

08-2155-CD  
Jon Douthit vs Robert Powell

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

CIVIL DIVISION

No.:

Issue:

Code: 2008-2155-CD

COMPLAINT IN CIVIL ACTION

Filed on behalf of the Plaintiff.

Counsel of Record for this Party:

Richard C. Levine, Esquire  
Pa. I.D. No. 36627

Ainsman, Levine & Drexler, LLC  
Firm #975

2201 Grant Building  
Pittsburgh, PA 15219

(412) 338-9030

JURY TRIAL DEMANDED

12-15-2008 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*William A. Shaw* GK  
Deputy Prothonotary

3  
**FILED**  
m 2:34p.m. GK NOCC  
NOV 10 2008  
Prothonotary/Clerk of Courts 1 COMPL. SHFF  
William A. Shaw  
ATTY PAID 95.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

**CIVIL DIVISION**

No.:

Issue:

Code:

**COMPLAINT IN CIVIL ACTION**

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURTHOUSE  
Attn: DAVID S. MEHOLIK, Court Administrator  
1 North Second Street  
Clearfield, PA 16830  
Telephone: (814) 765-2641 ext.5982

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

**CIVIL DIVISION**

Plaintiff,

No.:

Issue:

v.

Code:

ROBERT POWELL,

Defendant.

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes the Plaintiff, Jon Douthit, by and through his attorneys, Ainsman, Levine, & Drexler, LLC, and Richard C. Levine, Esquire, and files the following Complaint in Civil Action, and in support thereof avers the following:

1. Plaintiff, Jon Douthit, is an adult individual currently residing in Clearfield County at 505 Clinton Avenue, DuBois, Pennsylvania 15801.
2. Defendant, Robert Powell, is an adult individual currently residing in Clearfield County at 38 Treasure Lake, DuBois, Pennsylvania 15801.
3. At all times pertinent hereto, Plaintiff, Jon Douthit, acted with all due care and regard for his own safety and well-being.
4. The events hereinafter described occurred on or about May 24, 2007 at approximately 4:20 p.m. in Clearfield County on the stairs of the apartment building located at 20 East Long Avenue, DuBois, Pennsylvania 15801.
5. At the date and time set forth above, Plaintiff, Jon Douthit, was assisting Defendant, Robert Powell, move a stove up the stairs of the apartment building previously

described in paragraph five (5) herein in to Defendant's apartment.

6. At that time and place, Defendant, Robert Powell, lifted to dolly carrying the stove straight up and as a result, caused the stove to slide off of the dolly and fall down the stairs.

7. As a result, Plaintiff, Jon Douthit, was forced to run down the stairs to avoid the stove and to jump off of the stairs in order to avoid being hit by the stove.

8. As a result of this accident, Plaintiff, Jon Douthit, sustained the following injuries all of which are or may be permanent in nature:

- a. Left proximal femoral shaft fracture requiring surgery;
- b. Left thigh pain
- c. Left knee pain and swelling; and
- d. Possible other serious and/or permanent injuries.

9. As a result of these injuries, Plaintiff, Jon Douthit, sustained the following damages:

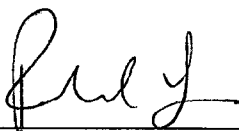
- a. He has endured and may continue to endure pain, suffering, inconvenience, embarrassment, mental anguish, and emotional and psychological trauma;
- b. He has been and may continue to be required to expend large sums of money for medical treatment and care, medical supplies, rehabilitation, medicines, and other attendant services;
- c. His general health, strength, and vitality have been impaired; and
- d. He has been and may in the future be unable to enjoy various pleasures of life that she previously enjoyed.

10. The losses, injuries, and damages to Plaintiff, Jon Douthit, as detailed above, were caused by the negligence of Defendant, Robert Powell, in some or all of the following particulars:

- a. In creating a dangerous and/or unsafe condition, when Defendant knew, or by the exercise of reasonable care should have known, that the lifting of such objects could cause injury;
- b. In failing to inform or warn Plaintiff of the dangerous and/or unsafe condition that would result from such lifting;
- c. In failing to exercise that regard and care for the rights and safety of Plaintiff required by the Defendant under the law;
- d. In failing to properly secure the stove to the dolly when Defendant knew, or by the exercise of reasonable care, should have known, that failure to do so could cause injury;
- e. In dropping and/or letting go of the stove;
- f. In failing to properly lift the dolly carrying the stove;
- g. In failing to securely and safely handle the stove; and
- h. In failing to properly supervise the lifting of the stove.

