

08-2115-CD

Gary Springer vs George Sankey

,

5 FILED *EW*

NOV 06 2008

6/8:40/w

William A. Shaw  
Prothonotary/Clerk of Courts

Left w/writ  
for Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

**GEORGE W. SANKEY,**  
an individual,

Defendant

Type of Case - **CIVIL**

No. 2008-2115-CD

Type of Pleading – **PRAECIPE FOR  
WRIT OF SUMMONS**

Filed on Behalf of – **PLAINTIFF**

Filed by –  
**NICHOLAS GIANVITO, ESQ.**  
PA I.D. #67190

**LORENZO & GIANVITO, P.C.**  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

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

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

No. 2008-2115-CV

**GEORGE W. SANKEY,**  
an individual,

Defendant

**PRAECIPE FOR WRIT OF SUMMONS**

TO THE PROTHONOTARY:

Please prepare a Writ of Summons in a Civil Action against the named defendant  
in the above-captioned matter.

LORENZO & GIANVITO, P.C.

Date: 11/5/08

BY: 

Nicholas Gianvito, Esq.  
Pa. I.D. #67190  
Counsel for Plaintiff  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

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

**SUMMONS**

**Gary A. Springer JR**

**Vs.**

**NO.: 2008-02115-CD**

**George W. Sankey**

**TO: GEORGE W. SANKEY**

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: 11/6/2008

---

William A. Shaw  
Prothonotary

Issuing Attorney:

Nicholas Gianvito  
410 West Mahoning  
Punxsutawney, PA 15767

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2115-CD

GARY A. SPRINGER, JR.  
vs  
GEORGE W. SANKEY

SERVICE # 1 OF 1

SUMMONS

SERVE BY: 11/13/2008 HEARING: PAGE: 104820

DEFENDANT: GEORGE W. SANKEY  
ADDRESS: 97 SANKEY LANE  
OSCEOLA MILLS, PA 16666  
ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

**FILED**

013:40cm  
DEC 10 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
OCCUPIED

**SHERIFF'S RETURN**

NOW, 11/12/08 AT 10:15 (AM) PM **SERVED** THE WITHIN

SUMMONS ON GEORGE W. SANKEY, DEFENDANT

BY HANDING TO George Sankey, self

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 97 Sankey Ln Osceola Mills PA

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **POSTED** THE WITHIN

SUMMONS FOR GEORGE W. SANKEY

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO GEORGE W. SANKEY

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter  
Deputy Signature  
S. Hunter  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104E20  
NO: 08-2115-CD  
SERVICES 1  
SUMMONS

PLAINTIFF: GARY A. SPRINGER, JR.  
vs.  
DEFENDANT: GEORGE W. SANKEY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	LORENZO	20511	10.00
SHERIFF HAWKINS	LORENZO	20511	41.82

*S*  
**FILED**  
*0735284*  
FEB 10 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



Chester A. Hawkins  
Sheriff

FEB 19 2009

1 Cent to 442

***JURY TRIAL DEMANDED***

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

GARY SPRINGER,	)	No. 2008 - 2115
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
GEORGE SANKEY,	)	
	)	
Defendant.	)	

**PRAECIPE FOR APPEARANCE**


TO: WILLIAM SHAW, PROTHONOTARY

Please enter my appearance on behalf of the Defendant, George Sankey, in the  
above-captioned matter.

**JURY TRIAL DEMANDED**

SNYDER & ANDREWS

BY: \_\_\_\_\_

  
Sharon L. Bliss, Esquire  
Suite 400, 11269 Perry Highway  
Wexford PA 15090



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Praecipe for Appearance was served upon the following counsel of record on the 16<sup>th</sup> day of February, 2009, by First Class U.S. Mail, postage prepaid:

Nick Gianvito, Esquire  
Lorenzo & Gianvito PC  
410 W Mahoning St  
Punxsutawney, PA 15767-1908

SNYDER & ANDREWS

By: 

Sharon L. Bliss, Esquire  
Attorney for Defendant

FILED NOCC  
M/12:54/81  
FEB 27 2009 2 Rules  
to Amy Bliss  
William A. Shaw  
Prothonotary/Clerk of Courts  
(610)

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


GARY SPRINGER,	)	No. 2008 - 2115
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
GEORGE SANKEY,	)	
	)	
Defendant.	)	

**PRAECIPE TO ENTER RULE TO FILE COMPLAINT**

TO: WILLIAM SHAW, PROTHONOTARY

Enter Rule upon Plaintiff to file a Complaint in the above matter within twenty (20) days.

SNYDER & ANDREWS

By:   
Sharon L. Bliss, Esquire  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Praeceptum to Enter Rule to File Complaint was served upon the following counsel of record on the 16<sup>th</sup> day of February 2009, by First Class U.S. Mail, postage prepaid:

Nick Gianvito, Esquire  
Lorenzo & Gianvito PC  
410 W Mahoning St  
Punxsutawney, PA 15767-1908

SNYDER & ANDREWS

By: 

Sharon L. Bliss, Esquire  
Attorney for Defendant

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

Gary A. Springer, Jr

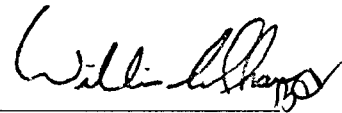
Vs.  
George W. Sankey

Case No. 2008-02115-CD

RULE TO FILE COMPLAINT

TO: Gary Springer

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: February 27, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

FILED  
MAR 03 2009  
m/12:30/v  
William A. Shaw (P.D.)  
Prothonotary/Clerk of Courts  
I SENT TO  
MPL

**GARY A. SPRINGER, JR.,** an  
individual,

Type of Case - **CIVIL**

No. 2008 - 2115

Plaintiff

Type of Pleading - **COMPLAINT**

Vs.

