

[REDACTED]

[REDACTED]

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading: PRAECIPE FOR
) ISSUANCE OF WRIT OF SUMMONS
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) BENJAMIN S. BLAKLEY, III
)
) SUPREME COURT NO.: 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

December 8, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw LM
Deputy Prothonotary

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FILED Any pd. 95.00
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William A. Shaw to Sheriff
Prothonotary/Clerk of Courts
3CC Aug

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

NO. 08 -

- C.D.

PRAECIPE FOR WRIT OF SUMMONS

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Please issue a writ of summons in the above matter against Defendants, JOHN M. IMBROGNO, JR., 411 Fifth Avenue, Johnsonburg, Elk County, Pennsylvania, and WALKER PETROLEUM SERVICES, INC., Clermont/Rasselas Road, R. R. #1, Box 127A, Wilcox, Elk County, Pennsylvania, 15870.

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiffs

COPY

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

SUMMONS

**James F. Farringer
Sally E. Farringer**

Vs.

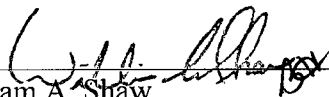
NO.: 2008-02135-CD

**John M. Imbrogno, Jr.
Walker Petroleum Services, Inc.**

**TO: JOHN M. IMBROGNO, JR.
WALKER PETROLEUM SERVICES, INC.**

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: 11/7/2008



William A. Shaw
Prothonotary

Issuing Attorney:
Benjamin S. Blakley III
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading: PRAECIPE FOR
) REISSUANCE OF WRIT OF SUMMONS
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) BENJAMIN S. BLAKLEY, III
)
) SUPREME COURT NO.: 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

S
FILED 11/2/08
DEC 08 2008
William A. Shaw
Prothonotary/Clerk of Courts
11/2/08 4:44 PM
CCO 2 writs
to Sheriff
Any pd. 7.00

JAMES F. FARRINGER and SALLY
E. FARRINGER,

VS.

Defendants.

NO. 08 - 2135 - C.D.

Please reissue the Writ of Summons issued in the above matter on November 7, 2008, against Defendants, WALKER PETROLEUM SERVICES, INC., 12200 Wilcox Road, Wilcox, Sergeant Township, McKean County, Pennsylvania, 15870-24.

~~BLAKLEY & JONES~~

Benjamin S. Blakley, III
Attorney for Plaintiffs

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

SUMMONS

**James F. Farringer
Sally E. Farringer**

Vs.

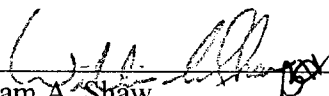
NO.: 2008-02135-CD

**John M. Imbrogno, Jr.
Walker Petroleum Services, Inc.**

**TO: JOHN M. IMBROGNO, JR.
WALKER PETROLEUM SERVICES, INC.**

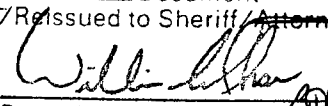
To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 11/7/2008



William A. Shaw
Prothonotary

Issuing Attorney:
Benjamin S. Blakley III
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730

12/8/08 Document
~~Reinstated/Reissued to Sheriff/Attorney~~
for service. 

~~Deputy Prothonotary~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104924
NO: 08-2135-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: JAMES F. FARRINGER and SALLY E. FARRINGER

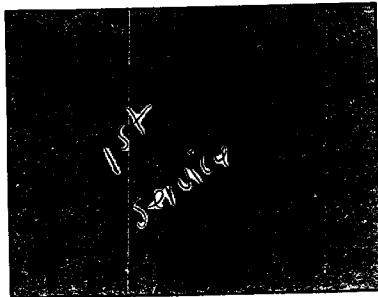
vs.

DEFENDANT: JOHN M. IMBROGNO, JR. and WALKER PETROLEUM SERVICES, INC.

SHERIFF RETURN

NOW, November 24, 2008, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON JOHN M. IMBROGNO, JR..

NOW, November 25, 2008 AT 3:30 PM SERVED THE WITHIN SUMMONS ON JOHN M. IMBROGNO, JR., DEFENDANT. THE RETURN OF ELK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.



S FILED
01/11/03 cm
FEB 17 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104924
NO: 08-2135-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: JAMES F. FARRINGER and SALLY E. FARRINGER

vs.

DEFENDANT: JOHN M. IMBROGNO, JR. and WALKER PETROLEUM SERVICES, INC.

SHERIFF RETURN

NOW, November 24, 2008, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON WALKER PETROLEUM SERVICES, INC..

NOW, November 25, 2008 ATTEMPTED TO SERVE THE WITHIN SUMMONS ON WALKER PETROLEUM SERVICES, INC., DEFENDANT. THE RETURN OF ELK COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104924
NO: 08-2135-CD
SERVICES 2
SUMMONS

PLAINTIFF: JAMES F. FARRINGER and SALLY E. FARRINGER

vs.

DEFENDANT: JOHN M. IMBROGNO, JR. and WALKER PETROLEUM SERVICES, INC.

SHERIFF RETURN

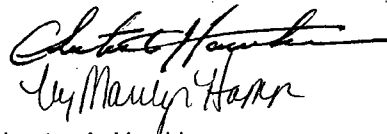
RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | BLAKLEY | 9976 | 20.00 |
| SHERIFF HAWKINS | BLAKLEY | 9976 | 21.00 |
| ELK CO. | BLAKLEY | 4652 | 37.70 |

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

James F. Farringer and
Sally E. Farringer

vs.

John M. Imbrogno, Jr. and
Walker Petroleum Services, Inc.

IN THE COURT OF COMMON PLEAS
ELK COUNTY

No. 08-02136

**STATE OF PENNSYLVANIA
COUNTY OF ELK**

Jeff Kuleck, Deputy Sheriff, being duly sworn according to law, deposes and says, that on November 25, 2008 he contacted Brenda Walker, owner of Walker Petroleum Services, Inc., R.R. #1 Box 127A, Wilcox, PA via telephone (814-788-4248) regarding service. She informed the deputy that the physical address for the business is in McKean County. Complaint returned - Non Est Inventus.

Jeff Kuleck, Deputy Sheriff, being duly sworn according to law, deposes and says, he served John M. Imbrogno, Jr. at 411 5th Avenue, Johnsonburg, Elk County, PA by handing to Kellie A. Imbrogno, mother to John Imbrogno a true and attested copy of the original Summons and made known to her the contents thereof on November 25, 2008 at 3:30 P. M.

Elk County Sheriff's Costs - \$37.70 PAID

So Answers:

Sworn to and subscribed before me this 29th

day of December A.D. 2008

Condon Stray

Prothonotary

My Commission Expires
January 2, 2012

Jeffrey C. Krieg

Sheriff

[Signature]

Deputy

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

SUMMONS

**James F. Farringer
Sally E. Farringer**

Vs.

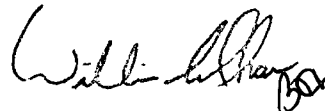
NO.: 2008-02135-CD

**John M. Imbrogno, Jr.
Walker Petroleum Services, Inc.**

**TO: JOHN M. IMBROGNO, JR.
WALKER PETROLEUM SERVICES, INC.**

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: 11/7/2008



William A. Shaw
Prothonotary

Issuing Attorney:
Benjamin S. Blakley III
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730



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 104924

JAMES F. FARRINGER and SALLY E. FARRINGER

vs.

JOHN M. IMBROGNO, JR. and WALKER PETROLEUM SERVICES, INC.

TERM & NO. 08-2135-CD

SUMMONS

SERVE BY: 12/06/08

COURT DATE:

MAKE REFUND PAYABLE TO BLAKLEY & JONES, ESQ.

SERVE: JOHN M. IMBROGNO, JR.

ADDRESS: 411 FIFTH AVE., JOHNSONBURG, PA

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, November 24, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



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 104924

TERM & NO. 08-2135-CD

JAMES F. FARRINGER and SALLY E. FARRINGER

SUMMONS

VS.

JOHN M. IMBROGNO, JR. and WALKER PETROLEUM SERVICES, INC.

SERVE BY: 12/06/08
COURT DATE:

MAKE REFUND PAYABLE TO BLAKLEY & JONES, ESQ.

SERVE: WALKER PETROLEUM SERVICES, INC.

ADDRESS: RR#1 BOX 127A, WILCOX, PA 15870

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF ELK COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, November 24, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

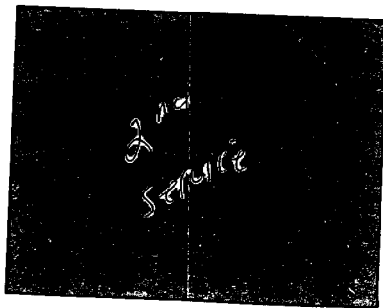
DOCKET # 105030
NO: 08-2135-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: JAMES F. FARRINGER & SALLEY E. FARRINGER
vs.
DEFENDANT: JOHN M. IMBROGNO, JR. & WALKER PETROLEUM SERVICES, INC

SHERIFF RETURN

NOW, December 09, 2008, SHERIFF OF MCKEAN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN SUMMONS ON WALKER PETROLEUM SERVICES, INC..

NOW, December 12, 2008 AT 10:00 AM SERVED THE WITHIN SUMMONS ON WALKER PETROLEUM SERVICES, INC., DEFENDANT. THE RETURN OF MCKEAN COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.



5
FILED
01/11/03 cm
FEB 17 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105030
NO: 08-2135-CD
SERVICES 1
SUMMONS

PLAINTIFF: JAMES F. FARRINGER & SALLEY E. FARRINGER

VS.

DEFENDANT: JOHN M. IMBROGNO, JR. & WALKER PETROLEUM SERVICES, INC

SHERIFF RETURN

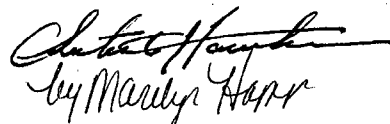
RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | BLAKLEY | 10027 | 10.00 |
| SHERIFF HAWKINS | BLAKLEY | 10027 | 12.00 |
| MCKEAN CO. | BLAKLEY | 10028 | 45.00 |

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

SHERIFF'S RETURN - REGULAR

CASE NO: 2008-10102 T

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF MCKEAN

JAMES AND SALLY FARRINGER

VS

WALKER PETROLEUM SERVICES, INC

JULIA BRECHTEL, Deputy Sheriff of MCKEAN
County, Pennsylvania, who being duly sworn according to law,
says, the within WRIT OF SUMMONS was served upon
WALKER PETROLEUM SERVICES INC the
DEFENDANT, at 0010:00 Hour, on the 12th day of December, 2008
at 12200 WILCOX ROAD
WILCOX, PA 15870 by handing to
BRENDA WALKER, OWNER
a true and attested copy of WRIT OF SUMMONS together with

and at the same time directing Her attention to the contents thereof.

Sheriff's Costs:
Total...\$ 45.00

So Answers:


JULIA BRECHTEL
Deputy Sheriff

Paid Date...12/18/2008
Paid By.....ATTORNEY

Sworn and Subscribed to before

me this 18th day of

December A.D. 2008


Notary

NOTARIAL SEAL
Tara L. Morcy, Notary Public
Smethport Boro., McKean County
My Commission Expires Feb. 4, 2010

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

U O/

SUMMONS

James F. Farringer
Sally E. Farringer

Vs.

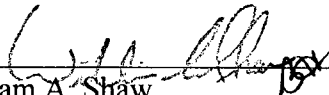
NO.: 2008-02135-CD

John M. Imbrogno, Jr.
Walker Petroleum Services, Inc.

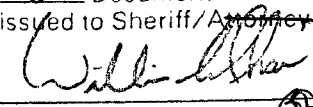
TO: JOHN M. IMBROGNO, JR.
WALKER PETROLEUM SERVICES, INC.

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: 11/7/2008


William A. Shaw
Prothonotary

Issuing Attorney:
Benjamin S. Blakley III
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730

12/18/08 Document
~~Reinstated/Reissued to Sheriff/Attorney~~
for service.

~~Deputy Prothonotary~~

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
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) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
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) Type of Pleading:
) COMPLAINT
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) BENJAMIN S. BLAKLEY, III
)
) SUPREME COURT NO.: 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

A JURY TRIAL IS DEMANDED

FILED 30c
09:22 PM
FEB 20 2009 Amy Blakley
William A. Shaw
Prothonotary/Clerk of Courts

Daniel J. Nelson, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

)
)
)
)
) NO. 08 - 2135 - C.D.
)
)
)
)
)

COMPLAINT

AND NOW, comes Plaintiff, **JAMES F. FARRINGER and SALLY E. FARRINGER**, by
and through their attorneys, **BLAKLEY & JONES**, and files the following Complaint in civil action
and avers the following:

1. The Plaintiffs, **JAMES F. FARRINGER and SALLY E. FARRINGER**, are husband
and wife, adult individuals residing at 14 S. State Street, DuBois, Clearfield County, Pennsylvania,
15801.
2. The Defendant, **JAMES M. IMBROGNO, JR.** is an adult individual, residing at 411
Fifth Avenue, Johnsonburg, Elk County, Pennsylvania, 15845.
3. The Defendant, **WALKER PETROLEUM SERVICES, INC.**, is a Pennsylvania
corporation having its principle place of business at 12200 Wilcox Road, Wilcox, McKean County,
Pennsylvania, 15870.
4. At all times material hereto, Defendant, James M. Imbrogno, Jr. was employed by

Walker Petroleum Services, Inc. as a truck driver.

5. That on Friday, February 2, 2007, at approximately 3:10 p.m., the Plaintiff James F. Farringer was operating a Nissan Sentra East bound on Pennsylvania Interstate 80 in Pine Township, Clearfield County, Pennsylvania.

6. At the above time and date, the Defendant James M. Imbrogno, Jr. was operating a 1993 Ford L9000 truck East bound on Pennsylvania Interstate 80 at the same place.

7. The Defendant's vehicle without cause and without notice struck the rear of a third vehicle operated by Michael Malone of Willow Wood, Ohio, and owned by SESL Transfer Co., Cincinnati, Ohio, causing the vehicle operated by Defendant Imbrogno and owned by Defendant Walker Petroleum Services, Inc. to suddenly turn sideways in the middle of the East bound lane of I-80.

8. As the Plaintiffs' vehicle traveled behind the vehicle of the Defendant, the Plaintiff was faced with the sudden emergency of the Defendant's vehicle striking the third vehicle and turning sideways in the middle of I-80 and thereby causing Plaintiffs' vehicle to collide with the left rear portion of the Defendant's vehicle resulting in serious injuries to the Plaintiff which are set below.

9. As a result of the above collision, the Plaintiff sustained serious and permanent injuries, including, but not limited to the following:

- a. Large broad based disc protrusions at the C3-C4 level with considerable canal encroachments and cord displacement;
- b. C4 - C5 level broad based disc protrusions with modes cord contour change;
- c. Herniated nucleus pulposus at C3-C-4 and C4-C5 area of the cervical spinal;
- d. Neck pain;

an effort to restore Plaintiff-Husband's health.

12. The aforementioned incident and the resulting injury and damages sustained by the Plaintiffs were the directed and approximate result of the negligence of Defendant, James M. Imbrogno, Jr as follows:

- a. Failure to keep a proper lookout for vehicles traveling in front of his vehicle;
- b. Failing to yield, slow, stop, turn aside, reduce his speed and take any other action to avoid colliding with the vehicle in front of the Defendant's vehicle;
- c. Operating the said motor vehicle so that it struck the vehicle in front of his resulting in the vehicle being placed in the position as it was in the collision and causing an emergency situation to arise for which the Plaintiff could not avoid collision with the Defendant's vehicle;
- d. In failing to keep and maintain a proper and adequate lookout ahead on the road and the surrounding weather conditions;
- e. In failing to be properly attentive while operating said vehicle;
- f. Violation of 75 Pa. C.S.A. § 3714, "Careless Driving", by failing to exercise the degree of care required of an ordinary prudent driver under the circumstances then and there existing; and
- g. Violation of 75 Pa. C.S.A. § 3310 "Following to Closely" by failing to follow a motor vehicle more closely than reasonable and prudent having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

13. Defendant, Walker Petroleum Services, Inc. was negligent in the following particulars:

- e. Multiple contusions;
- f. Numbness and tingling in the arms; and
- g. Shock to the nerves of the central nervous system.

10. As a result of his injuries, Plaintiff, James M. Farringer has and may continue to suffer the following damages:

- a. He suffered severe physical pain, mental anguish and inconvenience, humiliation and loss of life's pleasures and may continue to suffer the same for a period as he shall continue to live;
- b. He has and may continue to be obligated to receive and undergo medical attention, including surgical intervention, and care and to extend various sums of money and to incur various expenses in an effort to restore his health;
- c. He has loss of earning and/or earning capacity;
- d. He has suffered and may continue to suffer an interruption of family relationships;
- e. His general health, strength and vitality have been impaired and this impairment maybe permanent in nature; and
- f. He has suffered a serious bodily injury, resulting in serious impairment of bodily function.

11. As a direct and approximate result of the injuries sustained by the Plaintiff Husband, Plaintiff Wife has suffered the following damages:

- a. She has suffered and may continue to suffer loss of consortium; and
- b. She has and may continue to be obliged to expend various sums of money in

- a. In permitting Defendant, James M. Imbrogno, Jr. to drive its vehicle without the requisite training and experience;
- b. In failing to train Defendant, James M. Imbrogno, Jr.;
- c. In failing to supervise Defendant, James M. Imbrogno, Jr.;
- d. In failing to conduct an adequate background investigation of Defendant, James M. Imbrogno, Jr. to insure that he was a competent commercial driver.

WHEREFORE, the Plaintiffs jointly and severely demand judgment against the Defendant JAMES M. IMBROGNO, JR. and Defendant, WALKER PETROLEUM SERVICES, INC. jointly and severely for a sum in excess of the jurisdiction of the Board of Arbitrators of this Court, plus interests and costs of suit.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

BLAKLEY & JONES

By 

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

We, **JAMES F. FARRINGER** and **SALLY E. FARRINGER**, verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 2/18/09

James F. Farringer
JAMES F. FARRINGER

DATE: 2/18/09

Sally E. Farringer
SALLY E. FARRINGER

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading:
) AMENDED COMPLAINT
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) BENJAMIN S. BLAKLEY, III
)
) SUPREME COURT NO.: 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

A JURY TRIAL IS DEMANDED

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FILED 3CC
9/2:10Lm
FEB 25 2009
ATTY Blakley
William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|------------------------------|---|----------------------|
| JAMES F. FARRINGER and SALLY |) | |
| E. FARRINGER, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | NO. 08 - 2135 - C.D. |
| vs. |) | |
| |) | |
| JOHN M. IMBROGNO, JR., and |) | |
| WALKER PETROLEUM SERVICES, |) | |
| INC., |) | |
| |) | |
| Defendants. |) | |

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 IS 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 JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY 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.

Daniel J. Nelson, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641

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

| | | |
|------------------------------|---|----------------------|
| JAMES F. FARRINGER and SALLY |) | |
| E. FARRINGER, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | NO. 08 - 2135 - C.D. |
| vs. |) | |
| |) | |
| JOHN M. IMBROGNO, JR., and |) | |
| WALKER PETROLEUM SERVICES, |) | |
| INC., |) | |
| |) | |
| Defendants. |) | |

AMENDED COMPLAINT

AND NOW, comes Plaintiff, **JAMES F. FARRINGER and SALLY E. FARRINGER**, by and through their attorneys, **BLAKLEY & JONES**, and files the following Complaint in civil action and avers the following:

1. The Plaintiffs, **JAMES F. FARRINGER and SALLY E. FARRINGER**, are husband and wife, adult individuals residing at 14 S. State Street, DuBois, Clearfield County, Pennsylvania, 15801.
2. The Defendant, **JOHN M. IMBROGNO, JR.** is an adult individual, residing at 411 Fifth Avenue, Johnsonburg, Elk County, Pennsylvania, 15845.
3. The Defendant, **WALKER PETROLEUM SERVICES, INC.**, is a Pennsylvania corporation having its principle place of business at 12200 Wilcox Road, Wilcox, McKean County, Pennsylvania, 15870.
4. At all times material hereto, Defendant, John M. Imbrogno, Jr. was employed by

Walker Petroleum Services, Inc. as a truck driver.

