

UW-124-CJ
GEORGE E. LAROCK et ux -vs- WAROQUIER COAL, INC.

Printed By: IMA United - Form H-611 8900574

| | | |
|---|--|--|
| Kimberly M. Kubista | GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife | X FEBRUARY 2, 2000, PRAECIPE TO ISSUE WRIT OF SUMMONS, filed by Kimberly M. Kubista, Attorney for the Plaintiffs Two Certified Copies to Attorney |
| | | Please issue a Writ of Summons in the above-captioned civil action. /s/Kimberly M. Kubista |
| | | X FEBRUARY 2, 2000, WRIT ISSUED TO ATTORNEY KUBISTA FOR SERVICE. |
| | | X FEB. 08, 2000, ACCEPTANCE OF SERVICE, WRIT OF SUMMONS, filed by s/PETER F. SMITH, ESQUIRE NO CC |
| 00-124-CD | | X JUL 26, 2000, COMPLAINT IN TRESPASS, filed by s/KIMBERLY M. KUBISTA, ESQUIRE VERIFICATION, s/GEORGE E. LAROCK s/JOYCE W. LAROCK |
| WAROQUIER COAL, INC., A Pennsylvania Corporation | | X JULY 31, 2000, ACCEPTANCE OF SERVICE, COMPLAINT IN TRESPASS, filed by /s/Peter F. Smith, Esq. NO CERT COPIES |
| WAROQUIER COAL, INC. VS. C.W. TOMpson, JR. and CHERYL E. THOMPSON, husband and wife, Additional Defendants | | X AUGUST 29, 2000, ANSWER, filed by /s/Peter F. Smith, Esq. THREE (3) CC ATTY SMITH AFFIDAVIT, /s/Joseph L. Waroquier, Jr. |
| Pro BY ATTY | 80.00 | X AUGUST 29, 2000, COMPLAINT JOINING ADDITIONAL DEFENDANTS, COMPLAINT OF DEFENDANT WAROQUIER COAL, INC. AGAINST C.W. THOMPSON, JR. and CHERYL E. THOMPSON, filed by /s/Peter F. Smith, Esq. THREE (3) CC ATTY SMITH AFFIDAVIT, /s/Joseph L. Waroquier, Jr. |
| | | X AUGUST 29, 2000, CERTIFICATE OF SERVICE, DEFENDANT'S ANSWER AND COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY, TO KIMBERLY M. KUBISTA, ESQ. /s/Peter F. Smith, Esq. NO CC |
| | | X SEPTEMBER 25, 2000, SHERIFF RETURN, COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY, UPON CHERYL E. THOMPSON AND C.W. THOMPSON JR., SO ANSWERS CHESTER A. HAWKINS, s/Marilyn Hamm |
| PLEASE REFER TO COMPUTER | | |
| FOR FURTHER ENTRIES | | |

Date: 08/25/2005
Time: 08:46 AM
Page 1 of 3

Clearfield County Court of Common Pleas
ROA Report
Case: 2000-00124-CD

User: LBENDER

Current Judge: Fredric Joseph Ammerman
George E. Larock, Joyce W. Larock vs. Waroquier Coal, Inc., C. W. Thompson Jr., Cheryl E. Thompson

Judgment

| Date | Judge |
|------------|--|
| 02/02/2000 | New Case Filed. Please refer to docket book for entries prior to October, 2000. |
| 11/14/2000 | <input checked="" type="checkbox"/> Filing: Judgment Paid by: Smith, Peter F. (attorney for Waroquier Coal, Inc.) Receipt number: 0051351 Dated: 11/14/2000 Amount: \$20.00 (Check) Notices to C. W. Thompson and Cheryl Thompson |
| 04/18/2001 | <input checked="" type="checkbox"/> Affidavit of Service, Request for Production of Documents, upon Peter F. Smith, Esq. s/Kimberly M. Kubista, Esq. no cc |
| 05/25/2001 | <input checked="" type="checkbox"/> Motion to Compel Discovery. filed by s/Kimberly M. Kubista, Esq. 1 cc atty Kubista |
| 05/30/2001 | <input checked="" type="checkbox"/> ORDER, NOW THIS, 30th day of May, 2001, re: Respondent answer the Request for Production of Documents within 20 days. by the Court, s/JKR,JR.,P.J. 1 cc atty Kubista |
| | <input checked="" type="checkbox"/> Certificate of Service Filed re: Answer to Plaintiff LaRocks Request for Production of Documents filed by Peter F. Smith, Esq. no cc |
| 06/04/2001 | <input checked="" type="checkbox"/> Praeclipe To Withdraw Pleading. Filed by s/Kimberly M. Kubista, Esq. no cc |
| 06/21/2001 | <input checked="" type="checkbox"/> Certificate of Service, Request for Production of Documents upon C. W. and Cheryl E. Thompson. s/Kimberly M. Kubista, Esq. no cc |
| 07/27/2001 | <input checked="" type="checkbox"/> Motion to Compel Discovery. Filed by s/Kimberly M. Kubista, Esq. 2 cc atty Kubista |
| 07/30/2001 | <input checked="" type="checkbox"/> ORDER, NOW THIS, 30th day of July, 2001, upon Movants' Motion to Compel Discovery, it is hereby ORDERED and DIRECTED that Respondents answer the Request for Production of Documents within 20 days. by the Court, s/JKR,JR.,P.J. 2 cc atty Kubista |
| 08/01/2001 | <input checked="" type="checkbox"/> Certificate of Service, filed by Atty Kubista. A copy of Motion to Compel was forwarded to the Additional Defendants. No CC. |
| 09/27/2001 | <input checked="" type="checkbox"/> Motion for Sanctions Pursuant to Pa. R.C.P. 4019. Filed by s/Kimberly M. Kubista, Esq. 2 cc Atty Kubista |
| 09/28/2001 | <input checked="" type="checkbox"/> RULE, AND NOW, this 28th day of Sept. 2001, upon Respondents, returnable w/Hearing thereon the 5th day of Nov. 2001, at 3:00 p.m. by the Court, s/FJA,J. 2 cc Atty Kubista |
| 10/02/2001 | <input checked="" type="checkbox"/> Certificate of Service, Motion for Sanctions upon Mr. & Mrs. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esq. no cc |
| 10/09/2001 | <input checked="" type="checkbox"/> Answer To Motion For Sanctions. Filed by s/Peter F. Smith, Esq. Verification. s/Peter F. Smith, Esq. no cc |
| | <input checked="" type="checkbox"/> Certificate of Service, Answer to Plain Matter upon Kimberly M. Kubista, Esq. Filed by s/Peter F. Smith, Esq. no cc |
| 11/09/2001 | <input checked="" type="checkbox"/> ORDER, NOW, this 5th day of November, 2001, re: Respondents to supply requested documents to Atty Kubista along w/attorneys fees in the amount of \$500.00 by no later than 11/26/01, etc. by the Court, s/FJA,J. 2 cc Atty Smith, 2 cc Atty Kubista, 1 cc Waroquier Coal-Plf. 1 cc C. W. Thompson and Cheryl Thompson(Add'l Defendants) |
| 11/15/2001 | <input checked="" type="checkbox"/> Certificate of Service, Order of Court dated Nov. 05, 2001, upon Mr. and Mrs. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esq. no cc |

Current Judge: Fredric Joseph Ammerman

George E. Larock, Joyce W. Larock vs. Waroquier Coal, Inc., C. W. Thompson Jr., Cheryl E. Thompson

| Date | Judgment | Judge |
|-----------|---|-------------------------|
| 5/19/2005 | Certificate of Service, filed by Atty. Smith Served copy of Answer to Petition to Open Default Judgment upon Atty. Kubista & Colavecchi. | Fredric Joseph Ammerman |
| 5/26/2005 | Order, AND NOW, this 26th day of May, 2005, it is the ORDER of the Court Fredric Joseph Ammerman that argument on Atty. Coavecchi's Petition to Open Default Judgment has been rescheduled to Fri. June 10, 2005 at 1:30 p.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty's: K. Kubista, P. Smith, and J. Colavecchi | Fredric Joseph Ammerman |
| 6/3/2005 | Order, AND NOW, this 2nd day of June, 2005, it is the ORDER of the Court Fredric Joseph Ammerman that argument on the Petition to Open Default Judgment has been rescheduled from June 10, 2005, at 1:30 p.m. to the 22nd day of June, 2005, at 2:30 p.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, Pres. Judge. 3CC to Atty. | Fredric Joseph Ammerman |
| 6/7/2005 | Motion for Special Relief, filed by s/Kimberly M. Kubista Three CC Attorney Fredric Joseph Ammerman K. Kubista Order, NOW, this 8th day of June, 2005, upon consideration of the foregoing Motion for Special Relief, it is hereby Ordered that the attendance of Plaintiff's counsel is not necessary at the time of the argument scheduled for June 22, 2005 at 2:30 p.m. BY THE COURT: /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty Kubista | Fredric Joseph Ammerman |
| 6/10/2005 | Certificate of Service, certified copy of Motion for Special Relief, on June 8, 2005 upon Peter F. Smith, Esquire, and Joseph Colavecchi, Esquire. filed by s/ Kimberly M. Kubista, Esquire. No CC | Fredric Joseph Ammerman |

Date: 08/25/2005

Time: 08:46 AM

Page 2 of 3

Clearfield County Court of Common Pleas

User: LBENDER

ROA Report

Case: 2000-00124-CD

Current Judge: Fredric Joseph Ammerman

George E. Larock, Joyce W. Larock vs. Waroquier Coal, Inc., C. W. Thompson Jr., Cheryl E. Thompson

Judgment

| Date | Judge |
|------------|---|
| 11/28/2001 | <input checked="" type="checkbox"/> Certificate of Service, Motion for Sanctions upon Mr. and Mrs. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esquire no cc Fredric Joseph Ammerman |
| 01/02/2002 | <input checked="" type="checkbox"/> Certificate of Service, Request for Production of Documents upon Mr. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esq. no cc Fredric Joseph Ammerman |
| 01/03/2002 | <input checked="" type="checkbox"/> Certificate of Service, Request for Production of Documents upon Mr. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esq. no cc Fredric Joseph Ammerman |
| 02/04/2002 | <input checked="" type="checkbox"/> Motion to Compel Discovery. Filed by s/Kimberly M. Kubista, Esq. 2 cc to Atty Fredric Joseph Ammerman |
| 02/05/2002 | <input checked="" type="checkbox"/> Order, NOW THIS 5th day of February, 2002, upon Motion to Compel Discovery, Ordered and Directed that Respondents answer the Request for Production of Documents within 30 days. BY THE COURT: /s/Fredric J. Ammerman, Judge Two CC Attorney Kubista Fredric Joseph Ammerman |
| 02/20/2002 | <input checked="" type="checkbox"/> Certificate of Service, Motion to Compel Discovery upon Mr. and Mrs. C. W. Thompson, Jr. filed by s/Kimberly M. Kubista, Esq. no cc Fredric Joseph Ammerman |
| 04/29/2002 | <input checked="" type="checkbox"/> Motion For Sanctions. filed by s/Kimberly M. Kubista, Esq. 1 cc Atty Kubista Fredric Joseph Ammerman |
| 05/02/2002 | <input checked="" type="checkbox"/> RULE, AND NOW, this 2nd day of May, 2002, re: Rule issued upon Respondents, returnable w/Hearing 24th day of June, 2002, at 1:30 p.m. by the court, s/FJA,J. 1 cc Atty Kubista Fredric Joseph Ammerman |
| 06/18/2002 | <input checked="" type="checkbox"/> Affidavit of Service, Motion For Sanctions upon The Thompsons. Filed by s/R. Stuart Auber, Constable no cc Fredric Joseph Ammerman |
| 06/21/2002 | <input checked="" type="checkbox"/> Praeclipe For Appearance on Behalf of Additional Defendants, C.W. Thompson, Jr. and Cheryl E. Thompson. Filed by s/Joseph Colavecchi, Esq. no cc Fredric Joseph Ammerman |
| | <input checked="" type="checkbox"/> Answer To Request For Production of Documents. Filed by s/Joseph Colavecchi, Esq. no cc Fredric Joseph Ammerman |
| 11/14/2002 | <input checked="" type="checkbox"/> Notice Of Intent To Serve Subpoena To Produce Documents And Things For Discovery Pursuant To Rule 4009.21. s/Kimberly M. Kubista, Esq. Certificate of Service no cc Fredric Joseph Ammerman |
| 12/13/2002 | <input checked="" type="checkbox"/> Certificate of Service Filed, No Cert. Copies Served a Subpoena to Produce Documents and Things upon R.L. Miller. s/K. Kubista Fredric Joseph Ammerman |
| 03/31/2005 | <input checked="" type="checkbox"/> Certificate of Service, Request for Production of Document upon Kimberly M. Kubista, Esq. and Joseph Colavecchi, Esq., filed by s/Peter F. Smith, Esq. No CC Fredric Joseph Ammerman |
| 04/01/2005 | <input checked="" type="checkbox"/> Certificate of Service, all information received from R.L. Miller pursuant to a Request for Production of Documents upon Peter F. Smith, Esq., filed by s/Kimberly M. Kubista No CC Fredric Joseph Ammerman |
| 04/25/2005 | <input checked="" type="checkbox"/> Answer To Request For Production of Documents, filed by s/ Kimberly M. Kubista, Esquire. 1CC Atty K. Kubista Fredric Joseph Ammerman |
| 04/27/2005 | <input checked="" type="checkbox"/> Petition to Open Default Judgment, filed by Atty. Colavecchi 3 Cert. to Atty. Fredric Joseph Ammerman |
| 04/29/2005 | <input checked="" type="checkbox"/> Rule, AND NOW, this 28th day of April, 2005, upon consideration of petition to Open Default Judgment, rule is returnable before the Court on the 24th day of May 2005, at 3:00 p.m. at Courtroom 1. BY THE COURT: /s/ Fredric Ammerman, President Judge. 3CC Atty J. Colavecchi Fredric Joseph Ammerman |

Date: 08/25/2005

Time: 08:46 AM

Page 3 of 3

Clearfield County Court of Common Pleas

User: LBENDER

ROA Report

Case: 2000-00124-CD

Current Judge: Fredric Joseph Ammerman

George E. Larock, Joyce W. Larock vs. Waroquier Coal, Inc., C. W. Thompson Jr., Cheryl E. Thompson

Judgment

| Date | Judgment | Judge |
|------------|---|-------------------------|
| 05/19/2005 | <input checked="" type="checkbox"/> Answer to Petition to Open Default Judgment, filed by Atty. Smith 3 Cert. to Atty. | Fredric Joseph Ammerman |
| | <input checked="" type="checkbox"/> Certificate of Service, filed by Atty. Smith | Fredric Joseph Ammerman |
| | <input checked="" type="checkbox"/> Served copy of Answer to Petition to Open Default Judgment upon Atty. Kubista & Colavecchi. | Fredric Joseph Ammerman |
| 05/26/2005 | <input checked="" type="checkbox"/> Order, AND NOW, this 26th day of May, 2005, it is the ORDER of the Court that argument on Atty. Coavecchi's Petition to Open Default Judgment has been rescheduled to Fri. June 10, 2005 at 1:30 p.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: K. Kubista, P. Smith, and J. Colavecchi | Fredric Joseph Ammerman |
| 06/03/2005 | <input checked="" type="checkbox"/> Order, AND NOW, this 2nd day of June, 2005, it is the ORDER of the Court that argument on the Petition to Open Default Judgment has been rescheduled from June 10, 2005, at 1:30 p.m. to the 22nd day of June, 2005, at 2:30 p.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, Pres. Judge. 3CC to Atty. | Fredric Joseph Ammerman |
| 06/07/2005 | <input checked="" type="checkbox"/> Motion for Special Relief, filed by s/Kimberly M. Kubista Three CC Attorney K. Kubista | Fredric Joseph Ammerman |
| | <input checked="" type="checkbox"/> Order, NOW, this 8th day of June, 2005, upon consideration of the foregoing Motion for Special Relief, it is hereby Ordered that the attendance of Plaintiff's counsel is not necessary at the time of the argument scheduled for June 22, 2005 at 2:30 p.m. BY THE COURT: /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty Kubista | Fredric Joseph Ammerman |
| 06/10/2005 | <input checked="" type="checkbox"/> Certificate of Service, certified copy of Motion for Special Relief, on June 8, 2005 upon Peter F. Smith, Esquire, and Joseph Colavecchi, Esquire. filed by s/ Kimberly M. Kubista, Esquire. No CC | Fredric Joseph Ammerman |
| 08/05/2005 | <input checked="" type="checkbox"/> Order, this 5th day of August, 2005, Petition to Open Default Judgment is denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: K. Kubista, J. Colavecchi, P. Smith | Fredric Joseph Ammerman |
| | <input checked="" type="checkbox"/> Order, this 5th day of August, 2005, it is the Order of the Court that a status conference in the above matter has been scheduled for Monday, August 29, 2005 at 9:30 a.m. in Courtroom No. 1, Clfd. Co. Courthouse. By The Court, /s/ Fredric J. Ammerman, President Judge. 1CC Attys: K. Kubista, J. Colavecchi, P. Smith | Fredric Joseph Ammerman |

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

GEORGE E. LAROCK and :
JOYCE W. LAROCK, husband :
and wife, :
Plaintiffs :
vs. : No. 00-124-CO
WAROQUIER COAL, INC., :
A Pennsylvania Corporation :
Defendant :
:

PRAECIPE TO ISSUE WRIT OF
SUMMONS

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

FEB 02 2000

William A. Shaw
Prothonotary

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

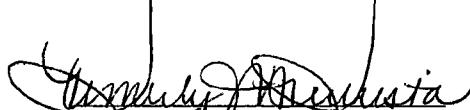
| | | |
|----------------------------|---|-----|
| GEORGE E. LAROCK and | : | |
| JOYCE W. LAROCK, husband | : | |
| and wife, | : | |
| Plaintiffs | : | |
| vs. | : | No. |
| WAROQUIER COAL, INC., | : | |
| A Pennsylvania Corporation | : | |
| Defendant | : | |

PRAECIPE

TO THE PROTHONOTARY:

Please issue a Writ of Summons in the above-captioned civil action.

BELIN & KUBISTA



Kimberly M. Kubista,
Attorney for Plaintiffs

FILED

REC'D
FEB 02 2000
01331 CATHY KUBISTA
William A. Shaw
Prothonotary
PA \$80.00

cc - CATHY KUBISTA
cc - CATHY KUBISTA
Wrt to CATHY KUBISTA

BELIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

P.O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

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

GEORGE E. LAROCK and JOYCE W.

LAROCK, husband and wife,
Plaintiff(s)

S U M M O N S

vs.

NO: 00-124-CD

WAROQUIER COAL, INC., a Pennsylvania
Corporation,

Defendant(s)

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 February 2, 2000

William A. Shaw, Prothonotary

Issuing Attorney:

Kimberly M. Kubista, Esquire
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
:
vs. :
No. 00-124-CD
:
WAROQUIER COAL, INC., a :
Pennsylvania Corporation, :
Defendant :
:

ACCEPTANCE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

FEB 07 2000

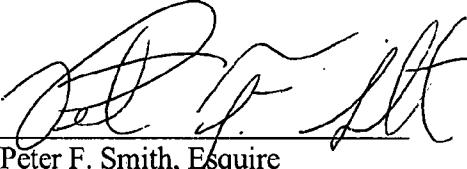
William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs. :
No. 00-124-CD
WAROQUIER COAL, INC., a :
Pennsylvania Corporation, :
Defendant :
:

ACCEPTANCE OF SERVICE

I accept service of the Writ of Summons in the above referenced case on behalf of
Defendant.



Peter F. Smith, Esquire

Date: 2/4/00

FILED

UFB 07 2000
03/31/00 CC
William A. Shaw
Prothonotary *ESR*

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: :
vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
:

COMPLAINT IN TRESPASS

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JUL 26 2000

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: :
vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Market & Second Street
Clearfield, PA 16830
(814) 765-2641, ext. 1300

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 99-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |

COMPLAINT IN TRESPASS

NOW COME the Plaintiffs, GEORGE E. LAROCK and JOYCE W. LAROCK, by and through their attorneys, Belin & Kubista, and sets forth the following Complaint in Trespass and in support thereof would aver as follows:

COUNT I

1. That Plaintiffs are George E. LaRock and Joyce W. LaRock, husband and wife, of R.D. #1, Box 136, Curwensville, Pennsylvania.
2. That Defendant is Waroquier Coal, Inc., a Pennsylvania Corporation, whose principal place of address is 133 W. Fifth Avenue, Clearfield, Pennsylvania.
3. That Plaintiffs are the owners of a certain piece of property located in Lawrence Township, Clearfield County, Pennsylvania, which consists of a 2 1/2 acre parcel more fully described as follows:

BEGINNING at a point in the centerline of Legislative Route 17037, said point being in the property line separating the land of Hazen Owens and C.W. Thompson, Jr. and Cheryl Thompson, the Grantors herein, said point also being the Southwest corner of the land described herein; thence by land of Hazen Owens North twenty-seven (27) degrees five (5) minutes West five hundred twenty (520) feet to a point also in the property line separating the land of Owens and Thompson; thence establishing a new line through the land of Thompson North forty-three (43) degrees eighteen (18) minutes East two

hundred eight (208) feet to a point; thence continuing by land of Thompson South twenty-seven (27) degrees five (5) minutes East five hundred twenty (520) feet to a point in the centerline of the before mentioned Legislative Route 17037; thence by the centerline of Legislative Route 17037 and land of Thompson South forty-three (43) degrees eighteen (18) minutes West two hundred eight (208) feet to a point and place of beginning. Containing two and one-half (2 1/2) acres, more or less.

