

11 days

01-LIQUID
J. W. RICE CONSTRUCTION CO., INC. -vs- THE ENCORE NETWORK, INC.
et al

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

J. W. RICE CONSTRUCTION : NO. 01 - 1702 C.D.
CO., INC. :
Plaintiff : TYPE OF CASE: CIVIL
VS. : TYPE OF PLEADING: COMPLAINT
: FILED ON BEHALF OF: PLAINTIFF
THE ENCORE NETWORK, INC., :
EDWARD DWORETSKY and : COUNSEL OF RECORD:
PATRICIA LYNN HADE, : CHRISTOPHER E. MOHNEY, ESQUIRE
Executrix of the Estate of NEAL L. :
HADE, : SUPREME COURT NO.: 63494
Defendants :
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

April 5, 2002 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

OCT 11 2001

William A. Shaw
Prothonotary

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

J. W. RICE CONSTRUCTION	:	NO. 01 -	- C.D.
CO., INC.	:		
Plaintiff	:		
	:		
VS.	:		
	:		
THE ENCORE NETWORK, INC.,	:		
EDWARD DWORETSKY and	:		
PATRICIA LYNN HADE,	:		
Executrix of the Estate of NEAL L.	:		
HADE,	:		
Defendants	:		

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. 50-51

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

J. W. RICE CONSTRUCTION	:	NO. 01 -	- C.D.
CO., INC.	:		
	:		
Plaintiff	:		
	:		
VS.	:		
	:		
THE ENCORE NETWORK, INC.,	:		
EDWARD DWORETSKY and	:		
PATRICIA LYNN HADE,	:		
Executrix of the Estate of NEAL L.	:		
HADE,	:		
	:		
Defendants	:		

COMPLAINT

AND NOW, comes the Plaintiff **J. W. RICE CONSTRUCTION CO., INC.**, by its attorneys, **BLAKLEY, JONES & MOHNEY, ESQUIRES**, who file this Complaint against **THE ENCORE NETWORK, INC., EDWARD DWORETSKY and PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE** upon a cause of action whereof the following is a statement:

BACKGROUND INFORMATION

1. Plaintiff **J. W. RICE CONSTRUCTION CO., INC.** (hereinafter referred to as "**RICE CONSTRUCTION**") is a duly authorized Pennsylvania corporation with an address at 90 Beaver Drive, Du Bois, Clearfield County, Pennsylvania 15801.
2. Defendant **THE ENCORE NETWORK, INC.** (hereinafter referred to as "**ENCORE**"), upon information is believed to be a New York corporation with its principal place of business at

170 Edison Terrace, Franklin Lakes, New Jersey 07417.

3. Defendant **EDWARD DWORETSKY** (hereinafter referred to as "**DWORETSKY**") is an adult individual with a last known address at Treasure Lake, Du Bois, Clearfield County, Pennsylvania.

4. Defendant **PATRICIA LYNN HADE** (hereinafter referred to as "**HADe**"), is an adult individual and pursuant to documents filed in Bergen County Surrogate's Court, New Jersey, is the appointed Executrix for the Estate of Neal L. Hade, Deceased.

5. At all times relevant hereto, Neal L. Hade was the Chairman and CEO of **ENCORE**.

COUNT I - BREACH OF CONTRACT

6. Paragraphs 1 through 5 above are incorporated herein as if set forth at length.

7. At all times relevant hereto, **RICE CONSTRUCTION** was the owner of Section 16A, Lot 6, of the Treasure Lake Subdivision, Clearfield County, Pennsylvania.

8. **DWORETSKY** approached **RICE CONSTRUCTION** on the purchase of the aforementioned lot in Treasure Lake Subdivision, and furthermore regarding the construction of a home thereon to be utilized by **ENCORE** and/or its officers.

9. At all relevant times, **DWORETSKY** presented only himself to **RICE CONSTRUCTION** and, further, held himself out to **RICE CONSTRUCTION** as being authorized to act on behalf of **HADe** and/or **ENCORE**.

10. A valid and enforceable oral contract was made by **DWORETSKY** on behalf of himself, **HADe** and/or **ENCORE** with **RICE CONSTRUCTION** for the building of a home on the aforementioned lot.

11. The purchase price for the land and improvement to be built thereon was agreed to be \$360,000.00.

12. During the month of September, 2000, **RICE CONSTRUCTION** was told by **DWORETSKY** that Defendants did not want the property.

13. The property was subsequently sold by **RICE CONSTRUCTION** for \$330,000.00.

14. In reliance upon the valid and enforceable oral contract, **RICE CONSTRUCTION** invested approximately \$10,000.00 in building plans, a plot plan, site plans and design services towards construction of the "corporate headquarters".

WHEREFORE, Plaintiff **J. W. RICE CONSTRUCTION CO., INC.** demands judgment against **THE ENCORE NETWORK, INC., EDWARD DWORETSKY and PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE** in the amount of \$40,000.00.

COUNT II - BREACH OF CONTRACT

15. Paragraphs 1 through 14 above are incorporated herein and as if set forth at length.

16. During the month of August, 1998, Defendants entered into a valid and enforceable verbal lease for office space at 90 Beaver Drive, Du Bois, Clearfield County, Pennsylvania.

