

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,

VS.

BGS ENTERPRISES, INC.,

DEFENDANT.

Case No. 01-159-CO

ISSUE NO:

CODE:

PRAECIPE TO ENTER/INDEX  
JUDGMENT

This is not a motor  
vehicle case.

**FILED**

FEB 05 2001

William A. Shaw  
Prothonotary

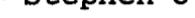
Filed on Behalf of  
Plaintiffs

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

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 30<sup>th</sup> 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 30<sup>th</sup> 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

  
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.  
Assigned to: Judge Peter C. Economus  
Demand: \$0,000  
Lead Docket: None  
Dkt# in other court: None

Filed: 07/29/99

Nature of Suit: 791  
Jurisdiction: Federal Question

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]

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

Proceedings include all events.

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

TERMED

GALLAS  
CAT 06

LIDO LAVERINI, 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.

TERMED

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

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.

TERMED

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

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

*W*  
M 10:34  
William A. Shaw  
Prothonotary

*atty O'Brien*

*pd \$20.00*

*Writ to Dg. Stenent  
to atty*

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

COPY

OHIO CARPENTERS HEALTH &  
WELFARE FUND AND ITS TRUSTEES,

PLAINTIFFS,

vs.

BGS ENTERPRISES, INC.,

DEFENDANT.

Case No.

ISSUE NO: 01-159-CD

CODE:

NOTICE OF ORDER  
JUDGMENT

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  
Truste  
Plaintiff(s)

No.: 2001-00159-CD

Real Debt: \$18,987.02

Atty's Comm:

Vs.

Costs: \$

Int. From:

BGS Enterprises, Inc.  
Defendant(s)

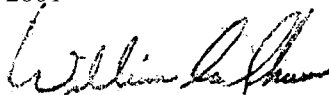
Entry: \$20.00

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

ORIGINAL

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-----\$

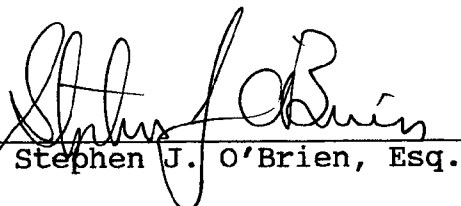
Sheriff's cost-----\$ \_\_\_\_\_

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

William A. Shaw  
Prothonotary

no cc  
brents

Shaw

COPY

Vs.

BGS Enterprises, Inc.,

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

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

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.

PAID \$40.00  
SHERIFF \$  
OTHER COSTS \$

William A. Brown

William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. \_\_\_\_\_  
At \_\_\_\_\_ A.M./P.M.

Requesting Party: Stephen J. O'Brien, Esquire

Shériff

NO SPENT VITROUGA  
Duchess

CP

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

NOW, this 27<sup>th</sup> 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 19<sup>th</sup> 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

**FILED**

FEB 28 2001

William A. Shaw  
Prothonotary

BY THE COURT:

  
Judge

**William A. Shaw**  
Prothonotary

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,

vs.

BGS ENTERPRISES, INC.,

DEFENDANT.

Case No. 01-159-CD

ISSUE NO:

CODE:

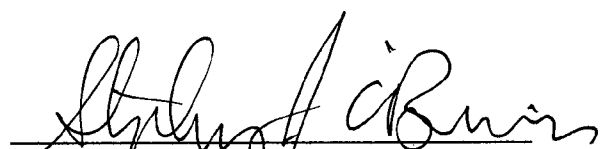
MOTION TO AMEND  
JUDGMENT

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,

PLAINTIFFS,

vs.

BGS ENTERPRISES, INC.,

DEFENDANT.

Case No. 01-159-CD

ISSUE NO:

CODE:

MOTION TO AMEND  
JUDGMENT

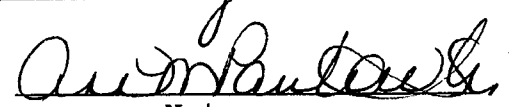
AFFIDAVIT

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.

  
Notary

PLAINTIFF'S  
EXHIBIT

A

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

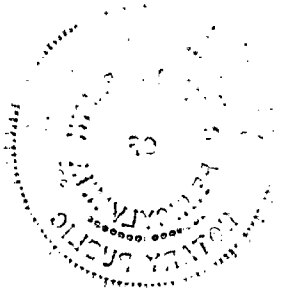
Member, Pennsylvania Association of Notaries

FILED

FEB 26 2001

William A. Shaw  
Prothonotary

*McCath O'Brien*



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 \_\_\_\_\_

\_\_\_\_\_  
J.

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

AFFIDAVIT OF SERVICE

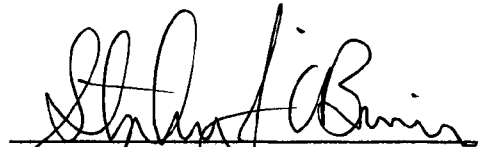
On March 2, 2000, I mailed by first class mail, postage prepaid, and by certified mail, return receipt requested to the defendant, BGS Enterprises, Inc., Route 2, Box 1486, Clearfield, PA 16380, a copy of the court order issuing the rule to show cause why the Motion should not be granted.

