

01-159-CD
OHIO CARPENTERS HEALTH & WELFARE -vs- BGS ENTERPRISES, INC.
FUND AND ITS TRUSTEES

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,) Case No. 01-159-CO
vs.) ISSUE NO:
BGS ENTERPRISES, INC.,) CODE:
DEFENDANT.) PRAECIPE TO ENTER/INDEX
) JUDGMENT
) This is not a motor
) vehicle case.

FILED

FEB 05 2001

William A. Shaw
Prothonotary

Filed on Behalf of
Plaintiffs

Counsel of Record:
Stephen J. O'Brien, Esq.
PA I.D. # 59204

Gatz, Cohen, Segal, Koerner &
Colarusso, P.A.
Firm # 097

400 Law & Finance Building
Pittsburgh, PA 15219

(412) 261-1380

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,)
vs.)
BGS ENTERPRISES, INC.,)
DEFENDANT.)
Case No.)
ISSUE NO:)
CODE:)
PRAECIPE TO ENTER/INDEX)
JUDGMENT)

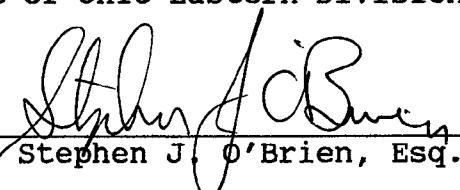
PRAECIPE TO ENTER/INDEX JUDGMENT

TO; PROTHONOTARY

Please docket and index the attached certified copy of judgment against defendant, BGS Enterprises, Inc., at Route 2, Box 1486, Clearfield, PA 16830 and in favor of plaintiffs, Ohio Carpenters Health & Welfare Fund and Its Trustees, c/o Stephen J. O'Brien, Esquire, at 400 Law and Finance Building, Pittsburgh, PA 15219 in the amount of \$18,987.02 which was attained in the U.S. District Court For The Northern District of Ohio Eastern Division.

1/17/01
Dated

By


Stephen J. O'Brien, Esq.

~~FILED~~
00 APR -5 AM 11:18
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN

CERTIFICATE OF JUDGMENT LIEN UPON LANDS AND TENEMENTS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

OHIO CARPENTERS HEALTH & : CASE NO. 4:99 CV 01810
WELFARE FUND AND ITS TRUSTEES,

Plaintiffs, : JUDGE ECONOMUS

v. :

BGS ENTERPRISES, INC. :

Defendant. :

I, Geri M. Smith, Clerk of the United States District Court for the Northern District of Ohio, do hereby certify that on the 30th day of March, 2000, a judgment was rendered by said Court in favor of the OHIO CARPENTERS HEALTH & WELFARE FUND AND ITS TRUSTEES, judgment creditor, and against BGS ENTERPRISES, INC., judgment debtor, in the amount of EIGHTEEN THOUSAND NINE HUNDRED EIGHTY SEVEN DOLLARS AND TWO CENTS (\$18,987.02) representing fringe contributions, deductions and liquidated damages for the period of September, 1995 through November,

1999 and EIGHT HUNDRED THIRTY FIVE DOLLARS (\$835.00) representing attorneys fees and costs, with interest at the rate of 6.197 % per annum from the 30th day of March, 2000, in the above entitled case, which judgment is entered under date of March 30, 2000 in said court.

SEAL

WITNESS MY HAND AND SEAL OF SAID COURT
at Youngstown, Ohio, this 5th day, April, 2000.

GERI M. SMITH, CLERK


GERI M. SMITH
DEPUTY

TERMED GALLAS
CAT 06

U.S. District Court
Northern District of Ohio (Youngstown)

CIVIL DOCKET FOR CASE #: 99-CV-1810

Ohio Carp H&W Fd, et al v. BGS Enterprises Inc.

Filed: 07/29/99

Assigned to: Judge Peter C. Economus

Demand: \$0,000

Nature of Suit: 791

Lead Docket: None

Jurisdiction: Federal Question

Dkt# in other court: None

Cause: 29:185 Labor/Mgt. Relations (Contracts)

OHIO CARPENTERS HEALTH &
WELFARE FUND

plaintiff

William B. Gore, Esq.

