

01-184-CD  
DUPENN, INC. et al. -vs- PATCO SERVICES

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DUPENN, INC., trading as  
IGM CARBON,

Plaintiff

vs.

PATCO SERVICES,

Defendant

CIVIL ACTION - AT LAW

No. 01-484-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.

PATCO SERVICES,

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  
CIVIL ACTION - AT LAW

DUPENN, INC., trading as  
IGM CARBON,

Plaintiff

vs.

No.

PATCO SERVICES,

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 PATCO Services, a business entity believed  
to be a corporation or partnership or proprietorship, whose principal  
place of business is at 1 Clark Road, Duryea, Pennsylvania.

3. Plaintiff is in the business of the machining, fabricating  
and sales of graphite and carbon products.

4. Pursuant to purchase orders of the Defendant, Plaintiff  
manufactured, machined, sold and delivered to Defendant machined  
carbon parts per shipments as follows:

(a) Shipment of March 23, 2000, in the amount  
of \$4,162.50;

(b) Shipment of March 27, 2000, in the amount of \$8,257.00; and

(c) Shipment of March 31, 2000, in the amount of \$16,545.75.

These shipments total \$28,965.25. Attached hereto are Plaintiff's invoices for the respective shipments as Exhibits A, B and C.

5. All shipments were made pursuant to a purchase order by Defendant to Plaintiff of March 9, 2000, which is attached hereto as Exhibit D.

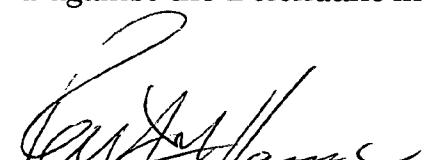
6. In addition to the above, the Defendant in order to get prompt shipment agreed to pay an expediting fee in the amount of \$1,400.00 as noted on Exhibit D.

7. All prices charged by Plaintiff were the prices agreed to by Defendant, and shipments were in the quantities as agreed to by Defendant.

8. Defendant has accepted shipment of the products.

9. Defendant has refused to pay the invoices and expediting fee totaling \$30,365.25.

WHEREFORE, Plaintiff requests your Honorable Court to issue judgment in Plaintiff's favor and against the Defendant in the amount of \$30,365.25.



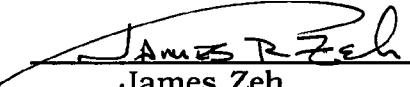
\_\_\_\_\_  
Robert M. Hanak  
Attorney for Plaintiff

**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

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

## INVOICE

NUMBER	DATE
405	03/23/2000

**SOLD TO**

**SHIP TO**

PATCO SERVICES  
1 CLARK ROAD  
DURYEA, PA 18642

PATCO SERVICES  
1 CLARK ROAD  
DURYEA, PA 18642

ATTN: ACCOUNTS PAYABLE

CUSTOMER PO. NO.	PACK LIST	SHIP DATE	SHIP VIA	SLM	TERMS	F.O.B.
001164	405	03/23/2000	CUSTOMER PICKUP	15		DUBOIS, PA

001164 1 143-16-3  
ALF 04-2 X 1 DOLIER IGM 33NT

1400.00000 /E 1423.00 03/11/00  
Expedite Charge  
15 03/09/00

TOTALS--> 6211

25778, 22

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

**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
408	03/27/2000

**SOLD TO**

**PATCO SERVICES**  
 1 CLARK ROAD  
 DURYEA, PA 18642

**SHIP TO**

**PATCO SERVICES**  
 1 CLARK ROAD  
 DURYEA, PA 18642

**ATTN: ACCOUNTS PAYABLE**

CUSTOMER PO NO.	PACK LIST	SHIP DATE	SHIP VIA	SLM	TERMS	FO.B.
001164	408	03/27/2000	DELIVERED	15		DUBOIS, PA

QUANTITY	IGM PART NO.	CUSTOMER PART NO.	DESCRIPTION	PRICE	AMOUNT
1,920	143-16-1 OUR ORDER#	415-01	1 X .5 SMALL ROLLER LINE# 1	2.2500	4,320.00
486	143-16-2 OUR ORDER#	415-02	1.378 X 1 ROLLER LINE# 2	4.5000	2,187.00
250	143-16-3 OUR ORDER#	415-03	2 X 1 ROLLER LINE# 3	7.0000	1,750.00
			TOTAL DUE		8,257.00

Customer No.:

Customer Name:

Customer Address:

Customer City:

Customer Zip:

