

01-690-CD  
BARRY L. WINGARD -vs- ROYAL DIadem DESIGN CENTER

TH OF PENNSYLVANIA  
COURT OF COMMON PLEAS  
County of Clearfield  
JUDICIAL DISTRICT

46th

NOTICE OF APPEAL

FROM  
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 01-690-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>ROYAL DIADEM DESIGN CENTER</b>		MAG. DIST. NO. OR NAME OF D.J. <b>46-3-01</b>		
ADDRESS OF APPELLANT <b>100 North Brady Street</b>		CITY <b>Du Bois</b>	STATE <b>PA</b>	ZIP CODE <b>15801</b>
DATE OF JUDGMENT <b>4/27/01</b>	IN THE CASE OF (Plaintiff) <b>BARRY L. WINGARD</b>	(Defendant)		
CLAIM NO. <b>CV XX 0000105-01</b>	LT 19	vs. <b>ROYAL DIADEM DESIGN CENTER</b>		
Christopher E. Mohney, Esquire		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. 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>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>				
<p>Signature of Prothonotary or Deputy</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 BARRY L. WINGARD, appellee(s), to file a complaint in this appeal  
(Name of appellee(s))  
(Common Pleas No. 01-690-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

RULE: To BARRY L. WINGARD, appellee(s)  
(Name of 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: May 10, 2001



Signature of Prothonotary or Deputy

**FILED**

MAY 10 2001

William A. Shaw  
Prothonotary

---

## 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\_\_\_\_\_.



FILED

RECEIVED  
MAY 10 2001  
ATTY MURRAY  
SHERIFF WILLIAM A. SHAW  
PROTHONOTARY  
P.D. \$10.00

cc to atty murray

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

4738 0270	
HONORABLE PATRICK N. FORD (4)	
Postage	\$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.74

DUBOIS, PA 15801  
Postmark  
Here  
MAY 17 2001  
USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
**HONORABLE PATRICK N. FORD**

Street, Apt. No., or PO Box No.  
**309 MAPLE AVENUE**

City, State, ZIP+4  
**DU BOIS, PA 15801**

### **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

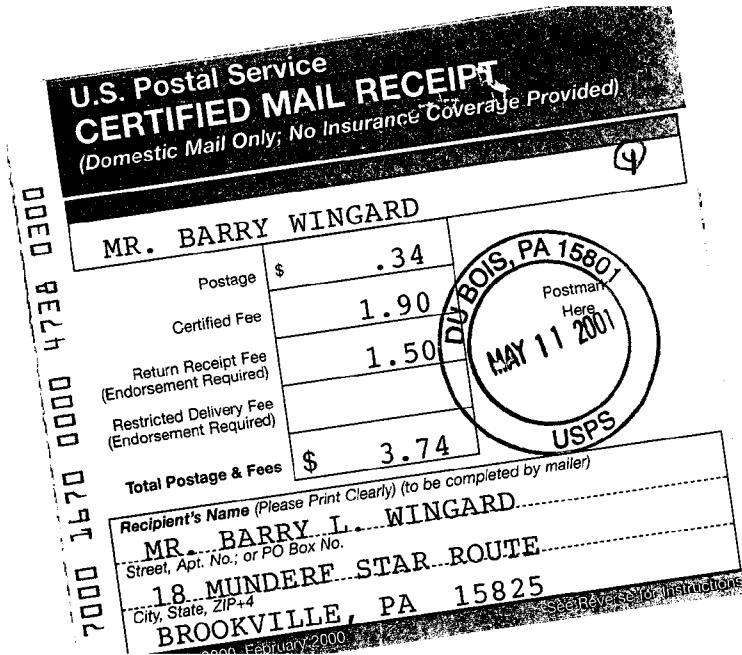
### **Important Reminders:**

- 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.**

PS Form 3800, February 2000 (Reverse)

102595-99-M-2087



**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.**

PS Form 3800, February 2000 (Reverse)

102595-99-M-2087

COURT OF COMMON PLEAS  
County of Clearfield  
JUDICIAL DISTRICT

46th

## NOTICE OF APPEAL

FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 01-690-CO

## 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		MAG. DIST. NO. OR NAME OF D.J.		
ROYAL DIADEM DESIGN CENTER		46-3-01		
ADDRESS OF APPELLANT		CITY	STATE	ZIP CODE
100 North Brady Street		Du Bois	PA	15801
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)		(Defendant)	
4/27/01	BARRY L. WINGARD		ROYAL DIADEM DESIGN CENTER	
CLAIM NO.	VS. SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			
CV 19 0000105-01 LT 19	Christopher E. Mohney, Esquire			
<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><i>Signature of Prothonotary or Deputy</i></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 BARRY L. WINGARD, appellee(s), to file a complaint in this appeal  
(Name of appellee(s))  
(Common Pleas No. 01-690-CO) within twenty (20) days after service of rule or sufficient entry of judgment of non pros.

