

00-658-CD
NATIONAL FUEL GAS DISTRIBUTION CORPORATION -vs- DONALD C. SALADA
etal

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

(15) NATIONAL FUEL GAS
DISTRIBUTION CORPORATION

vs

(21) DONALD C. SALADA AND
(17) LISA R. SALADA

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:
:
:
:
:
:

NO. 00-656-CO

TYPE OF CASE: Civil
TYPE OF PLEADING: Complaint
FILED ON BEHALF OF: Plaintiff
COUNSEL FOR THIS PARTY: Lawrence C. Bolla, Esquire
2222 West Grandview
Erie, Pennsylvania 16506
(814)-833-2222

FILED

JUN 01 2000

William A. Shaw
Prothonotary

NATIONAL FUEL GAS : IN THE COURT OF COMMON PLEAS
DISTRIBUTION CORPCRATION :
VS : OF CLEARFIELD COUNTY, PENNSYLVANIA
DONALD C. SALADA AND :
LISA R. SALADA : NO.

TO: Donald C. Salada and Lisa R. Salada

N O T I C E

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.

Raymond Billotte
Court Administrator
2nd floor, Court House
Clearfield, Pennsylvania 16830
814-765-2641 (ext 50)

NATIONAL FUEL GAS
DISTRIBUTION CORPORATION

VS

DONALD C. SALADA AND
LISA R. SALADA

: IN THE COURT OF COMMON PLEAS
:
: OF CLEARFIELD COUNTY, PENNSYLVANIA
:
:
:
: NO.

PURSUANT TO PROVISIONS OF THE FEDERAL FAIR DEBT
COLLECTION PRACTICE ACT, YOU ARE ADVISED AND WARNED
THAT THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
SEE 15 U.S.C. §1692(e)(11).

| | | |
|---------------------------|---|---------------------------------|
| NATIONAL FUEL GAS | : | IN THE COURT OF COMMON PLEAS |
| DISTRIBUTION CORPORATION, | : | |
| Plaintiff | : | CLEARFIELD COUNTY, PENNSYLVANIA |
| | : | |
| v. | : | |
| | : | |
| DONALD C. SALADA and LISA | : | |
| R. SALADA, | : | |
| Defendants | : | NO. |

CIVIL ACTION

AND NOW, comes the Plaintiff, National Fuel Gas Distribution Corporation, by and through its attorneys, Quinn, Buseck, Leemhuis, Toohey, and Kroto, Inc., and files this Civil Action Complaint of which the following is a statement:

1. The Plaintiff, National Fuel Gas Distribution Corporation, is a New York corporation with a place of business located at 1100 State Street, Erie, Pennsylvania.

2. The Defendants, Donald C. Salada and Lisa R. Salada, are individuals residing at Box 654, Treasure Lake, DuBois, Pennsylvania.

3. Pursuant to the provisions of the Federal Fair Debt Collection Practice Act [15 U.S.C. Section 1692(g)] attached hereto is Exhibit "A" - **DEBT VALIDATION STATEMENT**.

4. At the Defendants' request, the Plaintiff supplied gas service to the Defendants up to and including March 28, 2000 (the "gas service").

5. The gas service was supplied to the Defendants at 108

East Scribner Avenue, DuBois, Pennsylvania (the "premises") all in accordance with the rules and regulations of the Pennsylvania Public Utility Commission.

COUNT I

National Fuel Gas Distribution Corporation

v.

Donald C. Salada and Lisa R. Salada

6. The Plaintiff hereby incorporates paragraphs one (1) through five (5) above as if fully set forth.

7. In regard to this gas service, the Plaintiff opened an account for the Defendants and assigned the Defendants Account Number 30257660108 (the "Defendants' Account").

8. For and in consideration of the Plaintiff supplying the gas service as stated, the Defendants expressly or implicitly promised to pay the Plaintiff the amount charged to the Defendants' account for the gas service.

9. The Plaintiff has kept accurate records of the amount of gas consumed by the Defendants under the aforementioned account, as well as all debits and credits to that account, and the Plaintiff has sent the Defendants statements of the account on a regular basis which summarize this information (the "statement of account"). A true and correct copy of some of the Plaintiff's records of the Defendants' account is attached hereto, made a part hereof and marked as Exhibit "B."

10. The Defendants have never disputed the Plaintiff's statement of account.

11. As of the date of the last statement of account, the Defendants owed the Plaintiff One Thousand Five Hundred Ninety-six and 25/100 (\$1,596.25) Dollars for gas service on this account.

