor vehicle collision that occurred on August 14, 2007.

6. On August 14, 2007, at approximately 4:45 p.m., Plaintiff Angela Everetts was a front seat passenger in a 2006 Pontiac Grand Prix being driven by her husband, Plaintiff Steven Everetts, Jr.
7. At that same time and location, Plaintiffs were stopped at a red traffic light northbound on U.S. Route 219 at the intersection of state route 830, Clearfield County, Pennsylvania.
8. At that same time and location, Defendant Stephen Snyder was driving a Sabb motor vehicle on U.S. Route 219 approaching the traffic control device and the rear of the Plaintiffs' vehicle.
9. At that same time and location, Defendant Stephen Snyder drove his Sabb motor vehicle directly into the rear of the Plaintiffs' vehicle while the Plaintiffs were stopped at the red traffic light.
10. As the result of Defendant Stephen Snyder driving his vehicle into the rear of the Plaintiffs' vehicle, a collision occurred.
11. As the sole, direct and proximate result of the collision, Plaintiff Angela Everetts sustained the following injuries:
 - a. pain of the neck and left shoulder;
 - b. numbness of the left arm;
 - c. cervical strain;
 - d. cervical herniated nucleus pulposus at C5-6;
 - d. left upper extremity paraesthesia;
 - e. herniated disc at C5-6;
 - f. severe headaches;
 - g. such other injuries as may present at or before the time of trial.
12. As a further sole, direct and proximate result of the collision, Plaintiff Angela Everetts was required to undergo medical treatment including office visits with physicians and physical therapy in an attempt to restore herself to good health.

13. As a further sole, direct and proximate result of the collision, Plaintiff Angela Everetts was forced to take prescribed medication in an attempt to restore herself to good health.
14. As a further sole, direct and proximate result of the collision, Plaintiff Angela Everetts was forced to receive interlaminar cervical epidural steroid injections in an effort to restore herself to good health.
15. As a further sole, direct and proximate result of the collision, Plaintiff Angela Everetts was forced to undergo a surgical procedure that included an anterior cervical discectomy and fusion C5-6 with bank fibula graft and anterior cervical plating C5-6.
16. As a further sole, direct and proximate result of the collision, Plaintiff Angela Everetts has experienced pain and suffering.
17. As a further sole, direct and proximate result of the collision, Plaintiff Angela Everetts, or others on her behalf, was/were required to expend significant monies in an effort to attempt to restore Plaintiff Angela Everetts to good health.
18. As a further sole, direct and proximate result of the collision, Plaintiff Angela Everetts has suffered economic loss.
19. As a further sole, direct and proximate result of the collision, Plaintiff Steven Everetts, Jr., has lost the care, comfort and companionship of his wife, Plaintiff Angela Everetts.
20. At the time of the collision, Plaintiff Angela Everetts was covered by the limited tort option, however, the Defendant was operating a motor vehicle registered in a

state other than Pennsylvania, therefore, Plaintiff is entitled to make a claim for non-economic damages.

21. At the time of the collision, Plaintiff Angela Everetts was covered by the limited tort option, however, Plaintiffs injuries are of a nature sufficient under the Pennsylvania Motor Vehicle Financial Responsibility Law to allow her to make a claim for non-economic damages.

COUNT I – NEGLIGENCE

ANGELA EVERETTS v. STEPHEN SNYDER

22. Paragraphs 1 through 21 of this Complaint are hereby incorporated as though set forth more fully herein.
23. The injuries and losses suffered by the Plaintiff Angela Everetts as set forth previously are the sole, direct and proximate result of the following acts or omissions of the Defendant:
 - a. driving his vehicle directly into the rear of the Plaintiff's vehicle;
 - b. failing to bring his vehicle to a proper stop upon U.S. Route 219;
 - c. failing to stop his vehicle in a proper fashion;
 - d. failing to stop his vehicle before colliding with the vehicle of the Plaintiff;
 - e. failing to apply the brakes on his vehicle before driving into the rear of the Plaintiff's vehicle;
 - f. continuing to drive his vehicle upon U.S. Route 219 when he knew or should have known that the continued operation of his vehicle would result in a collision;

- g. failing to keep a proper lookout on the road ahead of him;
- h. failing to bring his vehicle to a proper stop at a red light;
- i. failing to warn the Plaintiff of the impending collision;
- j. operating his vehicle in an unreasonable and improper fashion in light of the conditions existing at the time of the collision;
- k. failing to keep his vehicle under proper and reasonable control;
- l. using a cellular telephone at or immediately prior to the collision.

