

00-1127-CD  
Russell Paving vs Ronald Berger

00

00-1127-CD  
RUSSELL PAVING -vs- RONALD A. BERGER

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT


46TH

COMMON PLEAS No.

00-1127-00

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT <b>RONALD A. BERGER</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-01</b>	
ADDRESS OF APPELLANT <b>RA3 BOX 178</b>		CITY <b>PUNXSUTAWNEY</b>	STATE <b>PA</b>
DATE OF JUDGMENT <b>8/22/00</b>		ZIP CODE <b>15767</b>	
IN THE CASE OF (Plaintiff) <b>RUSSELL PAVING</b>		VS. (Defendant) <b>BERGER, RONALD A.</b>	
CLAIM NO. CV <b>0000400-00</b> LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

Signature of Prothonotary or Deputy

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon

**RUSSELL PAVING**

Name of appellee(s)

, appellee(s), to file a complaint in this appeal

(Common Pleas No. **00-1127-00**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To

**RUSSELL PAVING**

Name of appellee(s)

, appellee(s)

Signature of appellant or his attorney or agent

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date:

**Sept 12 192000**

Signature of Prothonotary or Deputy

**FILED**

SEP 12 2000

012:331 atty Hopking pd

William A. Shaw

Prothonotary

CC to atty

080.00

**PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT**

*(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)*

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF \_\_\_\_\_; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

- ☐ a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on (date of service) \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_ ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.
- ☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Signature of affiant*

\_\_\_\_\_  
*Signature of official before whom affidavit was made*

\_\_\_\_\_  
*Title of official*

My commission expires on \_\_\_\_\_, 19\_\_\_\_.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
DJ Name: Hon.  
**PATRICK N. FORD**  
Address: **109 NORTH BRADY STREET**  
**P.O. BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

**RONALD A. BERGER**  
**RD 3 BOX 178**  
**PUNXSUTANWEY, PA 15767**

*RCWD 8-25-00*  
**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: **RUSSELL PAVING**  
NAME and ADDRESS  
**P.O. BOX 96**  
**CURWENSVILLE, PA 16833**

VS.  
DEFENDANT: **BERGER, RONALD A.**  
NAME and ADDRESS  
**RD 3 BOX 178**  
**PUNXSUTANWEY, PA 15767**

Docket No.: **CV-0000400-00**  
Date Filed: **6/01/00**



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **FOR PLAINTIFF**

☒ Judgment was entered for: (Name) **RUSSELL PAVING**

☒ Judgment was entered against: (Name) **BERGER, RONALD A.**

in the amount of \$ **5,118.25** on: (Date of Judgment) **8/22/00**

☐ Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_

☐ Levy is stayed for \_\_\_\_\_ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ <b>5,000.00</b>
Judgment Costs	\$ <b>118.25</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 5,118.25</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
<b>Certified Judgment Total</b>	<b>\$ _____</b>

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

*8-22-00* Date *Patrick N. Ford*, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, District Justice

My commission expires first Monday of January, **2006**

SEAL

Mag. Dist. No.: **46-3-01**  
DJ Name: Hon. **PATRICK N. FORD**  
Address: **109 NORTH BRADY STREET**  
**P.O. BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

**RONALD A. BERGER**  
**RD 3 BOX 178**  
**PUNXSUTANWEY, PA 15767**

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: **BERGER, RONALD A.**  
NAME and ADDRESS  
**RD 3 BOX 178**  
**PUNXSUTANWEY, PA 15767**

VS.  
DEFENDANT: **RUSSELL, DAN**  
NAME and ADDRESS  
**P.O. BOX 96**  
**DBA RUSSELL PAVING**  
**CURWENSVILLE, PA 16833**

Docket No.: **CV-0000400-00**  
Date Filed: **7/25/00**  
CROSS COMPLAINT **001**



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **FOR DEFENDANT**

☒ Judgment was entered for: (Name) **RUSSELL, DAN**

☒ Judgment was entered against: (Name) **BERGER, RONALD A.**

in the amount of \$ **.00** on: (Date of Judgment) **8/22/00**

☐ Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_

☐ Levy is stayed for \_\_\_\_\_ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ <u><b>.00</b></u>
Judgment Costs	\$ <u><b>.00</b></u>
Interest on Judgment	\$ <u><b>.00</b></u>
Attorney Fees	\$ <u><b>.00</b></u>
Total	\$ <u><b>.00</b></u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
	=====
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

**8-22-00** Date **Patrick N. Ford**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, District Justice

**PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT**

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Clearfield ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