*Christopher E. Mohney*  
*Signature of appellant or his attorney or agent*

RULE: To BARRY L. WINGARD, 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: May 10, 2001

*Christopher E. Mohney*  
Signature of Prothonotary or Deputy  
I hereby certify this to be a true and attested copy of the original statement filed in this case.

MAY 10 2001

Attest.

*Christopher E. Mohney*  
Prothonotary

## 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

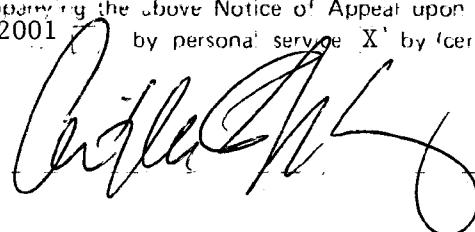
AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No 01-690-C, upon the District Justice designated thereon on (date of service) May 11 XX 2001,  by personal service  by (certified) (xxxxxxxxx) mail, sender's receipt attached hereto, and upon the appellee, (name) Barry L. Wingard on May 11 XX 2001 by personal service  by (certified) (xxxxxxxxx) 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 May 11 XX 2001 by personal service  by (certified) (xxxxxxxxx) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 11TH DAY OF MAY XX 2001

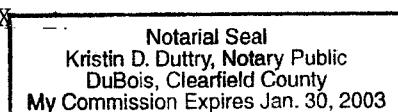
Kristin D. Duttry  
Signature of official before whom affidavit was made



Signature of affiant

NOTARY PUBLIC  
Title of official

My commission expires on 1/30/2003 XX



1000. 1000  
scor. 1000

1000. 1000

mla:01  
William J. Protho, Esq.  
Flet

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA**

Telephone: **(814) 371-5321**

**15801**

**PATRICK N. FORD**  
**309 MAPLE AVENUE**  
**P.O. BOX 452**  
**DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF:

**WINGARD, BARRY L** NAME and ADDRESS

**18 MUNDERF STAR RT**  
**BROOKVILLE, PA 15825**

VS.

DEFENDANT: NAME and ADDRESS  
**ROYAL DIADEM DESIGN CENTER**  
**100 NORTH BRADY ST**  
**DUBOIS, PA 15801**

Docket No.: **CV-0000105-01**  
Date Filed: **3/13/01**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

*01-690-CD*

Judgment was entered for: (Name) **WINGARD, BARRY L**

Judgment was entered against: (Name) **ROYAL DIADEM DESIGN CENTER**

in the amount of \$ **5,291.59** on: (Date of Judgment) **4/27/01**

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	\$ <b>5,191.09</b>
Judgment Costs	\$ <b>100.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
Total	\$ <b>5,291.59</b>

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
=====	
Certified Judgment Total	\$ _____

**FILED**

**MAY 16 2001**

*m11156*  
**William A. Shaw**  
Prothonotary

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.

*4-27-01* Date *Patrick N. Ford - PNT*, District Justice

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

Date \_\_\_\_\_, District Justice

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

**CIVIL COMPLAINT**

Mag. Dist. No.:

**46-3-01**

DJ Name: Hon.

**PATRICK N. FORD**  
Address: **109 NORTH BRADY STREET**  
**P.O. BOX 452**  
**DUBOIS, PA 15801**  
Telephone: **(814) 371-5321**

PLAINTIFF:

NAME and ADDRESS

**Barry Wingard**  
18 Munderf Star Route  
Brookville PA 15825

VS.