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

423

03/31/2000

SOLD TO

SHIP TO

PATCO SERVICES  
 1 CLARK ROAD  
 DURYEA, PA 18642

PATCO SERVICES  
 1 CLARK ROAD  
 DURYEA, PA 18642

ATTN: ACCOUNTS PAYABLE

CUSTOMER PO NO.	PACK LIST	SHIP DATE	SHIP VIA	SLM	TERMS	FO.B.
001164	423	03/31/2000	NEMF	15	COLLECT	DUBOIS, PA

QUANTITY	IGM PART NO.	CUSTOMER PART NO.	DESCRIPTION	PRICE	AMOUNT
2,217	143-16-1 OUR ORDER#	415-01	1 X .5 SMALL ROLLER LINE# 1	2.2500	7,238.25
1,375	143-16-2 OUR ORDER#	415-02	1.378 X 1 ROLLER LINE# 2	4.5000	5,737.50
510	143-16-3 OUR ORDER#	415-03	2 X 1 ROLLER LINE# 3	7.0000	3,570.00
TOTAL DUE--					16,545.75

1 PALLETS	323#	RECEIVED \$
ON PALLET WITH	#	to apply in prepayment of the charges on the property described hereon.
		AGENT OR CASHIER
		PER
		(This signature here acknowledges only the amount prepaid)
		CHARGES ADVANCED:



SHIPPER: <b>IGM CARBON</b>	AGENT <i>NEMF &amp; Barnes 50138</i>
PER <i>Tammy L. Daff</i>	PER <i>1skid 3/31/00</i>

Permanent post-office address of shipper: DUBOIS, PA 15801

178 COURTRIGHT ST  
WILKESBARRE PA 18702-1802  
TEL 570-822-1144 FAX 570-822-2277

814-371-6289

TO

IGM CARBON INC.  
RR 1-Box 100  
Old Rd 219 South, Dubai

Order # 415

DATE REQUISITION  
3-9-2000 00164

**SHIP TO**

PATCO SERVICES  
1 CLARK ROAD  
DURYEA, PA 18642  
(570) 655-2858

1. Please send \_\_\_\_\_ copies of your invoice.
2. Order is to be entered in accordance with prices, delivery and specifications shown above.
3. Notify us immediately if you are unable to ship as specified.
4. Our order number must appear on all invoices, packages and correspondence.

**AUTHORIZED BY:**

ORIGINAL  
EXHIBIT D

**FILED**

APR 06 2001  
111.38/GTH/Hanak  
William A. Shaw  
Prothonotary  
PA 580.00  
LCC GTH

**HANAK, GUIDO and TALADAY**  
**LAW OFFICES**  
498 Jeffers Street, P.O. Box 487  
DuBois, Pennsylvania 15801

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Sheriff Docket # 10866

DUPENN, INC. t/a IGM CARBON

01-484-CD

VS.

PATCO SERVICES

**COMPLAINT**

**SHERIFF RETURNS**

**NOW APRIL 6, 2001, BARRY L. STANKUS, SHERIFF OF LUZERNE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON PATCO SERVICES, DEFENDANT.**

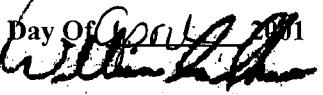
**NOW APRIL 10, 2001 SERVED THE WITHIN COMPLAINT ON PATCO SERVICES, DEFENDANT BY DEPUTIZING THE SHERIFF OF LUZERNE COUNTY. THE RETURN OF SHERIFF STANKUS IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED JULIE LOMBARDO, P.I.C.**

---

**Return Costs**

Cost	Description
27.89	SHFF. HAWKINS PAID BY: ATTY.
26.00	SHFF. STANKUS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

**Sworn to Before Me This**

23rd Day Of April, 2001  


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

**So Answers,**

  
Chester A. Hawkins  
Sheriff

**FILED**

APR 23 2001  
012:18  
William A. Shaw  
Prothonotary

**Luzerne County Sheriff's Department**  
**Luzerne County Courthouse**



200 North River Street  
 Wilkes-Barre, Pennsylvania 18711  
 (570) 825-1651

CLEARFIELD COUNTY  
 01-484-CD  
 DUPENN INC., T/A IGM CARBON  
**vs**  
 PATCO SRVICES

STATE OF PENNSYLVANIA  
 LUZERNE COUNTY, SS:

JOSEPH OLIVERI, DEPUTY SHERIFF, for SHERIFF of said county, being duly sworn according to law, deposes and says, that on TUESDAY the 10TH day of APRIL 20 01 at 8:43 A. M., prevailing time, he served the within NOTICE AND COMPLAINT

upon PATCO SERVICES

the within named, by handing to JULIE LOMBARDO  
 the person for the time being in charge at THE PLACE OF BUSINESS, 1 CLARK ROAD, DURYEA

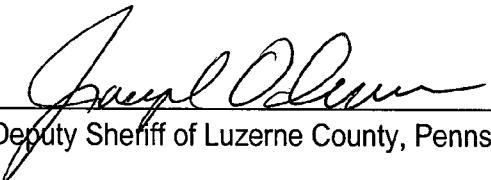
in the County of Luzerne, State of Pennsylvania, a true and attested copy and making known the contents thereof.