5. That on Friday, February 2, 2007, at approximately 3:10 p.m., the Plaintiff James F. Farringer was operating a Nissan Sentra East bound on Pennsylvania Interstate 80 in Pine Township, Clearfield County, Pennsylvania.

6. At the above time and date, the Defendant John M. Imbrogno, Jr. was operating a 1993 Ford L9000 truck East bound on Pennsylvania Interstate 80 at the same place.

7. The Defendant's vehicle without cause and without notice struck the rear of a third vehicle operated by Michael Malone of Willow Wood, Ohio, and owned by SESL Transfer Co., Cincinnati, Ohio, causing the vehicle operated by Defendant Imbrogno and owned by Defendant Walker Petroleum Services, Inc. to suddenly turn sideways in the middle of the East bound lane of I-80.

8. As the Plaintiffs' vehicle traveled behind the vehicle of the Defendant, the Plaintiff was faced with the sudden emergency of the Defendant's vehicle striking the third vehicle and turning sideways in the middle of I-80 and thereby causing Plaintiffs' vehicle to collide with the left rear portion of the Defendant's vehicle resulting in serious injuries to the Plaintiff which are set below.

9. As a result of the above collision, the Plaintiff sustained serious and permanent injuries, including, but not limited to the following:

- a. Large broad based disc protrusions at the C3-C4 level with considerable canal encroachments and cord displacement;
- b. C4 - C5 level broad based disc protrusions with modes cord contour change;
- c. Herniated nucleus pulposus at C3-C-4 and C4-C5 area of the cervical spinal;
- d. Neck pain;

- e. Multiple contusions;
- f. Numbness and tingling in the arms; and
- g. Shock to the nerves of the central nervous system.

10. As a result of his injuries, Plaintiff, James M. Farringer has and may continue to suffer the following damages:

- a. He suffered severe physical pain, mental anguish and inconvenience, humiliation and loss of life's pleasures and may continue to suffer the same for a period as he shall continue to live;
- b. He has and may continue to be obligated to receive and undergo medical attention, including surgical intervention, and care and to extend various sums of money and to incur various expenses in an effort to restore his health;
- c. He has loss of earning and/or earning capacity;
- d. He has suffered and may continue to suffer an interruption of family relationships;
- e. His general health, strength and vitality have been impaired and this impairment maybe permanent in nature; and
- f. He has suffered a serious bodily injury, resulting in serious impairment of bodily function.

11. As a direct and approximate result of the injuries sustained by the Plaintiff Husband, Plaintiff Wife has suffered the following damages:

- a. She has suffered and may continue to suffer loss of consortium; and
- b. She has and may continue to be obliged to expend various sums of money in

an effort to restore Plaintiff-Husband's health.

12. The aforementioned incident and the resulting injury and damages sustained by the Plaintiffs were the directed and approximate result of the negligence of Defendant, John M. Imbrogno, Jr as follows:

- a. Failure to keep a proper lookout for vehicles traveling in front of his vehicle;
- b. Failing to yield, slow, stop, turn aside, reduce his speed and take any other action to avoid colliding with the vehicle in front of the Defendant's vehicle;
- c. Operating the said motor vehicle so that it struck the vehicle in front of his resulting in the vehicle being placed in the position as it was in the collision and causing an emergency situation to arise for which the Plaintiff could not avoid collision with the Defendant's vehicle;
- d. In failing to keep and maintain a proper and adequate lookout ahead on the road and the surrounding weather conditions;
- e. In failing to be properly attentive while operating said vehicle;
- f. Violation of 75 Pa. C.S.A. § 3714, "Careless Driving", by failing to exercise the degree of care required of an ordinary prudent driver under the circumstances then and there existing; and
- g. Violation of 75 Pa. C.S.A. § 3310 "Following to Closely" by failing to follow a motor vehicle more closely than reasonable and prudent having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

13. Defendant, Walker Petroleum Services, Inc. was negligent in the following particulars:

- a. In permitting Defendant, John M. Imbrogno, Jr. to drive its vehicle without the requisite training and experience;
- b. In failing to train Defendant, John M. Imbrogno, Jr.;
- c. In failing to supervise Defendant, John M. Imbrogno, Jr.;
- d. In failing to conduct an adequate background investigation of Defendant, John M. Imbrogno, Jr. to insure that he was a competent commercial driver.

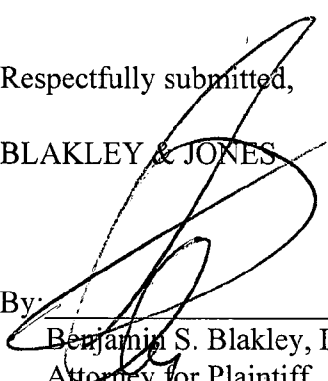
WHEREFORE, the Plaintiffs jointly and severely demand judgment against the Defendant JOHN M. IMBROGNO, JR. and Defendant, WALKER PETROLEUM SERVICES, INC. jointly and severely for a sum in excess of the jurisdiction of the Board of Arbitrators of this Court, plus interests and costs of suit.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

BLAKLEY & JONES

By:


Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

We, **JAMES F. FARRINGER** and **SALLY E. FARRINGER**, verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 2/18/09

James F. Farringer
JAMES F. FARRINGER

DATE: 2/18/09

Sally E. Farringer
SALLY E. FARRINGER

5 FILED

MAR 05 2009

M/101051
William A. Shaw
Prothonotary/Clerk of Courts

1 cent to Att?

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading:
) AFFIDAVIT OF SERVICE
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) BENJAMIN S. BLAKLEY, III
)
) SUPREME COURT NO.: 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
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Defendants.

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) NO. 08 - 2135 - C.D.
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AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

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SS.

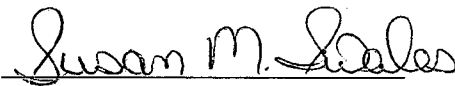
COUNTY OF CLEARFIELD

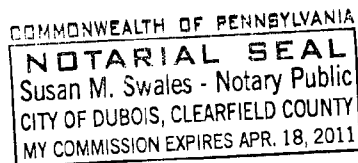
:

BENJAMIN S. BLAKLEY, III, being duly sworn according to law, deposes and says that
as attorney for Plaintiffs, he did on, February 26, 2009, serve Defendant **JOHN M. IMBROGNO,**
JR., with a certified copy of a Complaint and Amended Complaint by Certified Mail, Return Receipt
Requested, said return receipt is being attached hereto


Benjamin S. Blakley, III

Sworn to and Subscribed
before me this 3rd day
of March, 2009.


Notary Public

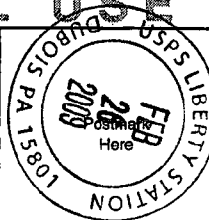


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OFFICIAL USE

| | |
|---|---------|
| Postage | \$ 1.34 |
| Certified Fee | 2.70 |
| Return Receipt Fee (Endorsement Required) | 2.20 |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 6.24 |



Sent To
John M. Imbrogno, Jr.
 Street, Apt. No.,
 or PO Box No. **411 Fifth Avenue**
 City, State, ZIP+4® **Johnsonburg, PA 15845**

PS Form 3800, August 2006

See Reverse for Instructions

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:

John M. Imbrogno, Jr.
411 Fifth Avenue
Johnsonburg, PA 15845

2. Article Number
 (Transfer from service label)

7006 2150 0003 6810 2096

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X John M Imbrogno Jr

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

John M Imbrogno Jr

C. Date of Delivery

2-27-09

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

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

- 4. Restricted Delivery? (Extra Fee)** ☐ Yes

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNC, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading:
) AFFIDAVIT OF SERVICE
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) BENJAMIN S. BLAKLEY, III
)
) SUPREME COURT NO.: 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

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MAR 05 2009
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William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

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) NO. 08 - 2135 - C.D.
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AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

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SS.

COUNTY OF CLEARFIELD

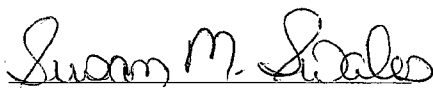
:

BENJAMIN S. BLAKLEY, III, being duly sworn according to law, deposes and says that
as attorney for Plaintiffs, he did on, February 26, 2009, serve Defendant, **WALKER
PETROLEUM SERVICES, INC.**, with a certified copy of a Complaint and Amended Complaint
by Certified Mail, Return Receipt Requested, said return receipt is being attached hereto

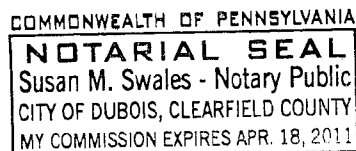


Benjamin S. Blakley, III

Sworn to and Subscribed
before me this 3rd day
of March, 2009.



Notary Public



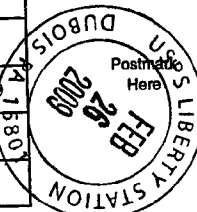
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OFFICIAL USE

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|---|----------------|
| Postage | \$ 1.34 |
| Certified Fee | 2.70 |
| Return Receipt Fee (Endorsement Required) | 2.20 |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 6.24 |



Sent To
Walker Petroleum Services, Inc.
 Street, P.O. Box, or PO Box No.
12200 Wilcox Road
 City, State, ZIP+4
Wilcox, PA 15870

PS Form 3800, August 2006 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Richard Gibson</p> <p>C. Date of Delivery 2/27/09</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> |
| <p>1. Article Addressed to:</p> <p>Walker Petroleum Services, Inc. 12200 Wilcox Road Wilcox, PA 15870</p> | <p>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.</p> |
| <p>2. Article Number (Transfer from service label)</p> | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |

7006 2150 0003 6810 2089

FILED

⚡ MAR 20 2009
M / 10:30 / W
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Type of Case: Civil Action

No. 2008-02135- CD

Type of Pleading:
Praecept for Entry of
Appearance

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 03/19/2009

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Defendants,
John M. Imbrogno, Jr. and Walker Petroleum Services, Inc., in the above
captioned matter.

Dated: March 19, 2009

/s/ Matthew B. Taladay
Matthew B. Taladay, Esq.
Attorney for Defendant
Supreme Court No. 49663
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801
(814) 371-7768

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

CERTIFICATE OF SERVICE

I certify that on the 19th day of March, 2009, a true and correct copy of Defendants' Praecipe for Entry of Appearance was sent via first class mail, postage prepaid, to the following:

Benjamin S. Blakley, III, Esq.
Attorney for Plaintiff
90 Beaver Drive, Box 6
DuBois, PA 15801

/s/ Matthew B. Taladay
Matthew B. Taladay, Esq.
Attorney for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Type of Case: Civil Action

No. 2008-02135- CD

Type of Pleading:
Answer and
New Matter

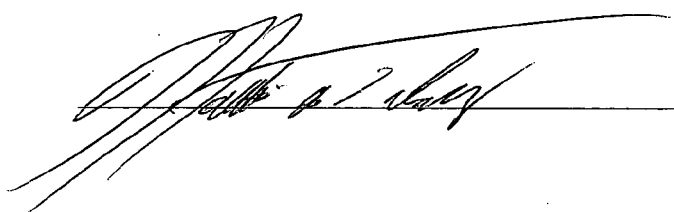
Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 04/20/2009

You are hereby notified to plead
to the within pleading within twenty
(20) days of service thereof or default
judgment may be entered against you.



FILED
MTH:32/21
APR 21 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

ANSWER

AND NOW, comes the Defendants, John M. Imbrogno, Jr.
and Walker Petroleum Services, Inc., by their attorneys, Hanak, Guido
and Taladay, and hereby respond to Plaintiffs' Amended Complaint as
follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied as stated. It is admitted that at relevant times
of this action, John M. Imbrogno, Jr. was employed by Walker Petroleum
Services, Inc. Mr. Imbrogno was employed as a laborer whose duties
sometimes included driving a dump truck.
5. Admitted in part and denied in part. It is admitted
that on Friday, February 2, 2007 at approximately 3:10 p.m. Plaintiff
James F. Farringer was operating a Nissan Sentra on Pennsylvania

Interstate 80 in Pine Creek Township, Clearfield County, Pennsylvania.

It is denied that Mr. Farringer was traveling east bound, but rather upon information and belief, averred that the Plaintiff was traveling west.

6. Admitted in part and denied in part. It is admitted that on February 2, 2007 at approximately 3:10 p.m. Defendant John Imbrogno, Jr. was operating a 1993 Ford L900 truck on Pennsylvania Interstate 80 in Pine Creek Township, Clearfield County, Pennsylvania. It is denied that Mr. Imbrogno was traveling east. To the contrary, he was traveling west bound.

7. Denied. It is specifically denied that the Defendant's vehicle without cause struck the rear of a third vehicle owned by SESL Transfer Company causing the Walker Petroleum Services, Inc. vehicle to suddenly turn sideways in the middle of the east bound lane of I-80. To the contrary, Defendant's dump truck was in the process of initiating a passing maneuver to overtake the tractor trailer owned by SESL Transfer Company and operated by Michael Malone. As the Defendant's vehicle was initiating the passing maneuver, it was suddenly and without warning struck from behind by the Nissan Sentra operated by Plaintiff, causing the Defendant's dump truck to contact the rear of the tractor trailer and resulting in the subject crash.

8. Denied. It is specifically denied that the Defendant's vehicle struck the tractor trailer thereby resulting in a collision between Plaintiff's vehicle and Defendant's vehicle. To the contrary, the collision

was initiated by Plaintiff's vehicle striking the rear of the Walker Petroleum Services, Inc. dump truck and thereby causing the dump truck to contact the tractor trailer. The collision was not the result of any "sudden emergency" incurred by Defendant, but rather directly and proximately caused by the Plaintiff's own negligence as set forth in New Matter hereto.

9. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the matters set forth in paragraph 9 of Plaintiffs' Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

10. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the matters set forth in paragraph 10 of Plaintiffs' Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

11. After reasonable investigation, Defendants are without information sufficient to form a belief as to the truth of the matters set forth in paragraph 11 of Plaintiffs' Complaint, and therefore, these allegations are denied and strict proof thereof is demanded at the time of trial.

12. Denied. Defendant John M. Imbrogno, Jr. specifically denies all allegations of negligence in accordance with Pa.R.C.P. Rule 1029(e).

13. Denied. Defendant Walker Petroleum Services, Inc. denies all allegations of negligence in accordance with Pa.R.C.P. Rule 1029(e).

WHEREFORE, Defendants, John M. Imbrogno, Jr. and Walker Petroleum Services, Inc., demand judgment in their favor.

NEW MATTER

14. Defendants incorporate their responses to paragraphs 1 through 13 of Plaintiff's Complaint, inclusive, as if set forth in full.

15. Plaintiff's claims are barred or limited by his own comparative negligence, which is as follows:

- (a) In driving too fast for conditions;
- (b) In failing to keep a proper lookout for adverse traffic and road conditions;
- (c) In failing to keep his vehicle under proper control so as to be able to stop or slow in reaction to reasonably foreseeable traffic conditions;
- (d) In failing to maintain a safe distance between his car and the vehicles in front of him;

(e) In violating applicable traffic laws of the Commonwealth.

16. Plaintiff's claims may be barred or limited by application of provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law relating to preclusion from recovery of certain first party benefits.

17. Plaintiff's claims may be barred or limited by application of provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law relating to the limited tort threshold.

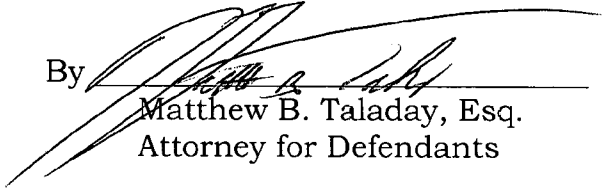
WHEREFORE, Defendants demand judgment in their favor.

A JURY TRIAL IS DEMANDED.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Defendants

VERIFICATION

I, **John M. Imbrogno, Jr.**, 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.

Date: 4-14-09

John M. Imbrogno Jr.
John M. Imbrogno, Jr.

VERIFICATION

I, Brenda J Walker, being the President
of Walker Petroleum Services, Inc., 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.

Date: 4-7-09

Brenda J Walker

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

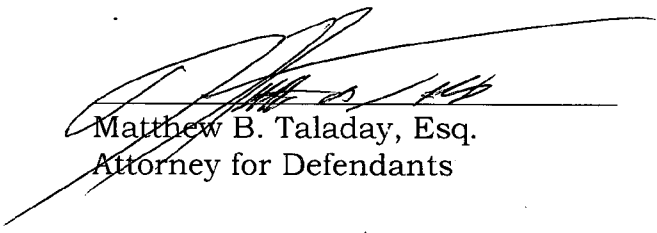
No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

CERTIFICATE OF SERVICE

I certify that on the 20th day of April, 2009, a true and correct copy of Defendants' Answer and New Matter was sent via first class mail, postage prepaid, to the following:

Benjamin S. Blakley, III, Esq.
Attorney for Plaintiff
90 Beaver Drive, Box 6
DuBois, PA 15801



Matthew B. Taladay, Esq.
Attorney for Defendants

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading: PLAINTIFFS' REPLY TO
) NEW MATTER
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) BENJAMIN S. BLAKLEY, III
)
) SUPREME COURT NO. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

FILED

APR 28 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

)
)
)
) NO. 08 - 2135 - C.D.
)
)
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)
)

PLAINTIFFS' REPLY TO NEW MATTER

AND NOW, comes Plaintiffs, **JAMES F. FARRINGER and SALLY E. FARRINGER**,
by and through their attorneys, **BLAKLEY & JONES**, and reply to the Defendants' New Matter
as follows:

14. Requires no answer.

15. It is generally denied that Plaintiffs' claims are barred or limited by his own
comparative negligence, and on the contrary, it is averred that Plaintiff was in no manner
negligent in the operation of his vehicle. Further, Plaintiff specifically denies that he, in any
manner, drove too fast for conditions, failed to keep a proper lookout for adverse traffic and road
conditions, failed to keep his vehicle under proper control so as to be able to stop or slow in
reaction to reasonably foreseeable traffic conditions, failed to maintain a safe distance between his
car and the vehicles in front of him, or that he violated any applicable traffic laws of the
Commonwealth, and on the contrary, it is averred that the Plaintiff, at all times, operated his

vehicle in a safe and prudent manner, given the conditions then and there present, that he kept the proper lookout for adverse traffic and road conditions, that he kept his vehicle under proper control so as to be able to stop or slow in reaction to reasonably foreseeable traffic conditions except for conditions caused by the negligence of the Defendants, that he maintained a safe distance between his car and the vehicles in front of him and that he followed all applicable traffic laws of the Commonwealth.

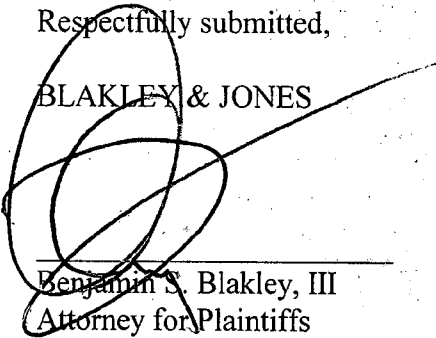
16. Defendants' allegations contained within Paragraph 16 of their New Matter are conclusions of law, and therefore require no answer.

