

08-2022-CD  
James Anderson vs Jason Dixon

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

JAMES E. ANDERSON AND  
BARBARA ANDERSON, his wife

Plaintiffs

vs.

JASON G. DIXON, an adult individual

Defendant

S FILED

OCT 22 2008  
11:05 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

No. 08- 2022-cv 1 Cmt to Attn

TYPE OF CASE  
Civil Action - Law

TYPE OF PLEADING:  
Complaint

FILED ON BEHALF OF:  
Plaintiffs

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JAMES E. ANDERSON AND  
BARBARA ANDERSON, his wife

\*  
\*  
\* No. 08-

Plaintiffs

\*  
\*  
\*  
\*  
\*

vs.

JASON G. DIXON, an adult individual

\*  
\*  
\*  
\*

Defendant

\*  
\*  
\*

**NOTICE**

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 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 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641



\_\_\_\_\_  
David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL ACTION - LAW

JAMES E. ANDERSON AND	*
BARBARA ANDERSON, his wife	*
	*
Plaintiffs	No 08-
	*
	*
vs.	*
	*
	*
	*
	*
JASON G. DIXON, an adult individual,	*
	*
	*
Defendant	*

**COMPLAINT**

AND NOW, comes the Plaintiffs, by and through their attorney, David R. Thompson, Esquire, who file the following Complaint against the Defendant, of which the following are averments of fact:

1. Plaintiffs James E. Anderson and Barbara Anderson, his wife, who currently resides at 950 West Clara Street, Clearfield County, Houtzdale, Pennsylvania, 16651.
- 2 Defendant Jason G. Dixon is an adult individual, who is believed to reside at 305 Deep Mine Road, Houtzdale, Clearfield County, Pennsylvania 16651. However, the Defendant is currently incarcerated at the State Correctional Institute Somerset, 1590 Walters Mill Road, Somerset, Pennsylvania 15510.
3. On or about February 24, 2007, at approximately 3:30 p.m. (Eastern Standard Time), Plaintiff James E. Anderson was operating a Chevrolet Colorado. (This vehicle will be referred to hereinafter as the "Anderson" vehicle. )
4. The Anderson vehicle was properly being operated North on West Hannah Street

a/k/a SR 53, in the Township of Woodward, Clearfield County, Pennsylvania approaching Susquehanna Avenue.

5. At the same time, a Dodge Dakota, operated by Defendant Jason G. Dixon was traveling South on West Hannah Street a/k/a SR 53 approaching the Kendrick intersection. (By way of further pleading, this vehicle will be referred to hereinafter as the "Dixon" vehicle).

6. The Dixon vehicle was unable to stop for a vehicle stopped in the South Bound lane waiting to make a left on Kendrick Road.

7. The Dixon vehicle swerved into the North Bound lane of travel and violently collided with the Anderson vehicle, while the Anderson vehicle was properly in its own lane of travel and traveling at a safe speed and in a manner which was safe and prudent.

8. The Anderson vehicle was hit head on as he was traveling past the intersection of Kendrick Road.

9. As a result of the violent collision, Plaintiff James E. Anderson has suffered the following injuries, some or all of which are of a permanent nature:

- a. Blunt force injury to both shoulders;
- b. Blunt force injury to both hips;
- c. Blunt force injury to his chest;
- d. Severe scrapes, abrasions and contusions to his body;
- e. Severe right chest pain;
- f. Severe pain to both hips, legs, and lower back;
- g. Severe pain to both shoulders;
- h. An inability to ambulate without the assistance of a cane;

i. The necessity to undergo painful and tedious medical procedures and physical therapy as a result of his injuries.

10. As a further direct and proximate result of the aforesaid accident, Plaintiffs James E. Anderson, has been and will be required to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses, which expenses have or may exceed the sums recoverable under the limits set forth in Title 75 Pa.C.S. §1711, and may be required to expend such sums or incur such expenditures for an indefinite time into the future.