[COR LD NTC]

Law Offices Of William B. Gore
441 Wolf Ledges Pkwy.
Ste. 103
P.O. Box 1459
Akron, OH 44309-1459
216-762-1414

HAROLD ULLUM, Trustee
plaintiff

William B. Gore, Esq.
(See above)

[COR LD NTC]

DIEGO MORENO, Trustee
plaintiff

William B. Gore, Esq.
(See above)

[COR LD NTC]

STEVEN KASARNICH, Trustee
plaintiff

William B. Gore, Esq.
(See above)

[COR LD NTC]

RICHARD HOBBS, Trustee
plaintiff

William B. Gore, Esq.
(See above)

[COR LD NTC]

LARRY SOWERS, Trustee
plaintiff

William B. Gore, Esq.
(See above)

[COR LD NTC]

FRANK REYNOLDS, Trustee
plaintiff

William B. Gore, Esq.
(See above)

[COR LD NTC]

Docket as of January 19, 2001 1:41 pm

I hereby certify that this instrument is a true and
correct copy of the original on file in my office
Attest: Geri M. Smith, Clerk
U.S. District Court
Northern District of Ohio

By: 
Deputy Clerk

Page 1

Proceedings include all events.

4:99cv1810 Ohio Carp H&W Fd, et al v. BGS Enterprises Inc.

TERMED

GALLAS
CAT 06

LIDO LAVORINI, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

ROBERT GRIBBEN, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

JAMES DOUGHERTY, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

JIM TRIBBIE, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

JIM HERRHOLTZ, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

JOHN PORADA, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

JIM JONES, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

ROBERT BERNIUS, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

WILLIAM J BRENNAN, Trustee
plaintiff

William B. Gore, Esq.
(See above)
[COR LD NTC]

v.

BGS ENTERPRISES INC.
defendant

Proceedings include all events.

4:99cv1810 Ohio Carp H&W Fd, et al v. BGS Enterprises Inc.

TERMED

GALLAS
CAT 06

7/29/99 -- FILING FEE: paid on 7/29/99 in the amount of \$ 150.00,
receipt # 402259. (nri)

7/29/99 -- ASSIGNMENT OF MAGISTRATE JUDGE pursuant to Local Rule 3.1,
Assignment of Cases. In the event of referral this case
will be referred to Mag. Judge James S. Gallas . 1 pg (nri)

7/29/99 1 COMPLAINT (Service: summons issd, magistrate consent form
issd) (5 pgs) (nri)

7/29/99 2 CIS filed by pltf's . ECF Req. By William B. Gore
Recommended Track: standard (1 pg) (nri)

8/13/99 3 RETURN OF SERVICE executed upon BGS Enterprises Inc. on
8/6/99 by cert mail (2 pgs) (as) [Entry date 08/16/99]

11/2/99 4 MOTION by pltfs for default judg against BGS Enterprises
Inc. (3 pgs) (as)

11/2/99 5 AFFIDAVIT of non-military srv of William B. Gore re: pltfs'
mot for default judg against BGS Enterprises Inc. [4-1] (2 pgs) (as)

11/2/99 6 AFFIDAVIT of William B. Gore re: pltfs' mot for default
judg against BGS Enterprises Inc. [4-1] (4 pgs) (as)

11/2/99 7 REQUEST by pltfs for entry of default judg against deft (2
pgs) (as)

11/2/99 -- MARGINAL ENTRY ORDER: granting pltfs' mot for default judg
against BGS Enterprises Inc. [4-1] (issued on 11/3/99)
Judge Peter C. Economus [EOD Date: 11/2/99] (as)

11/2/99 -- DEFAULT ENTERED: Geri M. Smith, Clerk by deputy clerk
Suzanne Ray signed on 11/2/99 as to defendant BGS
Enterprises Inc. (issued on 11/3/99) (as)

Proceedings include all events.

4:99cv1810 Ohio Carp H&W Fd, et al v. BGS Enterprises Inc.

TERMED

GALLAS
CAT 06

11/2/99 8 DEFAULT & JUDGMENT: Deft, BGS Enterprises, Inc., is ordered to submit to an audit of its payroll & tax records by pltfs, OH Carpenters Health & Welfare Fund & its Trustees, for the period of 11/1/93 through the present date in order to determine the total fringe contributions, liquidated damages due & owing from deft to pltfs; deft shall permit said audit on or w/i 30 days of the entry of this order; FURTHER, this ct shall retain juris to enter an order & judg for the amt determined to be due & owing as a result of the audit & for any other costs &/or atty's fees incurred by pltfs prior to or after entry of this default; FURTHER, deft is ordered to submit all monthly reports & contributions that are currently due & may come due to pltfs subsequent to the date of filing of this judg; FURTHER, deft is ordered to comply w/its obligation to make timely & full contributions to the OH Carpenters Health & Welfare Fund; dismissing case (issued on 11/3/99) (3 pgs) Judge Peter C. Economus [EOD Date: 11/2/99] (as)