17. Defendants' allegations contained within Paragraph 16 of their New Matter are conclusions of law, and therefore require no answer.

WHEREFORE, the Plaintiffs demand judgment in their favor, pursuant to the prayer in their Complaint.

Respectfully submitted,

BLAKLEY & JONES


Benjamin S. Blakley, III
Attorney for Plaintiffs

VERIFICATION

We, **JAMES F. FARRINGER** and **SALLY E. FARRINGER**, verify that the statements made in this Plaintiffs' Reply to New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 4/27/09

James F. Farringer
JAMES F. FARRINGER

DATE: 4/27/09

Sally E. Farringer
SALLY E. FARRINGER

CERTIFICATE OF SERVICE

This will certify that the undersigned served a copy of Plaintiffs' Reply to New Matter in the above-captioned matter on the following parties at the addresses shown below by first-class

U.S. Mail on the 27th day of April, 2009:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P O Box 487
DuBois PA 15801



Benjamin S. Blakley, III

FILED

APR 28 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

[Handwritten signature]

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Type of Case: Civil Action

No. 2008-02135- CD

Type of Pleading:
Notice of
Service

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 04/28/2009

^S FILED ^{no} cc
m/10:2761
APR 29 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

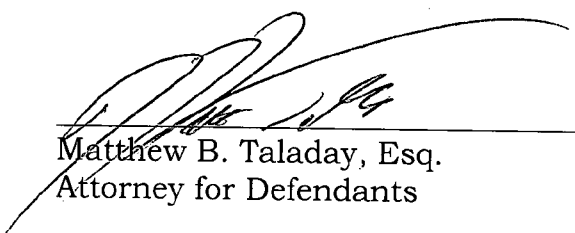
No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being counsel of record for the Defendants, do hereby certify that I propounded on Plaintiffs, via United States mail, first class, postage pre-paid, this 28th day of April, 2009, Defendants' FIRST SET OF DISCOVERY MATERIALS to the below indicated person, at said address, being counsel of record for the Plaintiffs:

Benjamin S. Blakley, III, Esq.
Attorney for Plaintiffs
90 Beaver Drive, Box 6
DuBois, PA 15801



Matthew B. Taladay, Esq.
Attorney for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Type of Case: Civil Action

No. 2003-02135- CD

Type of Pleading:
Certificate of
Service

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 06/05/2009

FILED NO
M 19-3264 CC
JUN 08 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

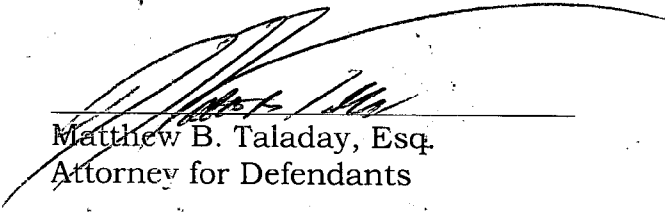
No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

CERTIFICATE OF SERVICE

I certify that on the 5th day of June, 2009, two original
Notices of Deposition, copies of which are attached hereto, were sent via
first class mail, postage prepaid, to the following:

Benjamin S. Blakley, III, Esq.
Attorney for Plaintiffs
90 Beaver Drive, Box 6
DuBois, PA 15801



Matthew B. Taladay, Esq.
Attorney for Defendants

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

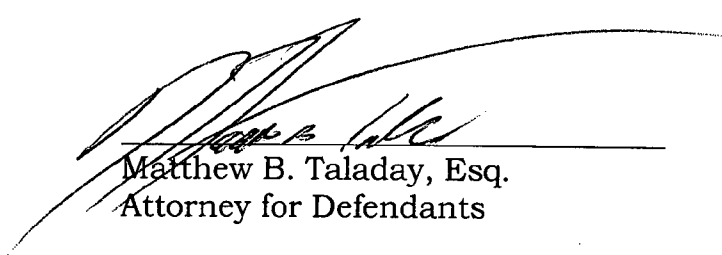
No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

NOTICE OF DEPOSITION

TO: JAMES F. FARRINGER
c/o Benjamin S. Blakley, III, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Friday, June 26, 2009 at 2:00 p.m.** at the law office of Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.



Matthew B. Taladay, Esq.
Attorney for Defendants

cc: Cameron Reporting Service

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

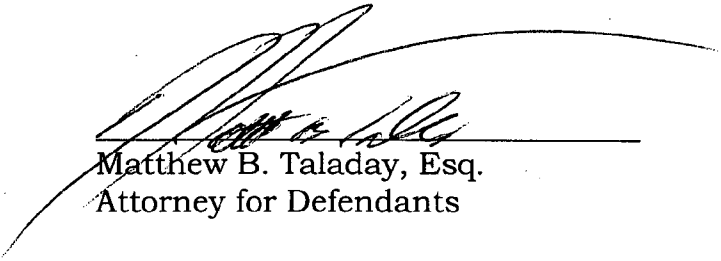
No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

NOTICE OF DEPOSITION

TO: SALLY E. FARRINGER
c/o Benjamin S. Blakley, III, Esq.

TAKE NOTICE that your deposition by oral examination will be taken on **Friday, June 26, 2009 at 2:00 p.m.** at the law office of Hanak, Guido and Taladay, 528 Liberty Boulevard, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery and for use at trial, pursuant to the Pennsylvania Rules of Civil Procedure regarding Discovery.



Matthew B. Taladay, Esq.
Attorney for Defendants

cc: Cameron Reporting Service

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading: NOTICE OF SERVICE
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) BENJAMIN S. BLAKLEY, III
)
) SUPREME COURT NO.: 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

² FILED NC CC
m 18:50
JUL 13 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

)
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) NO. 08 - 2135 - C.D.
)
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NOTICE OF SERVICE

I, Benjamin S. Blakley, III, of Blakley & Jones, being counsel of record for the Plaintiffs, do hereby certify that I propounded on Defendants, via United States mail, first-class, postage pre-paid, this 9th day of July, 2009, Plaintiffs' FIRST SET OF DISCOVERY MATERIALS to below indicated person, at said address, being counsel of record for the Plaintiffs:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
PO Box 487
DuBois PA 15801


Benjamin S. Blakley, III

FILED

JUL 13 2009

William A. Shaw
Prothonotary/Clerk of Courts

1. [illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Type of Case: Civil Action

No. 2008-02135- CD

Type of Pleading:
Notice of
Service

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Dated: 08/26/2009

FILED

M/10:45 AM
AUG 27 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F. FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

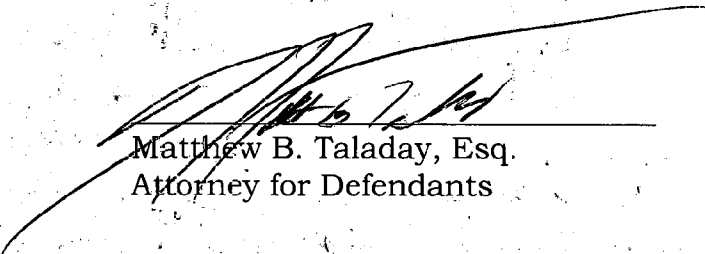
No. 2008-02135 CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

NOTICE OF SERVICE

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being
counsel of record for the Defendants, do hereby certify that I propounded
on Plaintiffs, via United States mail, first class, postage pre-paid, this
26th day of August, 2009, Defendants' RESPONSES TO FIRST SET OF
DISCOVERY MATERIALS to the below indicated person, at said address,
being counsel of record for the Plaintiffs:

Benjamin S. Blakley, III, Esq.
Attorney for Plaintiffs
90 Beaver Drive, Box 6
DuBois, PA 15801



Matthew B. Taladay, Esq.
Attorney for Defendants

FILED

AUG 27 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

VICTORIA O. McDOWELL, a/k/a
VICTORIA C. WOOTTON,
Plaintiff,

v.

MARK L. McDOWELL,
Defendant.

No. '09-125-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esquire
Pa I.D. 06820

Naddeo & Lewis, LLC
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

0133361
AUG 27 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

VICTORIA O. McDOWELL, a/k/a *
VICTORIA O. WOOTTON *
Plaintiff, *

v. *

No. 09 - 125 - CD

MARK L. McDOWELL, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that Plaintiff's Answers to Defendant's Interrogatories for Answer by Plaintiff (First Set) and Plaintiff's Responses to Defendant's Request for Production of Documents to Plaintiff filed in the above-captioned case were served on the following and in the following manner on the 27th day of August, 2009:

First-Class Mail, Postage Prepaid

Daniel McGee, Esquire
Delafield, McGee, Jones & Kauffman, P.C.
300 South Allen Street, Suite 300
State College, PA 16801-4841

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

FILED

AUG 27 2009

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

FILED

8/10/2011
AUG 10 2011

6X

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

William A. Snow
Clerk of Courts

No. 2008-02135-CD

08/09/2011

CASE NUMBER

TYPE TRIAL REQUESTED

DATE PRESENTED

ESTIMATED TRIAL TIME

Date Complaint (X) Jury () Non-Jury
Filed: () Arbitration

2 - 3 Days

02/20/2009

PLAINTIFF(S)

JAMES F. FARRINGER and SALLY E. FARRINGER

DEFENDANT(S)

JOHN M. IMBROGNO, JR. AND

WALKER PETROLEUM SERVICES, INC.

ADDITIONAL DEFENDANT(S)

Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

Plaintiff

DATE JURY DEMAND FILED:

02/20/2009

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

more than

\$ Arbitration limit () yes (X) no

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.

Matthew B. Taladay

FOR THE PLAINTIFF

TELEPHONE NUMBER

Benjamin S. Blakley, III, Esq.

(814) 371-2730

FOR THE DEFENDANT

TELEPHONE NUMBER

Matthew B. Taladay, Esq.

(814) 371-7768

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING

FILED

9 m1013564
AUG 11 2011

6X

William A. Shaw
Prothonotary/Clerk of Courts

AMENDED
CERTIFICATE OF READINESS

TO THE PROTHONOTARY

08/10/2011

No. 2008-02135-CD

DATE PRESENTED

CASE NUMBER

TYPE TRIAL REQUESTED

ESTIMATED TRIAL TIME

Date Complaint (x) Jury () Non-Jury
Filed: () Arbitration

2 - 3 Days

02/20/2009

PLAINTIFF(S)

JAMES F. FARRINGER and SALLY E. FARRINGER

DEFENDANT(S)

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES, INC.

ADDITIONAL DEFENDANT(S)

Check Block if
a Minor is a
Party to the
Case

JURY DEMAND FILED BY:

Plaintiff

DATE JURY DEMAND FILED:

02/20/2009

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

more than arbitration limit

\$

(x) yes () no

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.

Matthew B. Taladay

FOR THE PLAINTIFF

TELEPHONE NUMBER

Benjamin S. Blakley, III, Esq.

(814) 371-2730

FOR THE DEFENDANT

TELEPHONE NUMBER

Matthew B. Taladay, Esq.

(814) 371-7768

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

CA

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

FILED

9 AUG 12 2011

6/400 h
William A. Shaw
Prothonotary/Clerk of Courts

JAMES F. FARRINGER and
SALLY E. FARRINGER
Plaintiffs

vs.

NO. 2008-2135-CD

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES, INC.
Defendants

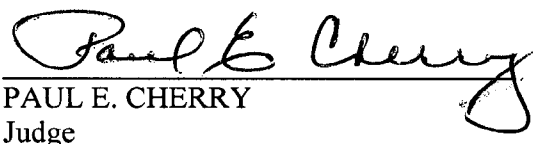
CAVOT R
TALBAM
+
NEAZ
w/ PRETOR
MFM
6/16

ORDER

AND NOW, this 12th day of August, 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 **Tuesday, September 6, 2011, at 10:00 AM** in Judge's Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Civil Jury Selection in this matter shall be and is hereby scheduled for **Thursday, October 27, 2011 at 9:00 AM in Courtroom No. 1** of the Clearfield County Courthouse, Clearfield, Pennsylvania. **All Plaintiffs, Defendants, and their attorneys must be present for Jury Selection.**

BY THE COURT:


PAUL E. CHERRY
Judge

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

JAMES F. FARRINGER and
SALLY E. FARRINGER

: NO. 2008-2135-CD
:
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:
:

V

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES, INC.

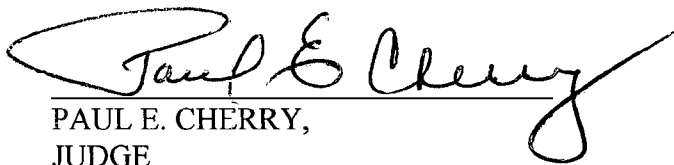
ORDER

1. Jury Selection in this matter is scheduled for October 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 February 15, 16, and 17, 2012 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 45 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 45 days prior to the commencement of trial.
6. Points for Charge shall be submitted to the Court by and no later than 20 days prior to the commencement of trial.
7. Proposed Verdict Slip shall be submitted to the Court by and no later than 20 days prior to the commencement of trial.

5 **FILED** 100 Atty's:
SEP 09 2011 Blakley
Taleady
William A. Shaw
Prothonotary/Clerk of Courts

8. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED

SEP 09 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/9/11

☐ 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:

2

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,

Plaintiffs,

vs

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 2008 - 02135 C.D.
) Type of Case: CIVIL
)
) Type of Pleading:
) MOTION FOR CONTINUANCE
) OF JURY SELECTION
)
) Filed on Behalf of:
) PLAINTIFF
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III
)
) Supreme Court No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, Pa 15801
) (814) 371-2730

FILED ^{icc}
M. J. Nedza
OCT 12 2011
William A. Shaw
Prothonotary/Clerk of Courts
GK

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

JAMES F. FARRINGER and SALLY E.)
FARRINGER,)

Plaintiffs,)

vs.)

JOHN M. IMBROGNO, JR. and)
WALKER PETROLEUM SERVICES,)
INC.,)

Defendants.)

NO. 2008 - 02135 C.D.

MOTION FOR CONTINUANCE
OF JURY SELECTION

AND NOW comes the Plaintiffs, **JAMES. F FARRINGER and SALLY E.**

FARRINGER, by and through their attorneys, **BLAKLEY & JONES**, and moves this

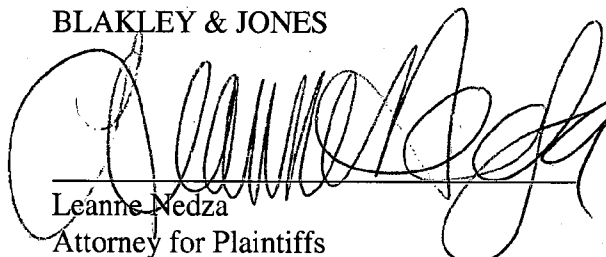
Honorable Court for a continuance of Jury Selection in this matter which is presently scheduled for October 27, 2011, in the above captioned matter. In support thereof the following is averred:

1. Jury Selection in the matter is scheduled for October 27, 2011.
2. Movant intends to depose G. M. Bailey, D.O., as a medical witness in this matter and has insufficient time to schedule the deposition and obtain a transcript prior to the scheduled Jury Selection.

WHEREFORE, Movant respectfully request this Honorable Court grant his Motion and continue the Jury Selection scheduled for October 27, 2011.

Respectfully Submitted,

BLAKLEY & JONES



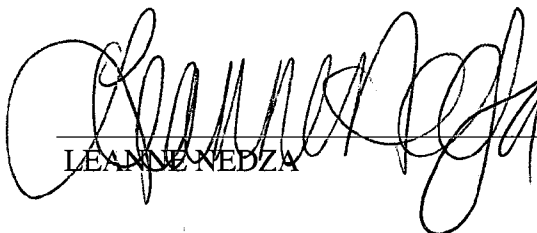
Leanne Nedza
Attorney for Plaintiffs

VERIFICATION

I, **LEANNE NEDZA**, hereby state that I am counsel for the Plaintiffs, **JAMES F. FARRINGER** and **SALLY E. FARRINGER**, Plaintiffs in this action and verify that the statements made in the foregoing Motion for Continuance are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

10/10/11

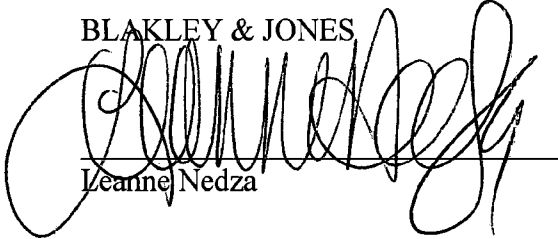

LEANNE NEDZA

CERTIFICATE OF SERVICE

I, **LEANNE NEDZA**, hereby certify that I have served a true and correct copy of Plaintiff's Motion for Continuance upon counsel for defense on this 17th day of October, 2011, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Blvd.
DuBois, PA 15801

BLAKLEY & JONES


Leanne Nedza

JAMES F. FARRINGER and SALLY E. FARRINGER,
Plaintiffs,
vs.
JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants.

AND NOW, this ____ day of October, 2011, upon consideration of the foregoing Motion for Continuance, it is the ORDER of this Court that Jury Selection in this matter which is presently scheduled for October 27, 2011, is hereby rescheduled to the ____ day of _____, 2011, at the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

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

JAMES R. FARRINGER and
SALLY E. FARRINGER
Plaintiffs

V.

2008-2135-CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
Defendants

ORDER

AND NOW, this 13th day of October, 2011, upon consideration of Plaintiffs'
Motion for Continuance of Jury Selection, it is the ORDER of this Court that said Motion
shall be and is hereby DENIED.

BY THE COURT,



PAUL E. CHERRY,
JUDGE

FILED

013:44/01
OCT 14 2011

William A. Shaw
Prothonotary/Clerk of Courts

3cc
Atty
Blakley
wl

FILED

OCT 14 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/14/11

☒ 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:

FILED

OCT 19 2011

W/11:00
William A. Shaw
Prothonotary/Clerk of Courts

Woye

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 2008 - 02135 C.D.
) Type of Case: CIVIL
)
) Type of Pleading:
) CERTIFICATE OF SERVICE
)
) Filed on Behalf of:
) PLAINTIFF
)
) Counsel of Record:
) BENJAMIN S. BLAKLEY, III
)
) Supreme Court No. 26331
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, Pa 15801
) (814) 371-2730
)

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

JAMES F. FARRINGER and SALLY
E. FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

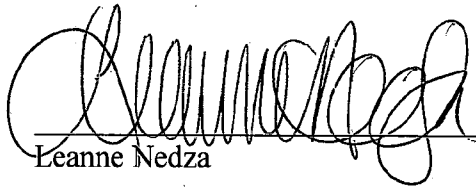
Defendants.

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CERTIFICATE OF SERVICE

This will certify that the undersigned served a copy of the Order of Court dated October 13, 2011, in the above-captioned matter, on defense counsel at the address shown below by first-class U.S. Mail on the 18th day of October, 2011:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
PO Box 487
DuBois PA 15801



Leanne Nedza

FILED
OCT 19 2011
William A. Shaw
Photographer/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Type of Case: Civil Action

No. 2008-2135-CD

Type of Pleading:

Motion in Limine

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED *WCC*
01230301
NOV 08 2011 *GK*
William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

No. 2008-2135-CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

MOTION IN LIMINE

AND NOW, come the Defendants, John M. Imbrogno, Jr. and Walker Petroleum Services, Inc., and hereby submit the within Motion in Limine to preclude testimony of Trooper Jared K. Thomas, and reference to or evidence regarding the Police Crash Report prepared by Trooper Jared K. Thomas and the resulting Traffic Citation:

1. This lawsuit arises out of a motor vehicle accident that occurred on February 2, 2007.
2. Plaintiffs' Complaint asserts negligence against Defendants.
3. Negligence is denied, and the cause of the accident is a question to be determined by the jury at trial.
4. A jury trial is scheduled for February 15, 16 and 17, 2012.
5. It is anticipated that the Plaintiffs will attempt to introduce into evidence the testimony of the investigating officer, Trooper Jared K. Thomas, Pennsylvania State Police, and the conclusions he made in his

Police Crash Report. *(A copy of the Police Crash Report is attached as Exhibit A).*

6. The Vehicle Code, 75 Pa.C.S.A. §3751(b)(4), provides that the police report shall not be admissible as evidence in any action for damages arising out of a motor vehicle accident. Accordingly, the report of Trooper Jared K. Thomas is not admissible in the trial of this case.

