

01-184-CD  
JOSEPH N. MANNERS -vs- GARY BAILEY

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

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

: NO. 2001 - 184 - C.D.

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING: COMPLAINT

: FILED ON BEHALF OF: PLAINTIFF

: COUNSEL OF RECORD:  
: CHRISTOPHER E. MOHNEY, ESQUIRE

: SUPREME COURT NO.: 63494

: BLAKLEY, JONES & MOHNEY  
: 90 BEAVER DRIVE, BOX 6  
: DU BOIS, PA 15801  
: (814) 371-2730

**FILED**

FEB 14 2001

William A. Shaw  
Prothonotary

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

JOSEPH N. MANNERS,	:	NO. 2001 -	- C.D.
	:		
Plaintiff	:		
	:		
VS.	:		
	:		
GARY BAILEY,	:		
	:		
Defendant	:		

**NOTICE TO DEFEND**

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 is 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 an order may be entered against you by the Court without further notice for any money claimed in the Complaint requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, Pennsylvania 16830  
(814) 765-2641 Ext. 5982

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

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

: NO. 2001 - - C.D.  
:  
:  
:  
:  
:  
:  
:  
:  
:

**COMPLAINT**

AND NOW, comes the Plaintiff, **JOSEPH N. MANNERS**, by his attorneys, **BLAKLEY, JONES & MOHNEY**, who files the within Complaint against the above-captioned Defendant and in support thereof avers the following:

1. Plaintiff **JOSEPH N. MANNERS** is an adult individual with an address at R.D. # 3, Box 240A, Reynoldsville, Jefferson County, Pennsylvania 15851.
2. Defendant **GARY BAILEY** is an adult individual with a last known address at R.D. # 1, Box 6, Clearfield, Clearfield County, Pennsylvania 16830.
3. On or about November 18, 1998, Defendant advised Plaintiff verbally that he was purchasing concessionaires for a contemplated Sugar Creek Lake Ampetheatre, to be operated by Mid-Atlantic Promotions.
4. Plaintiff and Defendant entered into a valid and enforceable oral agreement whereby Defendant offered to sell and Plaintiff agreed to purchase for \$20,000.00 from Defendant the right

to sell hot dogs and nachos for 18 to 25 shows at the amphitheater.

5. In December of 1998, Plaintiff wrote to Defendant personally a check for \$7,500.00, as down payment on the aforementioned valid and enforceable oral agreement to purchase from Defendant a portion of the concessionaires that Defendant was purchasing from Mid-Atlantic for the amphitheater.

6. Defendant advised Plaintiff that as consideration for the \$7,500.00 down payment, the valid and enforceable oral contract purchase price would be reduced to \$17,500.00.

7. Defendant's purchase of the concessionaires from Mid-Atlantic Promotions failed to consummate.

8. Defendant has failed to perform his promises and obligations owing Plaintiff under the valid and enforceable oral agreement, namely, he has failed to deliver or assure delivery of the right of Plaintiff's to sell hot dogs and nachos according to the valid and enforceable oral agreement set forth in paragraph 4 above.

9. Despite verbal and written demands from Plaintiff to Defendant for return of the \$7,500.00 payment towards purchase of certain of Defendant's concessionaire rights, Defendant has wilfully failed to return Plaintiff's money.

10. Plaintiff has incurred additional costs in filing suit before District Justice.

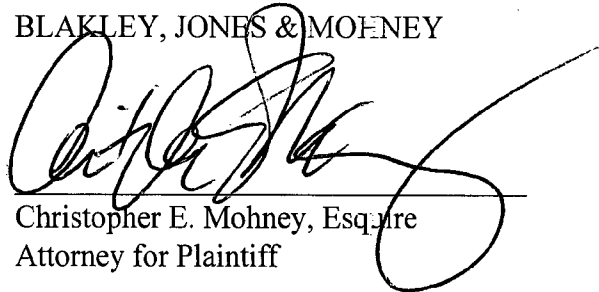
WHEREFORE, Plaintiff **JOSEPH N. MANNERS** prays this Honorable Court to enter judgment in his favor and against Defendant **GARY BAILEY** in the amount of \$7,500.00, plus

\$97.50 Magistrate costs of filing, plus costs of this suit, together with interest.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:

A large, stylized handwritten signature in black ink, likely belonging to Christopher E. Mohney, is written over a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Christopher E. Mohney, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I, **JOSEPH N. MANNERS**, being duly authorized to make this verification, have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments we may be subject to criminal penalties.

Date: 2-9-01

  
JOSEPH N. MANNERS

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JOSEPH N. MANNERS,

Plaintiff

vs.

GARY BAILEY,

Defendant

COMPLAINT

FILED

01/10/11  
FEB 14 2011

2cc  
Atty Mohnney

William A. Shaw  
Prothonotary

*[Signature]*

LAW OFFICES

**BLAKLEY, JONES & MOHNEY**

90 BEAVER DRIVE - BOX 6

DUBOIS, PA 15801



COURT OF COMMON PLEAS  
of Clearfield County  
JUDICIAL DISTRICT

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2001-184-CP

## 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

Joseph N. Manners

MAG. DIST. NO. OR NAME OF D.J.

46-3-02

ADDRESS OF APPELLANT

CITY

STATE

ZIP CODE

R.D. # 3, Box 240A,

Reynoldsville,

PA

15851

DATE OF JUDGMENT

1/17/01

IN THE CASE OF (Plaintiff)

Joseph N. Manners

VS.

Gary Bailey

(Defendant)

CLAIM NO.

CV 10 425-00

LT 19

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

CHRIS MCNARY

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 \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

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

Signature of appellant or his attorney or agent

RULE: To \_\_\_\_\_, 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: \_\_\_\_\_, 19\_\_\_\_

Signature of Prothonotary or Deputy

FILED

FEB 07 2001

William A. Shaw  
Prothonotary

CENT. TO CITY

PP

JCN

BY ATTY

MONTAG

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

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

COMMONWEALTH OF PENNSYLVANIA

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

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

☐ a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon the District Justice designated therein on  
(date of service) \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's  
receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on  
\_\_\_\_\_, 19\_\_\_\_ ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to  
whom the Rule was addressed on \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered)  
mail, sender's receipt attached hereto.

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

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

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

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

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

I hereby certify  
and attested copy of this  
statement filed in this case.

FEB 07 2001

Attest

William L. Hane  
Prothonotary

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Reg. Dist. No.	<b>46-3-02</b>
DJ Name: Hon.	<b>RICHARD A. IRELAND</b>
Address:	<b>650 LEONARD STREET CLEARFIELD, PA</b>
Telephone	<b>(814) 765-5335 16830</b>

**JOSEPH N. MANNERS**  
RD3, BOX 240A  
REYNOLDSVILLE, PA 15851

## NOTICE OF JUDGMENT

PLAINTIFF: **MANNERS, JOSEPH N**  
RD3, BOX 240A  
REYNOLDSVILLE, PA 15851

VS.

DEFENDANT: **BAILEY, GARY**  
RD1, BOX 6  
CLEARFIELD, PA 16830

Docket No.: **CV-0000425-00**  
Date Filed: **8/23/00**



## THIS IS TO NOTIFY YOU THAT:

Judgment: FOR DEFENDANT

- ☒ Judgment was entered for: (Name) BAILEY, GARY
- ☒ Judgment was entered against: (Name) MANNERS, JOSEPH N

In the amount of \$ 00 on: (Date of Judgment) 1/17/01☐ Defendants are jointly and severally liable. (Date & Time) \_\_\_\_\_☐ Damages will be assessed on: \_\_\_\_\_☐ This case dismissed without prejudice. \_\_\_\_\_☐ Amount of Judgment Subject to Attachment/Act 5 of 1996 \$ \_\_\_\_\_☐ Levy is stayed for \_\_\_\_\_ days or ☐ generally stayed.☐ Objection to levy has been filed and hearing will be held: \_\_\_\_\_

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

Date:	Place:
Time:	

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

**JAN 18 2001**Date Richard 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

7000 1670 0000 0430 0430 0430

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

Gary Bailey

Postage	\$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>

Postmark  
Here

2/8/01

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

Gary Bailey

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

R.D. # 1, Box 6

*City, State, ZIP+4*

Clearfield, PA 16830

**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.**

7000 1670 0000 4736 0423

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

The Honorable Richard Ireland

Postage	\$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 3.74</b>

Postmark  
Here

2/8/01

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

The Honorable Richard Ireland

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

650 Leonard Street

*City, State, ZIP+4*

Clearfield, PA 16830

**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.**

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. 2001-184 upon the District Justice designated therein on  
(date of service) February 8, xx 2001 by personal service ☒ by (certified) (registered) mail, sender's  
receipt attached hereto, and upon the appellee, (name) Gary Bailey on  
February 8, xx 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 \_\_\_\_\_, 19 \_\_\_\_\_, by personal service ☐ by (certified) (registered)  
mail, sender's receipt attached hereto

