

08-2135-CD  
James Farringer al vs John Imbrogno al

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.

*Will Shaw* cm  
Deputy Prothonotary

5  
FILED *Atty pd.*  
01353/01 95.00  
NOV 07 2008 1CC & 2 Writs  
*LM* to Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts  
3CC Atty

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

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

**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/Rasselias Road, R. R. #1, Box 127A, Wilcox, Elk County, Pennsylvania, 15870.

BLAKLEY & JONES

Benjamin S. Blakley, III  
Attorney for Plaintiffs

*File*

*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,

) NO. 08 - 2135 - C.D.

1

) Type of Case: CIVIL

3

) 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

1

) SUPREME COURT NO.: 26331

3

) BLAKLEY & JONES

) 90 Beaver Drive, Box 6

) DuBois, PA 15801

) (814) 371-2730

S  
**FILED** 1CCD2writs  
02:44/504 to Sheriff  
DEC 08 2008 Atty pd. 7.00  
(15) 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. ) NO. 08 - 2135 - C.D.  
JOHN M. IMBROGNO, JR., and )  
WALKER PETROLEUM SERVICES, )  
INC., )  
Defendants. )

**PRAECIPE FOR REISSUANCE OF WRIT OF SUMMONS**

**TO: WILLIAM A. SHAW, SR., PROTHONOTARY**

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.**

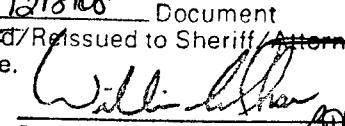
**TO: JOHN M. IMBROGNO, JR.  
WALKER PETROLEUM SERVICES, INC.**

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

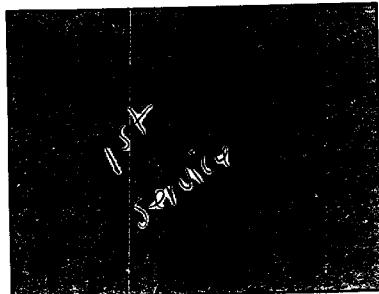
PLAINTIFF: JAMES F. FARRINGER and SALLY E. FARRINGER  
VS.  
DEFENDANT: JOHN M. IMBROGNO, JR. and WALKER PETROLEUM SERVICES, INC.

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**

---

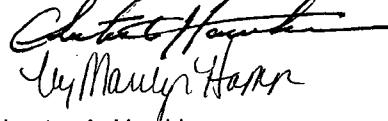
RETURN COSTS

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

So Answers,

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

  
Chester A. Hawkins  
Sheriff

James F. Farringer and  
Sally E. Farringer

IN THE COURT OF COMMON PLEAS  
ELK COUNTY

vs.

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

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 5<sup>th</sup> 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 29<sup>th</sup>

day of December A.D. 2008

*Conrad A. May*

*Conrad A. May*

My Commission Expires  
January 2, 2012

*Jeffrey C. Krieg*  
Sheriff

*Jeffrey C. Krieg*  
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

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:** 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 depelize 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,

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

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  
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CLERK TYPIST  
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## 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 depelize 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,

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

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

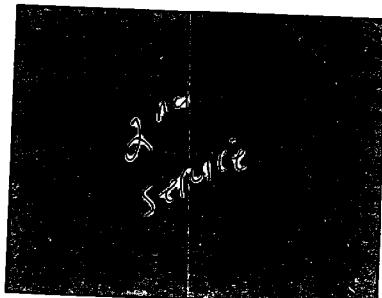
PLAINTIFF: JAMES F. FARRINGER & SALLEY E. FARRINGER  
vs.  
DEFENDANT: JOHN M. IMBROGNO, JR. & WALKER PETROLEUM SERVICES, INC.

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.



*S*  
FILED  
01/10/09 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

So Answers,

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

  
Chester A. Hawkins  
Sheriff

SHERIFF'S RETURN - REGULAR

CASE NO: 2008-10102 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF MCKEAN

JAMES AND SALLY FARRINGER

VS

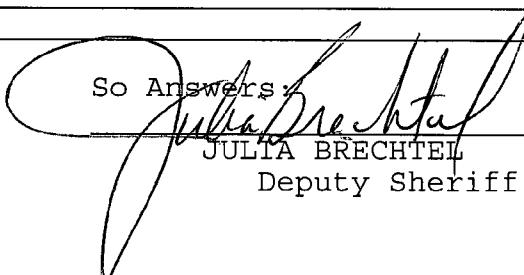
WALKER PETROLEUM SERVICES, INC

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 18<sup>th</sup> day of

December A.D. 2008

Tara L. Mory  
Notary

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

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

CO/

**SUMMONS**

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

**Vs.**

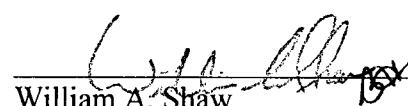
**NO.: 2008-02135-CD**

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

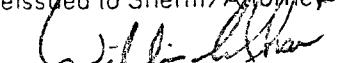
**TO: JOHN M. IMBROGNO, JR.  
WALKER PETROLEUM SERVICES, INC.**

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.  
  
\_\_\_\_\_  
William A. Shaw  
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,  
INC.,

Defendants.

- ) NO. 08 - 2135 - C.D.
- )
- ) Type of Case: CIVIL
- )
- ) 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**

5  
FILED 300  
09/22/2009 FEB 20 2009 Atty Blakley  
FEB 20 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, )  
vs. ) NO. 08 - 2135 - C.D.  
JOHN M. IMBROGNO, JR., and )  
WALKER PETROLEUM SERVICES, )  
INC., )  
Defendants. )

**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. Farris 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-C4 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**

*S*  
**FILED** 3CC  
02/25/09  
Atty Blakley  
FEB 25 2009  
*WAS*

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. )  
NO. 08 - 2135 - C.D.  
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, )  
vs. ) NO. 08 - 2135 - C.D.  
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-C4 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 expend 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**

S FILED

MAR 05 2009

W 10:05 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 Cmt to Attr

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

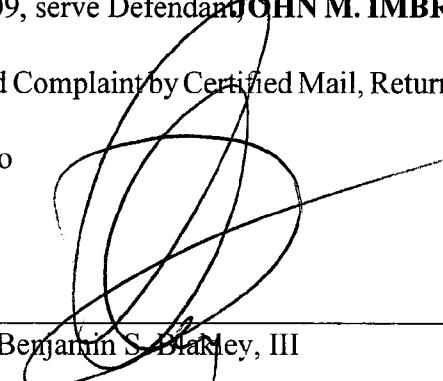
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

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

**AFFIDAVIT OF SERVICE**

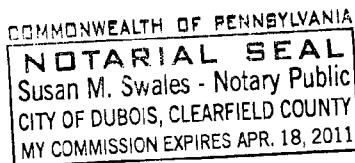
**COMMONWEALTH OF PENNSYLVANIA** :  
: **SS.**  
**COUNTY OF CLEARFIELD** :

**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 3<sup>rd</sup> day  
of March, 2009.

Susan M. Swales  
Notary Public



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Return Receipt Fee (Endorsement Required)	0.20
Restricted Delivery Fee (Endorsement Required)	0.00
Total Postage & Fees	\$ 6.24

*Sent To*  
**John M. Imbrogno, Jr.**  
*Street, Apt No.,* Fifth Avenue  
*or PO Box No.*  
*City, State, Zip* Johnsonburg, PA 15845

PA 15801 2008 LIBERTY STATION POSTMARK HERE

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*X John M. Imbrogno, Jr.*       Agent  
 Addressee

B. Received by (Printed Name)

*John M. Imbrogno, Jr.*       Date of Delivery  
*27-69*

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7008 2150 0003 6810 2096

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

**5 FILED**

MAR 05 2009  
m/10/09  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CEN to Atte