7. It is also anticipated that Plaintiff will attempt to introduce the testimony of Trooper Jared K. Thomas as to his conclusions regarding how the accident occurred, and Defendant's contribution to the accident.

8. Trooper Jared K. Thomas did not witness the accident and his opinion as to the cause of the accident is based on hearsay and is thus inadmissible.

9. Pennsylvania law clearly holds that an investigating officer who did not witness an accident may not render an opinion at trial as to its cause unless he has been qualified and accepted as an expert.

Johnson v. Peoples Cab Co., 386 Pa. 513, 126 A.2d 720 (Pa. 1956); Smith v. Clark, 411 Pa. 142, 190 A.2d 441 (1963); Reed v. Hutchinson, 331 Pa.Super. 404, 480 A.2d 1096 (1984); Leshner v. Henning, 302 Pa.Super. 508, 449 A.2d 32 (1982).

10. Trooper Thomas is not qualified as an expert, and his testimony as to the speed of the vehicles, points of impact, and sequence

of events is tantamount to an opinion as to the *cause* of the accident, and is inadmissible.

11. Testimony of a non-eyewitness police officer as to the cause of the accident is considered "grossly speculative and an invasion of the jury's exclusive prerogative." Brodie v. Philadelphia Transportation Co., 415 Pa. 296, 299, 203 A.2d 657, 658 (1964); Kelly v. Buckley, 280 Pa. Super. 353, 358, 421 A.2d 759, 762 (1980).

12. Defendants respectfully request a pre-trial order precluding Plaintiffs from introducing evidence, referring to, or commenting on the investigative Crash Report prepared by Trooper Thomas, and further precluding the testimony of Trooper Thomas.

13. It is also anticipated that Plaintiffs will attempt to introduce into evidence the fact that a traffic citation was issued to Defendant John M. Imbrogno as a result of the subject accident.

14. In a civil trial for damages arising from an automobile accident, it is error to permit testimony that a traffic summons was issued to one of the drivers. Eastern Express, Inc. v. Food Haulers, Inc., 445 Pa. 432, 285 A.2d 152 (1971); Shepard v. Martin Century Farms, 245 Pa. Super. 552, 369 A.2d 765 (1977).

15. It is also impermissible to admit testimony that a citation was *not* issued to one of the drivers. Id.

16. Testimony of an officer that he had not issues a summons to one driver is tantamount to the officer's opinion that the driver was not

negligent. *Id.* Because the determination of negligence is within the exclusive prerogative of the jury, it is error to permit a police officer's testimony concerning whether or not a citation was issued to either of the drivers. *Id.*

17. Defendants respectfully request a pre-trial order precluding Plaintiffs from introducing evidence, referring to or offering any comment on the fact that a traffic citation was issued to Defendant, and further precluding testimony that a citation was not issued to Plaintiff as a result of the subject accident.

WHEREFORE, Defendants, John M. Imbrogno, Jr. and Walker Petroleum Services, Inc., respectfully request a pre-trial order precluding Plaintiffs from introducing evidence at trial as follows:

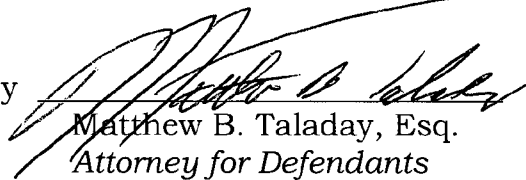
- a) Plaintiffs are precluded from mentioning, commenting on, referring to, or introducing any evidence concerning the investigative police Crash Report of Trooper Jared K. Thomas;
- b) Plaintiffs are precluded from introducing testimony of Trooper Jared K. Thomas concerning the cause of the accident, including the speed the vehicles were traveling, the points of impact, and the sequence of events contributing to the accident;
- c) Plaintiffs are precluded from mentioning, commenting on, referring to, or introducing any evidence concerning the citation issued to Defendant as a result of the accident; and

- d) Plaintiffs are precluded from mentioning, commenting on, referring to, or introducing any evidence that the Plaintiff was not issued a citation as a result of the accident.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By



Matthew B. Taladay, Esq.
Attorney for Defendants

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 1

Case Closed ☐ Yes ☐ No
Reportable Crash ☐ Yes ☐ No

Page

01

N/A

P0768024

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|------------------------|--|--|---|--|--|--|--|--|---|--|--|--|
| Police Agency Data | Incident Number 103-0892992 | | | | Police Agency 68C03 | | | | Patrol Zone 072 | | | |
| | Agency Name PA STATE POLICE | | | | Precinct CLEARFIELD/1330 | | | | Investigation Date (MM-DD-YYYY) 02-02-2007 | | | |
| Crash Data | Dispatch Time (mil) 1510 | | Arrival Time (mil) 1535 | | Investigator TPR JARED K. THOMAS | | | | Badge Number 10376 | | | |
| | Reviewer CPL BRADLEY D. LEE | | | | Badge Number 05577 | | Approval Date (MM-DD-YYYY) 02-14-2007 | | | | | |
| County | County Name 17 CLEARFIELD | | Municipality 227 PINE TWP. | | Day of Week <input type="radio"/> Sun <input type="radio"/> Thu <input type="radio"/> Mon <input checked="" type="radio"/> Fri <input type="radio"/> Tue <input type="radio"/> Sat <input type="radio"/> Wed <input type="radio"/> Unk | | | | | | | |
| | Crash Date (MM-DD-YYYY) 02-02-2007 | | Crash Time (mil) 1452 | | No of Units 03 | | People Injured 03 | | Killed* 00 | | | |
| Workzone | (If Yes, Complete Form M, Section 29) <input type="radio"/> Yes <input checked="" type="radio"/> No | | School Bus Related <input type="radio"/> Yes <input checked="" type="radio"/> No | | School Zone Related <input type="radio"/> Yes <input checked="" type="radio"/> No | | Notify PENNDOT Maintenance <input type="radio"/> Yes <input checked="" type="radio"/> No | | | | | |
| | Intersection Type <input checked="" type="radio"/> Midblock <input type="radio"/> 4 Way Intersection <input type="radio"/> Y* Intersection <input type="radio"/> Multi-Leg Intersection <input type="radio"/> Off Ramp <input type="radio"/> Railroad Crossing <input type="radio"/> T* Intersection <input type="radio"/> Traffic Circle/Round About <input type="radio"/> On Ramp <input type="radio"/> Crossover <input type="radio"/> Other | | | | *Special Location 00 | | * See Overlay | | | | | |
| Principal Road | Route Number 0080 | | Segment (Optional) 0113 | | Travel Lanes 02 | | Speed Limit 65 | | Orientation <input type="radio"/> North <input type="radio"/> South <input checked="" type="radio"/> East <input type="radio"/> West <input type="radio"/> Unknown | | | |
| | Street Name | | Street Ending | | House Number (if applicable) | | For Mid-block crashes only. Use postal House Number and make sure Principal Roadway Street Name is filled in if using this option | | | | | |
| Intersecting Road | Route Number | | Segment (Optional) | | Travel Lanes | | Speed Limit | | Orientation <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West <input type="radio"/> Unknown | | | |
| | Street Name | | Street Ending | | Route Signing <input checked="" type="radio"/> Interstate (Not Turnpike) <input type="radio"/> Turnpike (East/West) <input type="radio"/> Turnpike Spur <input type="radio"/> State Highway <input type="radio"/> County Road <input type="radio"/> Local Road or Street <input type="radio"/> Private Road <input type="radio"/> Other/Unknown | | T | | | | | |
| Distance From Landmark | Please Enter Information for BOTH Landmarks if Using This Option | | Landmark 1 Intersecting Rt Num Or Mile Post Or Segment Marker Or Intersecting Street Name St Ending | | Landmark 2 Intersecting Rt Num Or Mile Post Or Segment Marker Or Intersecting Street Name St Ending | | Ramp Use Only <input type="radio"/> North <input type="radio"/> South <input type="radio"/> East <input type="radio"/> West | | Feet Or Miles Distance From Crash Scene to Landmark 1 (For Crash between Landmark 1 and Landmark 2) | | | |
| | GPS Latitude: 41 07: 13.51 Longitude: - 78 32: 04.49 | | Degrees Minutes Seconds | | Degrees Minutes Seconds | | TCD Functioning <input type="radio"/> No Controls <input type="radio"/> Device Functioning Improperly <input type="radio"/> Emergency Preemptive Signal <input type="radio"/> Device Not Functioning <input type="radio"/> Device Functioning Properly <input type="radio"/> Unknown | | | | | |
| TCD | Traffic Control Device <input checked="" type="radio"/> Not Applicable <input type="radio"/> Traffic Signal <input type="radio"/> Yield Sign <input type="radio"/> Police Officer or Flagman <input type="radio"/> Other Type TCD <input type="radio"/> Flashing Traffic Signal <input type="radio"/> Stop Sign <input type="radio"/> Active RR Crossing Controls <input type="radio"/> Passive RR Crossing Controls <input type="radio"/> Unknown | | Lane Closed (If "Not Applicable", skip rest of the Lane Closure section) <input type="radio"/> Not Applicable <input checked="" type="radio"/> Partially <input type="radio"/> Fully <input type="radio"/> Unknown | | Lane Closure Direction <input type="radio"/> North <input type="radio"/> East <input type="radio"/> North and South <input type="radio"/> All (N,S,E,W) <input type="radio"/> South <input checked="" type="radio"/> West <input type="radio"/> East and West | | Est. Time Closed <input checked="" type="radio"/> < 30 Min. <input type="radio"/> 30-60 Min. <input type="radio"/> 1-3 hrs <input type="radio"/> 3-6 hrs <input type="radio"/> 6-9 hrs <input type="radio"/> > 9 hours <input type="radio"/> Unknown | | | | | |
| | Traffic Detoured Yes <input type="radio"/> No <input type="radio"/> Unknown <input type="radio"/> | | Est. Time Closed | | Est. Time Closed | | Est. Time Closed | | | | | |

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 2

Police Use Only
003-0892992

Page:

02

P0768024

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|----|---|--|--|--|--|
| 10 | Unit Info | <input checked="" type="radio"/> Motor Vehicle in Transport <input type="radio"/> Hit & Run Vehicle <input type="radio"/> Illegally Parked <input type="radio"/> Legally Parked <input type="radio"/> Non - Motorized <input type="radio"/> Pedestrian <input type="radio"/> Pedestrian on Skates, in Wheelchair, etc <input type="radio"/> Disabled From Previous Crash <input type="radio"/> Train <input type="radio"/> Phantom Vehicle <i>(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)</i> | | Commercial Vehicle <input checked="" type="radio"/> Yes <input type="radio"/> No <i>(If Yes, Complete Form C)</i> | |
| | Unit No: <u>01</u> First Name: <u>JOHN</u> MI: <u>M</u> Date of Birth (MM-DD-YYYY): <u>05/28/1981</u> Last Name: <u>IMBROGNO SR</u> Telephone Number: <u>814 594-0836</u> Address / City / State: <u>411 FIFTH AVE JOHNSONBURG, PA</u> Zip: <u>15845</u> Driver License Number: <u>25650792</u> State: <u>PA</u> Class: <u>A</u> | | | | |
| 11 | Vehicle Driver / Pedestrian Information | Alcohol/Drugs Suspected <input checked="" type="radio"/> No <input type="radio"/> Illegal Drugs <input type="radio"/> Medication <input type="radio"/> Alcohol <input type="radio"/> Alcohol and Drugs <input type="radio"/> Unknown | | Driver or Pedestrian Physical Condition <input checked="" type="radio"/> Apparently Normal <input type="radio"/> Illegal Drug Use <input type="radio"/> Fatigue <input type="radio"/> Medication <input type="radio"/> Had Been Drinking <input type="radio"/> Sick <input type="radio"/> Asleep <input type="radio"/> Unknown | |
| | | Alcohol Test Type <input checked="" type="radio"/> Test Not Given <input type="radio"/> Breath <input type="radio"/> Other <input type="radio"/> Blood <input type="radio"/> Urine <input type="radio"/> Unknown if Test Given | | Primary Vehicle Code Violation <u>3361</u> Charged? <input checked="" type="radio"/> Yes <input type="radio"/> No | |
| | | Alcohol Test Results <u>0</u> <input type="radio"/> Test Refused <input type="radio"/> Unknown Results <input type="radio"/> Test Given, Contaminated Results | | Driver Presence <u>1</u> 1=Driver Operated Vehicle 3=Driver Fled Scene 2=No Driver 4=Hit and Run 9=Unknown | |
| | | Owner/Driver <u>02</u> 00=Not Applicable 02=Private Vehicle Not Owned/Leased by Driver 04=State Police Vehicle 07=Municipal Police Veh 09=Federal Gov Veh 01=Private Vehicle Owned/Leased by Driver 03=Rented Vehicle 05=PENNDOT Vehicle 08=Other Municipal Government Vehicle 98=Other 99=Unknown | | | |
| 12 | Vehicle Information | Same as Driver? <input type="radio"/> Owner First Name: <u>WALKER</u> Owner Last Name or Business Name (if Pedestrian, skip this Section): <u>PETROLEUM</u> | | Address / City / State / Zip: <u>P.O. BOX 142 RR1 BOX 127A WILCOX, PA 15870</u> Vehicle Make: <u>FORD</u> *Make Code: <u>12</u> | |
| | | VIN: <u>1FTYS95L6PVA16656</u> Model Year: <u>1993</u> Vehicle Model: <u>L9000</u> (see overlay) | | License Plate: <u>AE71610</u> Reg. State: <u>PA</u> Est. Speed: <u>050</u> Vehicle Towed: <input type="radio"/> Yes <input checked="" type="radio"/> No Towed By: | |
| | | Insurance <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown Insurance Company: <u>ERIE INS</u> Policy No: <u>Q081230460N</u> | | | |
| | | Trailing Unit No. of Trailing Units: <u>0</u> Type: <u>0</u> 1=Towing Pass. Veh 4=Mobile/Modular Home 7=Semi-Trailer Tag No: Tag Year: Tag St: 2=Towing Truck 5=Camper 8=Other 3=Towing Utility Trailer 6=Full Trailer 9=Unknown | | | |
| | | Direction of Travel: <u>W</u> *Vehicle Position: <u>01</u> *Movement: <u>01</u> *See Overlay | | Special Usage <u>00</u> 12=Commercial Passenger Carrier 13=Taxi 00=Not Applicable 01=Fire Veh 21=Tractor Trailer 22=Twin Trailer 23=Triple Trailer 31=Modified Veh 99=Unknown 02=Ambulance 03=Police 08=Other Emergency Vehicle 11=Pupil Transport | |
| | | Vehicle Color <u>03</u> 06=Yellow 07=Silver 08=Gold 09=Brown 10=Orange 11=Purple 12=Other 99=Unknown 01=Blue 02=Red 03=White 04=Green 05=Black | | Vehicle Type <u>05</u> 01=Automobile 02=Motorcycle 03=Bus 04=Small Truck 05=Large Truck 06=SUV 07=Van 10=Snowmobile 11=Farm Equip 12=Construction Equip 13=ATV 18=Other Type Spec Veh 19=Unk. Type Spec Veh <i>(If "02", Complete Form M, Section 26)</i> <i>(If "20" or "21", Complete Form M, Section 27)</i> | |
| | | Initial Impact Point <u>01</u> 00=Non-Collision 01-12=Clock Points 13=Top 14=Undercarriage 15=Towed Unit 99=Unknown | | Damage Indicator <u>1</u> 0=None 2=Functional 1=Minor 3=Disabling 9=Unknown | |
| | | Gradient <u>2</u> 1=Level 2=Uphill 3=Downhill 4=Bottom of Hill 5=Top of Hill 9=Unknown | | Road Alignment <u>1</u> 1=Straight 2=Curved 9=Unknown | |

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 2

Police Use Only
003-0892992

Page:

03

P0768024

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|----|---|---|--|--|--|
| 10 | Unit Info | Type <input checked="" type="checkbox"/> Motor Vehicle in Transport <input type="checkbox"/> Hit & Run Vehicle <input type="checkbox"/> Illegally Parked <input type="checkbox"/> Legally Parked <input type="checkbox"/> Non - Motorized <input type="checkbox"/> Pedestrian <input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc <input type="checkbox"/> Disabled From Previous Crash <input type="checkbox"/> Train <input type="checkbox"/> Phantom Vehicle <i>(If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc", Complete Form M, Section 28)</i> | | Commercial Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(If Yes, Complete Form C)</i> | |
| | Unit No 02 First Name JAMES MI F Date of Birth (MM-DD-YYYY) 05 07 1950 Last Name FARRINGER Telephone Number 814-371-0379 Address / City / State 14 S STATE ST DUBOIS PA 15801 Zip 15801 Driver License Number 15273065 State PA Class C | | | | |
| 11 | Vehicle Driver / Pedestrian Information | Alcohol/Drugs Suspected <input checked="" type="checkbox"/> No <input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Medication <input type="checkbox"/> Alcohol <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Unknown | | Driver or Pedestrian Physical Condition <input checked="" type="checkbox"/> Apparently Normal <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Fatigue <input type="checkbox"/> Medication <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Sick <input type="checkbox"/> Asleep <input type="checkbox"/> Unknown | |
| | | Alcohol Test Type <input checked="" type="checkbox"/> Test Not Given <input type="checkbox"/> Breath <input type="checkbox"/> Other <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Unknown if Test Given | | Primary Vehicle Code Violation NONE Charged? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| | | Alcohol Test Results <input checked="" type="checkbox"/> 0 <input type="checkbox"/> Test Refused <input type="checkbox"/> Unknown Results <input type="checkbox"/> Test Given, Contaminated Results | | Driver Presence <input checked="" type="checkbox"/> 1=Driver Operated Vehicle <input type="checkbox"/> 3=Driver Fled Scene <input type="checkbox"/> 2=No Driver <input type="checkbox"/> 4=Hit and Run <input type="checkbox"/> 9=Unknown | |
| | | Owner/Driver <input checked="" type="checkbox"/> 00=Not Applicable <input type="checkbox"/> 01=Private Vehicle Owned/Leased by Driver <input type="checkbox"/> 02=Private Vehicle Not Owned/Leased by Driver <input type="checkbox"/> 03=Rented Vehicle <input type="checkbox"/> 04=State Police Vehicle <input type="checkbox"/> 05=PENNDOT Vehicle <input type="checkbox"/> 06=Other State Gov Veh <input type="checkbox"/> 07=Municipal Police Veh <input type="checkbox"/> 08=Other Municipal Government Vehicle <input type="checkbox"/> 09=Federal Gov Veh <input type="checkbox"/> 98=Other <input type="checkbox"/> 99=Unknown | | | |
| 12 | Vehicle Information | Same as Driver <input checked="" type="checkbox"/> Owner First Name Owner Last Name or Business Name (If Pedestrian, skip this Section) | | Address / City / State / Zip Vehicle Make NISSAN *Make Code 35 VIN 3N1CB51D2YL342864 Model Year 2000 Vehicle Model CENTURY (see overlay) License Plate ERM91357 Reg. State PA Est. Speed 050 Vehicle Towed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Towed By ROSS TOWING Insurance <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown Insurance Company PROPR AND CASUALTY Policy No 55PHJ616076-316036 | |
| | | Trailing Unit <input type="checkbox"/> No. of Trailing Units 0 Type Unit <input type="checkbox"/> 1=Towing Pass. Veh <input type="checkbox"/> 2=Towing Truck <input type="checkbox"/> 3=Towing Utility Trailer <input type="checkbox"/> 4=Mobile/Modular Home <input type="checkbox"/> 5=Camper <input type="checkbox"/> 6=Full Trailer <input type="checkbox"/> 7=Semi-Trailer <input type="checkbox"/> 8=Other <input type="checkbox"/> 9=Unknown | | Tag No Tag Year Tag St | |
| | | Direction of Travel W *Vehicle Position 01 *Movement 01 *See Overlay | | Special Usage <input checked="" type="checkbox"/> 00=Not Applicable <input type="checkbox"/> 01=Fire Veh <input type="checkbox"/> 02=Ambulance <input type="checkbox"/> 03=Police <input type="checkbox"/> 08=Other Emergency Vehicle <input type="checkbox"/> 11=Pupil Transport <input type="checkbox"/> 12=Commercial Passenger Carrier <input type="checkbox"/> 13=Taxi <input type="checkbox"/> 21=Tractor Trailer <input type="checkbox"/> 22=Twin Trailer <input type="checkbox"/> 23=Triple Trailer <input type="checkbox"/> 31=Modified Veh <input type="checkbox"/> 99=Unknown | |
| | | Vehicle Color 07 06=Yellow 07=Silver 08=Gold 09=Brown 10=Orange 11=Purple 12=Other 13=White 14=Green 15=Black 16=Unknown Vehicle Type 01 01=Automobile 02=Motorcycle 03=Bus 04=Small Truck 05=Large Truck 06=SUV 07=Van 10=Snowmobile 11=Farm Equip 12=Construction Equip 13=ATV 18=Other Type Spec Veh 19=Unk. Type Spec Veh 20=Unicycle, Bicycle, Tricycle 21=Other Pedalcycle 22=Horse & Buggy 23=Horse & Rider 24=Train 25=Trolley 98=Other 99=Unknown <i>(If "02", Complete Form M, Section 26)</i> <i>(If "20" or "21", Complete Form M, Section 27)</i> | | Initial Impact Point 01 00=Non-Collision 01-12=Clock Points 13=Top 14=Undercarriage 15=Towed Unit 99=Unknown Damage Indicator 3 0=None 2=Functional 1=Minor 3=Disabling 9=Unknown Gradient 2 1=Level 2=Uphill 3=Downhill 4=Bottom of Hill 5=Top of Hill 9=Unknown Road Alignment 1 1=Straight 2=Curved 9=Unknown | |