4. That Plaintiffs purchased the premises from C.W. Thompson by deed dated January 14, 1987, recorded in Clearfield County Deed and Record Book Volume 1138, page 115.

5. That at the time of the conveyance, C.W. Thompson conveyed the surface and minerals to Plaintiffs more fully described in paragraph four (4) hereof.

6. That C.W. Thompson received the mineral rights from Mildred Markley Tate, Executor under Jane Beverlin and Matlock Tate.

7. That on or about July 28, 1998, Defendant entered upon the premises of the Plaintiffs removing coal from underneath the 2 1/2 acre tract without Plaintiffs' permission.

8. That in addition to removing the said coal, without Plaintiffs' permission, Defendant further caused subsidence damage to the surface of the property consisting of the following: altered tree line as a wind breaker, pushed dirt on to the premises, removed the corner stake (survey stake).

WHEREFORE, Plaintiffs request Your Honorable Court to enter judgment against the Defendant and in favor of the Plaintiffs in excess of Twenty Thousand (\$25,000.00) and 00/100 Dollars with interest and costs, including relief for the value of the coal in place, as measured by the prevailing royalty rate; detention money; an amount, reasonable in all the circumstances, to compensate the Plaintiff for Defendant's taking without consent some of the

incidents of ownership of the coal (including, the right to determine when to develop or to sell the coal, with whom to deal, and at what rate and under what specific terms), and such other relief as the Court deems just.

COUNT II – PUNITIVE DAMAGES

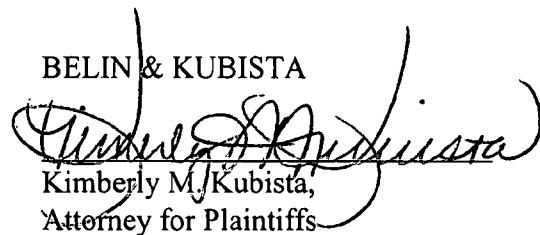
9. Paragraphs one (1) through eight (8) are incorporated herein by reference as though set forth in full.

10. That Defendant's conduct was outrageous as they were warned that they were trespassing and continued to mine the coal after being forewarned.

11. That punitive damages are warranted in this matter based on the outrageous nature of Defendant's conduct.

WHEREFORE, Plaintiffs request Your Honorable Court to award punitive damages based on Defendant's outrageous conduct.

JURY TRIAL DEMANDED.

BELIN & KUBISTA

Kimberly M. Kubista,
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

: ss

COUNTY OF CLEARFIELD

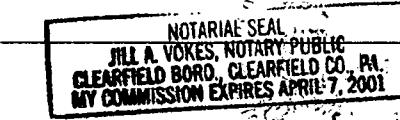
:

Before me, the undersigned Officer, personally appeared GEORGE E. LAROCK, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

George E. Larock
GEORGE E. LAROCK

SWORN and SUBSCRIBED before me this 7th day of July, 2000.

Jill A. Vokes



COMMONWEALTH OF PENNSYLVANIA

: ss

COUNTY OF CLEARFIELD

:

Before me, the undersigned Officer, personally appeared JOYCE W. LAROCK, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

X Joyce W. Larock
JOYCE W. LAROCK

SWORN and SUBSCRIBED before me this 7th day of July, 2000.

Jill A. Yokes



FILED

JUL 26 2009

SSB
cc t.kubota
William A. Shaw
Prothonotary

ret

esq

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
:
vs. : No. 00-124-CD
:
WAROQUIER COAL, INC., :
A Pennsylvania Corporation, :
Defendant :
:

ACCEPTANCE OF SERVICE

Filed on behalf of

Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JUL 31 2000

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
.

ACCEPTANCE OF SERVICE

I accept service of the Complaint in Trespass in the above referenced case on
behalf of Defendant.



Peter F. Smith, Esquire

Date: 7-28-01

FILED

JUL 31 2000
10:33 AM
William A. Shaw
Prothonotary

BELIN & KUBISTA
ATTORNEYS AT LAW
15-NORTH FRONT STREET
P. O. BOX 1
CLEARFIELD, PENNSYLVANIA 16830

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

GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife, Plaintiffs vs WAROQUIER COAL, INC., Defendant.

Type of Case: Civil

Type of Pleading: Answer

Filed on behalf of: Defendant

Counsel of record for the Defendant:
Peter F. Smith, Esquire
Supreme Court I.D. #34291
30 South Second Street
P.O. Box 130
Clearfield, PA 16830
(814) 765-5595

Counsel of record for the Plaintiffs:
Kimberly M. Kubista, Esquire
BELIN & KUBISTA
Supreme Court I.D. #52782
15 North Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

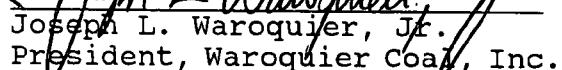
AUG 29 2000

William A. Shaw
Prothonotary

AFFIDAVIT

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

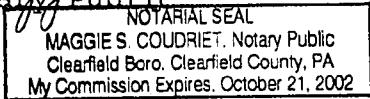
JOSEPH L. WAROQUIER, JR., being duly sworn according to law, deposes and says that he is the President of WAROQUIER COAL, INC., and, as such, is duly authorized to make this Affidavit, and further, that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge, information and belief.



Joseph L. Waroquier, Jr.
President, Waroquier Coal, Inc.

SWORN TO AND SUBSCRIBED
before me this 28th
day of August, 2000.


Maggie S. Coudriet
Notary Public



FILED

APR 29 2000
12413cc alt
William A. Shaw
Prothonotary
Peter F. Smith

PETER F. SMITH
ATTORNEY
30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PA. 16830

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

GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife, :
Plaintiffs : No. 00-124-CD
vs :
WAROQUIER COAL, INC., : Type of Case:
Defendant. : Civil
: Type of Pleading:
: Complaint Joining Additional
: Defendant Not Already a Party
WAROQUIER COAL, INC., : Filed on behalf of:
Plaintiff, : Defendant
vs : Counsel of record for the
C.W. THOMPSON, JR. and : Defendant:
CHERYL E. THOMPSON, husband : Peter F. Smith, Esquire
and wife, : Supreme Court I.D. #34291
Additional Defendants : 30 South Second Street
: P.O. Box 130
: Clearfield, PA 16830
: (814) 765-5595
: Counsel of record for the
: Plaintiffs:
: Kimberly M. Kubista, Esquire
: BELIN & KUBISTA
: Supreme Court I.D. #52782
: 15 North Front Street
: P.O. Box 1
: Clearfield, PA 16830
: (814) 765-8972

FILED

AUG 29 2000

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: :
vs : :
: :
WAROQUIER COAL, INC., :
Defendant. :
: :
: :
WAROQUIER COAL, INC., :
Plaintiff, :
: :
vs : :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

NOTICE TO DEFEND

TO: C.W. Thompson, Jr. and Cheryl E. Thompson
RR 1, Box 633
Glen Richey, PA 16837

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 other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF
YOU DO NOT HAVE OR CANNOT AFFORD A LAWYER, GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE
YOU CAN GET LEGAL HELP.**

Clearfield County Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, PA 16830
(814) 765-2641 ext. 5982

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: :
vs :
: :
WAROQUIER COAL, INC., :
Defendant. :
: :
: :
WAROQUIER COAL, INC., :
Plaintiff, :
: :
vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :

***COMPLAINT OF DEFENDANT WAROQUIER COAL, INC. AGAINST
C.W. THOMPSON, JR. AND CHERYL E. THOMPSON***

COMES NOW, Waroquier Coal, Inc., by its attorney Peter F. Smith, which avers the following facts in support of this Complaint:

1. Waroquier Coal, Inc. is a Pennsylvania business corporation with principal office at 133 West Fifth Avenue, Clearfield, Pennsylvania, 16830.
2. C.W. Thompson, Jr. and Cheryl E. Thompson are husband and wife, who reside at RR 1, Box 633, Glen Richey, Pennsylvania, 16837.
3. Waroquier Coal, Inc. has been named as Defendant in the original Complaint filed by George E. Larock and Joyce W. Larock in this action. A true and correct copy of said Complaint is attached hereto and incorporated herein by reference as Exhibit A.

4. On February 25, 1983, Waroquier Coal, Inc. entered a lease with the Thompsons under which Thompsons granted Waroquier Coal, Inc. the right to remove coal from Thompsons' property in the Glen Richey area of Lawrence Township, Clearfield County, Pennsylvania. The parties entered two short amendments to the lease dated March 17, 1987, and April 18, 1994. A true and correct copies of said Lease and two amendments are attached hereto and incorporated herein by reference as Exhibit B.

5. Prior to and subsequent to the execution of said lease between Waroquier Coal, Inc. and Thompsons, C.W. Thompson represented to Waroquier that he owned the coal under the premises to which Plaintiffs, George E. Larock and Joyce W. Larock, took title by deed in Clearfield County Record Volume 1138, Page 115.

6. Said representations constitutes a warranty of title to the coal by the Additional Defendants.

7. Waroquier Coal, Inc. removed 1,509.55 tons of coal by the auger method from underneath the Larock property.

8. Waroquier Coal, Inc. paid C.W. Thompson, Jr., who represented himself to be the lawful owner of said coal, royalty at the rate of \$1.50 per ton for a total of \$2,264.33.

9. Additional Defendant, C.W. Thompson, Jr. either knew or should have known that he did not own the coal under the Larock property.

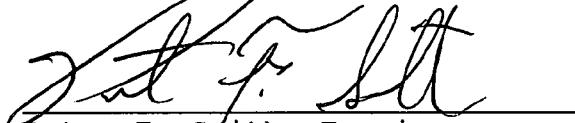
10. Waroquier Coal, Inc. auger mined the coal in question and paid C.W. Thompson, Jr. for it in good faith and under color of a valid lease from C.W. Thompson, Jr.

11. In the event that the Larocks are successful in their suit against Waroquier Coal, Inc. for compensatory and/or punitive

damages, that would constitute a breach of Thompsons' warranty of title which would entitle Waroquier Coal, Inc. to a reimbursement from Thompsons for any damages which Waroquier is liable to pay Larocks.

WHEREFORE, Defendant, Waroquier Coal, Inc. prays this Honorable Court to enter judgment in its favor and against the Additional Defendants, C.W. Thompson, Jr. and Cheryl E. Thompson, in the amount of any judgment which this Court may enter against Defendant, Waroquier Coal, Inc. and in favor of the Plaintiffs.

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Defendant

Date: 8/28/00

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

GEORGE E. LAROCK and JOYCE W.
LAROCK, husband and wife,
Plaintiffs

vs

No. 00-124-CD

WAROQUIER COAL, INC.
A Pennsylvania Corporation,
Defendant

COMPLAINT IN TRESPASS

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

Attest: I certify this to be a true
and correct copy of the original
document filed in this case.

JUL 26, 2000

Attest:

W.W. Allen
Prothonotary

EXHIBIT A

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: :
vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Market & Second Street
Clearfield, PA 16830
(814) 765-2641, ext. 1300

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

GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife, Plaintiffs :
vs : No. 99-124-CD
WAROQUIER COAL, INC. A Pennsylvania Corporation, Defendant :

COMPLAINT IN TRESPASS

NOW COME the Plaintiffs, GEORGE E. LAROCK and JOYCE W. LAROCK, by and through their attorneys, Belin & Kubista, and sets forth the following Complaint in Trespass and in support thereof would aver as follows:

COUNT I

1. That Plaintiffs are George E. LaRock and Joyce W. LaRock, husband and wife, of R.D. #1, Box 136, Curwensville, Pennsylvania.
2. That Defendant is Waroquier Coal, Inc., a Pennsylvania Corporation, whose principal place of address is 133 W. Fifth Avenue, Clearfield, Pennsylvania.
3. That Plaintiffs are the owners of a certain piece of property located in Lawrence Township, Clearfield County, Pennsylvania, which consists of a 2 1/2 acre parcel more fully described as follows:

BEGINNING at a point in the centerline of Legislative Route 17037, said point being in the property line separating the land of Hazen Owens and C.W. Thompson, Jr. and Cheryl Thompson, the Grantors herein, said point also being the Southwest corner of the land described herein; thence by land of Hazen Owens North twenty-seven (27) degrees five (5) minutes West five hundred twenty (520) feet to a point also in the property line separating the land of Owens and Thompson; thence establishing a new line through the land of Thompson North forty-three (43) degrees eighteen (18) minutes East two

hundred eight (208) feet to a point; thence continuing by land of Thompson South twenty-seven (27) degrees five (5) minutes East five hundred twenty (520) feet to a point in the centerline of the before mentioned Legislative Route 17037; thence by the centerline of Legislative Route 17037 and land of Thompson South forty-three (43) degrees eighteen (18) minutes West two hundred eight (208) feet to a point and place of beginning. Containing two and one-half (2 1/2) acres, more or less.

4. That Plaintiffs purchased the premises from C.W. Thompson by deed dated January 14, 1987, recorded in Clearfield County Deed and Record Book Volume 1138, page 115.

5. That at the time of the conveyance, C.W. Thompson conveyed the surface and minerals to Plaintiffs more fully described in paragraph four (4) hereof.

6. That C.W. Thompson received the mineral rights from Mildred Markley Tate, Executor under Jane Beverlin and Matlock Tate.

7. That on or about July 28, 1998, Defendant entered upon the premises of the Plaintiffs removing coal from underneath the 2 1/2 acre tract without Plaintiffs' permission.

8. That in addition to removing the said coal, without Plaintiffs' permission, Defendant further caused subsidence damage to the surface of the property consisting of the following: altered tree line as a wind breaker, pushed dirt on to the premises, removed the corner stake (survey stake).

WHEREFORE, Plaintiffs request Your Honorable Court to enter judgment against the Defendant and in favor of the Plaintiffs in excess of Twenty Thousand (\$25,000.00) and 00/100 Dollars with interest and costs, including relief for the value of the coal in place, as measured by the prevailing royalty rate; detention money; an amount, reasonable in all the circumstances, to compensate the Plaintiff for Defendant's taking without consent some of the

incidents of ownership of the coal (including, the right to determine when to develop or to sell the coal, with whom to deal, and at what rate and under what specific terms), and such other relief as the Court deems just.

COUNT II – PUNITIVE DAMAGES

9. Paragraphs one (1) through eight (8) are incorporated herein by reference as though set forth in full.

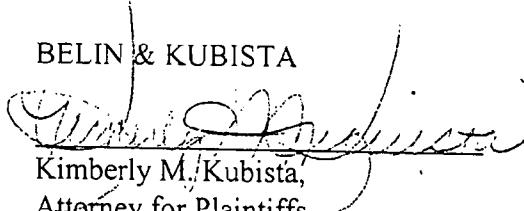
10. That Defendant's conduct was outrageous as they were warned that they were trespassing and continued to mine the coal after being forewarned.

11. That punitive damages are warranted in this matter based on the outrageous nature of Defendant's conduct.

WHEREFORE, Plaintiffs request Your Honorable Court to award punitive damages based on Defendant's outrageous conduct.

JURY TRIAL DEMANDED.

BELIN & KUBISTA


Kimberly M. Kubista,
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA

ss

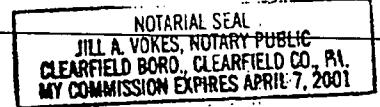
COUNTY OF CLEARFIELD

Before me, the undersigned Officer, personally appeared GEORGE E. LAROCK, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

George E. La Rock
GEORGE E. LAROCK

SWORN and SUBSCRIBED before me this 7th day of July, 2000.

Jill A. Vokes

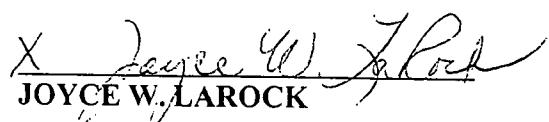


COMMONWEALTH OF PENNSYLVANIA

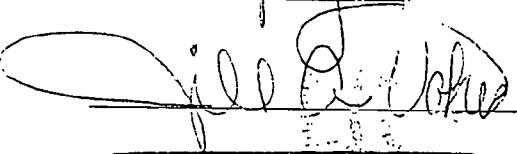
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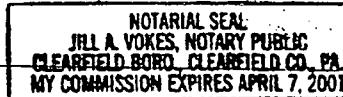
COUNTY OF CLEARFIELD

Before me, the undersigned Officer, personally appeared JOYCE W. LAROCK, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.


JOYCE W. LAROCK

SWORN and SUBSCRIBED before me this 7th day of July, 2000.





Made and entered into this 25 day of Feb, 1983
by and between C. W. THOMPSON, SR., C. W. THOMPSON, JR., and CHERYL THOMPSON,
P.O. Box 27, Glen Richy, Pa. 16637, of Lawrence Township, Clearfield County,
Pennsylvania, party of the first part, hereinafter called LESSOR,

A
B
D

WAROQUIER COAL, INC., a corporation of 133 W. Fifth Street, Clearfield,
Clearfield County, Pennsylvania, party of the second part, hereinafter called
LESSEE.

WITNESSES:

(1). The Lessor, in consideration of the promises herein contained,
does hereby let and lease to the Lessee all the remaining mineable and
merchantable coal removable by the strip mine method in or under those premises
in Lawrence Township, as recorded in Clearfield, Pennsylvania by TAX number
J-10-000-000-60, J-10-000-000-30, J-10-000-000-70.

Together with such mining rights as the Lessor might have which
may be necessary, convenient or proper in the sole opinion of the Lessee to
remove, stockpile, transport of otherwise produce by the above mining methods,
all mineable and merchantable coal located upon or under the leased premises.
including by way of illustration but not exclusion, the right to destroy the
surface, thereunder or therein without liability to the Lessor, except for the
considerations set forth herein.

(2) The Lessor warrants their title to the surface and the coal.
with the exception of tax number J10-000-0003 which is surface only

(3) This lease shall be in effect for a three (3) year period
with the Lessee having the right to renew for additional three (3) year periods.
Lessee may cancel the same upon thirty (30) days written notice, after the
first three year period.

(4) The Lessee agrees to pay a monthly minimum royalty in the
amount of Three Hundred Dollars (\$300.00) per month. The first monthly minimum
payment shall be due and payable on the 25 day of April, 1983 and a
like minimum payment shall be due on the 25th day of each month thereafter.

The Lessee shall have credit for such monthly minimum against tonnage royalty on coal produced during the immediately preceding month and against tonnage royalty on coal produced in any subsequent month when the tonnage royalty exceeds the minimum royalty for such month, provided such minimum shall be paid each and every month during the term of this lease and any renewal hereof.

(5) The Lessee shall pay to the Lessor tonnage royalty at the rate of Two Dollars and Fifty cents (\$2.50) for each net ton of coal mined and removed from the leased premises, such tonnage royalty to be payable on or before the 25th day of each month on coal mined and removed during the preceding month.

(6) Accompanying each actual royalty payment shall be a statement from the Lessee showing the time period for which payment is made, the tonnage mined and removed for said period by the Lessee. Lessee herewith agrees that Lessor shall at all reasonable business hours have access to the books and records of the Lessee to verify such statement. This right may be exercised in whole or in part from time to time any office of the Lessee during regular business hours, but exercised in a manner so as not to unreasonably interfere with the business of the Lessee.

(7) Lessee agrees to use at any given time modern and commercially reasonable methods of mining to the end that a reasonable commercial yield from the Leased premises is secured.

(8) As a direct inducements to the Lessor to enter into this lease, the Lessee agrees at its sole expense to comply promptly and fully with any provision-past, present or future, of any law relating and applicable to the removal of coal by any mining method used and the restoration of disturbed areas. For the purpose of this provision the word "law" shall mean any statute, regulation, decision of any court or regulatory body of the United States, the Commonwealth of Pennsylvania, or any sub-division of either.

(9) Lessee covenants that it is an independent contractor and does control the manner and means of performing all work in connection with the removal, mining, processing or transporting of said coal from the demised premises. Lessee covenants to carry not less than \$250,000.00 of comprehensive

Liability insurance during the continuance of this lease insuring against loss to person or property from Lessee's use of the demised premises with a reputable insurance company qualified to do business in the Commonwealth of Pennsylvania insuring the Lessee from any claim for damages as their interest might appear. Said policy of insurance shall specifically protect against loss to person or property resulting from the use of explosives.

(10) Lessor herein agrees to pay all local realestate taxes assessed against the leased premises, provided, however, that Lessee agrees to pay all local realestate taxes against improvements which are erected by Lessee upon said premises.