3/15/00 9 POST-JUDGMENT MOTION by pltfs for default judgment against deft BGS Enterprises Inc. (3 pgs) (dh) [Entry date 03/17/00]

3/15/00 10 AFFIDAVIT of William B. Gore re motion by pltfs for default judgment against deft BGS Enterprises Inc. [9-1] (3 pgs) (dh) [Entry date 03/17/00]

3/15/00 11 EXHIBIT A by pltfs to mtn for default judgment. (16 pgs) (dh) [Entry date 03/17/00]

3/15/00 12 EXHIBIT B by pltfs to mtn for default judgment. (1 pg) (dh) [Entry date 03/17/00]

3/20/00 13 ORDER:hrg sched on motion by pltfs for default judgment against deft BGS Enterprises Inc. [9-1] at 9:00 a.m. on 3/30/00 (issued on 3/20/00) (1 pgs) Judge Peter C. Economus [EOD Date: 3/20/00] (pma)

3/30/00 14 DEFAULT JUDGMENT: dflt having been entered, jgm granted in for pla and against dft in the amt of \$18,987.02 and atty fees in the amt of \$835.00, dft shall submit to all monthly reports & contributions & to make timely and full contributions; dismissing case (issued on 3/31/00) (2 pgs) Judge Peter C. Economus [EOD Date: 3/31/00] (pma) [Entry date 03/31/00]

4/5/00 15 PRAECIPE: by plaintiff for the Ct to issue Certif of Judg Lein (issued on 4/5/00) (1 pgs) (pma)

4/25/00 -- MARGINAL ENTRY ORDER: granting motion by pltfs for default judgment against deft BGS Enterprises Inc. [9-1] (issued on 04/25/00) Judge Peter C. Economus [EOD Date: 4/25/00] (sb)

FILED

FEB 05 2001

10:34

William A. Shaw
Prothonotary

Atty O'Brien
Pd \$20.00

Not to Reg. Statement
to Atty

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

COPY

OHIO CARPENTERS HEALTH &
WELFARE FUND AND ITS TRUSTEES,

)
Case No.

PLAINTIFFS,

)
ISSUE NO: 01-159-CD

vs.

)
CODE:

BGS ENTERPRISES, INC.,

)
NOTICE OF ORDER
JUDGMENT

DEFENDANT.

NOTICE OF ORDER OF JUDGMENT

() PLAINTIFF

(X) DEFENDANT

() GARNISHEE

You are hereby notified that the following Judgment has
been entered against you on _____, 2001.

(X) Assumpsit Judgment in the amount of \$ 18,987.02 (INCLUDING
COSTS AND ATTORNEY FEES OF \$835.00)

() Trespass Judgment in the amount of \$ _____ plus costs.

() If not satisfied within sixty (60) days, your motor vehicle
operator's license will be suspended by the Department of
Transportation, Bureau of Traffic Safety, Harrisburg,
Pennsylvania.

(X) Entry of Judgment of
(X) Court Order
() Non-Pros
() Default
() Verdict
() Arbitration Award

WILLIAM SHAW, PROTHONOTARY

Deputy

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

COPY

Ohio Carpenters Health & Welfare Fund & Its
Trustee
Plaintiff(s)

No.: 2001-00159-CD

Real Debt: \$18,987.02

Atty's Comm:

Vs.

Costs: \$

Int. From:

BGS Enterprises, Inc.
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 5, 2001

Expires: February 5, 2006

Certified from the record this 5th day of February, 2001



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

OHIO CARPENTERS HEALTH &
WELFARE FUND AND ITS TRUSTEES,

PLAINTIFFS,

vs.

BGS ENTERPRISES, INC.,

DEFENDANT.

) Case No.

) ISSUE NO: 01-159-60

) CODE:

) PRAECIPE FOR WRIT OF
EXECUTION

Filed on Behalf of
Plaintiffs

Counsel of Record:
Stephen J. O'Brien, Esq.
PA I.D. # 59204

Gatz, Cohen, Segal, Koerner &
Colarusso, PA.
Firm # 097

400 Law & Finance Building
Pittsburgh, PA 15219

(412) 261-1380

RECORDED

FILED

FEB 05 2001

William A. Shaw
Prothonotary

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,)
vs.)
BGS ENTERPRISES, INC.,)
DEFENDANT.)
)
)
)
)
)
)
)
)
)
)
Case No.
ISSUE NO:
CODE:
PRAECIPE FOR WRIT OF
EXECUTION