DEFENDANT:

NAME and ADDRESS

**Royal Diadem Design Centre**  
100 North Brady Street  
DuBois, PA 15801

Docket No.: **CV 1055-01**  
Date Filed:



	AMOUNT	DATE PAID
FILING COSTS	\$ <u>100.00</u>	/ /
SERVING COSTS	\$ _____	/ /
TOTAL	\$ _____	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 5,191.09 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Purchases made by Plaintiff on his personal credit card, specifically Chase Platinum, for furniture and other items for the Defendant for purposes of resale in store by Defendant. Despite repeated requests from Plaintiff to Defendant, the Defendant has refused to pay the same.

I, Barry Wingard verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Barry Wingard".

(Signature of Plaintiff or Authorized Agent)

Plaintiff's Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

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

BARRY L. WINGARD, : No. 01 - 690 - C.D.  
Plaintiff :  
: :  
vs. : Type of Pleading: Praeclipe for  
: Judgment of Non Pros  
ROYAL DIADEM DESIGN CENTER, :  
Defendant :  
: :  
: Filed on behalf of: Defendant  
: :  
: Filed by: Christopher E. Mohney  
: Attorney for Defendant  
: 90 Beaver Drive  
: Box 6  
: DuBois, PA 15801  
: (814) 371 - 2730  
: Atty. I.D. #63494

**FILED**

JUN 01 2001

**William A. Shaw  
Prothonotary**

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

BARRY L. WINGARD, : No. 01 - 690 - C.D.  
Plaintiff :  
vs. :  
ROYAL DIADEM DESIGN CENTER, :  
Defendant :  
:

PRAECIPE FOR JUDGMENT OF NON PROS

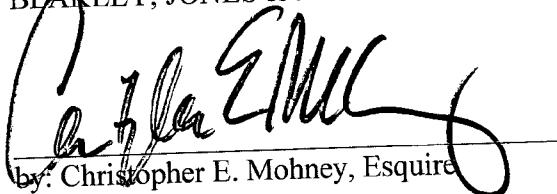
TO WILLIAM SHAW, PROTHONOTARY:

Please enter judgment of non pros against the plaintiff and in favor of defendant ROYAL DIADEM DESIGN CENTER for failure to file a complaint within twenty (20) days from the date of service of the rule to file complaint.

The undersigned certifies that service of the Rule to File Complaint was served on Plaintiff BARRY L. WINGARD on May 11, 2001 via certified mail return receipt requested. Attached hereto are copies of said Rule, receipt evidencing mailing on May 11, 2001, and return receipt of BARRY L. WINGARD dated May 12, 2001.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY



Christopher E. Mohney

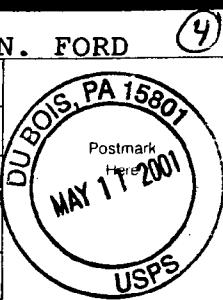
U.S. Postal Service

## CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

HONORABLE PATRICK N. FORD (4)

Postage	\$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.74



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

HONORABLE PATRICK N. FORD

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

309 MAPLE AVENUE

City, State, ZIP+4

DU BOIS, PA 15801

PS Form 3800, February 2000

See Reverse for Instructions

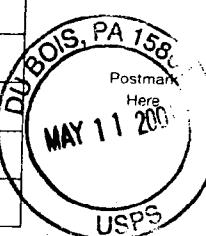
U.S. Postal Service

## CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

MR. BARRY WINGARD (4)

Postage	\$ .34
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.74



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

MR. BARRY L. WINGARD

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

18 MUNDER STAR ROUTE

City, State, ZIP+4

BROOKVILLE, PA 15825

PS Form 3800, February 2000

See Reverse for Instructions

## 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 - CLEARFIELD

AFFIDAVIT: I hereby swear or affirm that I served

A copy of the Notice of Appeal, Case No. 01-690-C.D., and the Rule to file the complaint (hereinafter collectively referred to as the "Notice of Appeal") upon the above-named defendant(s) on May 11, 2001,  by personal service,  by (certified)  mail, sender's receipt attached hereto, and upon the above-named defendant(s) on May 11, 2001,  by personal service,  by (certified)  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 above-named defendant(s) to whom the Rule was addressed on May 11, 2001,  by personal service,  by (certified)  mail, sender's receipt attached hereto.

SWEORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 11TH DAY OF MAY XX 2001Kristin D. Duttry  
Signature of official before whom affidavit was made

Signature of affiant

NOTARY PUBLIC

Name of official

My commission expires on 1/30/2003

XX

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

100% YAR!

