

ROTARY DRILLING SERVICES, INC. -vs- DALE GREEN et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

Plaintiff,

v.

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

Defendant.

CIVIL DIVISION

No. 01-1626-CD

Issue No.

COMPLAINT IN CIVIL ACTION

Code:

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Robert J. Colaizzi, Esq.
Pa I.D. No. 52696

WITTLIN & IANNUCCI, P.C.
Firm #446
950 Greentree Road
Suite 301
Pittsburgh, PA 15220

(412) 875-4200

FILED

OCT 01 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

CIVIL DIVISION

No.

Plaintiff,

v.

Issue:

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

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 and notice are 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 against you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any 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 OR KNOW A LAWYER OR CANNOT AFFORD ONE, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

THE PENNSYLVANIA LAWYER REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
P. O. BOX 186
HARRISBURG, PA 17108

(800) 692-7375

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

CIVIL DIVISION

No.

Plaintiff,

v.

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

Defendant.

COMPLAINT IN CIVIL ACTION

AND NOW, comes Plaintiff, ROTARY DRILLING SERVICES, INC., by its attorneys, WITTLIN & IANNUCCI, P.C., and presents the within Complaint in Civil Action against the Defendant, DALE GREEN t/d/b/a GREEN ENTERPRISES, and, support thereof, avers as follows:

1. The Plaintiff, Rotary Drilling Services, Inc. (hereinafter referred to as "Rotary"), is a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 312 South Centre Street, Philipsburg, Pennsylvania 16866.

2. The Defendant, Dale Green, is an individual, trading and doing business as Green Enterprises (hereafter referred to as "Green"), whose current principal place of business is located at R.D. 3, Box 80A, Franklin, Pennsylvania 16323.

3. On or about June 30, 2000, the parties hereto entered into a contract whereby the Plaintiff, Rotary, agreed to supply certain parts to the Defendant, Green, on an open account.

4. Subsequent to the delivery and acceptance of the goods provided by Plaintiff, as referenced hereinabove, Plaintiff then sent a series of invoices to the Defendant, Green. The agreed upon consideration for the purchase of the parts was \$6,000.00. A true and correct copy of the original invoice dated June 30, 2000 is hereby attached, and incorporated by reference as if set forth fully herein, as Exhibit "A".

5. Plaintiff believes, and therefore avers, that the Defendant, Green, did in fact make partial payments totaling \$2,000.00 towards the outstanding balance of \$6,000.00 as referenced hereinabove.

6. However, the Plaintiff believes, and therefore avers, that Defendant, Green, breached the express terms and conditions of the contract entered into by the parties by failing to remit the balance of \$4,000.00 due and owing to the Plaintiff.

7. By March 7, 2001, an additional invoice was sent to Defendant, Green, stating that a balance of \$4,000.00 was still due and owing to Plaintiff. A true and correct copy of the aforesaid invoice dated March 7, 2001 is hereby attached, and incorporated by reference as if set forth fully herein, as Exhibit "B".

8. Despite repeated demands for payment of the delinquent balance due and owing to the Plaintiff, the Defendant, Green, has failed, to date, to pay the \$4,000.00 owing to the Plaintiff, Rotary.

9. The Plaintiff believes, and therefore avers, that it has performed any and all necessary conditions precedent which would entitle it to receive payment in full of the balance owed under the contract entered into by the parties.

10. Plaintiff believes, and therefore avers, that it is entitled receive, in addition to the balance of \$4,000.00 due and owing, interest, cost and attorneys fees.

WHEREFORE, the Plaintiff, Rotary Drilling Services, Inc., respectfully requests this Honorable Court to enter judgment against the Defendant, Dale Green, t/d/b/a Green Enterprises, in the amount of \$4,000.00, plus interest, costs and fees incurred until the time of the entry of final judgment.

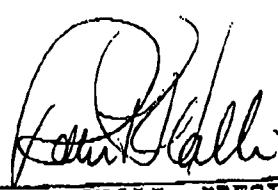
Respectfully submitted,
WITTLIN & IANNUCCI, P.C.