Filed on Behalf of - **PLAINTIFF**

**GEORGE W. SANKEY,** an individual,

Filed by -  
**NICHOLAS GIANVITO, ESQ.**  
Pa. I.D. #67190

Defendant

**LORENZO & GIANVITO, P.C.**  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION – LAW

**GARY A. SPRINGER, JR.,** an  
Individual,  
Plaintiff

Vs.

No. 2008 - 2115

**GEORGE W. SANKEY,** an  
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 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 claim 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 OBTAIN LEGAL HELP. 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.

Prothonotary  
Clearfield County Courthouse  
230 E. Market St.  
Clearfield, PA 16830  
(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION – LAW

**GARY A. SPRINGER, JR.,** an  
Individual,  
Plaintiff

Vs.

No. 2008 - 2115

**GEORGE W. SANKEY,** an  
Individual,  
Defendant

**COMPLAINT**

AND NOW, comes the plaintiff, GARY A. SPRINGER, JR., an individual, by and through his attorney, NICHOLAS GIANVITO, ESQ., of LORENZO & GIANVITO, P.C., and presents the following Complaint, of which the facts set forth hereinafter are a true and concise summary.

1. Plaintiff, GARY A. SPRINGER, JR., is an adult individual who resides at 1306 Washington Avenue, Clearfield, Clearfield County, Pennsylvania, 16830.
2. Defendant, GEORGE W. SANKEY, is an adult individual who resides at 97 Sankey Lane, Osceola Mills, Clearfield County, Pennsylvania, 16666.
3. On November 13, 2006, plaintiff, GARY A. SPRINGER, JR., was working as a subcontractor, installing a roof on a new home that was being constructed. He was on the roof, nailing down roof trusses as the defendant, a crane operator, placed them onto the roof.
4. At the same time and location, defendant, GEORGE W. SANKEY, was operating a crane in the process of lifting roof trusses off of the ground and placing them on the roof that was being constructed. As he lifted one of the trusses, Mr. Sankey allowed the bottom cord of the truss he was lifting to touch the upper cord of one of the previously set trusses. This caused the



truss that was being lifted to dislodge from the hook and fall to the roof where plaintiff was working.

5. Plaintiff, GARY A. SPRINGER, JR., was struck on the head by the dislodged truss, which then pushed him forcefully backward. His feet caught on the roof truss that he had been nailing down, and he was left hanging upside down.

6. As a result of the above described event, plaintiff, GARY A. SPRINGER, JR., sustained the following severe and permanent personal injuries:

- a) Deep vein thrombosis/pulmonary embolism in his left calf;
- b) Left knee pain/torn ACL, MCL and cartilage damage;
- c) Post-traumatic concussive syndrome with migraine headaches;
- d) Nervous shock, anxiety and emotional upset.

7. As a result of the defendant's negligence and carelessness, plaintiff has had his health, safety and vitality impaired, and he has sustained great mental and physical pain, suffering, mental anguish, inconvenience, and embarrassment.

8. As a result of the aforementioned negligence and carelessness of the defendant, plaintiff will, in the future, be forced to endure mental and physical pain, suffering, inconvenience, embarrassment and loss of the quality of his life.

9. Plaintiff has been compelled to expend sums of money for necessary and reasonable medical services in an effort to cure and/or alleviate his aforesaid injuries, amounts of which will be supplied in discovery.

10. As a result of the aforementioned carelessness and negligence of the defendant, plaintiff will, in the future, be required to expend additional sums of money for medical care, treatment and medications necessary for the future care of his above described injuries.

11. At the time of the incident described herein, plaintiff was a self-employed contractor. Due to the injuries he sustained, he has been unable to return to employment, thereby sustaining past wage loss.

12. As a direct result of the incident described above, plaintiff's future earning capacity has been reduced, due to his above-described injuries.

**COUNT ONE**

**Gary A. Springer, Jr., an individual, Plaintiff**

**Vs.**

**George W. Sankey, an individual, Defendant**

**NEGLIGENCE**

13. Paragraphs one (1) through twelve (12) are incorporated herein by reference as though set forth fully and at length.

14. Defendant, GEORGE W. SANKEY, was negligent and careless in the following respects:

a) in employing improper use of equipment and/or selection of instruments, i.e., using a home-made hook on the crane;

b) in failing to pay proper attention to operation of machinery;

c) in employing improper methods of truss placement;

d) in allowing the bottom cord of the truss he was lifting to touch the upper cord of another truss, thus causing the lifted truss to dislodge and strike plaintiff.