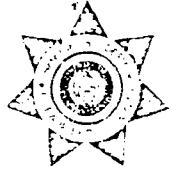
Sworn to and subscribed before me

  
 \_\_\_\_\_  
 Sheriff of Luzerne County

this 11TH day of APRIL 20 01

  
 \_\_\_\_\_  
 Prothonotary of Luzerne County

by   
 \_\_\_\_\_  
 Deputy Sheriff of Luzerne County, Pennsylvania



**Sheriff's Office  
Clearfield County**

OFFICE (814) 765-2641  
AFTER 4:00 P.M. (814) 765-1533  
CLEARFIELD COUNTY FAX  
(814) 765-6089

CHESTER A. HAWKINS  
SHERIFF

SUITE 116  
1 NORTH SECOND STREET - COURTHOUSE  
CLEARFIELD, PENNSYLVANIA 16830

DARLENE SHULTZ  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

MARGARET PUTT  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

**DEPUTATION**

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

DUPENN, INC. t/a IGM CARBON

**NO. 01-484-CD**

VS

**ACTION: COMPLAINT**

PATCO SERVICES

**SERVE BY: 5/6/01**

Or

**HEARING DATE:**

**SERVE: PATCO SERVICES**

**ADDRESS: 1 Clark Road, Duryea, Pa.**

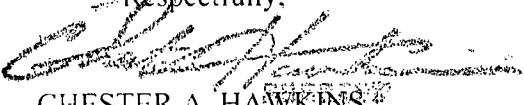
Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF of LUZERNE COUNTY Pennsylvania to execute this writ.

This Deputation being made at the request and risk of the Plaintiff this

6th day of APRIL

2001.

Respectfully,

  
CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY

**MAKE REFUND PAYABLE TO: HANAK, GUIDO & TALADAY, Attorneys**

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DUPENN, INC., trading as  
IGM CARBON,

Plaintiff

vs.

PATCO SERVICES,

Defendant

CIVIL ACTION - AT LAW

No. 01-484-CD

Type of pleading:

**IMPORTANT NOTICE**

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**

JUN 07 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. 01-484-CD  
PATCO SERVICES, :  
Defendant :  
:

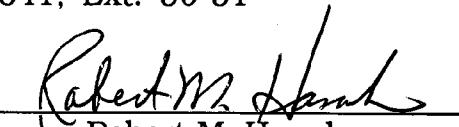
**IMPORTANT NOTICE**

**TO: PATCO SERVICES**  
**1 Clark Road**  
**Duryea, PA 18642**

You are in default because you have failed to take action required of you in this case. **Unless you act within ten (10) days of the date of this notice, judgment may be entered against you without a hearing and you may lose your property or other important rights.** You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office 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

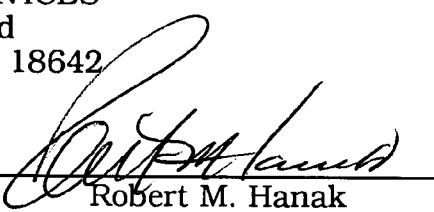
Date: May 10, 2001

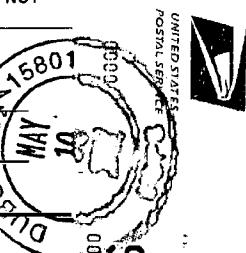
  
\_\_\_\_\_  
Robert M. Hanak  
Attorney for Plaintiff  
498 Jeffers St.  
P. O. Box 487  
DuBois, PA 15801

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2001, I mailed a copy of the foregoing Important Notice by first class mail, postage prepaid, to the following:

PATCO SERVICES  
1 Clark Road  
Duryea, PA 18642

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

U.S. POSTAL SERVICE		<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER		
Received From: <u>Robert M. Hanak, Esq.</u> <u>P.O. Box 487</u> <u>Dubois, PA 15801</u>		
One piece of ordinary mail addressed to: <u>PATCO Services</u> <u>1 Clark Road</u> <u>Duryea, PA 18642</u>		
 POSTAGE PAID 15801 DURYEA PA 18642 MAY 10 2001 AMOUNT \$0.75 50-1992000		

PS Form 3817, Mar. 1989

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DUPENN, INC., trading as  
IGM CARBON,

Plaintiff

vs.