PRAECIPE FOR WRIT OF EXECUTION

To the Prothonotary:

Issue writ of execution in the above matter,

1. directed to the Sheriff of Clearfield County to levy upon personal property;

2. against defendant BGS Enterprises, Inc. at Route 2, Box 1486, Clearfield, PA 16830;

3. against _____, garnishee; and

4. against _____, garnishee;

5. and index this writ against BGS Enterprises, Inc., defendant;

6. Amount of Judgment-----\$ 18,987.02

Interest from (4/5/00

through 1/8/01 -----\$ 854.42

Federal Court Costs-----\$ included above

Cost to enter judgment-----\$

Sheriff's cost-----\$ _____.

Sub-total-----\$ _____.

Costs to be added-----\$ 40.00

1/17/2001
Dated

By

Stephen J. O'Brien, Esq.

MAJOR EXEMPTIONS UNDER
PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

I request a prompt court hearing to determine the exemption.

Notice of the hearing should be given to me at _____,

(Address)

(Telephone Number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: _____

(Defendant)

THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF
OF CLEARFIELD COUNTY:

One North 2nd Street
Suite 116
Clearfield, PA 16830
(814) 765 - 2641, Ext. 5986

FILED

FEB 05 2001
8/10/01 no cc
William A. Shaw
Prothonotary

6 wnts

Shaw

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

NOW, this 27th day of February, 2001, upon consideration of the attached Motion, a Rule is hereby issued upon defendant, BGS Enterprises, Inc. to Show Cause why the Motion should not be granted. Rule Returnable the 19th day of March, 2001, for filing written response.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION OR MOTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16380
(814) 765-2641, Ext. 1300 or 1301

BY THE COURT:

Judge

FILED

FEb 28 2001

**William A. Shaw
Prothonotary**

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,)
vs.)
BGS ENTERPRISES, INC.,)
DEFENDANT.)
Case No. 01-159-CD
ISSUE NO:
CODE:
MOTION TO AMEND
JUDGMENT

Filed on Behalf of
Plaintiffs

Counsel of Record:
Stephen J. O'Brien, Esq.
PA I.D.# 59204

Gatz, Cohen, Segal, Koerner &
Colarusso, PA.
Firm # 097

400 Law & Finance Building
Pittsburgh, PA 15219

(412) 261-1380

FILED

FEB 26 2001

William A. Shaw
Prothonotary

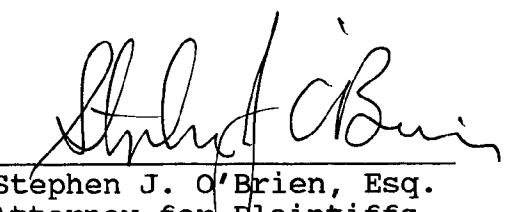
IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,) Case No. 01-159-CD
vs.) ISSUE NO:
BGS ENTERPRISES, INC.,) CODE:
DEFENDANT.) MOTION TO AMEND
) JUDGMENT
)

MOTION TO AMEND JUDGMENT

AND NOW comes the Plaintiff, Ohio Carpenters Health and Welfare Fund and Its Trustees, c/o Stephen J. O'Brien, Esq. and moves this court to correct the judgment entered in this action on February 5, 2001, by deleting the following "\$18,987.02"; and adding in its place the following "\$18,987.02 and attorney fees and costs of \$835.00, totalling \$19,899.02". This motion is based on records, files and papers of this action and on the affidavit of Stephen J. O'Brien, Esquire, attached as Exhibit "A".

Dated 2/23/01



Stephen J. O'Brien, Esq.
Attorney for Plaintiffs
Gatz, Cohen, Segal, Koerner and
Colarusso, P.A.
400 Law and Finance Building
Pittsburgh, PA 15219

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,) Case No. 01-159-CD
vs.) ISSUE NO:
BGS ENTERPRISES, INC.,) CODE:
DEFENDANT.) MOTION TO AMEND
) JUDGMENT

NOTICE OF MOTION

AND NOW comes the Plaintiff, Ohio Carpenters Health and Welfare Fund and Its Trustees, c/o Stephen J. O'Brien, Esq. and moves this court to correct the judgment entered in this action on February 5, 2001. The basis for this motion is to correct the judgment which was erroneously entered by the Plaintiff in the above-captioned case No. 01-159-CD.