15. The above-noted acts of negligence and carelessness were the direct and proximate cause of the injuries set forth herein above.

WHEREFORE, plaintiff demands judgment against the defendant, GEORGE W. SANKEY, in a sum in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, and/or the maximum jurisdictional amount requiring arbitration.

JURY TRIAL DEMANDED.

LORENZO & GIANVITO, P.C.

Date: 3/2/09

BY:   
\_\_\_\_\_  
Nicholas Gianvito, Esq.  
Attorney for Plaintiff

STATE OF PENNSYLVANIA

SS:

COUNTY OF Clearfield

GARY A. SPRINGER, JR., Plaintiff, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of his information, knowledge and belief.

X Gary A. Springer, Jr.  
Gary A. Springer, Jr.

Sworn and subscribed before me  
this 24<sup>th</sup> day of February, 2009.

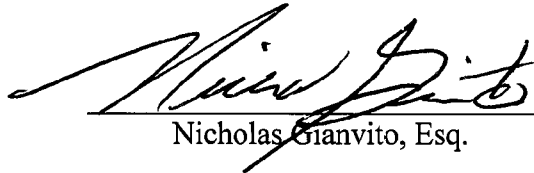
Andrea F. Berger  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Andrea F. Berger, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Dec. 11, 2011  
Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March, 2009, a true and correct copy of the foregoing Complaint was forwarded via first-class U.S. Mail, postage prepaid, to the following:

Sharon L. Bliss, Esq.  
SNYDER & ANDREWS  
Suite 400  
11269 Perry Highway  
Wexford, PA 15090

  
\_\_\_\_\_  
Nicholas Gianvito, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

**GEORGE W. SANKEY,**  
an individual,

Defendant

Type of Case - **CIVIL**

No. 2008-2115 C.D.

Type of Pleading –  
**NOTICE OF SERVICE**

Filed on Behalf of – **PLAINTIFF**

Filed by –  
**NICHOLAS GIANVITO, ESQ.**  
PA I.D. #67190

**LORENZO & GIANVITO, P.C.**  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

5 FILED No. 2008-2115 C.D.  
m/1:35pm  
JUN 27 2008

William A. Shaw  
Prothonotary Clerk of Courts

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

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

No. 2008-2115 C.D.


**GEORGE W. SANKEY,**  
an individual,  
Defendant

**NOTICE OF SERVICE OF DISCOVERY**  
**REQUESTS TO DEFENDANT**

TO THE PROTHONOTARY:

Please be advised that Plaintiff's First Set of Interrogatories and First Request for Production of Documents directed to defendant, George W. Sankey, were served upon said defendant, c/o his counsel: Sharon L. Bliss, Esq., 11269 Perry Highway, Suite 400, Wexford, Pa., 15090, this 24<sup>th</sup> day of April, 2009, via first-class U.S. Mail, postage prepaid.

LORENZO & GIANVITO, P.C.

BY:   
\_\_\_\_\_  
Nicholas Gianvito, Esq.  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

**GEORGE W. SANKEY,**  
an individual,

Defendant

Type of Case - **CIVIL**

No. 2008-2115 C.D.

Type of Pleading –  
**NOTICE OF SERVICE**

Filed on Behalf of – **PLAINTIFF**

Filed by –  
**NICHOLAS GIANVITO, ESQ.**  
PA I.D. #67190

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

<sup>S</sup>  
**FILED** <sup>NOCC</sup>  
MAY 29 2009  
William A. Shaw  
Prothonotary/Clerk of Courts



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

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

No. 2008-2115 C.D.

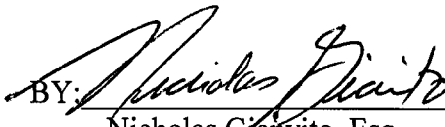
**GEORGE W. SANKEY,**  
an individual,  
Defendant

**NOTICE OF SERVICE OF DISCOVERY RESPONSES**

TO THE PROTHONOTARY:

Please be advised that Plaintiff's Answers to Interrogatories and Response to Request for Production of Documents of Defendant were served upon said defendant, c/o his counsel: Sharon L. Bliss, Esq., 11269 Perry Highway, Suite 400, Wexford, Pa., 15090, this 28th day of May, 2009, via first-class U.S. Mail, postage prepaid.

LORENZO & GIANVITO, P.C.

BY:   
\_\_\_\_\_  
Nicholas Gianvito, Esq.  
Counsel for Plaintiff

64

SHARON L. BLISS, ESQUIRE  
ATTORNEY FOR DEFENDANT

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

GARY SPRINGER,	)	No. 2008 - 2115
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
GEORGE SANKEY,	)	
	)	
Defendant.	)	

**ANSWER AND NEW MATTER**

AND NOW, comes the Defendant, George Sankey, by and through his attorneys, Snyder & Andrews and Sharon L. Bliss, Esquire and files the within Answer and New Matter to Plaintiff's Complaint:

**ANSWER**

1. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 1 of Plaintiff's Complaint.
2. Denied. By way of further answer, it is averred that Defendant's correct address is 120 Sankey Lane.
3. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 3 of Plaintiff's Complaint.
4. Denied insofar as Paragraph 4 of Plaintiff's Complaint infers that this Defendant was negligent in any way. At no time relevant hereto did Defendant act in a

negligent, careless and/or reckless manner and further, it is denied that any actions or inactions on the part of the Defendant were the sole or proximate cause of any alleged injuries or damages suffered by Plaintiff.

5. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 5 of Plaintiff's Complaint.

6. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 6 of Plaintiff's Complaint.

7. Denied. It is denied that at any time material hereto did Defendant act in a negligent, careless and/or reckless manner and further it is denied that any actions or inaction on the part of the Defendant were the sole or proximate cause of any alleged injuries or damages suffered by Plaintiff.

8. Denied. It is denied that at any time material hereto did Defendant act in a negligent, careless and/or reckless manner and further it is denied that any actions or inaction on the part of the Defendant were the sole or proximate cause of any alleged injuries or damages suffered by Plaintiff.

9. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 9 of Plaintiff's Complaint.

10. Denied. It is denied that at any time material hereto did Defendant act in a negligent, careless and/or reckless manner and further it is denied that any actions or inaction on the part of the Defendant were the sole or proximate cause of any alleged injuries or damages suffered by Plaintiff.

11. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 11 of Plaintiff's Complaint.

12. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averments of Paragraph 12 of Plaintiff's Complaint.

**COUNT ONE**  
**Gary A. Springer v. George W. Sankey**  
**NEGLIGENCE**

13. Paragraphs 1 through 12 inclusive of this Answer are incorporated herein by reference as though same were set forth at length.

14. Denied. It is denied that at any time material hereto did Defendant act in a negligent, careless and/or reckless manner and further, it is denied that any actions or inactions on the part of the Defendant were the sole or proximate cause of any alleged injuries or damages suffered by Plaintiff.

15. Denied. It is denied that at any time material hereto did Defendant act in a negligent, careless and/or reckless manner and further, it is denied that any actions or inactions on the part of the Defendant were the sole or proximate cause of any alleged injuries or damages suffered by Plaintiff.

WHEREFORE, Defendant requests judgment in his favor and against Plaintiff on Plaintiff's Complaint.

**NEW MATTER**

16. Paragraphs 1 through 15 inclusive of this Answer are incorporated herein by reference as though set forth in full below.

17. It is averred that the cause of the within incident was Plaintiff's own negligence and carelessness with regard to his own safety after he knew or should have known of the danger.

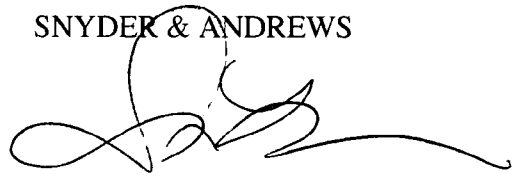
18. It is hereby averred that Plaintiff's claims are barred by Plaintiff's assumption of the risk.

19. Plaintiff's claims are barred by Plaintiff's own comparative negligence in failing to prepare regarding his own safety, in failing to adhere to instructions, and in assuming the risk.

20. It is denied that this Defendant in any way was negligent and if it is determined that there was any negligence, than the sole and proximate cause of Plaintiff's alleged injuries was the negligence, carelessness and/or recklessness of the general contractor, David Magnuson in failing to assure that the work site was safe for the Plaintiff.

WHEREFORE, Defendant requests judgment in his favor and against Plaintiff on Plaintiff's Complaint.

SNYDER & ANDREWS

A handwritten signature in black ink, appearing to read 'Sharon L. Bliss', is written over a horizontal line.

Sharon L. Bliss, Esquire  
Attorney for Defendant

**VERIFICATION**

I, George Sankey, Defendant herein, verify that the averments of fact made in the foregoing Answer and New Matter are true and correct based upon information and belief. I understand that averments of fact in said document are made subject to the penalties of 18 Pa. C.S. Section 4904 to unsworn falsifications to authorities.

DATE:

March 10, 10

George W Sankey  
George Sankey

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Answer and New Matter was served upon the following counsel of record on the 16<sup>th</sup> day of March 2010, by First Class U.S. Mail, postage prepaid:

Nick Gianvito, Esquire  
314 W Mahoning St  
PO Box 574  
Punxsutawney, PA 15767

SNYDER & ANDREWS

By: 

Sharon L. Bliss, Esquire  
Attorney for Defendant



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

**GEORGE W. SANKEY,**  
an individual,

Defendant

Type of Case - **CIVIL**

No. 2008-2115 C.D.

Type of Pleading –  
**REPLY TO NEW MATTER**

Filed on Behalf of – **PLAINTIFF**

Filed by –  
**NICHOLAS GIANVITO, ESQ.**  
PA I.D. #67190

LAW OFFICE OF NICHOLAS  
GIANVITO, P.C.  
314R West Mahoning St.  
P.O. Box 574  
Punxsutawney, PA 15767  
(814) 938-1776

FILED  
MAR 12 12:58 PM  
MAR 10 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC  
Atty  
Gianvito  
S

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

**GARY A. SPRINGER, JR.,**  
an individual,  
Plaintiff

Vs.

No. 2008-2115 C.D.

