

01-70-CD
FRED DIEHL MOTOR INC. -vs- BIGLER BOYS etal

COURT OF COMMON PLEAS

46th

JUDICIAL DISTRICT

CLEARFIELD COUNTY

FROM

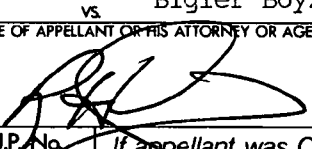
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

01-70-00

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 Richard Heberling DBA Bigler Boyz		MAG. DIST. NO. OR NAME OF D.J. 46-3-02 D.J. Ireland	
ADDRESS OF APPELLANT P.O. Box 381	CITY Bigler	STATE PA	ZIP CODE 16825
DATE OF JUDGMENT 12-14-00	IN THE CASE OF (Plaintiff) Fred Diehl Motor Inc		(Defendant) Bigler Boyz
CLAIM NO. CV 18 0000533-00 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
<p>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.</p> <p>_____ Signature of Prothonotary or Deputy</p>		<p>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.</p>	

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

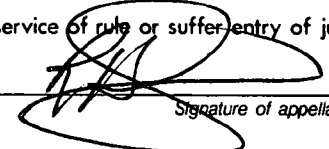
(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7)) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.)

PRAECIPE: To Prothonotary

Enter rule upon Fred Diehl Motor Inc.

Name of appellee(s)

(Common Pleas No. 01-70-00) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

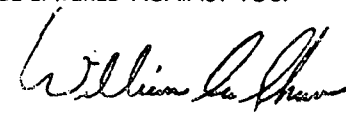
Signature of appellant or his attorney or agent
RULE: To Fred Diehl Motor Inc., appellee(s).
Name of appellee(s)

(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: January 15, 2001

Signature of Prothonotary or Deputy


FILED

JAN 15 2001

William A. Shaw
Prothonotary01-70-00 Bigler Boyz pd
\$80.00
Gpaw to Bigler Boyz

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) _____, ☐ 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.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND

Address: **650 LEONARD STREET
CLEARFIELD, PA**

Telephone: **(814) 765-5335 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**FRED DIEHL MOTOR INC
PO BOX 671
CLEARFIELD, PA 16830**

VS.

DEFENDANT:

NAME and ADDRESS

**BIGLER BOYZ
PO BOX 381
BIGLER, PA 16825**

**BIGLER BOYZ
PO BOX 381
BIGLER, PA 16825**

Docket No.: **CV-0000533-00**
Date Filed: **10/31/00**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

01.70.00

☒ Judgment was entered for: (Name) **FRED DIEHL MOTOR INC**

☒ Judgment was entered against: (Name) **BIGLER BOYZ**

in the amount of \$ **807.16** on: (Date of Judgment) **12/14/00**

☐ 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	\$ 727.81
Judgment Costs	\$ 79.35
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 807.16

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.

12.14.00 Date *Ra Ireland*, 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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-02

DJ Name: Hon.

RICHARD A. IRELAND

Address: **650 LEONARD STREET
CLEARFIELD, PA**

Telephone: **(814) 765-5335 16830**

**RICHARD A. IRELAND
650 LEONARD STREET
CLEARFIELD, PA 16830**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

**FRED DIEHL MOTOR INC
PO BOX 671
CLEARFIELD, PA 16830**

VS.

DEFENDANT:

NAME and ADDRESS

**BIGLER BOYZ
PO BOX 381
BIGLER, PA 16825**

Docket No.: **CV-0000533-00**

Date Filed: **10/31/00**



THIS IS TO NOTIFY YOU THAT:

Judgment:

DEFAULT JUDGMENT PLTF

01-70-00

☒ Judgment was entered for: (Name) **FRED DIEHL MOTOR INC**

☒ Judgment was entered against: (Name) **BIGLER BOYZ**

in the amount of \$ **807.16** on: (Date of Judgment) **12/14/00**

☐ 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	\$ 727.81
Judgment Costs	\$ 79.35
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 807.16
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

Date:	Place:
Time:	

FILED
m. l. l. l.
JAN 19 2001
E. K. S.

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.

12.14.00 Date **Ra Ireland**, District Justice

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

1.17.01 Date **Ra Ireland**, District Justice

My commission expires first Monday of January,

2006

SEAL

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

No. 01 - 70 - CD

Type of Pleading:

Complaint

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

JAN 31 2001

William A. Shaw
Prothonotary

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

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No. 01 - 70 - CD

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 COURT HOUSE
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

No. 01 - 70 - CD

COMPLAINT

NOW COMES the Plaintiff, Fred Diehl Motor, Inc., and
by its attorney, James A. Naddeo, Esquire, sets forth the
following:

1. That the Plaintiff is Fred Diehl Motor, Inc., a
Pennsylvania corporation, whose principal place of business
address is P. O. Box 671, Clearfield, Pennsylvania 16830.