Dated 2/23/01


Stephen J. O'Brien, Esquire
Attorney for Plaintiffs
Gatz, Cohen, Segal, Koerner
and Colarusso, P.A.
400 Law and Finance Building
Pittsburgh, PA 15219

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

OHIO CARPENTERS HEALTH &
WELFARE FUND AND ITS TRUSTEES,

) Case No. 01-159-CD

PLAINTIFFS,

) ISSUE NO:

vs.

) CODE:

BGS ENTERPRISES, INC.,

) MOTION TO AMEND
DEFENDANT.) JUDGMENT

AFFIDAVIT

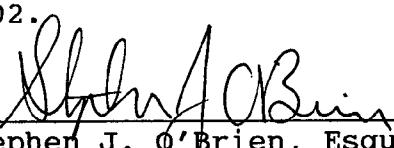
Affiant, Ohio Carpenters Health and Welfare Fund and its Trustees, c/o Stephen J. O'Brien, Esquire, being duly sworn, says;

1. On February 5, 2001, judgment was entered in this action.

2. The judgment entered on such date was erroneous due to a clerical error in the following respect: judgment amount entered was \$18,987.02.

3. The Statement of Judgment filed on February 5, 2001, by the court states that: judgment amount entered was \$18,987.02.

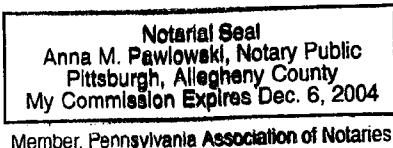
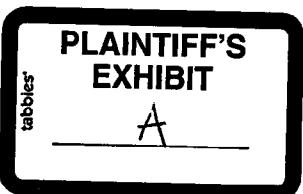
4. In order accurately to reflect the facts as found by the court, and as recorded in the Statement of Judgment by it, the judgment in this action, which reads as follows: amount of judgment entered as \$18,987.02, should be corrected to read as follows: judgment in the amount of \$18,987.02 and attorney fees and costs of \$835.00, totalling, \$19,822.02.


Stephen J. O'Brien, Esquire
Attorney for Plaintiffs

Subscribed and sworn before me

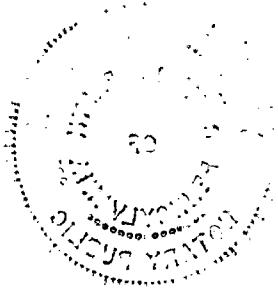
February 23, 2001.


Anna M. Pawlowski, Notary Public
Pittsburgh, Allegheny County
My Commission Expires Dec. 6, 2004



FILED

FEB 26 2001
M 11/11/01
William A. Shaw
Prothonotary
at the O'Brien
Court



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

OHIO CARPENTERS HEALTH &
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,)
vs.)
BGS ENTERPRISES, INC.,)
DEFENDANT.)
Case No. 01-159-CD
ISSUE NO:
CODE:
MOTION TO AMEND
JUDGMENT

ORDER OF COURT

The Motion of Plaintiff, Ohio Carpenters Health and Welfare Fund and Its Trustees, c/o Stephen J. O'Brien, Esq. for amendment of the judgment entered in the above-entitled cause on February 5, 2001, having been duly served and filed, and regularly heard, and it appearing to the Court that the judgment as heretofore entered in this cause does not correctly state the judgment of the Court by reason of a clerical mistake by the Plaintiff; therefore,

IT IS ORDERED that the judgment and the record be amended to read as follows: judgment in the amount of \$18,987.02 and attorney fees and costs of \$835.00, totalling, \$19,822.02.

Dated

3

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,) Case No. 01-159-CD
vs.) ISSUE NO:
BGS ENTERPRISES, INC.,) CODE:
DEFENDANT.) MOTION TO AMEND JUDGMENT

AFFIDAVIT OF SERVICE

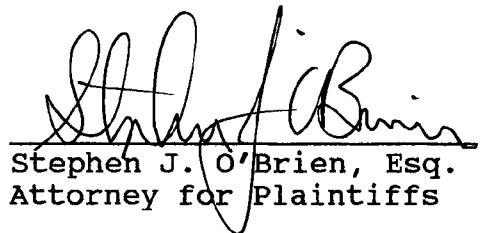
On March 2, 2000, I mailed by first class mail, postage prepaid, and by certified mail, return receipt requested to the defendant, BGS Enterprises, Inc., Route 2, Box 1486, Clearfield, PA 16380, a copy of the court order issuing the rule to show cause why the Motion should not be granted.