**GEORGE W. SANKEY,**  
an individual,  
Defendant

**PLAINTIFF'S REPLY TO NEW MATTER**  
**OF DEFENDANT**

AND NOW, comes the plaintiff, GARY A. SPRINGER, JR., by and through his counsel, NICHOLAS GIANVITO, ESQ., and files the following Reply to New Matter of Defendant:

16. Paragraph 16 of defendant's New Matter requires no response.

17. The averments of paragraph 17 constitute conclusions of law to which no reply is necessary. To the extent that a reply may be deemed necessary, said averments are denied. Moreover, it is specifically denied that plaintiff was in any way negligent and/or careless with regard to his own safety.

18. The averments of paragraph 18 constitute conclusions of law to which no reply is necessary. To the extent that a reply may be deemed necessary, said averments are denied. It is further specifically denied that plaintiff in any way "assumed the risk" of injury.

19. The averments of paragraph 19 constitute conclusions of law to which no reply is necessary. To the extent that a reply may be deemed necessary, said averments are denied. Plaintiff specifically denies that he was in any way comparatively negligent and/or assumed the risk of injury.

20. The averments of paragraph 20 constitute conclusions of law to which no reply is necessary. To the extent that a reply may be deemed necessary, said averments are denied. Defendant's negligence, as set forth in plaintiff's Complaint, was the sole and proximate cause of the plaintiff's injuries. It is further denied that the general contractor was negligent, careless, and/or reckless.

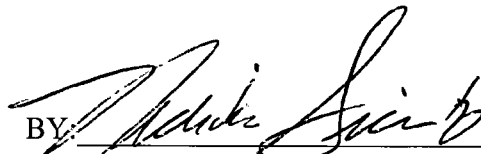
WHEREFORE, plaintiff respectfully requests this Honorable Court dismiss the New Matter of Defendant, and enter judgment in plaintiff's favor.

Respectfully submitted,

LAW OFFICE OF NICHOLAS GIANVITO, P.C.

Date: 3/29/10


BY:



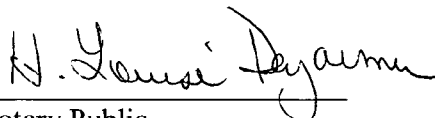
Nicholas Gianvito, Esq.  
Counsel for Plaintiff

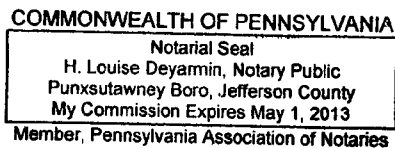
STATE OF PENNSYLVANIA  
SS:  
COUNTY OF JEFFERSON

GARY A. SPRINGER, JR., Plaintiff, being duly sworn according to law, deposes  
and says that the facts set forth in the foregoing Reply to New Matter are true and correct  
to the best of his information, knowledge and belief.

  
\_\_\_\_\_  
Gary A. Springer, Jr.

Sworn and subscribed before me  
this 24<sup>th</sup> day of March, 2010.

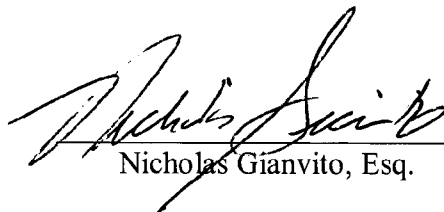
  
\_\_\_\_\_  
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on the 29<sup>th</sup> day of March, 2010, a true and correct copy of the foregoing Reply to New Matter of Defendant was forwarded via first-class mail, postage prepaid, to the following:

Sharon L. Bliss, Esq.  
SNYDER & ANDREWS  
11269 Perry Highway  
Suite 400  
Wexford, PA 15090

  
\_\_\_\_\_  
Nicholas Gianvito, Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

**GEORGE W. SANKEY,**  
an individual,

Defendant

Type of Case - **CIVIL**

No. 2008-2115 C.D.

Type of Pleading –  
**NOTICE OF DEPOSITION**

Filed on Behalf of – **PLAINTIFF**

Filed by –  
**NICHOLAS GIANVITO, ESQ.**  
PA I.D. #67190

LAW OFFICE OF NICHOLAS  
GIANVITO, P.C.  
314R West Mahoning St.  
P.O. Box 574  
Punxsutawney, PA 15767  
(814) 938-1776

*Sum*  
M/J 01/31  
NOCC  
102 OF 2011  
William A. Shatt  
Prothonotary, Clerk of Courts

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

**GARY A. SPRINGER, JR.,**  
an individual,  
Plaintiff

Vs.

No. 2008-2115 C.D.

**GEORGE W. SANKEY,**  
an individual,  
Defendant

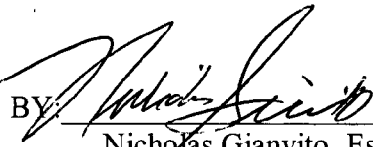
**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that, pursuant to the Pennsylvania Rules of Civil Procedure, plaintiff herein gives notice that the deposition of the defendant, GEORGE W. SANKEY, will be taken on **May 26, 2010, beginning at 12:00 p.m. noon**, at the Law Office of Nicholas Gianvito, P.C., 314R West Mahoning Street, Punxsutawney, Pennsylvania, 15767.