**WHEREFORE**, Plaintiff, Jon Douthit, demands judgment against the Defendant, Robert Powell, for an amount in excess of the Arbitration limits of this County plus costs and interest.

Respectfully Submitted,  
Ainsman, Levine, & Drexler, LLC

By:   
Richard C. Levine, Esquire  
Counsel for Plaintiff.

**VERIFICATION**

I verify that the statements made in the COMPLAINT IN CIVIL ACTION are true and correct; that the attached COMPLAINT IN CIVIL ACTION is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the COMPLAINT IN CIVIL ACTION is that of counsel and not the plaintiff. I have read the COMPLAINT IN CIVIL ACTION and to the extent that the COMPLAINT IN CIVIL ACTION is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the COMPLAINT IN CIVIL ACTION is that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 PA. CONS. STAT. §4904 relating to the unsworn falsification to authorities.

DATED: 10-9-08



\_\_\_\_\_  
JOHN DOUTHITT

*Jon*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

**CIVIL DIVISION**

No.: 2008-2155-CD

Issue:

Code:

**PRAECIPE TO REINSTATE  
COMPLAINT IN CIVIL ACTION**

Filed on behalf of the Plaintiff.

Counsel of Record for this Party:

Richard C. Levine, Esquire  
Pa. I.D. No. 36627

Ainsman, Levine & Drexler, LLC  
Firm #975

1500 Grant Building  
Pittsburgh, PA 15219

(412) 338-9030

**JURY TRIAL DEMANDED**

**FILED**

DEC 15 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Any pd. 7.00

2CC & 2 Compl.

Reinstated to  
Sheriff

(1010)



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

**CIVIL DIVISION**

No.: 2008-2155-CD

Issue:

Code:

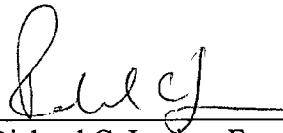
**PRAECIPE TO REINSTATE COMPLAINT IN CIVIL ACTION**

TO: PROTHONOTARY,

Kindly reinstate the Complaint in Civil Action in the above-captioned matter. Thank you.

Respectfully Submitted,  
Ainsman, Levine, & Drexler, LLC

By: \_\_\_\_\_

  
Richard C. Levine, Esquire  
Counsel for Plaintiff.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

**CIVIL DIVISION**

No.: 2008-2155-CD

Issue:

Code:

**COMPLAINT IN CIVIL ACTION**

Filed on behalf of the Plaintiff.

Counsel of Record for this Party:

Richard C. Levine, Esquire  
Pa. I.D. No. 36627

Ainsman, Levine & Drexler, LLC  
Firm #975

2201 Grant Building  
Pittsburgh, PA 15219

(412) 338-9030

**JURY TRIAL DEMANDED**

**FILED**  
2:34 P.M.  
NOV 10 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

CIVIL DIVISION

Plaintiff,

No.:

Issue:

v.

Code:

ROBERT POWELL,

Defendant.

COMPLAINT IN CIVIL ACTION

**NOTICE TO DEFEND**

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CLEARFIELD COUNTY COURTHOUSE  
Attn: DAVID S. MEHOLIK, Court Administrator  
1 North Second Street  
Clearfield, PA 16830  
Telephone: (814) 765-2641 ext.5982

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

CIVIL DIVISION

Plaintiff,

No.:

Issue:

v.

Code:

ROBERT POWELL,

Defendant.

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes the Plaintiff, Jon Douthit, by and through his attorneys, Ainsman, Levine, & Drexler, LLC, and Richard C. Levine, Esquire, and files the following Complaint in Civil Action, and in support thereof avers the following:

1. Plaintiff, Jon Douthit, is an adult individual currently residing in Clearfield County at 505 Clinton Avenue, DuBois, Pennsylvania 15801.
2. Defendant, Robert Powell, is an adult individual currently residing in Clearfield County at 38 Treasure Lake, DuBois, Pennsylvania 15801.
3. At all times pertinent hereto, Plaintiff, Jon Douthit, acted with all due care and regard for his own safety and well-being.
4. The events hereinafter described occurred on or about May 24, 2007 at approximately 4:20 p.m. in Clearfield County on the stairs of the apartment building located at 20 East Long Avenue, DuBois, Pennsylvania 15801.
5. At the date and time set forth above, Plaintiff, Jon Douthit, was assisting Defendant, Robert Powell, move a stove up the stairs of the apartment building previously

described in paragraph five (5) herein in to Defendant's apartment.