(11) In case of a breach by the Lessee of any of the covenants of this lease, all of which are hereby declared to be enforceable as conditions as well continuing for a period of thirty (30) days after written notice thereof from the Lessor, or in case of a judicial sale or transfer of sale by operation of law, in any manner or form, including adjudication in bankruptcy, voluntary or involuntary, thereupon the Lessor may at his option, declare this lease terminated and at an end, and the Lessor shall have the right and is fully authorized upon any such termination to enter upon the said leased property and to take exclusive possession of the same, with the right to use force, if force be necessary, for such entrance and recovery of possession; or the Lessor may at his option, from time to time, issue a writ or writs of ejectment against the Lessee for said leased property and to the end that such ejectment may be effected, the Lessee hereby authorizes and empowers any attorney of any Court of record of Pennsylvania or elsewhere to appear for said Lessee in such suit or suits of ejectment and confess judgment against Lessee and the Lessee does hereby consent and agree that a writ of writs of habere facias possession may in that event forthwith be issued, with clause of f. i. fa. for costs and rental in arrears, and be fully executed so that thereby on such judgment and execution of executions thereof, the Lessee, its employees and agents, shall be ousted from the possession of the leased property, and the Lessor be given full and exclusive possession of the same; The Lessee does further in that event hereby waive and release all errors and any every manner of benefit which Lessor might have otherwise by

reason of any error or irregularities in any suits of judgment of executions brought, entered or issued under the terms hereof, hereby waiving the benefit of all exception laws now in force or which may hereafter be enacted, and all the benefits of any law giving stays of execution in any action or actions brought of judgments entered by virtue hereof; provided, however, that neither any such termination of this lease nor the taking or recovery of possession of the lessed property, as herein provided, shall deprive the Lessor of any other action or actions, or right of action whatsoever, which he may have in law or equity for the recovery of any damages which may accrue to them hereunder.

Notwithstanding anything herein to the contrary, the Lessor shall give the Lessee thirty (30) days' written notice of any default he claims Lessee has committed. During the said thirty (30) days period, Lessee shall have the right to remedy, rectify and cure such default if said Lessee shall cure such default and rectify the same, then and in that event there shall be no forfeiture of said lease.

(12) This agreement has been executed in several counterparts, any of which shall be considered an original.

(13) This agreement contains the entire understanding of the parties and may only be amended in writing and properly executed by the parties.

(14) Less may subcontract its right hereunder, but it shall nevertheless be primarily and solely liable for compliance with the terms of this lease.

IN WITNESS WHEREOF, the parties hereto have properly executed the
Agreement the day and year first above written.

By C. W. Thompson
C. W. Thompson, Sr., Lessor

By C. W. Thompson Jr.
C. W. Thompson, Jr., Lessor

By Cheryl Thompson
Cheryl Thompson, Lessor

WAROQUIER COAL, INC.

By Joseph L. Waroquier Sr.
Joseph L. Waroquier, Sr., Lessor
President

(200) 81
1/4/81

WAROQUIER COAL, INC.

Coal Producers

133 West Fifth Street

CLEARFIELD, PA. 16830

March 17, 1987

C. W. Thompson, Jr. Agent
P.O. Box 27
Glen Richey, Pa. 16837

Dear Mr. Thompson:

With reference to our lease agreement dated February 25, 1983 and to paragraph four (4) we make the following amendment.

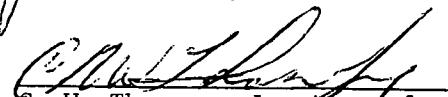
As mutually agreed the minimum royalty shall be One Hundred (\$100.00) Dollars per month instead of Three Hundred (\$300.00) Dollars per month, effective February 1, 1987.

Thank you for your attention on this matter. Please sign one copy of this letter and return to us in enclosed envelope.

Sincerely,

Joseph L. Waroquier, Sr.


Joseph L. Waroquier, Sr.


C. W. Thompson Jr. Agent for
C. W. Thompson, Sr.

WAROQUIER COAL, INC.

Coal Producers

133 West Fifth Street
CLEARFIELD, PA. 16830

April 18, 1994

LEASE AGREEMENT AMENDMENT

In reference to lease agreement dated February 25, 1983 we make the following amendment:

It is mutually agreed by Lessor and Lessee to have Auger Mining added to paragraph (1) on page one, as another type of mining.

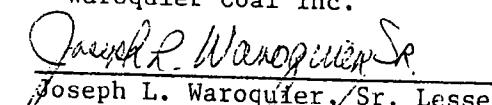
All of the agreement remains the same except for this addition.



C. W. Thompson, Jr., Lessor



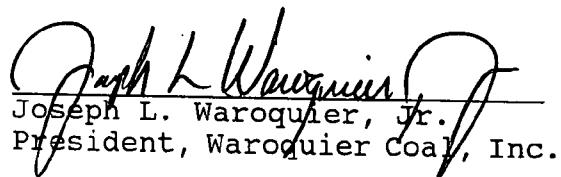
Cheryl Thompson, Lessor

Waroquier Coal Inc.

Joseph L. Waroquier, Sr. Lessee
President

AFFIDAVIT

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

JOSEPH L. WAROQUIER, JR., being duly sworn according to law, deposes and says that he is the President of WAROQUIER COAL, INC., and, as such, is duly authorized to make this Affidavit, and further, that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


Joseph L. Waroquier, Jr.
President, Waroquier Coal, Inc.

SWORN TO AND SUBSCRIBED
before me this 18th
day of August, 2000.


Maggie S. Coudriet
Notary Public
NOTARIAL SEAL
MAGGIE S. COUDRIET, Notary Public
Clearfield Boro, Clearfield County, PA
My Commission Expires, October 21, 2002

卷之三

Mr. 22 2000
Bud 45/3cc. at
monetary

PETER F. SMITH
ATTORNEY
30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PA. 16830

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

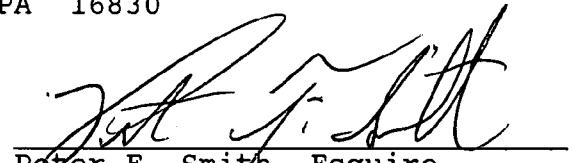
GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: :
: : No. 00-124-CD
vs :
: :
WAROQUIER COAL, INC., :
Defendant. :
:

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Defendant, WAROQUIER COAL, INC., in the above captioned matter hereby certify that I sent by First Class Mail, Defendant's Answer and Complaint Joining Additional Defendant Not Already a Party to the attorney of record for the Plaintiffs at the following address:

Kimberly M. Kubista, Esquire
BELIN & KUBISTA
P.O. Box 1
Clearfield, PA 16830

Date: August 29, 2000


Peter F. Smith, Esquire
Attorney for Plaintiff

FILED

AUG 29 2000

William A. Shaw
Prothonotary

FILED

Aug 29 2000
O 3 12 | no cc
William A. Shaw
Prothonotary

PETER F. SMITH

8

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LAROCK, GEORGE E. & JOYCE W. 00-124-CD
VS
WAROQUIER COAL INC.

COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY
SHERIFF RETURNS

NOW SEPTEMBER 5, 2000 AT 2:01 PM DST SERVED THE WITHIN
COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY
ON CHERYL E. THOMPSON, DEFENDANT AT RESIDENCE RR 1 BOX 633,
GLEN RICHEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
CHERYL E. THOMPSON A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY
AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: DAVIS/MORGILLO

NOW SEPTEMBER 5, 2000 AT 2:01 PM DST SERVED THE WITHIN
COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY
ON C.W. THOMPSON JR., DEFENDANT AT RESIDENCE RR 1 BOX 633,
GLEN RICHEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
CHERYL E. THOMPSON, WIFE A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY
A PARTY AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: DAVIS/MORGILLO

31.61 SHFF. HAWKINS PAID BY: PLFF.
20.00 SURCHARGE PAID BY: PLFF

SWORN TO BEFORE ME THIS

SO ANSWERS

SO ANSWERS,
Chester A. Haeckel
by Marilyn Harris

CHESTER A. HAWKINS
SHERIFF

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co., Clearfield, PA.

FILED

BLIC
SEP 25 2000

William A. Shaw
Prothonotary

9
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiff : No. 00-124-CD

vs.

WAROQUIER COAL, INC.,
Defendant

WAROQUIER COAL, INC.,
Plaintiff

vs.

C.W. THOMPSON, JR. and CHERYL
E. THOMPSON, husband and
wife,
Additional Defendants

FILED

NOV 14 2000

William A. Shaw
Prothonotary

PRAECIPE TO ENTER DEFAULT JUDGMENT

To: William A. Shaw, Prothonotary:

Dear Sir:

1. More than 20 days have elapsed since service on C.W. THOMPSON, JR. and CHERYL E. THOMPSON, husband and wife, Additional Defendants and they have failed to file a responsive pleading.

2. Plaintiff's counsel sent the notice required by PA R.C.P. 237.1, to C.W. THOMPSON, JR. and CHERYL E. THOMPSON, each individually, Additional Defendants more than 10 days ago, and neither of them has filed an answer or responsive pleading.

3. A true and correct copy of said Rule 237.1 notice is attached hereto and incorporated herein by reference.

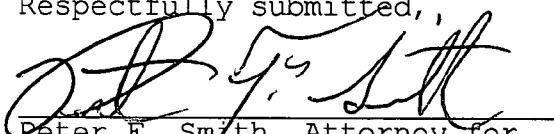
Prothonotary

4. Defendant, WAROQUIER COAL, INC. prays this Honorable Court to enter judgment in its favor and against the Additional Defendants, C.W. THOMPSON, JR. and CHERYL E. THOMPSON, as to the issue of liability.

The amount of this judgment will be determined by this Court in the original proceedings against the Defendant, WAROQUIER COAL, INC. brought by the Plaintiffs, GEORGE E. LAROCK and JOYCE W. LAROCK.

Date: 11-9-00

Respectfully submitted,



Peter F. Smith, Attorney for
Waroquier Coal, Inc.

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
: :
WAROQUIER COAL, INC., :
Defendant. :
: :
: :
WAROQUIER COAL, INC., :
Plaintiff, :
: :
vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

NOTICE

TO: C.W. Thompson, Jr.
RR 1, Box 633
Glen Richey, PA 16837

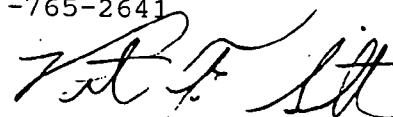
Cheryl E. Thompson
RR 1, Box 633
Glen Richey, PA 16837

A Complaint has been filed against you in Court. If you wish to defend against the claims set forth in the Complaint, you must take action of or before **October 9, 2000**, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the petitioner or movant. You may lose 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.**

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CORNER OF MARKET & SOUTH SECOND STREETS
CLEARFIELD, PA 16830
(814)-765-2641

Date: September 28, 2000


Peter F. Smith, Esquire
Attorney for Waroquier Coal, Inc.

FILED

Recd

NOV 14 2000

OP: 19107, Smith

William A. Shaw

Prothonotary

PD \$20.00

Not to Dr. C.W. Thompson

Cheryl Thompson

Statement to Atty Smith

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

GEORGE E. LAROCK and JOYCE W.:
LAROCK, husband and wife, Plaintiff :
vs. :
No. 00-124-CD
WAROQUIER COAL, INC., Defendant :
vs. :
WAROQUIER COAL, INC., Plaintiff :
vs. :
C.W. THOMPSON, JR. and CHERYL :
E. THOMPSON, husband and wife :
Additional Defendants :
:

CERTIFICATE OF ADDRESS

I, Peter F. Smith, attorney for Waroquier Coal, Inc., certify that to the best of my information, knowledge and belief, the correct name and address of the Plaintiff and the last known address of C.W. Thompson, Jr. and Cheryl E. Thompson, Additional Defendants hereto are:

Plaintiff: Waroquier Coal, Inc.
P.O. Box 128
Clearfield, PA 16830

Additional
Defendants: C.W. Thompson, Jr.
Cheryl E. Thompson
RR 1, Box 633
Glen Richey, PA 16837

Date: 11.9.00


Peter F. Smith, Esquire
Attorney for Waroquier Coal, Inc.

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, : No. 00-124-CD
Plaintiff :
:
vs. :
:
WAROQUIER COAL, INC., :
Defendant :
:
:
WAROQUIER COAL, INC., :
Plaintiff :
:
vs. :
:
C.W. THOMPSON, JR. and CHERYL :
E. THOMPSON, husband and :
wife, :
Additional Defendants :
:

Notice is given that a judgment has been entered of record in
Clearfield County against C.W. Thompson, Jr. and Cheryl E.
Thompson, husband and wife, in the amount of any judgment which
this Court may enter against the Defendant, WAROQUIER COAL, INC.
and in favor of the Plaintiffs, GEORGE E. LAROCK and JOYCE W.
LAROCK, plus interest and costs \$ _____.

(to be added)

Prothonotary

By _____, Deputy

Rule of Civil Procedure No. 236

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

AFFIDAVIT OF SERVICE

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

APR 18 2001

William A. Shaw
Prothonotary

6

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

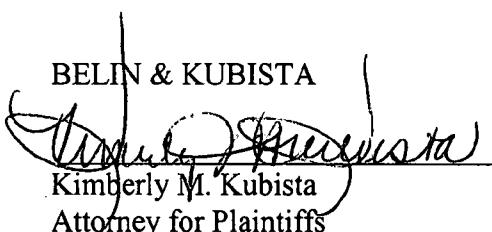
GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
WAROQUIER COAL, INC. :
Plaintiff :
vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

AFFIDAVIT OF SERVICE

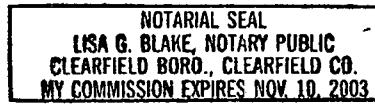
COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF CLEARFIELD)

KIMBERLY M. KUBISTA, attorney for the above named Plaintiffs, being duly sworn
according to law, deposes and states that Request for Production of Documents were served
upon PETER SMITH, ESQUIRE, Attorney for WAROQUIER COAL, INC. by first-class,
postage prepaid mail on April ¹⁸ 1/1, 2001.

BELIN & KUBISTA


Kimberly M. Kubista
Attorney for Plaintiffs

SWORN AND SUBSCRIBED before me this 18th day of
April, 2001.



FILED

APR 18 2001

Q 111-1717-CC
William A Shaw
Prothonotary
(62)

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

| | |
|---|---------------|
| GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife, Plaintiffs | : |
| vs | No. 00-124-CD |
| WAROQUIER COAL, INC. A Pennsylvania Corporation, Defendant | : |
| WAROQUIER COAL, INC. Plaintiff | : |
| vs | : |
| C.W. THOMPSON, JR. and CHERYL E. THOMPSON, husband and wife, Additional Defendants | : |

MOTION TO COMPEL

Filed on behalf of
Plaintiffs
Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

MAY 25 2001

6

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
WAROQUIER COAL, INC. :
Plaintiff :
vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

ORDER

NOW THIS 30th day of May, 2001 upon Movants' Motion to Compel Discovery, it is hereby ORDERED and DIRECTED that Respondent answer the Request for Production of Documents within 20 days.

BY THE COURT,

Judge

FILED
MAY 31 2001 10:00 AM
Atty Kubista
William A. Shaw
Prothonotary

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

| | |
|-------------------------------|---|
| GEORGE E. LAROCK and JOYCE W. | : |
| LAROCK, husband and wife, | : |
| Plaintiffs | : |
| vs | : |
| WAROQUIER COAL, INC. | : |
| A Pennsylvania Corporation, | : |
| Defendant | : |
| WAROQUIER COAL, INC. | : |
| Plaintiff | : |
| vs | : |
| C.W. THOMPSON, JR. and | : |
| CHERYL E. THOMPSON, husband | : |
| and wife, | : |
| Additional Defendants | : |

MOTION TO COMPEL DISCOVERY

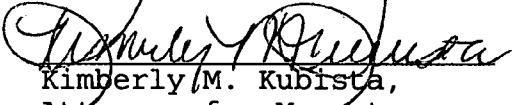
NOW COMES the Movant, GEORGE E. LAROCK and JOYCE W. LAROCK, by and through their attorneys Belin & Kubista and sets forth the following:

1. Movants are George E. LaRock and Joyce W. LaRock, Plaintiffs in the above set forth action.
2. Respondent is Waroquier Coal, Inc, Defendant in the above set forth action.
3. That on April 18, 2001, Movants forwarded to the Respondent's counsel, a Request for Production of Documents.
4. That the time for answering said Request for Production of Documents expired on May 18, 2001.

WHEREFORE, Movant requests your Honorable Court to

enter an Order directing Respondent to answer the Request for Production of Documents.

BELIN & KUBISTA



Kimberly M. Kubista,
Attorney for Movants

FILED

MAY 25 2001

013321-16507
William A. Shaw
Prothonotary
Kubrak
ccy

12

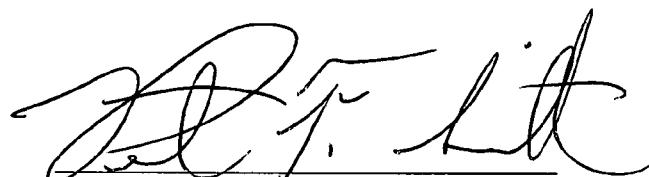
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
: :
WAROQUIER COAL, INC., :
A Pennsylvania Corporation, :
Defendant :
: :
WAROQUIER COAL, INC., :
Plaintiff :
: :
vs :
: :
C.W. THOMPSON, JR. and CHERYL E. :
THOMPSON, husband and wife, :
Additional Defendants :
:

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Defendant, Waroquier Coal, Inc. in the above captioned matter, hereby certify that I sent by U.S. First Class Mail a true and correct copy of Answer to Plaintiff LaRocks Request for Production of Documents on the Attorney of record for the Plaintiff on May 29, 2001, at the following address:

Kimberly M. Kubista, Esquire
15 North Front Street
P.O. Box 1
Clearfield, PA 16830



Peter F. Smith, Attorney for Defendant
Waroquier Coal, Inc.

Date: May 29, 2001

FILED

120
MAY 30 2001
0116.39 am
William A. Shaw *cc*
Prothonotary

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

PRAECIPE TO WITHDRAW
PLEADING

Filed on behalf of

Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JUN 04 2001

William A. Shaw
Prothonotary

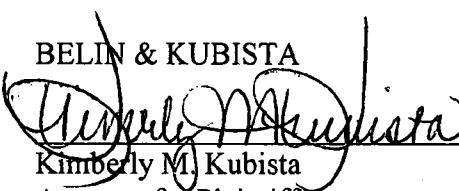
IN THE COURT OF COMMON PLEAS OF ~~CLEARFIELD~~ COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

PRAECIPE TO WITHDRAW PLEADING

TO THE PROTHONOTARY:

Please withdraw the Motion to Compel filed on behalf of the Plaintiffs in the
above captioned matter.

BELIN & KUBISTA

Kimberly M. Kubista
Attorney for Plaintiffs

Date: 6-4-01

FILED

JUN 04 2001

31 NOCC
William A. Shaw
Prothonotary



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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JUN 21 2001

William A. Shaw
Prothonotary

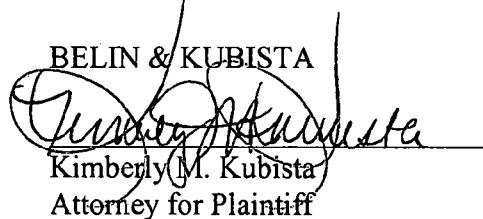
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Request for Production of Documents in the above captioned matter to the following party by first-class, postage prepaid mail on the 21st day of June, 2001:

C.W. Thompson, Jr. and
Cheryl E. Thompson
R.R. #1, Box 633
Glen Richey, PA 16837


BELIN & KUBISTA
Kimberly M. Kubista
Attorney for Plaintiff

FILED

JUN 21 2001
O 3:45 PM '01
William A. Shaw
Prothonotary

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

MOTION TO COMPEL

Filed on behalf of

Plaintiffs/Movants

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

GEORGE E. LAROCK and JOYCE W.
LAROCK, husband and wife,
Plaintiffs

vs : No. 00-124-CD

WAROQUIER COAL, INC.
A Pennsylvania Corporation,
Defendant

WAROQUIER COAL, INC.
Plaintiff

vs

C.W. THOMPSON, JR. and
CHERYL E. THOMPSON, husband
and wife,
Additional Defendants

ORDER

NOW THIS 30th day of July, 2001 upon Movants'
Motion to Compel Discovery, it is hereby ORDERED and DIRECTED
that Respondents answer the Request for Production of Documents
within 20 days.

BY THE COURT,

Judge

FILED

JUL 30 2001
01/12/2001 at 4:15pm
William A. Shaw
Prothonotary
GK28

CITY COURT OF COMMON PLEAS OF CUMBERLAND COUNTY, PENNSYLVANIA

GEORGE E. LAROCCK and JOACOB W.
LAROCCK Importer and Adver-
tiser

00-00-00

Delegations
A Gouverneur Gouvernement
C:\GOUVERNER COV'T, INC.