2. That the Defendant is Richard Heberling, doing
business as Bigler Boyz, whose address is P. O. Box 381, Bigler,
Pennsylvania 16825.

3. With the consent of Plaintiff, Defendant
established an open account with Plaintiff for the purchase of
parts.

4. That Defendant on various occasions purchased
parts from Plaintiff upon the aforesaid account for which
Defendant was billed on a monthly basis and upon which Defendant
made monthly payments.

FRED DIEHL MOTOR CO. INC.
 ROUTE 879 WEST
 P. O. BOX 671
 CLEARFIELD, PA 16830
 814-765-9656

FRED DIEHL MOTOR CO. IN
 ROUTE 879 WEST
 P. O. BOX 671
 CLEARFIELD, PA 16830

11 JAN 2001

220-346

220-346

BIGLER BOYZ
 PO BOX 381
 BIGLER, PA 16825


BIGLER BOYZ
 PO BOX 381
 BIGLER, PA 16825

05-05	4	CVR58634		735.85				
09-22	11	VR58634BIGLRBOY ADJ		-49.95				
				685.90	235	05-05	VR58634	685.90
06-26	11	S10-0626	SRV-CHG	11.04	202	06-26	10-0626	11.04
07-26	11	S10-0726	SRV-CHG	10.29	171	07-26	10-0726	10.29
08-28	11	S10-0828	SRV-CHG	10.29	138	08-28	10-0828	10.29
09-25	11	S10-0925	SRV-CHG	10.29	110	09-25	10-0925	10.29
10-27	11	S10-1027	SRV-CHG	10.29	77	10-27	10-1027	10.29
11-30	11	S10-1130	SRV-CHG	10.29	43	11-30	10-1130	10.29

EXHIBIT "A"

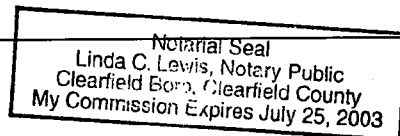
0.00	10.29	10.29	727.81	01-11	748.39
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COUNTY OF CLEARFIELD)


Fred W. Diehl

e this 3rd day of January, 2001.

Linda C. Lewis



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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

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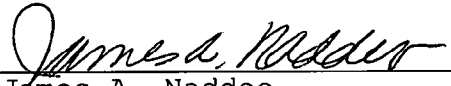
No. 01 - 70 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Plaintiff's Complaint filed in the above-
captioned action was served on the following person and in the
following manner on the 31st day of January, 2001:

First-Class Mail, Postage Prepaid

F. Cortez Bell, III, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
P. O. Box 670
Clearfield, PA 16830


James A. Naddeo
Attorney for Plaintiff

FILED

JAN 31 2001

3331CS city

William A. Shaw

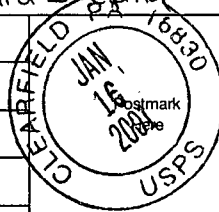
Prothonotary

g. Hantz

7099 3400 0016 7879 5342

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
District Justice Richard Ireland	
Postage	\$.34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.74
Recipient's Name (Please Print Clearly) (to be completed by mailer)	
District Justice Richard Ireland	
Street, Apt. No., or PO Box No.	
650 Leonard Street	
City, State, ZIP+4	
Clearfield, PA 16830	

US Form 3800 February 2000 See Reverse for Instructions



Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

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:

District Justice Richard
Ireland
650 Leonard Street
Clearfield, PA 16830

RECEIVED JAN 18 2001

2. Article Number (Copy from service label)

7099 3400 0016 7879 5342

PS Form 381-1, July 1999

Domestic Return Receipt

102595-99-M-1709

COMPLETE THIS SECTION ON DELIVERY

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

Jessica Bisko 1-17-01

C. Signature

X Jessica E. Bisko

☒ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf 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

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

F. CORTEZ BELL, III, ESQUIRE
BELL, SILBERBLATT & WOOD
318 E. LOCUST STREET
P.O. BOX 670
CLEARFIELD, PA 16830

7099 3400 0016 7879 5359

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

Fred Diehl Motor Inc.

Postage	\$	1.34
Certified Fee		1.90
Return Receipt Fee (Endorsement Required)		1.50
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	3.74



Recipient's Name (Please Print Clearly) (to be completed by mailer)

Fred Diehl Motor Inc.