☒ a copy of the Notice of Appeal, Common Pleas No. 00-1127, upon the District Justice designated therein on (date of service) Sept. 14, ~~xx~~ 2000 ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) Russell Paving, on Sept. 14, ~~xx~~ 2000 ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

☒ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on Sept., ~~xx~~ 2000 ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

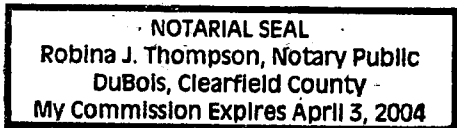
SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 15<sup>th</sup> DAY OF September, ~~xx~~ 2000

Robina J. Thompson  
Signature of official before whom affidavit was made

Notary Public  
Title of official

My commission expires on \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of affiant



**FILED**

0112:45 pm  
SEP 15 2000

**William A. Shaw**  
Prothonotary

DOCC *[initials]*

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT


46TH

COMMON PLEAS No.

00-1127-CD

## NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT <b>RONALD A BERGER</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-01</b> <b>PATRICK N. FORD</b>	
ADDRESS OF APPELLANT <b>RA3 BOX 178</b>		CITY <b>PUNXSUTAWNEY</b>	STATE <b>PA</b>
DATE OF JUDGMENT <b>8/22/00</b>		ZIP CODE <b>15767</b>	
IN THE CASE OF (Plaintiff) <b>RUSSELL PAVING</b>		(Defendant) <b>BERGER, RONALD A.</b>	
CLAIM NO. <b>CV 0000400-00</b> <b>LT 19</b>		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 	

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

\_\_\_\_\_  
Signature of Prothonotary or Deputy

If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE OF APPEAL.

## PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon **RUSSELL PAVING**, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To **RUSSELL PAVING**, appellee(s)  
Name of appellee(s)

\_\_\_\_\_  
Signature of appellant or his attorney or agent

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: **Sept. 12, 2000**



\_\_\_\_\_  
Signature of Prothonotary or Deputy

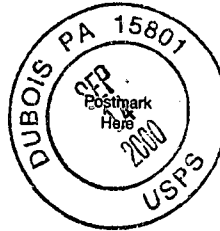


U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

District Justice Patrick Ford

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



Name (Please Print Clearly) (To be completed by mailer)

District Justice Patrick Ford

Street, Apt. No.; or PO Box No.

107 North Brady Street, P.O. Box 452

City, State, ZIP+4

DuBois, PA 15801

PS Form 3800, July 1999

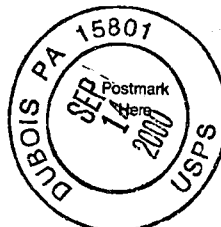
See Reverse for Instructions

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Russell Paving

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



Name (Please Print Clearly) (To be completed by mailer)

Russell Paving

Street, Apt. No.; or PO Box No.

P.O. Box 96

City, State, ZIP+4

Curwensville, PA 16833

PS Form 3800, July 1999

See Reverse for Instructions

Mag. Dist. No.: **46-3-01**  
DJ Name: Hon. **PATRICK N. FORD**  
Address: **109 NORTH BRADY STREET**  
**P.O. BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321 15801**

**PATRICK N. FORD**  
**109 NORTH BRADY STREET**  
**P.O. BOX 452**  
**DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: **BERGER, RONALD A.**  
NAME and ADDRESS  
**RD 3 BOX 178**  
**PUNXSUTANWEY, PA 15767**

VS.  
DEFENDANT: **RUSSELL, DAN**  
NAME and ADDRESS  
**P.O. BOX 96**  
**DBA RUSSELL PAVING**  
**CURWENSVILLE, PA 16833**

Docket No.: **CV-0000400-00**  
Date Filed: **7/25/00**  
**CROSS COMPLAINT 001**



**THIS IS TO NOTIFY YOU THAT:**  
Judgment:

**FOR DEFENDANT**

**00-1127-00**

☒ Judgment was entered for: (Name) **RUSSELL, DAN**

☒ Judgment was entered against: (Name) **BERGER, RONALD A.**

in the amount of \$ **00** on: (Date of Judgment) **8/22/00**

☐ Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

☐ Damages will be assessed on: \_\_\_\_\_

☐ This case dismissed without prejudice. \_\_\_\_\_

☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_

☐ Levy is stayed for \_\_\_\_\_ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held: \_\_\_\_\_