6. At that time and place, Defendant, Robert Powell, lifted to dolly carrying the stove straight up and as a result, caused the stove to slide off of the dolly and fall down the stairs.

7. As a result, Plaintiff, Jon Douthit, was forced to run down the stairs to avoid the stove and to jump off of the stairs in order to avoid being hit by the stove.

8. As a result of this accident, Plaintiff, Jon Douthit, sustained the following injuries all of which are or may be permanent in nature:

- a. Left proximal femoral shaft fracture requiring surgery;
- b. Left thigh pain
- c. Left knee pain and swelling; and
- d. Possible other serious and/or permanent injuries.

9. As a result of these injuries, Plaintiff, Jon Douthit, sustained the following damages:

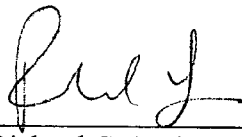
- a. He has endured and may continue to endure pain, suffering, inconvenience, embarrassment, mental anguish, and emotional and psychological trauma;
- b. He has been and may continue to be required to expend large sums of money for medical treatment and care, medical supplies, rehabilitation, medicines, and other attendant services;
- c. His general health, strength, and vitality have been impaired; and
- d. He has been and may in the future be unable to enjoy various pleasures of life that she previously enjoyed.

10. The losses, injuries, and damages to Plaintiff, Jon Douthit, as detailed above, were caused by the negligence of Defendant, Robert Powell, in some or all of the following particulars:

- a. In creating a dangerous and/or unsafe condition, when Defendant knew, or by the exercise of reasonable care should have known, that the lifting of such objects could cause injury;
- b. In failing to inform or warn Plaintiff of the dangerous and/or unsafe condition that would result from such lifting;
- c. In failing to exercise that regard and care for the rights and safety of Plaintiff required by the Defendant under the law;
- d. In failing to properly secure the stove to the dolly when Defendant knew, or by the exercise of reasonable care, should have known, that failure to do so could cause injury;
- e. In dropping and/or letting go of the stove;
- f. In failing to properly lift the dolly carrying the stove;
- g. In failing to securely and safely handle the stove; and
- h. In failing to properly supervise the lifting of the stove.

**WHEREFORE**, Plaintiff, Jon Douthit, demands judgment against the Defendant, Robert Powell, for an amount in excess of the Arbitration limits of this County plus costs and interest.

Respectfully Submitted,  
Ainsman, Levine, & Drexler, LLC

By:   
Richard C. Levine, Esquire  
Counsel for Plaintiff.

**VERIFICATION**

I verify that the statements made in the COMPLAINT IN CIVIL ACTION are true and correct; that the attached COMPLAINT IN CIVIL ACTION is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the COMPLAINT IN CIVIL ACTION is that of counsel and not the plaintiff. I have read the COMPLAINT IN CIVIL ACTION and to the extent that the COMPLAINT IN CIVIL ACTION is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the COMPLAINT IN CIVIL ACTION is that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 PA. CONS. STAT. §4904 relating to the unsworn falsification to authorities.

DATED: 10-9-06



\_\_\_\_\_  
JOHN DOUTHITT

Jon

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2155-CD

JON DOUTHIT  
vs  
ROBERT POWELL

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 12/10/2008 HEARING: PAGE: 104895

DEFENDANT: ROBERT POWELL  
ADDRESS: 38 TREASURE LAKE Sec 1 lot 191 Bay + Assembly (JWS) electric fence  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

12-02-08 W/H

OCCUPIED

5  
**FILED**  
08:30 a.m. GK  
DEC 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, 12-10-08 AT 10:03 (AM) PM SERVED THE WITHIN

COMPLAINT ON ROBERT POWELL, DEFENDANT

BY HANDING TO Robert Powell / Defendant

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

ADDRESS SERVED Sect 1 lot 191 Treasure Lake DuBois, PA-15801

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

COMPLAINT FOR ROBERT POWELL

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

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

I MAKE RETURN OF NOT FOUND AS TO ROBERT POWELL

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*[Signature]*  
Deputy Signature

Mark A. Courrier  
Print Deputy Name



FILED

DEC 23 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JON DOUTHIT,

Plaintiff

vs.