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

P.O. Box 671

City, State, ZIP+4

Clearfield, PA 16830

PS Form 3800, February 2000

See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

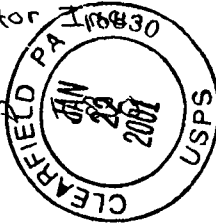
IMPORTANT: Save this receipt and present it when making an inquiry.

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:

Fred Diehl Motor Inn 16830
P.O. Box 671
Clearfield, PA

**COMPLETE THIS SECTION ON DELIVERY**

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

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7099 3400 0016 7879 5359

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

F. CORTEZ BELL, III, ESQUIRE
BELL, SILBERBLATT & WOOD
318 E. LOCUST STREET
P.O. BOX 670
CLEARFIELD, PA 16830



FILED
01/11/03
FEB 06 2001
10 Copies
E 22

William A. Shaw
Prothonotary

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. 01-70-CD, upon the District Justice designated therein on
(date of service) January 17, 2001, ☐ by personal service ☒ by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) Fred Diehl Motor, Inc., on
January 22, 2001 ☐ 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 January 22, 2001 ☐ by personal service ☒ by (certified) (registered)
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 6th DAY OF February, 2001

Nancy M. Smeal
Signature of official before whom affidavit was made

F. C. + B. L. III
Signature of affiant

Title of official

My commission expires on

NOTARIAL SEAL

NANCY M. SMEAL, Notary Public
Graham Township, Clearfield Co., PA
My Commission Expires May 4, 2002

COURT OF COMMON PLEAS

46th

JUDICIAL DISTRICT

CLEARFIELD COUNTY

FROM

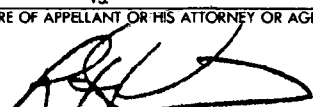
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

01.70.00

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 Richard Heberling DBA Bigler Boyz		MAG. DIST. NO. OR NAME OF D.J. 46-3-02 D.J. Ireland	
ADDRESS OF APPELLANT P.O. Box 381		CITY Bigler	STATE PA
DATE OF JUDGMENT 12-14-00		ZIP CODE 16825	
IN THE CASE OF (Plaintiff) Fred Diehl Motor Inc		(Defendant) Bigler Boyz	
CLAIM NO. CV 19 0000533-00 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.

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 **Fred Diehl Motor Inc.**, appellee(s), to file a complaint in this appeal
Name of appellee(s)
(Common Pleas No. **01.70.00**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To **Fred Diehl Motor Inc.**, appellee(s).
Name of appellee(s)

(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: **January 15, 2001**

Signature of Prothonotary or Deputy

I hereby certify this to be a true and attested copy of the original statement filed in this case.

JAN 15 2001

Attest.


Prothonotary

COURT FILE

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

No. 01 - 70 - CD

CERTIFICATE OF SERVICE of Pleading:

I, James A. Naddoo, Esquire, Certificate of Service
certified copy of Plaintiff's Notice of Intention to Enter
Default Judgment filed in the above-captioned case on
the following person and in the following manner on the first day
of February, 2001:

First-Class Mail, Postage Prepaid

James A. Naddoo, Esq.
E. Cortez Bell, III, Esq.
Silberblatt & Good
211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

FEB 21 2001

William A. Shaw
Prothonotary

James A. Naddoo
James A. Naddoo
Attorney for Plaintiff

FILED

FEB 21 2001

Office of the
William A. Shaw
Prothonotary

W. A. Shaw

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff

vs.

RICHARD HEBERLING, doing
business as BIGLER BOYZ,
Defendant

: No. 01-70-CD

:
: Type of Case: Civil

: Type of Pleading:
: Answer to Plaintiff's
: Complaint

: Filed on Behalf of:
: Richard D. Heberling, doing business
: as Bigler Boyz

: Counsel of Record for this Party:
: F. Cortez Bell, III, Esquire
: I.D. #30183

:
: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830
: Telephone: (814)765-5537

FILED

MAR 01 2001

William A. Shaw
Prothonotary

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff

vs.

No. 01-70-CD

RICHARD HEBERLING, doing
business as BIGLER BOYZ,
Defendant

ANSWER TO PLAINTIFF'S COMPLAINT

NOW comes the Defendant, Richard D. Heberling, doing business as Bigler Boyz, by and through his attorney, F. Cortez Bell, III, Esquire, who respectfully sets forth the Defendant's Answer to the Plaintiff's Complaint and avers as follows:

1. Paragraph 1 of the Complaint is admitted.
2. Paragraph 2 of the Complaint is admitted to the extent stated. It would be further averred that the true and correct name of the Defendant is Richard D. Heberling.
3. Paragraph 3 of the Complaint is admitted in part and denied in part. It would be admitted that the Plaintiff and the Defendant established accounts with each other for the purchase or supplying of various parts. It would be denied that those accounts would be what is referred to in Plaintiff's Complaint as an open account and strict proof thereof would be demanded at time of trial or hearing in this matter.
4. Paragraph 4 of the Complaint would be admitted in part and denied in part. It would be admitted that the Defendant on various occasions purchased parts from the Plaintiff and that the Defendant was to be billed on a monthly basis upon which certain payments would be made. It

would be specifically denied that said billings were specifically required on a monthly basis and that the Defendant made monthly payments. Strict proof of the denied averments of Paragraph 4 of the Plaintiff's Complaint would be demanded at time of trial or hearing in this matter.