By Robert J. Colaizzi

Robert J. Colaizzi, Esq.

VERIFICATION

I, ROBERT VALLI, the undersigned, state that I am the President of Rotary Drilling Services, Inc. and that I am authorized to make this verification on behalf of said company and that the facts set forth in the foregoing complaint in Civil Action are true and correct based upon personal knowledge, information and belief.

Date: 9/26/01
Robert Valli
ROBERT VALLI, PRESIDENT



312 SOUTH CENTRE STREET
PHILIPSBURG, PA 16866
PHONE: (814)-342-1322
FAX: (814)-342-0814
SHOP: (814)-342-0122

Invoice # 630627

Green Enterprises
RD#3 Box 80 A
Franklin, PA 16323

Atten Dale Green

ORDER NBR	PURCHASE ORDER NBR	SHIP VIA	ITEMS FPO	DATE SHIPPED	TERMS	INVOICE DATE
	Verbal Dale G.	Customer Pickup	3	3-Pick-up	N-30	6-30-00
QTY ORDERED	QTY SHIPPED	QTY BACK ORDERED	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED

6-30-00

Mis. GHH, CP, compressor parts,components \$6000.00

(Note: the above figure is based on an agreement
between Bob Valli and Dale Green as a settlement
from a previous agreement entered into by D.Green
to purchase \$50,000.00 worth of inventory.

SALE AMOUNT	\$6000.00
MISC. CHARGES	
SALES TAX	(-)2000.00
FREIGHT	
TOTAL	\$4000.00

EXHIBIT

A

ORIGINAL



STATEMENT

ACCOUNT:

DATE: 3/7/01
 PAGE: 10/1

Green Enterprises
 RD#3 Box 804
 Franklin, PA 16323
 Attn: Dale G.

Inv#	Inv. Date	Description	Original Amount	Remaining Amount	Balance
630627	6/30/00	Mis. GTH, CP Parts etc.	\$6,000.00		\$6,000.00

Total Due>>>>

	30 Days	60 Days	90 Days	120 Days
EXHIBIT Tables: B				

5075

FILED 3 CC
OCT 07 2001 A4kg
OCT 01 2001 A4kg pd.
Dow
William A. Shaw
Prothonotary
80.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

CIVIL DIVISION

No. 01-1626-CD

Plaintiff,

v.

Issue No.

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

**PRAECIPE FOR ENTRY
OF DEFAULT JUDGMENT**

Defendant.

Code:

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Robert J. Colaizzi, Esq.
Pa I.D. No. 52696

WITTLIN & IANNUCCI, P.C.
Firm #446
950 Greentree Road
Suite 301
Pittsburgh, PA 15220

(412) 875-4200

FILED

DEC 12 2001

**William A. Shaw
Prothonotary**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

CIVIL DIVISION

No. 01-1626-CD

Plaintiff,

v.

Issue:

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

Defendant.

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

TO: WILLIAM SHAW, PROTHONOTARY

Please enter judgment by default in favor of Plaintiff, ROTARY DRILLING SERVICES, INC., and against Defendant, DALE GREEN t/d/b/a GREEN ENTERPRISES, for failure to answer the Complaint in Civil Division, as follows:

Amount claimed in Complaint: \$4,000.00

Costs (to be determined): \$

Total: \$4,000.00

It is hereby certified that the Important Notice attached hereto as Exhibit "A" was mailed to Defendant on October 31, 2001.

WITTLIN & IANNUCCI, P.C.

By:


Robert J. Colaizzi, Esq.
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

CIVIL DIVISION

No. 01-1626-CD

Plaintiff,

v.

Issue:

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

Defendant.