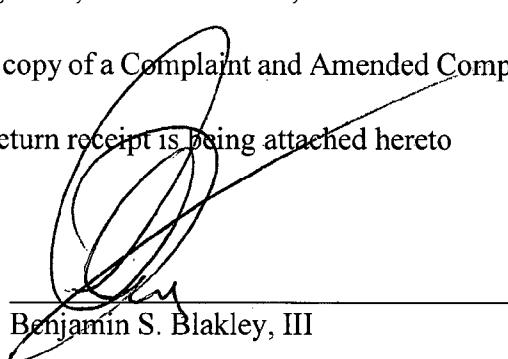
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

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

**AFFIDAVIT OF SERVICE**

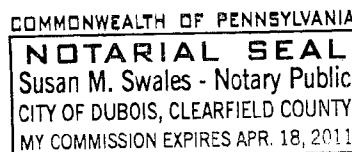
**COMMONWEALTH OF PENNSYLVANIA** :  
: **ss.**  
**COUNTY OF CLEARFIELD** :

**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 3<sup>rd</sup> day  
of March, 2009.

Susan M. Swales  
Notary Public



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2150	
0003	
6810	
2089	

Postage	\$ 1.34
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.04

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

PS Form 3800, August 2006      See Reverse for Instructions

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature </p> <p><input checked="" type="checkbox"/> Agent      <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <b>Richard Gibson</b> C. Date of Delivery <b>2/27/09</b></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 style="text-align: center;"><b>Walker Petroleum Services, Inc.</b>  <b>12200 Wilcox Road</b>  <b>Wilcox, PA 15870</b></p>		<p>3. Service Type</p> <p><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>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  <i>(Transfer from service label)</i></p>		<p style="text-align: center;"><b>7006 2150 0003 6810 2089</b></p>	

FILED

S MAR 20 2009

10:30 AM  
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:  
Praecipe 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. 49653  
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' Praeclipe 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

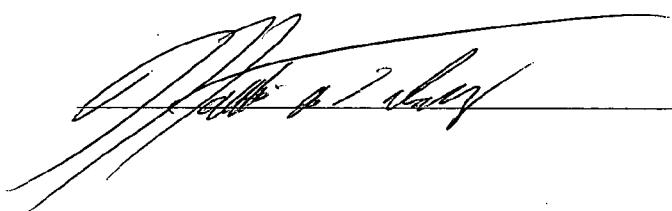
Filed on Behalf of:  
Defendants

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.



5  
FILED  
MTO:3/21/2009 NO CC  
APR 21 2009  
WAS  
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. Farris 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

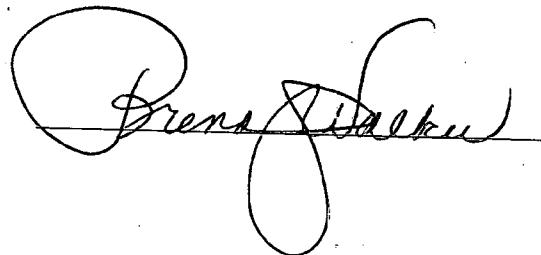
John M. Imbrogno, Jr.  
John M. Imbrogno, Jr.

**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

A handwritten signature in black ink, appearing to read "Brenda J. Walker", is written over a horizontal line. The signature is fluid and cursive, with a large, open loop on the left and a more compact loop on the right.

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

JAMES F. FARRINGER and  
SALLY E. FARRINGER,  
Plaintiffs

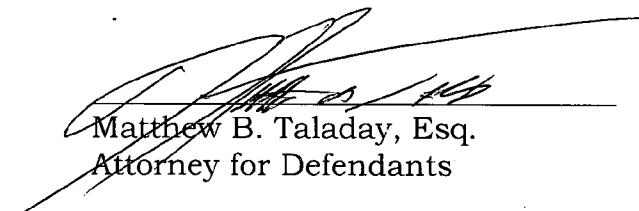
vs. No. 2008-02135 CD

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

5  
FILED  
APR 10 2009  
APR 28 2009 Atty Blakley  
Bey  
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, )  
vs. )  
Plaintiffs, ) ) NO. 08 - 2135 - C.D.  
vs. )  
JOHN M. IMBROGNO, JR., and )  
WALKER PETROLEUM SERVICES, )  
INC., )  
Defendants. )

**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. Farn  
**JAMES F. FARRINGER**

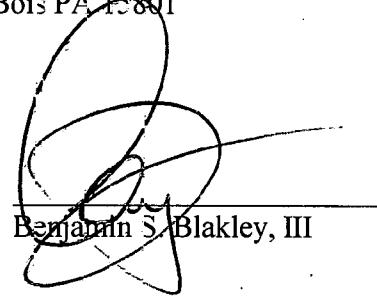
DATE: 4/27/09

Sally E. Farn  
**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 27<sup>th</sup> day of April, 2009:

Matthew B. Taladay, Esquire  
Hanax, 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

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES F. FARRINGER and SALLY E. FARRINGER, Plaintiffs	Type of Case: Civil Action No. 2008-02135- CD
vs.	Type of Pleading: Notice of Service
JOHN M. IMBROGNO, JR. and WALKER PETROLEUM SERVICES, INC., Defendants	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

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M 10 27 2009 NO  
APR 29 2009 CC  
6

William A. Shaw  
Prothonotary/Clerk of Courts

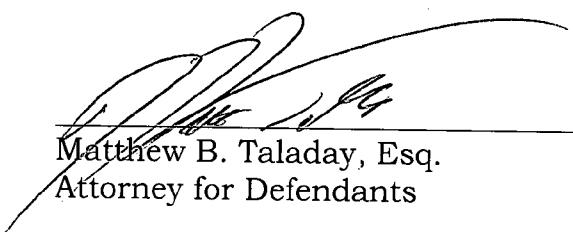
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

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  
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

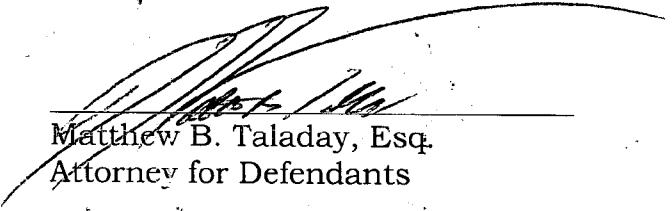
vs. : No. 2008-02135 CD

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

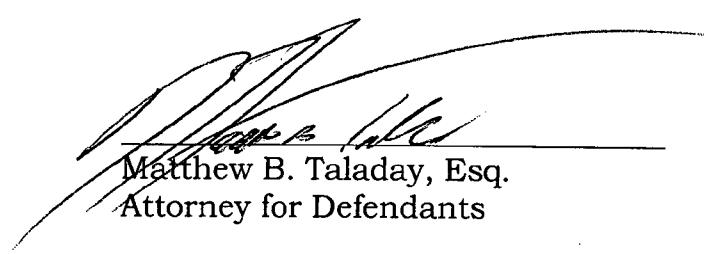
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

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

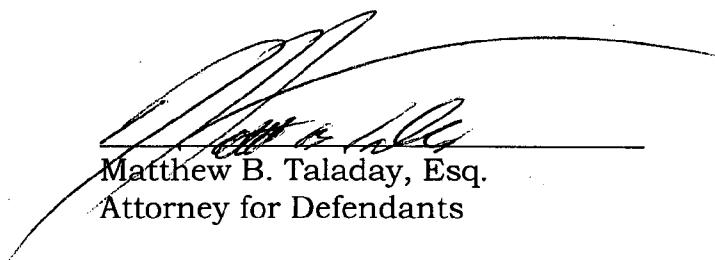
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

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 Fleading: 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

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JUL 13 2009  
NC CC  
W.A. Shaw  
Prothonotary/Clerk of Courts

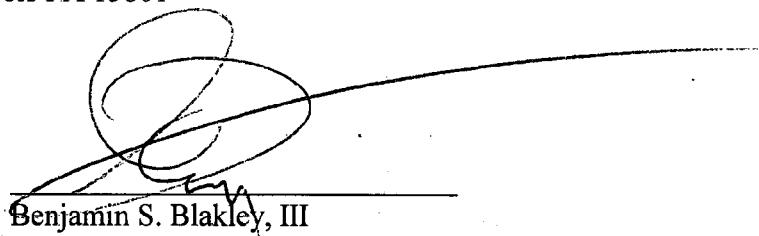
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