AVOCODIER COAL, INC.
65-178

29

CHAS. THOMPSON, JR. *etc.*
CHAS. E. THOMPSON, *etc.*
Agribusiness Development

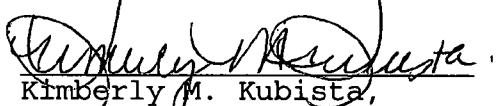
20220320 DICOGESTA

1. Type the name of the organization for which you are working.
2. Type the name of the organization for which you are working.
3. Type the name of the organization for which you are working.
4. Type the name of the organization for which you are working.
5. Type the name of the organization for which you are working.
6. Type the name of the organization for which you are working.
7. Type the name of the organization for which you are working.
8. Type the name of the organization for which you are working.
9. Type the name of the organization for which you are working.
10. Type the name of the organization for which you are working.

Digitized by srujanika@gmail.com

enter an Order directing Respondents to answer the Request for Production of Documents.

BELIN & KUBISTA


Kimberly M. Kubista,
Attorney for Movants

FILED

JUL 26 2001
O 11:05 AM '01
2cc atty Kuback
William A. Shaw
Prothonotary
[Signature]

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
AUG 01 2001

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD

WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :

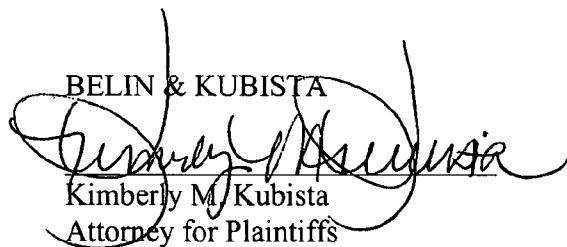
WAROQUIER COAL, INC. :
Plaintiff :
vs :

C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
vs :

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion to Compel in the
above captioned matter to the following party by first class, postage prepaid mail on the 30th
day of July, 2001:

C.W. Thompson, Jr. and
Cheryl E. Thompson
R.R. #1, Box 633
Glen Richey, PA 16837


BELIN & KUBISTA
Kimberly M. Kubista
Attorney for Plaintiffs

Prothonotary
William A. Shaw

AUG 01 2001

FILED

10:31

No. 66

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
: :
WAROQUIER COAL, INC. :
Plaintiff :
: :
vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

MOTION FOR SANCTIONS

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

SEP 27 2001

William A. Shaw
Prothonotary

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following pages, you must take action on or before Nov. 5, 2001 by entering a written appearance personally or by attorney and filing (Rule Returnable) in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the Petitioner or Movant. You may lose 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.

Court Administrator
Clearfield County Courthouse
Market & Second Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 1300

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

GEORGE E. LAROCK and JOYCE W.
LAROCK, husband and wife,
Plaintiffs

vs

No. 00-124-CD

WAROQUIER COAL, INC.
A Pennsylvania Corporation,
Defendant

WAROQUIER COAL, INC.
Plaintiff

vs

C.W. THOMPSON, JR. and
CHERYL E. THOMPSON, husband
and wife,
Additional Defendants

RULE

AND NOW, this 28 day of September, 2001 upon
consideration of the attached Motion, it is hereby ORDERED and DIRECTED that a rule be
issued upon Respondents to show cause why said Motion should not be granted.

Rule returnable with a hearing thereon the 5th day of Nov., 2001, at
2:00 p.m. at the Clearfield County Courthouse, Courtroom 2.

BY THE COURT

Judge

FILED

SEP 28 2001

William A. Shaw
Prothonotary

William A. Snell
Probationary

SEP 11 2000

FILED

2000-1848-Subister

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
: :
WAROQUIER COAL, INC. :
Plaintiff :
: : vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

MOTION FOR SANCTIONS
PURSUANT TO PA.R.C.P. 4019

NOW COMES the Plaintiffs/Movants, GEORGE E. LAROCK and JOYCE W. LAROCK, by and through their attorneys, Belin & Kubista, and sets forth the following Motion for Sanctions and in support thereof would aver as follows:

1. That Movants are George E. LaRock and Joyce W. LaRock, adult individuals, currently residing at R.D. #1, Box 136, Curwensville, Pennsylvania.
2. That Respondent is C. W. Thompson Jr. and Cheryl E. Thompson, adult individuals, currently residing at R.R. #1, Box 633, Glen Richey, Pennsylvania.
3. That on June 21, 2001, Movants forwarded to Respondents, a Request for Production of Documents.

4. That Respondents failed to answer said Request for Production of Documents within the proper time period as set forth in the Pennsylvania Rules of Civil Procedure.

5. That on July 27, 2001, Movants filed a Motion to Compel Discovery requesting the Court to enter an Order directing Respondents to answer the Request for Production of Documents.

6. That on July 30, 2001, Your Honorable Court entered an Order directing that the Respondents answer the Request for Production of Documents within twenty (20) days.

7. That Respondents have failed to answer said Request for Production of Documents and is in contempt of the Court Order.

WHEREFORE, Movants request your Honorable Court to enter an Order imposing punishment for contempt of the Court Order as the Court deems just including attorneys fees in the amount of \$500.00 which Movants have incurred during the discovery process and placing Respondents under another deadline in order to provide the requisite responses.

BELIN & KUBISTA



Kimberly M. Kubista
Attorney for Plaintiffs/Movants

FILED

SEP 27 2001
Ola, IA 12C - atty

Minister of Justice
Prothonotary

AS
John
Kubota

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

OCT 02 2001

William A. Shaw
Prothonotary

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

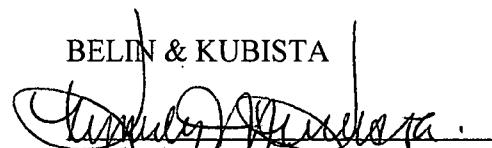
GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
WAROQUIER COAL, INC. :
Plaintiff :
vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion for Sanctions
Pursuant to PA. R.C.P. 4019 in the above captioned matter to the following party by first-class,
postage prepaid mail on this 1st day of October, 2001:

Mr. and Mrs. C.W. Thompson, Jr.
R.R. #1, Box 633
Glen Richey, PA 16837

BELIN & KUBISTA


Kimberly M. Kubista
Attorney for Plaintiff

100-100
William A. Shew
Protobandit
6/16/50/6
OCT 02 2001

FILED

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife,
Plaintiffs : No. 00-124-CD

vs :
TYPE OF CASE:
CIVIL

WAROQUIER COAL, INC.,
A Pennsylvania Corporation,
Defendant :
TYPE OF PLEADING:
ANSWER TO
MOTION FOR SANCTIONS

WAROQUIER COAL, INC.,
Plaintiff :
Filed on behalf of:
Defendant

vs :
Council of Record for this Party:
C.W. THOMPSON, JR. and CHERYL E.
THOMPSON, husband and wife,
Additional Defendants :
Peter F. Smith
30 S. Second Street
P. O. Box 130
Clearfield, PA 16830

FILED
OCT 09 2001

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :

LAROCK, husband and wife,

Plaintiffs

No. 00-124-CD

vs

WAROQUIER COAL, INC.,

A Pennsylvania Corporation,

Defendant

WAROQUIER COAL, INC.,

Plaintiff

vs

C.W. THOMPSON, JR. and CHERYL E. :

THOMPSON, husband and wife,

Additional Defendants

WAROQUIER'S ANSWER TO MOTION FOR SANCTION

COMES NOW, the defendant WAROQUIER COAL INC. by it's Attorney Peter F. Smith
who answers the Motion for Sanctions as follows:

1. Admitted
2. Admitted
3. Denied. Defendant's Counsel received that request for production of documents on
or about April 18, 2001.
4. Denied. Defendant answered the request on May 29, 2001.

A true and correct copy of said answer together with Defendant's Council's
Certificate of Service is attached hereto and incorporated and hereinby referenced.

5. Denied. Defendant's Counsel did not receive a copy of said motion if indeed it was
filed.

6. Denied. Defendant's counsel was not served with a copy of said order.
7. Denied. For the reason set forth in Paragraphs 4-6 above.

WHEREFORE, WAROQUIER COAL prays it's Honorable Court to dismiss the plaintiffs' motion for sanctions.

Respectfully Submitted,

Dated: 10-8-01



Peter F. Smith
Attorney for Plaintiff

VERIFICATION

The undersigned, Peter F. Smith verifies that the statements made in the foregoing Answer are true and correct to the best of her knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.



PETER F. SMITH

Date: 10-8-04

FILED
NO
CC
8/13/2007
FMS

William A. Shaw
Prothonotary

PETER F. SMITH
ATTORNEY
30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PA. 16830

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

GEORGE E. LAROCK and JOYCE W.
LAROCK, husband and wife,

Plaintiffs

No. 00-124-CD

vs

WAROQUIER COAL, INC.,
A Pennsylvania Corporation,
Defendant

WAROQUIER COAL, INC.,
Plaintiff

Defendant

vs

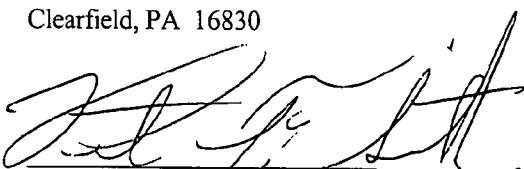
C.W. THOMPSON, JR. and CHERYL E.
THOMPSON, husband and wife,
Additional Defendants

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for Defendant, Waroquier Coal, in the above captioned matter, hereby certify that I sent by U.S. First Class Mail, a true and correct copy of our ANSWER TO PLAINTIFF on the following:

Kimberly M. Kubista
Attorney for Plaintiff
BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830

Date: 10-8-01


Peter F. Smith, Esquire
Attorney for Defendant Waroquier Coal, Inc.

FILED
OCT 09 2001

William A. Shaw
Prothonotary

FILED NO
07/30/2004
cc

William A. Shaw
Prothonotary

PETER F. SMITH
ATTORNEY
30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PA. 16830

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

GEORGE E. LAROCK, al :
VS : NO. 00-124-CD
WAROQUIER COAL, INC., :
VS :
C.W. THOMPSON, al :
VS :

FILED

NOV 09 2001

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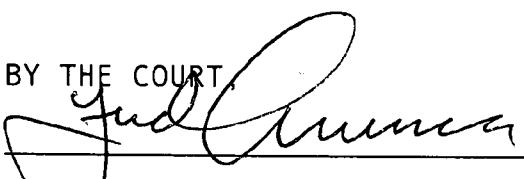
William A. Shaw

~~Pro bono pro parte~~

NOW, this 5th day of November, 2001, this ~~pro bono pro parte~~ the date set for Argument on the Plaintiffs' Motion for Sanctions on the Respondent's C.W. Thompson and Cheryl E. Thompson, husband and wife, the Court noting that Attorney Kimberly M. Kubista has appeared on behalf of the Plaintiff and Attorney Peter F. Smith has appeared on behalf of the Defendant Waroquier Coal, Inc.; that despite receiving appropriate notice of hearing that the Respondents as aforesaid have failed to appear nor have they complied with the Order of President Judge John K. Reilly, Jr. of July 30th, 2001 in that they were directed to file a response to the Plaintiffs' request for production of documents. Therefore, in consideration of the above, it is the finding of this Court that the said Respondents C.W. Thompson, Jr. and Cheryl E. Thompson are in contempt of the Court's Order of July 30th, 2001 and shall supply the requested documents to Attorney Kim Kubista along with attorneys fees in the amount of \$500.00 by no later than November 26th, 2001. In the event that they would fail to comply in a timely fashion, Attorney Kubista is directed to

file an affidavit of noncompliance and the Court will
thereafter issue a warrant for the Respondents arrest.

BY THE COURT



Judge

FILED

NOV 09 2001

OBRAI DCC-atty Smuth
William A. Shaw
Prothonotary

Dorothy Kubota

1cc Wanoquer Coal - P16

1cc C.W. Thompson / add. Def

1cc Cheng Thompson

cc

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 00-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| | : | |
| vs | : | |
| | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

NOV 15 2001

William A. Shaw
Prothonotary

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

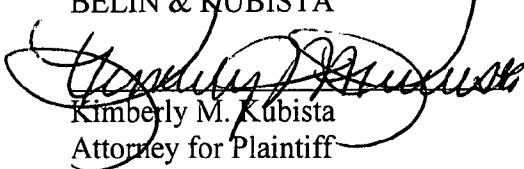
| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Order of Court dated November 5, 2001 in the above captioned matter to the following party by first-class, postage prepaid mail and by certified mail, restricted delivery on the 15th day of November, 2001:

Mr. and Mrs. C. W. Thompson, Jr.
R.R. #1, Box 633
Glen Richey, PA 16837

BELIN & KUBISTA


Kimberly M. Kubista
Attorney for Plaintiff

FILED

NOV 15 2001
C/S 26
William A. Shaw
Prothonotary
No cc *GR*

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
WAROQUIER COAL, INC. :
Plaintiff :
vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

NOV 28 2001

William A. Shaw
Prothonotary

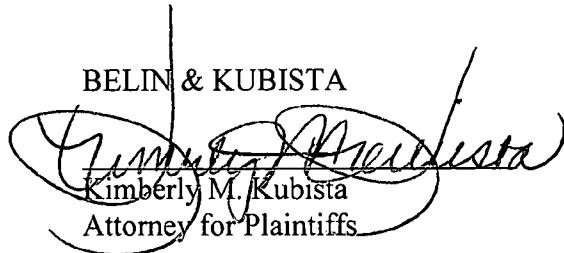
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 00-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| | : | |
| vs | : | |
| | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Order resulting from Motion for Sanctions in the above captioned matter to the following party by certified mail, restricted delivery on the 24th day of November, 2001:

Mr. and Mrs. C.W. Thompson, Jr.
R.R. #1, Box 633
Glen Richey, PA 16837

BELIN & KUBISTA

Kimberly M. Kubista
Attorney for Plaintiffs

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:

Mr. and Mrs. C.W. Thompson, Jr.
R.R. #1, Box 633
Glen Richey, PA 16837

COMPLETE THIS SECTION ON DELIVERY**A. Received by (Please Print Clearly)****B. Date of Delivery**
*12-29-07***C. Signature***Orville* Agent
 Addressee**D. Is delivery address different from item 1?****If YES, enter delivery address below:** Yes
 No**3. Service Type**

| | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number (Copy from service label)**
7099 3400 0016 7883 0227

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

FILED

NOV 28 2001

O 11:09 AM '01
William A. Shaw
Prothonotary

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JAN 02 2002

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
:
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
:
WAROQUIER COAL, INC. :
Plaintiff :
:
vs :
:
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy Request for
Production of Documents in the above captioned matter to the following party by first-class,
postage prepaid mail on the 28th day of December, 2001:

Mr. C.W. Thompson, Jr.
R.R. #1, Box 633
Glen Richey, PA 16837


BELIN & KUBISTA
Kimberly M. Kubista
Attorney for Plaintiffs

FILED

JAN 02 2002
O 110:541 nosc
William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: :
vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
: :
WAROQUIER COAL, INC. :
Plaintiff :
: :
vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JAN 03 2002

01/03/02
William A. Shaw
Prothonotary

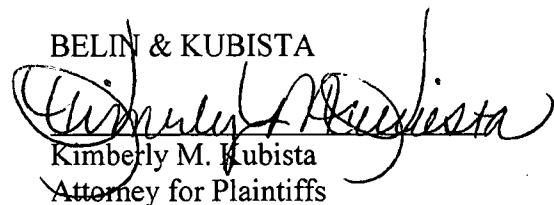
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 00-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| | : | |
| vs | : | |
| | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Request for
Production of Documents in the above captioned matter to the following party by certified
mail, restricted delivery on the 31st day of December, 2001:

Mr. C.W. Thompson, Jr.
R.R. #1, Box 633
Glen Richey, PA 16837

BELIN & KUBISTA

Kimberly M. Kubista
Attorney for Plaintiffs

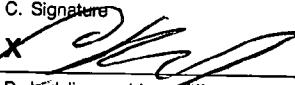
SENDER: COMPLETE THIS SECTION

- 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:

Mr. C.W. Thompson, Jr.
R.R. #1, Box 633
Glen Richey, PA 16837

COMPLETE THIS SECTION ON DELIVERY

| | |
|---|--|
| A. Received by (Please Print Clearly) | B. Date of Delivery <i>12-31-01</i> |
| C. Signature  | |
| D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No | |

3. Service Type

| | |
|---|---|
| <input 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. |

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number (Copy from service label)**

7099 3400 0016 7883 0531

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
: :
WAROQUIER COAL, INC. :
Plaintiff :
: :
vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

**MOTION TO COMPEL
DISCOVERY**

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

FEB 04 2002
10:35 AM
William A. Shaw
Prothonotary

2 Cents to Attn

EW

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

| | |
|-------------------------------|---|
| GEORGE E. LAROCK and JOYCE W. | : |
| LAROCK, husband and wife, | : |
| Plaintiffs | : |
| vs | : |
| WAROQUIER COAL, INC. | : |
| A Pennsylvania Corporation, | : |
| Defendant | : |
| WAROQUIER COAL, INC. | : |
| Plaintiff | : |
| vs | : |
| C.W. THOMPSON, JR. and | : |
| CHERYL E. THOMPSON, husband | : |
| and wife, | : |
| Additional Defendants | : |

ORDER

NOW THIS 5th day of February, 2002 upon Movants' Motion to Compel Discovery, it is hereby ORDERED and DIRECTED that Respondents answer the Request for Production of Documents within 30 days.

FJA

BY THE COURT,

Judie Ammer
Judge

FILED

FEB 05 2002

William A. Shaw
Prothonotary

FILED

2cc

01/10/02
FEB 05 2002
Atty Kubista

Rec'd
E

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife, Plaintiffs vs WAROQUIER COAL, INC. A Pennsylvania Corporation, Defendant WAROQUIER COAL, INC. Plaintiff vs C.W. THOMPSON, JR. and CHERYL E. THOMPSON, husband and wife, Additional Defendants

No. 00-124-CD

MOTION TO COMPEL DISCOVERY

NOW COMES the Movant, GEORGE E. LAROCK and JOYCE W. LAROCK, by and through their attorneys Belin & Kubista and sets forth the following:

1. Movants are George E. LaRock and Joyce W. LaRock, Plaintiffs in the above set forth action.
2. Respondents are C.W. Thompson, Jr. and Cheryl E. Thompson, Additional Defendant in the above set forth action.
3. That on December 31, 2001, Movants forwarded to the Respondents, a Request for Production of Documents.
4. That the time for answering said Request for Production of Documents expired on January 31, 2002.

WHEREFORE, Movants request your Honorable Court to

William A. Shaw
Prothonotary

Feb 04 2002

FILED

26 *u*
BELLIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

P.O. BOX 1
15 NORTH FRONT STREET

ATTORNEYS AT LAW

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

File on behalf of
Plaintiffs
Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED
FEB 20 2002
010341 no cc
William A. Shaw
Prothonotary

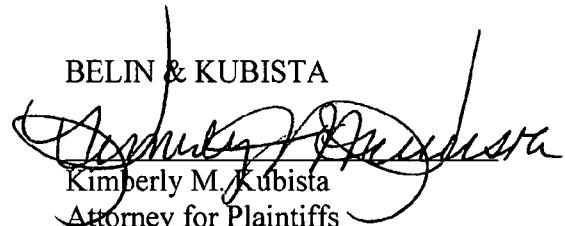
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | |
|-------------------------------|---|
| GEORGE E. LAROCK and JOYCE W. | : |
| LAROCK, husband and wife, | : |
| Plaintiffs | : |
| vs | : |
| WAROQUIER COAL, INC. | : |
| A Pennsylvania Corporation, | : |
| Defendant | : |
| WAROQUIER COAL, INC. | : |
| Plaintiff | : |
| vs | : |
| C.W. THOMPSON, JR. and | : |
| CHERYL E. THOMPSON, husband | : |
| and wife, | : |
| Additional Defendants | : |

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion to Compel
Discovery the above captioned matter to the following party by certified mail, restricted
delivery on the 16th day of, 2002:

Mr. and Mrs. C.W. Thompson, Jr.
R.D. #1, Box 633
Glen Richey, PA 16837

BELIN & KUBISTA

Kimberly M. Kubista
Attorney for Plaintiffs

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:

Mr. and Mrs. C.W. Thompson, Jr.
R.D. #1, Box 633
Glen Richey, PA 16837

COMPLETE THIS SECTION ON DELIVERY**A. Received by (Please Print Clearly)****B. Date of Delivery**
2/16/02**C. Signature** Agent
 Addressee**D. Is delivery address different from item 1?** YesIf YES, enter delivery address below: No**3. Service Type**

| | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number (Copy from service label)**

7099 3400 0016 7883 0432

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 00-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| | : | |
| vs | : | |
| | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

MOTION FOR SANCTIONS

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

APR 29 2002

William A. Shaw
Prothonotary

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

NOTICE

A Petition or Motion has been filed against you in Court. If you wish to defend against the claims set forth in the following pages, you must take action on or before June 24, 2002 by entering a written appearance personally or by attorney and filing (Rule Returnable) in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the Petitioner or Movant. You may lose 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.

Court Administrator
Clearfield County Courthouse
Market & Second Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 1300

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: :
vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
: :
WAROQUIER COAL, INC. :
Plaintiff :
: :
vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

RULE

AND NOW, this 2nd day of May, 2002 upon
consideration of the attached Motion, it is hereby ORDERED and DIRECTED that a rule be
issued upon Respondents to show cause why said Motion should not be granted.