11. As a further direct and proximate result of this accident, Plaintiffs James E. Anderson has sustained emotional distress over the injuries he sustained.

12. As a further direct and proximate result of this accident, Plaintiff James E. Anderson has suffered severe physical pain and suffering, mental anguish, humiliation, embarrassment, loss of enjoyment of life, loss of vitality, vigor, health and/or strength and may continue to suffer the same for an indefinite time into the future.

13. As a further direct and proximate result of this accident, Plaintiff James E. Anderson has sustained incidental damages in the form of uncovered expenses and will continue to do so into the future.

---

**COUNT I**  
**JAMES E. ANDERSON and**  
**BARBARA ANDERSON**  
**vs.**  
**JASON G. DIXON**

---

**NEGLIGENCE - PERSONAL INJURY**

Paragraphs 1 through 13 hereof are incorporated by reference herein as though the same were set forth at length.

14. Defendant Jason G. Dixon was negligent in the operation of his automobile, which negligence was the direct and proximate cause of the aforesaid collision and the injuries sustained by James E. Anderson.

15. The negligence of Defendant Jason G. Dixon was as follows:

- a. in failing to keep a safe, careful and adequate lookout for other vehicles on the roadway, and particularly those vehicles traveling properly within their lane of travel, to wit: the Anderson vehicle;
- b. in failing to obey speed limit signs;
- c. in failing to take appropriate, proper, timely or other evasive action to avoid the aforesaid accident, despite avenues of evasion being open to him such as turning, braking, stopping, or slowing his vehicle;
- d. failing to keep his vehicle under proper and adequate control such that the operator did not avoid striking the Anderson vehicle when the Anderson vehicle was lawfully within its own lane of travel;
- e. in violating one or more of the provisions of the Motor Vehicle Code.
- f. in consuming alcoholic beverages and operating a motor vehicle against the laws of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiffs demand that judgement be entered in their favor and against Defendant, each in an amount in excess of \$25,000.00, plus interest and costs of suit.

---

**COUNT II**  
**JAMES E. ANDERSON and**  
**BARBARA ANDERSON**  
**VS.**  
**JASON G. DIXON**

---

**NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**

Paragraphs 1 through 15 are incorporated by reference herein as though the same were set forth at length.

16. As a direct and proximate result of the Defendant's negligence, as aforesaid, and Plaintiffs' sensory observation of both the collision and the injuries which they sustained, Plaintiff has experienced severe emotional distress and extreme mental pain and suffering, and injury from loss of sleep, diminution in appetite, shock, frustration and fatigue.

WHEREFORE, Plaintiff demands that judgment be entered in favor of Plaintiff and against Defendant in an amount in excess of \$25,000.00, plus interest and costs of suit.

---

**COUNT IV**  
**BARBARA ANDERSON**  
**VS.**  
**JASON G. DIXON**

---

**LOSS OF CONSORTIUM**

Paragraphs 1 through 16 of the Complaint are incorporated by reference as if fully set forth at length.

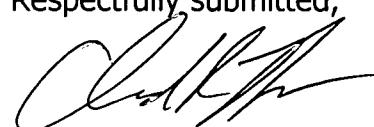
17. At all relevant times herein Plaintiffs James E. Anderson and Barbara Anderson, as they were married on March 23, 1968.

18. As a result of the injuries sustained by Plaintiff James E. Anderson, Plaintiff Barbara Anderson has suffered, suffers and will continue to suffer in the future, the loss of consortium, society, companionship and related conjugal benefits, as well as the loss of services of Plaintiff James E. Anderson.

19. Plaintiff Barbara Anderson's losses, above detailed, are the direct and proximate result of the automobile accident, and hence the negligence of Defendant, as enumerated above.

WHEREFORE, Plaintiff demands that judgment be entered in favor of Plaintiff and against Defendant in an amount in excess of \$25,000.00 plus costs of suit.