Dated 3/2/2001

FILED

MAR 05 2001

William A. Shaw
Prothonotary


Stephen J. O'Brien, Esq.
Attorney for Plaintiffs

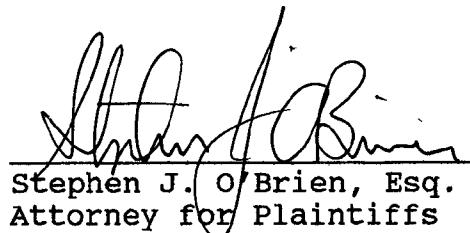
IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,) Case No. 01-159-CD
vs.) ISSUE NO:
BGS ENTERPRISES, INC.,) CODE:
DEFENDANT.) MOTION TO AMEND JUDGMENT

AFFIDAVIT OF SERVICE

On March 2, 2000, I mailed by first class mail, postage prepaid, to the Court Administrator, Clearfield County Courthouse, 230 E. Market Street, Suite 228, Clearfield, PA 16380, a copy of court order issuing the rule to show cause why the Motion should not be granted.

Dated 3/2/2001


Stephen J. O'Brien, Esq.
Attorney for Plaintiffs

FILED

MAR 05 2001

William A. Shaw
Prothonotary

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

OHIO CARPENTERS HEALTH & WELFARE FUND AND ITS TRUSTEES,) Case No. 01-159-CD
PLAINTIFFS,)
VS.)
BGS ENTERPRISES, INC.)
DEFENDANT,)
) MOTION TO MAKE RULE
TO SHOW CAUSE ABSOLUTE

Filed on Behalf of:
OHIO CARPENTERS HEALTH & WELFARE
FUND AND ITS TRUSTEES,
Plaintiffs

Counsel of Record:
Stephen J. O'Brien, Esq.
PA I.D. # 44740

Gatz, Cohen, Segal, Koerner
and Colarusso, P.A.
Firm # 097

400 Law & Finance Building
Pittsburgh, PA 15219

(412) 261-1380

FILED

APR 20 2001

William A. Shaw
Prothonotary

ORIGINAL

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:

BGS Enterprises, Inc.
Route 2, Box 1486
Clearfield, PA 16380

SPO/Fund
Ohio Corp/BGS

2. Article Number (Copy from service label)

7099 3400 0013 9491 2337

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery
10/10/99

C. Signature

X *Barbara Taylor* Agent
 Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

UNITED STATES POSTAL SERVICE

155 3155 3



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

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

**GATZ, COHEN, SEGAL, KOERNER
& COLARUSSO, P.A.**

**400 Law & Finance Building
Pittsburgh, PA 15219**

57

**PLAINTIFF'S
EXHIBIT**

tabbies®

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

OHIO CARPENTERS HEALTH &
WELFARE FUND AND ITS TRUSTEES,

Case No. 01-159-CD

PLAINTIFFS,

vs.

BGS ENTERPRISES, INC.

DEFENDANT.

MOTION TO MAKE RULE
TO SHOW CAUSE ABSOLUTE

ORDER OF COURT

AND NOW, this 26th day of April, 2001, upon consideration of Plaintiffs motion, it is hereby ORDERED that the rule which was issued on BGS Enterprises, Inc. in the above-captioned matter on February 27, 2001, to show cause why the motion should not be granted, is made absolute, and that Plaintiffs motion to amend judgment is granted.

The Court now enters judgment for Plaintiff against defendant for \$19,889.02.

BY THE COURT:

J.

FILED

APR 26 2001
013:30 (w)
William A. Shaw
Prothonotary

2 cent to Ann *Expt*

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,) Case No. 01-159-CD
VS.) ISSUE NO:
BGS ENTERPRISES, INC.,) CODE:
DEFENDANT.) PRAECIPE TO REISSUE WRIT
) OF EXECUTION

FILED

MAY 14 2001

William A. Shaw
Prothonotary

Filed on Behalf of
Plaintiffs

Counsel of Record:
Stephen J. O'Brien, Esq.
PA I.D. # 59204

Gatz, Cohen, Segal, Koerner &
Colarusso, PA.
Firm # 097

400 Law & Finance Building
Pittsburgh, PA 15219

(412) 261-1380

ORIGINAL

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,) Case No. 01-159-CD
vs.) ISSUE NO:
BGS ENTERPRISES, INC.,) CODE:
DEFENDANT.) PRAECIPE TO REISSUE WRIT
) OF EXECUTION
)

PRAECIPE TO REISSUE WRIT OF EXECUTION

To the Prothonotary:

Reissue writ of execution in the above matter,

1. directed to the Sheriff of Clearfield County to levy upon personal property;