12. The Plaintiff has demanded that the Defendants pay the Plaintiff the aforementioned amount, but the Defendants are either unable or unwilling to pay the amount due.

WHEREFORE, the Plaintiff demands judgment against the Defendants, above-captioned, in the amount of One Thousand Five Hundred Ninety-six and 25/100 (\$1,596.25) Dollars, plus interest, plus the costs incurred as a result of this action.

COUNT II

National Fuel Gas Distribution Corporation

v.

Donald C. Salada and Lisa R. Salada

13. The Plaintiff hereby incorporates paragraphs one (1) through twelve (12) above as if fully set forth.

14. The Defendants, Donald C. Salada and Lisa R. Salada, are the owners of and/or reside at the premises to which the Plaintiff supplied gas service. As such, the Defendants received the benefit of the gas service.

15. It would be inequitable and unconscionable, and the

Defendants would thereby be unjustly enriched, if they are permitted to retain the benefits of the gas service without paying for the same.

WHEREFORE, the Plaintiff demands judgment against the Defendants, above-captioned, in the amount of One Thousand Five Hundred Ninety-six and 25/100 (\$1,596.25) Dollars, plus interest, plus the costs incurred as a result of this action.

COUNT III

National Fuel Gas Distribution Corporation

v.

Donald C. Salada and Lisa R. Salada

16. The Plaintiff hereby incorporates paragraphs one (1) through fifteen (15) above as if fully set forth.

17. The premises was, at all times relevant to this action, owned by the Defendants, who are husband and wife, as tenants by the entireties.

18. The benefit of the gas service inured to both Defendants as owners as tenants by the entireties of the premises.

19. Donald C. Salada was acting as the agent for Lisa R. Salada in requesting that the Plaintiff supply gas service to the premises and Lisa R. Salada is otherwise bound by the contract to provide gas service to the premises.

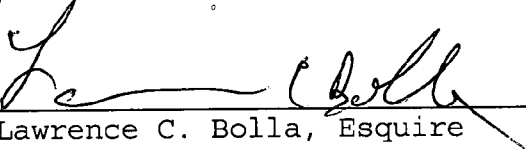
WHEREFORE, the Plaintiff demands judgment against the Defendants, above-captioned, in the amount of One Thousand Five

Hundred Ninety-six and 25/100 (\$1,596.25) Dollars, plus interest,
plus the costs incurred as a result of this action.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY &
KROTO, INC.

By


Lawrence C. Bolla, Esquire
Pa. I.D. No. 19679
2222 West Grandview Boulevard
Erie, PA 16506-4508
(814) 833-2222
Attorneys for Plaintiff,
National Fuel Gas
Distribution Corporation

Document #6039

EXHIBIT "A"

| | | |
|--------------------------|---|------------------------------------|
| NATIONAL FUEL GAS | : | IN THE COURT OF COMMON PLEAS |
| DISTRIBUTION CORPORATION | : | |
| | : | OF CLEARFIELD COUNTY, PENNSYLVANIA |
| VS | : | |
| | : | |
| DONALD C. SALADA AND | : | |
| LISA R. SALADA | : | NO. |

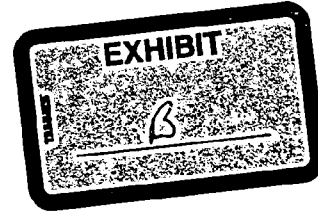
DEBT VALIDATION STATEMENT

1. The amount of the debt is \$1,596.25.
2. The name of the creditor to whom the debt is owed is National Fuel Gas Distribution Corporation.
3. Unless Defendant(s), Donald C. Salada and Lisa R. Salada, within thirty days after receipt of this Notice, disputes the debt validity, or any portion thereof, the attorney signing this Complaint will assume the debt to be valid.
4. If Defendant(s), Donald C. Salada and Lisa R. Salada, notifies the attorney signing this Complaint in writing within the thirty day period that the debt or any portion thereof is disputed, the attorney will obtain verification of the debt or a copy of a judgment against Donald C. Salada and Lisa R. Salada, and the attorney will mail a copy of such verification or judgment to Donald C. Salada and Lisa R. Salada; and if appropriate,
5. A statement that, upon Donald C. Salada and Lisa R. Salada written request within the thirty day period, the attorney will provide Donald C. Salada and Lisa R. Salada with the original creditor's name and address if different from the current creditor.