Amount of Judgment	\$ <u><b>00</b></u>
Judgment Costs	\$ <u><b>00</b></u>
Interest on Judgment	\$ <u><b>00</b></u>
Attorney Fees	\$ <u><b>00</b></u>
Total	\$ <u><b>00</b></u>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

**FILED**

Date:	Place:
Time:	<b>SEP 21 2000</b> <b>11:01 am</b> <b>William A. Shaw</b> <b>Prothonotary</b>

**ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.**

**32200** Date **Patrick N. Ford**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, District Justice

*Cross Complaint*

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**

Address: **109 NORTH BRADY STREET**

**P.O. BOX 452**

**DUBOIS, PA**

**15801**

Telephone: **(814) 371-5321**

PLAINTIFF:

NAME and ADDRESS

**RONALD A. BERGER**  
**RD 3 BOX 178**  
**PUNXSUTAWNEY, PA 15767**

VS.

DEFENDANT:

NAME and ADDRESS

**DAN RUSSELL DBA**  
**RUSSELL PAVING**  
**P.O. BOX 96**  
**CURWENSVILLE, PA 16833**

Docket No.: **CV 400-00**

Date Filed:



	AMOUNT	DATE PAID
FILING COSTS \$	_____	____/____/____
SERVING COSTS \$	_____	____/____/____
TOTAL \$	_____	____/____/____

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 8,000.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

*CROSS COMPLAINT IS AS FOLLOWS:*  
*PROPOSED COST TO FIX PARKING LOT IS \$11,852.00 PLUS*  
*COSTS TO REPAINT LINES. ALSO HAVE 2 BILLS*  
*FROM CMT LAB FOR EXAMINATION OF PROBLEM.*  
*HAVE NOT PAID RUSSELL PAVING \$5,000.00 BAL.*  
*BECAUSE PARKING LOT IS NOT CORRECT.*

I, RONALD A. BERGER verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. S.C.A. § 4904) related to unsworn falsification to authorities.

*Ronald A. Berger*  
(Signature of Plaintiff or Authorized Agent)

Plaintiff's  
Attorney:

Address:

Telephone:

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**

Address: **109 NORTH BRADY STREET  
P.O. BOX 452  
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**

**PATRICK N. FORD  
109 NORTH BRADY STREET  
P.O. BOX 452  
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**RUSSELL PAVING  
P.O. BOX 96  
CURWENSVILLE, PA 16833**

VS.

DEFENDANT:

NAME and ADDRESS

**BERGER, RONALD A.  
RD 3 BOX 178  
PUNXSUTANWEY, PA 15767**

Docket No.: **CV-0000400-00**  
Date Filed: **6/01/00**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**FOR PLAINTIFF**

**00-1127-00**

☒ Judgment was entered for: (Name) **RUSSELL PAVING**

☒ Judgment was entered against: (Name) **BERGER, RONALD A.**

in the amount of \$ **5,118.25** on: (Date of Judgment) **8/22/00**

☐ Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_

☐ Damages will be assessed on:

☐ This case dismissed without prejudice.

☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_

☐ Levy is stayed for \_\_\_\_\_ days or ☐ generally stayed.

☐ Objection to levy has been filed and hearing will be held:

Amount of Judgment	\$ <b>5,000.00</b>
Judgment Costs	\$ <b>118.25</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 5,118.25</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</b>

**FILED**

**SEP 21 2000**

**William A. Shaw**

**Prothonotary**

**ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.**

**8-22-00** Date **Patrick N. Ford**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

\_\_\_\_\_, Date \_\_\_\_\_, District Justice

My commission expires first Monday of January,

**2006**

SEAL

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**

Address: **109 NORTH BRADY STREET**

**P.O. BOX 452**

**DUBOIS, PA**

**15801**

Telephone: **(814) 371-5321**

PLAINTIFF:

NAME and ADDRESS

**RUSSELL PAVING**  
**P.O. Box 96**  
**CURWENSVILLE, PA 16833**

**VS.**

DEFENDANT:

NAME and ADDRESS

**RONALD A. BERGER**  
**R.D. #3 Box 178**

**PUNXSUTAWNEY, PA 15767**

Docket No.:

Date Filed:

**CV 400-00**



	AMOUNT	DATE PAID
FILING COSTS \$	<u>9750</u>	<u>1 1</u>
SERVING COSTS \$	<u>          </u>	<u>1 1</u>
TOTAL \$	<u>          </u>	<u>1 1</u>

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 5000 00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

**ASPHALT PAVED PARKING LOT STILL OWNES A**  
**BALANCE OF 5000 00 FROM JUNE 1995**

I, DANIEL J. RUSSELL verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

Daniel J. Russell  
(Signature of Plaintiff or Authorized Agent)

Plaintiff's  
Attorney:

Address:

Telephone:

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.