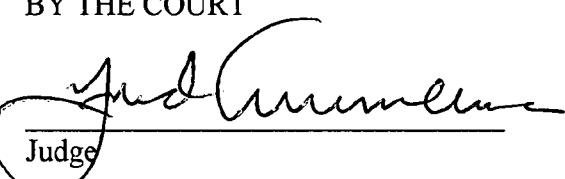
Rule returnable with a hearing thereon the 24 day of June, 2002, at
1:30P .m. at the Clearfield County Courthouse, Courtroom 2.

BY THE COURT

FILED

May 02 2002

Judge



William A. Shaw
Prothonotary

FILED

01/02/2002
Atty Kubista
02 2002

cc

Atty Kubista

William A. Shaw
Prothonotary

cc

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

| | |
|-------------------------------|---------------|
| GEORGE E. LAROCK and JOYCE W. | : |
| LAROCK, husband and wife, | : |
| Plaintiffs | : |
| vs | : |
| | No. 00-124-CD |
| WAROQUIER COAL, INC. | : |
| A Pennsylvania Corporation, | : |
| Defendant | : |
| WAROQUIER COAL, INC. | : |
| Plaintiff | : |
| vs | : |
| C.W. THOMPSON, JR. and | : |
| CHERYL E. THOMPSON, husband | : |
| and wife, | : |
| Additional Defendants | : |

MOTION FOR SANCTIONS
PURSUANT TO PA.R.C.P. 4019

NOW COMES the Plaintiffs/Movants, GEORGE E. LAROCK and JOYCE W. LAROCK, by and through their attorneys, Belin & Kubista, and sets forth the following Motion for Sanctions and in support thereof would aver as follows:

1. That Movants are George E. LaRock and Joyce W. LaRock, adult individuals, currently residing at R.D. #1, Box 136, Curwensville, Pennsylvania.
2. That Respondent is C. W. Thompson Jr. and Cheryl E. Thompson, adult individuals, currently residing at R.R. #1,

Box 633, Glen Richey, Pennsylvania.

3. That on December 28, 2001, Movants forwarded to Respondents, a Request for Production of Documents by first class, postage prepaid mail. Movants also forwarded to Respondents the Request for Production of Documents by certified mail, restricted delivery which Respondents received on December 31, 2002.

4. That Respondents failed to answer said Request for Production of Documents within the proper time period as set forth in the Pennsylvania Rules of Civil Procedure.

5. That on February 5, 2002, Movants filed a Motion to Compel Discovery requesting the Court to enter an Order directing Respondents to answer the Request for Production of Documents.

6. That on February 5, 2002, Your Honorable Court entered an Order directing that the Respondents answer the Request for Production of Documents within thirty (30) days.

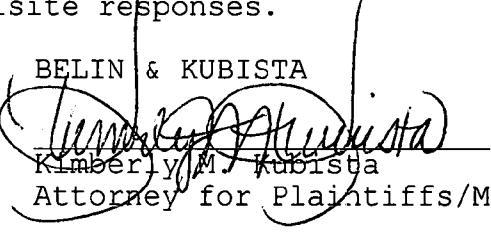
7. That Movants served Respondents with said Motion to Compel Discovery and Order by certified mail, restricted delivery on February 16, 2002.

8. That Respondents have failed to answer said Request for Production of Documents and is in contempt of the Court Order.

WHEREFORE, Movants request your Honorable Court to enter an Order imposing punishment for contempt of the Court Order as the Court deems just including attorneys fees in the amount of \$1,000.00 which Movants have incurred during the

discovery process and placing Respondents under another deadline in order to provide the requisite responses.

BELIN & KUBISTA


Kimberly M. Kubista

Attorney for Plaintiffs/Movants

FILED

APR 29 2007
O/24(4) KC atty tubbs
William A. Shaw
Prothonotary

24
AK

BELIN & KUBISTA

ATTORNEYS AT LAW

15 NORTH FRONT STREET

P. O. BOX 1

CLEARFIELD, PENNSYLVANIA 16830

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

AFFIDAVIT OF SERVICE

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

JUN 18 2002

mjl:sl/noc
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, PENNSYLVANIA

GEOGRE E. @ JOYCE W. LAROCK

*
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*
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*
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*
*
*
*

PLAINTIFF
VS
DEFENDENT

* NO. 00-124-CD

WAROQUER COAL

C.W. @ CHERYLE E. THOMPSON, JR.
AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD

I, R. STUART AUBER, BEING FIRST DULY SWORN AND ACCORDING TO
LAW, DEPOSES AND SAYS:

1. THAT HE IS A CONSTABLE FOR THE COUNTY OF CLEARFIELD
AND THE STATE OF PENNSYLVANIA, AND NOT A PARTY TO THE
WITHIN ACTION.
2. THAT ON THE 13 DAY OF JUNE, 2002, HE SERVED A
TRUE AND CORRECT COPY OF A MOTION FOR SANCTIONS UPON
THE THOMPSONS, AT KAUFFMAN ROAD,
IN THE CITY, BORO, VILLAGE OF GLEN RICHEY, TOWNSHIP OF
LAWRENCE, COUNTY OF CLEARFIELD, PENNSYLVANIA,
THE DEFENDENT NAMED IN SAID DOCUMENT, BY THEN AND THERE
AT THE PLACE AND AND ON THE DATE NOTED ABOVE, DELIVERED TO
CHERYLE E. THOMPSON A TRUE AND CORRECT COPY OF THE
SAID STATED DOCUMENTS. TIME OF THIS SERVICE WAS AT 1420
HOURS.


R. STUART AUBER, CONSTABLE
215 1/2 STATE STREET
CURWENSVILLE, PA 16833
(814) 236-1407

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. LAROCK and JOYCE W.
LAROCK, his wife,

Plaintiffs

vs.

WAROQUIER COAL, INC.,
A Pennsylvania Corporation
Defendant

WAROQUIER COAL, INC.,
Plaintiff

vs.

C.W. THOMPSON, JR. and
CHERYL E. THOMPSON, his
wife,
Additional Defendants

CIVIL DIVISION

NO. 00 - 124 - CD

PRAECIPE FOR APPEARANCE

Filed on behalf of:

Additional Defendants, C.W.
THOMPSON and CHERYL E.
THOMPSON, his wife

Counsel of Record for
Said Party:

JOSEPH COLAVECCHI, ESQUIRE
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

JUN 21 2002

1230 NOCC

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. LAROCK and JOYCE W.
LAROCK, his wife,

Plaintiffs

vs.

WAROQUIER COAL, INC.,
A Pennsylvania Corporation
Defendant

WAROQUIER COAL, INC.,
Plaintiff

vs.

C.W. THOMPSON, JR. and
CHERYL E. THOMPSON, his
wife,
Additional Defendants

CIVIL DIVISION

No. 00 - 124 - CD

PRAECIPE FOR APPEARANCE

Filed on behalf of:

Additional Defendants, C.W.
THOMPSON and CHERYL E.
THOMPSON, his wife

Counsel of Record for
Said Party:

JOSEPH COLAVECCHI, ESQUIRE
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

JUN 21 2002

1230 NOCC

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, Husband and Wife, :
Plaintiffs:
:
vs. : No. 00 - 124 - CD
:
WAROQUIER COAL, INC., :
A Pennsylvania Corporation, :
Defendant:
:
:
WAROQUIER COAL, INC., :
Plaintiff :
:
vs. :
:
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, Husband :
and Wife, :
Additional Defendants:

PRAECIPE FOR APPEARANCE

TO: WILLIAM SHAW, PROTHONOTARY

Please enter my appearance on behalf of Additional Defendants,
C.W. Thompson, Jr. and Cheryl E. Thompson, his wife.


JOSEPH COLAVECCHI, ESQUIRE
Attorney for C.W. Thompson, Jr.
and Cheryl E. Thompson
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA


DATE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 00 - 124 - CD

GEORGE E. LAROCK and JOYCE W.
LAROCK, husband and wife,
Plaintiffs

vs.

WAROQUIER COAL, INC.,
Defendant

WAROQUIER COAL, INC.,
Plaintiff

vs.

C. W. THOMPSON, JR. and CHERYL
E. THOMPSON, Husband and Wife,
Additional Defendants

PRAECIPE FOR APPEARANCE

COLAVECCHI
RYAN & COLAVECCHI

ATTORNEYS AT LAW
221 EAST MARKET STREET
(ACROSS FROM COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. LAROCK and JOYCE W.
LAROCK, his wife,
Plaintiffs

vs.

WAROQUIER COAL, INC.,
A Pennsylvania Corporation
Defendant

WAROQUIER COAL, INC.,
Plaintiff

vs.

C.W. THOMPSON, JR. and
CHERYL E. THOMPSON, his
wife,
Additional Defendants

CIVIL DIVISION

No. 00 - 124 - CD

ANSWER TO REQUEST FOR
PRODUCTION OF DOCUMENTS

Filed on behalf of:

Additional Defendants, C.W.
THOMPSON and CHERYL E.
THOMPSON, his wife

Counsel of Record for
Said Party:

JOSEPH COLAVECCHI, ESQUIRE
PA I.D. 06810

COLAVECCHI RYAN & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

JUN 21 2002

812571 No CC
William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, Husband and Wife, :
Plaintiffs:
:
vs. : No. 00 - 124 - CD
:
WAROQUIER COAL, INC., :
A Pennsylvania Corporation, :
Defendant:
:
:
WAROQUIER COAL, INC., :
Plaintiff :
:
vs. :
:
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, Husband :
and Wife, :
Additional Defendants:

ANSWER TO REQUEST FOR PRODUCTION OF DOCUMENTS

NOW COMES, C.W. Thompson, Jr. and Cheryl E. Thompson, his wife, who, through their Attorney, Joseph Colavecchi, Esquire, files their Answer to the Request for Production of Documents by Kimberly Kubista, Esquire, Attorney for George E. LaRock and Joyce W. LaRock, his wife, and respectfully aver as follows:

1. Defendants do not have copies of any 1099's that were given to them by Waroquier Coal, Inc. as a result of auguring Plaintiff's premises located in Lawrence Township, Clearfield

County, Pennsylvania. Defendants are not denying that 1099's were supplied to them, they are simply stating that they do not have them in their possession at this time.

2. There is further attached hereto a copy of a letter dated December 26, 2001 addressed to Kimberly Kubista, Esquire from C. William Thompson setting out that he did not have the 1099's requested, but stated clearly that he had the 1040 Forms for his income tax for the years 1997, 1998, 1999 and 2000 and asked what Kimberly Kubista, Esquire, Attorney for George E. LaRock and Joyce W. LaRock, wanted from them.

I believe the above complies with the Request for Production of Documents.

Respectfully submitted:

JOSEPH COLAVECCHI, ESQUIRE
Attorney for C.W. Thompson and
Cheryl E. Thompson, his wife,
Additional Defendants

LAW OFFICES OF
COLAVECCHI
RYAN & COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

**Kimberly M. Kubista
Attorney at Law
15 North Front Street
Clearfield Pa. 1683**

December 26,2001

RE: Request for Information

Dear Ms. Kubista:

**Please find enclosed the Lease agreement and the auger agreement I have with
Warquier Coal company.**

**I do not have the 1099 as you requested, but I do have the 1040 form from my
income tax for 1997, 1998, 1999 and 2000. I do not know what year you maybe looking
for, could let me know if this is what you are looking for.**

Sincerely

C. William Thompson

**Cc: clu/pitt
File**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION
No. 00 - 124 - CD

GEORGE E. LAROCK and JOYCE W.
LAROCK, his wife, Plaintiffs
vs.

WAROQUIER COAL, INC.,
Defendant

WAROQUIER COAL, INC.,
Plaintiff
vs.

C. W. THOMPSON, JR. and CHERYL
E. THOMPSON, his wife,
Additional Defendants

ANSWER TO REQUEST FOR
PRODUCTION OF DOCUMENTS

COLAVECCHI
RYAN & COLAVECCHI

ATTORNEYS AT LAW
221 EAST MARKET STREET
(ACROSS FROM COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA 16830

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

NOTICE OF INTENT TO SERVE
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS
FOR DISCOVERY PURSUANT
TO RULE 4009.21

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

NOV 14 2002

William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife, Plaintiffs
vs
WAROQUIER COAL, INC. A Pennsylvania Corporation, Defendant
vs
WAROQUIER COAL, INC. Plaintiff
vs
C.W. THOMPSON, JR. and CHERYL E. THOMPSON, husband and wife, Additional Defendants

NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT
TO RULE 4009.21

Plaintiffs, GEORGE E. LAROCK and JOYCE W. LAROCK, intend to serve subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objections to the subpoena. If no objections are made, the subpoena may be served.

BELIN & KUBISTA

Kimberly M. Kubista,
Attorney for Plaintiffs

Date: 11/14/02

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

George E. Larock
Joyce W. Larock
Plaintiff(s)

Waroquier Coal, Inc.
C. W. Thompson Jr.
Cheryl E. Thompson
Defendant(s)

No. 2000-00124-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: R.L. Miller

(Name of Person or Entity)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Kimberly M. Kubista
ADDRESS: P.O. Box 1
Clearfield, PA 16830
TELEPHONE: (814) 765-8972
SUPREME COURT ID # 52782
ATTORNEY FOR: Plaintiffs

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Tuesday, November 12, 2002
Seal of the Court

Deputy

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: vs : No. 00-124-CD
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
: WAROQUIER COAL, INC. :
Plaintiff :
: vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the Notice of Intent to Serve Subpoena to Produce Documents and Things in Discovery Pursuant to Rule 4009.21 in the above captioned matter to the following parties by first-class, postage prepaid mail on the 14th day of November, 2002:

Joseph Colavecchi, Esquire
P.O. Box 131
Clearfield, PA 16830

Peter F. Smith, Esquire
P.O. Box 130
Clearfield, PA 16830


BELIN & KUBISTA
Kimberly M. Kubista
Attorney for Plaintiffs

FILED
0/24/01
MAY 14 2001
SAC
William A. Shaw
Prothonotary

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
: :
WAROQUIER COAL, INC. :
Plaintiff :
: :
vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

FILED

DEC 13 2002
0/2451 wsc
William A. Shaw
Prothonotary/Clerk of Courts
No. C/C

File
BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

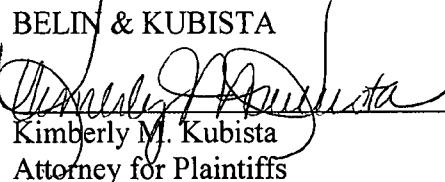
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 00-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| | : | |
| vs | : | |
| | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a Subpoena to Produce Documents and Things in the above captioned matter on the following party by certified mail, restricted delivery on the 10th day of December, 2002:

R.L. Miller
P.O. Box 170
Marion Center, PA 15759

BELIN & KUBISTA

Kimberly M. Kubista
Attorney for Plaintiffs

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:

R.L. Miller
P.O. Box 170
Marion Center, PA 15759

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

JOHN GANDOLFI CPA 12/10/02

C. Signature

Agent Addressee

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

7001 2510 0002 6639 7184

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Prothonotary/Clerk of Courts
William A. Shaw

DEC 13 2002

FILED

BELIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

P. O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

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

GEORGE E. LAROCK and JOYCE W.
LAROCK, husband and wife :
Plaintiffs :
vs. :
WAROQUIER COAL, INC.
A Pennsylvania Corporation :
Defendant :
WAROQUIER COAL, INC. :
Plaintiff :
vs. :
C. W. THOMPSON, JR. and
CHERYL E. THOMPSON, his wife :
Additional Defendants :

FILED

10:12 AM
MAR 31 2005

William A. Shaw
Prothonotary/Clerk of Courts

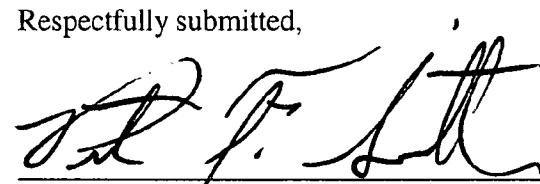
CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for the Defendant in the above-captioned matter, certify that I sent **REQUEST FOR PRODUCTION OF DOCUMENTS** directed to Plaintiffs George E. LaRock and Joyce W. LaRock by U.S. First Class Mail to the attorney for the Plaintiffs at the following address:

Kimberly M., Kubista, Esquire
Belin & Kubista
P.O. Box 1
15 North Front Street
Clearfield, PA 16830

Joseph Colavecchi, Esquire
Colavecchi & Colavecchi
P.O. Box 131
221 East Market Street
Clearfield, PA 16830

Respectfully submitted,


Peter F. Smith
Attorney for Plaintiff

Date: 3/30/05

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
WAROQUIER COAL, INC. :
Plaintiff :
vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 10
03/01/05 CC
APR 01 2005
S/ William A. Shaw
Prothonotary/Clerk of Courts

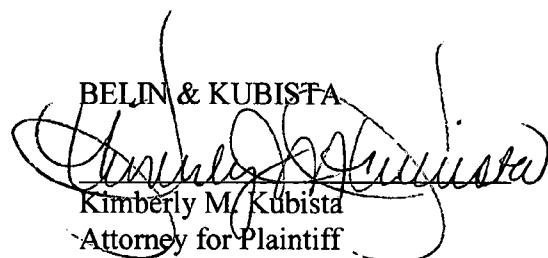
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 00-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| | : | |
| vs | : | |
| | : | |
| C. W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of all information received from R.L. Miller pursuant to a Request for Production of Documents in the above captioned matter by first-class, postage prepaid mail on the 1st day of April, 2005 to the following:

Peter F. Smith, Esquire
P.O. Box 130
Clearfield, PA 16830


BELIN & KUBISTA
Kimberly M. Kubista
Attorney for Plaintiff

FILED

APR 01 2005

William A. Shavy
Prothonotary/Clerk of Courts

BELIN & KUBISTA

CLEARFIELD, PENNSYLVANIA 16830

P.O. BOX 1

15 NORTH FRONT STREET

ATTORNEYS AT LAW

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
:
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
:
WAROQUIER COAL, INC. :
Plaintiff :
vs :
:
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

ANSWER TO REQUEST FOR
PRODUCTION OF
DOCUMENTS

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED ¹⁴
01/05/05
APR 22 2005
ICC
Atty K. Kubista

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 00-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| | : | |
| vs | : | |
| | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

ANSWER TO REQUEST FOR
PRODUCTION OF DOCUMENTS

NOW COMES the Plaintiffs, GEORGE E. LAROCK and JOYCE W. LAROCK, by and through their attorneys, Belin & Kubista, and sets forth the following Answers and in support thereof would aver as follows:

1. At this time, it has not been specifically determined what copies of documents or other written materials will be offered at the time of trial. We will consider this Request as ongoing discovery and will supply the same as we determine the specifics of the same.

Plaintiffs would submit that all Exhibits attached to their Civil Complaint and Exhibits submitted at the time of the depositions will be utilized at the time of trial with said Exhibits being previously supplied to all parties in this matter.

2. Copy of letter dated November 2, 1909 from the Pennsylvania Department of Environmental Protection.

BELIN & KUBISTA



Kimberly M. Kubista,
Attorney for Plaintiffs

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| | : | |
| vs | : | No. 00-124-CD |
| | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| | : | |
| vs | : | |
| | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of Answer to Request for Production of Documents in the above captioned matter by first-class, postage prepaid mail on the 27 day of April, 2005, to the following:

Peter F. Smith, Esquire
P.O. Box 130
Clearfield, PA 16830

BELIN & KUBISTA
Kimberly M. Kubista
Attorney for Plaintiffs



Pennsylvania Department of Environmental Protection

P. O. Box 209
Hawk Run, PA 16840-0209
November 2, 1998

HAWK RUN DISTRICT OFFICE

(814) 342-8200
FAX (814) 342-8216

Mr. George LaRock
R. D. #2, Box 136
Curwensville, PA 16833

RE: Waroquier Coal Company
SMP #17880116
Lawrence Township, Clearfield County

Dear Mr. LaRock:

I am writing in regard to auger mining violations on the Waroquier Coal Company Thompson Operation near Glen Richey, PA.

Your report of unauthorized auger mining was made to us on August 25. The site was inspected the same day by Mine Inspector John Rutherford. Our subsequent investigation indicated that unauthorized auger mining had in fact been conducted early in the month. Although an auger safety permit application had been submitted to the district office for review, it had not yet been issued at the time of the investigation.

As a result of the inspection, a compliance order was issued for three violations:

1. Unauthorized auger mining without an auger safety permit.
2. Conducting surface mining activities within 300 feet of an occupied dwelling.
3. Auger mining outside the limits of the surface mining permit area.

Waroquier Coal Company consented to a \$9,250.00 civil penalty for these violations. Based on our investigation, we estimated that approximately 2,000 tons of coal were removed from the area auger mined outside the permit boundaries and within the 300 foot dwelling barrier. This is only a rough estimate, which would change depending on the actual extent of the auger holes and the percentage of coal recovery.