KGLN0080-1 NATIONAL FUEL GAS DISTRIBUTION CORPORATION DATE: 04/12/00
BILLING STATEMENT

NAME: SALADA, DON
ADDRESS: 108 E SCRIBNER AVE DUBOIS PA
ACCOUNT: 3025766
LATE PYMT
CHG DATE: 04/20/00

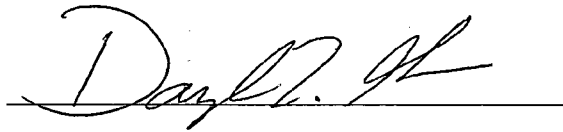
| TRANS DATE | TRANSACTION TYPE | BEGIN BALANCE | LATE PYMT | NET BILL | BUDGET PL.ADJ | TRANS AMT | ENDING BALANCE |
|---------------|---------------------|------------------|--------------|-------------|------------------|--------------|-------------------|
| 03/28/00 | BILLING PREPARED | 1549.36 | 23.24 | 23.65 | 0.00 | 46.89 | 1596.25 |
| 03/07/00 | BILLING PREPARED | 1506.73 | 22.60 | 20.03 | 0.00 | 42.63 | 1549.36 |
| 02/07/00 | BILLING PREPARED | 1438.87 | 21.58 | 46.28 | 0.00 | 67.86 | 1506.73 |
| 01/07/00 | BILLING PREPARED | 1379.85 | 20.70 | 38.32 | 0.00 | 59.02 | 1438.87 |
| 12/06/99 | BILLING PREPARED | 1314.93 | 19.72 | 45.20 | 0.00 | 64.92 | 1379.85 |
| 11/03/99 | BILLING PREPARED | 1271.11 | 0.00 | 43.82 | 0.00 | 43.82 | 1314.93 |
| 11/03/99 | 60-DAY REBILL AD | 1354.28 | | | | -83.17 | 1271.11 |
| 10/05/99 | BILLING PREPARED | 1216.06 | 18.24 | 119.98 | 0.00 | 138.22 | 1354.28 |
| 09/03/99 | BILLING PREPARED | 1176.43 | 0.00 | 39.63 | 0.00 | 39.63 | 1216.06 |
| 09/03/99 | 60-DAY REBILL AD | 1210.46 | | | | -34.03 | 1176.43 |
| 08/06/99 | BILLING PREPARED | 1119.65 | 16.79 | 74.02 | 0.00 | 90.81 | 1210.46 |
| 07/08/99 | BILLING PREPARED | 1081.04 | 0.00 | 38.61 | 0.00 | 38.61 | 1119.65 |
| 07/08/99 | 60-DAY REBILL AD | 1198.23 | | | | -117.19 | 1081.04 |
| 06/08/99 | BILLING PREPARED | 1022.02 | 15.33 | 160.88 | 0.00 | 176.21 | 1198.23 |
| 05/07/99 | BILLING PREPARED | 983.21 | 0.00 | 38.81 | 0.00 | 38.81 | 1022.02 |
| 05/07/99 | 60-DAY REBILL AD | 1454.38 | | | | -471.17 | 983.21 |
| 04/08/99 | BILLING PREPARED | 924.52 | -13.87 | 515.99 | 0.00 | 529.86 | 1454.38 |
| 03/09/99 | BILLING PREPARED | 880.46 | 0.00 | 44.06 | 0.00 | 44.06 | 924.52 |
| 03/09/99 | 60-DAY REBILL AD | 1408.09 | | | | -527.63 | 880.46 |
| 02/08/99 | BILLING PREPARED | 823.29 | 12.35 | 572.45 | 0.00 | 584.80 | 1408.09 |
| 01/18/99 | ADJ NET EFFECT | 830.00 | | | | -6.71 | 823.29 |
| 01/08/99 | BILLING PREPARED | 762.79 | 0.00 | 67.21 | 0.00 | 67.21 | 830.00 |
| 01/08/99 | 60-DAY REBILL AD | 1258.08 | | | | -495.29 | 762.79 |
| 12/07/98 | BILLING PREPARED | 700.74 | 10.51 | 546.83 | 0.00 | 557.34 | 1258.08 |
| 11/04/98 | BILLING PREPARED | 523.49 | 7.85 | 169.40 | 0.00 | 177.25 | 700.74 |
| 10/06/98 | BILLING PREPARED | 391.47 | 14.87 | 117.15 | 0.00 | 132.02 | 523.49 |