WHEREFORE, Plaintiff Angela Everetts demands that judgment be entered in her favor and against the Defendant in an amount in excess of the jurisdictional arbitration limit, plus interest and costs.

COUNT II

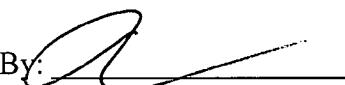
STEVEN EVERETTS, JR. v. STEPHEN SNYDER

- 24. Paragraphs 1 through 23 of this Complaint are hereby incorporated by reference as though set forth fully at length.
- 25. Plaintiff Steven Everetts, Jr., is the husband of Plaintiff Angela Everetts.
- 26. Plaintiff Steven Everetts, Jr., lost the care, comfort and companionship of his wife as the sole, direct and proximate result of the following acts or omissions of Defendant:
 - a. driving his vehicle directly into the rear of the Plaintiff's vehicle;
 - b. failing to bring his vehicle to a proper stop upon U.S. Route 219;
 - c. failing to stop his vehicle in a proper fashion;
 - d. failing to stop his vehicle before colliding with the vehicle of the Plaintiff;

- e. failing to apply the brakes on his vehicle before driving into the rear of the Plaintiff's vehicle;
- f. continuing to drive his vehicle upon U.S. Route 219 when he knew or should have known that the continued operation of his vehicle would result in a collision;
- g. failing to keep a proper lookout on the road ahead of him;
- h. failing to bring his vehicle to a proper stop at a red light;
- i. failing to warn the Plaintiff of the impending collision;
- j. operating his vehicle in an unreasonable and improper fashion in light of the conditions existing at the time of the collision;
- k. failing to keep his vehicle under proper and reasonable control;
- l. using a cellular telephone at or immediately prior to the collision.

WHEREFORE, Plaintiff Steven Everett, Jr., demands that judgment be entered in his favor and against the Defendant in an amount in excess of the jurisdictional arbitration limit, plus interest and costs.

RESPECTFULLY SUBMITTED:

By: 
Thomas D. Berret, Esq.
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,) CIVIL DIVISION
STEVEN EVERETTS, Jr.,)
Plaintiffs,)
v.) No.:
STEPHEN SNYDER,)
Defendant.)

VERIFICATION

I, Steven Everetts, Jr., hereby swear that the statements contained in the foregoing Complaint in Civil Action are true and correct to the best of my personal knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

9/26/08
DATE


STEVEN EVERETTS, JR.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,) CIVIL DIVISION
STEVEN EVERETTS, Jr.,)
)
Plaintiffs,)
) No.:
v.)
)
STEPHEN SNYDER,)
)
Defendant.)

VERIFICATION

I, Angela Everetts, hereby swear that the statements contained in the foregoing Complaint in Civil Action are true and correct to the best of my personal knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

9/26/08
DATE


ANGELA EVERETTS

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

ANGELA EVERETTS and
STEVEN EVERETTS, JR.,

CASE NUMBER: 08-2003-CD

Plaintiffs,

ISSUE NUMBER:

vs.

PLEADING:

STEPHEN SNYDER,

PRAECIPE FOR APPEARANCE

Defendant.

CODE AND CLASSIFICATION:

FILED ON BEHALF OF:

STEPHEN SNYDER, Defendant

COUNSEL OF RECORD:

JUDITH A. MOSES, ESQUIRE
Pa. ID# 49656

CIPRIANI & WERNER, P.C.
650 Washington Road, Suite 700
Pittsburgh, PA 15228
(412) 563-2500

FILED NO CC
10:44 AM
NOV 03 2008 C610
William A. Shaw
Prothonotary/Clerk of Courts

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

ANGELA EVERETTS and) CASE NO: 08-2003-CD
STEVEN EVERETTS, JR.,)
Plaintiffs,)
vs.)
STEPHEN SNYDER,)
Defendant.)