FILED

APR 22 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. LAROCK and JOYCE W.
LAROCK, Husband and Wife,
Plaintiffs

Vs.

WAROQUIER COAL, INC.,
Defendant

WAROQUIER COAL, INC.,
Plaintiff

Vs.

C.W. THOMPSON, JR. and CHERYL
E. THOMPSON, Husband and Wife,
Additional Defendants

CIVIL DIVISION

No. 00 - 124 - CD

PETITION TO OPEN DEFAULT
JUDGMENT

Filed on Behalf of:

Additional Defendants, C.W.
THOMPSON, JR. and CHERYL E.
THOMPSON, Husband and Wife

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

APR 27 2005
04/27/05
William A. Shaw
Prothonotary/Clerk of Courts

3 (ENS TO ATT)

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, Husband and Wife, :
Plaintiffs:
:
vs. : No. 00 - 124 - CD
:
WAROQUIER COAL, INC., :
A Pennsylvania Corporation, :
Defendant:
:
:
WAROQUIER COAL, INC., :
Plaintiff :
:
vs. :
:
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, Husband :
and Wife, :
Additional Defendants:

PETITION TO OPEN DEFAULT JUDGMENT

NOW COMES, Additional Defendants, C.W. Thompson, Jr. and Cheryl E. Thompson, his wife, who, through their Attorney, Joseph Colavecchi, Esquire, respectfully petitions this court to open the default judgment entered upon praecipe of Waroquier Coal, Inc. against them as Additional Defendants, and avers as follows:

1. On February 2, 2000 a praecipe was filed by George E. LaRock and Joyce W. LaRock, his wife, to issue a Writ of Summons through their Attorney, Kimberly M. Kubista.

2. The acceptance of service of the Writ of Summons was filed by Peter F. Smith, Esquire, on behalf of Waroquier Coal, Inc. which is the Defendant named in the Summons.

3. On July 26, 2000, a Complaint in Trespass was filed by Plaintiffs against Waroquier Coal, Inc.

4. On August 29, 2000 an Answer was filed by Peter F. Smith, Attorney for Waroquier Coal, Inc.

5. On August 29, 2000 a Complaint was filed by Waroquier Coal, Inc. by Peter F. Smith, Esquire, joining as Additional Defendants, C.W. Thompson, Jr. and Cheryl E. Thompson, his wife.

6. Default Judgment was entered on November 14, 2000 against C.W. Thompson, Jr. and Cheryl E. Thompson, his wife, by Waroquier Coal, Inc. through their Attorney, Peter F. Smith.

7. On June 21, 2002, Joseph Colavecchi, Esquire, entered his appearance on behalf of C.W. Thompson, Jr., and Cheryl E. Thompson, his wife.

8. Copies of the docket entries in this case are attached to this Petition marked Exhibit "A".

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

9. A copy of the Praeclipe to Enter Default Judgment as filed on November 14, 2000 is attached to this Petition and marked Exhibit "B".

10. Additional Defendants possess a meritorious defense to Plaintiffs' Complaint based on the fact that they had entered into a Lease Agreement with Waroquier Coal, Inc. to remove the coal from their property, said Lease Agreement being dated February 25, 1983. At the time the Lease Agreement was entered into between Thompson and Waroquier Coal, Inc., Thompson owned the property where the coal was removed from what is now the LaRock property. A copy of the Lease Agreement is attached hereto marked Exhibit "C".

11. A deed was executed by C.W. Thompson, Jr. and Cheryl E. Thompson, his wife, to George E. LaRock and Joyce W. LaRock, his wife, on January 14, 1987, as recorded at Clearfield in Volume 1138, Page 115. A copy of said deed is attached to this Petition marked Exhibit "D".

12. Waroquier Coal, Inc. would have been under an obligation to verify any deeds from Thompson to LaRock before commencing their auger mining operation.

13. The liability, if any, is on Waroquier Coal, Inc.

14. A proposed Answer for Defendant to the Complaint of Waroquier Coal, Inc. is attached hereto marked Exhibit "E".

WHEREFORE, C.W. Thompson, Jr. and Cheryl E. Thompson, respectfully request that this court open the Default Judgment entered by Waroquier Coal, Inc. against them as Additional Defendants and permit Additional Defendants to plead to the Complaint within twenty (20) days thereafter.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for C.W. Thompson, Jr.
and Cheryl E. Thompson
221 East Market Street
Clearfield, PA 16830

April 25, 2005

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

| | | | |
|---|---|--|--|
| Printed By: IMF Limited - Form H-611 6/900574 | Kimberly M. Kubista | GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife | FEBRUARY 2, 2000, PRAEICE TO ISSUE WRIT OF SUMMONS, filed by Kimberly M. Kubista, Attorney for the Plaintiffs Two Certified Copies to Attorney Please issue a Writ of Summons in the above-captioned civil action. /s/Kimberly M. Kubista |
| | | | FEBRUARY 2, 2000, WRIT ISSUED TO ATTORNEY KUBISTA FOR SERVICE. |
| | | 00-124-CD | FEB. 08, 2000, ACCEPTANCE OF SERVICE, WRIT OF SUMMONS, filed by s/PETER F. SMITH, ESQUIRE NO CC. JUL 26, 2000, COMPLAINT IN TRESPASS, filed by s/KIMBERLY M. KUBISTA, ESQUIRE VERIFICATION, s/GEORGE E. LAROCK s/JOYCE W. LAROCK |
| | | WAROQUIER COAL, INC., A Pennsylvania Corporation | JULY 31, 2000, ACCEPTANCE OF SERVICE, COMPLAINT IN TRESPASS, filed by /s/Peter F. Smith, Esq. NO CERT COPIES AUGUST 29, 2000, ANSWER, filed by /s/Peter F. Smith, Esq. THREE (3) CC ATTY SMITH AFFIDAVIT, /s/Joseph L. Waroquier, Jr. |
| | WAROQUIER COAL, INC. VS. C.W. TOMPSON, JR. and CHERYL E. THOMPSON, husband and wife, Additional Defendants | | AUGUST 29, 2000, COMPLAINT JOINING ADDITIONAL DEFENDANTS, COMPLAINT OF DEFENDANT WAROQUIER COAL, INC. AGAINST C.W. THOMPSON, JR. and CHERYL E. THOMPSON, filed by /s/Peter F. Smith, Esq. THREE (3) CC ATTY SMITH AFFIDAVIT, /s/Joseph L. Waroquier, Jr. |
| | | Pro BY ATTY | AUGUST 29, 2000, CERTIFICATE OF SERVICE, DEFENDANT'S ANSWER AND COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY, TO KIMBERLY M. KUBISTA, ESQ. /s/Peter F. Smith, Esq. NO CC |
| | | | SEPTEMBER 25, 2000, SHERIFF RETURN, COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY, UPON CHERYL E. THOMPSON AND C.W. THOMPSON JR., SO ANSWERS CHESTER A. HAWKINS, s/Marilyn Hamm |

PLEASE REFER TO COMPUTER

FOR FURTHER ENTRIES

Date: 08/29/2002

Clearfield County Court of Common Pleas

User: ACCESS

Time: 10:38 AM

ROA Report

Page 1 of 2

Case: 2000-00124-CD

Current Judge: Fredric J. Ammerman

George E. Larock, Joyce W. Larock vs. Waroquier Coal, Inc., C. W. Thompson Jr., Cheryl E. Thompson
Judgment

| Date | Judge |
|------------|--|
| 02/02/2000 | New Case Filed. Please refer to docket book for entries prior to October, 2000. |
| 11/14/2000 | Filing: Judgment Paid by: Smith, Peter F. (attorney for Waroquier Coal, Inc.) Receipt number: 0051351 Dated: 11/14/2000 Amount: \$20.00 (Check) Notices to C. W. Thompson and Cheryl Thompson |
| 04/18/2001 | Affidavit of Service, Request for Production of Documents, upon Peter F. Smith, Esq. s/Kimberly M. Kubista, Esq. no cc |
| 05/25/2001 | Motion to Compel Discovery. filed by s/Kimberly M. Kubista, Esq. 1 cc atty Kubista |
| 05/30/2001 | ORDER, NOW THIS, 30th day of May, 2001, re: Respondent answer the Request for Production of Documents within 20 days. by the Court, s/JKR,JR.,P.J. 1 cc atty Kubista Certificate of Service Filed re: Answer to Plaintiff LaRocks Request for Production of Documents filed by Peter F. Smith, Esq. no cc |
| 06/04/2001 | Praecipe To Withdraw Pleading. Filed by s/Kimberly M. Kubista, Esq. no cc |
| 06/21/2001 | Certificate of Service, Request for Production of Documents upon C. W. and Cheryl E. Thompson. s/Kimberly M. Kubista, Esq. no cc |
| 07/27/2001 | Motion to Compel Discovery. Filed by s/Kimberly M. Kubista, Esq. 2 cc atty Kubista |
| 07/30/2001 | ORDER, NOW THIS, 30th day of July, 2001, upon Movants' Motion to Compel Discovery, it is hereby ORDERED and DIRECTED that Respondents answer the Request for Production of Documents within 20 days. by the Court, s/JKR,JR.,P.J. 2 cc atty Kubista |
| 08/01/2001 | Certificate of Service, filed by Atty Kubista. A copy of Motion to Compel was John K. Reilly Jr. forwarded to the Additional Defendants. No CC. |
| 09/27/2001 | Motion for Sanctions Pursuant to Pa. R.C.P. 4019. Filed by s/Kimberly M. Kubista, Esq. 2 cc Atty Kubista |
| 09/28/2001 | RULE, AND NOW, this 28th day of Sept. 2001, upon Respondents, returnable w/Hearing thereon the 5th day of Nov. 2001, at 3:00 p.m. by the Court, s/FJA,J. 2 cc Atty Kubista |
| 10/02/2001 | Certificate of Service, Motion for Sanctions upon Mr. & Mrs. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esq. no cc |
| 10/09/2001 | Answer To Motion For Sanctions. Filed by s/Peter F. Smith, Esq. Verification. s/Peter F. Smith, Esq. no cc Certificate of Service, Answer to Plain Matter upon Kimberly M. Kubista, Esq. Filed by s/Peter F. Smith, Esq. no cc |
| 11/09/2001 | ORDER, NOW, this 5th day of November, 2001, re: Respondents to supply requested documents to Atty Kubista along w/attorneys fees in the amount of \$500.00 by no later than 11/26/01, etc. by the Court, s/FJA,J. 2 cc Atty Smith, 2 cc Atty Kubista, 1 cc Waroquier Coal-Plf. 1 cc C. W. Thompson and Cheryl Thompson(Add'l Defendants) |
| 11/15/2001 | Certificate of Service, Order of Court dated Nov. 05, 2001, upon Mr. and Mrs. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esq. no cc |
| 11/28/2001 | Certificate of Service, Motion for Sanctions upon Mr. and Mrs. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esquire no cc |
| 01/02/2002 | Certificate of Service, Request for Production of Documents upon Mr. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esq. no cc |
| 01/03/2002 | Certificate of Service, Request for Production of Documents upon Mr. C. W. Thompson, Jr. Filed by s/Kimberly M. Kubista, Esq. no cc |
| 02/04/2002 | Motion to Compel Discovery. Filed by s/Kimberly M. Kubista, Esq. 2 cc Fredric J. Ammerman to Atty |

Date: 08/29/2002

Clearfield County Court of Common Pleas

User: ACCESS

Time: 10:38 AM

ROA Report

Page 2 of 2

Case: 2000-00124-CD

Current Judge: Fredric J. Ammerman

George E. Larock, Joyce W. Larock vs. Waroquier Coal, Inc., C. W. Thompson Jr., Cheryl E. Thompson
Judgment

| Date | Judge |
|------------|--|
| 02/05/2002 | Order, NOW THIS 5th day of February, 2002, upon Motion to Compel Discovery, Ordered and Directed that Respondents answer the Request for Production of Documents within 30 days. BY THE COURT: /s/Fredric J. Ammerman, Judge Two CC Attorney Kubista |
| 02/20/2002 | Certificate of Service, Motion to Compel Discovery upon Mr. and Mrs. C. W. Thompson, Jr. filed by s/Kimberly M. Kubista, Esq. no cc |
| 04/29/2002 | Motion For Sanctions. filed by s/Kimberly M. Kubista, Esq. 1 cc Atty Kubista |
| 05/02/2002 | RULE, AND NOW, this 2nd day of May, 2002, re: Rule issued upon Respondents, returnable w/Hearing 24th day of June, 2002, at 1:30 p.m. by the court, s/FJA,J. 1 cc Atty Kubista |
| 06/18/2002 | Affidavit of Service, Motion For Sanctions upon The Thompsons. Filed by Fredric J. Ammerman s/R. Stuart Auber, Constable no cc |
| 06/21/2002 | Praecipe For Appearance on Behalf of Additional Defendants, C.W. Thompson, Jr. and Cheryl E. Thompson. Filed by s/Joseph Colavecchi, Esq. no cc |
| | Answer To Request For Production of Documents. Filed by s/Joseph Colavecchi, Esq. no cc |

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | No. 00-124-CD |
| Plaintiff | : | |
| vs. | : | |
| WAROQUIER COAL, INC., | : | |
| Defendant | : | |
| WAROQUIER COAL, INC., | : | |
| Plaintiff | : | |
| vs. | : | |
| C.W. THOMPSON, JR. and CHERYL | : | |
| E. THOMPSON, husband and | : | |
| wife, | : | |
| Additional Defendants | : | |

FILED

NOV 14 2000

William A. Shaw
Prothonotary

PRAECIPE TO ENTER DEFAULT JUDGMENT

To: William A. Shaw, Prothonotary:

Dear Sir:

1. More than 20 days have elapsed since service on C.W. THOMPSON, JR. and CHERYL E. THOMPSON, husband and wife, Additional Defendants and they have failed to file a responsive pleading.
2. Plaintiff's counsel sent the notice required by PA R.C.P. 237.1, to C.W. THOMPSON, JR. and CHERYL E. THOMPSON, each individually, Additional Defendants more than 10 days ago, and neither of them has filed an answer or responsive pleading.
3. A true and correct copy of said Rule 237.1 notice is attached hereto and incorporated herein by reference.

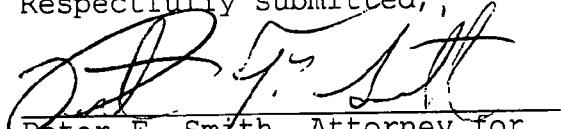
EXHIBIT "B"

4. Defendant, WAROQUIER COAL, INC. prays this Honorable Court to enter judgment in its favor and against the Additional Defendants, C.W. THOMPSON, JR. and CHERYL E. THOMPSON, as to the issue of liability.

The amount of this judgment will be determined by this Court in the original proceedings against the Defendant, WAROQUIER COAL, INC. brought by the Plaintiffs, GEORGE E. LAROCK and JOYCE W. LAROCK.

Date: 11-9-00

Respectfully submitted,



Peter F. Smith, Attorney for
Waroquier Coal, Inc.

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs :
No. 00-124-CD
WAROQUIER COAL, INC., :
Defendant. :
WAROQUIER COAL, INC., :
Plaintiff, :
vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :

NOTICE

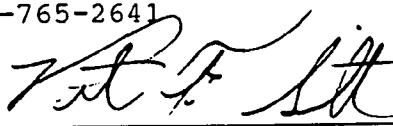
TO: C.W. Thompson, Jr. Cheryl E. Thompson
RR 1, Box 633 RR 1, Box 633
Glen Richey, PA 16837 Glen Richey, PA 16837

A Complaint has been filed against you in Court. If you wish to defend against the claims set forth in the Complaint, you must take action of or before **October 9, 2000**, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the petitioner or movant. You may lose 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CORNER OF MARKET & SOUTH SECOND STREETS
CLEARFIELD, PA 16830
(814)-765-2641

Date: September 28, 2000


Peter F. Smith, Esquire
Attorney for Waroquier Coal, Inc.

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

GEORGE E. LAROCK and JOYCE W.:
LAROCK, husband and wife, :
Plaintiff :
vs. : No. 00-124-CD
WAROQUIER COAL, INC., :
Defendant :
WAROQUIER COAL, INC., :
Plaintiff :
vs. :
C.W. THOMPSON, JR. and CHERYL :
E. THOMPSON, husband and wife :
Additional Defendants :
:

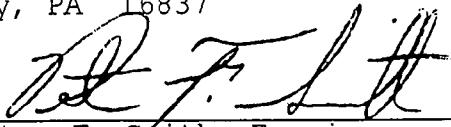
CERTIFICATE OF ADDRESS

I, Peter F. Smith, attorney for Waroquier Coal, Inc., certify that to the best of my information, knowledge and belief, the correct name and address of the Plaintiff and the last known address of C.W. Thompson, Jr. and Cheryl E. Thompson, Additional Defendants hereto are:

Plaintiff: Waroquier Coal, Inc.
P.O. Box 128
Clearfield, PA 16830

Additional
Defendants: C.W. Thompson, Jr.
Cheryl E. Thompson
RR 1, Box 633
Glen Richey, PA 16837

Date: 11-9-00


Peter F. Smith, Esquire
Attorney for Waroquier Coal, Inc.

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiff : No. 00-124-CD

vs.

WAROQUIER COAL, INC.,
Defendant

WAROQUIER COAL, INC.,
Plaintiff

vs.

C.W. THOMPSON, JR. and CHERYL
E. THOMPSON, husband and
wife,
Additional Defendants

Notice is given that a judgment has been entered of record in
Clearfield County against C.W. Thompson, Jr. and Cheryl E.
Thompson, husband and wife, in the amount of any judgment which
this Court may enter against the Defendant, WAROQUIER COAL, INC.
and in favor of the Plaintiffs, GEORGE E. LAROCK and JOYCE W.
LAROCK, plus interest and costs \$ _____

(to be added)

Prothonotary

By _____, Deputy

Rule of Civil Procedure No. 236

PETER F. SMITH

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
 LAROCK, GEORGE E. & JOYCE W. 00-124-CD
 VS
 WAROQUIER COAL INC.

COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY
 SHERIFF RETURNS

NOW SEPTEMBER 5, 2000 AT 2:01 PM DST SERVED THE WITHIN
 COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY
 ON CHERYL E. THOMPSON, DEFENDANT AT RESIDENCE RR 1 BOX 633,
 GLEN RICHEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
 CHERYL E. THOMPSON A TRUE AND ATTESTED COPY OF THE ORIGINAL
 COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY
 AND MADE KNOWN TO HER THE CONTENTS THEREOF.
 SERVED BY: DAVIS/MORGILLO

NOW SEPTEMBER 5, 2000 AT 2:01 PM DST SERVED THE WITHIN
 COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY A PARTY
 ON C.W. THOMPSON JR., DEFENDANT AT RESIDENCE RR 1 BOX 633,
 GLEN RICHEY, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
 CHERYL E. THOMPSON, WIFE A TRUE AND ATTESTED COPY OF THE
 ORIGINAL COMPLAINT JOINING ADDITIONAL DEFENDANT NOT ALREADY
 A PARTY AND MADE KNOWN TO HER THE CONTENTS THEREOF.
 SERVED BY: DAVIS/MORGILLO

31.61 SHFF. HAWKINS PAID BY: PLFF.
 20.00 SURCHARGE PAID BY: PLFF.

SWORN TO BEFORE ME THIS

25th DAY OF September 2000
William A. Shaw

WILLIAM A. SHAW
 Prothonotary
 My Commission Expires
 1st Monday in Jan. 2002
 Clearfield Co., Clearfield, PA.

SO ANSWERS,
Chester A. Hawkins
by Marilyn Harry
 CHESTER A. HAWKINS
 SHERIFF

FILED
W.A.S. SEP 25 2000

William A. Shaw
 Prothonotary

Made and entered into this 25 day of Feb, 1983
by and between C. W. THOMPSON, SR., C. W. THOMPSON, JR., and CHERYL THOMPSON
P.O. Box 27, Glen Richy, Pa. 16037, of Lawrence Township, Clearfield County
Pennsylvania, party of the first part, hereinafter called LESSOR,

h
d
D

WADOUIN COAL, INC., a corporation of 133 W. Fifth Street, Clearfield,
Clearfield County, Pennsylvania, party of the second part, hereinafter called
LESSOR.

W. I. T. C. L. S. R. T. S.:

(1). The Lessor, in consideration of the promises herein contained
does hereby let and lease to the Lessee all the remaining mineable and
merchantable coal removable by the strip mine method in or under those premises
in Lawrence Township, as recorded in Clearfield, Pennsylvania by TAX number
J-10-000-000-79, J-10-000-000-51, J-10-000-000-70.

Together with such mining rights as the Lessor might have which
may be necessary, convenient or proper in the sole opinion of the Lessee to
remove, stockpile, transport or otherwise produce by the above mining methods,
all mineable and merchantable coal located upon or under the leased premises,
including by way of illustration, but not exclusion, the right to destroy the
surface, thereunder or therein without liability to the Lessor, except for the
considerations set forth herein.

(2) The Lessor warrants their title to the surface and the coal
with the exception of Tax number J10-000-000 which is surface only

(3) This lease shall be in effect for a three (3) year period
with the Lessee having the right to renew for additional three (3) year periods
Lessee may cancel the same upon thirty (30) days written notice, after the
first three year period.