2. against defendant BGS Enterprises, Inc. at R.R #2, Box 148-B, Clearfield, PA 16830;

3. against _____, garnishee; and

4. against _____, garnishee;

5. and index this writ against BGS Enterprises, Inc., defendant;

6. Amount of Judgment-----\$ 19,889.02

Interest from (3/30/00

through 5/08/01 -----\$ 1,334.16

Federal Court Costs-----\$ included above

Cost to enter judgment-----\$

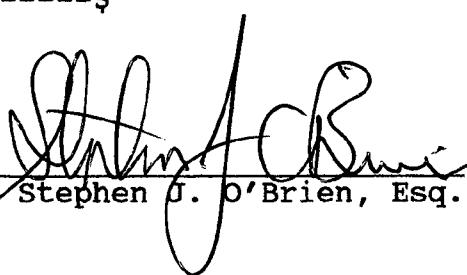
Sheriff's cost-----\$ _____.

Sub-total-----\$ _____.

Costs to be added-----\$

5/10/2001
Dated

By


Stephen J. O'Brien, Esq.

MAJOR EXEMPTIONS UNDER
PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

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

OHIO CARPENTERS HEALTH &)
WELFARE FUND AND ITS TRUSTEES,)
PLAINTIFFS,) Case No. 01-159-CD
vs.) ISSUE NO:
BGS ENTERPRISES, INC.,) CODE:
DEFENDANT.) CLAIM FOR EXEMPTION

CLAIM FOR EXEMPTION

To the Sheriff:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From personal property in my possession which has been levied upon,

(a) I desire that my \$300.00 statutory exemption be

(i) set aside in kind (set aside property to be set aside in kind): _____;

(ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify) property and basis of exemption): _____

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$300.00 statutory exemption: _____ in cash; _____ in kind (specify property): _____;

(b) Social Security benefits on deposit in the amount of \$ _____;

(c) other (specify amount and basis of exemption): _____

I request a prompt court hearing to determine the exemption.

Notice of the hearing should be given to me at _____,

(Address)

(Telephone Number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: _____

(Defendant)

THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF
OF CLEARFIELD COUNTY:

One North 2nd Street
Suite 116
Clearfield, PA 16830
(814) 765 - 2641, Ext. 5986

FILED

MAY 14 2001

M/11/01 Cathy Matz
William A. Shaw
Prothonotary

PD, \$7.00

6. Writs Received

to Sheriff

5-14-01 Document
Re-issued to Sheriff/Attala
for service.

Deputy Prothonotary

Willie A. Shaw

WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION - LAW

Ohio Carpenters Health & Welfare Fund & Its Truste,

Vs.

NO.: 2001-00159-CD

BGS Enterprises, Inc.,

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due OHIO CARPENTERS HEALTH & WELFARE FUND & ITS TRUSTE, , Plaintiff(s) from BGS ENTERPRISES, INC., , Defendant(s):

(1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:

(2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

(3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE \$18,987.02

PAID \$40.00

INTEREST Interest from 4/5/00 through 1/8/01 - \$854.42

SHERIFF \$

PROTH. COSTS \$

OTHER COSTS \$

ATTY'S COMM \$

DATE 02/05/2001

Received this writ this 14th day
of May A.D. 2001

At 3:35 A.M./P.M.

Chester N. Winkler
Sheriff by Margaret N. Puth

Requesting Party: Stephen J. O'Brien, Esquire

5/14/01 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10665

OHIO CARPENTERS HEALTH & WELFARE FUND ET AL

01-159-CD

VS.
BGS ENTERPRISES, INC.

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

**NOW, MAY 18, 2001, AT 2:00PM O'CLOCK A LEVY WAS TAKEN ON PROPERTY
OF THE DEFENDANT.**

**NOW, MAY 18, 2001, AT 2:00 PM O'CLOCK SERVED WRIT OF EXECUTION ON
TIM TAYLOR, FORMER OWNER OF BGS ENTERPRISES, INC., DEFENDANT, AT
RR #2, BOX 148-B, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, 16830,
BY HANDING TO TIM TAYLOR, FORMER OWNER OF BGS ENTERPRISES , INC.,
DEFENDANT, A TRUE AND ATTESTED COPY OF THE ORIGINIAL WRIT OF
EXECUTION AND MADE KNOWN TO HIM THE CONTENTS THEREOF.**

NOW, MAY 24, 2001, A SALE IS SET FOR FRIDAY, JUNE 22, 2001, AT 10:00AM

**NOW, JUNE21, 2001, CALLED ATTORNEY FOR THE PLAINTIFF ABOUT SALE
THAT IS SCHEDULED FOR FRIDAY, WAS INFORMED THAT SALE IS GOING TO
BE CANCELLED. HE WILL SEND A FAX.**

NOW, JUNE 22, 2001, RECEIVED FAX TO CANCEL SALE AND RETURN WRIT.