PRAECIPE FOR APPEARANCE

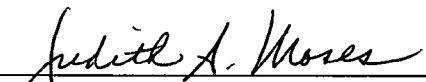
TO: PROTHONOTARY OF CLEARFIELD COUNTY

Kindly enter my appearance on behalf of the Defendant, STEPHEN SNYDER, in the
above-captioned matter.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

BY:



JUDITH A. MOSES, ESQUIRE
Attorney for Defendant, Stephen Snyder

A JURY TRIAL IS DEMANDED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
PRAECIPE FOR APPEARANCE has been served on all counsel of record, by first class mail,
postage pre-paid, according to the Pennsylvania Rules of Civil Procedure, on the 31st day of
October, 2008.

Thomas D. Berret, Esquire
Hal K. Waldman & Associates
Suite 300, Dominion Tower
625 Liberty Avenue
Pittsburgh, PA 15222

CIPRIANI & WERNER, P.C.

BY: Judith A. Moses
JUDITH A. MOSES, ESQUIRE
Attorney for Defendant, Stephen Snyder

5
FILED

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William A. Shaw
Prothonotary/Clerk of Courts
n o 9c

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

ANGELA EVERETTS and
STEVEN EVERETTS, JR.,

Plaintiffs,

vs.

STEPHEN SNYDER,

Defendant.

CASE NUMBER: 08-2003-CD

ISSUE NUMBER:

PLEADING:

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
PLAINTIFF**

CODE AND CLASSIFICATION:

FILED ON BEHALF OF:

STEPHEN SNYDER, Defendant

COUNSEL OF RECORD:

JUDITH A. MOSES, ESQUIRE
Pa. ID# 49656

CIPRIANI & WERNER, P.C.
650 Washington Road, Suite 700
Pittsburgh, PA 15228
(412) 563-2500

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

ANGELA EVERETTS and) CASE NO: 08-2003-CD
STEVEN EVERETTS, JR.,)
)
 Plaintiffs,)
)
 vs.)
)
 STEPHEN SNYDER,)
)
 Defendant.)

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

This is to certify that INTERROGATORIES DIRECTED TO PLAINTIFFS and
REQUESTS FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS were
served upon Thomas D. Berret, Esquire at Hal K. Waldman & Associates, Suite 300,
Dominion Tower, 625 Liberty Avenue, Pittsburgh, PA 15222, by first class mail, postage
prepaid on the 18th day of November, 2008.

CIPRIANI & WERNER, P.C.

BY:


JUDITH A. MOSES, ESQUIRE
Attorney for Defendant, Stephen Snyder

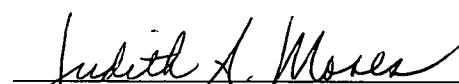
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF has been served on all counsel of record, by first class mail, postage pre-paid, according to the Pennsylvania Rules of Civil Procedure, on the 18th day of November, 2008.

Thomas D. Berret, Esquire
Hal K. Waldman & Associates
Suite 300, Dominion Tower
625 Liberty Avenue
Pittsburgh, PA 15222

CIPRIANI & WERNER, P.C.

BY:


JUDITH A. MOSES, ESQUIRE
Attorney for Defendant, Stephen Snyder

FILED NOCC
M 12/4/08
DEC 05 2008 (60)

S William A. Shaw
Prothonotary/Clerk of Courts

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

ANGELA EVERETTS and
STEVEN EVERETTS, JR.,

CASE NUMBER: 08-2003-CD

Plaintiffs,

ISSUE NUMBER:

vs.

PLEADING:

STEPHEN SNYDER,

ANSWER AND NEW MATTER

Defendant.

CODE AND CLASSIFICATION:

FILED ON BEHALF OF:

TO: PLAINTIFFS:

STEPHEN SNYDER, Defendant

YOU ARE HEREBY NOTIFIED TO PLEAD TO
THE ATTACHED NEW MATTER WITHIN
TWENTY (20) DAYS FROM SERVICE HEREOF
OR A DEFAULT JUDGMENT MAY BE ENTERED
AGAINST YOU.