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 8th DAY OF February, xx 2001

Kristin D. Duttry  
Signature of official before whom affidavit was made

Notary Public  
Title of official

My commission expires on January 30, xx 2003

[Signature]  
Signature of affiant

Notarial Seal  
Kristin D. Duttry, Notary Public  
DuBois, Clearfield County  
My Commission Expires Jan. 30, 2003

FILED

FEB 12 2001

2/12/01  
William A. Shaw  
Prothonotary



COURT OF COMMON PLEAS  
of Clearfield County  
JUDICIAL DISTRICT

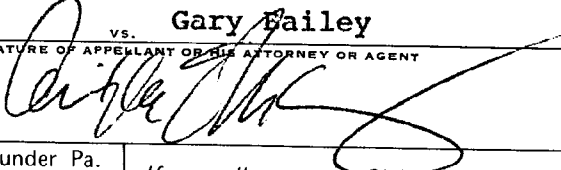
FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2001-184-CD

## NOTICE OF APPEAL

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

NAME OF APPELLANT <b>Joseph N. Manners</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-02</b>	
ADDRESS OF APPELLANT <b>R.D. # 3, Box 240A,</b>		CITY <b>Reynoldsville,</b>	STATE <b>PA</b>
		ZIP CODE <b>15851</b>	
DATE OF JUDGMENT <b>1/17/01</b>	IN THE CASE OF (Plaintiff) <b>Joseph N. Manners</b>		
		(Defendant) <b>Gary Bailey</b>	
CLAIM NO. <b>CVX9 425-00</b> <b>LT 19</b>		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.</p> <p>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 \_\_\_\_\_, appellee(s), to file a complaint in this appeal  
(Common Pleas No. \_\_\_\_\_) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To \_\_\_\_\_, appellee(s)

Signature of appellant or his attorney or agent

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

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

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

Date: \_\_\_\_\_, 19\_\_\_\_

Signature of Prothonotary or Deputy

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

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

NO. 2001 - 184 - C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING: CERTIFICATE  
OF SERVICE

FILED ON BEHALF OF: PLAINTIFF

COUNSEL OF RECORD:  
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801  
(814) 371-2730

**FILED**

FEB 16 2001

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 2001 - 184 - C.D.

JOSEPH N. MANNERS,

Plaintiff

VS./

GARY BAILEY,

Defendant

CERTIFICATE OF SERVICE

FILED  
MAR 11 2001  
FEB 16 2001  
10 cc  
FEB 16 2001  
FEB 16 2001

William A. Shaw  
Prothonotary

LAW OFFICES

**BLAKLEY, JONES & MOHNEY**

90 BEAVER DRIVE - BOX 6

DUBOIS, PA 15801

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-02</b>
DJ Name: Hon.	<b>RICHARD A. IRELAND</b>
Address:	<b>650 LEONARD STREET CLEARFIELD, PA</b>
Telephone: (814) 765-5335	<b>16830</b>

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

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**MANNERS, JOSEPH N  
RD3, BOX 240A  
REYNOLDSVILLE, PA 15851**

VS.  
DEFENDANT: NAME and ADDRESS  
**BAILEY, GARY  
RD1, BOX 6  
CLEARFIELD, PA 16830**

Docket No.: **CV-0000425-00**  
Date Filed: **8/23/00**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

FOR DEFENDANT

01-184-00

☒ Judgment was entered for: (Name) BAILEY, GARY

☒ Judgment was entered against: (Name) MANNERS, JOSEPH N

in the amount of \$ .00 on: (Date of Judgment) 1/17/01

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

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

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

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

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

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

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

Date:	Place:
Time:	

**FILED**

**FEB 27 2001**

**William A. Shaw**

Prothonotary

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

**JAN 18 2001** Date Richard Ireland, District Justice

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

2-20-01 Date Richard Ireland, District Justice

My commission expires first Monday of January,

**2006**

SEAL

JOSEPH N. MANNERS,  
Plaintiffs

GARY BAILEY,  
Defendant

[illegible]

\* **Type of Case:** Civil

\* **Type of Pleading:** Enter of  
\* Appearance

\* Filed on Behalf of: Defendant

\* Counsel of Record for this Party:

\* CHRIS A. PENTZ, Esquire

\* Supreme Court I.D. # 39232

\* 211 1/2 East Locust Street

\* P. O. Box 552

\* Clearfield PA 16830

\* 814 765-4000

FILED

MAR 19 2001

**William A. Shaw**  
Prothonotary

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

JOSEPH N. MANNERS,  
Plaintiff

vs

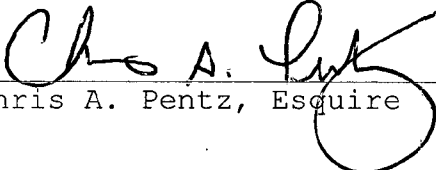
GARY BAILEY,  
Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 01 - 184 - C.D.

Please enter my appearance as attorney of record  
for the Defendant, GARY BAILEY.

Respectfully submitted this 19 day of March, 2001.

  
Chris A. Pentz, Esquire

FILED

MAR 19 2001

Q1334/110 C  
William A. Shaw  
Prothonotary  
228

JOSEPH N. MANNERS,  
Plaintiffs

GARY BAILEY,  
Defendant

[illegible]

Type of Case: Civil

**Type of Pleading:** Answer to  
Complaint/Certificate of Service

**Filed on Behalf of:** Defendant

**Counsel of Record for this Party:**

CHRIS A. PENTZ, Esquire

Supreme Court I.D. # 39232

211 1/2 East Locust Street

P. O. Box 552

Clearfield PA 16830

814 765-4000

FILED

MAR 19 2001

**William A. Shaw**  
Prothonotary



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

JOSEPH N. MANNERS,  
Plaintiff

vs

GARY BAILEY,  
Defendant

No. 2001-184-CD

**ANSWER TO COMPLAINT**

1. Paragraph 1 is admitted.

2. Paragraph 2 is admitted.

3. Paragraph 3 is admitted.

4. Paragraph 4 is denied. The Defendant agreed with Plaintiff that he would allow the Plaintiff to purchase from Mid-Atlantic Promotions Defendant's right to sell hot dogs and nachos for eighteen (18) to twenty-five (25) shows at the amphitheater.

5. Paragraph 5 is admitted in part and denied in part. It is admitted that Plaintiff wrote a check for \$7,500.00 as a down payment for the right set forth in Paragraph 4 above. It is denied that the purchase was from Defendant and was in fact a purchase from Mid-Atlantic Promotions.

6. Paragraph 6 is admitted in part and denied in part. It is admitted that the ultimate purchase price was \$17,500.00. It is denied that the purchase was between the Defendant and the Plaintiff.

7. Paragraph 7 is admitted.

8. Paragraph 8 is denied. The answer set forth in Paragraphs 4

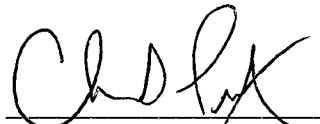
through 6 above are incorporated herein by reference as though set forth in full.

9. Paragraph 9 is admitted in part and denied in part. It is admitted that demand has been made for \$7500.00. It is denied that Defendant has any duty or legal obligation to pay the sum of \$7500.00 or any sums to the Plaintiff. The answers set forth in Paragraphs 4 through 6 are incorporated herein by reference as though set forth in full.

10. Paragraph 10 is admitted.

WHEREFORE, the Defendant, Gary Bailey, respectfully request Your Honorable Court to enter judgment in his favor.

Respectfully submitted this 19 day of March, 2001.

A handwritten signature in black ink, appearing to read "Chris A. Pentz", written over a horizontal line.

Chris A. Pentz  
Attorney for Defendant

VERIFICATION

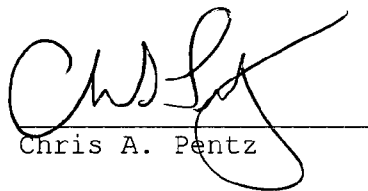
I, Chris A. Pentz, have read the foregoing Answer.  
The statements therein are correct to the best of my personal  
knowledge or information and belief.

This statement and verification is made subject to  
penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications  
to authorities, which provides that if I knowingly make false  
averments, I may be subject to criminal penalties.

I am authorized to make this verification on behalf of  
Defendant because of my position as counsel of record.

Dated: \_\_\_\_\_

3-19-01

  
Chris A. Pentz

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

JOSEPH N. MANNERS,  
Plaintiff

vs

GARY BAILEY,  
Defendant

No. 01-184-C.D.