No. 2008-2155 CD

ROBERT POWELL,

Defendant

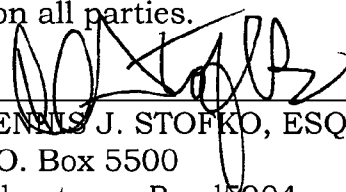
ENTRY OF APPEARANCE

Please enter my appearance for Defendant in the above matter. Papers may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in this action.

I certify this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties.

  
DENNIS J. STOFKO, ESQUIRE  
P.O. Box 5500  
Johnstown, Pa. 15904  
814 262-0064  
ID 27638

FILED

JAN 26 2009

M/12:30/0

William A. Shaw

Prothonotary/Clerk of Courts

No 9/C 60

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JON DOUTHIT,

Plaintiff

vs.

No. 2008-2155 CD

ROBERT POWELL,

ANSWER AND NEW MATTER

Defendant

Counsel of record for this party:

Dennis J. Stofko, Esquire

P.O. Box 5500

Johnstown, Pa. 15904

814 262-0064

ID 27638

TO THE PLAINTIFF:

You are hereby notified to reply to  
the enclosed New Matter within 20 days of  
service of same or a default judgment  
may be entered against you.

ANSWER AND NEW MATTER

NOW COMES the Defendant, Robert Powell, by and through counsel, Dennis J. Stofko, and files the following Answer and New Matter to Plaintiff's Complaint.

1. Admitted.

2. Denied. The defendant, Robert Powell, is an individual residing at 210 Jackson Street, Reynoldsville, Jefferson County.

3. Denied. Paragraph 3 contains a conclusion of law to which no responsive pleading is required.

4. Admitted.

5. Admitted.

6. Denied. After reasonable investigation, the Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

7. Denied. After reasonable investigation, the Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

8. Denied. After reasonable investigation, the Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

9. Denied. Paragraph 9 contains conclusions of law to which no responsive pleading is required.

10. Denied. Paragraph 10 contains conclusions of law to which no responsive pleading is required.

WHEREFORE, Defendant requests Plaintiff's Complaint be dismissed.

NEW MATTER

11. The Defendant is informed, believes and therefore avers that the Plaintiff is contributorily negligent and/or comparatively negligent and Plaintiff is thus barred from recovery of any damages under the terms of the Pennsylvania Comparative Negligence Act. Act No. July 9, 1976 Pl. 855 No. 152 and the Act of April 28, 1978, Pl. 202 No. 53 Section 10 (89), 42 Pa. CSA Section 7102A, effective as to the causes of action arising on or after May 24, 2007 as the Plaintiff's causal negligence is greater than the negligence, if any, of the Defendant.

12. In the alternative pursuant to the aforesaid provisions of the Pennsylvania Comparative Negligence Act, 42 Pa. CSA Section 7102A any damage which the Plaintiff may have legally suffered and can prove at trial and which are not otherwise barred by any of the defenses asserted in this Answer and New Matter should be diminished in proportion to the amount of negligence attributed to the Plaintiff.

WHEREFORE, Defendant requests judgment on his behalf.

  
\_\_\_\_\_  
DENNIS J. STOPKO, Attorney for  
Defendant

I, Robert Powell, do hereby swear or affirm that the facts set forth in the Answer and New Matter are correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.

  
Robert Powell

Dated: 1-14-09

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

**CIVIL DIVISION**

No.: 2008-2155-CD

Issue:

Code:

**REPLY TO NEW MATTER**

Filed on behalf of the Plaintiff.