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

**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 9<sup>th</sup> 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

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  
S  
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

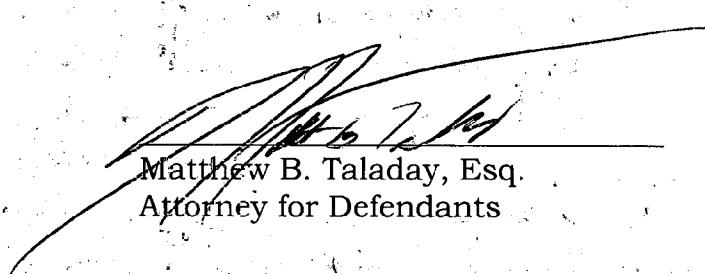
JOHN M. IMBROGNO, JR. and  
WALKER PETROLEUM SERVICES,  
INC.,

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. Nadde, Esquire  
Pa I.D. 06820

\* Naddeo & Lewis, LLC  
P.O. Box 552  
Clearfield, PA 16830  
(814) 765-1501

FILED NO  
01/31/2014  
AUG 27 2010  
WM

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 27<sup>th</sup> 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

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CERTIFICATE OF READINESS

TO THE PROTHONOTARY

William A. Shaw  
Clerk of Courts

No. 2008-02135-CD	08/09/2011
CASE NUMBER	DATE PRESENTED
	ESTIMATED TRIAL TIME

Date Complaint  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.~~

Check Block if  
a Minor is a  
Party to the  
Case

ADDITIONAL DEFENDANT(S)

JURY DEMAND FILED BY:

Plaintiff

DATE JURY DEMAND FILED:

02/20/2009

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
-----------------	---------------	----------------------------

more than

\$ Arbitration limit  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
--------------------------	------------------

FILED  
M103561  
AUG 11 2011  
6K

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL TRIAL LISTING

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.

Check Block if  
a Minor is a  
Party to the  
Case

ADDITIONAL DEFENDANT(S)

( )

( )

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

Plaintiff

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

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

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William A. Shaw  
Prothonotary/Clerk of Courts

Case #  
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w/ Pretrial  
Review  
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JAMES F. FARRINGER and  
SALLY E. FARRINGER  
Plaintiffs  
vs.  
NO. 2008-2135-CD  
JOHN M. IMBROGNO, JR., and  
WALKER PETROLEUM SERVICES. INC.  
Defendants

ORDER

AND NOW, this 12<sup>th</sup> 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 : NO. 2008-2135-CD  
SALLY E. FARRINGER :

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.

FILED 1CC Atty's:  
d/9/2011 Blakley 6/1  
SEP 09 2011 Taladay  
S William A. Shaw  
Prothonotary/Clerk of Court

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

9/11/11

DATE:

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL 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  
OCT 12 2011  
William A. Shaw  
Prothonotary/Clerk of Courts  
Scc  
Atty Nedra  
6K

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

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

**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,

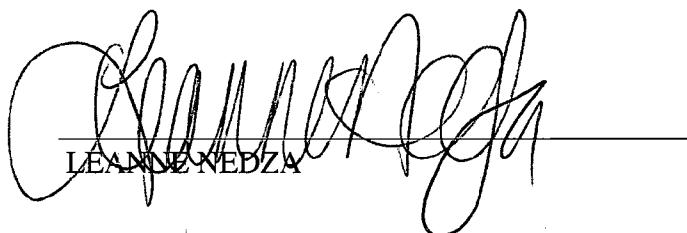
BLAKLEY & JONES

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.

Dated: 10/10/11

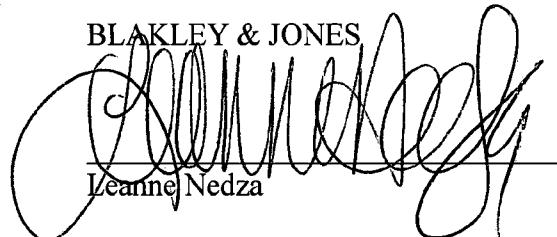


LEANNE NEDZA

**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 11<sup>th</sup> 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

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

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

**ORDER**

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.

BY THE COURT

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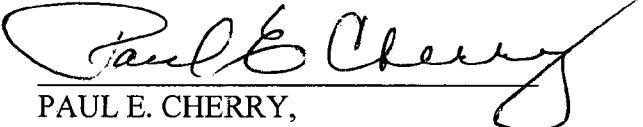
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

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

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03-44-51  
OCT 14 2011 Amy  
S William A. Shaw Blakleef  
Prothonotary/Clerk of Courts  
60

**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

11/11/06  
William A. Shaw  
Prothonotary/Clerk of Courts  
W# 4C

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

JAMES F. FARRINGER and SALLY E. FARRINGER, ) NO. 2008 - 02135 C.D.  
Plaintiffs, ) ) Type of Case: CIVIL  
vs. ) )  
JOHN M. IMBROGNO, JR. and ) Type of Pleading:  
WALKER PETROLEUM SERVICES, ) ) CERTIFICATE OF SERVICE  
INC., ) )  
Defendants. ) ) 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  
 ) )

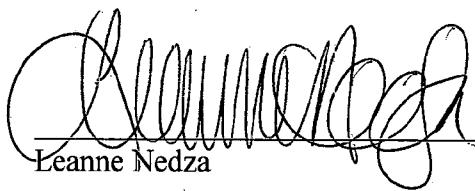
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

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

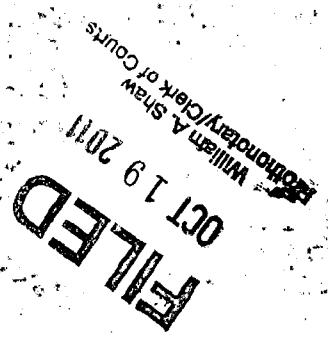
**CERTIFICATE OF SERVICE**

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 18<sup>th</sup> day of October, 2011:

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



Leanne Nedza



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 NOCC  
02/26/2011  
NOV 08 2011  
S 6K

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); Lesher 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 issued 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:

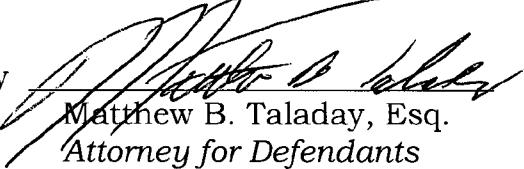
- a) Plaintiffs are precluded from mentioning, commenting on, referring to, or introducing any evidence concerning the investigative police Crash Report of Trooper Jared K. Thomas;
- b) Plaintiffs are precluded from introducing testimony of Trooper Jared K. Thomas concerning the cause of the accident, 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**