Respectfully submitted,

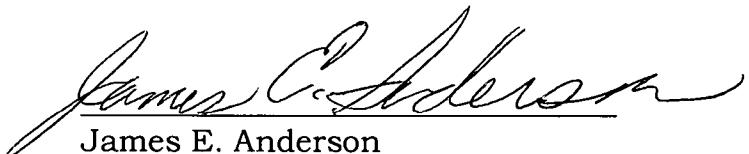


David R. Thompson, Esquire  
Attorney for Plaintiffs

**VERIFICATION**

I certify that the facts set forth in the foregoing **COMPLAINT** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 10/17/08

  
\_\_\_\_\_  
James E. Anderson

  
\_\_\_\_\_  
Barbara Anderson

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

JAMES E. ANDERSON and BARBARA  
ANDERSON, his wife

Plaintiffs

vs.

JASON G. DIXON, an adult individual

Defendant

: No. 2008 – 2022 – CD

: ISSUE:  
PRAECIPE FOR APPEARANCE

: Filed on behalf of Defendant

: Counsel of Record for This Party:  
Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459

: McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 2nd DAY OF DECEMBER, 2008.

Atorneys for Named Defendant

**FILED** NO. 110384 CC  
DEC 03 2008  
CL

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES E. ANDERSON and BARBARA  
ANDERSON, his wife : No. 2008 - 2022 - CD

Plaintiffs

vs.

JASON G. DIXON, an adult individual

Defendant

JURY TRIAL DEMANDED

**PRAECIPE FOR APPEARANCE**

TO: PROTHONOTARY

Enter my Appearance on behalf of JASON G. DIXON.

Papers may be served at the address set forth below:

Atorneys for Defendant

**McINTYRE, HARTYE & SCHMITT**

Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
PH: (814) 696-3581  
FAX: (814) 696-9399

Date: December 2, 2008

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

JAMES E. ANDERSON and BARBARA ANDERSON, his wife : No. 2008 – 2022 – CD

Plaintiffs : **ISSUE:**

vs. : **NOTICE OF SERVICE OF  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS DATED 12/10/08**

JASON G. DIXON, an adult individual : Filed on behalf of Defendant

Defendant : Counsel of Record for This Party:  
Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459

Defendant : McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

Defendant : JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
~~THIS 10<sup>TH</sup> DAY OF DECEMBER, 2008.~~

Attorneys for Named Defendant

5  
FILED No CL.  
m 11:45 a.m.  
DEC 12 2008  
LM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES E. ANDERSON and BARBARA : No. 2008 - 2022 - CD  
ANDERSON, his wife

Plaintiffs

vs.

JASON G. DIXON, an adult individual

Defendant

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS  
DIRECTED TO PLAINTIFFS DATED 12/10/08**

TO: PROTHONOTARY

You are hereby notified that on the **10<sup>th</sup>** day of **DECEMBER, 2008**, Defendant, JASON G. DIXON served Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated 12/10/08, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

David R. Thompson, Esquire  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg, PA 16866

**McINTYRE, HARTYE & SCHMITT**

Attorney for Defendant,

Louis C. Schmitt, Jr., Esquire  
PA I.D. No. 52459  
P. O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

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

JAMES E. ANDERSON and BARBARA  
ANDERSON, his wife

Plaintiffs

No. 2008 - 2022 - CD

ISSUE:  
ANSWER AND NEW MATTER

vs.

JASON G. DIXON, an adult individual

Defendant

Filed on behalf of Defendant

Counsel of Record for This Party:  
Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459

McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
~~THIS 17<sup>th</sup> DAY OF DECEMBER, 2008.~~

Attnys for Named Defendant



FILED NO CC  
10/5/08 BY DEC 18 2008 GIC  
S

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES E. ANDERSON and BARBARA  
ANDERSON, his wife : No. 2008 - 2022 - CD

Plaintiffs

vs.