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

● New



Crash Number

AA 500 2

Police Use Only 003-089299R

Page:

04

Change/Continuation

0768024

| | | | | | | | | | |
|--|---|-----------------------|--|--|---|---|---|---|-------------------------|
| Unit Info | <input checked="" type="checkbox"/> Motor Vehicle in Transport <input type="checkbox"/> Hit & Run Vehicle <input type="checkbox"/> Illegally Parked <input type="checkbox"/> Legally Parked <input type="checkbox"/> Non - Motorized <input type="checkbox"/> Pedestrian <input type="checkbox"/> Pedestrian on Skates, in Wheelchair, etc. <input type="checkbox"/> Disabled From Previous Crash <input type="checkbox"/> Train <input type="checkbox"/> Phantom Vehicle (If "Pedestrian" or "Pedestrian on Skates, in Wheelchair, etc.", Complete Form M, Section 28) | | | | | | Commercial Vehicle <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, Complete Form C) | | |
| | | | | | | | | | |
| Vehicle Driver / Pedestrian Information | Unit No | First Name | | | | MI | Date of Birth (MM-DD-YYYY) | | |
| | 03 | MICHAEL | | | | R | 08 05 1986 | | |
| | Delete? | Last Name | | | | Telephone Number | | | |
| | <input type="checkbox"/> | MALONE | | | | 304-690-2982 | | | |
| | Address / City / State | | | | | | | | Zip |
| | 4374 ST RT 217 WILLOW WOOD OH | | | | | | | | 45696 |
| | Driver License Number | | | | | | | | State Class |
| | RK082814 | | | | | | | | OH A |
| | Alcohol/Drugs Suspected | | | | Driver or Pedestrian Physical Condition | | | | |
| | <input checked="" type="checkbox"/> No <input type="checkbox"/> Illegal Drugs <input type="checkbox"/> Medication <input type="checkbox"/> Alcohol <input type="checkbox"/> Alcohol and Drugs <input type="checkbox"/> Unknown | | | | <input checked="" type="checkbox"/> Apparently Normal <input type="checkbox"/> Illegal Drug Use <input type="checkbox"/> Fatigue <input type="checkbox"/> Medication <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Sick <input type="checkbox"/> Asleep <input type="checkbox"/> Unknown | | | | |
| Alcohol Test Type | | | | Primary Vehicle Code Violation | | | | Charged? | |
| <input checked="" type="checkbox"/> Test Not Given <input type="checkbox"/> Breath <input type="checkbox"/> Other <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Unknown if Test Given | | | | NONE | | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Alcohol Test Results | | | | Driver Presence | | | | | |
| <input type="checkbox"/> Test Refused <input type="checkbox"/> Unknown Results <input type="checkbox"/> Test Given, Contaminated Results | | | | <input checked="" type="checkbox"/> 1=Driver Operated Vehicle <input type="checkbox"/> 2=No Driver <input type="checkbox"/> 3=Driver Fled Scene <input type="checkbox"/> 4=Hit and Run <input type="checkbox"/> 9=Unknown | | | | | |
| Owner/Driver: 00=Not Applicable 01=Private Vehicle Owned/Leased by Driver 02=Private Vehicle Not Owned/Leased by Driver 03=Rented Vehicle 04=State Police Vehicle 05=PENNDOT Vehicle 06=Other State Gov Veh 07=Municipal Police Veh 08=Other Municipal Government Vehicle 09=Federal Gov Veh 98=Other 99=Unknown 02 | | | | | | | | | |
| Vehicle Information | Same as Driver | Owner First Name | | | | Owner Last Name or Business Name (If Pedestrian, skip this Section) | | | |
| | <input type="checkbox"/> | | | | | BESL TRANSFER CO | | | |
| | Address / City / State / Zip | | | | | | | | Vehicle Make *Make Code |
| | 5700 ESTE AVE CINCINNATI OH 45232 | | | | | | | | INTERNATIONAL 814 |
| | VIN | | | | Model Year | | Vehicle Model (See Overlay) | | |
| | 2HSEFASR2YLO33547 | | | | 2000 | | 9900 SERIES | | |
| | License Plate | | | | Reg. State | Est. Speed | Vehicle Towed | | |
| | PV61260 | | | | OH | 040 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| | Insurance | | | | Insurance Company | | Policy No | | |
| | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown | | | | PROGRESSIVE | | 08260027-0 | | |
| Vehicle Information | Trailing Unit | No. of Trailing Units | Type Unit | 1=Towing Pass. Veh 2=Towing Truck 3=Towing Utility Trailer 4=Mobile/Modular Home 5=Camper 6=Full Trailer 7=Semi-Trailer 8=Other 9=Unknown | | Tag No | | Tag Year | Tag St |
| | <input type="checkbox"/> | 1 | 7 | | | V031506 | | 2007 | TN |
| | Direction of Travel | | *Vehicle Position | *Movement | | *See Overlay | | Special Usage | |
| | W | | 01 | 01 | | | | 21 | |
| | Vehicle Color | | Vehicle Type | | 20=Unicycle, Bicycle, Tricycle 21=Other Pedalcycle 22=Horse & Buggy 23=Horse & Rider 24=Train 25=Trolley 98=Other 99=Unknown | | 12=Commercial Passenger Carrier 13=Taxi 21=Tractor Trailer 22=Twin Trailer 23=Triple Trailer 31=Modified Veh 99=Unknown | | |
| | 04 | | 05 | | | | | | |
| | 01=Blue 02=Red 03=White 04=Green 05=Black 06=Yellow 07=Silver 08=Gold 09=Brown 10=Orange 11=Purple 12=Other 99=Unknown | | 01=Automobile 02=Motorcycle 03=Bus 04=Small Truck (If "02", Complete Form M, Section 26) (If "20" or "21", Complete Form M, Section 27) 05=Large Truck 06=SUV 07=Van 10=Snowmobile 11=Farm Equip 12=Construction Equip 13=ATV 18=Other Type Spec Veh 19=Unk. Type Spec Veh | | | | | | |
| | Initial Impact Point | | Damage Indicator | | Gradient | | Road Alignment | | |
| | 07 | | 1 | | 1=Level 2=Uphill | | 1=Straight 2=Curved 9=Unknown | | |

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 3

Police Use Only

03-0892992

Page

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P0768024

| | | | | |
|--------------------|--|--|--|---|
| People Information | A Person Type: 1=Driver 2=Passenger 7=Pedestrian 8=Other 9=Unknown | D Seat Position: 00=Not A Passenger/Occupant 01=Driver - All Vehicles 02=Front Seat Middle Position 03=Front Seat Right Side 04=Second Row - Left Side Or Motorcycle Passenger 05=Second Row - Middle Position 06=Second Row - Right Side 07=Third Row Or Greater - Left Side 08=Third Row Or Greater - Middle Position 09=Third Row Or Greater - Right Side 10=Sleeper Section of Truckcab 11=In Other Enclosed Passenger Or Cargo Area 12=In Open Area (Back Of Pickup, Etc.) 13=Trailing Unit 14=Riding On Vehicle Exterior 15=Bus Passenger 98=Other 99=Unknown | E Safety Equipment One: 00=None Used / Not Applicable 01=Shoulder Belt Used 02=Lap Belt Used 03=Lap And Shoulder Belt Used 04=Child Safety Seat Used 05=Motorcycle Helmet Used 06=Bicycle Helmet Used 10=Safety Belt Used Improperly 11=Child Safety Seat Used Improperly 12=Helmet Used Improperly 90=Restraint Used, Type Unknown 99=Unknown | G Ejection: 0=Not Applicable 1=Not Ejected 2=Totally Ejected 3=Partially Ejected 9=Unknown |
| | B Sex: F=Female M=Male U=Unknown | | F Safety Equipment Two: 00=None Used / Not Applicable 01=Front Air Bag Deployed (For This Seat) 02=Side Air Bag Deployed (For This Seat) 03=Other Type Air Bag Deployed 04=Multiple Air Bags Deployed 05=Motorcycle Eye Protection 06=Bicyclist Wearing Elbow/Knee/Pads 10=Air Bag Not Deployed, Switch On 11=Air Bag Not Deployed, Switch Off 12=Air Bag Not Deployed, Unk Switch Setting 13=Air Bag Removed (Prior To Crash) 19=Unknown If Air Bag Deployed 99=Unknown | H Ejection Path: 0=Not Ejected / Not Applicable 1=Through Side Door Opening 2=Through Side Window 3=Through Windshield 4=Through Back Door 5=Through Back Door Tailgate Opening 6=Through Roof Opening (Sunroof/Convertible Top Down) 7=Through Roof Opening (Convertible Top Up) 9=Unknown |
| | C Injury Severity: 0=Not Injured 1=Killed 2=Major Injury 3=Moderate Injury 4=Minor Injury 8=Injury, Unk Severity 9=Unknown if Injury | | | I Extraction: 0=Not Applicable 1=Not Extricated 2=Extricated By Mechanical Means 3=Freed By Non - Mechanical Means 8=Other 9=Unknown |
| | | | | |

EMS Agency:

NONE

Medical Facility:

NONE

| | | | | | | | | | | | | |
|---------|-----------|---------|----------------------------|---|---|---|---|---|---|---|---|---|
| Unit No | Person No | Delete? | Date of Birth (MM-DD-YYYY) | A | B | C | D | E | F | G | H | I |
| 01 | 01 | 0 | - - - - - | 1 | M | 0 | 0 | 1 | 0 | 3 | 0 | 0 |

Name / Address / Phone

☒ Same as Operator

EMS Transport

☐ Yes ☒ No

| | | | | | | | | | | | | |
|---------|-----------|---------|----------------------------|---|---|---|---|---|---|---|---|---|
| Unit No | Person No | Delete? | Date of Birth (MM-DD-YYYY) | A | B | C | D | E | F | G | H | I |
| 02 | 01 | 0 | - - - - - | 1 | M | 0 | 0 | 1 | 0 | 3 | 0 | 0 |

Name / Address / Phone

☒ Same as Operator

EMS Transport

☐ Yes ☒ No

| | | | | | | | | | | | | |
|---------|-----------|---------|----------------------------|---|---|---|---|---|---|---|---|---|
| Unit No | Person No | Delete? | Date of Birth (MM-DD-YYYY) | A | B | C | D | E | F | G | H | I |
| 03 | 01 | 0 | - - - - - | 1 | M | 0 | 0 | 1 | 0 | 3 | 0 | 0 |

Name / Address / Phone

☒ Same as Operator

EMS Transport

☐ Yes ☒ No

| | | | | | | | | | | | | |
|---------|-----------|---------|----------------------------|---|---|---|---|---|---|---|---|---|
| Unit No | Person No | Delete? | Date of Birth (MM-DD-YYYY) | A | B | C | D | E | F | G | H | I |
| | | 0 | - - - - - | | | | | | | | | |

Name / Address / Phone

☐ Same as Operator

EMS Transport

☐ Yes ☐ No

| | | | | | | | | | | | | |
|---------|-----------|---------|----------------------------|---|---|---|---|---|---|---|---|---|
| Unit No | Person No | Delete? | Date of Birth (MM-DD-YYYY) | A | B | C | D | E | F | G | H | I |
| | | 0 | - - - - - | | | | | | | | | |

Name / Address / Phone

☐ Same as Operator

EMS Transport

☐ Yes ☐ No

| | | | | | | | | | | | | |
|---------|-----------|---------|----------------------------|---|---|---|---|---|---|---|---|---|
| Unit No | Person No | Delete? | Date of Birth (MM-DD-YYYY) | A | B | C | D | E | F | G | H | I |
| | | 0 | - - - - - | | | | | | | | | |

Name / Address / Phone

☐ Same as Operator

EMS Transport

☐ Yes ☐ No

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 4

Police Use Only
003-0892992

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P 0768024

| | | | | | | | |
|---|--------------------------------|---|---|--|---|--|-------------------------------------|
| General Crash Information <small>(If more than 2 Units only complete once)</small> | Crash Description | 1 | 0=Non-Collision 1=Rear End | 2=Head On 3=Rear to Rear (Backing) | 4=Angle 5=Slidewipe (Same Direction) | 6=Slidewipe (Opposite Direction) 7=Hit Fixed Object | 8=Hit Pedestrian 9=Other/Unknown |
| | Relation to Roadway | 1 | 1=On Travel Lanes 2=Shoulder | 3=Median 4=Roadside | 5=Outside Trafficway 6=In Parking Lane | 7=Gore (Ramp Intersection) 9=Unknown | |
| | Illumination | 1 | 1=Daylight 2=Dark - No Street Lights | 3=Dark - Street Lights 4=Dusk | 5=Dawn 6=Dark - Unknown Roadway Lighting | 8=Other | |
| | Weather Conditions | 4 | 1=No Adverse Conditions 2=Rain | 3=Sleet (Hail) 4=Snow | 5=Fog 6=Rain & Fog | 7=Sleet & Fog 8=Other | 9=Unknown |
| | Road Surface Conditions | 3 | 0=Dry 1=Wet | 2=Sand, Mud, Dirt, Oil 3=Snow Covered | 4=Slush 5=Ice | 6=Ice Patches 7=Water - Standing or Moving | 8=Other |

| | | | | | |
|---------------------------|-------------------|-----|-------|---------------------|--|
| Unit(s) Event Information | Harm Event | L/R | Most? | Utility Pole Number | Harmful Events (Harm Event) 01=Hit Unit 1 02=Hit Unit 2 03=Hit Unit 3 04=Hit Unit 4 05=Hit Unit 5 06=Hit Other Traffic Unit 07=Hit Deer 08=Hit Other Animal 09=Collision With Other Non Fixed Object 11=Struck By Unit 1 12=Struck By Unit 2 13=Struck By Unit 3 14=Struck By Unit 4 15=Struck By Unit 5 16=Struck By Other Traffic Unit 21=Hit Tree Or Shrubbery 22=Hit Embankment 23=Hit Utility Pole 24=Hit Traffic Sign 25=Hit Guard Rail 26=Hit Guard Rail End 27=Hit Curb 28=Hit Concrete Or Longitudinal Barrier 29=Hit Ditch 30=Hit Fence Or Wall 31=Hit Building 32=Hit Culvert 33=Hit Bridge Pier Or Abutment 34=Hit Parapet End 35=Hit Bridge Rail 36=Hit Boulder Or Obstacle On Roadway 37=Hit Impact Attenuator 38=Hit Fire Hydrant 39=Hit Roadway Equipment 40=Hit Mail Box 41=Hit Traffic Island 42=Hit Snow Bank 43=Hit Temporary Construction Barrier 48=Hit Other Fixed Object 49=Hit Unknown Fixed Object 50=Overturn/Roll Over 51=Struck By Thrown Or Falling Object 52=Pot Holes Or Other Pavement Irregularities 53=Jackknife 54=Fire In Vehicle 58=Other Non-Collision 99=Unknown Harmful Event |
| | Unit No | 1 | 03 | | |
| | Unit No | 2 | 12 | | |
| | Unit No | 3 | | | |
| Unit No | 4 | | | | |