AA 500 1

**Case Closed**

**Reportable Crash**

Page

N/A

**Crash Number**

P0768024

Police Agency Data	Incident Number	LO 3 - 0892992	Police Agency	68003	Patrol Zone	072									
	Agency Name	PA STATE POLICE	Precinct	CLEARFIELD/1330	Investigation Date (MM-DD-YYYY)	02-02-2007									
Dispatch Time (min)	1510	Arrival Time (min)	1535	Investigator	TPR JARED K. THOMAS	Badge Number	10326								
Reviewer	CPL BRADLEY D. RAY		Badge Number	05573	Approval Date (MM-DD-YYYY)	02-14-2007									
Crash Data	County	County Name	Municipality	Municipality Name	Day of Week										
	117	CLEARFIELD	227	PINE TWP.	<input type="checkbox"/> Sun	<input type="checkbox"/> Thu									
	Crash Date (MM-DD-YYYY)		Crash Time (min)	No of Units	People	Injured	Killed*	*If > 00 complete Form F							
	02-02-2007		1452	03	03	00	00								
	Workzone (If Yes, Complete Form M, Section 29)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	School Bus Related	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	School Zone Related	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Notify PENNDOT Maintenance					
Loc Type	Intersection Type	<input type="checkbox"/> 4 Way Intersection	<input type="checkbox"/> "Y" Intersection	<input type="checkbox"/> Multi-Leg Intersection	<input type="checkbox"/> Off Ramp	<input type="checkbox"/> Railroad Crossing	*Special Location								
	<input checked="" type="checkbox"/> Midblock	<input type="checkbox"/> "T" Intersection	<input type="checkbox"/> Traffic Circle/Round About	<input type="checkbox"/> On Ramp	<input type="checkbox"/> Crossover	<input type="checkbox"/> Other									
	* See Overlay														
Principal Road	Route Number	Segment (Optional)	Travel Lanes	Speed Limit	Orientation			House Number (if applicable)							
	0080	0113	02	65	<input type="checkbox"/> North	<input type="checkbox"/> South	<input type="checkbox"/> East	<input checked="" type="checkbox"/> West	<input type="checkbox"/> Unknown						
	Street Name					Street Ending									
Intersecting Road	Route Number	Segment (Optional)	Travel Lanes	Speed Limit	Orientation			House Number (if applicable)							
					<input type="checkbox"/> North	<input type="checkbox"/> South	<input type="checkbox"/> East	<input checked="" type="checkbox"/> West	<input type="checkbox"/> Unknown						
	Street Name					Street Ending									
Intersecting Crashes	Route Number	Segment (Optional)	Travel Lanes	Speed Limit	Orientation			House Number (if applicable)							
					<input type="checkbox"/> North	<input type="checkbox"/> South	<input type="checkbox"/> East	<input checked="" type="checkbox"/> West	<input type="checkbox"/> Unknown						
	Street Name					Street Ending									
Use for Mid-Block Crashes	Route Signing	<input type="checkbox"/> Interstate (Not Turnpike)	<input type="checkbox"/> Turnpike (East/West)	<input type="checkbox"/> Turnpike Spur	<input type="checkbox"/> State Highway	<input type="checkbox"/> County Road	<input type="checkbox"/> Local Road or Street	<input type="checkbox"/> Private Road	<input type="checkbox"/> Other/Unknown						
Distance From Landmark	Landmark 1	Intersecting Rt Num Or Mile Post	Or Segment Marker				Feet								
							<input type="checkbox"/> North	<input type="checkbox"/> South	<input type="checkbox"/> East	<input type="checkbox"/> West					
		Or Intersecting Street Name					<input type="checkbox"/> St Ending								
	Landmark 2	Intersecting Rt Num Or Mile Post	Or Segment Marker				Feet								
							<input type="checkbox"/> North	<input type="checkbox"/> South	<input type="checkbox"/> East	<input type="checkbox"/> West					
		Or Intersecting Street Name					<input type="checkbox"/> St Ending								
GPS	Latitude:	Degrees	Minutes	Seconds	Longitude:	Degrees	Minutes	Seconds	Distance From Crash Scene to Landmark 1 (For Crash between Landmark 1 and Landmark 2)						
	41	07	:13	.51	Longitude:	-78	32	:04	.49						
TCD	Traffic Control Device	<input type="checkbox"/> Not Applicable	<input type="checkbox"/> Flashing Traffic Signal	<input type="checkbox"/> Traffic Signal	<input type="checkbox"/> Stop Sign	<input type="checkbox"/> Yield Sign	<input type="checkbox"/> Active RR Crossing Controls	<input type="checkbox"/> Passive RR Crossing Controls	<input type="checkbox"/> Police Officer or Flagman	<input type="checkbox"/> Other Type TCD	<input type="checkbox"/> Unknown	<input type="checkbox"/> TCD Functioning	<input type="checkbox"/> No Controls	<input type="checkbox"/> Device Functioning Improperly	<input type="checkbox"/> Emergency Preemptive Signal
Lane Closure	Lane Closed (If "Not Applicable", skip rest of the Lane Closure section)	<input type="checkbox"/> Not Applicable	<input checked="" type="checkbox"/> Partially	<input type="checkbox"/> Fully	<input type="checkbox"/> Unknown	Lane Closure Direction	<input type="checkbox"/> North	<input type="checkbox"/> South	<input type="checkbox"/> East	<input type="checkbox"/> West	<input type="checkbox"/> Unknown	<input type="checkbox"/> Device Functioning Properly	<input type="checkbox"/> Device Functioning Improperly	<input type="checkbox"/> Unknown	
							<input type="checkbox"/> North	<input type="checkbox"/> South	<input type="checkbox"/> East	<input type="checkbox"/> West	<input type="checkbox"/> Unknown	<input type="checkbox"/> All (N,S,E,W)			
	Traffic Detoured	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unknown <input type="checkbox"/>	Est. Time Closed	<input checked="" type="checkbox"/> < 30 Min.	<input type="checkbox"/> 30-60 Min.	<input type="checkbox"/> 1-3 hrs	<input type="checkbox"/> 3-6 hrs	<input type="checkbox"/> 6-9 hrs	<input type="checkbox"/> > 9 hours	<input type="checkbox"/> Unknown			

**COMMONWEALTH OF PENNSYLVANIA  
POLICE CRASH REPORTING FORM**

AA 500 2

Police Use Only

603-0842992

Page 2

**Crash Number**

P0768024

COMMONWEALTH OF PENNSYLVANIA  
POLICE CRASH REPORTING FORM

Crash Number

AA 500 2

Police Use Only

003-0892992

Page:

03

P0768024

10 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						<input type="checkbox"/> Commercial Vehicle <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If Yes, Complete Form C)	
		<input type="checkbox"/> First Name: JAMES MI: F Date of Birth (MM-DD-YYYY): 05 07 1950 <input type="checkbox"/> Last Name: FARRINGER Telephone Number: 814-371-0379 <input type="checkbox"/> Address / City / State: 14 S STATE ST DUBOIS PA 15801 Zip: 15801 <input type="checkbox"/> Driver License Number: 152730655 State: PA Class: C							
11 Vehicle Driver / Pedestrian Information		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	
12 Vehicle Information		Alcohol Test Results		Driver Presence					
		<input type="checkbox"/> Test Refused <input type="checkbox"/> Unknown Results <input type="checkbox"/> Test Given, Contaminated Results		<input type="checkbox"/> 1=Driver Operated   3=Driver Fleed Scene <input type="checkbox"/> Vehicle   4=Hit and Run <input type="checkbox"/> 2=No Driver   9=Unknown					
Owner/Driver		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			
		0		06=Other State Gov Veh		99=Unknown			
Same as Driver		Owner First Name		Owner Last Name or Business Name (If Pedestrian, skip this Section)					
Address / City / State / Zip		Vehicle Make				*Make Code			
		NISSAN				35			
VIN		Model Year							
3N1CB51D2YL342864		2000							
License Plate		Reg. State	Est. Speed	Vehicle Towed		Vehicle Model			
ERM9357		PA	050	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		CENTURY			
Insurance		Policy No						(see overlay)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		55PHJ616076-316036							
Trailing Unit		No. of Trailing Units: 0	Type Unit	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		W	*Vehicle Position	01	*Movement	01	*See Overlay	Special Usage	
Vehicle Color		06=Yellow	Vehicle Type	01=Automobile	05=Large Truck	20=Unicycle, Bicycle, Tricycle			12=Commercial Passenger Carrier
		07=Silver		02=Motorcycle	06=SUV	21=Other Pedalcycle			13=Taxi
		08=Gold		03=Bus	07=Van	22=Horse & Buggy			21=Tractor Trailer
		01=Blue	(If "02", Complete Form M, Section 26)	04=Small Truck	10=Snowmobile	23=Horse & Rider			22=Twin Trailer
		02=Red		12=Construction Equip	11=Farm Equip	24=Train			23=Triple Trailer
		03=White		13=ATV	18=Other Type Spec Veh	25=Trolley			31=Modified Veh
		04=Green	(If "20" or "21", Complete Form M, Section 27)	19=Unk. Type Spec Veh	98=Other	99=Unknown			99=Unknown
Initial Impact Point		00=Non-Collision	14=Undercarriage	Damage Indicator		Gradient	3=Downhill	Road Alignment	
		01-12=Clock Points	15=Towed Unit	<input type="checkbox"/> 0=Non-Functional <input type="checkbox"/> 1=Minor <input type="checkbox"/> 2=Functional <input type="checkbox"/> 3=Disabling <input type="checkbox"/> 9=Unknown		<input type="checkbox"/> 1=Level <input type="checkbox"/> 2=Uphill	4=Bottom of Hill	<input type="checkbox"/> 1=Straight <input type="checkbox"/> 2=Curved <input type="checkbox"/> 9=Unknown	
		13=Top	99=Unknown				5=Top of Hill		