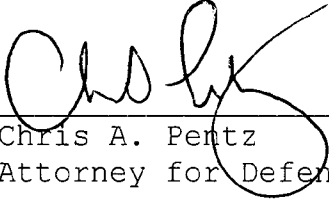
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of  
Answer to Complaint was served upon:

Christopher E. Mohney, Esquire  
Attorney for Plaintiff  
90 Beaver Drive Box 6  
DuBois PA 15801

Service was made from the U.S. Post Office, Clearfield PA 16830  
by regular mail, postage prepaid.

Service was made the 19 day of March, 2001.

  
Chris A. Pentz  
Attorney for Defendant

FILED

MAR 19 2001

0324112CC  
William A. Shaw &  
Prothonotary Key

CA

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

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

: NO. 2001 - 184 - C.D.

:  
: TYPE OF CASE: CIVIL

:  
: TYPE OF PLEADING: MOTION  
: TO COMPEL RESPONSE TO  
: DISCOVERY SUBPOENA

:  
: FILED ON BEHALF OF: PLAINTIFF

:  
: COUNSEL OF RECORD:  
: CHRISTOPHER E. MOHNEY, ESQUIRE

:  
: SUPREME COURT NO.: 63494

:  
: ELAKLEY, JONES & MOHNEY  
: 90 BEAVER DRIVE, BOX 6  
: DU BOIS, PA 15801  
: (314) 371-2730

**FILED**

NOV 15 2001

William A. Shaw  
Prothonotary

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

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

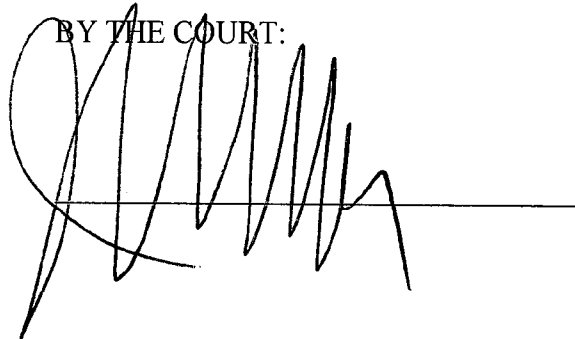
NO. 2001 - 184 - C.D.

**RULE RETURNABLE**

AND NOW, this 16<sup>th</sup> day of November, 2001, upon consideration of the foregoing Motion to Compel Response to Discovery Subpoena, it is the ORDER of this Court that a Rule be issued upon the Defendant to show cause why the Motion should not be granted.

RULE Returnable and Hearing thereon to be held the 18<sup>th</sup> day of December, 2001, at 2:30 o'clock P M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

BY THE COURT:



**FILED**

NOV 16 2001

William A. Shaw  
Prothonotary

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

JOSEPH N. MANNERS,	:	NO. 2001 - 184 - C.D.
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
GARY BAILEY,	:	
	:	
Defendant	:	

**MOTION TO COMPEL RESPONSE TO DISCOVERY SUBPOENA**

AND NOW, comes Plaintiff **JOSEPH N. MANNERS**, by his attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, and files the following Motion to Compel Response to Discovery Subpoena, and in support thereof, the following is averred:

1. Plaintiff **JOSEPH N. MANNERS** served on Defendant **GARY BAILEY**, through **BAILEY'S** counsel, Chris A. Pentz, Esquire, a Subpoena to Produce Documents or Things for Discovery Pursuant to Rule 4009.22. A copy of the Subpoena is attached to this Motion as Exhibit "A".
2. The Subpoena was issued after **BAILEY'S** non-response to letter to Attorney Pentz of July 12, 2001, requesting information agreed to be provided by **BAILEY** during his deposition on July 10, 2001. A copy of July 12, 2001, letter of undersigned to opposing counsel is attached hereto as Exhibit "B".
3. **BAILEY** has responded, albeit out of time, in a piecemeal manner to the Subpoena.
4. **BAILEY** has in no manner objected to the requested information of the Subpoena.



5. Certain of the information requested of **BAILEY**, namely bank records and/or confirmation of all money amounts received from non-party to the action has not been provided despite repeated requests.

6. The undersigned has written counsel for **BAILEY** asking for the requested information one last time prior to filing this Motion. A copy of letter of the undersigned dated November 1, 2001, is attached hereto as Exhibit "C".

7. **MANNERS** believes he has exercised patience and reasonable attempts short of Court intervention to obtain the requested information, without success.

8. **MANNERS** believes **BAILEY** is purposely delaying in responding to the Subpoena so as to prolong the litigation.

WHEREFORE, Plaintiff **JOSEPH N. MANNERS** prays this Honorable Court to Order and Decree Defendant **GARY BAILEY** to:

(a) Not later than five (5) days from date of this Order comply with turning over all items subpoenaed him by Plaintiff **JOSEPH N. MANNERS**;

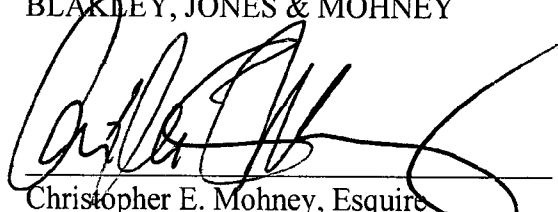
(b) Pay attorney's fees to Plaintiff **JOSEPH N. MANNERS** in the amount of \$500.00 for causing the preparation and presentation of the within Motion to Compel; and

(c) Such other relief as is deemed just and equitable.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

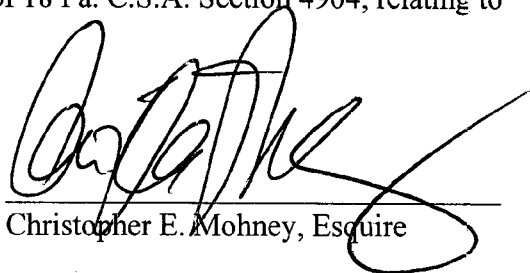
BY:

  
Christopher E. Mohney, Esquire  
Attorney for Plaintiff Joseph N. Manners

Date: 11-15-01

I verify that the statements made in this Motion are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 11-15-01



Christopher E. Mohny, Esquire

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Joseph N. Manners  
Plaintiff(s)

\*

Vs.

\*

No. 2001-00184-CD

Gary Bailey  
Defendant(s)

\*

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE  
4009.22

TO: GARY BAILEY

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce  
the following documents or things:  
See attached list

(Address)

You may deliver or mail legible copies of the documents or produce things requested by this  
subpoena, together with the certificate of compliance, to the party making this request at the address  
listed above. You have the right to seek in advance the reasonable cost of preparing the copies or  
producing the things sought.

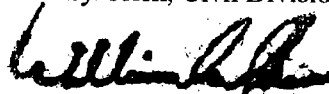
If you fail to produce the documents or things required by this subpoena within twenty (20) days  
after its service, the party serving this subpoena may seek a court order compelling you to comply with  
it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Christopher E. Mohny, Esquire  
ADDRESS: 90 Beaver Drive, Box 6  
Du Bois, PA 15801  
TELEPHONE: (814) 371-2730  
SUPREME COURT ID # 63494  
ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw  
Prothonotary/Clerk, Civil Division



Deputy

DATE: Tuesday, August 21, 2001  
Seal of the Court

EXHIBIT "A"

1. All contracts between Mid-Atlantic and/or Mr. Cirelli and Mr. Bailey, including all signed and unsigned drafts;

2. Receipts for all payments made to Mid-Atlantic and/or Mr. Cirelli by Mr. Bailey in regard to the Sugar Creek Lake Amphitheater transaction, including copies of canceled checks, cash receipts, or other evidence of payment of cash if no receipt was issued; and

3. Receipts for all payments made to Mr. Bailey to Mid-Atlantic and/or Mr. Cirelli, including verification of deposit by Mr. Bailey.

**BLAKLEY, JONES & MOHNEY**

*Attorneys and Counselors at Law*

*90 Beaver Drive, Box 6*

*Du Bois, Pennsylvania 15801*

July 12, 2001

*Telephone (814) 371-2730*

*Fax (814) 375-1082*

*Benjamin S. Blakley, III*

*Christopher E. Mohney*

Chris A. Pentz, Esquire  
211-1/2 East Locust Street  
Marino Building  
P.O. Box 552  
Clearfield, PA 16830

RE: **Joseph N. Manners vs. Gary Bailey**  
**No. 01-184-C.D.**

Dear Chris:

I received my copy of the Bailey deposition on July 10, 2001. In the transcript, it was agreed by Mr. Bailey that he would provide us certain discovery, and I presume that will be without formal discovery channels, such as Interrogatories.

Please provide us with the following items, pursuant to the deposition transcript:

1. All contracts between Mid-Atlantic and/or Mr. Cirelli and Mr. Bailey, including all signed and unsigned drafts;
2. Receipts for all payments made to Mid-Atlantic and/or Mr. Cirelli by Mr. Bailey in regard to the Sugar Creek Lake Amphitheater transaction, including copies of canceled checks, cash receipts, or other evidence of payment of cash if no receipt was issued; and
3. Receipts for all payments made to Mr. Bailey to Mid-Atlantic and/or Mr. Cirelli, including verification of deposit by Mr. Bailey.