Counsel of Record for this Party:

Richard C. Levine, Esquire  
Pa. I.D. No. 36627

Ainsman, Levine & Drexler, LLC  
Firm #975

1500 Grant Building  
Pittsburgh, PA 15219

(412) 338-9030

**JURY TRIAL DEMANDED**

**FILED**  
2/11/09 13:01 NO CC  
FEB 02 2009 @W  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

**CIVIL DIVISION**

No.:

Issue:

Code:

**REPLY TO NEW MATTER**


AND NOW, comes the Plaintiff, Jon Douthit, by and through his attorneys, Ainsman, Levine, & Drexler, LLC, and Richard C. Levine, Esquire, and files the following Reply to New Matter:

1. The allegations that set forth in Paragraph 11 is denied pursuant to Pa. R.C.P. 1030.
2. The allegations that set forth in Paragraph 12 are denied pursuant to Pa. R.C.P. 1030.

WHEREFORE, Plaintiff, Jon Douthit, demands judgment against the Defendant, Robert Powell, in an amount in excess of the arbitration limits of this court plus interest and costs.

Respectfully Submitted,  
Ainsman, Levine, & Drexler, LLC

By: \_\_\_\_\_

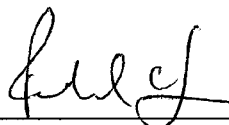
  
Richard C. Levine, Esquire  
Counsel for Plaintiff.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing REPLY TO NEW MATTER  
was served via U.S. Mail, first class, postage prepaid on January 30, 2009 to all  
counsel of record as follows:

Dennis J. Stofko, Esquire  
Stofko Law Offices  
969 Eisenhower Boulevard  
Suite E  
P.O. Box 5500  
Johnstown, PA 15901



---

Richard C. Levine, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104895  
NO: 08-2155-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: JON DOUTHIT  
vs.  
DEFENDANT: ROBERT POWELL

SHERIFF RETURN

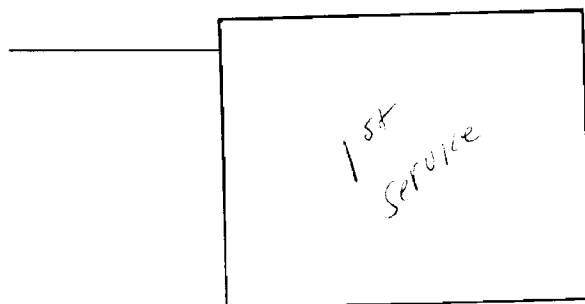
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	AINSMAN	23425	10.00
SHERIFF HAWKINS	AINSMAN	23425	62.46

5  
**FILED**  
03:22:40  
FEB 20 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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



So Answers;

Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105063  
NO: 08-2155-CD  
SERVICE # 1 OF 1  
PRAECIPE & COMPLAINT

PLAINTIFF: JON DOUTHIT  
vs.  
DEFENDANT: ROBERT POWELL

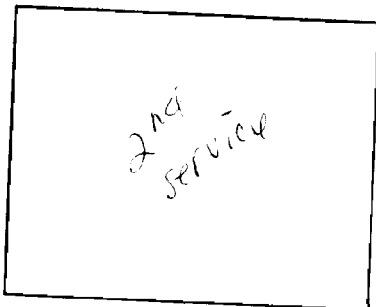
SHERIFF RETURN

---

NOW, December 17, 2008, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN PRAECIPE & COMPLAINT ON ROBERT POWELL.

NOW, December 18, 2008 AT 5:43 PM SERVED THE WITHIN PRAECIPE & COMPLAINT ON ROBERT POWELL, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

5 FILED  
013:22301  
FEB 20 2009  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105063  
NO: 08-2155-CD  
SERVICES 1  
PRAECIPE & COMPLAINT

PLAINTIFF: JON DOUTHIT  
VS.  
DEFENDANT: ROBERT POWELL

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	AINSMAN	23817	10.00
SHERIFF HAWKINS	AINSMAN	23817	12.00
JEFFERSON CO.	AINSMAN	23818	45.74

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

No. 08-2155 C.D.

Personally appeared before me, Dean Smith, Deputy for Carl J. Gotwald, Sr., Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on December 18, 2008 at 5:43 o'clock P.M. served the Re-Instated Notice and Complaint upon ROBERT POWELL, Defendant, at the address of 210 Jackson Street, Borough of Reynoldsville, County of Jefferson, State of Pennsylvania, by handing to the defendant personally, a true copy of the Re-Instated Notice and Complaint and by making known to him the contents thereof.