COMMONWEALTH OF PENNSYLVANIA  
POLICE CRASH REPORTING FORM

New

Crash Number

AA 500 2

Police Use Only

003-0892992

Page:

04

Change/  
Continuation

00768024

10. <b>Unit Info</b>		<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						<input checked="" type="checkbox"/> Commercial Vehicle <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, Complete Form M, Section 28)			
11. <b>Vehicle Driver / Pedestrian Information</b>	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							304-690-2882		
	Address / City / State					Zip				45696	
4374 ST RT 217 WILLOW WOOD OH											
Driver License Number					State	Class					
RK082814					OH	A					
12. <b>Vehicle Information</b>	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							
	<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"/> 1=Driver Operated <input type="checkbox"/> 3=Driver Fleed Scene Vehicle <input type="checkbox"/> 4=Hit and Run 2=No Driver <input type="checkbox"/> 9=Unknown							
Owner/Driver			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 02 <input type="checkbox"/>								
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			VIN						Vehicle Make		
5700 ESTE AVE CINCINNATI OH 45232			2H5FTA5R24C033547						INTERNATIONAL		
VIN			Model Year						*Make Code (see overlay)		
			2000						9900 SERIES		
License Plate			Reg. State	Est. Speed	Vehicle Towed				Vehicle Model		
PV61260			OH	040	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Towed By		
Insurance			Policy No								
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			08260027-0								
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
									V031506	2007	TN
Direction of Travel		W	*Vehicle Position	01	*Movement	01	*See Overlay	Special Usage			
Vehicle Color			Vehicle Type		05=Large Truck 06=SUV 07=Van 08=Bus 09=Small Truck 10=Motorcycle 11=Bus 12=Construction Equip 13=ATV 14=Farm Equip 15=Towed Unit 16=Other Type Spec Veh 17=Unk. Type Spec Veh	20=Unicycle, Bicycle, Tricycle 21=Other Pedalcycle 22=Horse & Buggy 23=Horse & Rider 24=Train 25=Trolley 26=Other 27=Unknown	21 00=Not Applicable 01=Fire Veh 02=Ambulance 03=Police 08=Other Emergency Vehicle 11=Pupil Transport				
Initial Impact Point			Damage Indicator		1=None 2=Functional 3=Disabling 9=Unknown	Gradient	3=Downhill 4=Bottom of Hill 5=Top of Hill 9=Unknown	Road Alignment			
								1=Straight 2=Curved 9=Unknown			

COMMONWEALTH OF PENNSYLVANIA  
POLICE CRASH REPORTING FORM

Crash Number

AA 500 3

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203-0892992

Page

05

P0768024

<b>People Information</b>		<b>A Person Type:</b> 1=Driver 2=Passenger 7=Pedestrian 8=Other 9=Unknown	<b>D Seat Position:</b> 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	<b>E Safety Equipment One:</b> 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	<b>G Ejection:</b> 0=Not Applicable 1=Not Ejected 2=Totally Ejected 3=Partially Ejected 9=Unknown
		<b>B Sex:</b> F=Female M=Male U=Unknown	<b>C Injury Severity:</b> 0=Not Injured 1=Killed 2=Major Injury 3=Moderate Injury 4=Minor Injury 8=Injury, Unk Severity 9=Unknown If Injury	<b>F Safety Equipment Two:</b> 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	<b>H Ejection Path:</b> 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

13 EMS Agency: **NONE** Medical Facility: **NONE**

14 Unit No Person No Delete? Date of Birth (MM-DD-YYYY) A B C D E F G H I  
**01 01**   -  -  **1M0010300101**

Name / Address / Phone  Same as Operator  Yes  No

Unit No Person No Delete? Date of Birth (MM-DD-YYYY) A B C D E F G H I  
**02 01**   -  -  **1M0010300101**

Name / Address / Phone  Same as Operator  Yes  No

Unit No Person No Delete? Date of Birth (MM-DD-YYYY) A B C D E F G H I  
**03 01**   -  -  **1M0010300101**

Name / Address / Phone  Same as Operator  Yes  No

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

Name / Address / Phone  Same as Operator  Yes  No

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

Name / Address / Phone  Same as Operator  Yes  No

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

Name / Address / Phone  Same as Operator  Yes  No

**COMMONWEALTH OF PENNSYLVANIA  
POLICE CRASH REPORTING FORM**

AA 500 4

Police Use On

Police Use Only 003-0892992

Page

**Crash Number**

P 0768024

General Crash Information (if more than 2 units only complete once)	Crash Description		1	0=Non-Collision 1=Rear End	2=Head On 3=Rear to Rear (Backing)	4=Angle 5=Skidswipe (Same Direction)	6=Sideswipe (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=Snow & 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
		Harm Event	L/R	Most?	Utility Pole Number		Harmful Events (Harm Event)	
Unit No	1	03		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		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	
Please Put Events in Sequential Order	3			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
	4			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
Unit(s) Event Information	Harm Event	L/R	Most?	Utility Pole Number				
Unit No	1	01		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		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	
Please Put Events in Sequential Order	3			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
	4			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
First Harmful Event In the Crash	Unit No	Harm Event	Most Harmful Event In the Crash	Unit No	Harm Event	Driver Action (D)		
	01	03	01	01	03	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 (Pol Chase) 27=Driver Inexperienced 28=Failure To Use Specialized Equipment 92=Affected By Physical Condition 98=Other Improper Driving Actions 99=Unknown	
Environmental / Roadway Potential Factors (E/R)	1	11	2	3				
00=None 01=Windy Conditions 02=Sudden Weather Conditions 03=Other Weather Conditions 04=Deer In Roadway 05=Obstacle On Roadway 06=Other Animal In Roadway 07=Glare 08=Work Zone Related		11=Slippery Road Conditions (Ice/Snow) 12=Substance On Roadway 13=Potholes 14=Broken Or Cracked Pavement 15=TCD Obstructed 16=Soft Shoulder Or Shoulder Drop Off 28=Other Roadway Factor 29=Other Environmental Factor 99=Unknown						
Possible Vehicle Failures (V)		12=Wipers 06=Exhaust 07=Headlights 08=Signal Lights 09=Other Lights 10=Horn 11=Mirrors	13=Driver Seating/Control 14=Body, Doors, Hood, Etc 15=Trailer Hitch 16=Wheel 17=Airbags 18=Trailer Overloaded 19=Insecure/Shifted Trailer Load 20=Improper Towing 21=Obstructed Windshield 99=Unknown					
Unit No	01	100	2					
Unit No	02	100	2					
Contributing Information	Indicated Prime Factor Do not repeat this information on multiple pages.			Unit No	Factor Code	Unit No	Pedestrian Action (P)	
				01	24		03=Working 04=Pushing Vehicle 05=Approaching Or Leaving Vehicle 06=Working On Vehicle 07=Standing 98=Other 99=Unknown	
E/R	V	D	P					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
If E/R is the Prime Factor Type, leave Unit No blank				Unit No		Unit No		

