

01-482-CD  
DUPENN, INC. et al -vs- ELATEC CORPORATION

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DUPENN, INC., trading as  
IGM CARBON,

Plaintiff

vs.

ELATEC CORPORATION,  
Defendant

CIVIL ACTION - AT LAW

No. 01-482-CO

Type of pleading:

**COMPLAINT**

Filed on behalf of:

PLAINTIFF

Counsel of record for this  
party:

Robert M. Hanak  
Supreme Court No. 05911  
Hanak, Guido and Taladay  
498 Jeffers St., P. O. Box 487  
DuBois, PA 15801

(814) 371-7768

**FILED**

APR 06 2001

William A. Shaw  
Prothonotary

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

DUPENN, INC., trading as :  
IGM CARBON, :  
Plaintiff :  
vs. :  
No.  
ELATEC CORPORATION, :  
Defendant :  
:

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second Floor  
Clearfield, PA 16830

(814) 765-2641 (Ext 50-51)

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
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DUPENN, INC., trading as  
IGM CARBON,

Plaintiff

vs.

No.

ELATEC CORPORATION,  
Defendant

**COMPLAINT**

AND NOW, comes the Plaintiff, and by its Attorney,  
Robert M. Hanak, avers a cause of action against the Defendant as  
follows:

1. Plaintiff is DuPenn, Inc., a Pennsylvania business corporation, who operates under the registered name of IGM Carbon, and whose address is R. R. 1, Box 100, DuBois, Clearfield County, Pennsylvania.
2. Defendant is ELATEC Corporation, a business corporation, whose principal place of business is at 260 Primrose Street, Haverhill, Massachusetts 01830.
3. Plaintiff is in the business of the machining, fabricating and sales of graphite and carbon products.
4. At the instance and request of the Defendant, and pursuant to purchase orders of the Defendant, Plaintiff manufactured and delivered to the Defendant carbon graphite parts and machine parts as specified by Defendant per shipments on November 15, 1999, December 16, 1999, and January 18, 2000.

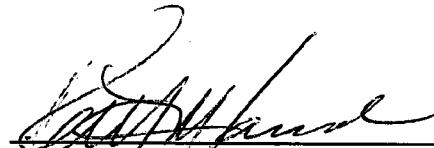
5. The total product manufactured and shipped by Plaintiff per Defendant's purchase orders amounted to \$7,980.00 on November 15, 1999, \$681.67 on December 16, 1999, and \$90.25 on January 18, 2000. See invoices attached as Exhibits A, B, and C.

6. Defendant received all shipments from Plaintiff.

7. Defendant was charged those amounts that the Defendant agreed to pay based on its order of such products from Plaintiff.

8. Defendant refuses and continues to refuse to pay the outstanding invoices totaling \$8,751.92.

WHEREFORE, Plaintiff requests your Honorable Court to issue judgment in Plaintiff's favor and against the Defendant in the amount of \$8,751.92.



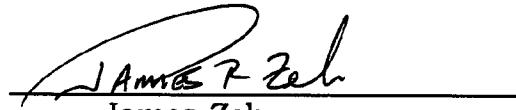
Robert M. Hanak  
Attorney for Plaintiff

**VERIFICATION**

I, JAMES ZEH, President of DuPenn, Inc., trading as IGM Carbon, do hereby verify that I 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 are 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 I may be subject to criminal penalties.

Date: 3-6-01

  
\_\_\_\_\_  
James Zeh

## INVOICE

Remit to: IGM CARBON  
 RR1, Box 100  
 Old Route 219 South  
 DuBois, Pa 15801  
 Phone: 814.371.6280  
 Fax: 814.371.6289

NUMBER	DATE
198	11/15/1999

## SOLD TO

ELATEC CORP.  
 260 PRIMROSE ST.  
 HAVERHILL, MA 01830

## SHIP TO

ETC WEST  
 6633 BELLAIRE HIGHWAY  
 BELLAIRE, MI 49615

ATTN: ACCOUNTS PAYABLE

CUSTOMER PO NO.	PACK LIST	SHIP DATE	SHIP VIA	SLM	TERMS	FO.B.
09706	198	11/15/1999	NEMF	02	COLLECT	DUBOIS, PA

QUANTITY	IGM PART NO.	CUSTOMER PART NO.	DESCRIPTION	PRICE	AMOUNT
48	118-16-1 OUR ORDER#	231-01	TAPERED PLUG LINE# 1	7.0000	336.00
48	118-16-2 OUR ORDER#	231-02	1.5 X 1 X 67.5 TUBE LINE# 2	118.2500	5,676.00
6	118-16-3 OUR ORDER#	231-03	ITEM #1 LINE# 3	122.5000	735.00
12	118-16-4 OUR ORDER#	231-04	ITEM #2 LINE# 4	22.5000	270.00
1	118-16-5 OUR ORDER#	231-05	ITEM #3 LINE# 5	963.0000	963.00
TOTAL DUE					7,980.00