FILED  
SEP 29 2000  
Jed Q33112cc  
William A. Cherry  
Proctorialary  
atty Kubota

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

DANIEL J. RUSSELL, d/b/a  
RUSSELL PAVING,

Plaintiff,

v.

RONALD A. BERGER,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

00-1127-CD

COMPLAINT

Filed on behalf of  
Plaintiff

Counsel of Record for  
this party:

Kimberly M. Kubista  
PA ID #52782

BELIN & KUBISTA  
15 North Front Street  
Clearfield, PA 16830

(814) 765-8972

FILED

SEP 29 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

DANIEL J. RUSSELL, d/b/a	)	
RUSSELL PAVING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	00-1127-CD
	)	
RONALD A. BERGER,	)	
	)	
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  
Second & Market Streets, Clearfield, PA 16830  
(814) 765-2641, Ex. 50-51



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

DANIEL J. RUSSELL, d/b/a	)	
RUSSELL PAVING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	00-1127-CD
	)	
RONALD A. BERGER,	)	
	)	
Defendant.	)	

**COMPLAINT**

NOW COMES the Plaintiff, DANIEL J. RUSSELL, d/b/a RUSSELL PAVING, by and through his attorneys, Belin & Kubista, and sets forth the following Complaint, and in support thereof would aver as follows:

1. That Plaintiff is DANIEL J. RUSSELL, d/b/a RUSSELL PAVING, a sole proprietorship with an address and place of business at P.O. Box 96, Curwensville, Pennsylvania.
2. That Defendant is Ronald A. Berger, an adult individual, currently residing at R.D. 3, Box 178, Punxsutawney, Pennsylvania.
3. That Plaintiff in the month of June, 1999, paved a parking lot situate at Park Avenue, DuBois, Pennsylvania for Defendant. The contract price for such paving was the total sum of \$8,000.00.
4. That Defendant failed to pay Plaintiff a balance of \$5,000.00 for said paving.

5. That Plaintiff filed a Magistrate's Complaint against Defendant in order to obtain payment of the \$5,000.00.

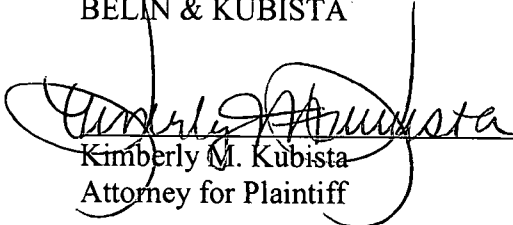
6. That Plaintiff incurred cost of \$97.50 to file said complaint.

7. That Defendant filed a cross complaint with the Magistrate averring that "the parking lot is not correct."

8. That judgment was entered in favor of Plaintiff in the amount of \$5,000.00 on the complaint on August 22, 2000, and judgment was also entered in favor of Plaintiff on the cross complaint on August 22, 2000.

WHEREFORE, Plaintiff requests Your Honorable Court to enter judgment against the Defendant in the amount of \$5,000.00 plus interest and costs and for such other relief as the Court deems appropriate.

BELIN & KUBISTA



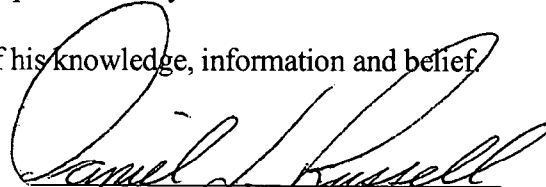
Kimberly M. Kubista  
Attorney for Plaintiff

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF CLEARFIELD )

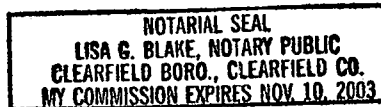
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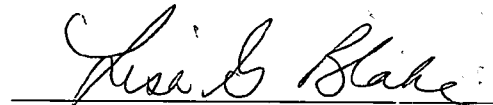
Before me, the undersigned officer, personally appeared DANIEL J. RUSSELL, who, being duly sworn according to law, deposes and say that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

  
DANIEL J. RUSSELL

SWORN AND SUBSCRIBED before me this 27<sup>th</sup> day of

September, 2000.



  
notary public

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

FILED

OCT 19 2000  
93.19/1 cc atty kubista  
William A. Shaw  
Prothonotary

~~cc~~ Cont. Do. to

att Kubista

Copy to CA

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

<sup>21</sup>  
DANIEL J. RUSSELL, d/b/a  
RUSSELL PAVING,

Plaintiff,

v.