17. According to the terms of the Lease, the annual rent obligation of Defendants was \$12,500.00.

18. From August, 1999, through August, 2000, Defendants failed to pay rent to **RICE CONSTRUCTION**, despite demand.

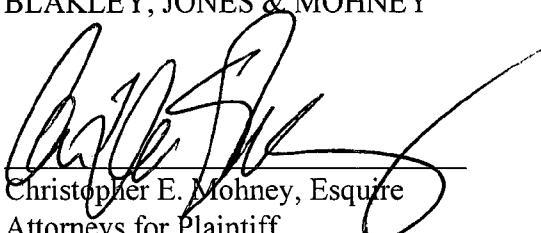
WHEREFORE, Plaintiff **J. W. RICE CONSTRUCTION CO., INC.** demands judgment against **THE ENCORE NETWORK, INC., EDWARD DWORETSKY and PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE** for the amount of \$14,400.00, together with

costs and interest as allowed under Pennsylvania law.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:


Christopher E. Mohney, Esquire
Attorneys for Plaintiff

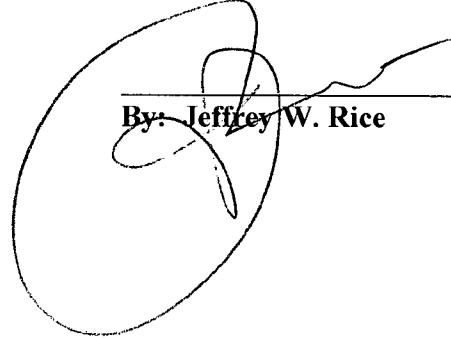
VERIFICATION

I, JEFFREY W. RICE of J. W. RICE CONSTRUCTION CO., INC., 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 I may be subject to criminal penalties.

J. W. RICE CONSTRUCTION, INC.

Date: 10/11/01


By: Jeffrey W. Rice

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW
NO. 01 - - C.D.

J. W. RICE CONSTRUCTION
CO., INC.,

Plaintiff

VS.

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE,
Executrix of the Estate of NEAL L.
HADE,
Defendants

COMPLAINT

Sc
FILED
OCT 11 2001
William A. Shaw
Prothonotary
3cc
Atty
Atty pd.
80.00

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

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 11635

J.W. RICE CONSTRUCTION CO. INC.

01-1702-CD

VS.
THE ENCORE NETWORK INC. AI

COMPLAINT

SHERIFF RETURNS

**NOW OCTOBER 18, 2001 AT 10:12 AM DST SERVED THE WITHIN COMPLAINT ON
EDWARD DWORETSKY, DEFENDANT AT RESIDENCE, SANTA DOMINGO ROAD,
TREASURE LAKE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING
TO KATHLEEN DWORETSKY, WIFE A TRUE AND ATTESTED COPY OF THE
ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: SNYDER/SHULTZ**

Return Costs

Cost	Description
30.69	SHFF. HAWKINS PAID BY: ATTY.
10.00	SURCHARGE PAID BY: ATTY.

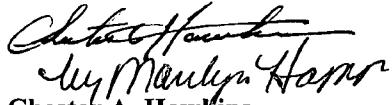
FILED

NOV 07 2001
019:10am
William A. Shaw
Prothonotary

Sworn to Before Me This

2nd day of November 2001


So Answers,


Chester A. Hawkins
Sheriff

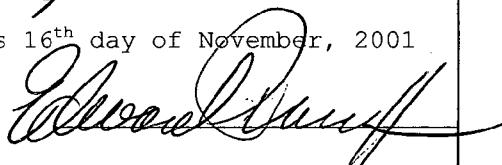
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2002
Clearfield Co., Clearfield, PA.

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

3
4
5 J.W. Rice Construction Co. INC,) Case No.: NO.01-1702CD.
6 Plaintiff,)
7 vs.) Answer to complaint
8 Edward Dworetzky,)
9 Defendant)
10

11 Filed by
12

13 Dated this 16th day of November, 2001
14



15 Edward Dworetzky
16
17 173 Treasure Lake
18 DuBois PA 15801
19 814-371-9302
20
21
22
23
24
25

FILED

NOV 16 2001
013401m
William A. Shaw
Prothonotary
No C fine

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

J.W. RICE CONSTRUCTION CO., INC.

Plaintiff

VS.

EDWARD DWORETZKY

Defendant

ANSWER

J.W. RICE CONSTRUCTION CO., INC by its attorneys, BLAKLEY, JONES & MOHNEY, ESQUIRES have brought action against EDWARD DWORETZKY (aka DWORETSKY in said suit) upon following cause of action

BACKGROUND INFORMATION

3. Defendant EDWARD DWORETZKY (aka DWORETSKY incorrectly in this action)
Is an adult individual with a known address of 173 Treasure Lake, Dubois, Pennsylvania 15801. Clearfield County.