JASON G. DIXON, an adult individual

Defendant

JURY TRIAL DEMANDED

**ANSWER AND NEW MATTER**

AND NOW, comes defendant, JASON G. DIXON, by and through his attorneys  
McINTYRE, HARTYE & SCHMITT, and files the following Answer and New Matter in  
response to plaintiffs' Complaint, saying as follows:

1. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 1 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.
2. Admitted.
3. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 3 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.
4. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 4

of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

5. Admitted.

6. Admitted.

7. The allegations contained in paragraph 7 of plaintiffs' Complaint are admitted in part and denied in part. It is admitted only that there was a collision in the northbound lane of travel. The remaining allegations contained in paragraph 7 of plaintiffs' Complaint constitute conclusions of fact and/or law to which no response is required.

8. Admitted.

9. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 9 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

10. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 10 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

11. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 11 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

12. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 12

of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

13. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 13 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

#### COUNT I

By way of response to the allegations contained in Count I, defendant Jason G. Dixon hereby incorporates by reference his responses to paragraphs 1 through 13 of plaintiffs' Complaint, as if fully set forth herein.

14. The allegations contained in paragraph 14 of plaintiffs' Complaint constitute conclusions of law to which no response is required.

15. (a-f) The allegations contained in paragraph 15 of plaintiffs' Complaint constitute conclusions of law to which no response is required.

WHEREFORE, defendant Jason G. Dixon denies any and all liability to the plaintiffs upon Count I of their Complaint, and respectfully requests that this Honorable Court enter judgment in his favor with prejudice.

#### COUNT II

By way of response to the allegations contained in Count II of plaintiffs' Complaint, defendant Jason G. Dixon hereby incorporates by reference his responses to paragraphs 1 through 15 of plaintiffs' Complaint as if fully set forth herein.

16. The allegations contained in paragraph 16 of plaintiffs' Complaint constitute conclusions of law to which no response is required.

WHEREFORE, defendant Jason G. Dixon denies any and all liability to the plaintiffs upon Count II of their Complaint, and respectfully requests that this Honorable Court enter judgment in his favor, with prejudice.

**COUNT IV**

By way of response to the allegations contained in Count IV (sic) of plaintiffs' Complaint, defendant Jason G. Dixon hereby incorporates by reference his responses to paragraph 1 through 16 thereof, as if fully set forth herein.

17. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 17 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

18. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 18 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

19. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in paragraph 19 of plaintiffs' Complaint; those allegations are therefore denied, and strict proof thereof is demanded at the time of trial.

WHEREFORE, defendant Jason G. Dixon denies any and all liability to the plaintiffs upon Count IV (sic) of their Complaint, and respectfully requests that this Honorable Court enter judgment in his favor, with prejudice.

**NEW MATTER**

By way of further answer to the allegations contained in plaintiffs' Complaint, and in support of his defenses against those allegations, defendant Jason G. Dixon sets forth the following statements as New Matter;

20. Defendant hereby raises and asserts the rights, privileges, defenses, and immunities provided to him within the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa. C. S. A. § 1701, et seq.

WHEREFORE, defendant Jason G. Dixon denies any and all liability to the plaintiffs' upon their Complaint, and respectfully requests that this Honorable Court enter judgment in his favor, with prejudice.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

Attorneys for Defendant

Louis C. Schmitt, Jr., Esquire  
PA ID# 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581  
(814) 696-9399 FAX

**Notice to Plead**

To: Plaintiffs

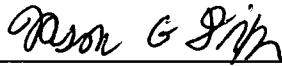
You are hereby notified to file a written response to the enclosed **New Matter** within twenty (20) days from service hereof or a judgment may be entered against you.

Attorney for Defendant

**VERIFICATION**

I, **Jason G. Dixon**, do hereby verify that I have read the foregoing **Answer and New Matter**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

  
\_\_\_\_\_  
Jason G. Dixon

Date: 12/12/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

JAMES E. ANDERSON AND  
BARBARA ANDERSON, his wife

\*  
\* No. 08-2022-CD  
\*

Plaintiffs

\*

vs.