(4) The Lessee agrees to pay a monthly minimum royalty in the
amount of Three Hundred Dollars (\$300.00) per month. The first monthly minimum
payment shall be due and payable on the 25 day of March, 1983 and a
like minimum payment shall be due on the 25th day of each month thereafter.

The Lessee shall have credit for such monthly minimum against tonnage royalty on coal produced during the immediately preceding month and against tonnage royalty on coal produced in any subsequent month when the tonnage royalty exceed the minimum royalty for such month, provided such minimum shall be paid each and every month during the term of this lease and any renewal hereof.

(5) The Lessee shall pay to the Lessor tonnage royalty at the rate of Two Dollars and Fifty cents (\$2.50) for each net ton of coal mined and removed from the leased premises, such tonnage royalty to be payable on or before the 25th day of each month on coal mined and removed during the preceding month.

(6) Accompanying each actual royalty payment shall be a statement from the Lessee showing the time period for which payment is made, the tonnage mined and removed for said period by the Lessee. Lessee herewith agrees that Lessor shall at all reasonable business hours have access to the books and records of the Lessee to verify such statement. This right may be exercised in whole or in part from time to time any office of the Lessee during regular business hours, but exercised in a manner so as not to unreasonably interfere with the business of the Lessee.

(7) Lessee agrees to use at any given time modern and commercially reasonable methods of mining to the end that a reasonable commercial yield from the Leased premises is secured.

(8) As a direct inducements to the Lessor to enter into this lease, the Lessee agrees at its sole expense to comply promptly and fully with any provision-past, present or future, of any law relating and applicable to the removal of coal by any mining method used and the restoration of disturbed areas. For the purpose of this provision the word "law" shall mean any statute, regulation, decision of any court or regulatory body of the United States, the Commonwealth of Pennsylvania, or any sub-division of either.

(9) Lessee covenants that it is an independent contractor and does control the manner and means of performing all work in connection with the removal, mining, processing or transporting of said coal from the demised premises. Lessee covenants to carry not less than \$250,000.00 of comprehensive

Liability insurance during the continuance of this lease insuring against loss to person or property from Lessee's use of the demised premises with a reputable insurance company qualified to do business in the Commonwealth of Pennsylvania insuring the Lessee from any claim for damages as their interest might appear. Said policy of insurance shall specifically protect against loss to person or property resulting from the use of explosives.

(10) Lessor herein agrees to pay all local real estate taxes assessed against the leased premises, provided, however, that Lessee agrees to pay all local real estate taxes against improvements which are erected by Lessee upon said premises.

(11) In case of a breach by the Lessee of any of the covenants of this lease, all of which are hereby declared to be enforceable as conditions as well continuing for a period of thirty (30) days after written notice thereof from the Lessor, or in case of a judicial sale or transfer of sale by operation of law, in any manner or form, including adjudication in bankruptcy voluntary or involuntary, thereupon the Lessor may at his option, declare this lease terminated and at an end, and the Lessor shall have the right and is fully authorized upon any such termination to enter upon the said leased property and to take exclusive possession of the same, with the right to use force, if force be necessary, for such entrance and recovery of possession; or the Lessor may at his option, from time to time, issue a writ or writs of ejectment against the Lessee for said leased property and to the end that such ejectment may be effected, the Lessee hereby authorizes and empowers any attorney of any Court of record of Pennsylvania or elsewhere to appear for said Lessee in such suit or suits of ejectment and confess judgment against Lessee and the Lessee does hereby consent and agree that a writ of writs of habere facias possession may in that event forthwith be issued, with clause of fi. fa. for costs and rental in arrears, and be fully executed so that thereby on such judgment and execution of executions thereof, the Lessee, its employees and agents, shall be ousted from the possession of the leased property, and the Lessor be given full and exclusive possession of the same; The Lessee does further in that event hereby waive and release all errors and any every manner of benefit which Lessor might have otherwise by

reason of any error or irregularities in any suits of judgment of executions brought, entered or issued under the terms hereof, hereby waiving the benefit of all exception laws now in force or which may hereafter be enacted, and all the benefits of any law giving stays of execution in any action or actions brought of judgments entered by virtue hereof; provided, however, that neither any such termination of this lease nor the taking or recovery of possession of the lessed property, as herein provided, shall deprive the Lessor of any other action or actions, or right of action whatsoever, which he may have in law or inequity for the recovery of any damages which may accrue to them hereunder.

Notwithstanding anything herein to the contrary, the Lessor shall give the Lessee thirty (30) days' written notice of any default he claims Lessee has committed. During the said thirty (30) days period, Lessee shall have the right to remedy, rectify and cure such default; if said Lessee shall cure such default and rectify the same, then and in that event there shall be no forfeiture of said lease.

(12) This agreement has been executed in several counterparts, any of which shall be considered an original.

(13) This agreement contains the entire understanding of the parties and may only be amended in writing and properly executed by the parties.

(14) Lessor may subcontract its right hereunder, but it shall nevertheless be primarily and solely liable for compliance with the terms of this lease.

IN WITNESS WHEREOF, the parties hereto have properly executed the
Agreement the day and year first above written.

By C. W. Thompson, Sr.
C. W. Thompson, Sr., Lessor

By C. W. Thompson, Jr.
C. W. Thompson, Jr., Lessor

By Chery1 Thompson
Chery1 Thompson, Lessor

WAROQUIER COAL, INC.

By Joseph L. Waroquier, Sr.
Joseph L. Waroquier, Sr., President

WAROQUIER COAL, INC.

Coal Producers

133 West Fifth Street
CLEARFIELD, PA. 16830

March 17, 1987

C. W. Thompson, Jr. Agent
P.O. Box 27
Glen Richey, Pa. 16837

Dear Mr. Thompson:

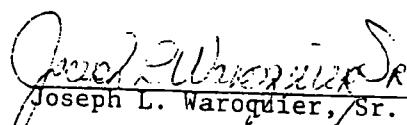
With reference to our lease agreement dated February 25, 1983 and to paragraph four (4) we make the following amendment.

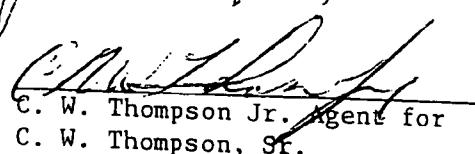
As mutually agreed the minimum royalty shall be One Hundred (\$100.00) Dollars per month instead of Three Hundred (\$300.00) Dollars per month, effective February 1, 1987.

Thank you for your attention on this matter. Please sign one copy of this letter and return to us in enclosed envelope.

Sincerely,

Joseph L. Waroquier, Sr.


Joseph L. Waroquier, Sr.


C. W. Thompson Jr. Agent for
C. W. Thompson, Sr.

WAROQUIER COAL, INC.
Coal Producers

133 West Fifth Street
CLEARFIELD, PA. 16830

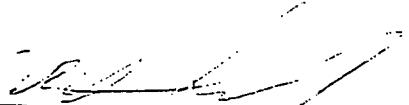
April 18, 1994

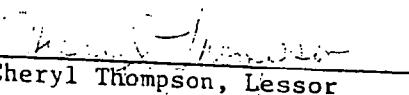
LEASE AGREEMENT AMENDMENT

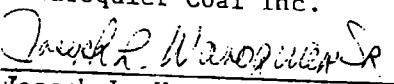
In reference to lease agreement dated February 25, 1983 we make
the following amendment:

It is mutually agreed by Lessor and Lessee to have Augar Mining
added to paragraph (1) on page one, as another type of mining.

All of the agreement remains the same except for this addition.


C. W. Thompson, Jr., Lessor

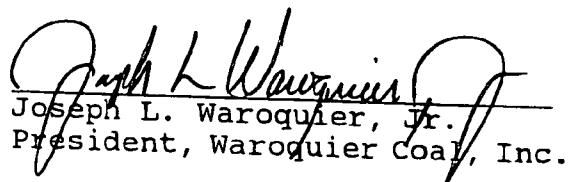

Cheryl Thompson, Lessor

Waroquier Coal Inc.

Joseph L. Waroquier, Sr. Lessee
President

AFFIDAVIT

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

JOSEPH L. WAROQUIER, JR., being duly sworn according to law, deposes and says that he is the President of WAROQUIER COAL, INC., and, as such, is duly authorized to make this Affidavit, and further, that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.


Joseph L. Waroquier, Jr.
President, Waroquier Coal, Inc.

SWORN TO AND SUBSCRIBED
before me this 26th
day of August, 2000.


Maggie S. Coudriet
Notary Public

| |
|---|
| NOTARIAL SEAL |
| MAGGIE S. COUDRIET, Notary Public |
| Clearfield Boro, Clearfield County, PA |
| My Commission Expires, October 21, 2002 |

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This Deed

Made the 14th day of January in the year of our Lord one thousand nine hundred and eighty-seven (1987)

Between C. W. THOMPSON, JR. and CHERYL E. THOMPSON, husband and wife, of Lawrence Township, Clearfield County, Pennsylvania, hereinafter called the Grantors,

A
N
D

GEORGE E. LA ROCK and JOYCE W. LA ROCK, husband and wife, as tenants by the entireties, of Pike Township, Clearfield County, Pennsylvania, hereinafter called the Grantees,

Witnesseth, that in consideration of Two Thousand Five Hundred (\$ 2,500.00) Dollars, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantees, their Heirs and Assigns, as tenants by the entireties,

All that certain piece or parcel of land situate in Lawrence Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the centerline of Legislative Route 17037, said point being in the property line separating the land of Hazen Owens and C. W. Thompson, Jr. and Cheryl Thompson, the Grantors herein, said point also being the Southwest corner of the land described herein; thence by land of Hazen Owens North twenty-seven (27) degrees five (5) minutes West five hundred twenty (520) feet to a point also in the property line separating the land of Owens and Thompson; thence establishing a new line through the land of Thompson North forty-three (43) degrees eighteen (18) minutes East two hundred eight (208) feet to a point; thence continuing by land of Thompson South twenty-seven (27) degrees five (5) minutes East five hundred twenty (520) feet to a point in the centerline of the beforementioned Legislative Route 17037; thence by the centerline of Legislative Route 17037 and land of Thompson South forty-three (43) degrees eighteen (18) minutes West two hundred eight (208) feet to a point and place of beginning. Containing two and one-half ($2\frac{1}{2}$) acres, more or less. A Survey plot of the land herein conveyed is attached hereto and made a part hereof.

vol 1138 pg 116

This Document may not sell, convey, transfer, include or insure the title to the coal and right of support underneath the surface land described or referred to herein, and the owner or owners of such coal may have the complete legal right to remove all of such coal and, in that connection, damage may result to the surface of the land and any house, building or other structure on or in such land.

And the said Grantor's Will Warrant Specially

vol 1138 pg 117

the property hereby conveyed

In Witness Whereof, said Grantors have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of

Victoria Williams

as to both

C. W. Thompson, Jr.

Cheryl E. Thompson

Commonwealth of Pennsylvania }
County of Clearfield } ss.

On this, the 14th day of January A. D. 1987, before me the undersigned officer, personally appeared C. W. Thompson, Jr. and Cheryl E. Thompson, husband and wife, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained. In Witness Whereof, I hereunto set my hand and official seal.

My Commission Expires
First Monday in January, 1988

Commonwealth of Pennsylvania }
County of } ss.

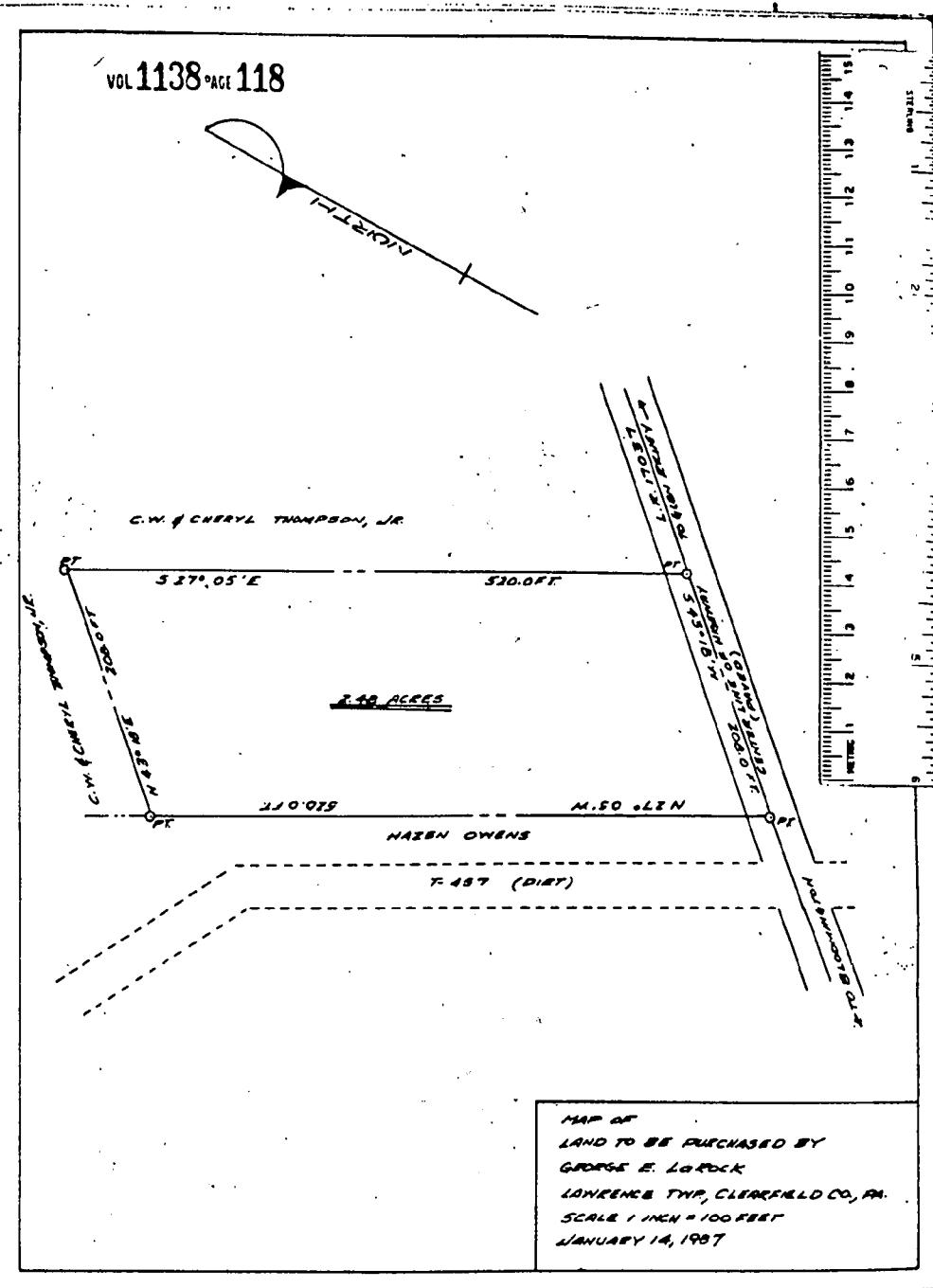
On this, the day of A. D. 19, before me the undersigned officer, personally appeared known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained. In Witness Whereof, I hereunto set my hand and official seal.

Michael A. Lytle
RECODER OF DEEDS

Title of Officer

.....
Title of Officer

VOL 1138 - AGE 118



State of
County of

{ B.R.

VOL 1138 PAGE 119

On this, the
appeared

day of

A. D. 19 before me
the undersigned officer, personally

proven to be the person whose name subscribed to the within instrument, and
acknowledged that he executed the same for the purposes therein contained.
In Witness Whereof, I hereunto set my hand and official seal.

.....
Title of Officer

I hereby Certify, that the precise residence of the Grantees is
Box 136, R.D. #1, Curwensville, PA 16833

Attorney for

Donald R. Mikesell
Donald R. Mikesell

CLEARFIELD AREA SCHOOL DISTRICT

REALTY TRANSFER TAX

25.00

7-12-87 Michael R. Lytle



Michael R. Lytle
State Tax
2.50
School Tax
12.50
County Tax
12.50

Act 1989
From

C. W. THOMPSON, JR. and
CHERYL E. THOMPSON,
husband and wife

To

GEORGE E. LA ROCK and
JOYCE W. LA ROCK,
husband and wife, as
tenants by the entireties

CLEARFIELD COUNTY
ENTERED OF RECORD 2-12-87
TIME 9:46 AM
BY E.R. Mikesell
FEES 15.00
Michael R. Lytle, Recorder

Commonwealth of Pennsylvania
County of Clearfield

{ B.R.

Recorded on this
A. D. 1987, in the Recorder's Office of the said County in Deed Book
Volume 1138 Page 115
Given under my hand and the seal of the said Office, the date above written.

Michael R. Lytle Recorder

My Commission Expires
First Monday in January, 1987

Entered of Record Feb 12

1987 9:46 AM Michael R. Lytle, Recorder

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, Husband and Wife, :
Plaintiffs:
:
vs. : No. 00 - 124 - CD
:
WAROQUIER COAL, INC., :
A Pennsylvania Corporation, :
Defendant:
:
:
WAROQUIER COAL, INC., :
Plaintiff :
:
vs. :
:
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, Husband :
and Wife, :
Additional Defendants:

ANSWER TO COMPLAINT JOINING ADDITIONAL DEFENDANTS

C.W. Thompson, Jr. and Cheryl E. Thompson, his wife, file
their Answer to the Complaint of Waroquier Coal, Inc., filed
against them as Additional Defendants, and respectfully aver as
follow:

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

EXHIBIT "E"

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. It is admitted that at the time of the execution of the Lease Agreement between Waroquier and Thompson that Thompson represented to Waroquier he owned the coal under the premises which was the subject of the Lease Agreement. It is denied that he told Waroquier he owned the coal under the Larock property after the execution of the Lease Agreement.

6. Denied. No representations were made to Waroquier after the execution of the Lease Agreement and after the execution of the deed from Thompson to Larock.

7. Denied. On the contrary, it is believed that less than 1509.55 tons of coal were removed from underneath the Larock property. Some of the coal removed by Waroquier was under property owned by Thompson.

8. It is admitted that Waroquier Coal, Inc. paid Thompson Two Thousand Two Hundred Sixty-four Dollars and Thirty-three Cents (\$2,064.33). This was believed to be the coal royalty for the removal of coal from the property owned by Thompson.

9. Denied. Thompson advised Waroquier that he had conveyed the property to Larock. Waroquier was under a duty to check the title to this property before he removed the coal.

10. Denied. On the contrary, Joseph Waroquier of Waroquier Coal, Inc. had been advised personally that part of the property had been conveyed to Larock. Further, Waroquier was under a legal duty to check the title to the property before removing coal from it.

11. Denied. At the time Thompson entered into the Lease Agreement with Waroquier, Thompson owned the coal and surface. Waroquier should have checked the title to the Larock property to determine whether Larock had any claim to the coal prior to Waroquier removing the coal from the Larock property.

WHEREFORE, C.W. Thompson, Jr. and Cheryl E. Thompson, his wife, ask that judgment be entered against Waroquier Coal, Inc. and in favor of them, together with costs.

Respectfully submitted:

JOSEPH COLAVECCHI, ESQUIRE
Attorney for C.W. Thompson, Jr.
and Cheryl E. Thompson

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P.O. BOX 131
CLEARFIELD, PA

April 26, 2005
DATE

A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. LAROCK and JOYCE W.
LAROCK, Husband and Wife,
Plaintiffs

CIVIL DIVISION

No. 00 - 124 - CD

Vs.

WAROQUIER COAL, INC.,
Defendant

RULE

Filed on Behalf of:

Additional Defendants, C.W.
THOMPSON, JR. and CHERYL E.
THOMPSON, Husband and Wife

WAROQUIER COAL, INC.,
Plaintiff

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

68
FILED 300
04/29/2005 AMY
APR 29 2005 J Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts

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

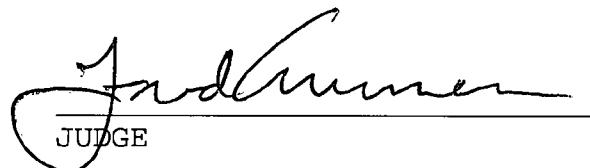
GEORGE E. LAROCK and JOYCE W. :
LAROCK, Husband and Wife, :
Plaintiffs:
:
vs. : No. 00 - 124 - CD
:
WAROQUIER COAL, INC., :
A Pennsylvania Corporation, :
Defendant:
:
:
WAROQUIER COAL, INC., :
Plaintiff :
:
vs. :
:
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, Husband :
and Wife, :
Additional Defendants:

R U L E

AND NOW, this 28 day of April, 2005, upon
consideration of Petition to Open Default Judgment filed by C.W.
Thompson, Jr. and Cheryl E. Thompson against Waroquier Coal, Inc.,
a Rule is hereby issued and directed to Peter Smith, Attorney for
Waroquier Coal, Inc. to show cause why said Default Judgment should
not be opened and why C.W. Thompson, Jr. and Cheryl E. Thompson
should not be permitted to enter into a defense of this action.