| TRANS DATE | TRANSACTION TYPE | BEGIN BALANCE | LATE PYMT | NET BILL | BUDGET PL.ADJ | TRANS AMT | ENDING BALANCE |
|---------------|---------------------|------------------|--------------|-------------|------------------|--------------|-------------------|
| 10/02/98 | RATEPAYER PYMT | 991.47 | | | | -600.00 | 391.47 |
| 09/15/98 | RATEPAYER PYMT | 1591.47 | | | | -600.00 | 991.47 |
| '04/98 | BILLING PREPARED | 1483.77 | 22.26 | 85.44 | 0.00 | 107.70 | 1591.47 |
| 06/98 | BILLING PREPARED | 1396.33 | 20.94 | 66.50 | 0.00 | 87.44 | 1483.77 |
| 07/10/98 | RATEPAYER PYMT | 1746.33 | | | | -350.00 | 1396.33 |
| 07/08/98 | BILLING PREPARED | 1532.97 | 22.99 | 190.37 | 0.00 | 213.36 | 1746.33 |
| 06/08/98 | BILLING PREPARED | 1362.89 | 24.94 | 145.14 | 0.00 | 170.08 | 1532.97 |
| 06/02/98 | RATEPAYER PYMT | 1662.89 | | | | -300.00 | 1362.89 |
| 05/21/98 | RATEPAYER PYMT | 1862.89 | | | | -200.00 | 1662.89 |
| 05/07/98 | BILLING PREPARED | 1324.67 | 19.87 | 518.35 | 0.00 | 538.22 | 1862.89 |

VERIFICATION

I, Darryl L. Gorski, Director of Revenue Recovery Services, Pennsylvania, of National Fuel Gas Distribution Corporation, Plaintiff herein, depose and say that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.A. §4904 relating to unsworn falsification to authorities.

A handwritten signature in dark ink, appearing to read "Darryl L. Gorski", is written over a horizontal line.

DATE: May 26, 2000

FILED

SEP 10 10 11 2000

William A. Shaw

Prothonotary

Atty. Gen. 80.00

cc ~~att~~ Shewitt

(2)

LAWRENCE C. BOLLA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NATIONAL FUEL GAS DISTRIBUTION

00-656-CD

VS

SALADA, DONALD C.

COMPLAINT

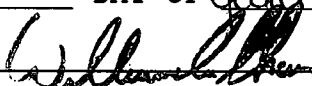
SHERIFF RETURNS

NOW JUNE 6, 2000 AT 12:51 PM DST SERVED THE WITHIN COMPLAINT
ON LISA R. SALADA, DEFENDANT AT RESIDENCE BOX 654 TREASURE
LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
LISA R. SALADA A TRUE AND ATTESTED COPY OF THE ORIGINAL
COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: SNYDER

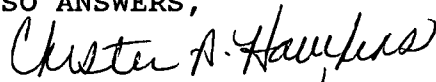
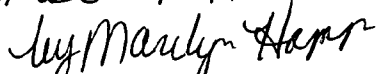
NOW JUNE 6, 2000 AT 12:51 PM DST SERVED THE WITHIN COMPLAINT
ON DONALD C. SALADA, DEFENDANT AT RESIDENCE BOX 654 TREASURE
LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO
LISA R. SALADA, WIFE A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS
THEREOF.
SERVED BY: SNYDER

34.21 SHFF. HAWKINS PAID BY: ATTY
20.00 SURCHARGE PAID BY: ATTY


SWORN TO BEFORE ME THIS

12th DAY OF June 2000

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

SO ANSWERS,



CHESTER A. HAWKINS
SHERIFF

FILED

JUN 12 2000
01:41 p.m.
William A. Shaw
Prothonotary


NATIONAL FUEL GAS
DISTRIBUTION CORPORATION

VS

21 DONALD C. SALADA AND
61 LISA R. SALADA

: IN THE COURT OF COMMON PLEAS
:
: OF CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: NO. 00-656 - CD

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

TO: THE PROTHONOTARY

Pursuant to Pa.R.C.P. 237.1, I hereby certify as attorney for the above-named Plaintiff that a written notice of intention to file praecipe for default judgment was mailed or delivered to the above-named Defendant(s), who is the party against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of this Praecipe. A copy of said notice is attached hereto and made a part hereof.