COMMONWEALTH OF PENNSYLVANIA  
POLICE CRASH REPORTING FORM

New

Crash Number

AA 500 4

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CO3-0842998

Page

07

Change/  
Continuation

P0768024

General Crash Information (If more than 2 units only consider once)		Crash Description		0=Non-Collision	2=Head On	4=Angle	6=Sideswipe (Opposite Direction)	8=Hit Pedestrian		
				1=Rear End	3=Rear to Rear (Backing)	5=Sideswipe (Same Direction)	7=Hit Fixed Object	9=Other/Unknown		
		Relation to Roadway		1=On Travel Lanes	3=Median	5=Outside Trafficway	7=Gone (Ramp Intersection)			
				2=Shoulder	4=Roadside	6=In Parking Lane	9=Unknown			
		Illumination		1=Daylight	3=Dark - Street Lights	5=Dawn	8=Other			
				2=Dark - No Street Lights	4=Dusk	6=Dark - Unknown Roadway Lighting				
Weather Conditions		1=No Adverse Conditions		3=Sleet (Hail)	5=Fog	7=Sleet & Fog	9=Unknown			
				2=Rain	4=Snow	6=Rain & Fog	8=Other			
		Road Surface Conditions		0=Dry	2=Sand, Mud, Oil, Oil	4=Slush	6=Ice Patches	8=Other		
				1=Wet	3=Snow/Covered	5=Ice	7=Water - Standing or Moving			
		Harm Event L/R Most? Utility Pole Number								
		Unit No 1 1 1								
03 2										
Please Put Events in Sequential Order 3										
4										
Harm Event L/R Most? Utility Pole Number										
Unit No 1										
2										
Please Put Events in Sequential Order 3										
4										
First Harmful Event in the Crash		Unit No	Harm Event	Most Harmful Event in the Crash	Unit No	Harm Event				
Do not repeat this information on multiple pages										
Contributing Information		Environmental / Roadway Potential Factors (E/R)		1 1 1 2 2 3 3						
				11=Slippery Road Conditions (Ice/Snow)						
				12=Substance On Roadway						
				13=Potholes						
				14=Broken Or Cracked Pavement						
				15=TCD Obstructed						
				16=Soft Shoulder Or Shoulder Drop Off						
				28=Other Roadway Factor						
				29=Other Environmental Factor						
				99=Unknown						
Possible Vehicle Failures (V)										
00=None		12=Wipers								
01=Windy Conditions		13=Driver Seating/Control								
02=Sudden Weather Conditions		14=Body, Doors, Hood, Etc								
03=Other Weather Conditions		15=Trailer Hitch								
04=Deer In Roadway		16=Wheels								
05=Obstacle On Roadway		17=Airbags								
06=Other Animal On Roadway		18=Trailer Overloaded								
07=Glare		19=Unsecure/Shifted Trailer Load								
08=Work Zone Related		20=Improper Towing								
Unit No 0 1 1 0 0 2 2		21=Obstructed Windshield								
Unit No 0 1 1 0 0 2 2		99=Unknown								
Indicated Prime Factor		Unit No	Factor Code							
Do not repeat this information on multiple pages		01	24							
E/R V D P		0 0	0 0							
If E/R 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						
		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						
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								
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								
25=Hit Guard Rail		53=Lackrite								
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										
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								
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/D Clearance After Stop		24=Driving Too Fast For Conditions								
08=Running Stop Sign		25=Failure To Maintain Proper Speed								
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=Illegal Stopped On Road		98=Other Improper Driving Actions								
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 0 3 1 0 0 2 2										
Unit No 0 1 1 0 0 2 2										
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								
07=Standing		06=Working On Vehicle								
98=Other		07=Standing								
99=Unknown		08=Other								
Unit No 0 1 1 0 0 2 2										
Unit No 0 1 1 0 0 2 2										

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POLICE CRASH REPORTING FORM

AA 500 5

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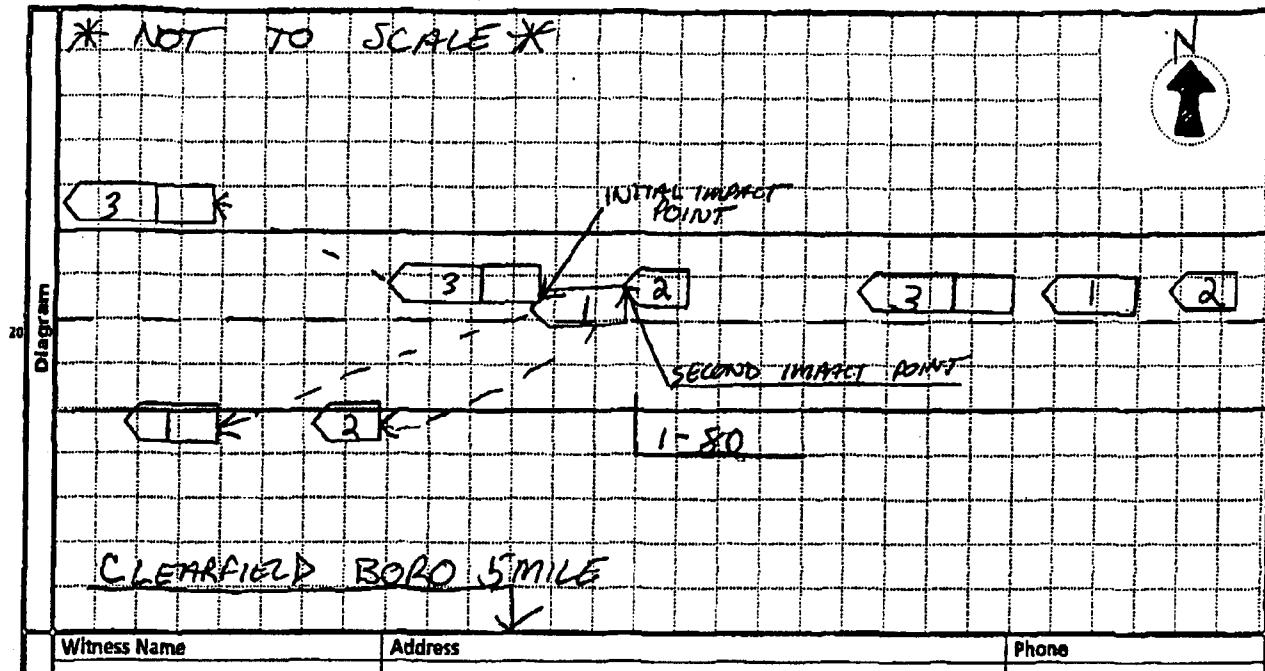
Page

0/0

Crash Number

P0768000

\* NOT TO SCALE \*



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.

THIS CRASH OCCURRED AS ALL 3 UNITS WERE TRAVELING WEST ON 1-80. 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 #3 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 111.

AT EXIT 111 AT APPROX 1545 HOURS I INTERVIEWED OPERATOR #3. HE RELATED THAT HE WAS LOSING  
- MORE -

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POLICE CRASH REPORTING FORM

AA 500 N

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CO 3 - 0892992

Page

9

New



Crash Number

08

Change/  
Continuation

PO768024

Narrative and additional witnesses:

22

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 111. 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 111. 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 INT'L POOL INC. 530 E SWEDESFORD RD WAYNE PA 19087.

CLEAN NCI C/CHESSEX 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 # P0051338-0.

PERMIT # FOR UNIT #3 OVERSIZED LOAD  
20070310603774.