5. Paragraph 5 of the Plaintiff's Complaint would be specifically denied. It would be specifically denied that that item or statement attached to the Plaintiff's Complaint as Exhibit A represents the monthly statement for October 27, 2000 indicating a balance due in the amount of \$685.90. To the contrary it would be averred that Exhibit A to the Plaintiff's Complaint bears the date of January 11, 2001 and as such does not represent the monthly statement allegedly provided to the Defendant for the month of October 27, 2000. Strict proof of the denied averment of Paragraph 5 of the Plaintiff's Complaint would be demanded at time of trial or hearing in this matter.

6. Paragraph 6 of the Plaintiff's Complaint would be denied. It would be specifically denied that to the date of the statement attached as Exhibit A, that being January 11, 2001, that the parties established a course of conduct whereby monthly service charges would accrue to the balance allegedly due the Plaintiff by the Defendant. Strict proof of the denied averment of Paragraph 6 of the Plaintiff's Complaint would be demanded at time of trial or hearing in this matter.

7. Paragraph 7 of the Plaintiff's Complaint would be admitted in part and denied in part. It would be admitted that for some period of time there was no payment on the Defendant's account with the Plaintiff. The item attached as Exhibit A to the Plaintiff's Complaint does not provide a basis for a more specific admission as there is no indication thereon as to when the last payment by the Defendant was credited to the Defendant's account. It would be specifically denied that the Defendant on or about September 22, 2000 made a payment on the Defendant's account with the Plaintiff as said entry represents a past due amount which the Plaintiff owed the Defendant which

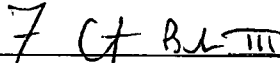
was adjusted or applied to any amounts alleged to be due and owing the Plaintiff by the Defendant. Strict proof of the denied averment of Paragraph 7 of the Plaintiff's Complaint would be demanded at time of trial or hearing in this matter.

8. Paragraph 8 of the Plaintiff's Complaint would be admitted to the extent stated. It would be admitted that the Defendant has, despite demand by the Plaintiff's not made payment in full on the alleged amount due on the account. Defendant would aver that the sum of money requested by the Plaintiff is not due and owing in the amount set forth within the Plaintiff's Complaint.

9. Paragraph 9 of the Plaintiff's Complaint would be denied. It would be specifically denied that the Defendant owes the Plaintiff the sum of \$685.90 with service charges accruing thereafter to the amount of \$748.39. Strict proof thereof of the denied averment of Paragraph 9 of the Plaintiff's Complaint would be demanded at time of trial or hearing in this matter.

WHEREFORE, the Defendant respectfully requests that your Honorable Court grant judgment in favor of the Defendant as to the Plaintiff's Complaint as well as award Defendant counsel fees, costs and expenses associated with regard to the defense of the instant matter.

Respectfully submitted,
BELL, SILBERBLATT & WOOD
By,



F. Cortez Bell, III, Esquire
Attorney for Defendant

VERIFICATION

I, Richard D. Heberling, doing business as Bigler Boyz, verify that the statements made within the foregoing Answer to Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S.A., Section 4904, relating to unsworn falsifications to authorities.

Date: 3/01/01


Richard D. Heberling

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff

vs.

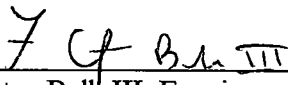
No. 01-70-CD

RICHARD HEBERLING, doing
business as BIGLER BOYZ,
Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Answer to Plaintiff's
Complaint upon the following persons by mailing such copy first class mail, postage prepaid to:

James A. Naddeo, Esquire
211½ East Locust Street
P.O. Box 552
Clearfield, PA 16830



F. Cortez Bell III, Esquire
Attorney for Defendant

Date: 3-1-2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA CIVIL DIVISION No. 01-70-CD	
FRED DIEHL MOTOR, INC., A Pennsylvania Corporation, Plaintiff	vs.
RICHARD HEEERLING, doing business as BIGLER BOYZ,	Defendant
ANSWER TO PLAINTIFF'S COMPLAINT	
FILED MAR 01 2001 01/10:59/4 CC. <i>cc. Bell</i> William A. Shaw Prothonotary <i>Key</i>	
BELL, SILBERBLATT & WOOD ATTORNEYS AT LAW 316 EAST LOCUST STREET P. O. BOX 670 CLEARFIELD, PA. 16830 <small>UNIVERSAL PRINTING CO., CLEARFIELD, PA.</small>	

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 01-70-CD

FRED DIEHL MOTOR, INC., A
Pennsylvania Corporation,
Plaintiff

VS.