Dated 3/2/2001

**FILED**

MAR 05 2001

William A. Shaw  
Prothonotary

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

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,

VS.

BGS ENTERPRISES, INC.

DEFENDANT,

)  
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)  
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)  
)

Case No. 01-159-CD

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

SJO/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

C. Signature

X

*Cornelia Taylor*

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

*PAIRMAIL*

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

153 3153 3

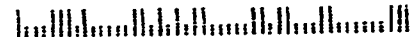
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• 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

37



PLAINTIFF'S  
EXHIBIT

tabbles

A

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

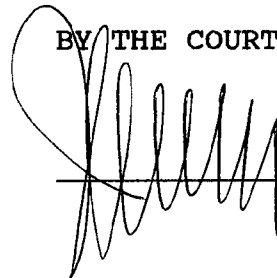
MOTION TO MAKE RULE  
TO SHOW CAUSE ABSOLUTE

ORDER OF COURT

AND NOW, this 26<sup>th</sup> 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

01313014  
William A. Shaw  
Prothonotary

2 CENTS TO ATTORNEY *EXH*

OHIO CARPENTERS HEALTH &  
WELFARE FUND AND ITS TRUSTEES,

**VS.**

DEFENDANT.

**CODE:**

PRAECIPE TO REISSUE WRIT  
OF EXECUTION

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,

vs.

BGS ENTERPRISES, INC.,

DEFENDANT.

Case No. 01-159-CD

ISSUE NO:

CODE:

PRAECIPE TO REISSUE WRIT  
OF EXECUTION

PRAECIPE TO REISSUE WRIT OF EXECUTION

To the Prothonotary:

Reissue writ of execution in the above matter,

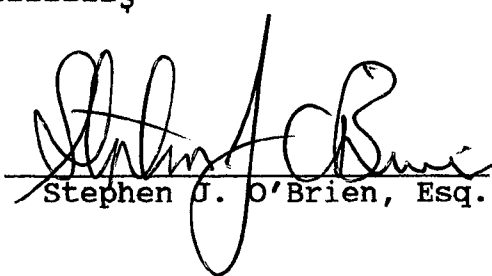
1. directed to the Sheriff of Clearfield County to levy upon personal property;
2. against defendant BGS Enterprises, Inc. at R.R #2, Box 148-B, Clearfield, PA 16830;
3. against \_\_\_\_\_, garnishee; and
4. against \_\_\_\_\_, garnishee;
5. and index this writ against BGS Enterprises, Inc., defendant;

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,

vs.

BGS ENTERPRISES, INC.,

DEFENDANT.

Case No. 01-159-CD

ISSUE NO:

CODE:

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/11/91 C.H.  
William A. Shaw  
Prothonotary

Watz

PD, \$7.00

6 Wills Reviewed

to Sheriff

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

*William A. Shaw*

Deputy Prothonotary

**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:

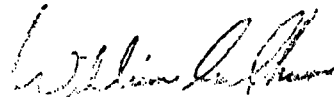
Garnishee(s) as follows:

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  
INTEREST Interest from 4/5/00 through 1/8/01 - \$854.42  
PROTH. COSTS \$  
ATTY'S COMM \$  
DATE 02/05/2001

PAID \$40.00  
SHERIFF \$  
OTHER COSTS \$



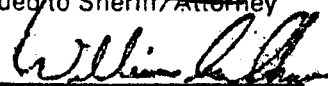
William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this 14th day  
of May A.D. 2001  
At 3:35 A.M./P.M.

Chester H. Hankins  
Sheriff by Margaret H. Pitt

Requesting Party: Stephen J. O'Brien, Esquire

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

  
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 ORIGINAL 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, JUNE 21, 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 *ES*

Sworn to Before Me This

*25th* Day Of *June* 2001  
*William A. Shaw*

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

So Answers,

*Chester A. Hawkins*  
by *Margaret H. 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

[sjoatty@hotmail.com](mailto:sjoatty@hotmail.com)

June 21, 2001

Clearfield County Sheriff  
One North 2<sup>nd</sup> Street  
Suite 116  
Clearfield, PA 16830

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

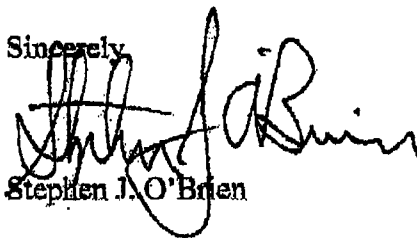
Dear Sheriff:

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
<b>TOTAL SHERIFF COSTS</b>	<b>\$ 72.36</b>

### DEBT & INTEREST:

DEBT	\$ 18,987.02
INTEREST FROM 4-5-00 THROUGH 1-8-01	854.42
<b>TOTAL DEBT &amp; INTEREST</b>	<b>\$</b>

### COSTS:

ATTORNEY PAID	\$
ATTORNEY FEES	
COSTS TO PROTHONOTARY	\$ <del>40.00</del>
SHERIFF'S COSTS	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	

<b>TOTAL COSTS</b>	<b>\$ 72.36</b>
--------------------	-----------------

Commission 2% on the first \$100,000.00 and ½% 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