ERIE-20

MM 28 2007

COMMONWEALTH OF PENNSYLVANIA  
POLICE CRASH REPORTING FORM

AA 500 C

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203-0892992

Page:

10  New

Change/  
Continuation



Crash Number

PO768024

23 Commercial Vehicle Information	Unit No <b>01</b>	Number of Axles <b>02</b> (Code Number of Axles or 99 for unknown)	Carrier Phone <b>(814) 594-0836</b>		
	Carrier Name <b>WALKER PETROLEUM SERVICES INC</b>				
	Address <b>PO BOX 1142</b>		GVWR <b>033200</b>		
	<b>RR1 BOX 127A</b>		<u>Oversize Load</u> <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown		
	City <b>WILCOX</b>		State Zip <b>PA 15870</b>		
	USDOT# <b>00952297</b>		ICC #		
			PUC #		
	<b>Cargo Body Type</b> <input type="checkbox"/> Not Applicable <input type="checkbox"/> Van/Enclosed Box <input type="checkbox"/> Cargo Tank		<input type="checkbox"/> Auto Transport <input type="checkbox"/> Flat Bed <input checked="" type="checkbox"/> Dump <input type="checkbox"/> Concrete Mixer	<input type="checkbox"/> Garbage/Refuse <input type="checkbox"/> Bus <input type="checkbox"/> Other/Unknown	<b>Vehicle Configuration</b> <input type="checkbox"/> Not Applicable <input type="checkbox"/> Passenger Car - Only Record If HazMat Placard Displayed <input type="checkbox"/> Light Truck (Van, Mini-Van, Panel, Pickup or SUV with HazMat Placard) <input checked="" type="checkbox"/> Single Unit Truck (2 Axles, 6 Tires) <input type="checkbox"/> Single Unit Truck (3 or More Axles) <input type="checkbox"/> Single Unit Truck (Unknown Number of Axles) <input type="checkbox"/> Truck/Trailer(s)
	<b>Hazardous Material</b> <input type="checkbox"/> Yes <input checked="" type="radio"/> No		Enter 1-digit hazardous material class <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <input type="checkbox"/>  <input type="checkbox"/> </div> <div style="margin-top: 10px;"> <input type="checkbox"/>  <input type="checkbox"/> </div> </div>		
	Release Indicator 1 = No Release 2 = Release Occurred 9 = Unknown				
23 Commercial Vehicle Information	Unit No <b>03</b>	Number of Axles <b>05</b> (Code Number of Axles or 99 for unknown)	Carrier Phone <b>(304) 736-6009</b>		
	Carrier Name <b>BESL TRANSFER CO.</b>				
	Address <b>5700 ESTE AVE</b>		GVWR <b>080000</b>		
			<u>Oversize Load</u> <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown		
	City <b>CINCINNATI</b>		State Zip		
	USDOT# <b>81363</b>		PUC #		
	<b>Cargo Body Type</b> <input type="checkbox"/> Not Applicable <input type="checkbox"/> Van/Enclosed Box <input type="checkbox"/> Cargo Tank		<input type="checkbox"/> Auto Transport <input checked="" type="checkbox"/> Flat Bed <input type="checkbox"/> Dump <input type="checkbox"/> Concrete Mixer	<input type="checkbox"/> Garbage/Refuse <input type="checkbox"/> Bus <input type="checkbox"/> Other/Unknown	<b>Vehicle Configuration</b> <input type="checkbox"/> Not Applicable <input type="checkbox"/> Passenger Car - Only Record If HazMat Placard Displayed <input type="checkbox"/> Light Truck (Van, Mini-Van, Panel, Pickup or SUV with HazMat Placard) <input checked="" type="checkbox"/> Single Unit Truck (2 Axles, 6 Tires) <input type="checkbox"/> Single Unit Truck (3 or More Axles) <input type="checkbox"/> Single Unit Truck (Unknown Number of Axles) <input type="checkbox"/> Truck/Trailer(s)
	<b>Hazardous Material</b> <input type="checkbox"/> Yes <input checked="" type="radio"/> No		Enter 1-digit hazardous material class <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <input type="checkbox"/>  <input type="checkbox"/> </div> <div style="margin-top: 10px;"> <input type="checkbox"/>  <input type="checkbox"/> </div> </div>		
	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 :  
:

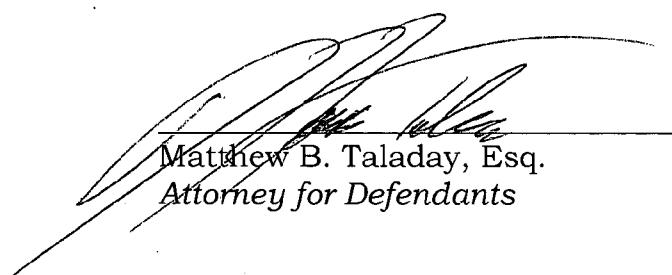
vs. : No. 2008-2135-CD

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  
07/23/2011  
NOV 03 2011  
S  
61C  
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

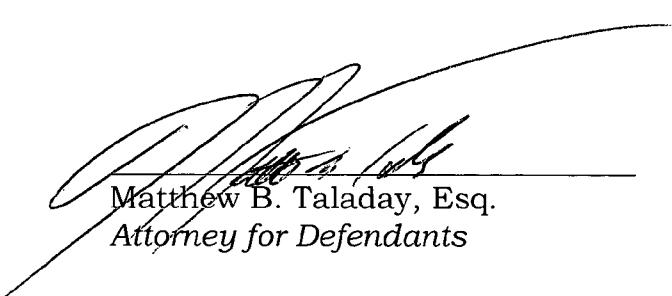
JOHN M. IMBROGNO, JR. and  
WALKER PETROLEUM SERVICES,  
INC.,

Defendants

**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*

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

CA

JAMES F. FARRINGER and  
SALLY E. FARRINGER  
Plaintiffs,

vs.

NO. 2008-2135-C.D.

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

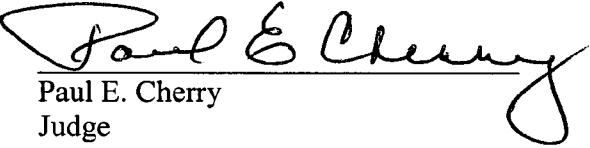
Defendants,

ORDER

AND NOW, this 7<sup>th</sup> 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  
01/03/2012  
NOV 08 2011

S  
William A. Shaw  
Prothonotary/Clerk of Courts

61  
3CC Atty Taladay

**FILED**

10/08/2011

Prothonotary  
William A. Sherry  
Prothonotary/Clerk of Courts

DATE: 10/8/11

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  
 Co-plaintiff(s)  Defendant(s) Attorney  
 Other  Special Instructions:

**FILED**

NOV 10 2011

10/20/11  
William A. Shaw  
Prothonotary/Clerk of Courts

NO 4C 6K

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

JAMES F. FARRINGER and SALLY E. FARRINGER, ) NO. 200808 - 2135 - C.D.  
Plaintiffs, )  
vs. ) Type of Case: CIVIL  
JOHN M. IMBROGNO, JR., and )  
WALKER PETRCLEUM SERVICES, ) Type of Pleading: PRAECIPE TO ENTER  
INC., ) APPEARANCE  
Defendants. )  
 ) 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

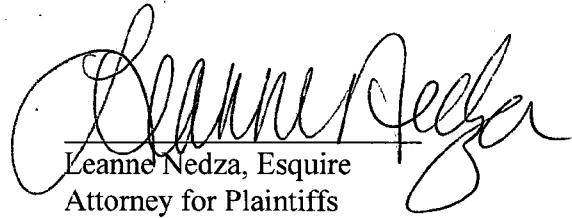
JAMES F. FARRINGER and SALLY E. )  
FARRINGER, )  
Plaintiffs, )  
vs. )  
NO. 2008 - 2135 - C.D.  
JOHN M. IMBROGNO, JR., and )  
WALKER PETROLEUM SERVICES, )  
INC., )  
Defendants. )

**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 Praeclipe 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 9/11 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  
Probation Officer  
Shaw County  
Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED *R*

NOV 15 2011  
*ml 10:10 AM*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

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

JAMES F FARRINGER and  
SALLY E. FARRINGER,  
Plaintiffs

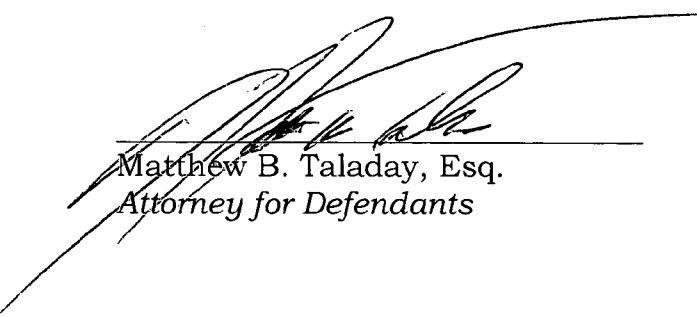
vs. : No. 2008-2135-CD

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**

01400 P.D.D.  
DEC 12 2011

2cc  
Atts: Blakley  
Taladay  
William A. Shaw  
Prothonotary/Clerk of Courts  
6L

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:

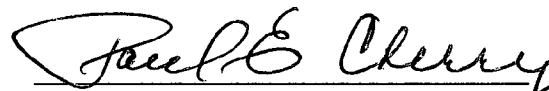
1. Motion in Limine is hereby granted in that Plaintiffs shall be precluded from offering any testimony regarding the investigating state police officer's report or any testimony as to how he believed the accident to have occurred.