Judith A. Moses

Judith A. Moses, Esquire
Counsel for Stephen Snyder, Defendant

COUNSEL OF RECORD:

JUDITH A. MOSES, ESQUIRE
Pa. ID# 49656

CIPRIANI & WERNER, P.C.
650 Washington Road, Suite 700
Pittsburgh, PA 15228
(412) 563-2500

JURY TRIAL DEMANDED.

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

ANGELA EVERETTS and) CASE NO: 08-2003-CD
STEVEN EVERETTS, JR.,)
)
Plaintiffs,)
)
vs.)
)
STEPHEN SNYDER,)
)
Defendant.)

ANSWER AND NEW MATTER

AND NOW comes the Defendant, Stephen Snyder, by and through his attorneys, Cipriani & Werner, P.C. and Judith A. Moses, Esquire and files this Answer and New Matter, wherein the following representations and averments are made:

1. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 1 and therefore, said averments are denied and strict proof is demanded at the time of trial.
2. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 2 and therefore, said averments are denied and strict proof is demanded at the time of trial.
3. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 3 and therefore, said averments are denied and strict proof is demanded at the time of trial.
4. Admitted.
5. The lawsuit speaks for itself.

6. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 6 and therefore, said averments are denied and strict proof is demanded at the time of trial.

7. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 7 and therefore, said averments are denied and strict proof is demanded at the time of trial.

8. Denied as stated. Defendant driver's vehicle was stopped at intersection.

9. Denied as stated. Defendant driver released clutch and then applied brake and collision between vehicles represented slight tap. Plaintiff's vehicle sustained no property damage.

10. Denied as stated. Defendant driver released clutch and then applied brake and collision between vehicles represented slight tap. Plaintiff's vehicle sustained no property damage.

11. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 11 and therefore, said averments are denied and strict proof is demanded at the time of trial.

12. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 12 and therefore, said averments are denied and strict proof is demanded at the time of trial.

13. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 13 and therefore, said averments are denied and strict proof is demanded at the time of trial.

14. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 14 and therefore, said averments are denied and strict proof is demanded at the time of trial.

15. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 15 and therefore, said averments are denied and strict proof is demanded at the time of trial.

16. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 16 and therefore, said averments are denied and strict proof is demanded at the time of trial.

17. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 17 and therefore, said averments are denied and strict proof is demanded at the time of trial.

18. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 18 and therefore, said averments are denied and strict proof is demanded at the time of trial.

19. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 19 and therefore, said averments are denied and strict proof is demanded at the time of trial.

20. The averments of Paragraph 20 state legal conclusions to which no response is required. In the event a response is required, said averments are denied.

21. The averments of Paragraph 21 state legal conclusions to which no response is required. In the event a response is required, said averments are denied.

COUNT I – NEGLIGENCE

ANGELA EVERETTS V. STEPHEN SNYDER

22. Defendant's answers to Paragraphs 1 through 21 are incorporated herein by reference as if same were more fully set forth at length herein.

23. Denied, including subparagraphs (a) through (l).

WHEREFORE, Defendant, Stephen Snyder, denies any and all liability and demands judgment in his favor and against Plaintiffs, plus attorneys' fees and costs.

COUNT II

STEVEN EVERETTS, JR. V. STEPHEN SNYDER

24. Defendant's answers to Paragraphs 1 through 23 are incorporated herein by reference as if same were more fully set forth at length herein.

25. Denied. After reasonable investigation, Defendant is without information or knowledge sufficient to form a belief as to the truth or falsity of the averments of Paragraph 25 and therefore, said averments are denied and strict proof is demanded at the time of trial.

26. Denied, including subparagraphs (a) through (l).

WHEREFORE, Defendant, Stephen Snyder, denies any and all liability and demands judgment in his favor and against Plaintiffs, plus attorneys' fees and costs.

NEW MATTER

27. Defendant's answers to Paragraphs 1 through 26 are incorporated herein by reference as if same were more fully set forth at length herein.

28. The Complaint fails to state cause of action upon which relief can be granted.

29. All of the claims of the Plaintiffs are barred by the applicable Statute of Limitations.

30. All of the claims of the Plaintiffs are limited to, barred by and subject to the Pennsylvania Comparative Negligence Act, 42 Pa.C.S.A. §7102, et seq.