\*

JASON G. DIXON, an adult individual

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

TYPE OF PLEADING:  
Certificate of Service

FILED ON BEHALF OF:  
Plaintiffs

COUNSEL OF RECORD FOR  
THIS PARTY:

David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

5 FILED 3CC  
01/23/2009 Amy Thompson  
JAN 29 2009  
LM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW

## **CERTIFICATE OF SERVICE**

## TO THE PROTHONOTARY;

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of the REPLY TO NEW MATTER in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Jason G. Dixon  
c/o Louis C. Schmitt, Jr., Esquire  
McIntyre, Hartye & Schmitt  
P.O. Box 533  
Hollidaysburg, PA 16648

DATE: 12-30-08

BY:

David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA  
CIVIL ACTION - LAW

JAMES E. ANDERSON AND  
BARBARA ANDERSON, his wife

Plaintiffs

VS

JASON G. DIXON, an adult individual

Defendant

\* No. 08-2022-CD

\* TYPE OF CASE  
Civil Division

\* TYPE OF PLEADING:  
Reply To New Matter

\* FILED ON BEHALF OF:  
Plaintiffs

\* COUNSEL OF RECORD FOR  
THIS PARTY:

\* David R. Thompson, Esq.  
\* Attorney at Law  
\* Supreme Court I.D. 73053  
\* P.O. Box 587  
\* 308 Walton Street, Suite 4  
\* Philipsburg PA 16866  
\* (814) 342-4100

FILED 3CC  
JAN 29 2009 A/H Thompson  
610

5  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

JAMES E. ANDERSON AND  
BARBARA ANDERSON, his wife

\*  
\*  
\*

Plaintiffs

\* No. 08-2022-CD

vs.

\*  
\*  
\*  
\*

JASON G. DIXON, an adult individual

\*  
\*

Defendant

\*  
\*

REPLY TO NEW MATTER

AND NOW, come James and Barbara Anderson, by and through their attorney, David R. Thompson, Esquire, and file this Answer to the New Matter complained of in Defendant's Answer and New Matter:

20. Paragraph 20 is a conclusion of law to which no response is necessary. To the extent that one is deemed necessary the same is denied and strict proof is demanded at the time of trial.

Respectfully Submitted,



David R. Thompson, Esquire  
Attorney for Plaintiffs

**VERIFICATION**

I certify that the facts set forth in the foregoing **REPLY TO NEW MATTER** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated: 12-30-08

  
\_\_\_\_\_  
James E. Anderson

  
\_\_\_\_\_  
Barbara Anderson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104816  
NO: 08-2022-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: JAMES E. ANDERSON AND BARBARA ANDERSON, his wife  
vs.  
DEFENDANT: JASON G. DIXON, an adult individual

**SHERIFF RETURN**

---

NOW, November 07, 2008, SHERIFF OF SOMERSET COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JASON G. DIXON HP8530.

NOW, November 17, 2008 AT 1:10 PM SERVED THE WITHIN COMPLAINT ON JASON G. DIXON HP8530, DEFENDANT. THE RETURN OF SOMERSET COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

S FILED  
01352001  
FEB 10 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104816  
NO: 08-2022-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: JAMES E. ANDERSON AND BARBARA ANDERSON, his wife  
vs.  
DEFENDANT: JASON G. DIXON, an adult individual

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	THOMPSON	13716	10.00
SHERIFF HAWKINS	THOMPSON	13716	21.00
SOMERSET CO.	THOMPSON	13720	30.50

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2009

So Answers,



Chester A. Hawkins  
Sheriff

CASE NO: 2008-02022 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF SOMERSETJAMES E ANDERSON ET AL

VS

JASON G DIXONROBERT BECKNER, Deputy Sheriff of Somerset CountyPennsylvania, who being duly sworn according to law, says the  
within COMPLAINT was served uponDIXON JASON G

the

DEFENDANT, at 0013:10 Hour, on the 17th day of November , 2008at SCI SOMERSET1590 WALTERS MILL RDSOMERSET, PA 15510

by handing to

JASON G DIXONa true and attested copy of COMPLAINT .Somerset County  
Sheriff Costs.... 30.50

So Answers:

John A. Mankey, Sheriff

By:

Robert Beckner  
Deputy Sheriff

Who hereby verifies that the facts set forth above are true and correct, and who acknowledges that this verification is subject to the Pennsylvania Crimes Code relating to unsworn falsification.