Thank you. Should you have any questions or require further clarification, please call me.

Sincerely,

BLAKLEY, JONES & MOHNEY

Christopher E. Mohney, Esquire

CEM:kdm

copy to: Joseph N. Manners

**EXHIBIT "B"**



**BLAKLEY, JONES & MOHNEY**  
*Attorneys and Counselors at Law*  
90 Beaver Drive, Box 6  
Du Bois, Pennsylvania 15801

November 1, 2001

*Telephone (814) 371-2730*  
*Fax (814) 375-1082*

*Benjamin S. Blakley, III*  
*Christopher E. Mohney*

Chris A. Pentz, Esquire  
211-1/2 East Locust Street  
Marino Building  
P.O. Box 552  
Clearfield, PA 16830

RE: **Joseph N. Manners vs. Gary Bailey**  
**No. 01-184-C.D.**

Dear Chris:

Thank you for your letter of October 29, 2001, and enclosures. Mr. Bailey is close to complying with his obligations on the Subpoena, although he is being quite a bit slower than we had hoped.

I presume that the recent copies of checks were all payments made by Mr. Bailey to Mid-Atlantic and/or Mr. Cirelli or anybody affiliated with it/him in this transaction. If there are other payments made by cash, please indicate.

Finally, it would appear that all we need are documentation of all monies returned to Mr. Bailey by Cirelli, Mid-Atlantic or anybody affiliated with him regarding this transaction on this lawsuit.

Again, we would like compliance with the Subpoena. Please advise Mr. Bailey that I have a Motion to Compel ready to file. My client's patience are worn thin because this matter is moving slowly on account of Mr. Bailey's delays in complying with discovery.

If we do not have the rest of the information to totally comply with the Subpoena on or before the close of business on November 15, 2001, I will file the Motion to Compel which will seek attorney's fees.

Thank you.

Sincerely,

BLAKLEY, JONES & MOHNEY

Christopher E. Mohney, Esquire

CEM:kdm

copy to: Joseph N. Manners

**EXHIBIT "C"**



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

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

NO. 2001 - 184 - C.D.

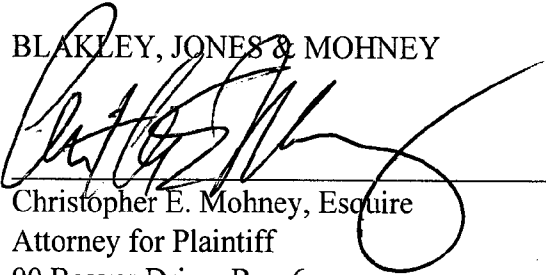
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Motion to Compel Response to Discovery Subpcena has been served upon the following individual by regular United States mail, postage prepaid, on this 15 day of November, 2001:

Chris A. Pentz, Esquire  
211-1/2 East Locust Street  
Marino Building  
P.O. Box 552  
Clearfield, PA 16830  
Attorney for Defendant

BLAKLEY, JONES & MOHNEY

BY:

  
Christopher E. Mohney, Esquire  
Attorney for Plaintiff  
90 Beaver Drive, Box 6  
Du Bois, PA 15801  
(814) 371-2730

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

JOSEPH N. MANNERS

:

-vs-

:

No. 01 - 184 - CD

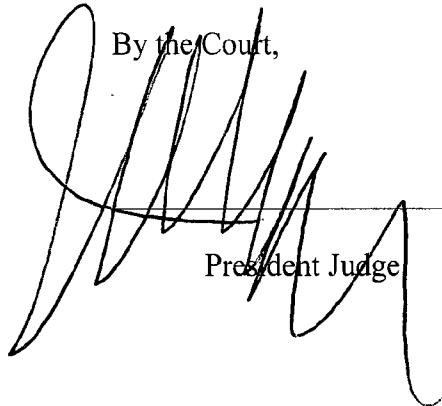
GARY BAILEY

:

**ORDER**

NOW, this 18<sup>th</sup> day of December, 2001, this being the day and date set for hearing into the above-captioned Motion to Compel Response to Discovery Subpoena, upon agreement, it is the ORDER of this Court that said matter be and is hereby continued for no less than 45 days to be rescheduled at the request of either counsel.

By the Court,

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the President Judge.

President Judge

**FILED**

DEC 18 2001

William A. Shaw  
Prothonotary



# COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

## CIVIL TRIAL LISTING

<b>CERTIFICATE OF READINESS</b>  (To be executed by Trial Counsel Only)		<b>TO THE PROTHONOTARY</b>  January 8, 2002 <b>DATE PRESENTED</b>	
<b>CASE NUMBER</b> 2001-184-C.D. Date Complaint filed: February 14, 2002	<b>TYPE TRIAL REQUESTED</b> <input type="checkbox"/> Jury <input type="checkbox"/> Non-jury <input checked="" type="checkbox"/> Arbitration	<b>ESTIMATED TRIAL TIME</b>  <div style="text-align: center;">1/2 DAYS</div>	

**PLAINTIFF(S)**

JOSEPH N. MANNERS ( )

**DEFENDANT(S)**

GARY BAILEY ( )

**ADDITIONAL DEFENDANT(S)**

N/A ( )

Check Block  
if a Minor  
is a Party  
to the Case

**JURY DEMAND FILED BY:**

N/A

**DATE JURY DEMAND FILED:**

N/A

FILED

**AMOUNT AT ISSUE**

**CONSOLIDATION**

**DATE CONSOLIDATION ORDERED:**

\$ 7,500.00 plus  
interest and costs

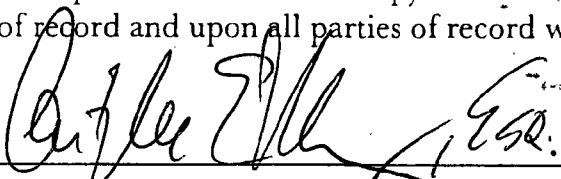
( ) Yes   (X) No

N/A

**William A. Shaw**  
Prothonotary

**PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.**

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

  
 \_\_\_\_\_  
 Signature of Trial Counsel  
 Christopher E. Mohnhey, Esquire

### COUNSEL WHO WILL ACTUALLY TRY THE CASE

**FOR THE PLAINTIFF**

Christopher E. Mohnhey, Esquire

**TELEPHONE NUMBER**

(814) 371-2730

**FOR THE DEFENDANT**

Chris A. Pentz, Esquire

**TELEPHONE NUMBER**

(814) 765-4000

**FOR ADDITIONAL DEFENDANT**

**TELEPHONE NUMBER**

FILED

JAN 09 2002

M/210310 City of Meher  
William A. Shaw  
Prothonotary

pd \$20.00

copy to CA

no cc

W  
(KJ)



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-~~8888~~ 7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

March 11, 2001

Christopher E. Mohny, Esquire  
Blakley, Jones & Mohny  
90 Beaver Drive, Box 6  
DuBois, PA 15801

Chris A. Pentz, Esquire  
Attorney at Law  
Post Office Box 552  
Clearfield, PA 16830

RE: JOSEPH N. MANNERS

vs.

GARY BAILEY  
No. 01-184-CD

FILED

MAR 21 2002

William A. Shaw  
Prothonotary

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held Tuesday, May 7, 2002. The following have been appointed to the Board of Arbitrators:

Richard A. Bell, Esquire  
Earle D. Lees, Jr., Esquire  
Mark A. Falvo, Esquire  
Jeffrey S. DuBois, Esquire  
Cynthia B. Stewart, 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*  
Marcy Kelley  
Deputy Court Administrator



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: 1-814-765-6889 *7619*

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

March 21, 2002

Christopher E. Mohny, Esquire  
Blakley, Jones & Mohny  
90 Beaver Drive, Box 6  
DuBois, PA 15801

Chris A. Pentz, Esquire  
Attorney at Law  
Post Office Box 552  
Clearfield, PA 16830

RE: JOSEPH N. MANNERS

vs.

GARY BAILEY  
No. 01-184-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Tuesday, May 7, 2002 at 8:30 A.M.** The following have been appointed as Arbitrators:

Richard A. Bell, Esquire, Chairman  
Earle D. Lees, Jr., Esquire  
Mark A. Falvo, Esquire

Pursuant to Local Rule 1305A, 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 each member of 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*  
Marcy Kelley  
Deputy Court Administrator

cc: Richard A. Bell, Esquire  
Earle D. Lees, Jr., Esquire  
Mark A. Falvo, Esquire

013421 noc  
William A. Shaw  
Prothonotary

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

JOSEPH N. MANNERS,  
Plaintiff

vs

GARY BAILEY,  
Defendant

No. 01-184-C.D.