PATCO SERVICES,

Defendant

CIVIL ACTION - AT LAW

No. 01-484-CD

Type of pleading:

**PRAECIPE FOR JUDGMENT  
BY DEFAULT**

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**

JUN 08 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. 01-484-CD

PATCO SERVICES,

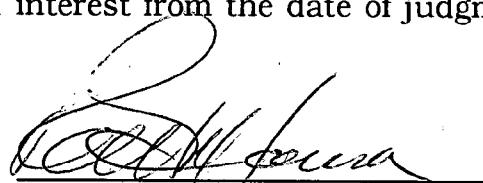
Defendant

PRAECIPE FOR JUDGMENT BY DEFAULT

AND NOW, comes the Plaintiff and praecipes the  
Prothonotary to enter default judgment against the Defendant, PATCO  
Services, based on the following:

1. A Complaint was duly filed at the above docket on April 6, 2001, and was served on the Defendant by deputized service in Luzerne County on April 10, 2001 (see return of service attached hereto).
2. Defendant, within the pleading period, did not file a responsive pleading, and no entries of appearance have been made by any counsel on behalf of Defendant.
3. On May 10, 2001, Plaintiff submitted the required notice of praecipe for judgment by default pursuant to Pa.R.C.P. 237.1 (see attached notice as submitted).
4. Since the notice of praecipe for judgment was served on the Defendant, there have been no responsive pleadings or appearances filed on Defendant's behalf.
5. In Plaintiff's Complaint, a sum certain of \$30,365.25 was averred as Plaintiff's total claim, exclusive of interest.

WHEREFORE, it is hereby praeciped and requested of the Prothonotary of Clearfield County to enter judgment on behalf of Plaintiff and against Patco Services in the amount of \$30,365.25, together with the costs of suit and interest from the date of judgment at the legal rate.



Robert M. Hanak  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

DUPENN, INC., trading as  
IGM CARBON,

Plaintiff

vs.

PATCO SERVICES,  
Defendant

CIVIL ACTION - AT LAW

No. 01-484-CD

Type of pleading:

**IMPORTANT NOTICE**

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

**COPY**

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

DUPENN, INC., trading as :  
IGM CARBON, :  
Plaintiff :  
vs. : No. 01-484-CD  
PATCO SERVICES, :  
Defendant :  
:

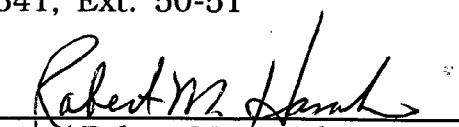
**IMPORTANT NOTICE**

**TO: PATCO SERVICES  
1 Clark Road  
Duryea, PA 18642**

You are in default because you have failed to take action required of you in this case. **Unless you act within ten (10) days of the date of this notice, judgment may be entered against you without a hearing and you may lose your property or other important rights.** You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office 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

Date: May 10, 2001

  
\_\_\_\_\_  
Robert M. Hanak  
Attorney for Plaintiff  
498 Jeffers St.  
P. O. Box 487  
DuBois, PA 15801

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2001, I mailed a copy of the foregoing Important Notice by first class mail, postage prepaid, to the following:

PATCO SERVICES  
1 Clark Road  
Duryea, PA 18642

  
Robert M. Hanak  
Attorney for Plaintiff

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER			
Received From:			
Robert M. Hanak, Esq.			
P.O. Box 487			
DuBois, PA 15801			
One piece of ordinary mail addressed to:			
Patco Services			
1 Clark Road			
Duryea, PA 18642			

U.S. POSTAGE  
PAID  
DUBOIS, PA  
MAY 10, 2001  
AMOUNT  
50¢

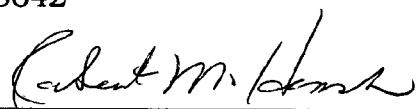
UNITED STATES POSTAL SERVICE

PS Form 3817, Mar. 1989

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2001, I mailed a copy of the foregoing PRAECIPE FOR JUDGMENT BY DEFAULT by first class mail, postage prepaid, to the following:

PATCO SERVICES  
1 Clark Road  
Duryea, PA 18642



Robert M. Hanak  
Attorney for Plaintiff

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

COPY

DuPenn, Inc.  
IGM Carbon  
Plaintiff(s)

No.: 2001-00484-CD

Real Debt: \$30,365.25

Atty's Comm:

Vs.

Costs: \$

Int. From:

Patco Services  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 8, 2001

Expires: June 8, 2006

Certified from the record this 8th of June, 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

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DuPenn, Inc.  
IGM Carbon

Vs.

No. 2001-00484-CD

Patco Services

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$30,365.25 on the June 8, 2001.

William A. Shaw  
Prothonotary

---

William A. Shaw

**FILED**

JUN 08 1991  
SAC M-3-12 Cathy Henak  
William A. Shaw  
Prothonotary  
PA \$ 20.00

Not to Day.  
Statement to Cathy Henak