RICHARD HEBERLING, doing business
as BIGLER BOYZ,
Defendant

ANSWER TO PLAINTIFF'S
COMPLAINT

FILED

MAR 01 2001

01/10:59/4 CC
William A. Shaw
Prothonotary

Key

Bell

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 870
CLEARFIELD, PA. 16830

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

No. 01 - 70 - CD

Type of Pleading:

Praecipe to List
for Arbitration

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

MAR 06 2001
6/3:30/MS
William A. Shaw
Prothonotary
CEN & TO Amy

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

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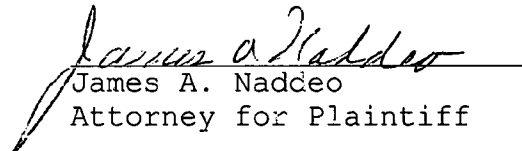
No. 01-70-CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Praecipe to List for Arbitration filed in the
above-captioned action was served on the following person and in
the following manner on the 6th day of March, 2001:

First-Class Mail, Postage Prepaid

F. Cortez Bell, III, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
PO Box 670
Clearfield, PA 16830


James A. Naddeo
Attorney for Plaintiff



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-6009 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

May 1, 2001

James A. Naddeo, Esquire
Attorney at Law
Post Office Box 552
Clearfield, PA 16830

F. Cortez Bell, III, Esquire
Bell, Silberblatt & Wood
Post Office Box 670
Clearfield, PA 16830

RE: FRED DIEHL MOTOR, INC.

vs.

RICHARD HEBERLING, d/b/a
BIGLER BOYZ
No. 01-70-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Wednesday,
July 25, 2001. The following have been appointed to the Board of Arbitrators:

Laurance B. Seaman, Esquire
J. Richard Lhota, Esquire
Gary A. Knaresboro, Esquire
Theron G. Noble, Esquire
William A. Shaw, Jr., Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven
(7) days from the date of this letter the name you wish stricken from the list.

You will be notified at a later date the exact time of the Arbitration hearing.

Very truly yours,

Marcy Kelley
Deputy Court Administrator

FILED

MAY 10 2001

William A. Shaw



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-~~8889~~ 7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

May 10, 2001

James A. Naddeo, Esquire
Attorney at Law
Post Office Box 552
Clearfield, PA 16830

F. Cortez Bell, III, Esquire
Bell, Silberblatt & Wood
Post Office Box 670
Clearfield, PA 16830

RE: FRED DIEHL MOTOR, INC.

vs.

RICHARD HEBERLING, d/b/a
BIGLER BOYZ
No. 01-70-CD

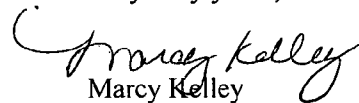
Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Wednesday, July 25, 2001 at 2:00 P.M. The following have been appointed as Arbitrators:

J. Richard Lhota, Esquire, Chairman
Gary A. Knaresboro, Esquire
Theron G. Noble, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and the Board of Arbitrators. For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

Very truly yours,


Marcy Kelley
Deputy Court Administrator

cc: J. Richard Lhota, Esquire
Gary A. Knaresboro, Esquire
Theron G. Noble, Esquire



OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-~~8889~~ 7449

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

May 11, 2001

James A. Naddeo, Esquire
Attorney at Law
Post Office Box 552
Clearfield, PA 16830

F. Cortez Bell, III, Esquire
Bell, Silberblatt & Wood
Post Office Box 670
Clearfield, PA 16830

RE: FRED DIEHL MOTOR, INC.

vs.

RICHARD HEBERLING, d/b/a
BIGLER BOYZ
No. 01-70-CD

Dear Counsel:

Regarding the above case scheduled for Arbitration Hearing on **Wednesday, July 25, 2001 at 2:00 P.M.**, please be advised that William A. Shaw, Jr., Esquire will be an Arbitrator rather than Theron G. Noble, Esquire, as stated in my letter of May 10, 2001.

I apologize for any inconvenience or confusion this has caused.