CERTIFICATE OF SERVICE

This is to certify that Defendant's PreTrial  
Statement was served upon:

Christopher E. Mohny, Esquire  
90 Beaver Drive Box 6  
DuBois PA 15801

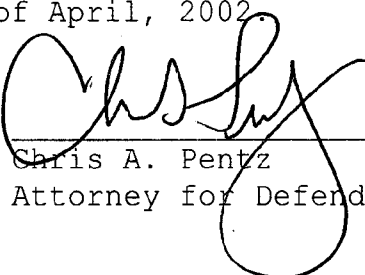
Earl D. Lees, Esquire  
109 North Brady Street  
DuBois PA 15801

Richard A. Bell, Esquire  
318 East Locust Street  
Clearfield PA 16830

Mark A. Falvo, Esquire  
7 Bigler Road  
Clearfield PA 16830

Service was made from the U.S. Post Office, Clearfield PA 16830  
by regular mail, postage prepaid.

Service was made the 29th day of April, 2002.

  
Chris A. Pentz  
Attorney for Defendant



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Joseph N. Manners

vs.

Gary Bailey

No. 2001-00184-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 7th day of May, 2002, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Richard A. Bell, Esq.

Earle D. Lees, Jr., Esq.

Mark A. Falvo, Esq.

*Richard A. Bell*  
Chairman  
*Earle D. Lees, Jr.*  
*Mark A. Falvo*

Sworn to and subscribed before me this  
7th day of May, 2002

*William A. Shaw*  
Prothonotary

AWARD OF ARBITRATORS

Now, this 7 day of May, 2002, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

*Award for Plaintiff and against Defendant in the amount of \$ 7500.00 plus interest from June 17, 1999, and costs of suit.*

*Richard A. Bell* Chairman  
*Earle D. Lees, Jr.*  
*Mark A. Falvo*

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 7<sup>th</sup> day of May, 2002, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

FILED

*William A. Shaw*  
Prothonotary  
By \_\_\_\_\_

MAY 07 2002

William A. Shaw  
Prothonotary



*[Handwritten signature]*

FILED <sup>NO</sup> <sub>ce</sub>

0110:45 ~~ed~~ Notice to ~~Atty~~ Morney, Atty Bentz  
MAY 07 2002

*[Handwritten signature]*  
William A. Shaw  
Prothonotary

COPY

Joseph N. Manners

Vs.

Gary Bailey

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
: No. 2001-00184-CD  
:

NOTICE OF AWARD

TO: CHRIS A. PENTZ

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 7, 2002, and have awarded:

Award for Plaintiff and against Defendant in the amount of \$7,500.00 plus interest from June 17, 1999, and costs of suit.

William A. Shaw

Prothonotary

By \_\_\_\_\_

May 7, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

COPY

Joseph N. Manners

Vs.

Gary Bailey

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
: No. 2001-00184-CD  
:

NOTICE OF AWARD

TO: CHRISTOPHER E. MOHNEY

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 7, 2002, and have awarded:

Award for Plaintiff and against Defendant in the amount of \$7,500.00 plus interest from June 17, 1999, and costs of suit.

William A. Shaw

Prothonotary

By \_\_\_\_\_

May 7, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

NO. 2001 - 184 - C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING: PRAECIPE  
FOR JUDGMENT

FILED ON BEHALF OF: PLAINTIFF

COUNSEL OF RECORD:  
CHRISTOPHER E. MOHNEY, ESQUIRE

SUPREME COURT NO.: 63494

BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801  
(814) 371-2730

**FILED**

JUN 12 2002

M/3:00/100

William A. Shaw  
Prothonotary

6046 20.-

Noted to

DEF

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

JOSEPH N MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

NO. 2001 - 184 - C.D.

**PRAECIPE FOR JUDGMENT**

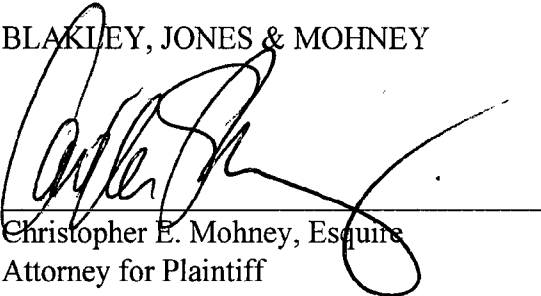
TO THE PROTHONOTARY:

Kindly enter judgment in favor of Plaintiff **JOSEPH N. MANNERS** and as against Defendant **GARY BAILEY** in the within captioned matter, pursuant to Notice of Award of Arbitrators, certified copy of which is attached hereto, and from which no appeal has been timely filed.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:

  
\_\_\_\_\_  
Christopher E. Mohney, Esquire  
Attorney for Plaintiff  
90 Beaver Drive, Box 6  
Du Bois, PA 15801  
(814) 371-2730

Joseph N. Manners

Vs.

Gary Bailey

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
: No. 2001-00184-CD  
:

NOTICE OF AWARD

TO: CHRISTOPHER E. MOHNEY

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on May 7, 2002, and have awarded:

Award for Plaintiff and against Defendant in the amount of \$7,500.00 plus interest from June 17, 1999, and costs of suit.

William A. Shaw

Prothonotary

By 

May 7, 2002

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

NO. 2001 - 184 - C.D.

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

PRAECIPE FOR JUDGMENT

LAW OFFICES  
**BLAKLEY, JONES & MOHNEY**  
90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

**FILED**  
JUN 12 2002  
William A. Shaw  
Prothonotary

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

Joseph N. Manners  
Plaintiff(s)

No.: 2001-00184-CD

Real Debt: \$7,500.00

Atty's Comm:

Vs.

Costs: \$

Int. From: June 17, 1999

Gary Bailey  
Defendant(s)

Entry: \$20.00

Instrument: Judgment from Arbitrators Award

Date of Entry: June 12, 2002

Expires: June 12, 2007

Certified from the record this June 12, 2002

\_\_\_\_\_  
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



NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

Joseph N. Manners

Vs.

No. 2001-00184-CD

Gary Bailey

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$7,500.00 plus interest from June 17, 1999, on the June 12, 2002.

William A. Shaw  
Prothonotary

---

William A. Shaw

JOSEPH N. MANNERS  
R.R. 3, BOX 229 PH. 813-628-8871

506

PAY TO THE ORDER OF Cary Bailey \$ 7,500.00

Seven thousand

MANNERS

EXHIBITS.

*Joseph N. Manners*

026813 0506 0000750000



Plaintiff  
Exhibit #1

Arb 57-02-830

CHRIS A. PENTZ  
ATTORNEY AT LAW  
211 1/2 EAST LOCUST STREET  
MARINO BUILDING  
P.O. BOX 552  
CLEARFIELD, PENNSYLVANIA 16830

TELEPHONE  
(814) 765-4000

April 29, 2002

FAX  
(814) 765-8142

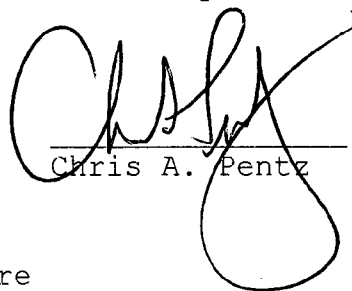
Office of Court Administrator  
230 East Market Street  
Clearfield PA 16830  
**HAND DELIVER**

**In Re: Manners vs Bailey/No. 01-184-C.D.**

Dear Sirs or Madam:

Enclosed is the Defendant's PreTrial Statement.  
I am providing the Arbitrators and opposing counsel copies  
of this Statement by carbon copy of this letter. If you  
need anything further, please advise.

Sincerely,



Chris A. Pentz

CAP/jms

cc: Christopher E. Mohnhey, Esquire  
Richard A. Bell, Esquire  
Earle D. Lees, Jr., Esquire  
Mark Falvo, Esquire  
Mr. Gary Bailey  
file

**RECEIVED**

**APR 29 2002**

**COURT ADMINISTRATORS  
OFFICE**

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

JOSEPH N. MANNERS,  
Plaintiff

vs

GARY BAILEY,  
Defendant

\*

\*

\*

\*

\*

\*

No. 01-184 -C.D.

**DEFENDANT'S PRE-TRIAL STATEMENT**

a. BRIEF STATEMENT OF THE CASE:

The Defendant advised the Plaintiff that he was entering into an exclusive food vending rights for a yet-to-be-built amphitheater in Kittanning, Pennsylvania from Mid-Atlantic Promotions. The Plaintiff requested the Defendant to advise Mid-Atlantic that Plaintiff was interested in also obtaining exclusive rights to sell food products at the amphitheater. The Defendant contacted Mid-Atlantic and acted as a conduit for the agreement between the Plaintiff and Mid-Atlantic Promotions. The Defendant never at any time was or represented to be an agent of either the Plaintiff or Mid-Atlantic Promotions. Mid-Atlantic Promotions failed to build the Amphitheater in question and both Plaintiff and Defendant failed to receive any refund of money from Mid-Atlantic Promotions.

b. CITATION TO APPLICABLE CASES OR STATUTES:

This matter does not present any unique questions of law.  
General contract and agency law apply.