3 231-03 ITEM #1 890S 02 10/25/99

USE IN-HOUSE MATERIAL  
 MACHINE PER ATTACHED PRINT  
 SHIP BEST WAY/COLLECT  
 PACKAGE WITH CARE

09706 12 118-16-4 22.50000 /E 270.00 11/10/99

4 231-04 ITEM #2 890S 02 10/25/99

USE IN-HOUSE MATERIAL  
 MACHINE PER ATTACHED PRINT  
 SHIP BEST WAY/COLLECT  
 PACKAGE WITH CARE

09706 1 118-16-5 963.00000 /E 963.00 11/10/99

5 231-05 ITEM #3 875S 02 10/25/99

**INVOICE**

Remit to: IGM CARBON  
 RR1, Box 100  
 Old Route 219 South  
 DuBois, Pa 15801  
 Phone: 814 371.6280  
 Fax: 814 371.6289

NUMBER	DATE
246	12/16/1999

## SOLD TO

ELATEC CORP.  
 260 PRIMROSE ST.  
 HAVERHILL, MA 01830

## SHIP TO

ETC WEST  
 6633 BELLAIRE HIGHWAY  
 BELLAIRE, MI 49615

ATTN: ACCOUNTS PAYABLE

CUSTOMER PO NO.	PACK LIST	SHIP DATE	SHIP VIA	SLM	TERMS	F.O.B.
09832	246	12/16/1999	UPS	02	PREPAY & ADD	DUBOIS, PA

QUANTITY	IGM PART NO.	CUSTOMER PART NO.	DESCRIPTION	PRICE	AMOUNT
48	118-16-1 OUR ORDER#	281-01	TAPERED PLUG LINE# 1	9.5000	456.00
2	118-16-6 OUR ORDER#	281-02	3 X 5.5 GAS NOZZLE LINE# 2 PREPAID UPS	100.0000	200.00
					9.67
			TOTAL DUE		681.67

## EXHIBIT B

Please compare this acknowledgement with your order and advise immediately of any errors.  
 Orders are not subject to cancellation.

**INVOICE**

Remit to: IGM CARBON  
 RR1, Box 100  
 Old Route 219 South  
 DuBois, Pa 15801  
 Phone: 814.371.6280  
 Fax: 814.371.6289

NUMBER	DATE
284	01/18/2000

## SOLD TO

ELATEC CORP.  
 260 PRIMROSE ST.  
 HAVERHILL, MA 01830

## SHIP TO

ETC WEST  
 6633 BELLAIRE HIGHWAY  
 BELLAIRE, MI 49615

ATTN: ACCOUNTS PAYABLE

CUSTOMER PO NO.	PACK LIST	SHIP DATE	SHIP VIA	SLM	TERMS	F.O.B.
1090032	284	01/18/2000	UPS BLUE	02	PREPAY AND ADD	DUBOIS, PA

QUANTITY	IGM PART NO.	CUSTOMER PART NO.	DESCRIPTION	PRICE	AMOUNT
3	118-16-7 OUR ORDER#	332-01	1 1/2 X 24 ROD LINE# 1 PREPAID UPS	25.0000	75.00
					15.25
TOTAL DUE					90.25

UPS Charge \$15.25

Please compare this acknowledgement with your order and advise immediately of any errors.  
 Orders are not subject to cancellation without our written consent.

EXHIBIT C

**FILED**

APR 06 2001  
1133 P.M.  
William A. Shaw  
Prothonotary

Hanak P.D.  
680.00  
1cc atty Hanak

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DUPENN, INC., trading as  
IGM CARBON,

Plaintiff

vs.

ELATEC CORPORATION,  
Defendant

CIVIL ACTION - AT LAW

No. 2001 - 482 C.D.

Type of pleading:

**PRAECIPE FOR DISCONTINUANCE**

Filed on behalf of:

PLAINTIFF

Counsel of record for this  
party:

Robert M. Hanak  
Supreme Court No. 05911  
Hanak, Guido and Taladay  
498 Jeffers St., P. O. Box 487  
DuBois, PA 15801

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**FILED**

MAY 07 2001

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Prothonotary

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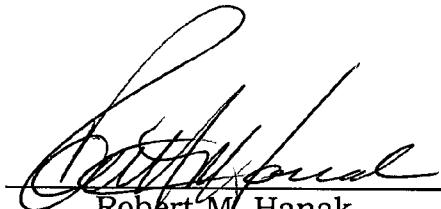
No. 2001 - 482 C.D.

ELATEC CORPORATION,  
Defendant

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Kindly mark the above referenced matter settled and  
discontinued.



\_\_\_\_\_  
Robert M. Hanak  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**DuPenn, Inc.**  
**IGM Carbon**

Vs.  
**Elatec Corporation**

No. 2001-00482-CD

**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 5/7/01 marked:

Settled and Discontinued.

Record costs in the sum of \$80.00 have been paid in full by Robert M. Hanak.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of May A.D. 2001.



\_\_\_\_\_  
William A. Shaw, Prothonotary