The deposition will be taken upon oral examination for all purposes provided for and allowed by the Pennsylvania Rules of Civil Procedure.

LAW OFFICE OF NICHOLAS GIANVITO, P.C.

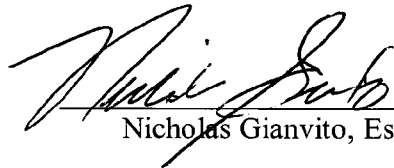
Date: 4/5/10

BY:   
\_\_\_\_\_  
Nicholas Gianvito, Esq.  
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 5<sup>th</sup> day of April, 2010, a true and correct copy of the foregoing Notice of Deposition was forwarded via first-class mail, postage prepaid, to the following:

Sharon L. Bliss, Esq.  
SNYDER & ANDREWS  
11269 Perry Highway  
Suite 400  
Wexford, PA 15090

  
\_\_\_\_\_  
Nicholas Gianvito, Esq.



CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

**GEORGE W. SANKEY,**  
an individual,

Defendant

Type of Case - **CIVIL**

No. 2008-2115 C.D.

Type of Pleading –  
**PRAECIPE FOR TRIAL LIST**

Filed on Behalf of – **PLAINTIFF**

Filed by –  
**NICHOLAS GIANVITO, ESQ.**  
PA I.D. #67190

LAW OFFICE OF NICHOLAS  
GIANVITO, P.C.  
314R West Mahoning St.  
P.O. Box 574  
Punxsutawney, PA 15767  
(814) 938-1776

5  
**FILED** 100144  
m/10:33cm Gianvito  
JAN 11 2011  
(60)

William A. Shaw  
Prothonotary/Clerk of Courts

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

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

No. 2008-2115 C.D.

**GEORGE W. SANKEY,**  
an individual,  
Defendant

**PRAECIPE FOR TRIAL LIST**

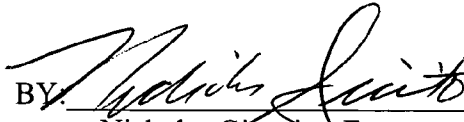
TO THE PROTHONOTARY:

1. Please place the above-captioned matter on the next available trial list.
2. There are no motions outstanding, discovery has been completed, and the above-captioned case is ready for trial;
3. The case is to be heard by jury trial; and
4. Notice of this Praecipe has been given to the attorney for defendant.

LAW OFFICE OF NICHOLAS GIANVITO, P.C.

Date: 1/10/11

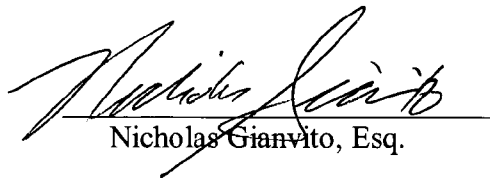
BY:

  
\_\_\_\_\_  
Nicholas Gianvito, Esq.  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of January, 2011, a true and correct copy of the foregoing Praecipe for Trial List was forwarded via first-class mail, postage prepaid, to the following:

Sharon L. Bliss, Esq.  
11269 Perry Highway  
Suite 400  
Wexford, PA 15090

  
Nicholas Gianvito, Esq.

CA

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

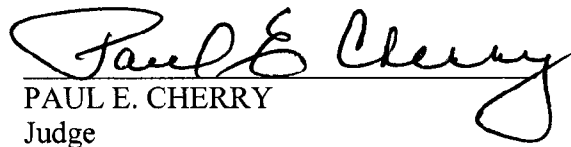
GARY A. SPRINGER, JR.	:	
Plaintiff	:	
vs.	:	
	:	NO. 2008-2115-CD
GEORGE W. SANKEY	:	
Defendant	:	
	:	
	:	
	:	
	:	
	:	

**ORDER**

AND NOW, this 13<sup>th</sup> day of January, 2011, it is the Order of the Court that a pre-trial conference in the above-captioned matter shall be and is hereby scheduled for **Monday, February 14, 2011 at 2:30 P.M.** in Judges Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for April 5, 2011 at 9:00 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

  
PAUL E. CHERRY  
Judge

**FILED**  
01/10/56621  
Jan 14 2011  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC a memo  
to Atty's. Gianvito  
Briss

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

S [Signature]

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

**GEORGE W. SANKEY,**  
an individual,

Defendant

Type of Case - **CIVIL**

No. 2008-2115 C.D.

Type of Pleading –  
**MOTION FOR CONTINUANCE**

Filed on Behalf of – **PLAINTIFF**

Filed by –  
**NICHOLAS GIANVITO, ESQ.**  
PA I.D. #67190

LAW OFFICE OF NICHOLAS  
GIANVITO, P.C.  
314R West Mahoning St.  
P.O. Box 574  
Punxsutawney, PA 15767  
(814) 938-1776

JAN 20 2011  
w/15076  
William A. Shaw  
Prothonotary/Clerk of Courts  
I came to  
ATTY

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

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

No. 2008-2115 C.D.