**RECEIVED**

**APR 29 2002**

**COURT ADMINISTRATOR'S  
OFFICE**

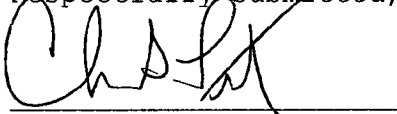
c. WITNESSES:

- i. Gary Bailey  
2322 Third Avenue  
Altoona PA 16602
- ii. George Kozak  
25 Elm Street  
Holidaysburg PA 16648
- iii. Carol Kozak  
25 Elm Street  
Holidaysburg PA 16648
- iv. Nick Socoski  
R. D. # 1 Box 55A  
Frenchville PA 16836
- v. Kevin Clocecielo  
Punxsutawney PA 15767

d. STATEMENT OF DAMAGES:

N/A

Respectfully submitted,

  
Chris A. Pentz  
Attorney for Defendant

Arb-57-02

**BLAKLEY, JONES & MOHNEY**

*Attorneys and Counselors at Law  
90 Beaver Drive, Box 6  
Du Bois, Pennsylvania 15801*

April 29, 2002

*Telephone (814) 371-2730  
Fax (814) 375-1082*

*Benjamin S. Blakley, III  
Christopher E. Mohney*

Marcy Kelley  
Deputy Court Administrator  
Office of the Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

RE: **Joseph N. Manners vs. Gary Bailey**  
**No. 2001 -184-C.D.**

Dear Marcy:

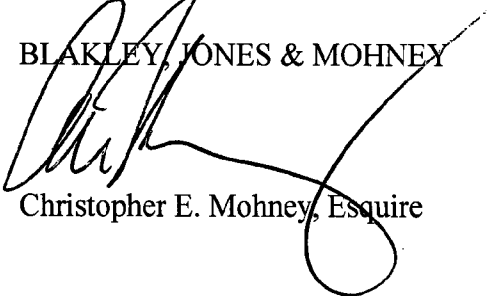
Please file the enclosed Pre-Arbitration Memorandum on behalf of Plaintiff Joseph N. Manners in the above stated case.

By copy of this letter, I am serving opposing counsel and the panel of Arbitrators with a true and correct copy of the enclosed original document for filing.

Thank you.

Sincerely yours,

BLAKLEY, JONES & MOHNEY

  
Christopher E. Mohney, Esquire

CEM:djf

Enclosure

copy to: Chris A. Pentz, Esquire (w/enc.)  
Earle D. Lees, Esquire (w/enc.)  
Richard A. Bell, Esquire (w/enc.)  
Mark A. Falvo, Esquire (w/enc.)  
Joseph N. Manners (w/enc.)

**RECEIVED**

**APR 30 2002**

**COURT ADMINISTRATOR'S  
OFFICE**



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

JOSEPH N. MANNERS,

Plaintiff

VS.

GARY BAILEY,

Defendant

: NO. 2001 - 184 - C.D.

:  
: TYPE OF CASE: CIVIL

:  
: TYPE OF PLEADING:  
: PRE-ARBITRATION MEMORANDUM

:  
: FILED ON BEHALF OF: PLAINTIFF

:  
: COUNSEL OF RECORD:  
: CHRISTOPHER E. MOHNEY, ESQUIRE

:  
: SUPREME COURT NO.: 63494

:  
: BLAKLEY, JONES & MOHNEY  
: 90 BEAVER DRIVE, BOX 6  
: DU BOIS, PA 15801  
: (814) 371-2730

**RECEIVED**

**APR 30 2002**

**COURT ADMINISTRATOR'S  
OFFICE**

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

JOSEPH N. MANNERS,	:	NO. 2001 - 184 - C.D.
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
GARY BAILEY,	:	
	:	
Defendant	:	

**PRE-ARBITRATION MEMORANDUM**

AND NOW, comes Plaintiff **JOSEPH N. MANNERS**, by and through his attorney, **CHRISTOPHER E. MOHNEY, ESQUIRE**, and presents the following Pre-Arbitration Memorandum in compliance with Clearfield County Local Rule 1306 A (a):

**I. BRIEF STATEMENT OF CASE**

This is a breach of contract case.

Defendant GARY BAILEY approached Plaintiff JOSEPH MANNERS indicating that BAILEY was purchasing the rights for concessions for a contemplated Sugar Creek Ampetheatre. The Ampetheatre was to be operated by Mid-Atlantic Promotions, which had a contract with Defendant GARY BAILEY regarding the concessions.

BAILEY approached MANNERS and the two gentlemen entered into a valid oral contract where MANNERS was going to buy from BAILEY the rights to sell hot dogs and nachos for 18 to



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

JOSEPH N. MANNERS,  
Plaintiff

VS.

GARY BAILEY,  
Defendant

:  
:  
:  
:  
:  
:  
:

NO. 2001 - 184 - C.D.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiff's Pre-Arbitration Memorandum has  
been served upon the following individuals by regular United States mail, postage prepaid, on this

29<sup>th</sup> day of April, 2002:

Chris A. Pentz, Esquire  
211-1/2 East Locust Street  
Marino Building  
P.O. Box 552  
Clearfield, PA 16830  
Attorney for Defendant

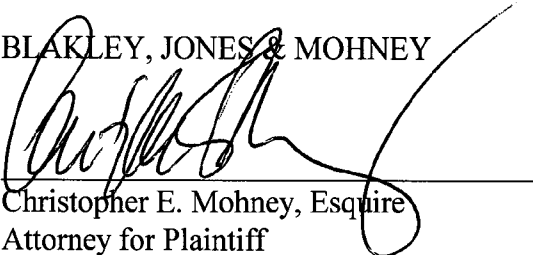
Earle D. Lees, Jr., Esquire  
109 North Brady Street  
P.O. Box 685  
Du Bois, PA 15801  
Arbitrator

Richard A. Bell, Esquire  
Bell, Silberblatt & Wood  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830  
Arbitrator

Mark A. Falvo, Esquire  
7 Bigler Road  
Clearfield, PA 16830  
Arbitrator

BLAKLEY, JONES & MOHNEY

BY:

  
Christopher E. Mohny, Esquire  
Attorney for Plaintiff  
90 Beaver Drive, Box 6  
Du Bois, PA 15801  
(814) 371-2730

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JOSEPH N. MANNERS,

Plaintiff

vs.

GARY BAILEY,

Defendant

PRE-ARBITRATION MEMORANDUM

LAW OFFICES  
**BLAKLEY, JONES & MOHNEY**  
90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

and

COUNTY NATIONAL BANK,  
Garnishee.

: Docket No. 2001-00184-C.D.  
:  
: Type of Pleading:  
: PRAECIPE FOR WRIT OF  
: EXECUTION  
:  
: Filed on behalf of: Plaintiff  
:  
: Counsel of Record for this Party:  
: THE BROOKS LAW GROUP  
: Benjamin J. Vrobel, Esquire  
: Atty. I.D. No. 92603  
: 194 Main Street, Suite II  
: Brookville, PA 15825  
: (814) 849-4037

FILED

AUG 05 2005 (12)

0/4:00/1

William A. Shaw  
Prothonotary

1 CM to SHFF

1 CM to ATTY.

**IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

**JOSEPH N. MANNERS,**  
Plaintiff,

vs.

**GARY BAILEY,**  
Defendant.

and

**COUNTY NATIONAL BANK,**  
Garnishee.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Docket No. 2001-00184-C.D.**

**Type of Pleading:  
PRAECIPE FOR WRIT  
OF EXECUTION**

**Filed on behalf of: Plaintiff**

**PRAECIPE FOR WRIT OF EXECUTION**

**TO THE PROTHONOTARY:**

Kindly issue a Writ of Execution in the above captioned matter:

1. Direct to the Sheriff of Clearfield County;
2. In favor of Plaintiff, Joseph N. Manners;
3. Against Gary Bailey, Defendant; and,
4. Against County National Bank, Garnishee

- |    |                           |             |
|----|---------------------------|-------------|
| 5. | Amount Due:               | \$ 7,500.00 |
| 6. | Interest from 06/17/1999- | \$ 2,737.50 |
| 7. | Costs to be added:        | \$ _____    |
| 8. | Total:                    | \$ _____    |

~~THE BROOKS~~ LAW GROUP,

By: 

Benjamin J. Vrobel, Esquire  
Attorney I.D. No. 92603  
194 Main Street, Suite II  
Brookville, PA 15825  
(814) 849-4037

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

and

COUNTY NATIONAL BANK,  
Garnishee.

Docket No. 2001-00184-C.D.