| | | | | | |
|---------------------------|-------------------|-----|-------|---------------------|---|
| Unit(s) Event Information | Harm Event | L/R | Most? | Utility Pole Number | Driver Action (D) 00=No Contributing Action 01=Driver Was Distracted 02=Driving Using Hand Held Phone 03=Driving Using Hands Free Phone 04=Making Illegal U-Turn 05=Improper/Careless Turning 06=Turning From Wrong Lane 07=Proceeding W/O Clearance After Stop 08=Running Stop Sign 09=Running Red Light 10=Failure To Respond To Other Traffic Control Device 11=Tailgating 12=Sudden Slowing/Stopping 13=Illegally Stopped On Road 14=Careless Passing Or Lane Change 15=Passing In No Passing Zone 16=Driving The Wrong Way On 1-Way Street 17=Careless Or Illegal Backing On Roadway 18=Driving On The Wrong Side Of Road 19=Making Improper Entrance To Highway 20=Making Improper Exit From Highway 21=Careless Parking/Unparking 22=Over/Under Compensation At Curve 23=Speeding 24=Driving Too Fast For Conditions 25=Failure To Maintain Proper Speed 26=Driver Fleeing Police (Poli Chase) 27=Driver Inexperienced 28=Failure To Use Specialized Equip 92=Affected By Physical Condition 98=Other Improper Driving Actions 99=Unknown |
| | Unit No | 1 | 03 | | |
| | Unit No | 2 | | | |
| | Unit No | 3 | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|------------|---------------------------------|---------|---|------------|--|---------------------|-------------------------|------------------------------|--|-----------------------------|-------------------------------|--------------------|-------------------|------------------------|---------------------------------------|----------------------------|-------------------------|----------------|-------------------------------|----------------------|------------|--|-----------------------|--|--|----------------------------------|--|--|--------------------|--|--|--------------------------|--|--|------------|
| Contributing Information | First Harmful Event In the Crash | Unit No | Harm Event | Most Harmful Event In the Crash | Unit No | Harm Event | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 01 | 03 | | 01 | 03 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Do not repeat this information on multiple pages | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Environmental / Roadway Potential Factors (E/R) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Contributing Information | <table border="0"> <tr> <td>00=None</td> <td>11=Slippery Road Conditions (Ice/Snow)</td> </tr> <tr> <td>01=Windy Conditions</td> <td>12=Substance On Roadway</td> </tr> <tr> <td>02=Sudden Weather Conditions</td> <td>13=Potholes</td> </tr> <tr> <td>03=Other Weather Conditions</td> <td>14=Broken Or Cracked Pavement</td> </tr> <tr> <td>04=Deer In Roadway</td> <td>15=TCD Obstructed</td> </tr> <tr> <td>05=Obstacle On Roadway</td> <td>16=Soft Shoulder Or Shoulder Drop Off</td> </tr> <tr> <td>06=Other Animal In Roadway</td> <td>28=Other Roadway Factor</td> </tr> <tr> <td>07=Glare</td> <td>29=Other Environmental Factor</td> </tr> <tr> <td>08=Work Zone Related</td> <td>99=Unknown</td> </tr> </table> | | | | | | 00=None | 11=Slippery Road Conditions (Ice/Snow) | 01=Windy Conditions | 12=Substance On Roadway | 02=Sudden Weather Conditions | 13=Potholes | 03=Other Weather Conditions | 14=Broken Or Cracked Pavement | 04=Deer In Roadway | 15=TCD Obstructed | 05=Obstacle On Roadway | 16=Soft Shoulder Or Shoulder Drop Off | 06=Other Animal In Roadway | 28=Other Roadway Factor | 07=Glare | 29=Other Environmental Factor | 08=Work Zone Related | 99=Unknown | | | | | | | | | | | | | | |
| | 00=None | 11=Slippery Road Conditions (Ice/Snow) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 01=Windy Conditions | 12=Substance On Roadway | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 02=Sudden Weather Conditions | 13=Potholes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 03=Other Weather Conditions | 14=Broken Or Cracked Pavement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 04=Deer In Roadway | 15=TCD Obstructed | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 05=Obstacle On Roadway | 16=Soft Shoulder Or Shoulder Drop Off | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 06=Other Animal In Roadway | 28=Other Roadway Factor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 07=Glare | 29=Other Environmental Factor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 08=Work Zone Related | 99=Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Possible Vehicle Failures (V) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td>00=None</td> <td>06=Exhaust</td> <td>12=Wipers</td> </tr> <tr> <td>01=Tires</td> <td>07=Headlights</td> <td>13=Driver Seating/Control</td> </tr> <tr> <td>02=Brake System</td> <td>08=Signal Lights</td> <td>14=Body, Doors, Hood, Etc</td> </tr> <tr> <td>03=Steering System</td> <td>09=Other Lights</td> <td>15=Trailer Hitch</td> </tr> <tr> <td>04=Suspension</td> <td>10=Horn</td> <td>16=Wheels</td> </tr> <tr> <td>05=Power Train</td> <td>11=Mirrors</td> <td>17=Airbags</td> </tr> <tr> <td></td> <td></td> <td>18=Trailer Overloaded</td> </tr> <tr> <td></td> <td></td> <td>19=Unsecure/Shifted Trailer Load</td> </tr> <tr> <td></td> <td></td> <td>20=Improper Towing</td> </tr> <tr> <td></td> <td></td> <td>21=Obstructed Windshield</td> </tr> <tr> <td></td> <td></td> <td>99=Unknown</td> </tr> </table> | | | | | | 00=None | 06=Exhaust | 12=Wipers | 01=Tires | 07=Headlights | 13=Driver Seating/Control | 02=Brake System | 08=Signal Lights | 14=Body, Doors, Hood, Etc | 03=Steering System | 09=Other Lights | 15=Trailer Hitch | 04=Suspension | 10=Horn | 16=Wheels | 05=Power Train | 11=Mirrors | 17=Airbags | | | 18=Trailer Overloaded | | | 19=Unsecure/Shifted Trailer Load | | | 20=Improper Towing | | | 21=Obstructed Windshield | | | 99=Unknown |
| 00=None | 06=Exhaust | 12=Wipers | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 01=Tires | 07=Headlights | 13=Driver Seating/Control | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 02=Brake System | 08=Signal Lights | 14=Body, Doors, Hood, Etc | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 03=Steering System | 09=Other Lights | 15=Trailer Hitch | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 04=Suspension | 10=Horn | 16=Wheels | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 05=Power Train | 11=Mirrors | 17=Airbags | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 18=Trailer Overloaded | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 19=Unsecure/Shifted Trailer Load | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 20=Improper Towing | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 21=Obstructed Windshield | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | 99=Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Indicated Prime Factor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0"> <tr> <td>Do not repeat this information on multiple pages.</td> <td>Unit No</td> <td>Factor Code</td> </tr> <tr> <td>E / R V D P</td> <td>01</td> <td>24</td> </tr> <tr> <td><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></td> <td></td> <td></td> </tr> </table> | | | | | | Do not repeat this information on multiple pages. | Unit No | Factor Code | E / R V D P | 01 | 24 | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Do not repeat this information on multiple pages. | Unit No | Factor Code | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| E / R V D P | 01 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | |
|--------------------------|---|-----------------------------------|
| Contributing Information | Pedestrian Action (P) | 03=Working |
| | 00=None | 04=Pushing Vehicle |
| | 01=Entering Or Crossing At Specified Location | 05=Approaching Or Leaving Vehicle |
| | 02=Walking, Running, Jogging, Or Playing | 06=Working On Vehicle |
| | | 07=Standing |
| | | 98=Other |
| | | 99=Unknown |

| | | | | | | | | |
|---------|----|----|---|----|---|----|---|----|
| Unit No | 01 | 24 | 2 | 00 | 3 | 00 | 4 | 00 |
| Unit No | 02 | 24 | 2 | 00 | 3 | 00 | 4 | 00 |

| | | | | | |
|---------|----|----|---------|----|----|
| Unit No | 01 | 24 | Unit No | 01 | 24 |
|---------|----|----|---------|----|----|

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

● New



Crash Number

AA 500 4

Police Unit Only

003-089299A

Page

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○ Change/
Continuation

P6768024

| | | | | | | | | |
|--|--|---|--|---|--|--|---|---|
| General Crash Information (Of more than 2 Units only complete once) | Crash Description | | <input type="checkbox"/> 0=Non-Collision | <input type="checkbox"/> 2=Head On | <input type="checkbox"/> 4=Angle | <input type="checkbox"/> 6=Slideswipe (Opposite Direction) | <input type="checkbox"/> 8=Hit Pedestrian | |
| | | | <input type="checkbox"/> 1=Rear End | <input type="checkbox"/> 3=Rear to Rear (Backing) | <input type="checkbox"/> 5=Slideswipe (Same Direction) | <input type="checkbox"/> 7=Hit Fixed Object | <input type="checkbox"/> 9=Other/Unknown | |
| | Relation to Roadway | | <input type="checkbox"/> 1=On Travel Lanes | <input type="checkbox"/> 3=Median | <input type="checkbox"/> 5=Outside Trafficway | <input type="checkbox"/> 7=Gore (Ramp Intersection) | | |
| | | | <input type="checkbox"/> 2=Shoulder | <input type="checkbox"/> 4=Roadside | <input type="checkbox"/> 6=In Parking Lane | <input type="checkbox"/> 9=Unknown | | |
| | Illumination | | <input type="checkbox"/> 1=Daylight | <input type="checkbox"/> 3=Dark - Street Lights | <input type="checkbox"/> 5=Dawn | <input type="checkbox"/> 8=Other | | |
| Units' Event Information | | | <input type="checkbox"/> 2=Dark - No Street Lights | <input type="checkbox"/> 4=Dusk | <input type="checkbox"/> 6=Dark - Unknown Roadway Lighting | | | |
| | Weather Conditions | | <input type="checkbox"/> 1=No Adverse Conditions | <input type="checkbox"/> 3=Snow (Half) | <input type="checkbox"/> 5=Fog | <input type="checkbox"/> 7=Snow & Fog | <input type="checkbox"/> 9=Unknown | |
| | | | <input type="checkbox"/> 2=Rain | <input type="checkbox"/> 4=Snow | <input type="checkbox"/> 6=Rain & Fog | <input type="checkbox"/> 8=Other | | |
| | Road Surface Conditions | | <input type="checkbox"/> 0=Dry | <input type="checkbox"/> 2=Sand, Mud, Dirt, Oil | <input type="checkbox"/> 4=Slush | <input type="checkbox"/> 6=Ice Patches | <input type="checkbox"/> 8=Other | |
| | | | <input type="checkbox"/> 1=Wet | <input type="checkbox"/> 3=Snow Covered | <input type="checkbox"/> 5=Ice | <input type="checkbox"/> 7=Water - Standing or Moving | | |
| Contributing Information | Harm Event L/R Most? Utility Pole Number | | | | | | | |
| | Unit No | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | 03 | | | | | | | |
| | Please Put Events in Sequential Order | 3 | | | | | | |
| | 4 | | | | | | | |
| Contributing Information | Harm Event L/R Most? Utility Pole Number | | | | | | | |
| | Unit No | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | | | |
| | Please Put Events in Sequential Order | 3 | | | | | | |
| | 4 | | | | | | | |
| Contributing Information | First Harmful Event in the Crash | | Unit No Harm Event | | Most Harmful Event in the Crash | | Unit No Harm Event | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Contributing Information | Environmental / Roadway Potential Factors (E/R) | | 1 1 1 2 3 | | | | | |
| | 00=None | | 11=Slippery Road Conditions (Ice/Snow) | | | | | |
| | 01=Windy Conditions | | 12=Substance On Roadway | | | | | |
| | 02=Sudden Weather Conditions | | 13=Potholes | | | | | |
| | 03=Other Weather Conditions | | 14=Broken Or Cracked Pavement | | | | | |
| Contributing Information | 04=Deer In Roadway | | 15=TCD Obstructed | | | | | |
| | 05=Obstacle On Roadway | | 16=Soft Shoulder Or Shoulder Drop Off | | | | | |
| | 06=Other Animal On Roadway | | 17=Other Roadway Factor | | | | | |
| | 07=Glare | | 18=Other Environmental Factor | | | | | |
| | 08=Work Zone Related | | 19=Unknown | | | | | |
| Contributing Information | Possible Vehicle Failures (V) | | 12=Wipers | | | | | |
| | 00=None | | 13=Driver Seating/Control | | | | | |
| | 01=Tires | | 14=Body, Doors, Hood, Etc | | | | | |
| | 02=Brake System | | 15=Trailer Hitch | | | | | |
| | 03=Steering System | | 16=Wheels | | | | | |
| Contributing Information | 04=Suspension | | 17=Airbags | | | | | |
| | 05=Power Train | | 18=Trailer Overloaded | | | | | |
| | 06=Exhaust | | 19=Unsecured/Shifted Trailer Load | | | | | |
| | 07=Headlights | | 20=Improper Towing | | | | | |
| | 08=Signal Lights | | 21=Obstructed Windshield | | | | | |
| Contributing Information | 09=Other Lights | | 22=Unknown | | | | | |
| | 10=Horn | | | | | | | |
| | 11=Mirrors | | | | | | | |
| | Unit No 01 | | Unit No 00 | | | | | |
| | Unit No 00 | | Unit No 00 | | | | | |
| Contributing Information | Indicated Prime Factor | | Unit No 01 | | Factor Code 24 | | | |
| | Do not repeat this information on multiple pages | | | | | | | |
| | E / R V D P | | | | | | | |
| | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> | | | | | | | |
| | If EIR is the Prime Factor Type, leave Unit No blank | | | | | | | |
| Contributing Information | Harmful Events (Harm Event) | | | | | | | |
| | 01=Hit Unit 1 | | 30=Hit Fence Or Wall | | | | | |
| | 02=Hit Unit 2 | | 31=Hit Building | | | | | |
| | 03=Hit Unit 3 | | 32=Hit Culvert | | | | | |
| | 04=Hit Unit 4 | | 33=Hit Bridge Pier Or Abutment | | | | | |
| Contributing Information | 05=Hit Unit 5 | | 34=Hit Parapet End | | | | | |
| | 06=Hit Other Traffic Unit | | 35=Hit Bridge Rail | | | | | |
| | 07=Hit Deer | | 36=Hit Boulder Or Obstacle On Roadway | | | | | |
| | 08=Hit Other Animal | | 37=Hit Impact Attenuator | | | | | |
| | 09=Collision With Other Non Fixed Object | | 38=Hit Fire Hydrant | | | | | |
| Contributing Information | 11=Struck By Unit 1 | | 39=Hit Roadway Equipment | | | | | |
| | 12=Struck By Unit 2 | | 40=Hit Mail Box | | | | | |
| | 13=Struck By Unit 3 | | 41=Hit Traffic Island | | | | | |
| | 14=Struck By Unit 4 | | 42=Hit Snow Bank | | | | | |
| | 15=Struck By Unit 5 | | 43=Hit Temporary Construction Barrier | | | | | |
| Contributing Information | 16=Struck By Other Traffic Unit | | 48=Hit Other Fixed Object | | | | | |
| | 21=Hit Tree Or Shrubbery | | 49=Hit Unknown Fixed Object | | | | | |
| | 22=Hit Embankment | | 50=Overturn/Roll Over | | | | | |
| | 23=Hit Utility Pole | | 51=Struck By Thrown Or Falling Object | | | | | |
| | 24=Hit Traffic Sign | | 52=Pot Holes Or Other Pavement Irregularities | | | | | |
| Contributing Information | 25=Hit Guard Rail | | 53=Jackknife | | | | | |
| | 26=Hit Guard Rail End | | 54=Fire In Vehicle | | | | | |
| | 27=Hit Curb | | 58=Other Non-Collision | | | | | |
| | 28=Hit Concrete Or Longitudinal Barrier | | 99=Unknown Harmful Event | | | | | |
| | 29=Hit Ditch | | | | | | | |
| Contributing Information | Driver Action (D) | | | | | | | |
| | 00=No Contributing Action | | 17=Careless Or Illegal Backing On Roadway | | | | | |
| | 01=Driver Was Distracted | | 18=Driving On The Wrong Side Of Road | | | | | |
| | 02=Driving Using Hand Held Phone | | 19=Making Improper Entrance To Highway | | | | | |
| | 03=Driving Using Hands Free Phone | | 20=Making Improper Exit From Highway | | | | | |
| Contributing Information | 04=Making Illegal U-Turn | | 21=Careless Parking/Unparking | | | | | |
| | 05=Improper/Careless Turning | | 22=Over/Under Compensation At Curve | | | | | |
| | 06=Turning From Wrong Lane | | 23=Speeding | | | | | |
| | 07=Proceeding W/O Clearance After Stop | | 24=Driving Too Fast For Conditions | | | | | |
| | 08=Running Stop Sign | | 25=Failure To Maintain Proper Speed | | | | | |
| Contributing Information | 09=Running Red Light | | 26=Driver Fleeing Police (Pol Chase) | | | | | |
| | 10=Failure To Respond To Other Traffic Control Device | | 27=Driver Inexperienced | | | | | |
| | 11=Tailgating | | 28=Failure To Use Specialized Equip | | | | | |
| | 12=Sudden Slowing/Stopping | | 92=Affected By Physical Condition | | | | | |
| | 13=Illegally Stopped On Road | | 98=Other Improper Driving Actions | | | | | |
| Contributing Information | 14=Careless Passing Or Lane Change | | 99=Unknown | | | | | |
| | 15=Passing In No Passing Zone | | | | | | | |
| | 16=Driving The Wrong Way On 1-Way Street | | | | | | | |
| | Unit No 03 | | Unit No 00 | | | | | |
| | Unit No 00 | | Unit No 00 | | | | | |
| Contributing Information | Pedestrian Action (P) | | | | | | | |
| | 00=None | | 03=Working | | | | | |
| | 01=Entering Or Crossing At Specified Location | | 04=Pushing Vehicle | | | | | |
| | 02=Walking, Running, Jogging, Or Playing | | 05=Approaching Or Leaving Vehicle | | | | | |
| | | | 06=Working On Vehicle | | | | | |
| Contributing Information | | | 07=Standing | | | | | |
| | | | 98=Other | | | | | |
| | | | 99=Unknown | | | | | |
| | Unit No 00 | | Unit No 00 | | | | | |
| | Unit No 00 | | Unit No 00 | | | | | |

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 500 5

Police Use Only

603-0892992

Page

01



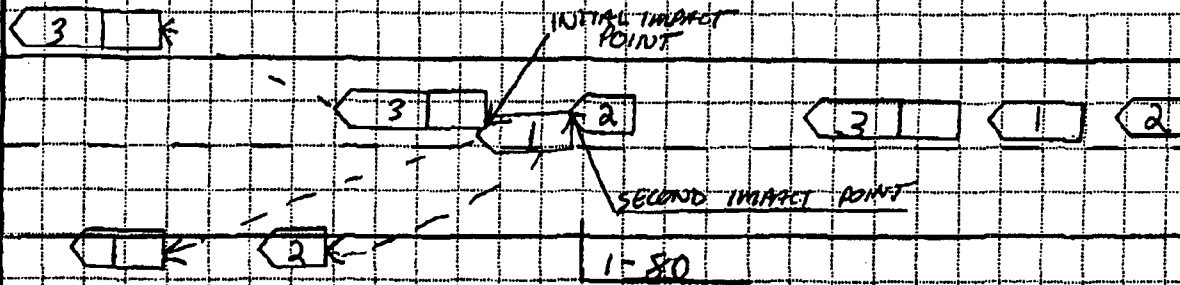
Crash Number

P0768000

* NOT TO SCALE *



Diagram



| Witness Name | Address | Phone |
|--------------|---------|-------|
| 1 | | |
| 2 | | |

Narrative and additional witnesses:

Accident Investigation Notification Issued? ☒ Property Damage ☐

CELL PHONE PRESENT FOR ALL UNITS NONE IN USE.

Witness and Narrative

THIS CRASH OCCURRED AS ALL 3 UNITS WERE TRAVELING WEST ON I-80. OPERATOR #1 LOST CONTROL ON THE SNOW COVERED ROADWAY AND STRUCK UNIT #3 IN THE RIGHT REAR LEFT REAR CORNER. OPERATOR #2 WAS UNABLE STOP ON THE SNOW COVERED ROADWAY AND STRUCK UNIT #1 IN THE LEFT REAR. UNIT #1 AND 2 CAME TO FINAL REST ON THE LEFT SIDE OF THE ROADWAY. UNIT #3 CAME TO REST ON THE RIGHT SIDE OF THE ROADWAY.

DUE TO THE SNOW COVERED ROADWAY AND UNSAFE POSITIONS OF THE VEHICLES UNIT #2 WAS TOWED PRIOR TO MY ARRIVAL AND UNIT'S #1 + 3 WERE DRIVEN TO EXIT III.

AT EXIT III AT APPROX 1545 HOURS I INTERVIEWED OPERATOR #3. HE RELATED THAT HE WAS LOSING
— MORE —

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 500 N

Police Use Only

03-0892992

Page

9

☒ New

☐ Change/
Continuation



Crash Number

10768024

Narrative and additional witnesses:

SPEED GOING UP THE MOUNTAIN HE JUST DOWN SHIFTED AND THEN HE FELT HIS TRUCK JUMP AND LOOKED IN THE MIRROR AND REALIZED THAT HE HAD BEEN RUN INTO.