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 parties:

       Plaintiff(s) Attorney             Other  
       Defendant(s) Attorney  
       Plaintiff(s) Counsel  
       Defendant(s) Counsel

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 *2ce*  
01/19/2012 *Atty Nedza*  
S 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.

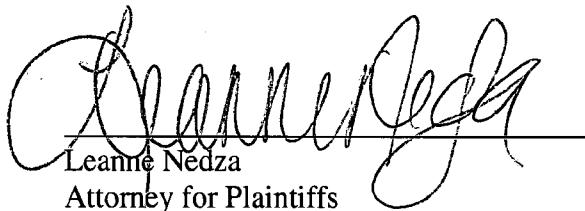
11. At this time it appears unlikely that the deposition will be able to be scheduled prior to February 2012 which would cause significant difficulties in preparing for trial.

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)**

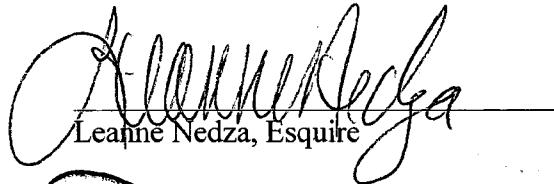
Now comes Leanne Nedza, representing Plaintiffs in the above captioned matter, and Dee Rearick, Legal Assistant to Leanne Nedza, and provide an Affidavit pursuant to *Pa.R.C.P. 216(A)(3)* and in support thereof avers as follows:

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. Farringers 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

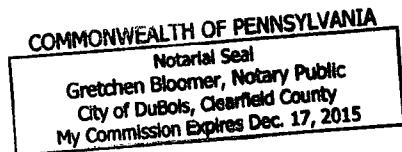
  
Leanne Nedza, Esquire

Date: 1/18/12

  
Dee Rearick

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

Gretchen Bloomer  
Notary

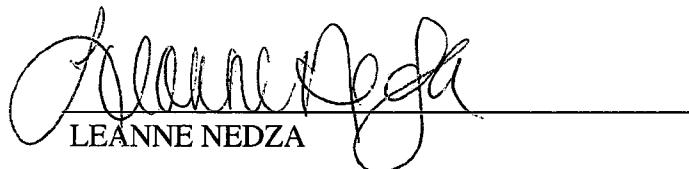


## VERIFICATION

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



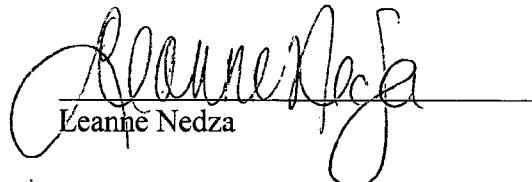
LEANNE NEDZA

**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 18<sup>th</sup> 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

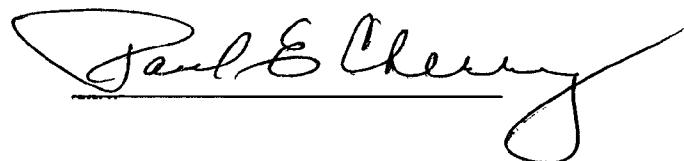
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

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

**ORDER**

AND NOW this 18<sup>th</sup> 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 26<sup>th</sup> 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 Atty Nedra  
JAN 19 2012

5  
William A. Shaw  
Prothonotary/Clerk of Courts 6/16

**FILED**

JUL 19 2012

William A. Sharif  
Prothonotary/Clerk of Courts

DATE: 11/9/12

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Actions:

FILED CA

S JAN 24 2012  
2011-151 ✓  
William A. Shaw  
Prothonotary/Clerk of Courts  
N o C/c

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

JAMES F. FARRINGER and SALLY E.  
FARRINGER,

) NO. 08-2135-CD

1

) Type of Case: CIVIL

1

- ) Type of Pleading: PRAECIPE TO
- ) WITHDRAW MOTION FOR
- ) CONTINUANCE

1

) Filed on Behalf of: PLAINTIFFS

1

## FARRINGER

3

) Counsel of Record for this Party:

)

1

#### REFERENCES

BLAKLEY & JONES

90 Beaver Drive, B

Dubois, PA 158  
(814) 371-2730

## Defendants.

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

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

**PRAECIPE TO WITHDRAW MOTION**  
**FOR CONTINUANCE**

TO THE PROTHONOTARY:

Kindly withdraw Plaintiffs' Motion for Continuance filed on January 18, 2012, in the  
above-captioned matter.



Leanne Nedza  
Attorney for Plaintiffs

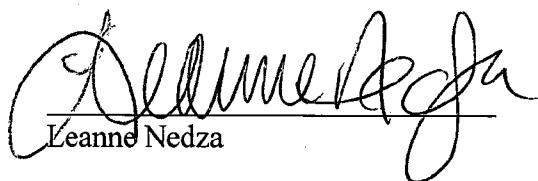
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

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

**CERTIFICATE OF SERVICE**

This will certify that the undersigned served a copy of the Praecipe to Withdraw Motion  
for Continuance, in the above-captioned matter, on defense counsel at the address shown below  
by first-class U.S. Mail on the 23rd day of January, 2012:

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



Leanne Nedza

Prothonotary/Clerk of Courts  
William A Shaw

JAN 24 2012  
**FILED**

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

MAR 23 2012

William A. Shaw  
Prothonotary/Clerk of Courts

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

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

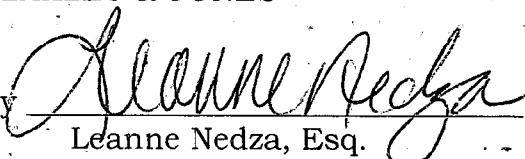
**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

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

BLAKLEY & JONES

By

  
Leanne Nedza, Esq.  
Attorney for Plaintiffs

Dated: 03/21/12

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

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

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

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

**No. 2008-02135-CD**

**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 : Type of Case: Civil Action  
SALLY E. FARRINGER, : No. 2008-2135-CD  
Plaintiffs :  
vs. : Type of Pleading:  
: **Brief in Support of**  
JOHN M. IMBROGNO, JR. and : **Motion in Limine**  
WALKER PETROLEUM SERVICES, :  
INC., :  
Defendants : 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 patters, 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 Lesher 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.)*

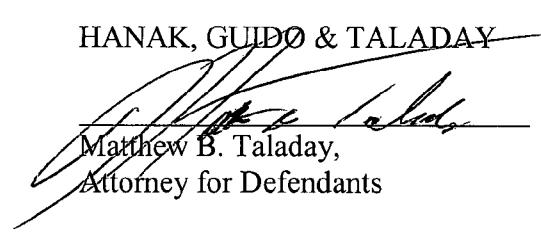
Accordingly, the testimony of the investigating officer that he had issued a citation to one party is not admissible. Likewise, the testimony of the officer that he had not issued a summons to the Plaintiff or other Defendant driver is inadmissible. *Shepard v. Martin Century Farms*, 245 Pa.Super. 552, 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

  
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