NOTICE

TO: DALE GREEN
t/d/b/a Green Enterprises
R.D. 3
Box 80A
Franklin, PA 16323

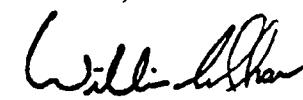
You are hereby notified that Judgment in favor of Plaintiff and against Defendant was entered in the above captioned proceeding as follows:

Amount claimed in Complaint: \$4,000.00

Costs (to be determined): \$4,000.00

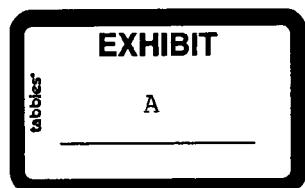
Total: \$4,000.00

Date: 12-12-01



Prothonotary

PS Form 3817, January 2001



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

CIVIL DIVISION

No. 01-1626-CD

Plaintiff,

v.

Issue No.

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

Defendant.

TO: Dale Green
t/d/b/a Green Enterprises
R.D. 3
Box 80A
Franklin, PA 16323

DATE OF NOTICE: 10-31-01

IMPORTANT NOTICE

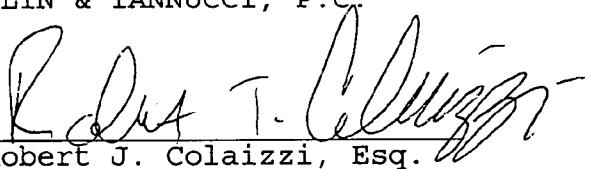
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU 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 OR KNOW A

LAWYER OR CANNOT AFFORD ONE, THEN YOU SHOULD GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
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THE PENNSYLVANIA LAWYER REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
P.O. BOX 186
HARRISBURG, PA 17108

(800) 692-7375

WITTLIN & IANNUCCI, P.C.

By: 

Robert J. Colaizzi, Esq.
Attorney for Plaintiff
950 Greentree Road
Suite 301
Pittsburgh, PA 15220
(412) 875-4200

FILED

DEC 12 2001

2001
m/s:31
pd by atty.

William A. Shaw

Prothonotary

Notice to defendant
Statement to attorney

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

Rotary Drilling Services, Inc.
Plaintiff(s)

No.: 2001-01626-CD

Real Debt: \$4,000.00

Atty's Comm:

Vs. Costs: \$

Int. From:

Dale Green
Green Enterprises
Defendant(s)

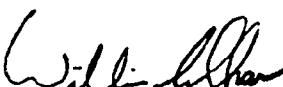
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: December 12, 2001

Expires: December 12, 2006

Certified from the record this 12th day of December, 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

Sheriff Docket # 11586

ROTARY DRILLING SERVICES INC

01-1626-CD

VS.

GREEN, DALE t/d/b/a GREEN ENTERPRISES

COMPLAINT

SHERIFF RETURNS

NOW OCTOBER 1, 2001, GENE PRICE, SHERIFF OF VENANGO COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON DALE GREEN t/d/b/a GREEN ENTERPRISES, DEFENDANT.

NOW OCTOBER 9, 2001 SERVED THE WITHIN COMPLAINT ON DALE GREEN t/d/b/a GREEN ENTERPRISES, DEFENDANT BY DEPUTIZING THE SHERIFF OF VENANGO COUNTY. THE REUTRN OF SHERIFF PRICE IS HERETO ATTACHED AND MADE A PART OF THIS RETURN.

Return Costs

Cost	Description
27.89	SHFF. HAWKINS PAID BY: ATTY.
22.00	SHFF. PRICE PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.
<u>59.89</u>	

FILED

01/10/05 4:01
DEC 12 2001

William A. Shaw
Prothonotary

Sworn to Before Me This

12th Day Of December 2001
William A. Shaw

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

So Answers,

Chester Hawkins
by Marlynn Harris
Chester A. Hawkins
Sheriff

AFFIDAVIT OF SERVICE
VENANGO COUNTY SHERIFF'S OFFICE

11586

Rotary Drilling Services Inc.