**SENDER: COMPLETE THIS SECTION**

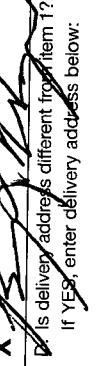
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

MR. BARRY L. WINGARD  
18 MUNDERF STAR ROUTE  
BROOKVILLE, PA 15825

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)  B. Date of Delivery  
5-12-01

C. Signature  


D. Is delivery address different from item 1?  Yes  Addressee  
If YES, enter delivery address below:  


**3. Service Type**

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

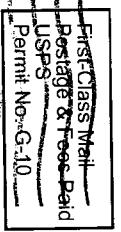
**4. Restricted Delivery? (Extra Fee)  Yes****2. Article Number (Copy from service label)**

**7000 1670 0000 4738 0300**

S Form 3811, July 1989 Domestic Return Receipt

102595-99-M-1789

UNITED STATES POSTAL SERVICE



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

CHRISTOPHER E. MOHNEY, ESQUIRE  
BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801

File # 147-10000  
D.B. 10000  
JUN 01 2001  
William A. Shaw  
Prothonotary  
Statement to Atty  
E. A. Shaw

**COPY**

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

Barry L. Wingard  
Plaintiff(s)

No.: 2001-00690-CD

Real Debt: Non Pros

Atty's Comm:

Vs.

Costs: \$

Int. From:

Royal Diadem Design Center  
Defendant(s)

Entry: \$20.00

Instrument: Judgment of Non Pros

Date of Entry: June 1, 2001

Expires: June 1, 2006

Certified from the record this 1st day 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

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

**COPY**

BARRY L. WINGARD, : No. 01 - 690 - C.D.  
Plaintiff :  
: vs. :  
: :  
ROYAL DIADEM DESIGN CENTER, :  
Defendant :  
:

Please be advised that on this 1<sup>st</sup> day of June, 2001, upon Praecept of Defendant a judgment of Non Pros was entered against you in the above-captioned case.

PROTONOTARY,

---

by: , Deputy

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

BARRY L. WINGARD,  
Plaintiff

vs.

ROYAL DIADEM DESIGN  
CENTER,  
Defendant

: No. 01-690 C.D.

: Type of Pleading:

**ENTRY OF APPEARANCE**

: Filed on Behalf of:

~~DEFENDANT~~  
~~PLAINTIFF~~

: Counsel of Record for  
This Party:

: Jeffrey S. DuBois  
Supreme Court No. 62074  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

**FILED**

JUN 21 2001

William A. Shaw  
Prothonotary

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

BARRY L. WINGARD,  
Plaintiff

vs.

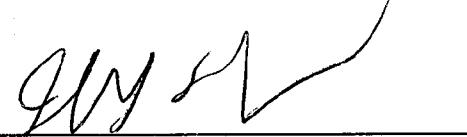
No. 01-690-CD

ROYAL DIADEM DESIGN CENTER,  
Defendant

**ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Plaintiff, BARRY L.  
WINGARD.



---

Jeffrey S. DuBois  
Supreme Court I.D. No. 62074  
Hanak, Guido and Taladay  
498 Jeffers Street  
P. O. Box 487  
DuBois, PA 15801  
814-371-7768

FILED

JUN 21 2001  
MILLIS NOCC  
William A. Shaw  
Prothonotary  
Grech

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

BARRY L. WINGARD, : NO. 01 - 690 - C.D.  
Plaintiff :  
VS. : TYPE OF CASE: CIVIL  
ROYAL DIADEM DESIGN CENTER, : TYPE OF PLEADING: CONSENT ORDER  
Defendant : FILED ON BEHALF OF: DEFENDANT  
: 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 22 2001  
011137/hoceg  
William A. Shaw  
Prothonotary

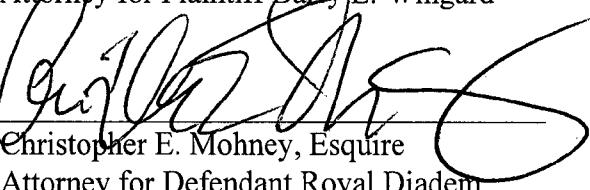
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

BARRY L. WINGARD, : NO. 01 - 690 - C.D.  
: Plaintiff :  
VS. :  
ROYAL DIADEM DESIGN CENTER, :  
: Defendant :

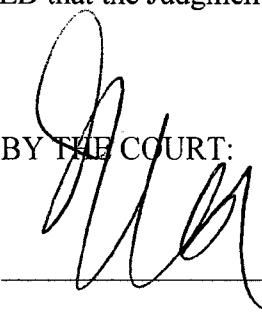
**CONSENT ORDER**

The above parties, by their respective undersigned counsel, hereby consent to the Court ordering that the Judgment of Non Pros filed on Praeclipe of Defendant on June 1, 2001, are hereby stricken, and the case re-opened.