Very truly yours,


Marcy Kelley
Deputy Court Administrator

cc: J. Richard Lhota, Esquire
Gary A. Knaresboro, Esquire
William A. Shaw, Jr., Esquire
Theron G. Noble, Esquire

FILED

MAY 11 2001

William A. Shaw
Prothonotary

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

No. 01 - 70 - CD

Type of Pleading:

Pre-Trial Statement

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

RECEIVED

JUL 12 2001

**COURT ADMINISTRATORS
OFFICE**

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant.

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No. 01 - 70 - CD

PRE-TRIAL STATEMENT

NOW COMES the Plaintiff, Fred Diehl Motor, Inc., and
sets forth the following:

A. Statement of Case.

Plaintiff brings this action for parts purchased on credit by Defendant. The parts were purchased on May 5, 2000 as appears from Parts Invoice attached hereto as Exhibit "A". Defendant was billed on a monthly basis up to and including October, 2000 with customary service charges. Defendant made no objection to the amount charged by Plaintiff for the parts nor did he object to the monthly service charge rendered on each of Plaintiff's monthly bills. When Defendant continued in his failure to pay, Plaintiff filed a claim against Defendant with the District Magistrate. The Magistrate awarded judgment in favor of Plaintiff. Defendant appealed.

B. Case Law.

Plaintiff's case is based upon an account stated.

C. Witness.

Fred W. Diehl, President of Fred Diehl Motor, Inc.

D. Damages.

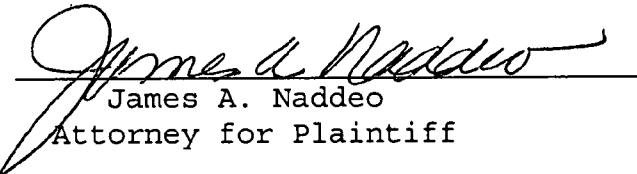
\$685.90 with service charges in the amount of \$10.29
to date of payment.

E. Exhibits.

A. Parts invoice dated May 5, 2000.

B. Computer print-out evidencing monthly
billings and service charge.

C. Copy of monthly statement rendered by
Plaintiff to October 27, 2000.


James A. Naddeo
Attorney for Plaintiff

FRED DIEHL MOTOR, INC

FRED DIEHL

CHEVROLET

ROUTE 879 WEST P.O. BOX 671
CLEARFIELD, PA 16830

TELEPHONE
814-765-9656

*****STORE HOURS*****
MONDAY THRU FRIDAY 7:00 TO 5:30
*****SAT-7:00 TO 3:00*****
PHONE 765-2461 *****765-9656
THANK YOU FOR YOUR BUSINESS

✓ *Chg*

CUSTOMER NO.	CUST. P.O. NO.	SHIP VIA	PAY	SOLD BY	INVOICE DATE	INVOICE NO.
--------------	----------------	----------	-----	---------	--------------	-------------

346 SCOTT COBLE

05/05/00 58634
CVR

FTE# 17-094790

CHARGE

B
I
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L
T
O
BIGLER BOYZ

S
H
I
P
T
O

QUANTITY		PART NUMBER / DESCRIPTION	BIN	LIST	NET	AMOUNT	EXT. COMP.	EXT. COST
SHIP	B.O.							
1	0	337716 CHAN ASM 16.190	SOB	12.00	9.00	9.00	0.00	7.20
2	0	339902 RUN ASM 16.190	SOB	19.70	14.78	29.56	0.00	23.64
1	0	12463226 PNL-E/GAT 17.215	SOB	228.00	171.00	171.00	0.00	136.80
1	0	15545110 BAR-FRT 7.831	FRT	206.50	136.29	136.29	0.00	123.90
2	0	15628608 GATE ASM- 17.185	SOB	269.85	195.00	390.00	0.00	323.82

Thank You!

ELECTRICAL, SPECIAL ORDERS, AND FACTORY
ORDERED ITEMS ARE NOT RETURNABLE. NO
REFUNDS AFTER 30 DAYS OR WITHOUT THIS
INVOICE

Any warranties on the item/items sold
hereby are those made by the manufactur-
er. The seller hereby expressly disclaims
all warranties, either express or implied,
including any implied warranty of mer-
chantability or fitness for a particular
purpose, and neither assumes nor author-
izes any other person to assume for it any
liability in connection with the sale of this
item/items.