Docket No. 01-1626-CD

Plaintiff

VS

Dale Green t/d/b/a Green Enterprises

Defendant

Before me the undersigned authority, personally appeared Dave T. Morris, Chief Deputy Sheriff, who being duly sworn according to law, deposes and says that on the 09th day of OCT 2001 at 15:35 HRS P.M. he served the within Complaint in Civil Action at Docket No. Term 2001, upon Dale W Green t/d/b/a Green Enterprises individually at _____ place of Visitation located @ Venango County Courthouse, Sheriff's Office Franklin, PA 16323 and by making known the contents thereof to Dale Green, In Person and handing to and leaving with him the certified copy of the said Writ received from Clearfield County .

Venango County Costs: \$ 22.00

Paid: \$75.00

1000CT01

Dave T Morris, Chief Deputy Sheriff

Gene Price

Gene Price, Sheriff of Venango County

Sworn to and subscribed before

me this 20th day of

November, 2001

Peggy L. Millerda
Prothonotary

MY COMMISSION EXPIRES
THE FIRST MONDAY OF JAN. 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

CIVIL DIVISION

No. 01-1626-CD

Plaintiff,

v.

Issue No.

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

**PRAECIPE TO TRANSFER
JUDGMENT**

Defendant.

Code:

Filed on behalf of
Plaintiff

Counsel of Record for
this Party:

Robert J. Colaizzi, Esq.
Pa I.D. No. 52696

FILED

JAN 17 2002

William A. Shaw
Prothonotary

WITTLIN & IANNUCCI, P.C.
Firm #446
950 Greentree Road
Suite 301
Pittsburgh, PA 15220

(412) 875-4200

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

ROTARY DRILLING SERVICES,
INC.,

CIVIL DIVISION

No. 01-1626-CD

Plaintiff,

v.

Issue:

DALE GREEN, t/d/b/a
GREEN ENTERPRISES,

Defendant.

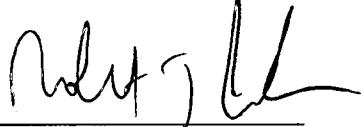
PRAECIPE TO TRANSFER JUDGMENT

TO: PROTHONOTARY

Kindly transfer the Judgment of the above captioned case to Venango County.

WITTLIN & IANNUCCI, P.C.

By:


Robert J. Colaizzi, Esq.
Attorney for Plaintiff

FILED

JAN 17 2002

O/10:55/ Atty (days) pa. \$20.00
William A. Shaw
Prothonotary
Cent. Dist. Court of
Monroe County
N.Y.

COPY

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

Rotary Drilling Services, Inc.

Vs.

NO. 2001-01626-CD

**Dale Green
Green Enterprises**

CERTIFICATION OF DOCKET ENTRIES AND JUDGMENT

I, William A. Shaw, Prothonotary of the Court of Common Please 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 Rotary Drilling Services, Inc. and against Dale Green and Green Enterprises on December 12, 2001, in the amount of \$4,000.00.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court, on the 17th day of January, A.D., 2002.

William A. Shaw
Prothonotary

BY: _____
Deputy

Date: 01/17/2002

Clearfield County Court of Common Pleas

User: JKENDRICK

Time: 09:59 AM

ROA Report

Page 1 of 1

Case: 2001-01626-CD

Current Judge: No Judge

Rotary Drilling Services, Inc. vs. Dale Green, Green Enterprises

Civil Other

COPY

Date	Judge
10/01/2001	Filing: Civil Complaint Paid by: Colaizzi, Robert J. Esq (attorney for Rotary Drilling Services, Inc.) Receipt number: 1831982 Dated: 10/01/2001 Amount: \$80.00 (Check) Three CC Attorney
12/12/2001	Filing:Praecipe For Entry of Default Judgment Paid by: Wittlin & Iannucci, No Judge P.C. Receipt number: 1835429 Dated: 12/12/2001 Amount: \$20.00 (Check) Notice to Defendant Statement to Attorney Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. No Judge Hawkins, Sheriff by s/Marilyn Hamm
01/17/2002	Filing: Exemplified Record Paid by: Rotary Drilling Services, Inc. (plaintiff) No Judge Receipt number: 1836870 Dated: 01/17/2002 Amount: \$15.00 (Check)