WRIT OF EXECUTION

Commonwealth of Pennsylvania  
County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against GARY BAILEY (Defendant):

1. You are directed to levy upon the property of the Defendant and to sell (his, her, their, its) interest(s) therein;
2. You are also directed to attach the property of the Defendant(s) not levied upon in the possession of COUNTY NATIONAL BANK (Garnishee), and to notify the Garnishee(s) that:
  - a. an attachment has been issued;
  - b. the Garnishee(s) is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant or otherwise disposing thereof.
  - c. If Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.
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(s), you are directed to notify (him, her, them, it) that (he, she, they, it) has (have) been added as a Garnishee(s) and is/are enjoined as above stated.

Amount Due \$7,500.00  
Interest from 6/17/99- \$2,737.50  
Costs to be added: \$ \_\_\_\_\_

Prothonotary costs

\$140.00

CLEARFIELD COUNTY PROTHONOTARY

By:-

Date: 8-5-01

**JOSEPH N. MANNERS,**  
Plaintiff,

Docket No. 2001-00184-C.D.

VS.  
GARY BAILEY,  
Defendant.

COUNTY NATIONAL BANK,  
Garnishee.

# WRT OF EXECUTION

Damages	\$ 10,237.50
Attorney	\$
Prothonotary	\$
Sheriff	\$

**Benjamin J. Vrobel, Esquire**  
Attorney for Plaintiff  
**THE BROOKS LAW GROUP**  
194 Main Street, Suite II  
Brookville, PA 15825  
(814) 849-4037

This Writ is issued subject to subsection 302 of Article III of the act of Congress, approved on October 17, 1940, as to validity of sales of confessed judgments against persons in the military service.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

and

COUNTY NATIONAL BANK,  
Garnishee.

: Docket No. 2001-00184-C.D.  
:  
:  
: Type of Pleading:  
: PRAECIPE  
:  
: Filed on behalf of: Plaintiff  
:  
: Counsel of Record:  
: Benjamin J. Vrobel, Esquire  
: Atty. I.D. 92603  
: THE BROOKS LAW GROUP  
: 194 Main Street, Suite II  
: Brookville, PA 15825  
: (814) 849-4037

FILED

AUG 08 2005

*W. A. Shaw* @

William A. Shaw

Prothonotary/Clerk of Courts

*1 SENT TO ATT VROBEL*

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

and

COUNTY NATIONAL BANK,  
Garnishee.

Docket No. 2001-00184-C.D.

Type of Pleading:  
PRAECIPE

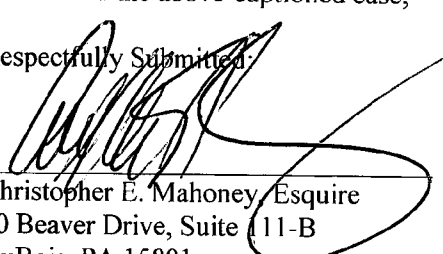
PRAECIPE

TO THE PROTHONOTARY:

Kindly withdraw my appearance on behalf of the Plaintiff in the above-captioned case,  
term and number.

Respectfully Submitted:

By:

  
Christopher E. Mahoney, Esquire  
90 Beaver Drive, Suite 11-B  
DuBois, PA 15801  
(814) 849-375-1044

PRAECIPE

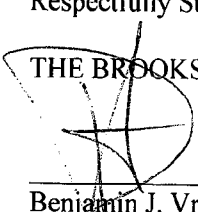
TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Plaintiff in the above-captioned case, term  
and number.

Respectfully Submitted:

THE BROOKS LAW GROUP,

By:

  
Benjamin J. Vrobel, Esquire  
Atty. I.D. No. 92603  
194 Main Street, Suite II  
Brookville, PA 15825  
(814) 849-4037



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

: Docket No. 2001-00184-C.D.  
:  
: Type of Pleading:  
: PRAECIPE FOR CERTIFICATION  
: OF JUDGMENT  
:  
: Filed on behalf of: Plaintiff  
:  
: Counsel of Record for this Party:  
: THE BROOKS LAW GROUP  
: Benjamin J. Vrobel, Esquire  
: Atty. I.D. No. 92603  
: 194 Main Street, Suite II  
: Brookville, PA 15825  
: (814) 849-4037

FILED

AUG 12 2005

01:55 PM  
William A. Shaw

Prothonotary/Clerk of Courts

1 COPY TO ATT

Benjamin J. Vrobel, Esquire  
Attorney I.D. No. 92603  
194 Main Street, Suite II  
Brookville, PA 15825  
(814) 849-4037

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
OFFICE OF THE PROTHONOTARY

Joseph N. Manners

Vs.

NO. 2001-00184-CD

Gary Bailey  
County National Bank

**CERTIFICATION OF DOCKET ENTRIES AND JUDGMENT**

I, William A. Shaw, Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

I further certify that a Judgment was entered in the above captioned matter in favor of Joseph N. Manners, Plaintiff and against Gary Bailey, Defendant on June 12, 2005, in the amount of 7,500.00.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court, on the 12th day of August, A.D., 2005.

William A. Shaw  
Prothonotary

BY:



Deputy

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

## Joseph N. Manners vs. Gary Bailey, etal.

## Register of Actions

05/01/2002	Certificate of Service, PreTrial Statement upon Atty. Mohnhey, Lees, R. Bell and Falvo. Filed by s/Chris A. Pentz, Esq. no cc	Reilly, John K. Jr.
05/07/2002	Oath or Affirmation of Arbitrators, filed. Award of Arbitrators, Now, this 7 day of May, 2002, find as follows: Award for Plaintiff and against Defendant in the amount of \$7,500.00 plus interest from June 17, 1999, and costs of suit. s/Richard A. Bell, Chairman s/Earle Lees, Esq. s/Mark Falvo, Esq. Entry of Award, Witness My Hand and the Seal of the Court, William A. Shaw, Prothonotary	Reilly, John K. Jr.
06/12/2002	Filing: Praecipe for Judgment from Award of Arbitrators Paid by: Mohnhey, Christopher E. (attorney for Manners, Joseph N.) Receipt number: 1843916 Dated: 06/12/2002 Amount: \$20.00 (Check) Judgment entered against Gary Bailey in the amount of \$7,500.00 plus interest from June 17, 2001 Notice to Defendant's Atty.	Reilly, John K. Jr.
08/05/2005	Filing: Praecipe for Writ of Execution Paid by: Brooks Law Group Receipt number: 1906158 Dated: 8/5/2005 Amount: \$20.00 (Check) 1 Cert. to Sheriff w/6 writs. and 1 cert. to Atty. Vrobel with writ.	Reilly, John K. Jr.
08/08/2005	Praecipe To Withdraw and Enter Appearance, on behalf of Plaintiff, withdraw appearance of Christopher E. Mohnhey Esquire; enter appearance of Benjamin J. Vrobel, Esquire. 1CC Atty. Vrobel	Reilly, John K. Jr.

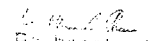
I hereby certify this to be a true and attested copy of the original statement filed in this case.



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

AUG 12 2005

Attest

  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100718  
NO: 01-184-CD  
SERVICE # 1 OF 1  
WRIT OF EXECUTION; INTERROGATORIES TO

GARNISHEE

PLAINTIFF: JOSEPH N. MANNERS  
vs.  
DEFENDANT: GARY BAILEY  
TO: COUNTY NATIONAL BANK, GARNISHEE

SHERIFF RETURN

NOW, August 10, 2005 AT 1:04 PM SERVED THE WITHIN WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE ON COUNTY NATIONAL BANK DEFENDANT AT 101 INDUSTRIAL PARK ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBIN MCKEOWN, TELLER A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION; INTERROGATORIES TO GARNISHEE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / DEHAVEN

FILED

03:07 PM  
AUG 17 2005

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BROOKS	1193	10.00
SHERIFF HAWKINS	BROOKS	1193	20.00

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2005

\_\_\_\_\_

So Answers,

*Chester A. Hawkins*  
*by Marilyn Harris*

Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,

Docket No. 2001-00184-C.D.

vs.

GARY BAILEY,  
Defendant.

and

COUNTY NATIONAL BANK,  
Garnishee.

WRIT OF EXECUTION

Commonwealth of Pennsylvania :  
County of Clearfield :

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against GARY BAILEY (Defendant):

1. You are directed to levy upon the property of the Defendant and to sell (his, her, their, its) interest(s) therein;
2. You are also directed to attach the property of the Defendant(s) not levied upon in the possession of COUNTY NATIONAL BANK (Garnishee), and to notify the Garnishee(s) that:
  - a. an attachment has been issued;
  - b. the Garnishee(s) is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant or otherwise disposing thereof.
  - c. If Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.
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(s), you are directed to notify (him, her, them, it) that (he, she, they, it) has (have) been added as a Garnishee(s) and is/are enjoined as above stated.