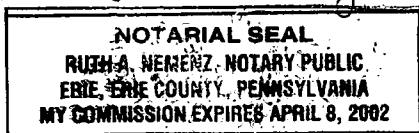
Therefore, please enter default judgment against the Defendant(s), above-captioned, in the sum of \$1,596.25, plus interest from June 1, 2000, and all costs of suit for failure to answer or otherwise plead.

Respectfully submitted,

By

Lawrence C. Bolla, Esquire
2222 West Grandview Boulevard
Erie, PA 16506-4508
(814) 833-2222

Sworn to and subscribed before
me this 18 day of July 2000



FILED

JUL 20 2000

William A. Shaw
Prothonotary

FILED

JUL 20 2000

1013051 Atty Bolla

William A. Shaw

Prothonotary

PC 820.00

Not. to Dy. O. Salade

Dy. L. Salade

Statement to Atty Bolla



NATIONAL FUEL GAS
DISTRIBUTION CORPORATION

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY PENNSYLVANIA

VS
DONALD C. SALADA AND
LISA R. SALADA

:
:
:
: NO. 00-656 - CD

TO: Donald C. Salada
Box 654 Treasure Lake
Dubois, Pennsylvania 15801
Lisa R. Salada
Box 654 Treasure Lake
Dubois, Pennsylvania 15801

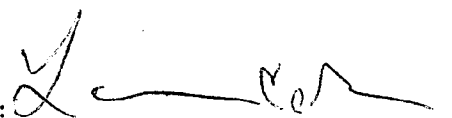
DATE: July 06, 2000

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE
ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT
WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A
JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING
AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT
RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT
ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD
ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND
OUT WHERE YOU CAN GET LEGAL HELP:

Raymond Billotte
Court Administrator
2nd floor, Court House
Clearfield, Pennsylvania 16830
814-765-2641 (ext 50)

BY:



Lawrence C. Bolla, Esquire
2222 West Grandview
Erie, Pennsylvania 16506
814-833-2222

COPY

NATIONAL FUEL GAS
DISTRIBUTION CORPORATION

VS

DONALD C. SALADA AND
LISA R. SALADA

: IN THE COURT OF COMMON PLEAS
:
: OF CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: NO. 00-656-CO

TO: THE ABOVE DEFENDANTS:

You are hereby notified as required by law that a judgment-order-decree has been entered against you in the amount of \$1,596.25, plus interest from June 1, 2000, plus the costs of suit at the above term and number on July 20, 2000.

If a judgment has been entered by confession, you will find enclosed copies of all documents filed in this office in support of the confession of judgment.



Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
STATEMENT OF JUDGMENT

COPY

NATIONAL FUEL GAS DISTRIBUTION

CORPORATION,

Plaintiff(s)

No. 00-656-CD

vs.

Real Debt \$1,596.25

Atty's Comm _____

DONALD C. SOLADA and LISA R.

SALADA

Defendant(s)

Costs \$ _____

Int. From _____

Entry \$20.00

Instrument Default Judgment

Date of Entry July 20, 2000

Expires July 20, 2005

Certified from the record this 20th day of July, 2000

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, 20 ____, of defendant full
satisfaction of this Judgment, Debt, Interest and Costs and Prothonotary
is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

115
NATIONAL FUEL GAS
DISTRIBUTION CORPORATION

Vs

SAT 21 DONALD C. SALADA AND

SAT 61 LISA R. SALADA

: IN THE COURT OF COMMON PLEAS
:
: OF CLEARFIELD COUNTY, PENNSYLVANIA
:
:
: NO. cd 2000-656

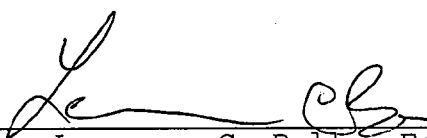
PRAECIPE

TO: THE PROTHONOTARY:

Received satisfaction in full of this judgment, debt,
interest and costs and hereby discharge the same of record.

Respectfully submitted,
QUINN, BUSECK, LEEMHUIS, TOOHEY &
KROTO, INC.

By


Lawrence C. Bolla, Esquire
2222 West Grandview Boulevard
Erie, PA 16506-4508
(814) 833-2222

Dated: February 21, 2001

FILED

FEB 28 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

National Fuel Gas Distribution Corp.

No.: 2000-00656-CD

Vs.

Debt: \$1,596.25

Donald C. Salada
Lisa R. Salada

Atty's Comm.:

Interest From:

Cost: \$7.00

NOW, Wednesday, February 28, 2001 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 28th day of February, A.D. 2001.

Prothonotary