SUB-TOTAL

735.85 0.00 615.36

TAX
FREIGHT

0.00
0.00

PAY THIS AMOUNT

735.85

EXHIBIT "A"

FRED DIEHL MOTOR CO. INC.
 ROUTE 879 WEST
 P. O. BOX 671
 CLEARFIELD, PA 16830
 814-765-9656

FRED DIEHL MOTOR CO. IN
 ROUTE 879 WEST
 P. O. BOX 671
 CLEARFIELD, PA 16830

27 FEB 2001

220-346

220-346

BIGLER BOYZ
 PO BOX 381
 BIGLER, PA 16825

BIGLER BOYZ
 PO BOX 381
 BIGLER, PA 16825

05-05	4	CUR58634		735.85			
09-22	11	VR58634BIGLRBOY ADJ		-49.95			
				685.90	282	05-05	VR58634 685.90
06-26	11	S10-0626	SRV-CHG	11.04	249	06-26	10-0626 11.04
07-26	11	S10-0726	SRV-CHG	10.29	218	07-26	10-0726 10.29
08-28	11	S10-0828	SRV-CHG	10.29	185	08-28	10-0828 10.29
09-25	11	S10-0925	SRV-CHG	10.29	157	09-25	10-0925 10.29
10-27	11	S10-1027	SRV-CHG	10.29	124	10-27	10-1027 10.29
11-30	11	S10-1130	SRV-CHG	10.29	90	11-30	10-1130 10.29

0.00

0.00

10.29

738.10

02-27

748.39

STATEMENT

FRED DIEHL MOTOR CO. INC.
ROUTE 879 WEST
P. O. BOX 671
CLEARFIELD, PA 16830
814-765-9656

DATE

27 OCT 2000

220-346

BIGLER BOYZ
PO BOX 381
BIGLER, PA 16825

STATEMENT REMITTANCE

PLEASE DETACH AND MAIL
WITH REMITTANCE TO:

FRED DIEHL MOTOR CO. IN
ROUTE 879 WEST
P. O. BOX 671
CLEARFIELD, PA 16830

220-346

BIGLER BOYZ
PO BOX 381
BIGLER, PA 16825

SOURCES: 30 SERVICE SALE - 32 PARTS SALE - 50 PAYMENT - 80 ADJUSTMENT

PLEASE CIRCLE INVOICES BEING PAID

DATE	SOURCE	INVOICE	REFERENCE	DESCRIPTION	AMOUNT	AGE IN DAYS
05-05	4	CVR58634			735.85	
09-22	11	VR58634	BIGLRBOY	ADJ	-49.95	
					685.90	58
06-26	11	S10-0626		SRV-CHG	11.04	25
07-26	11	S10-0726		SRV-CHG	10.29	94
08-28	11	S10-0828		SRV-CHG	10.29	61
09-25	11	S10-0925		SRV-CHG	10.29	33
10-27	11	S10-1027		SRV-CHG	10.29	

DATE	INVOICE	BALANCE DUE
05-05	VR58634	685.90
06-26	10-0626	11.04
07-26	10-0726	10.29
08-28	10-0828	10.29
09-25	10-0925	10.29
10-27	10-1027	10.29

ANALYSIS OF ACCOUNT

CURRENT	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS
10.29	10.29	10.29	707.23

FORM VIM-556 (REV. 1-79)

THE REYNOLDS & REYNOLDS CO. DAYTON, OHIO PRINTED IN U.S.A.

DATE	PAY THIS AMOUNT
10-27	738.10

By REYNOLDS & REYNOLDS

NEW BALANCE

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

FRED DIEHL MOTOR, INC.,	*	
A Pennsylvania Corporation,	*	
Plaintiff,	*	
	*	
v.	*	No. 01-70-CD
	*	
RICHARD HEBERLING, doing	*	
Business as BIGLER BOYZ,	*	
Defendant.	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiff's Pre-Trial Memorandum filed in the above-captioned action was served on the following persons and in the following manner on the 12th day of July, 2001:


First-Class Mail, Postage Prepaid

F. Cortez Bell, III, Esquire
Bell, Silberblatt & Wood
318 East Locust Street
PO Box 670
Clearfield, PA 16830

William J. Shaw, Jr., Esquire
211 North Second Street
Clearfield, PA 16830

J. Richard Lhota, Esquire
110 North Second Street
Clearfield, PA 16830

Gary A. Knaresboro, Esquire
218 South Second Street
Clearfield, PA 16830


James A. Naddeo
Attorney for Plaintiff

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff

vs.

RICHARD HEBERLING, doing
business as BIGLER BOYZ,
Defendant

No. 01-70-CD

Type of Case: Civil

Type of Pleading:
Defendant's Pre-Trial Statement

Filed on Behalf of:
Richard D. Heberling, doing business
as Bigler Boyz

Counsel of Record for this Party:
F. Cortez Bell, III, Esquire
I.D. #30183

Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830
Telephone: (814)765-5537

RECEIVED

JUL 17 2001

**COURT ADMINISTRATOR'S
OFFICE**

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff

vs.