Advance Costs Received: \$125.00  
 My Costs: 43.74 Paid  
 Prothy: 2.00  
 Total Costs: 45.74  
 REFUNDED: \$ 79.26

Sworn and subscribed

to before me this 29th  
 day of December 2008  
 By Dean Smith, deputy

My Commission Expires the  
 1st Monday, January 2010

So Answers,

Dean Smith Deputy

Carl J. Gotwald Sr. Sheriff  
 JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

**COPY**

JON DOUTHIT,

**CIVIL DIVISION**

Plaintiff,

No.: 2008-2155-CD

Issue:

v.

Code:

ROBERT POWELL,

Defendant.

**COMPLAINT IN CIVIL ACTION**

Filed on behalf of the Plaintiff.

Counsel of Record for this Party:

Richard C. Levine, Esquire  
Pa. I.D. No. 36627

Ainsman, Levine & Drexler, LLC  
Firm #975

2201 Grant Building  
Pittsburgh, PA 15219

(412) 338-9030

**JURY TRIAL DEMANDED**

12/15/08 Document  
Reinstated/Referred to Sheriff/Attorney  
for service.

*William A. Shaw*  
Deputy Prothonotary

**FILED**  
2:34 P.M.  
NOV 10 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

CIVIL DIVISION

Plaintiff,

No.:

Issue:

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ROBERT POWELL,

Defendant.

COMPLAINT IN CIVIL ACTION

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY COURTHOUSE  
Attn: DAVID S. MEHOLIK, Court Administrator  
1 North Second Street  
Clearfield, PA 16830  
Telephone: (814) 765-2641 ext.5982

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

**CIVIL DIVISION**

Plaintiff,

No.:

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ROBERT POWELL,

Defendant.

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes the Plaintiff, Jon Douthit, by and through his attorneys, Ainsman, Levine, & Drexler, LLC, and Richard C. Levine, Esquire, and files the following Complaint in Civil Action, and in support thereof avers the following:

1. Plaintiff, Jon Douthit, is an adult individual currently residing in Clearfield County at 505 Clinton Avenue, DuBois, Pennsylvania 15801.
2. Defendant, Robert Powell, is an adult individual currently residing in Clearfield County at 38 Treasure Lake, DuBois, Pennsylvania 15801.
3. At all times pertinent hereto, Plaintiff, Jon Douthit, acted with all due care and regard for his own safety and well-being.
4. The events hereinafter described occurred on or about May 24, 2007 at approximately 4:20 p.m. in Clearfield County on the stairs of the apartment building located at 20 East Long Avenue, DuBois, Pennsylvania 15801.
5. At the date and time set forth above, Plaintiff, Jon Douthit, was assisting Defendant, Robert Powell, move a stove up the stairs of the apartment building previously



described in paragraph five (5) herein in to Defendant's apartment.

6. At that time and place, Defendant, Robert Powell, lifted to dolly carrying the stove straight up and as a result, caused the stove to slide off of the dolly and fall down the stairs.

7. As a result, Plaintiff, Jon Douthit, was forced to run down the stairs to avoid the stove and to jump off of the stairs in order to avoid being hit by the stove.

8. As a result of this accident, Plaintiff, Jon Douthit, sustained the following injuries all of which are or may be permanent in nature:

- a. Left proximal femoral shaft fracture requiring surgery;
- b. Left thigh pain
- c. Left knee pain and swelling; and
- d. Possible other serious and/or permanent injuries.

9. As a result of these injuries, Plaintiff, Jon Douthit, sustained the following damages:

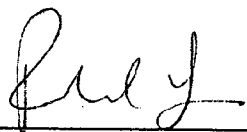
- a. He has endured and may continue to endure pain, suffering, inconvenience, embarrassment, mental anguish, and emotional and psychological trauma;
- b. He has been and may continue to be required to expend large sums of money for medical treatment and care, medical supplies, rehabilitation, medicines, and other attendant services;
- c. His general health, strength, and vitality have been impaired; and
- d. He has been and may in the future be unable to enjoy various pleasures of life that she previously enjoyed.