AT APPROX 1555 HOURS I INTERVIEWED OPER #1 AT EXIT 116. HE RELATED THAT HE WAS GOING UP THE MOUNTAIN, THE TRUCK BROKE LOOSE A LITTLE AND THEN HE GOT CONTROL OF IT AGAIN. HE IS NOT SURE HOW HE ENDED UP HITTING UNIT #3 BUT HE FELT LIKE UNIT #2 HIT HIM BEFORE HE HIT UNIT #3.

AT APPROX 1605 HOURS I INTERVIEWED OPER #2 AT EXIT 116. HE RELATED THAT HE WAS FOLLOWING UNIT #1 WHEN UNIT #1 WENT SIDEWAYS AND HE HIT IT.

THE TRAILING UNIT OF UNIT #3 IS A 2007 GREAT DANE OWNED BY TRANSPORT INTL. POOL INC. 530 E SWEDSFORD RD WAYNE PA 19087.

CLEAN NCIC/CHECKS WERE NEGATIVE FOR ALL VEHICLES/OPERATORS INVOLVED.

PUBLIC INFORMATION RELEASE WILL BE FILED IN THE CRASH ATTACHMENT FILE.

OPERATOR #1 WAS CITED WITH TRAFFIC CITATION # P005138-0.

PERMIT # FOR UNIT #3 OVERSIZED LOAD 20070310603776.

ERIE-20

NOV 26 2007

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM



Crash Number

AA 500 C

Police Use Only

03-0892992

Page:

New

Change/
Continuation

110 0 P0768024

| | | | |
|--------------------------------|--|--|--|
| Commercial Vehicle Information | Unit No 01 | Number of Axles 02 (Code Number of Axles or "9" for unknown) | Carrier Phone (814) 594-0836 |
| | Carrier Name WALKER PETROLEUM SERVICES INC | | |
| | Address PO BOX 142 | | GVWR 033200 |
| | RRI BOX 127A | | Oversize Load <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown |
| | City WILCOX | State PA | Zip 15870 |
| | USDOT# 00952297 | ICC # | PUC # |
| | Cargo Body Type <input type="checkbox"/> Not Applicable <input type="checkbox"/> Flat Bed <input type="checkbox"/> Auto Transport <input type="checkbox"/> Van/Enclosed Box <input checked="" type="checkbox"/> Dump <input type="checkbox"/> Garbage/Refuse <input type="checkbox"/> Cargo Tank <input type="checkbox"/> Concrete Mixer <input type="checkbox"/> Bus <input type="checkbox"/> Other/Unknown | | |
| | Vehicle Configuration <input type="checkbox"/> Not Applicable <input type="checkbox"/> Truck Tractor (Bobtail) <input type="checkbox"/> Passenger Car - Only Record if HazMat Placard Displayed <input type="checkbox"/> Tractor/Semi-Trailer(s) <input type="checkbox"/> Light Truck (Van, Mini-Van, Panel, Pickup or SUV with HazMat Placard) <input type="checkbox"/> Medium/Heavy Truck - Cannot Classify <input checked="" type="checkbox"/> Single Unit Truck (2 Axles, 6 Tires) <input type="checkbox"/> Small Bus (Seats 9-15 People, Including Driver) <input type="checkbox"/> Single Unit Truck (3 or More Axles) <input type="checkbox"/> Bus (Seats More Than 15 People, Including the Driver) <input type="checkbox"/> Single Unit Truck (Unknown Number of Axles) <input type="checkbox"/> Other <input type="checkbox"/> Truck/Trailer(s) <input type="checkbox"/> Unknown | | |
| | Hazardous Material <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Enter 1-digit hazardous material class <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 30px; height: 30px; margin: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin: 5px;"></div> </div> | | |
| | Release Indicator 1 = No Release 2 = Release Occurred 9 = Unknown | | |

| | | | |
|--------------------------------|--|--|--|
| Commercial Vehicle Information | Unit No 03 | Number of Axles 05 (Code Number of Axles or "9" for unknown) | Carrier Phone (304) 736-6009 |
| | Carrier Name BESL TRANSFER CO | | |
| | Address 5700 ESTE AVE | | GVWR 080000 |
| | | | Oversize Load <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| | City CINCINNATI | State | Zip |
| | USDOT# 87363 | | PUC # |
| | Cargo Body Type <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/> Flat Bed <input type="checkbox"/> Auto Transport <input type="checkbox"/> Van/Enclosed Box <input type="checkbox"/> Dump <input type="checkbox"/> Garbage/Refuse <input type="checkbox"/> Cargo Tank <input type="checkbox"/> Concrete Mixer <input type="checkbox"/> Bus <input type="checkbox"/> Other/Unknown | | |
| | Vehicle Configuration <input type="checkbox"/> Not Applicable <input type="checkbox"/> Truck Tractor (Bobtail) <input type="checkbox"/> Passenger Car - Only Record if HazMat Placard Displayed <input checked="" type="checkbox"/> Tractor/Semi-Trailer(s) <input type="checkbox"/> Light Truck (Van, Mini-Van, Panel, Pickup or SUV with HazMat Placard) <input type="checkbox"/> Medium/Heavy Truck - Cannot Classify <input type="checkbox"/> Single Unit Truck (2 Axles, 6 Tires) <input type="checkbox"/> Small Bus (Seats 9-15 People, Including Driver) <input type="checkbox"/> Single Unit Truck (3 or More Axles) <input type="checkbox"/> Bus (Seats More Than 15 People, Including the Driver) <input type="checkbox"/> Single Unit Truck (Unknown Number of Axles) <input type="checkbox"/> Other <input type="checkbox"/> Truck/Trailer(s) <input type="checkbox"/> Unknown | | |
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| | Release Indicator 1 = No Release 2 = Release Occurred 9 = Unknown | | |

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

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

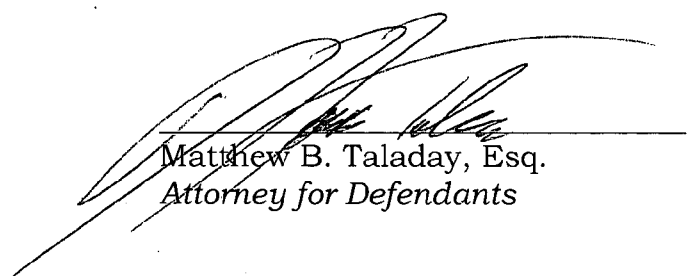
No. 2008-2135-CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

CERTIFICATE OF SERVICE

I certify that on the 4th day of November, 2011 a true and correct copy of the foregoing Motion in Limine was sent via first class mail, postage prepaid, to the following:

Leanne Nedza, Esq.
Attorney for Plaintiffs
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801



Matthew B. Taladay, Esq.
Attorney for Defendants

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Type of Case: Civil Action

No. 2008-2135-CD

Type of Pleading:

Certificate of Service

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

NOV 08 2011

William A. Shaw
Prothonotary/Clerk of Courts

610

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

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

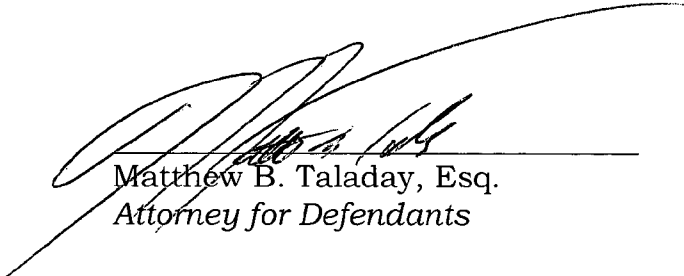
No. 2008-2135-CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

CERTIFICATE OF SERVICE

I certify that on the 4th day of November, 2011 a true and correct copy of Defendants' Brief in Support of Motion in Limine was sent via first class mail, postage prepaid, to the following:

Leanne Nedza, Esq.
Attorney for Plaintiffs
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801



Matthew B. Taladay, Esq.
Attorney for Defendants

CA

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

JAMES F. FARRINGER and
SALLY E. FARRINGER
Plaintiffs,

vs.

NO. 2008-2135-C.D.

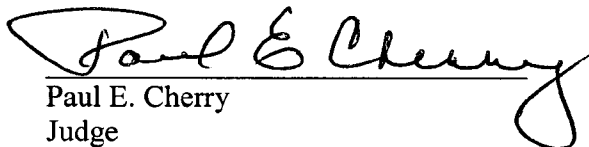
JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.
Defendants,

ORDER

AND NOW, this 7th day of November 2011, it is the ORDER of this
court that hearing on Defendant's Motion in Limine the above captioned case shall be
and is hereby scheduled for **Friday, December 9, 2011 at 9:30 A.M.** in Courtroom
No. 2, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

One half hour has been reserved for this proceeding.

BY THE COURT:


Paul E. Cherry
Judge

FILED
01213764
NOV 08 2011

William A. Shroy
Prothonotary/Clerk of Courts

3CC Atty Taladay

6K

S

FILED
NOV 08 2011
William A. Steyer
Prothonotary/Clerk of Courts

DATE: 11/8/11

☒ 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

FILED

NOV 10 2011

William A. Shaw
Prothonotary/Clerk of Courts

no 4C GK

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 200808 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading: PRAECIPE TO ENTER
) APPEARANCE
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) LEANNE NEDZA, ESQUIRE
)
) SUPREME COURT NO. 89393
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

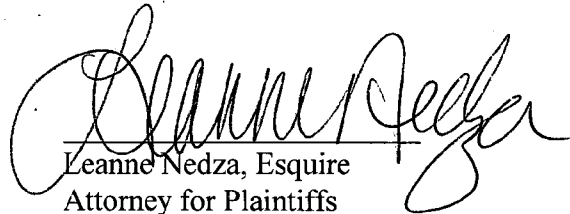
)
)
)
)
) NO. 2008 - 2135 - C.D.
)
)
)
)
)
)

PRAECIPE TO ENTER APPEARANCE

Please enter my appearance on behalf of Plaintiffs in the above-captioned matter.

Respectfully submitted,

BLAKLEY & JONES


Leanne Nedza, Esquire
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

This will certify that the undersigned served a copy of the Praecipe to Enter Appearance
in the above-captioned matter on the following parties at the addresses shown below by first-class
U.S. Mail on the 9th day of November, 2011:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Boulevard
P O Box 487
DuBois PA 15801


LEANNE NEDZA

BLAKLEY & JONES
Attorneys at Law
90 Beaver Drive, Box 6
DuBois, PA 15801

FILED
NOV 10 2011
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

NOV 15 2011
William A. Shaw
Prothonotary/Clerk of Courts

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

Type of Case: Civil Action

No. 2008-2135-CD

vs.

Type of Pleading:

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Certificate of Service

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

4

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

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

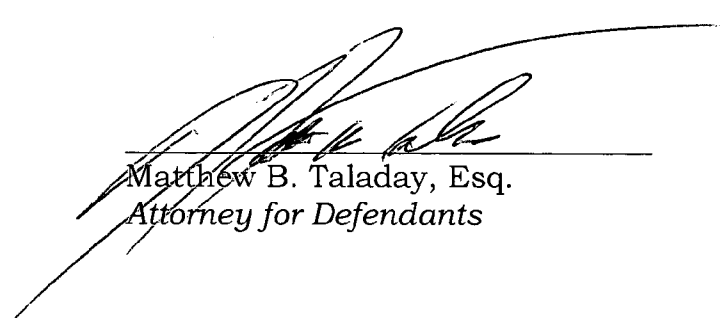
No. 2008-2135-CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

CERTIFICATE OF SERVICE

I certify that on the 14th day of November, 2011 a Court
certified copy of the Order dated November 7, 2011 was sent via first
class mail, postage prepaid, to the following:

Leanne Nedza, Esq.
Attorney for Plaintiffs
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801



Matthew B. Taladay, Esq.
Attorney for Defendants

FILED

DEC 12 2011

William A. Shaw
Prothonotary/Clerk of Courts

2cc
Atty: Blakley
Taladay
66

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

JAMES F. FARRINGER and
SALLY E. FARRINGER

VS.

NO. 2008-2135-CD

JOHN M. IMBROGNO, JR.
and WALKER PETROLEUM
SERVICES, INC.

O R D E R

NOW this 9th day of December, 2011, following argument on Defendant's Motion in Limine, it is the ORDER of this Court as follows:

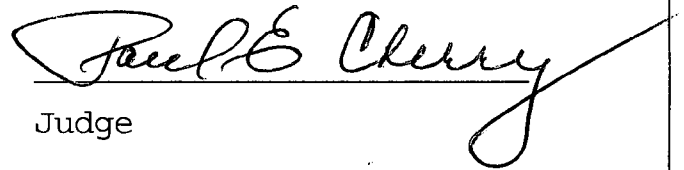
1. Motion in Limine is hereby granted in that Plaintiffs shall be precluded from offering any testimony regarding the investigating state police officer's report or any testimony as to how he believed the accident to have occurred.

2. In addition, Plaintiffs are hereby precluded from introducing testimony of Trooper Jared K. Thomas concerning the cause of the accident, including speed of the vehicles, points of impact and sequence of events, as

well as introducing any evidence concerning his investigative police report.

3. Status conference shall be held on January 10, 2012, at 1:00 p.m., with counsel being permitted to participate via telephone.

BY THE COURT,


Judge

FILED

DEC 12 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/12/11

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Litigation

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 2008 - 02135 C.D.
) Type of Case: CIVIL
)
) Type of Pleading:
) MOTION FOR CONTINUANCE
) OF TRIAL
)
) Filed on Behalf of:
) PLAINTIFF
)
) Counsel of Record:
) LEANNE NEDZA, ESQUIRE
) Supreme Court No. 39383
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, Pa 15801
) (814) 371-2730

FILED ^{2cc}
01/4/00/01 Atty Nedza
JAN 19 2012
William A. Shaw
Prothonotary/Clerk of Courts
6K

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

| | | |
|---------------------------------|---|-----------------------|
| JAMES F. FARRINGER and SALLY E. |) | |
| FARRINGER, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | NO. 2008 - 02135 C.D. |
| vs. |) | |
| |) | |
| JOHN M. IMBROGNO, JR. and |) | |
| WALKER PETROLEUM SERVICES, |) | |
| INC., |) | |
| |) | |
| Defendants. |) | |

MOTION FOR CONTINUANCE OF TRIAL

AND NOW comes the Plaintiffs, **JAMES. F FARRINGER and SALLY E. FARRINGER**, by and through their attorneys, **BLAKLEY & JONES**, and moves this Honorable Court for a continuance of Trial in this matter which is presently scheduled for February 15 through February 17, 2012, in the above captioned matter. In support thereof the following is averred:

1. Trial is scheduled in this matter for February 15, 2012, through February 17, 2012.
2. Movant after months of attempts and inquiries to the University Orthopedic Center, received the medical report of Greg M. Bailey, D.O. on January 5, 2012, who Plaintiffs contend is a material witness to this action.
3. Movant has been working with the Scheduling Coordinator of the University Orthopedics Center to schedule the deposition of Dr. Bailey.
4. Dr. Bailey has a pre-assigned date and time each month on which the Scheduling Coordinator schedules depositions for Dr. Bailey.
5. For the month of January, the date was January 26, 2012, at 8:30 a.m.
6. Plaintiffs' counsel is available for that date and time; however, Defense counsel

has a previously scheduled appointment that morning that prevents him from attending a deposition on the proposed date and time.

7. Plaintiffs' counsel, immediately upon receiving the unavailability notice of Defendants' counsel, contacted Dr. Bailey's Scheduling Coordinator for available dates in February and/or March to schedule Dr. Bailey's deposition.

8. Despite multiple attempts to contact the scheduling coordinator, as of the time of the filing of the Motion for Continuance, the Scheduling Coordinator has not returned calls from this office to provide such dates for Dr. Bailey's availability for deposition for the months of February and/or March, 2012.

9. Pursuant to *Pa.R.C.P. 216(A)(3)* one of the grounds for a continuance is the inability to take testimony by deposition, etc. See *Pa.R.C.P. 216(A)(3)*.

10. Pursuant to Rule 216, please find attached as Exhibit A, an affidavit which provides the information required by Rule 216.

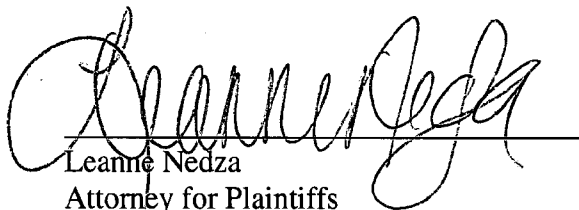
11. At this time it appears unlikely that the deposition will be able to be scheduled prior to February 2012 which would cause significant difficulties in preparing for trial.

12. Plaintiffs' do not believe the Defendants will be prejudiced by the continuance.

WHEREFORE, Movant respectfully request this Honorable Court grant the Motion and continue Trial scheduled for February 15, through February 17, 2012.

Respectfully Submitted,

BLAKLEY & JONES


Leanne Nedza
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA:

: SS

CITY OF DUBOIS

:

AFFIDAVIT PURSUANT TO Pa.R.C.P. 216(A)

Now comes Leanne Nedza, representing Plaintiffs in the above captioned matter, and Dee Rearick, Legal Assistant to Leanne Nedza, and provide an Affidavit pursuant to *Pa.R.C.P. 216(A)(3)* and in support thereof avers as follows:

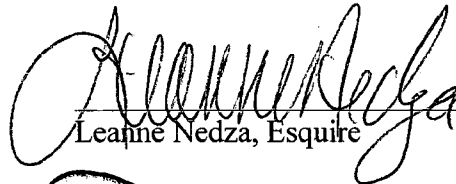
1. Pursuant to *Pa.R.C.P. 216(A)(3)(a)*, the facts to which the witness would testify if deposed: The witness is Dr. Greg M. Bailey, D.O., who treated Plaintiff James Farringer for injuries sustained in the motor vehicle accident which is the subject of this action. It is anticipated, based on his report, that Dr. Bailey will testify as to his treatment of Mr. Farringer, including surgery performed by Dr. Bailey, and that the treatment and surgery were necessary because of the accident and that the accident was the proximate cause of Mr. Farringer's medical problems to which he will testify, and more specifically:

- (b) The grounds for believing the witness would so testify: Undersigned believes the witness will testify as set forth above based on the report submitted by Dr. Bailey on January 5, 2012, and based upon prior medical documentation and information from Plaintiff.
- (c) The efforts made to secure the attendance or deposition of such witness: Undersigned's staff has made numerous phone calls to Dr. Bailey's office to secure the report in a timely manner. Further, in order to schedule the deposition, staff has been working with the scheduling coordinator of Dr. Bailey's office, as well as working with Defendants' counsel's office in order to coordinate a date that fits everyone's schedules.
- (d) The reason for believing a deposition date can and will be obtained: Undersigned's assistant, Dee Rearick, was notified by Dr. Bailey's office that Dr. Bailey has pre-assigned dates and times each month in which to

schedule depositions. Therefore it is believed that Dr. Bailey will appear for deposition once undersigned is able to secure a date for the same.

Date: _____

1/18/12

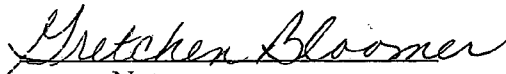

Leanne Nedza, Esquire

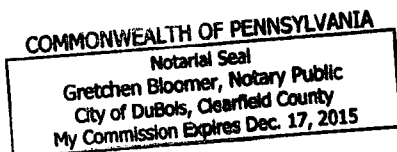
Date: _____

1/18/12


Dee Rearick

Sworn and subscribed to before
me on this 18th day of January, 2012.