31. All of Plaintiffs' claims are limited to, barred by and subject to the provisions of the Pennsylvania Motor Vehicle Responsibility Law, 75 Pa.C.S.A. §1701, et seq., including any amendments effective July 1, 1990.

32. Plaintiffs are not entitled to non-economic damages pursuant to the Pennsylvania Motor Vehicle Code, as amended, given her limited tort status.

33. The actions and/or inactions of the Plaintiff-driver were the sole cause, or in the alternative, superceding cause of the accident and all alleged injuries and/or damages involved in this action which are not admitted.

34. Plaintiff's damages were pre-existing in nature and not a result of any alleged actions and/or inactions perpetrated by this Defendant.

35. Plaintiffs are not entitled to recover damages since her injuries are not permanent and her injuries did not arise out of and were not caused by the subject collision, therefore, Plaintiffs have no cause of action pursuant to the provisions of the Pennsylvania Motor Vehicle Responsibility Law, 75 Pa.C.S.A. §1701, et seq.

36. The actions or omissions of third persons, parties or entities were the sole cause or a cause of Plaintiffs' accident and/or injuries for which this Defendant is neither responsible nor liable.

WHEREFORE, Defendant, Stephen Snyder, denies any and all liability and demands judgment in his favor and against Plaintiffs, plus attorneys' fees and costs.

CIPRIANI & WERNER, P.C.

BY:

Judith A. Moses
JUDITH A. MOSES, ESQUIRE
Attorney for Defendant, Stephen Snyder

A JURY TRIAL IS DEMANDED.

VERIFICATION

I, Stephen Snyder, hereby certify that the statements in this ANSWER AND NEW MATTER are true and correct to the best of my knowledge, 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 knowingly make false statements, I may be subject to criminal penalties.

21 November 2008
DATE


Stephen Snyder

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ANSWER AND NEW MATTER** has been served on all counsel of record, by first class mail, postage prepaid, according to the Pennsylvania Rules of Civil Procedure, on the 3rd day of December, 2008.

Thomas D. Berret, Esquire
Hal K. Waldman & Associates
Suite 300, Dominion Tower
625 Liberty Avenue
Pittsburgh, PA 15222

CIPRIANI & WERNER, P.C.

BY:

Judith A. Moses
JUDITH A. MOSES, ESQUIRE
Attorney for Defendant, Stephen Snyder

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,) CIVIL DIVISION
STEVEN EVERETTS, Jr.,)
Plaintiffs,)
v.) No.: 08-2003-CD
STEPHEN SNYDER,) **AFFIDAVIT OF SERVICE**
Defendant.)
Code: 001/Motor Vehicle Accident
File on behalf of Plaintiffs
Counsel of Record for this Party:
THOMAS D. BERRET, ESQUIRE
PA ID # 76733
Hal K. Waldman & Assoc. LLC
Dominion Tower Suite 300
625 Liberty Avenue
Pittsburgh, PA 15222
(412) 338-1000
JURY TRIAL DEMANDED

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FILED
m 11:00 AM
DEC 08 2008
2008
William A. Shaw
Prothonotary/Clerk of Courts

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:

STEPHEN SNYDER
63 FARRAND ROAD
PRINCETON, NJ 08540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X STEPHEN SNYDER

 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

NOV 3 2008

D. Is delivery address different from item 1?
If YES, enter delivery address below:

NOV 3 2008

 Yes
 No

By

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number**

(Transfer from service label)

7005 3110 0002 9440 6800

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	
<input type="checkbox"/> Postage	\$ <input type="text" value="10/20/08"/>
<input type="checkbox"/> Certified Fee	<input type="checkbox"/> ANGELA EVERETT
<input type="checkbox"/> Return Receipt Fee (Endorsement Required)	Postmark Here
<input type="checkbox"/> Restricted Delivery Fee (Endorsement Required)	
<input type="checkbox"/> Total Postage & Fees	\$ <input type="text" value="10/20/08"/>
Sent To <input type="text" value="STEPHEN SNYDER"/>	
<input type="text" value="Street, Apt. No.;
or PO Box No."/>	
<input type="text" value="City, State, ZIP+4"/>	
<small>PS Form 3800, June 2002</small>	
<small>See Reverse for Instructions</small>	