ATTEMPTS:

RECEIPT FOR PAYMENT  
=====

Somerset County Sheriff's Office  
111 East Union Street  
Suite 100

Receipt Date 11/14/2008  
Receipt Time 08:30:13  
Receipt No. 2290

JAMES E ANDERSON ET AL (VS) JASON G DIXON

Case Number 2008-02022 T Case Type.: COMPLAINT  
Service Info 001

Remarks  
BJT

Total Check... + 100.00 Number .. 13720  
Total Cash.... + .00  
Cash Out..... - .00

Receipt total. = 100.00

----- Distribution Of Payment -----

Transaction Description	Payment Amount	
ADVANCE PAYMENT	100.00	DAVID R THOMPSON ESQ
	100.00	



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 104816

JAMES E. ANDERSON AND BARBARA ANDERSON, his wife

VS.

JASON G. DIXON, an adult individual

TERM & NO. 08-2022-CD

COMPLAINT

**SERVE BY: 11/21/2008  
COURT DATE:**

**MAKE REFUND PAYABLE TO ATTY DAVID R. THOMPSON, PO BOX 587,  
PHILIPSBURG**

**SERVE:** JASON G. DIXON HP8530

**ADDRESS:** SCI SOMERSET, 1590 WALTERS MILL ROAD, SOMERSET, PA 15510

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depature the SHERIFF OF SOMERSET COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, November 07, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

JAMES E. ANDERSON and BARBARA  
ANDERSON, his wife

Plaintiffs

vs.

JASON G. DIXON, an adult individual

Defendant

No. 2008 – 2022 – CD

ISSUE:  
NOTICE OF DEPOSITION OF  
JAMES E. ANDERSON

Filed on behalf of Defendant

Counsel of Record for This Party:  
Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459

McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2009.

Atorneys for Named Defendant

*S*  
**FILED**

*FEB 17 2009*

*M/11:35(a)*

*William A. Shaw  
Prothonotary/Clerk of Court  
No C/C*

*S*

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

JAMES E. ANDERSON and BARBARA ANDERSON, his wife	:	No. 2008 - 2022 - CD
Plaintiffs		
vs.		
JASON G. DIXON, an adult individual	:	
Defendant		JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION**

TO: James E. Anderson and  
Barbara Anderson c/o  
David R. Thompson, Esquire  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg, PA 16866

Please take notice that the deposition of **James E. Anderson** shall be taken  
upon oral examination by an official Court Reporter at the offices of David R. Thompson,  
Esquire, 308 Walton Street, Ste. 4, Philipsburg, PA 16866 on the **18<sup>th</sup> day of May, 2009**,  
commencing at **10:00 a.m.**

The scope of said deposition testimony will include inquiry into all facts  
concerning the happening of the incident complained of and all other matters relevant to  
the issues raised in the case.

You are invited to attend and participate.

McINTYRE, HARTYE & SCHMITT

Attorney for Defendant

Louis C. Schmitt, Jr., Esquire  
PA I.D. # 52459  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

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

FILED

JAMES E. ANDERSON and BARBARA  
ANDERSON, his wife

Plaintiffs

No. 2008 - 2022 - CD

FEB 17 2009

M 111-3514 PS  
William A. Shaw

Prothonotary/Clerk of Courts

No 4C

vs.

JASON G. DIXON, an adult individual

Defendant

Filed on behalf of Defendant

Counsel of Record for This Party:  
Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459

McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2009.