<sup>84</sup>  
RONALD A. BERGER,

Defendant.

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)

00-1127-CD

PRAECIPE TO DISCONTINUE

Filed on behalf of  
Plaintiff

Counsel of Record for  
this party:

Kimberly M. Kubista  
PA ID #52782

BELIN & KUBISTA  
15 North Front Street  
Clearfield, PA 16830

(814) 765-8972

**FILED**

OCT 19 2000

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

DANIEL J. RUSSELL, d/b/a  
RUSSELL PAVING,

Plaintiff,

v.

RONALD A. BERGER,

Defendant.

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00-1127-CD

PRAECIPE TO DISCONTINUE

TO THE PROTHONTARY:

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

Respectfully submitted,

BELIN & KUBISTA

By:



Kimberly M. Kubista  
Attorney for Plaintiff

Date: 10-19-00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
Civil Division

DANIEL J. RUSSELL, d/b/a  
RUSSELL PAVING,

Plaintiff,

v.

RONALD A. BERGER,

Defendant.

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00-1127-CD

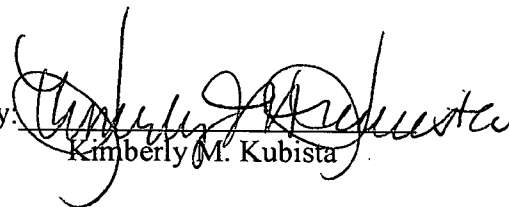
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Praecipe to Discontinue was sent by  
first-class mail, postage prepaid this 19th day of October, 2000, to the following:

David Hopkins, Esquire  
902 Beaver Drive  
DuBois, PA 15801

BELIN & KUBISTA

By:

  
Kimberly M. Kubista

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

DANIEL J. RUSSELL, d/b/a RUSSELL

PAVING,

Plaintiff(s)

vs.

No. 00-1127-CD

RONALD A. BERGER,

Defendant(s)

CERTIFICATE OF DISCONTINUANCE  
COUNTY OF CLEARFIELD  
COMMONWEALTH OF PENNSYLVANIA

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 this day, the 19th of OCTOBER, A.D. 2000, marked:

SATISFIED, SETTLED and DISCONTINUED.

Record costs in the sum of \$80.00 have been paid in full by

Kimberly Kubista, Esquire

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this  
Court at Clearfield, Clearfield County, Pennsylvania this 19th day of  
October A.D. 2000.

\_\_\_\_\_  
Prothonotary



In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10235

(7)

RUSSELL, DANIEL J. D/B/A RUSSELL PAVING

00-1127-CD

VS.

BERGER, RONALD A.

COMPLAINT

SHERIFF RETURNS

NOW OCTOBER 2, 2000, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON RONALD A. BERGER, DEFENDANT.

NOW OCTOBER 9, 2000 SERVED THE WITHIN COMPLAINT ON RONALD A. BERGER, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

Return Costs

Cost	Description
27.88	SHFF. HAWKINS PAID BY: ATTY.
51.00	SHFF. DEMKO PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

FILED

OCT 25 2000

William A. Shaw  
Prothonotary

Sworn to Before Me This

26th Day Of October 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*  
*My Marlyn Harris*  
Chester A. Hawkins  
Sheriff *EKB*

No. 00-1127-CD

Personally appeared before me, Terry Fedigan, Deputy for Thomas A. Demko, Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on October 9, 2000 at 3:45 o'clock P.M. served the Notice and Complaint upon RONALD A. BERGER, Defendant, at his residence, R.D. #3, Box 178, Punxsutawney, Township of Henderson, County of Jefferson, State of Pennsylvania by handing to him, personally, a true copy of the Notice and Complaint, and by making known to him the contents thereof.

Advance Costs Received: \$125.00  
My Costs: \$ 49.00 Paid  
Prothy: \$ 2.00  
Total Costs: \$ 51.00  
Refunded: \$ 74.00.

Sworn and subscribed

to before me this

10th

day of

October

20 2000

By

*Henry D. Roman*

**PROTHONOTARY  
CLERK OF COURTS**

My Commission Expires  
1st Monday of January 2002.  
Jefferson County, PA

So Answers,

*Terry Fedigan*

Deputy

*Thomas A. Demko*

Sheriff

JEFFERSON COUNTY, PENNSYLVANIA