  
Jeffrey S. DuBois, Esquire  
Attorney for Plaintiff Barry L. Wingard

  
Christopher E. Mohney, Esquire  
Attorney for Defendant Royal Diadem  
Design Center

AND NOW, this 24<sup>th</sup> day of June, 2001, upon the foregoing Stipulation of counsel of record for the parties, it is hereby ORDERED AND DECREED that the Judgment of Non Pros is stricken and the case re-opened.

  
BY THE COURT:

**COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

**BARRY L. WINGARD,** : **No. 01-687-C.D.**  
**Plaintiff** : **No. 01-688-C.D.**  
  
**vs.** : **No. 01-689-C.D.**  
: **No. 01-690-C.D.**  
  
**ROYAL DIADEM DESIGN CENTER,** : **Type of Case: Civil**  
**Defendant** : **Type of Pleading: Entry of Appearance**  
: **Filed on behalf of: Plaintiff**  
: **Counsel of Record:**  
: **SCOTT C. ALLEN, ESQUIRE**  
: **Supreme Court No. 80824**  
: **257 Main Street**  
: **Brookville, Pennsylvania 15825**  
: **(814) 849-4129**

**FILED**

OCT 16 2001  
m 1115 no cc  
William A. Shaw  
Prothonotary

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

BARRY L. WINGARD, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
vs.                    )  
                          )  
ROYAL DIADEM DESIGN CENTER,    ) No.: 01-690 C.D.  
                          )  
                          )  
Defendant            )  
                          )  
                          )

---

**COMPLAINT IN A CIVIL ACTION**

AND NOW, comes the Plaintiff, Barry L. Wingard, by and through his attorneys, LUKEHART & LUNDY, who files this Complaint and in support thereof avers the following:

1. Plaintiff, BARRY L. WINGARD, is an adult individual residing at 18 Munderf Star Route, Brookville, Pennsylvania 15825.
2. ROYAL DIADEM DESIGN CENTER, at 100 North Brady Street, DuBois, Clearfield County, Pennsylvania 15801, Defendant herein, is believed to be a Pennsylvania corporation, partnership, or sole proprietorship, owned entirely by Jeffrey Rice, for which Plaintiff reserves the right to amend this complaint to include Jeffrey Rice as a defendant should it be determined it is not a corporation or Jeffrey Rice failed to operate as a corporation.
3. Defendant's business is located within Clearfield County, and all transactions and occurrences herein occurred in Clearfield County, and this Honorable Court has proper jurisdiction.
4. Defendant is in the business, among other things, of the resale of household furniture and various other household furnishings and accessories.

**FILED**

**DEC 14 2001**

**William A. Shaw  
Prothonotary**

5. Plaintiff worked for Defendant as the manager of Defendant's store from the period of August of 1996 to August, 2000.

6. Plaintiff's job duties included the interviewing and hiring of personnel, the ordering of all furniture and other accessories for resale within the store, the presentation and set-up of displays at the store, payment of all orders and bills, and general service to customers.

7. On or about 1999, and again in 2000, because of the fact Defendant was experiencing financial constraints, Plaintiff used his own personal credit cards, specifically First Card Visa, Chase Platinum, Citibank Master Card and GM Master Card, for monetary loans to Defendant so as to allow Defendant to pay various debts.

8. The total costs purchased on Plaintiff's credit cards were in the amount of Ten Thousand Eight Hundred Seventy-three and 75/100 (\$10,873.75) Dollars.

9. The agreement between the parties that Defendant would pay Plaintiff back in a reasonable time.

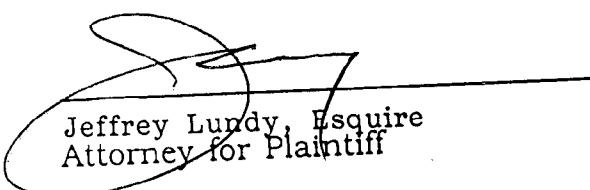
10. On or about August, 2000, because of difficulties between the parties, Plaintiff terminated his employment with Defendant.