\_\_\_\_\_  
Atorneys for Named Defendant  


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

JAMES E. ANDERSON and BARBARA ANDERSON, his wife : No. 2008 - 2022 - CD

Plaintiffs

vs.

JASON G. DIXON, an adult individual

Defendant : JURY TRIAL DEMANDED

**NOTICE OF DEPOSITION**

TO: James E. Anderson and  
Barbara Anderson c/o  
David R. Thompson, Esquire  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg, PA 16866

Please take notice that the deposition of **Barbara Anderson** shall be taken upon oral examination by an official Court Reporter at the offices of David R. Thompson, Esquire, 308 Walton Street, Ste. 4, Philipsburg, PA 16866 on the **18<sup>th</sup> day of May, 2009**, commencing at **11:00 a.m.** or immediately following James E. Anderson's deposition.

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case.

You are invited to attend and participate.

McINTYRE, HARTYE & SCHMITT

Attorney for Defendant

Louis C. Schmitt, Jr., Esquire  
PA I.D. # 52459  
P.O. Box 533  
Hollidaysburg, PA 16648-0533  
(814) 696-3581

FILED

MAR 03 2009

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

MAR 03 2009  
M 11:50 AM

William A. Shaw  
Prothonotary/Clerk of Courts  
No. 01-60

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

JAMES E. ANDERSON and BARBARA  
ANDERSON, his wife

Plaintiffs

: No. 2008 - 2022 - CD

**ISSUE:  
MOTION TO COMPEL**

vs.

JASON G. DIXON, an adult individual

Defendant

Filed on behalf of Defendant

Counsel of Record for This Party:  
Louis C. Schmitt, Jr., Esquire  
PA I.D. #52459

McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND  
CORRECT COPY OF THE WITHIN WAS  
MAILED TO ALL COUNSEL OF RECORD  
THIS 2<sup>nd</sup> DAY OF MARCH, 2009.

\_\_\_\_\_  
Attnorneys for Named Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JAMES E. ANDERSON and BARBARA ANDERSON, his wife	:	No. 2008 - 2022 - CD
Plaintiffs	:	
vs.	:	
JASON G. DIXON, an adult individual	:	
Defendant	:	JURY TRIAL DEMANDED

**MOTION TO COMPEL**

AND NOW, comes defendant, JASON G. DIXON, by and through his attorneys, McINTYRE, HARTYE & SCHMITT, and respectfully requests that this Honorable Court order the plaintiffs to within thirty (30) days file full, complete, and responsive Answers to Defendant's outstanding discovery requests, saying as follows:

1. This lawsuit arises out of a motor vehicle accident that occurred on or about February 24, 2007 at approximately 3:30 p.m. on West Hannah Street (S.R. 53) in the township of Woodward, Clearfield County, Pennsylvania, near the intersection with Susquehanna Avenue. At that time and place, husband-plaintiff James E. Anderson was operating his Chevrolet Colorado northbound on West Hannah Street (S.R. 53) when his motor vehicle was involved in a collision with a Dodge Dakota operated southbound by defendant Jason G. Dixon on West Hannah Street (S.R. 53) approaching the Kendrick intersection. As a result of that accident, the plaintiffs claim that they sustained certain personal injuries.

2. On December 10, 2008, the defendant served Interrogatories and a Request for Production of Documents upon the plaintiffs in this matter. To date, the plaintiffs have failed and/or refused to in any manner whatsoever respond to defendant's outstanding discovery requests, in direct violation of the Pennsylvania Rules of Civil Procedure applicable to discovery.

3. The information and documentation sought by way of defendant's outstanding discovery requests are vital to the further evaluation and defense of this matter. To the extent the defendant is deprived of responses to his outstanding discovery requests, he is irremediably prejudiced.

4. Pursuant to 46 J.D.R.C.P. 208.2(d), counsel for the movant certifies that he has sought from opposing counsel concurrence to the within Motion, and such concurrence has been denied.