This Rule is Returnable before the Court on the 24th day
of May, 2005, at 3:00 o'clock
P.M. at the Clearfield County Courthouse, Courtroom Number
1.

BY THE COURT:



J. Colavecchi
JUDGE

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

GEORGE E. LAROCK and JOYCE W. LAROCK, Husband and Wife, Plaintiffs : No. 2000-124-CD
vs. : Type of Case:
WAROQUIER COAL, INC. A Pennsylvania Corporation, Defendant : Civil
: Type of Pleading:
: Answer to Petition to Open Default
: Judgment
: Filed on Behalf of:
: Plaintiff : Defendant Waroquier Coal, Inc.
vs. : Counsel of Record for this Party:
C. W. THOMPSON, JR. and : Peter F. Smith, Esquire
CHERYL E. THOMPSON, Husband and Wife, : Supreme Court ID #34291
: P. O. Box 130
: 30 South Second Street
: Clearfield, PA 16830
: (814) 765-5595
: Counsel of Record for Plaintiffs:
: Kimberly M. Kubista, Esquire
: Supreme Court ID # 52782
: Belin & Kubista, Attorneys at Law
: P.O. Box 1
: 15 North Front Street
: Clearfield, PA 16830
: (814) 765-8672
: Counsel of Record for Additional Defendants:
: Joseph Colavecchi, Esquire
: Supreme Court ID # 06810
: Colavecchi & Colavecchi
: P.O. Box 131
: 221 East Market Street
: Clearfield, PA 16830
: (814) 765-1566

FILED

MAY 19 2005

011051

William A. Shaw

Prothonotary/Clerk of Courts

3 cent to Atty

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

| | | |
|-------------------------------|---|-----------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, Husband and Wife, | : | No. 2000-124-CD |
| Plaintiffs | : | |
| vs. | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC., | : | |
| Plaintiff | : | |
| vs. | : | |
| C. W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, Husband | : | |
| and Wife, | : | |
| Additional Defendants | : | |

DEFENDANT'S ANWER TO PETITION TO OPEN DEFAULT JUDGMENT

COMES NOW, WAROQUIER COAL, INC. by its attorney Peter F. Smith, who answers the Petition as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted and further averred that both C. W. Thompson, Jr. and Cheryl E.

Thompson were served certified copies of the complaint by the Clearfield County Sheriff on September 5, 2000 as shown by the return shown attached to the Petitioners' Petition.

6. Admitted and further averred that Waroquier's counsel sent to each of the Defendants the Notice of intent to enter default judgment required by Pa.R.C.P. 237.1 by First Class, U.S. Mail, postage pre-paid with counsel's return address clearly printed on the exterior of

the envelope. More than 10 days elapsed before default judgment was entered, and the U.S. Postal Service did not return those mailings to Waroquier's counsel. A true and correct copy of said notice is attached hereto and incorporated in this answer as Waroquier's Exhibit 1.

7. Admitted and further averred that:

a. More than 19 months elapsed before the Thompsons did anything in response to the judgment entered against them by Waroquier which had since become final and unappealable.

b. Thompsons have otherwise been dilatory and uncooperative in regards to this suit. Plaintiffs' counsel was forced to file a Motion to Compel the Thompsons' answer to discovery and they were subsequently sanctioned by this Court for that failure by Order entered November 5, 2001.

c. A Petition to Open is in essence equitable relief. Liberty National Bank v. Degillio, 406 Pa. 127, 176 A.2d 466 (1962). The doctrine of laches can bar a Petition to Open. 28 P.L.E. § 173.

"A delay long persisted in after knowledge of all the facts cast doubts upon the bona fides of a defense set up and gives weight and probability to the evidence adduced to rebuttant." Citizens Trust & Surety Company v. Goodchild, 195 Pa. 80, 45 A.662 (1900).

8. Admitted.

9. Admitted.

10. Denied that the Additional Defendants can present a meritorious defense but admitted that they must make this showing before the judgment entered against them may be opened.

Specifically, Waroquier admits entering the lease with the Thompsons dated February 25, 1983 and attached to their Petition as Exhibit C.

Waroquier further avers that said lease was and still is in full force and effect.

In paragraph three on page one of said lease, the Thompsons warrant their title to surface and coal. (Excepted from that warranty is a small parcel which is not under or associated with the LaRocks' parcel.)

11. Admitted and further averred that said deed conveys that parcel in fee. Coal was not excepted and reserved from that conveyance by the Thompsons.

12. Waroquier did attempt to verify ownership of the coal under the LaRock property by questioning Mr. Thompson, with whom Waroquier had a long course of dealings. Mr. Thompson presented to Waroquier that he excepted, reserved and still owned the coal under the LaRock property.

In reliance upon those representations, Waroquier in fact paid the Thompsons for the coal which it extracted by the auger method from under the LaRock property.

13. Denied. Liability is upon the Thompsons. Conveyance of the LaRock property was a direct breach of their covenant of title. Waroquier justifiably relied upon their representation of continued ownership of the coal and in good faith paid them for it which they accepted and have retained without objection. This payment to Thompsons for coal which they did not own in breach of their covenant of title to Waroquier has unjustly enriched them, and this Court has full legal and equitable powers to hold them liable for it.

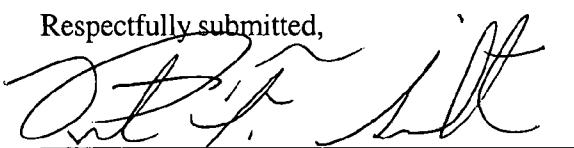
14. Neither admitted nor denied. The Thompsons' proposed answer speaks for itself.

WHEREFORE, WAROQUIER COAL, INC. prays this Honorable Court to deny the Thompson's Petition to Open this judgment.

Respectfully submitted,

Date:

5/19/05



Peter F. Smith, Esquire
Attorney for Defendant Waroquier Coal, Inc.
P. O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
WAROQUIER COAL, INC., :
Defendant. :
WAROQUIER COAL, INC., :
Plaintiff, :
vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
/

NOTICE

TO: C.W. Thompson, Jr.
RR 1, Box 633
Glen Richey, PA 16837

Cheryl E. Thompson
RR 1, Box 633
Glen Richey, PA 16837

A Complaint has been filed against you in Court. If you wish to defend against the claims set forth in the Complaint, you must take action of or before October 9, 2000, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the Court without further notice for relief requested by the petitioner or movant. You may lose 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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CORNER OF MARKET & SOUTH SECOND STREETS
CLEARFIELD, PA 16830
(814)-765-2641

Date: September 28, 2000


Peter F. Smith, Esquire
Attorney for Waroquier Coal, Inc.

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

GEORGE E. LAROCK and JOYCE W. LAROCK, Husband and Wife, Plaintiffs : No. 2000-124-CD
vs. :
WAROQUIER COAL, INC. A Pennsylvania Corporation, Defendant :
vs. :
WAROQUIER COAL, INC., Plaintiff :
vs. :
C. W. THOMPSON, JR. and CHERYL E. THOMPSON, Husband and Wife, Additional Defendants :
vs.

FILED

MAY 19 2005

6/1/05

William A. Shaw

Prothonotary/Clerk of Courts

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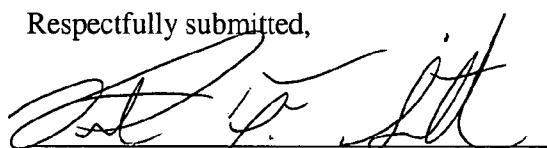
CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for the Defendant in the above-captioned matter, certify that I sent a true and correct copy of Defendant's **ANSWER TO PETITION TO OPEN DEFAULT JUDGMENT** by U.S. First Class Mail, Postage Pre-Paid, to the attorney for the Plaintiffs and to the attorney for the Additional Defendants at the following addresses:

Kimberly M., Kubista, Esquire
Belin & Kubista
P.O. Box 1
15 North Front Street
Clearfield, PA 16830

Joseph Colavecchi, Esquire
Colavecchi & Colavecchi
P.O. Box 131
221 East Market Street
Clearfield, PA 16830

Respectfully submitted,



Peter F. Smith, Esquire
Attorney for Plaintiff
P. O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

Date: 5/29/05

A

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

GEORGE E. LAROCK and JOYCE :
W. LAROCK husband and wife :
:
vs. : No. 00-124-CD
:
WAROQUIER COAL, INC. :
:
WAROQUIER COAL, INC. :
:
vs. :
:
C. W. THOMPSON, JR. and CHERYL :
E. THOMPSON, husband and wife :
:

ORDER

AND NOW, this 26 day of May, 2005, it is the ORDER of the Court that argument on Attorney Colavecchi's Petition to Open Default Judgment has been rescheduled from May 24, 2005 to Friday, June 10, 2005 at 1:30 P.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

FILED

6/1/40801
MAY 26 2005 (6)

William A. Shaw
Prothonotary/Clerk of Courts
ICC Attns: K. Kubista
P. Smith
J. Colavecchi

BY THE COURT:


FREDRIC J. AMMERMAN

President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE E. LaROCK and JOYCE W.
LaROCK, husband and wife,
Plaintiffs

CIVIL DIVISION

No. 00 - 124 - CD

vs.

WAROQUIER COAL, INC.,
Defendant

ORDER

WAROQUIER COAL, INC.,
Plaintiff

Filed on Behalf of:

Additional Defendants,
C.W. THOMPSON, JR. and
CHERYL E. THOMPSON

Vs.
C.W. THOMPSON, JR., and
CHERYL E. THOMPSON, husband
and wife,
Additional Defendants

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

FILED

JUN 03 2005

8150
William A. Shaw
Prothonotary/Clerk of Courts

3 Cents to Attorney

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

GEORGE E. LaROCK and JOYCE W. :
LaROCK, husband and wife, : No. 00 - 124 - CD
Plaintiffs:
:
Vs. :
:
WAROQUIER COAL, INC., :
Defendant :
:
WAROQUIER COAL, INC., :
Plaintiff :
:
Vs. :
:
C.W. THOMPSON and CHERYL E. :
THOMPSON, husband and wife, :
Additional Defendants:

ORDER

AND NOW, this 2nd day of June, 2005, it is the ORDER of the Court that argument on the Petition to Open Default Judgment has been rescheduled from June 10, 2005, at 1:30 p.m. to the 22nd day of June 2005, at 2:30 P.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:


JUDGE

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
: vs : No. 00-124-CD
: :
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
: :
WAROQUIER COAL, INC. :
Plaintiff :
: :
vs :
: :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

MOTION FOR SPECIAL RELIEF

Filed on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED 3cc
03/17/01 Atty K. Kubista
JUN 07 2005
B6
William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

MOTION FOR SPECIAL RELIEF

NOW COMES the Movant, KIMBERLY M. KUBISTA, Attorney for the Plaintiffs, and sets forth the following Motion for Special Relief and in support thereof would aver as follows:

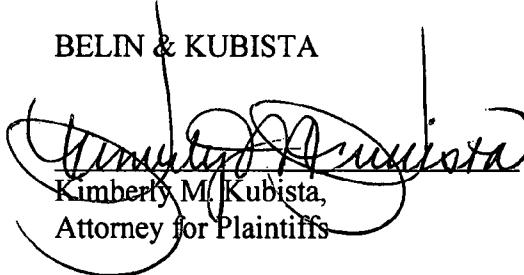
1. That Movant represents the Plaintiffs LaRock, Waroquier is represented by Peter Smith, Esquire and Thompsons are represented by Joseph Colavecchi, Esquire.
2. That an argument is scheduled for June 22, 2005 at 2:30 p.m. on a Petition to Open the Default Judgment filed by Thompson against Waroquier.
3. That Movant is scheduled to be in Elk County before Judge Masson at 2:00 p.m. on June 22, 2005.

4. That although Movant represents the Plaintiffs in this matter, the petition before the Court does not concern the Plaintiffs, but is a dispute between Waroquier and Thompson.

5. That the attendance of Plaintiffs' counsel is not necessary for the Court to make a determination in this matter and counsel for the defendants were contacted by Movant and indicated that they had no objection to Plaintiffs' counsel not attending the argument.

WHEREFORE, Movant requests Your Honorable Court to allow the matter to remain scheduled as is for June 22, 2005 at 2:30 p.m. and to not require her attendance in this matter.

BELIN & KUBISTA


Kimberly M. Kubista,
Attorney for Plaintiffs

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD

WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :

WAROQUIER COAL, INC. :
Plaintiff :
vs :

C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

ORDER

NOW THIS 8th day of June, 2005 upon consideration of the foregoing Motion for Special Relief, it is hereby ORDERED and DECREED that the attendance of Plaintiffs' counsel is not necessary at the time of the argument scheduled for June 22, 2005 at 2:30 p.m.



Judge

FILED 30C
01/25/04 Atty Kubista
JUN 08 2005
①

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 08 2005

William A. Shatley
Prothonotary/Clerk of Courts

JUN 07 2005

PROTHONOTARY, U.S. DISTRICT COURT

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

| | | |
|-------------------------------|---|---------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, husband and wife, | : | |
| Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC. | : | |
| Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, husband | : | |
| and wife, | : | |
| Additional Defendants | : | |

CERTIFICATE OF SERVICE

File on behalf of

Plaintiffs

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED NO cc
01/10/2005
JUN 10 2005
©

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|---|---|---------------|
| GEORGE E. LAROCK and JOYCE W. LAROCK, husband and wife, Plaintiffs | : | |
| vs | : | No. 00-124-CD |
| WAROQUIER COAL, INC. A Pennsylvania Corporation, Defendant | : | |
| WAROQUIER COAL, INC. Plaintiff | : | |
| vs | : | |
| C.W. THOMPSON, JR. and CHERYL E. THOMPSON, husband and wife, Additional Defendants | : | |

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Motion for Special Relief in the above captioned matter by first-class, postage prepaid mail on the 8th day of June, 2005 to the following:

Peter F. Smith, Esquire
P.O. Box 130
Clearfield, PA 16830

Joseph Colavecchi, Esquire
P.O. Box 131
Clearfield, PA 16830

BELIN & KUBISTA
George J. Kubista

Kimberly M. Kubista
Attorney for Plaintiff

FILED

JUN 10 2005

William A. Shaw
Prothonotary/Clerk of Courts

CA

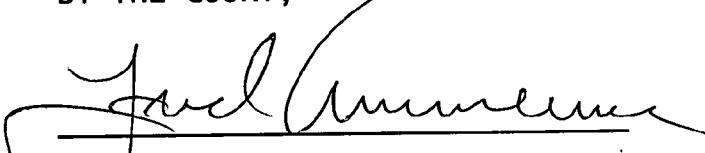
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

GEORGE E. LAROCK, et al. :
-vs- :
WAROQUIER COAL, INC. :
: No. 00-124-CD
WAROQUIER COAL, INC. :
-vs- :
C.W. THOMPSON, JR., et al. :

O R D E R

NOW, this 5th day of August, 2005, in
consideration of the Petition to Open Default Judgment
filed on April 27, 2005, on behalf of additional Defendants
C.W. Thompson, Jr., and Cheryl E. Thompson, husband and
wife, it is the ORDER of this Court that said Petition be
and is hereby denied.

BY THE COURT,



President Judge

FILED ^(a)
01/08/05 K. Kubista
AUG 05 2005 J. Colawecoh
William A. Shaw P. Smith
Prothonotary/Clerk of Courts

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

GEORGE E. LAROCK and JOYCE :
W. LAROCK husband and wife :
:
vs. : No. 00-124-CD
:
WAROQUIER COAL, INC. :
:
WAROQUIER COAL, INC. :
:
vs. :
:
C. W. THOMPSON, JR. and CHERYL :
E. THOMPSON, husband and wife :
:

ORDER

AND NOW, this 5th day of August, 2005, it is the ORDER of
the Court that a status conference in the above matter has been scheduled for Monday,
August 29, 2005 at 9:30 A.M., in Courtroom No. 1, Clearfield County Courthouse,
Clearfield, PA.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

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01:47 AM
AUG 05 2005 60
Attn: K. Kubista
J. Cobweach
P. Smith

William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 05 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

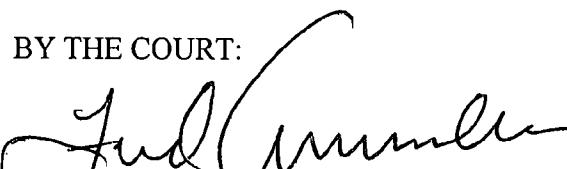
GEORGE E. LAROCK and JOYCE :
W. LAROCK husband and wife :
vs. : No. 00-124-CD
WAROQUIER COAL, INC. :
WAROQUIER COAL, INC. :
vs. :
C. W. THOMPSON, JR. and CHERYL :
E. THOMPSON, husband and wife :
vs. :
:

FILED *6/13/05* *ICG* *Attys:*
01355801
AUG 29 2005 K. Kubista
William A. Shaw P. Smith
Prothonotary/Clerk of Court *PLA*
J. Colavecchi
(CLA envelopes)

ORDER

AND NOW, this 29 day of August, 2005, following status conference, it is the Order of the Court that the Court Administrator place the above-captioned case on the Arbitration List.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

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

GEORGE E. LAROCK and JOYCE W. :
LAROCK, husband and wife, :
Plaintiffs :
vs : No. 00-124-CD
WAROQUIER COAL, INC. :
A Pennsylvania Corporation, :
Defendant :
WAROQUIER COAL, INC. :
Plaintiff :
vs :
C.W. THOMPSON, JR. and :
CHERYL E. THOMPSON, husband :
and wife, :
Additional Defendants :
:

FILED

0/3:25pm 3cc Atty [REDACTED] K. Kubista
OCT 14 2005 CERT of docket Atty,
K. Kubista & copy
to C/A

William A. Shaw
Prothonotary

PRAECIPE TO DISCONTINUE

Filed on behalf of

Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
Clearfield, PA 16830
(814) 765-8972

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

GEORGE E. LAROCK and JOYCE W.
LAROCK, husband and wife,
Plaintiffs
:
vs
:
No. 00-124-CD

WAROQUIER COAL, INC.
A Pennsylvania Corporation,
Defendant
:
:
WAROQUIER COAL, INC.
Plaintiff
:
:
vs
:
:
C.W. THOMPSON, JR. and
CHERYL E. THOMPSON, husband
and wife,
Additional Defendants
:

PRAECIPE TO DISCONTINUE

TO THE PROTHONTARY:

Please mark the above captioned action satisfied, settled and discontinued.

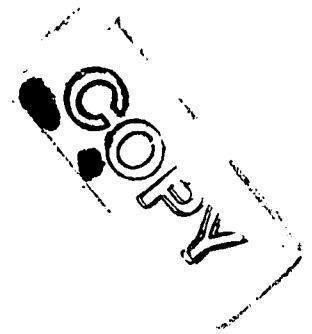
BELIN & KUBISTA

Kimberly M. Kubista

Date: 10-14-05

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



**George E. Larock
Joyce W. Larock
Plaintiffs**

**Vs.
Waroquier Coal, Inc.
Defendant**

**C. W. Thompson Jr.
Cheryl E. Thompson
Additional Defendants**

No. 2000-00124-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 October 14, 2005, marked:

Discontinue

Record costs in the sum of \$80.00 have been paid by Attorney Kimberly M. Kubista.
Record costs in the sum of \$20.00 have been paid by Attorney Peter F. Smith.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of October A.D. 2005.

William A. Shaw, Prothonotary

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

| | | |
|-------------------------------|---|-----------------|
| GEORGE E. LAROCK and JOYCE W. | : | |
| LAROCK, Husband and Wife, | : | No. 2000-124-CD |
| Plaintiffs | : | |
| vs. | : | |
| WAROQUIER COAL, INC. | : | |
| A Pennsylvania Corporation, | : | |
| Defendant | : | |
| WAROQUIER COAL, INC., | : | |
| Plaintiff | : | |
| vs. | : | |
| C. W. THOMPSON, JR. and | : | |
| CHERYL E. THOMPSON, Husband | : | |
| and Wife, | : | |
| Additional Defendants | : | |

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9/11/2005 Atty
OCT 18 2005 P. Smith
William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 7.00

PRAECIPE

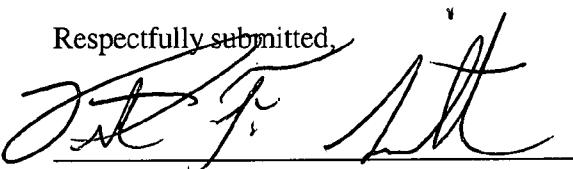
To: William A. Shaw, Clearfield County Prothonotary

Dear Sir:

As counsel for Waroquier Coal, Inc. in the above-captioned matter, I respectfully request that Waroquier Coal's cross-claim and judgment against Defendants, C. W. Thompson, Jr. and Cheryl E. Thompson, be marked "SATISFIED."

Date: October 18, 2005

Respectfully submitted,


Peter F. Smith, Esquire
Attorney for Waroquier Coal, Inc.
Supreme Court I.D. #34291
P. O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

FILED

OCT 18 2005

William A. Shaw
Prothonotary/Clerk of Courts