11. Thereafter, Plaintiff requested payment in full for all the monies he had loaned to Defendant.

12. Despite repeated requests for payment, Defendant has refused to pay Plaintiff for the monies set forth above. Said conduct by Defendant is outrageous as these amounts are clearly owed by Defendant to Plaintiff and Plaintiff's generous act of using his own

credit cards were solely for the benefit of Defendant and has acted willful, malicious and outrageous in not paying the same back to Plaintiff and requiring him to file suit.

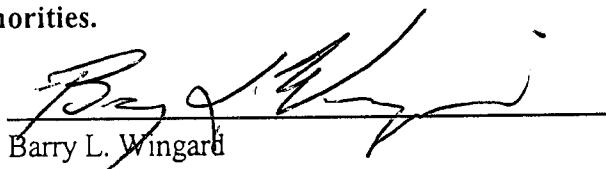
WHEREFORE, Plaintiff requests judgment in his favor and against Defendant in the amount of Ten Thousand Eight Hundred Seventy-three and 75/100 (\$10,873.75) Dollars, plus interest, costs, attorney's fees and any other relief this Court deems just and equitable.



Jeffrey Lundy, Esquire  
Attorney for Plaintiff

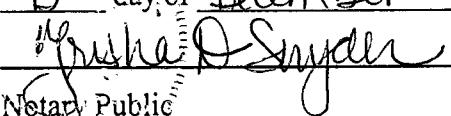
VERIFICATION

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



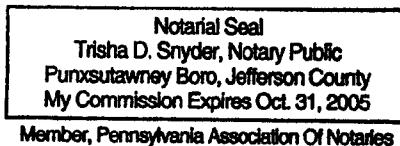
Barry L. Wingard

Sworn and subscribed to before me this  
13th day of December, 2001.

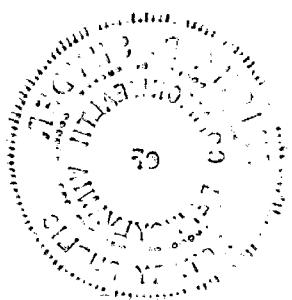


Trisha D. Snyder

Notary Public



Member, Pennsylvania Association Of Notaries



**FILED**

DEC 14 2001

1374 | 1cc cert

William A. Shaw  
Prothonotary

*ASST*



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

COPY

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

### Notice of Proposed Termination of Court Case

SEPTEMBER 12, 2005

RE: 01-0690-CD

Barry Wingard vs. Royal Diadem Design Center

Dear Jeffrey S. DuBois, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary** of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before November 17, 2005.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

David S. Meholic  
Court Administrator

FILED

SEP 12 2005  
William A. Shaw  
Prothonotary/Clerk of Courts



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

SEPTEMBER 12, 2005

RE: 01-0690-CD

Barry L. Wingard vs. Royal Diadem Design Center

Dear Scott C. Allen, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary** of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before November 17, 2005.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

A handwritten signature in blue ink, appearing to read "David S. Meholick".  
David S. Meholick  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

SEPTEMBER 12, 2005

RE: 01-0690-CD  
Barry Wingard vs. Royal Diadem Design Center

Dear Christopher E. Mohney:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary** of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before November 17, 2005.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

A handwritten signature in black ink, appearing to read "David S. Meholick".

David S. Meholick  
Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
SUITE 228, 230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

**Notice of Proposed Termination of Court Case**

SEPTEMBER 12, 2005

RE: 01-0690-CD

Barry L. Wingard vs. Royal Diadem Design Center

Dear Jeffrey Lundy, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary** of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before November 17, 2005.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

A handwritten signature in black ink that appears to read "David S. Meholick".

David S. Meholick  
Court Administrator

Court of Common Pleas of Clearfield County, Pennsylvania  
Civil Division

Barry L. Wingard

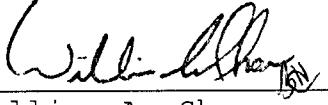
Vs.

01-0690-CD

Royal Diadem Design Center

**Termination of Inactive Case**

This case is hereby terminated with prejudice  
this 17<sup>th</sup> day of November, 2005, as per Rule 230.2.

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

**FILED**

NOV 17 2005

William A. Shaw  
Prothonotary/Clerk of Courts