**GEORGE W. SANKEY,**  
an individual,  
Defendant

**MOTION FOR CONTINUANCE**

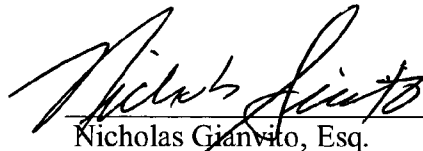
AND NOW, comes the plaintiff, GARY A. SPRINGER, JR., by his counsel,  
NICHOLAS GIANVITO, ESQ., and files the following Motion for Continuance:

1. Plaintiff's counsel filed a Praecipe for Trial list in this case on January 11, 2011.
2. An Order was entered on January 13, 2011, scheduling a Pre-Trial Conference for February 14, 2011, a date on which plaintiff's counsel will be unavailable.
3. Plaintiff's counsel has conferred with defense counsel, and discovered that defense counsel is unavailable for jury selection scheduled for April 5, 2011. However, both parties are available for the next trial term's jury selection date, which is understood to be July 27, 2011.
4. Accordingly, plaintiff respectfully requests that this Honorable Court grant plaintiff's Motion for Continuance, to reschedule the Pre-Trial Conference and jury selection to the next trial term of this court.

WHEREFORE, plaintiff's counsel respectfully requests this Honorable Court enter the attached Order continuing the Pre-Trial Conference scheduled in the above-noted matter.

Respectfully submitted,

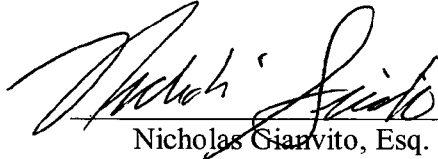
Date: 1/18/11

  
\_\_\_\_\_  
Nicholas Gianvito, Esq.  
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 18<sup>th</sup> day of January, 2011, a true and correct copy of the foregoing Motion for Continuance was forwarded via first-class mail, postage prepaid, to the following:

Sharon L. Bliss, Esq.  
SNYDER & ANDREWS  
11269 Perry Highway  
Suite 400  
Wexford, PA 15090

  
\_\_\_\_\_  
Nicholas Giarvito, Esq.



CA

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

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

No. 2008-2115 C.D.

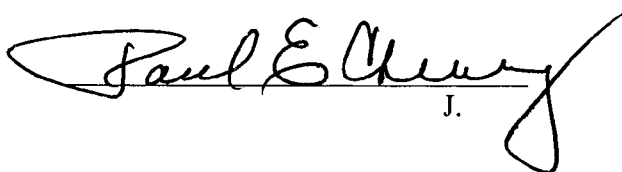
**GEORGE W. SANKEY,**  
an individual,

Defendant

**ORDER OF COURT**

AND NOW, this 21<sup>st</sup> day of January 2011, upon consideration of the Motion for Continuance filed by plaintiff's counsel, it is hereby ORDERED that the Pre-Trial Conference in the above-noted matter be rescheduled from Monday, February 14, 2011 to Thursday, March 10, 2011, at 10:30 AM in Judge's Chambers.

BY THE COURT:

  
J.

5  
FILED  
01/24/2011 2:00 PM  
JAN 24 2011  
William A. Shaw  
Prothonotary/Clerk of Courts  
Atty. Gianuto

5  
FILED No CC  
M. J. [unclear]  
APR 07 2011  
[unclear]  
A. [unclear]  
[unclear]

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

GARY A. SPRINGER, JR.,	)	No. 2008 – 2115
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
GEORGE W. SANKEY,	)	
	)	
Defendant.	)	

**MOTION TO RESCHEDULE PRE-TRIAL CONFERENCE**

AND NOW comes the Defendant, George W. Sankey, by and through his attorneys, Snyder & Andrews and Sharon L. Bliss, Esquire and files the within Motion to Reschedule Pre-Trial Conference:

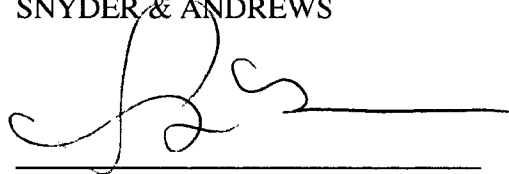
1. The within matter is scheduled for a pre-trial conference on March 10, 2011 with jury selection in this matter currently scheduled for July 27, 2011.
2. Counsel for Defendant has recently received notice of a pre-trial conference for March 10 on a matter in Butler County which is scheduled to go to trial the first week of April 2011.
3. Since the trial in the Butler County matter is imminent, the pre-trial conference in Butler County cannot be rescheduled.

4. As counsel for Defendant would like to be present at both pre-trial conferences, counsel requests this Honorable Court reschedule the pre-trial conference in this matter currently scheduled for March 10, 2011.

5. Counsel for Plaintiff has consented to this request.

WHEREFORE, Defendant requests this Honorable Court reschedule the March 10, 2011 pre-trial conference.

SNYDER & ANDREWS

A handwritten signature in black ink, appearing to be 'S. Bliss', written over a horizontal line.

Sharon L. Bliss, Esquire  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Motion to Reschedule  
Pre-Trial Conference was served upon the following counsel of record on the 4<sup>th</sup> day of March  
2011, by First Class U.S. Mail, postage prepaid:

Nick Gianvito, Esquire  
314 W Mahoning St  
PO Box 574  
Punxsutawney, PA 15767

SNYDER & ANDREWS

By: 

Sharon L. Bliss, Esquire  
Attorney for Defendant

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

GARY A. SPRINGER, JR.,

Plaintiff,

vs.