5. Pursuant to 46 J.D.R.C.P. 208.2(e), counsel for the movant certifies that he has conferred unsuccessfully with all interested parties in order to attempt to resolve this matter without Court action.

WHEREFORE, defendant Jason G. Dixon pursuant to Pa. R. C. P. 4019(a)(1), respectfully requests that this Honorable Court order the plaintiff to within thirty (30) days file full, complete, and responsive answers to defendant's outstanding discovery requests.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

Atorneys for Defendant

Louis C. Schmitt, Jr., Esquire  
PA ID# 52459  
P.O. Box 533  
Hollidaysburg, PA 16648  
(814) 696-3581

FILED  
019-03-201  
MAR 04 2009  
S William A. Shaw  
Prothonotary/Clerk of Courts  
610

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

JAMES E. ANDERSON and BARBARA ANDERSON, his wife : No. 2008 - 2022 - CD

Plaintiffs

vs.

JASON G. DIXON, an adult individual

Defendant

JURY TRIAL DEMANDED

PROPOSED ORDER

AND NOW, this 3rd day of March of 2009, upon consideration of the Motion to Compel filed on behalf of defendant Jason G. Dixon, and any response thereto, is hereby ORDERED, ADJUDGED, and DECREED, that the plaintiff shall within thirty (30) days:

1. File full, complete, and responsive answers to defendant's outstanding Interrogatories; and
2. File a full, complete, and responsive written answer to defendant's Request for Production of Documents; and
3. Produce all documents sought by way of defendant's Request for Production of Documents.

BY THE COURT



FILED

MAR 04 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3/4/09

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

CIVIL DIVISION LAW

JAMES E. ANDERSON and BARBARA  
ANDERSON, his wife,

\*

\*

\*

\*

\*

\*

\*

\*

\*

No. 08-2022-CD

\*

vs.

\*

\*

\*

TYPE OF CASE:  
Civil Division - Law

\*

\*

\*

\*

\*

JASON G. DIXON, an individual,

Defendants

\*

\*

\*

\*

\*

TYPE OF PLEADING:  
Certificate of Service

\*

\*

\*

FILED ON BEHALF OF:  
Plaintiffs

\*

\*

\*

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

FILED 2cc  
9/10/2009 Atty Thompson  
MAR 20 2009  
S William A. Shaw  
Prothonotary/Clerk of Courts  
(610)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

JAMES E. ANDERSON and  
BARBARA ANDERSON, his wife,

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

Plaintiffs \*  
\* No. 08-2022-CD

vs. \*

JASON G. DIXON, an adult individual, \*

Defendants \*

**CERTIFICATE OF SERVICE**

TO THE PROTHONOTARY:

I, DAVID R. THOMPSON, ESQUIRE, do hereby certify that I served a true and correct copy of the Interrogatories and Request for Production of Documents directed to Plaintiffs in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

Louis C. Schmitt, Jr., Esquire  
McINTYRE, HARTYE & SCHMITT  
P.O. Box 533  
Hollidaysburg, PA 16648

DATE: 3-12-09

BY:   
David R. Thompson, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION LAW

JAMES E. ANDERSON AND  
BARBARA ANDERSON, his wife

Plaintiffs

VS.

JASON G. DIXON, an adult individual

Defendant

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

5  
FILED

OCT 19 2009  
0730 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
3 Cents  
ATT  
(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

JAMES E. ANDERSON AND  
BARBARA ANDERSON, his wife

\*

\*

\*

\*

Plaintiff

\*

No. 08-2022-CD

\*

\*

vs.

\*

\*

\*

JASON G. DIXON, an adult individual

Defendant

\*

**PRAECIPE TO DISCONTINUE**

TO THE PROTHONOTARY:

Kindly discontinue the above-captioned matter.

DATE: 10-15-09

Respectfully submitted,

  
\_\_\_\_\_  
David R. Thompson, Esquire  
Attorney for Plaintiff