No. 01-70-CD

RICHARD HEBERLING, doing
business as BIGLER BOYZ,
Defendant

DEFENDANT'S PRE-TRIAL STATEMENT

NOW comes the Defendant, Richard D. Heberling, doing business as Bigler Boyz, by and through his attorney, F. Cortez Bell, III, Esquire, who respectfully sets forth the Defendant's Pre-Trial Statement as follows:

STATEMENT OF THE CASE

The instant matter is before the Court as a result of a dispute concerning a billing that the Defendant received from the Plaintiff. It is not denied that an account was established by the Defendant with the Plaintiff. In addition, the Plaintiff had an account established with the Defendant. At one point in time the Plaintiff in order to result in a reduction on the Defendant's account credited an amount that the Plaintiff owed the Defendant thereby reducing the amount alleged to be owed by the Defendant. The dispute with regard to this matter is simply as to the amount, if any, which is owed the Plaintiff at this point in time.

CASE LAW

There are no specific case or statute references as this matter does not draw into

question any unusual circumstances to which reliance upon the same would be required. This matter is simply a suit based upon an account stated.

WITNESSES

A. Richard D. Heberling, P.O. Box 381, Bigler, PA 16825. Owner/operator of Bigler Boyz.

B. Richard M. Heberling, P.O. Box 381, Bigler, PA 16825. Employee of Bigler Boyz.

C. The Defendant reserves the right to supplement this list of witnesses if additional witnesses become available prior to the date of the arbitration hearing. The counsel for the Defendant will immediately notify counsel for the Plaintiff should any such witnesses arise.

DAMAGES

The Plaintiff is asserting damages in the amount of \$685.90 plus interest.

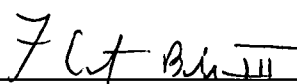
EXHIBITS

At this point, there would be no exhibits to be introduced on behalf of the Defendant. The Defendant reserves the right to supplement this list of exhibits if additional exhibits become available prior to the date of the arbitration hearing. Should any such exhibits be discovered the same will be immediately provided to counsel for the Plaintiff.

Respectfully submitted,

BELL, SILBERBLATT & WOOD

By,



F. Cortez Bell, III, Esquire
Attorney for Defendant

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff

vs.

RICHARD HEBERLING, doing
business as BIGLER BOYZ,
Defendant

No. 01-70-CD

CERTIFICATE OF SERVICE

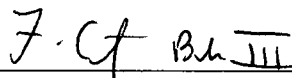
I hereby certify that I am this day serving a copy of the foregoing Defendant's Pre-Trial Statement upon the following persons by mailing such copy first class mail, postage prepaid to:

James A. Naddeo, Esquire
211½ East Locust Street
P.O. Box 552
Clearfield, PA 16830

William J. Shaw, Jr., Esquire
211 North Second Street
Clearfield, PA 16830

J. Richard Lhota, Esquire
110 North Second Street
Clearfield, PA 16830

Gary A. Knaresboro, Esquire
218 South Second Street
Clearfield, PA 16830



F. Cortez Bell, III, Esquire
Attorney for Defendant

Date: 7-17-2001

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 01-70-CD

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff

vs.

RICHARD HEBERLING, doing
business as BIGLER BOYZ,
Defendant.

DEFENDANT'S PRE-TRIAL STATEMENT

BELL, SILBERBLATT & WOOD
ATTORNEYS AT LAW
318 EAST LOCUST STREET
P. O. BOX 670
CLEARFIELD, PA. 16830

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

FRED DIEHL MOTOR, INC.,
A Pennsylvania Corporation,
Plaintiff,

v.

RICHARD HEBERLING, doing
Business as BIGLER BOYZ,
Defendant..

No. 01 - 70 - CD

PRAECIPE TO SETTLE AND DISCONTINUE Pleading:

TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case settled and
discontinued.

Praecipe to
Settle and Discontinue

Filed on behalf of:
Plaintiff

James A. Naddeo, Esq.
Counsel of Record for
this party: Esquire
Attorney for Plaintiff

James A. Naddeo, Esq.
Pa I.D. 06820

211 1/2 E. Locust Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED

JUL 25 2001

William A. Shaw
Prothonotary

FILED

MAY 25 2001

01110811CC atty
William A. Shaw
Prothonotary

Co. 7. Dis.

to atty

Copy CA

~~2001~~

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Fred Diehl Motor Inc., a
Pennsylvania Corporation

Vs.

No. 2001-00070-CD

Richard D. Heberling
d/b/a Bigler Boyz

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 July 25, 2001 marked:

Settled and Discontinued

Record costs in the sum of \$100.00 have been paid in full by James A. Naddeo, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield,
Clearfield County, Pennsylvania this 25th day of July A.D. 2001.

William A. Shaw, Prothonotary