GEORGE W. SANKEY,

Defendant.

No. 2008 – 2115

**ORDER OF COURT**

AND NOW, to wit, this \_\_\_\_ day of \_\_\_\_\_, 2011, upon  
consideration of Defendant's Motion to Reschedule Pre-Trial Conference, said Motion is  
Granted and the pre-trial conference in this matter is rescheduled to take place on \_\_\_\_\_  
\_\_\_\_\_, 2011 at \_\_\_\_\_ .m.

BY THE COURT,

\_\_\_\_\_. J.

CA

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

GARY A. SPRINGER, JR.  
Plaintiff  
vs.

GEORGE W. SANKEY,  
Defendant

NO. 2008-2115-CD

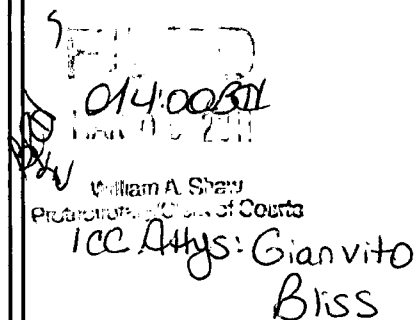
**ORDER**

AND NOW, this 8<sup>th</sup> day of March, 2011, it is the Order of the Court that the Pre-Trial Conference in the above-captioned matter previously scheduled for March 10, 2011, shall be and is hereby **continued to Thursday, April 21, 2011, at 11:00 A.M.** in Judge's chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Jury Selection in this matter shall be and is hereby scheduled for July 27, 2011 at 9:00 a.m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

  
PAUL E. CHERRY  
Judge

  
01400301  
March 10 2011  
William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Atty's: Gianvito  
Briss

CA

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

GARY A. SPRINGER, Jr.

V

GEORGE W. SANKEY

:  
:  
:  
:  
:

NO. 2008-2115-CD

**ORDER**

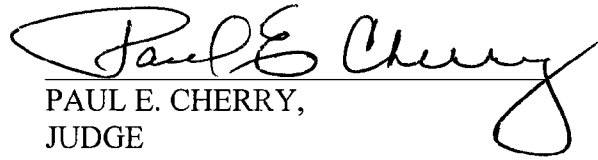
1. Jury Selection in this matter is scheduled for July 27, 2011, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for September 20, 21 and 22, 2011 beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by and no later than 60 days prior to the commencement of trial.
4. Counsel for the parties, if they so desire, may submit a Trial Brief to the Court no more than 30 days prior to the commencement of trial.
5. The deadline for submitting any and all Motions shall be by and no later than 60 days prior to the commencement of trial.
6. Points for Charge shall be submitted to the Court by and no later than 30 days prior to the commencement of trial.
7. Proposed Verdict Slip shall be submitted to the Court by and no later than 30 days prior to the commencement of trial.
8. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

FILED 2cc Atty's:  
02/09/2011  
APR 26 2011  
William A. Shaw  
Prothonotary/Clerk of Courts  
Bliss  
Gianvito



9. Settlement Conference shall be scheduled for August 4, 2011 at 2:00 o'clock  
P.M.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

**GEORGE W. SANKEY,**  
an individual,

Defendant

Type of Case - **CIVIL**

No. 2008-2115 C.D.

Type of Pleading – **PRAECIPE  
FOR DISCONTINUANCE**

Filed on Behalf of – **PLAINTIFF**

Filed by –  
**NICHOLAS GIANVITO, ESQ.**  
PA I.D. #67190

LAW OFFICE OF NICHOLAS  
GIANVITO, P.C.  
314R West Mahoning St.  
P.O. Box 574  
Punxsutawney, PA 15767  
(814) 938-1776

FILED *NO CC*  
MAY 27 2011  
William A. Shaw  
Prothonotary/Clerk of Courts

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

**GARY A. SPRINGER, JR.,**  
an individual,

Plaintiff

Vs.

No. 2008-2115 C.D.

**GEORGE W. SANKEY,**  
an individual,  
Defendant

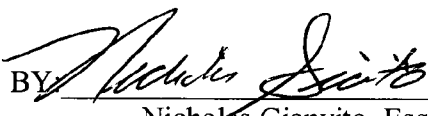
**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Please mark the above-captioned matter as settled, terminated, and  
discontinued.

LAW OFFICE OF NICHOLAS GIANVITO, P.C.

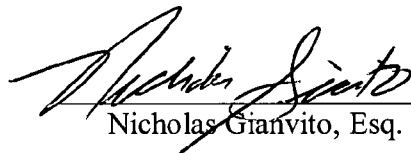
Date: 5/26/11

BY   
\_\_\_\_\_  
Nicholas Gianvito, Esq.  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 26<sup>th</sup> day of May, 2011, a true and correct copy of the foregoing Praecipe for Discontinuance was forwarded via first-class mail, postage prepaid, to the following:

Sharon L. Bliss, Esq.  
11269 Perry Highway  
Suite 400  
Wexford, PA 15090

  
\_\_\_\_\_  
Nicholas Gianvito, Esq.