Amount Due	\$7,500.00
Interest from 6/17/99-	\$2,737.50
Costs to be added:	\$ _____

Read 8-5-05 2:30pm  
Chestnut & 1st St  
Dynamite Ham  
Date: 8-5-05

CLEARFIELD COUNTY ROTHONOTARY

By:-

Prothonotary costs

\$ 140.00

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

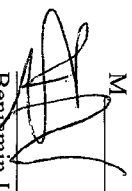
JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.  
Plaintiff, :

vs. :  
GARY BAILEY, :  
Defendant. :

and :  
COUNTY NATIONAL BANK, :  
Garnishee. :

WRIT OF EXECUTION

Damages \$ 10,237.50  
Attorney \$  
Prothonotary \$  
Sheriff \$  
M

  
Benjamin J. Vrobel, Esquire  
Attorney for Plaintiff  
THE BROOKS LAW GROUP  
194 Main Street, Suite II  
Brookville, PA 15825  
(814) 849-4037

This Writ is issued subject to subsection 302  
of Article III of the act of Congress, approved  
on October 17, 1940, as to validity of sales  
of sales of confessed judgments against persons in  
the military service.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

and

COUNTY NATIONAL BANK,  
Garnishee.

Docket No. 2001-00184-C.D.

WRIT OF EXECUTION

Commonwealth of Pennsylvania  
County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against **GARY BAILEY** (Defendant):

1. You are directed to levy upon the property of the Defendant and to sell (his, her, their, its) interest(s) therein;
2. You are also directed to attach the property of the Defendant(s) not levied upon in the possession of **COUNTY NATIONAL BANK** (Garnishee), and to notify the Garnishee(s) that:
  - a. an attachment has been issued;
  - b. the Garnishee(s) is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant or otherwise disposing thereof.
  - c. If Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.
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(s), you are directed to notify (him, her, them, it) that (he, she, they, it) has (have) been added as a Garnishee(s) and is/are enjoined as above stated.

Amount Due	\$7,500.00
Interest from 6/17/99-	\$2,737.50
Costs to be added:	\$ _____

Prothonotary costs  
\$140.00

Rec'd 8.8.05 @ 3:30 pm  
Clerk of Court  
By: *[Signature]*  
Date: 8-5-05

CLEARFIELD COUNTY PROTHONOTARY

By:-

*[Signature]*



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

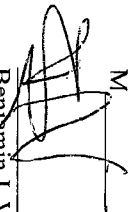
JOSEPH N. MANNERS, : Docket No. 2001-00184-C.D.  
Plaintiff, :

vs.  
GARY BAILEY,  
Defendant.

and  
COUNTY NATIONAL BANK,  
Garnishee.

WRIT OF EXECUTION

Damages \$ 10,237.50  
Attorney \$  
Prothonotary \$  
Sheriff \$  
M.

  
Benjamin J. Vrobel, Esquire  
Attorney for Plaintiff  
THE BROOKS LAW GROUP  
194 Main Street, Suite II  
Brookville, PA 15825  
(814) 849-4037

This Writ is issued subject to subsection 302  
of Article III of the act of Congress, approved  
on October 17, 1940, as to validity of sales  
of sales of confessed judgments against persons in  
the military service.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

and

COUNTY NATIONAL BANK,  
Garnishee.

Docket No. 2001-00184-C.D.

WRIT OF EXECUTION

Commonwealth of Pennsylvania  
County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against **GARY BAILEY** (Defendant):

1. You are directed to levy upon the property of the Defendant and to sell (his, her, their, its) interest(s) therein;
2. You are also directed to attach the property of the Defendant(s) not levied upon in the possession of **COUNTY NATIONAL BANK** (Garnishee), and to notify the Garnishee(s) that:
  - a. an attachment has been issued;
  - b. the Garnishee(s) is enjoined from paying any debt to or for the account of the Defendant and from delivering any property of the Defendant or otherwise disposing thereof.
  - c. If Social Security funds are directly deposited into an account of the Defendant, the levy and attachment shall not include any funds that may be traced to Social Security direct deposits.
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(s), you are directed to notify (him, her, them, it) that (he, she, they, it) has (have) been added as a Garnishee(s) and is/are enjoined as above stated.

Amount Due \$7,500.00  
Interest from 6/17/99- \$2,737.50  
Costs to be added: \$

Prothonotary costs \$140.00

CLEARFIELD COUNTY ROTHONOTARY.

By:-



Date: 8-3-05

Rec'd 8:50 AM @ 3:30 PM  
Christa A. Hamilton, Sheriff  
by Mary H. Harn

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,


Docket No. 2001-00184-C.D.

vs.  
GARY BAILEY,  
Defendant.

and  
COUNTY NATIONAL BANK,  
Garnishee.

WRIT OF EXECUTION

Damages	\$ 10,237.50
Attorney	\$
Prothonotary	\$
Sheriff	\$
M	\$

  
Benjamin J. Vrobel, Esquire  
Attorney for Plaintiff  
THE BROOKS LAW GROUP  
194 Main Street, Suite II  
Brookville, PA 15825  
(814) 849-4037

This Writ is issued subject to subsection 302  
of Article III of the act of Congress, approved  
on October 17, 1940, as to validity of sales  
of sales of confessed judgments against persons in  
the military service.

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

JOSEPH N. MANNERS,

Plaintiff

vs.

No. 2001-00184-CD

GARY BAILEY

Defendant(s)

and

COUNTY NATIONAL BANK

Garnishee

**FILED** *no cc*  
*02:05 PM*  
AUG 19 2005 *LS*

William A. Shaw  
Prothonotary/Clerk of Courts

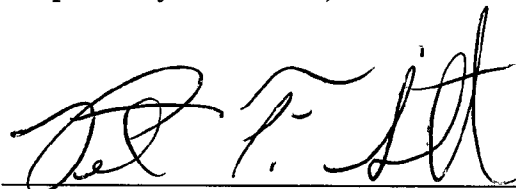
**CERTIFICATE OF SERVICE**

I, Peter F. Smith, attorney for County National Bank in the above-captioned matter, hereby certify that I served an original of the Answers to Interrogatories filed in this matter to Attorney Benjamin J. Vrobel by U.S. First Class Mail and true and correct copy on the Defendant by U.S. Certified Mail & U.S. First Class Mail Postage Prepaid at the following addresses: on August 19, 2005.

**U.S. FIRST CLASS MAIL**  
Benjamin J. Vrobel, Esquire  
The Brooks Law Group  
194 Main Street, Suite II  
Brookville, PA 15825

**CERTIFIED MAIL**  
& First Class Mail Postage Prepaid  
Gary Bailey  
36 A Sylvan Drive  
Hollidaysburg, PA 16648-2718

Respectfully submitted,



Peter F. Smith,  
Attorney for County National Bank

Date: August 19, 2005

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

Docket No. 2001-00184-C.D.

Type of Pleading:  
PRAECIPE TO SATISFY  
JUDGMENT AND WRIT  
OF EXECUTION  
Filed on behalf of: Plaintiff

Counsel of Record for this Party:  
THE BROOKS LAW GROUP  
Benjamin J. Vrobel, Esquire  
Atty. I.D. No. 92603  
194 Main Street, Suite II  
Brookville, PA 15825  
(814) 849-4037

FILED

m 11:05 AM  
SEP 15 2005

William A. Shaw  
Prothonotary/Clerk of Courts

One CC, Cert.  
of Sat, Cert. of  
Disc. to Atty  
Copy of Disc.  
to CIA

60

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

JOSEPH N. MANNERS,  
Plaintiff,

vs.

GARY BAILEY,  
Defendant.

: Docket No. 2001-00184-C.D.  
:  
: Type of Pleading:  
: CERTIFICATE OF SERVICE  
:  
: Filed on behalf of: Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of September, 2005, I served a true and correct copy of Plaintiff's Praecipe to Satisfy Judgment and Writ of Execution upon the following persons and in the following manner indicated:

Service by First Class Mail, Postage Prepaid,  
Addressed as Follows:


Gary A. Bailey  
36 A Sylvan Drive  
Hollidaysburg, PA 16648-2718  
Defendant

Joseph Manners  
RD#3 Box 240-A  
Reynoldsville, PA 15851  
Plaintiff

  
\_\_\_\_\_  
Benjamin J. Nobel, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

Joseph N. Manners

No.: 2001-00184-CD

Vs.

Debt: \$10,237.50

Gary Bailey  
County National Bank

Atty's Comm.:

Interest From:

Cost: \$7.00


NOW, Thursday, September 15, 2005 , directions for satisfaction having been received,  
and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 15th day of September, A.D. 2005.

\_\_\_\_\_  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

 COPY

**Joseph N. Manners**

**Vs.**

**No. 2001-00184-CD**

**Gary Bailey**  
**County National Bank**

**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 September 15, 2005, marked:

Discontinued

Record costs in the sum of \$162.00 have been paid in full by Benjamin J. Vrobel and Christopher E. Mohny.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of September A.D. 2005.

---

William A. Shaw, Prothonotary