EXHIBIT

1

tabloid

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,)	CIVIL DIVISION
STEVEN EVERETTS, Jr.,)	
)	
Plaintiffs,)	
)	
v.)	No.:
)	
STEPHEN SNYDER,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Affdavit of Service
was forwarded on this 4th day of December,
2008 by first class U.S. Mail, postage prepaid to the following parties:

Judith A. Moses, Esq.
Cipriani & Werner
Suite 700, 650 Washington Road
Pittsburgh, PA 15228

BY: 
Thomas D. Berret, Esq.
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED NO
M 11/14/09 CC
FEB 06 2009 (60)
S William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,)	CIVIL DIVISION
STEVEN EVERETTS, Jr.,)	
)	
Plaintiffs,)	
)	No.: 08-2003-CD
v.)	
)	
STEPHEN SNYDER,)	
)	
Defendant.)	

REPLY TO NEW MATTER

AND NOW, come the Plaintiffs, ANGELA EVERETTS and STEVEN EVERETTS, Jr., by and through their attorneys, Hal K. Waldman & Associates, and THOMAS D. BERRET, ESQUIRE, and file the following Reply to New Matter, and in support thereof aver as follows:

1. Paragraph 27 of the Defendant's New Matter is an incorporation paragraph and requires no response.
2. Paragraph 28 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 28 of the Defendant's New Matter are denied. On the contrary, Plaintiff's have set for a valid cause of action upon which relief can be granted. By way of further response, the averment that Plaintiffs have failed to set forth a valid cause of action is in the nature of a demurrer, and must be raised by Preliminary Objection, not New Matter, therefore, the averment in paragraph 28 of the Defendant's New Matter has no legal effect.

3. Paragraph 29 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 29 of the Defendant's New Matter are denied. On the contrary, Plaintiffs' claims are not barred by the statute of limitations. The motor vehicle collision which forms the basis of this case occurred on August 14, 2007. Plaintiffs filed their Complaint on October 17, 2008, and Defendant was served with the lawsuit on October 31, 2008. The law of this Commonwealth now provides, and has provided for some time that the statute of limitations for negligence claims is two years. Therefore, Plaintiffs have timely filed their lawsuit.
4. Paragraph 30 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 30 of the Defendant's New Matter are denied. On the contrary, Plaintiffs' claims are not barred, limited to or subject to the Pennsylvania Comparative Negligence Act. Further, Plaintiffs were not negligent in any fashion, and the losses and injuries suffered by the Plaintiffs were the sole, direct and proximate result of the negligence of the Defendant as set forth in Plaintiffs' Complaint.
5. Paragraph 31 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 31 of the Defendant's New Matter are denied as stated. It is admitted that this lawsuit is governed by the Pennsylvania Motor

Vehicle Financial Responsibility Law. It is denied that the Plaintiffs' claims are barred, restricted or diminished by that law.

6. Paragraph 32 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 32 of the Defendant's New Matter are denied. It is admitted that on the date of the collision, Plaintiffs were covered by the limited tort option. It is denied that the Plaintiffs' selection of the limited tort option bars Plaintiffs' rights to non-economic damages. On the contrary, the injuries suffered by the Plaintiffs' are of a nature sufficient to allow the recovery of non-economic damages. Further, it is believed and therefore averred that the Defendant was operating a motor vehicle not registered in the Commonwealth of Pennsylvania, therefore, under the law, Plaintiffs are entitled to recover non-economic damages.
7. Paragraph 33 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 33 of the Defendant's New Matter are denied. On the contrary, Plaintiffs were not negligent in any fashion, and the losses and injuries suffered by the Plaintiffs were the sole, direct and proximate result of the negligence of the Defendant as set forth in Plaintiffs' Complaint.
8. Paragraph 34 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 34 of the Defendant's New Matter are denied.

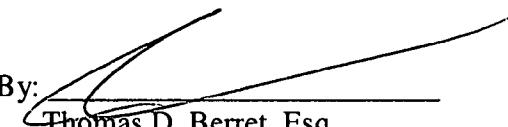
On the contrary, Plaintiffs' losses and injuries were the sole, direct and proximate result of the negligence of the Defendant as set forth in Plaintiffs' Complaint.