Notary

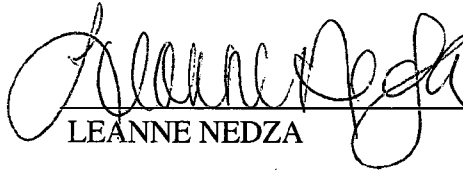


VERIFICATION

I, **LEANNE NEDZA**, hereby state that I am counsel for the Plaintiffs, **JAMES F. FARRINGER** and **SALLY E. FARRINGER**, Plaintiffs in this action and verify that the statements made in the foregoing Motion for Continuance are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: _____

1/18/12

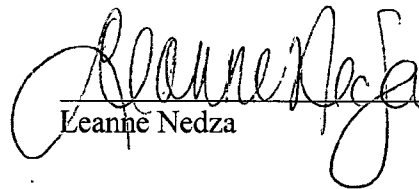

LEANNE NEDZA

CERTIFICATE OF SERVICE

I, **LEANNE NEDZA**, hereby certify that I have served a true and correct copy of Plaintiff's Motion for Continuance of Trial upon counsel for defense on this 18th day of January 2012, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Matthew B. Taladay, Esquire
Hanak, Guido and Taladay
528 Liberty Blvd.
DuBois, PA 15801

BLAKLEY & JONES



Leanne Nedza

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,

Plaintiffs,

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,

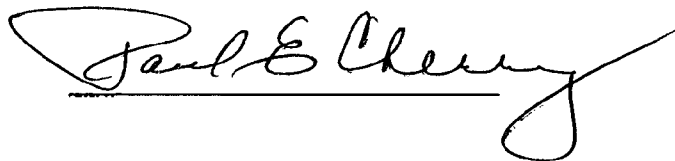
Defendants.

NO. 2008 - 02135 C.D.

ORDER

AND NOW this 18th day of January, 2012, upon consideration of the Motion to
Continue Trial; it is hereby ORDERED that argument on Plaintiffs' Motion to Continue Trial
shall be held on the 26th day of January, 2012, at 1:30 P.m., in Courtroom No. 2 of
the Clearfield County Courthouse, Clearfield, Pennsylvania

BY THE COURT:



FILED 3ce

01/19/2012

William A. Shaw
Prothonotary/Clerk of Courts

Atty Nedza

FILED

JAN 19 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/19/12

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to:

☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) Attorney

☐ Additional parties:

FILED

JAN 24 2012

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F. FARRINGER and SALLY E.
FARRINGER,


Plaintiffs,

vs.

JOHN M. IMBROGNO, JR., and
WALKER PETROLEUM SERVICES,
INC.,

Defendants.

) NO. 08 - 2135 - C.D.
)
) Type of Case: CIVIL
)
) Type of Pleading: PRAECIPE TO
) WITHDRAW MOTION FOR
) CONTINUANCE
)
) Filed on Behalf of: PLAINTIFFS
) JAMES F. FARRINGER and SALLY E.
) FARRINGER
)
) Counsel of Record for this Party:
) LEANNE NEDZA, ESQUIRE
)
) SUPREME COURT NO. 89393
)
) BLAKLEY & JONES
) 90 Beaver Drive, Box 6
) DuBois, PA 15801
) (814) 371 - 2730



Leanne Nedza
Attorney for Plaintiffs

William A. Shaw
Prothonotary/Clerk of Courts

JAN 24 2012

FILED

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,

Defendants

Type of Case: Civil Action

No. 2008-2135-CD

Type of Pleading:

**Praecipe for
Discontinuance**

Filed on Behalf of:
Plaintiffs

Counsel of Record for This
Party:

Leanne Nedza, Esq.
Supreme Court No. 89393
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801
(814) 371-2730

FILED

MAR 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

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

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

No. 2008-2135-CD

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

PRAECIPE FOR DISCONTINUANCE

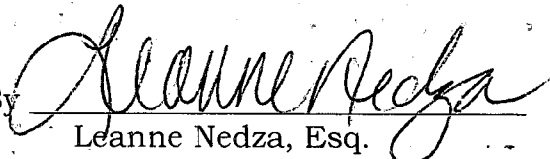
TO THE PROTHONOTARY:

Kindly mark the above referenced matter settled, ended and
discontinued.

BLAKLEY & JONES

Dated: 03/21/12

By



Leanne Nedza, Esq.
Attorney for Plaintiffs

FILED
MAR 23 2012
Prothonotary/Clerk of Courts
William A. Shaw

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

CIVIL DIVISION

**James F. Farringer and
Sally E. Farringer**

Vs.

No. 2008-02135-CD

**John M. Imbrogno Jr. and
Walker Petroleum Services, Inc.**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 23, 2012, marked:

Settled, ended and discontinued.

Record costs in the sum of \$102.00 have been paid in full by Blakley & Jones.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of March A.D. 2012.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F FARRINGER and
SALLY E. FARRINGER,
Plaintiffs

vs.

JOHN M. IMBROGNO, JR. and
WALKER PETROLEUM SERVICES,
INC.,
Defendants

Type of Case: Civil Action

No. 2008-2135-CD

Type of Pleading:

**Brief in Support of
Motion in Limine**

Filed on Behalf of:
Defendants

Counsel of Record for This
Party:

Matthew B. Taladay, Esq.
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

RECEIVED

NOV 07 2011

Court Administrator's
Office

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

| | | |
|----------------------------|---|------------------|
| JAMES F FARRINGER and | : | |
| SALLY E. FARRINGER, | : | |
| Plaintiffs | : | |
| | : | |
| vs. | : | No. 2008-2135-CD |
| | : | |
| JOHN M. IMBROGNO, JR. and | : | |
| WALKER PETROLEUM SERVICES, | : | |
| INC., | : | |
| Defendants | : | |

BRIEF IN SUPPORT OF MOTION IN LIMINE

AND NOW, come the Defendants, John M. Imbrogno, Jr. and Walker Petroleum Services, Inc., and hereby submits this Brief in Support of Motion in Limine to preclude testimony of Trooper Jared K. Thomas, and reference to or evidence regarding the Police Crash Report prepared by Trooper Jared K. Thomas and the resulting Traffic Citation:

FACTS:

This case was brought by Amended Complaint of Plaintiffs, James F. Farringer and Sally E. Farringer against Defendants John M. Imbrogno, Jr. and Walker Petroleum Services, Inc.. Plaintiffs' cause of action arises out of a three-vehicle accident on Interstate 80 on February 2, 2007. At the time of the accident, Defendant Imbrogno was employed as a truck driver by Defendant Walker Petroleum, and Imbrogno was driving a company-owned truck at the time of the accident. Plaintiffs allege that they

were driving behind Defendant's vehicle. The third driver, who was traveling in front of Defendant, is not named in the lawsuit.

Following the accident, Trooper Jared K. Thomas, Pennsylvania State Police, arrived at the scene and made an investigative report. Trooper Thomas prepared Police Crash Reporting Form, referencing Incident Number L03-0892992. In his report "Unit No. 1" is identified as the truck driven by Defendant, John Imbrogno, Jr., and owned by Walker Petroleum. Unit No. 2 is the vehicle driven by Plaintiff, James Farringer. Unit No. 3 is the third vehicle, driven by Michael Malone, who is not a party to the case.

In parts 16 and 17 of his report, Trooper Thomas indicates that the sequence of events was that Unit No. 1 hit Unit 3; then, Unit No. 1 was struck by Unit 2. He identifies the "first harmful event in the crash" as Unit No. 1 hit Unit No. 3; and the "most harmful even in the crash" as Unit No. 1 hit Unit No. 3.

The police report states that there were slippery road conditions (ice/snow), but no possible vehicle failures contributing to the accident. (Part 18). Although the report states that both Unit No. 1 and Unit No. 2 were driving too fast for conditions, the Indicated Prime Factor causing the accident is "Unit No. 1, Driving Too Fast For Conditions." (Part 19).

The Narrative part of Trooper Thomas's report states:

This crash occurred as all 3 units were traveling west on I-80. Operator #1 lost control on the snow covered roadway and struck Unit #3 in the left rear corner. Operator #2 was unable to stop on the snow covered roadway and struck Unit #1 in the left rear. Unit #1 and 2 came to final rest on the left side of the roadway. Unit #3 came to rest on the right side of the roadway.

Due to the snow covered roadway and unsafe positions of the vehicles Unit #2 was towed prior to my arrival and Units # 1 & 3 were driven to Exit 111.

The narrative report further states that Trooper Thomas interviewed the vehicle operators of the three vehicles at Exit 111. The report does not contain any observation made at the scene of the accident by Trooper Thomas.

Trooper Thomas includes a Diagram in his report in which he sketches the travel patterns, points of impact, and sequence of impact. Specifically, he labels his sketch with "initial impact point" between Units 1 and 3, and "second impact point" between Units 1 and 2.

Finally, the report of Trooper Thomas indicates that the Operator of Unit No.1, John Imbrogno, Jr., was cited with Traffic Citation #P0051338-0, and charged with Vehicle Code violation 3361 (driving at an unsafe speed).

This case is scheduled for trial February 15, 16 and 17, 2012. Defendants have submitted a Motion in Limine to preclude the testimony and police report of Trooper Jared K. Thomas. Specifically, Defendants request an Order of Court precluding Plaintiff from mentioning or introducing any testimony or evidence at trial from Trooper Thomas regarding the cause of the accident, including the speed of the vehicle and points or sequence of impact, as related in his Police Crash Report. Defendants also seek an Order precluding Plaintiffs from mentioning or introducing testimony or evidence regarding any traffic citation or vehicle code charge resulting from this accident.

ARGUMENT:

I. It is error to permit a non-eyewitness police officer to testify as to the cause of the accident.

The Vehicle Code, 75 Pa.C.S.A. §3751(b)(4), provides that the police report shall not be admissible as evidence in any action for damages arising out of a motor vehicle accident. Accordingly, the report of Trooper Jared K. Thomas is not admissible in the trial of this case. Defendants seek to preclude introduction of the Police Crash Report, and further to preclude the testimony of Trooper Thomas regarding the conclusions he reported in his investigative report.

An investigating police officer, who does not personally witness an accident, is not competent to render an opinion as to the cause of the accident. *Bennett v. Graham*, 552 Pa. 205, 209, 714 A.2d 393, 395 (1998); *Reed v. Hutchinson*, 331 Pa.Super. 404, 480 A.2d 1096 (1984). Our courts have consistently held that it is prejudicial error to permit an investigating officer to state his/her opinion as to the cause of the accident. See *Brodie v. Philadelphia Transportation Co.*, 415 Pa. 296, 203 A.2d 657 (1964); *Smith v. Clark*, 411 Pa. 142, 190 A.2d 441 (1963). The rationale in finding error with the testimony of non-eyewitness police officers as to the cause of the accident is that such testimony is "grossly speculative and an invasion of the jury's exclusive prerogative." *Brodie v. Philadelphia Transportation Co.*, *supra* at 299, 203 A.2d at 658, *Kelly v. Buckley*, 280 Pa.Super. 353, 421 A.2d 759 (1980).

In *Smith v. Clark*, 411 Pa. 142, 190 A.2d 441 (1963), the Supreme Court awarded a new trial based upon the erroneous allowance of a police officer's opinion testimony that the cause of the accident was due to the driver's failure to negotiate a curve in the road. The officer in *Smith* was not an eyewitness, his opinion went to the ultimate

issue, and it was held to be highly prejudicial to allow the officer to testify as to how the accident occurred.

Likewise, in Lesh v. Henning, 302 Pa.Super. 508, 449 A.2d 32 (1982), a non-eyewitness officer was asked to testify as to how the accident occurred. A new trial was granted on the basis that the trooper's testimony as to the cause of the accident was improper because his rendition of the accident was not based upon analysis of the physical evidence at the scene, but what was related to him by eyewitnesses. *See also Reed v. Hutchinson*, 331 Pa.Super. 404, 480 A.2d 1096 (1984)(officer's testimony based on observations at the scene and interviews of witnesses was tantamount to rendering an opinion on causation and therefore it was properly rejected); Anderson v. Russell, 33 Pa.D&C.3d 308(1983), *aff'd*, No. 151 Harrisburg 1983, *per curiam* (Aug. 10, 1984) (new trial granted when police chief, who did not witness the accident, testified as to his assessment of the point of impact); Kelly v. Buckley, *supra* (new trial granted based on testimony of two investigating officers, who had not witnessed accident, that driver failed to yield right-of-way and had been issued a citation).

In Johnson v. Peoples Cab Co., 386 Pa. 513, 126 A.2d 720 (Pa. 1956), the Supreme Court affirmed the order granting a new trial where a non-eyewitness police officer was permitted to testify as to the manner in which the accident had happened, relying purely on hearsay statements obtained from interviewing witnesses at the scene. Also, the trial court admitted a police sketch of how the accident happened, which also noted that one of the vehicles went through a stop sign. The Supreme Court held:

...[N]othing is more adamantly established in American trial procedure than that no one may testify to what somebody else told him. He may only relate what is within the sphere of his own memory brought to him by the couriers of his own senses.

...The police officer who drew the sketch... did not arrive at the scene of the mishap until 5 or 10 minutes after it happened. Obviously he could not know of his own personal knowledge where the impact precisely occurred. ... Thus, the diagram which definitely portrayed the point at which the cars collided, was either drawn from information obtained from others or was entirely speculative. In either event it could not constitute reliable evidence.

...[T]he officer could not say of his own perception whether the operator of Vehicle No. 2 ...went through a stop sign or not. It was accordingly highly prejudicial to [the defendant's] case that this statement should be brought to the attention of the jury with all the prestige and authoritativeness which naturally attaches to an impartial police report.

Johnson v. Peoples Cab Co., 386 Pa. at 514-516, 126 A. 2d at 721-722.

Inadmissible testimony of a police officer concerning the cause of the accident may be distinguished from testimony concerning merely the location of the accident from an officer's personal observations of the accident scene. For example, in McKee v. Evans, 380 Pa.Super. 120, 551 A.2d 260, Commonwealth v. Speelman, 235 Pa.Super. 109, 341 A.2d 108 (1975), and Ernst v. Ace Motor Sales, Inc. 550 F.Supp. 1220 (E.D.Pa. 1982), non-eyewitness police officers were permitted to testify as to the location of the accident or point of impact, based on observations of the accident scene. However, in such cases, the officers did not testify as to *how* the accident happened. In McKee, the officer was permitted to testify as to the point of impact based upon her perception of what she discerned at the scene of the accident - the location of the debris and resting positions of the vehicles, as her testimony only went to the localization of the accident, not to its cause.

Presently, Trooper Thomas's diagram and narrative of the accident depicts how the accident occurred and the sequence of the impact. Trooper Thomas did not witness the accident, and did not base his conclusion on personal observation at the scene.

Rather, his conclusions are based on observations made after the vehicles were removed from the scene, and subsequent interviews with the drivers. Because Trooper Thomas's report is tantamount to a rendition of his opinion as to *causation*, it may not be admitted.

Moreover, Trooper Thomas did not witness the accident or the speed of the vehicles immediately prior to impact; nor did he observe the resting point of the vehicles involved. In his report, Trooper Thomas admits that the vehicles had been removed from the scene upon his arrival, and, contrary to the first-hand observations testified to in *McKee*, his narrative is based exclusively upon statements of witnesses. Unless a police officer is properly qualified and accepted as an expert witness, he may only testify as to the facts he personally witnessed. *Bennett v. Graham*, 552 Pa. 205, 714 A.2d 393 (Pa. 1988)(*Trooper's opinion testimony as to who ran the red light was highly speculative, based on out-of-court statements by witnesses, and was therefore inadmissible.*)

Since Trooper Thomas has not been properly qualified or accepted as an expert, he may only testify as to facts he personally witnessed. His opinion as to the sequence of impact and whether any driver was driving too fast for conditions is highly speculative and based purely on out-of-court statements given by the occupants of the vehicles. Accordingly, the Plaintiffs are precluded from introducing testimony or the report of Trooper Jared K. Thomas, because it constitutes an inadmissible opinion as to causation. *Bennett v. Graham*, 552 Pa. 205, 714 A.2d 393 (Pa. 1998).

II. In a civil trial for damages arising from a traffic accident, it is error to permit testimony that a traffic citation was issued to one of the drivers.

In a civil action for damages resulting from a traffic accident, evidence that a party was issued a traffic citation as a result of the accident is not admissible. *Eastern Express, Inc. v. Food Haulers, Inc.*, 445 Pa. 432, 285 A.2d 152 (Pa. 1971 (in an action for damages arising out of an automobile collision, it was reversible error to admit the testimony of a police officer that he had arrested one of the parties for reckless driving); *Shepard v. Martin Century Farms*, 245 Pa.Super. 552, 369 A.2d 765 (1977); *Loughner v. Schmelzer*, 421 Pa. 283, 218 A.2d 768 (Pa. 1966).

In like respect, the failure to issue a traffic citation is not admissible. *Id.*, *Kelly v. Buckley*, 280 Pa.Super. 353, 421 A.2d 759 (1980); *Cusatis v. Reichert*, 406 A.2d 787. An officer's testimony that he had not issued a summons to one driver is relevant only to prove that, in the officer's opinion, the driver was not negligent, and thus also is an impermissible encroachment on the province of the jury. *Shepard v. Martin Century Farms*, 245 Pa.Super 552, 556-57, 369 A.2d 765, 768 (1977); *Kelly v. Buckley*, 280 Pa.Super. at 357, 421 A.2d at 761.

The Superior Court has reasoned: "Common sense (and experience as well) tells us that to the average juror the decision of the investigating police officer, i.e., whether to charge one driver or the other with a traffic violation based upon the result of his investigation, is very material to, if not wholly dispositive of, that juror's determination of fault on the part of the respective drivers." *Kelly v. Buckley*, *supra*, citing *Gatling v. Rothman*, 407 A.2d 387 (Pa.Super. 1979) (it was prejudicial error to permit the investigating officer to testify that defendant had not received a traffic citation:

whatever help the jury might get from the officer's assessment of the situation is outweighed by the danger that the jury will give undue weight to the assessment.)

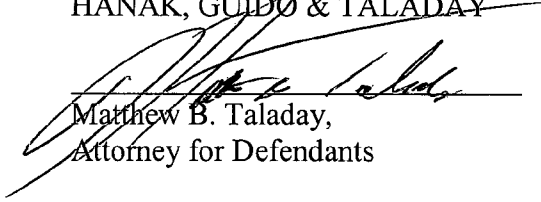
Accordingly, the testimony of the investigating officer that he had issued a citation to one party is not admissible. Likewise, the testimony of the officer that he had not issued a summons to the Plaintiff or other Defendant driver is inadmissible. Shepard v. Martin Century Farms, 245 Pa.Super. 552, 369 A.2d 765 (Pa.Super 1977); Simpson v. Robinson, 361 A.2d 387 (Pa.Super. 1976)(*It was error to admit evidence by testimony of the investigating officer that defendant did not receive a traffic citation in a civil suit arising out of a vehicle-pedestrian accident*).

Defendants Motion in Limine requests a Court Order precluding Plaintiffs from mentioning or admitting testimony or evidence concerning the traffic citation and charge against Defendant for violation of the Vehicle Code resulting from the accident in question. Defendants further request that Plaintiffs be precluded from mentioning or admitting testimony or evidence that neither Plaintiff nor the third driver were cited for violation of the Vehicle Code as a result of this accident. Admission of evidence regarding a traffic citation resulting from the accident would be contrary to Pennsylvania law and severely prejudicial to Defendants. Folino v. Young, 568 A.2d 171 (Pa. 1990).

WHEREFORE, the Defendants respectfully request that this Honorable Court enter an Order precluding the Plaintiff from mentioning, referring to, or introducing evidence at trial regarding the police crash report of Trooper Jared K. Thomas, and the opinion of Trooper Jared K. Thomas as to the cause, sequence of vehicle impact, or speed of the vehicles, and any reference to the traffic citation arising out of the subject accident.

Respectfully Submitted,

HANAK, GUIDO & TALADAY



Matthew B. Taladay,
Attorney for Defendants