

IN THE COURT OF COMMON PLEAS OF  
LYCOMING COUNTY, PA

DAVID SHAY II	:	
	:	NO: 09-01543
Plaintiff	:	
	:	
vs.	:	
	:	
	:	
FINISH LINE CAFÉ, D.C.A.C., INC.,	:	CIVIL ACTION
MICHELLE N. KNAUFF, KENNETH	:	
DAUBER,	:	
	:	
Defendants	:	

**ORDER**

On October 12, 2010, the above-captioned matter was placed on the January 2011 trial term for a trial on the issue of damages pursuant to Pa.R.C.P. 1037(b)(1). According to the Complaint, the Plaintiff was struck in the head with a beer mug by Defendant Kenneth Dauber while both were business invitees and/or patrons at the Finish Line Café.

On January 28, 2011 following a non-jury trial in which the Plaintiff provided testimony, this Court finds that the Plaintiff has medical bills relating to this incident in the amount of \$486.23. The Plaintiff did not miss time from work as a result of the incident. Although the Plaintiff suffers from headaches as a result of the incident, no testimony was presented regarding Plaintiff's inability to function, and the Plaintiff does in fact have employment. Although the Plaintiff has a visible scar on the side of his head, the scar is not disfiguring as it is not raised or red in color. The Plaintiff is hereby awarded the sum of \$2,500.00 as compensation for his medical expenses, and for his visible scar which required five (5) staples to repair.

In conclusion, verdict is entered in favor of the Plaintiff, David Shay, II, in the amount of \$2,500.00 against all Defendants, jointly and severally.

BY THE COURT,

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Date

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Richard A. Gray, J.

cc: Valeen D. Hykes, Esquire  
608 W. Oak Street  
P.O. Box 201  
Frackville, PA 17931

Kenneth Dauber  
3743 Lycoming Creek Road  
Williamsport, PA 17701

Michelle N. Knauff – Finish Line Café – D.C.A.C., Inc.  
79 Brandy Run Road  
Cogan Station, PA 17728

Gary Weber, Esquire