9. Paragraph 35 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 35 of the Defendant's New Matter are denied. On the contrary, the injuries suffered by the Plaintiffs' are of a nature sufficient to allow the recovery of non-economic damages. Further, it is believed and therefore averred that the Defendant was operating a motor vehicle not registered in the Commonwealth of Pennsylvania, therefore, under the law, Plaintiffs are entitled to recover non-economic damages. Further, Plaintiffs' losses and injuries were the sole, direct and proximate result of the negligence of the Defendant as set forth in Plaintiffs' Complaint. By way of further response, the averment that Plaintiffs have failed to set forth a valid cause of action is in the nature of a demurrer, and must be raised by Preliminary Objection, not New Matter, therefore, the averment in paragraph 35 of the Defendant's New Matter has no legal effect.
10. Paragraph 36 of the Defendant's New Matter constitutes a conclusion of law to which no response is required. Should a response be deemed required, the averments contained in paragraph 36 of the Defendant's New Matter are denied. On the contrary, Plaintiffs' losses and injuries were the sole, direct and proximate result of the negligence of the Defendant as set forth in Plaintiffs' Complaint.

WHEREFORE, Plaintiffs demand that judgment be entered in their favor and against the Defendant in an amount in excess of the jurisdictional arbitration limit, plus interest and costs.

RESPECTFULLY SUBMITTED:

By:


Thomas D. Berret, Esq.
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,) CIVIL DIVISION
STEVEN EVERETTS, Jr.,)

Plaintiffs,)

v.) No.: 08-2003-CD

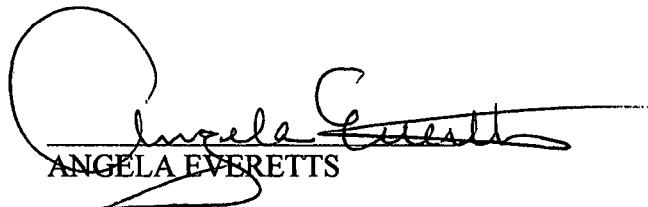
STEPHEN SNYDER,)

Defendant.)

VERIFICATION

I, Angela Everetts, hereby swear that the statements contained in the foregoing
Reply to New Matter are true and correct to the best of my personal knowledge or
information and belief and are made subject to the penalties of 18 Pa.C.S. §4904 relating
to unsworn falsifications to authorities.

2/4/09
DATE


ANGELA EVERETTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,)	CIVIL DIVISION
STEVEN EVERETTS, Jr.,)	
)	
Plaintiffs,)	
)	No.:
v.)	
)	
STEPHEN SNYDER,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply to New Matter was forwarded on this 4th day of February, 2009 by first class U.S. Mail, postage prepaid to the following parties:

Judith A. Moses, Esq.
Cipriani & Werner
Suite 700, 650 Washington Road
Pittsburgh, PA 15228


BY: _____
Thomas D. Berret, Esq.
Attorney for Plaintiffs

16
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ANGELA EVERETTS and
STEVEN EVERETTS, JR.,

Plaintiffs,

vs.

STEPHEN SNYDER,

Defendant.

CASE NUMBER: 08-2003-CD

ISSUE NUMBER:

PLEADING:

**CIVIL TRIAL LISTING/
CERTIFICATE OF READINESS**

CODE AND CLASSIFICATION:

FILED ON BEHALF OF:

STEPHEN SNYDER, Defendant

COUNSEL OF RECORD:

JUDITH A. MOSES, ESQUIRE
Pa. ID# 49656

CIPRIANI & WERNER, P.C.
650 Washington Road, Suite 700
Pittsburgh, PA 15228
(412) 563-2500

FILED No
M 11.03.09 CC
AUG 31 2009
S
William A. Shaw
Prothonotary/Clerk of Courts

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

ANGELA EVERETTS and) CASE NO: 08-2003-CD
STEVEN EVERETTS, JR.,)
)
Plaintiffs,)
)
vs.)
)
STEPHEN SNYDER,)
)
Defendant.)