10. The losses, injuries, and damages to Plaintiff, Jon Douthit, as detailed above, were caused by the negligence of Defendant, Robert Powell, in some or all of the following particulars:

- a. In creating a dangerous and/or unsafe condition, when Defendant knew, or by the exercise of reasonable care should have known, that the lifting of such objects could cause injury;
- b. In failing to inform or warn Plaintiff of the dangerous and/or unsafe condition that would result from such lifting;
- c. In failing to exercise that regard and care for the rights and safety of Plaintiff required by the Defendant under the law;
- d. In failing to properly secure the stove to the dolly when Defendant knew, or by the exercise of reasonable care, should have known, that failure to do so could cause injury;
- e. In dropping and/or letting go of the stove;
- f. In failing to properly lift the dolly carrying the stove;
- g. In failing to securely and safely handle the stove; and
- h. In failing to properly supervise the lifting of the stove.

**WHEREFORE**, Plaintiff, Jon Douthit, demands judgment against the Defendant, Robert Powell, for an amount in excess of the Arbitration limits of this County plus costs and interest.

Respectfully Submitted,  
Ainsman, Levine, & Drexler, LLC

By:   
Richard C. Levine, Esquire  
Counsel for Plaintiff.

VERIFICATION

I verify that the statements made in the COMPLAINT IN CIVIL ACTION are true and correct; that the attached COMPLAINT IN CIVIL ACTION is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the COMPLAINT IN CIVIL ACTION is that of counsel and not the plaintiff. I have read the COMPLAINT IN CIVIL ACTION and to the extent that the COMPLAINT IN CIVIL ACTION is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the COMPLAINT IN CIVIL ACTION is that of counsel, I have relied upon counsel in making this Verification. I understand that false statements herein made are subject to the penalties of 18 PA. CONS. STAT. §4904 relating to the unsworn falsification to authorities.

DATED: 10-9-08



\_\_\_\_\_  
JOHN DOUTHIT

Jon

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104898  
NO: 08-2159-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: HUDSON & KEYSE, LLC, ASSIGNEE  
vs.  
DEFENDANT: JEFFERY C. SERENA

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APPLE	21714	10.00
SHERIFF HAWKINS	APPLE	21714	23.85

<sup>S</sup> FILED  
01/30/2009  
FEB 20 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

**CIVIL DIVISION**

No.: 2008-2155-CD

Issue:

Code:

**PRAECIPE TO DISCONTINUE  
PROCEEDINGS PURSUANT TO  
PA. R.C.P. 229**

Filed on behalf of the Plaintiff.

Counsel of Record for this Party:

Richard C. Levine, Esquire  
Pa. I.D. No. 36627

Ainsman, Levine & Drexler, LLC  
Firm #975

330 Grant Street, Suite 1500  
Pittsburgh, PA 15219

(412) 338-9030

**JURY TRIAL DEMANDED**

5  
**FILED** Cert of disc  
m/11:45am issued to  
APR 02 2009 Atty Levine  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JON DOUTHIT,

Plaintiff,

v.

ROBERT POWELL,

Defendant.

**CIVIL DIVISION**

No.: 2008-2155-CD

Issue:

Code:

PLAINTIFF'S PRAECIPE TO DISCONTINUE  
PROCEEDINGS PURSUANT TO PA. R.C.P. 229

TO: PROTHONOTARY

SIR:

Please Discontinue this action as to all Defendants.

Respectfully Submitted,  
Ainsman, Levine, & Drexler, LLC

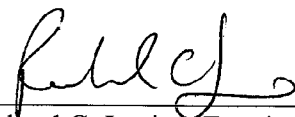
By: 

Richard C. Levine, Esquire  
Counsel for Plaintiff.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing PRAECIPE TO DISCONTINUE PURSUANT TO PA. R.C.P. 229 was served via U.S. Mail, first class, postage prepaid on March 31<sup>st</sup>, 2009 to all counsel of record as follows:

Dennis J. Stofko, Esquire  
Stofko Law Offices  
969 Eisenhower Boulevard  
Suite E  
P.O. Box 5500  
Johnstown, PA 15901

  
\_\_\_\_\_  
Richard C. Levine, Esquire  
Attorney for Plaintiff

24-7

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Jon Douthit

Vs.  
Robert Powell

No. 2008-02155-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 April 2, 2009, marked:

Discontinued

Record costs in the sum of \$102.00 have been paid in full by Richard C. Levine Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of April A.D. 2009.



William A. Shaw, Prothonotary *um*