**NOW, JUNE 25, 2001, RETURN WRIT AS NO SALE HELD, ATTORNEY FOR THE
PLAINTIFF CANCELLED SALE. PAID COSTS FROM ADVANCE AND MADE REFUND
OF UNUSED ADVANCE TO THE ATTORNEY.**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 10665

OHIO CARPENTERS HEALTH & WELFARE FUND ET AL

01-159-CD

VS.
BGS ENTERPRISES, INC.

WRIT OF EXECUTION PERSONAL PROPERTY

SHERIFF RETURNS

SHERIFF HAWKINS \$72.36

SURCHARGE 20.00

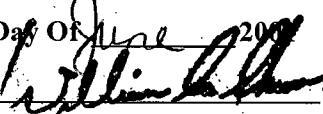
PAID BY ATTORNEY

FILED

JUN 25 2001

12:01 pm
William A. Shaw
Prothonotary *ECS*

Sworn to Before Me This

25th Day Of June 2001


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

So Answers,


by Margaret W. Pitt
Chester A. Hawkins
Sheriff

STEPHEN J. O'BRIEN, ESQ.
71 McMurray Road, Suite 205
Pittsburgh, PA 15241
Phone: (412) 833-5949 Fax: (412) 833-6002
sjatty@hotmail.com

June 21, 2001

Clearfield County Sheriff
One North 2nd Street
Suite 116
Clearfield, PA 16830

Re: Ohio Carpenters Health & Welfare Fund and Its Trustees
v. BGS Enterprises, Inc.

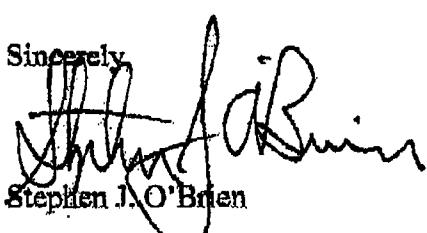
Dear Sheriff:

This letter is to confirm that the execution sale scheduled for June 22, 2001 is cancelled. Please return the Writ to me at your earliest convenience.

Please be advised that I have relocated my practice to 71 McMurray Road, Suite 205, Pittsburgh, PA 15241. I am no longer associated with Gatz, Cohen, Segal, Koerner and Colarusso, P.A.

Please call with any questions you may have. Thank you.

Sincerely,


Stephen J. O'Brien

SJO/tlb

cc: BGS Enterprises
William Gore, Esquire

COPY

PERSONAL PROPERTY

SCHEDULE OF DISTRIBUTION

BGS 01-159-CD

NOW, _____, by virtue of the writ hereunto attached, after having given due and legal Notice of the time and place of sale, by handbills posted on the premises, setting forth the time and place of sale, I sold on the day of _____ 2001, the defendant's personal property for and made the following appropriations.

SHERIFF COSTS:

RDR	\$ 9.00
SERVICE	9.00
MILEAGE	1.00
LEVY	20.00
MILEAGE	1.00
POSTING	9.00
HANDBILLS	9.00
COMMISSION	
UNABLE TO LEVY	
POSTAGE	1.36
ADD'L SERVICE	
ADD'L MILEAGE	
ADD'L POSTING	
COPIES	10.00
BID	
RETURN OF INTERROGATORIES	
PHONE CALLS	3.00
TOTAL SHERIFF COSTS	\$ 72.36

DEBT & INTEREST:

	DEBT	\$ 18,987.02
	INTEREST FROM 4-5-00 THROUGH	
	1-8-01	854.42
	TOTAL DEBT & INTEREST	\$
	COSTS:	
	ATTORNEY PAID	\$
	ATTORNEY FEES	
	COSTS TO PROTHONOTARY	\$ 40.00
	SHERIFF'S COSTS	
	REFUND OF ADVANCE	
	REFUND OF SURCHARGE	
	TOTAL COSTS	\$ 72.36

Commission 2% on the first \$100,000.00 and 1/2% on all over that. Distribution will be made in accordance with the above schedule unless exceptions are filed with this office within ten (10) days from this date.

Chester A. Hawkins, Sheriff

COPY