CIVIL TRIAL LISTING/CERTIFICATE OF READINESS

TO THE PROTHONOTARY:

Arbitration Limit: N/A

Type Trial Requested: X Jury Non-Jury Arbitration

Estimated Trial Time: 3 days

Jury Demand Filed By: Judith A. Moses, Esquire on behalf of Defendant, Stephen Snyder

Date Jury Demand Filed: Via Praecept for Appearance filed November 3, 2008

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

Judith A. Moses
(Signature)

8/27/09

(Date)

For the Plaintiff: Thomas D. Berret, Esquire

(412) 567-4655 Telephone Number

For the Defendant: Judith A. Moses, Esquire

(412) 563-2500 Telephone Number

Certification of Current Address for all parties or counsel of record:

Name: Thomas D. Berret, Esquire
Hal Waldman & Associates
625 Liberty Avenue
Dominion Tower, Suite 300
Pittsburgh, PA 15222

Name: Judith A. Moses, Esquire
Cipriani & Werner, P.C.
650 Washington Road, Suite 700
Pittsburgh, PA 15228

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **CIVIL TRIAL LISTING/CERTIFICATE OF READINESS** has been served on all counsel of record, by first class mail, postage pre-paid, according to the Pennsylvania Rules of Civil Procedure, on the 27th day of August, 2009.

Thomas D. Berret, Esquire
Hal K. Waldman & Associates
Suite 300, Dominion Tower
625 Liberty Avenue
Pittsburgh, PA 15222

CIPRIANI & WERNER, P.C.

BY:

Judith A. Moses
JUDITH A. MOSES, ESQUIRE
Attorney for Defendant, Stephen Snyder

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

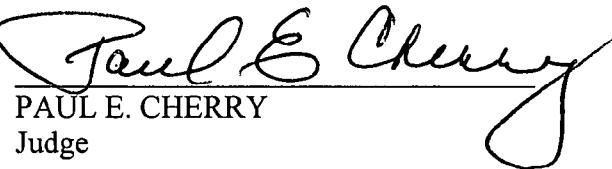
ANGELA EVERETTS and :
STEVEN EVERETTS, JR. :
: vs. : No. 08-2003-CD
: :
STEPHEN SNYDER :
:

ORDER

AND NOW, this 1st day of September, 2009, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for Friday, October 30, 2009 at 9:30 A.M. in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for January 5, 2010 at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


PAUL E. CHERRY
Judge

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S (60)
William A. Shaw
Prothonotary/Clerk of Courts
1CC Atlys: Berret
Moses

FILED

SEP 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/2/09

You are responsible for serving all appropriate parties.

The Prothonotary's Office has provided service to the following parties:
Plaintiff(s) Plaintiff(s) Attorney Other
Defendant(s) Defendant(s) Attorney
Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,
STEVEN EVERETTS, Jr.,

Plaintiffs,

v.

STEPHEN SNYDER,

Defendant.

) CIVIL DIVISION

) No.: 08-2003-CD

)
PRAECIPE TO SETTLE
AND DISCONTINUE

) Code: 001/Motor Vehicle Accident

) Filed on behalf of Plaintiffs

) Counsel of Record for this Party:

)
THOMAS D. BERRET, ESQUIRE
PA ID # 76733

)
Hal K. Waldman & Assoc. LLC
Dominion Tower Suite 300
625 Liberty Avenue
Pittsburgh, PA 15222

) (412) 338-1000

) JURY TRIAL DEMANDED

FILED

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m 12:35 PM
William A. Shaw
Prothonotary/Clerk of Courts
H. C.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

ANGELA EVERETTS and,) CIVIL DIVISION
STEVEN EVERETTS, Jr.,)
)
Plaintiffs,)
) No.: 08-2003-CD
v.)
)
STEPHEN SNYDER,)
)
Defendant.)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Praeclipe to Settle and Discontinue was served by first class, U.S. Mail, postage prepaid, on this 30 day of October, 2009, on the following parties:

Judith A .Moses, Esquire
Cipriani & Werner, PC
650 Washington Road, Suite 700
Pittsburgh, PA 15228

BY: 
Thomas D. Berret, Esq.
Attorney for Plaintiffs