COUNT 1 – BREACH OF CONTRACT

8. DWORETZKY (aka DWORETSKY Incorrectly in this action) spoke with his dentist Dr. J.W. Rice about his construction business and was informed of the housing project he was building in Treasure Lake, Pennsylvania. DWORETZKY mentioned Mr. Neal Hade, CEO of Encore might be interested in having a home in the area.

9. At all times DWORETZKY represented himself as a friend of Neal Hade and never had the authorization to make any decisions for Neal Hade or Encore.
10. At no time was a contract signed or orally agreed upon between RICE CORPORATION or DWORETZKY, pursuant to the buying or building of property in Treasure Lake.
11. No purchase price or contract was agreed upon by DWORETZKY
12. During the month of August 2000, Neal Hade passed away and Dr. Rice was informed by DWORETZKY, as the Hade family was in mourning.
13. N/A
14. No contract with J.W. RICE CONSTRUCTION was every signed or agreed upon between DWORETZKY/and/or ENCORE.

COUNT 11-BREACH OF CONTRACT

15 DWORETZKY PLEADS INNOCENT TO ALL CHARGES IN PARAGRAGHS 1-14 AS SET FORTH

- 16.AT no time did DWORETZKY enter into a contract/lease for office space at 90 Beaver Drive Dubois, Clearfield County, Pennsylvania.
17. No lease/contract was agreed upon or signed by DWORETZKY .
18. No money/rent was ever asked or demanded from DWORETZKY.

Wherefore, defendant EDWARD DWORETZKY pleads innocent to all charges against him.

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING**

CERTIFICATE OF READINESS		TO THE PROTHONOTARY	
(To be executed by Trial Counsel Only)		2/19/2002 DATE PRESENTED	
CASE NUMBER 01-1702-C.D. Date Complaint filed: October 11, 2001	TYPE TRIAL REQUESTED () Jury (X) Non-jury () Arbitration	ESTIMATED TRIAL TIME 1 DAYS	

PLAINTIFF(S)

J.W. RICE CONSTRUCTION CO., INC. ()

DEFENDANT(S)
THE ENCORE NETWORK, INC., EDWARD DWORETSKY and
PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE ()
Check Block if a Minor
is a Party to the Case

ADDITIONAL DEFENDANT(S)

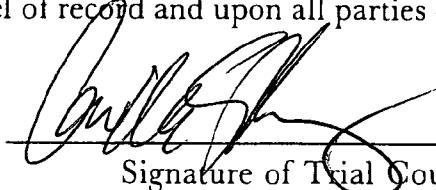
JURY DEMAND FILED BY:	DATE JURY DEMAND FILED:
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AMOUNT AT ISSUE \$54,400.00	CONSOLIDATION () Yes (X) No	DATE CONSOLIDATION ORDERED
--------------------------------	---------------------------------	----------------------------

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.

FILED


Signature of Trial Counsel

FEB 26 2002

m19:25/Copy to
William A. Shaw
Prothonotary

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF Christopher E. Mohney, Esquire	TELEPHONE NUMBER (814) 371-2730
FOR THE DEFENDANT THE ENCORE NETWORK, INC. EDWARD DWORETSKY PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE	TELEPHONE NUMBER Unknown (814) 371-9302 Unknown
FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER

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

J. W. RICE CONSTRUCTION : NO. 01 - 1702 - C.D.
CO., INC.

Plaintiff :

VS. :

THE ENCORE NETWORK, INC., :
EDWARD DWORETSKY and :
PATRICIA LYNN HADE, :
Executrix of the Estate of NEAL L. :
HADE,

Defendants :

FILED

APR 02 2002

011351 way

William A. Shaw
Prothonotary

4 cent to Party *E. H. S.*

ORDER

AND NOW, this 2 day of April, 2002, upon Motion for Default Judgment of Plaintiff **J. W. RICE CONSTRUCTION CO., INC.**, after Hearing, it is hereby ORDERED AND DECREED that said Motion is granted, and that the Prothonotary is directed to mark in all appropriate indices a judgment in favor of **J. W. RICE CONSTRUCTION CO., INC.** against **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE** for the amount of \$54,400.00, together with interest as allowed pursuant to Pennsylvania law and costs.

BY THE COURT:



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

J. W. RICE CONSTRUCTION
CO., INC.

Plaintiff

VS.

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE,
Executrix of the Estate of NEAL L.
HADE,

Defendants

: NO. 01 - 1702 - C.D.
: TYPE OF CASE: CIVIL
: TYPE OF PLEADING: MOTION FOR
: DEFAULT 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

FEB 20 2002

**William A. Shaw
Prothonotary**

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

J. W. RICE CONSTRUCTION	:	NO. 01 - 1702 - C.D.
CO., INC.	:	
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
Defendants	:	

RULE RETURNABLE

AND NOW, this 27th day of February, 2002, upon consideration of the foregoing Motion for Default Judgment, it is the ORDER of this Court that a Rule be issued upon the Defendants to show cause why the Motion should not be granted.

RULE Returnable and Hearing thereon to be held the 2 day of April, 2002,
at 1:30 o'clock P M. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield,
Pennsylvania 16830

FILED

FEB 27 2002

0123212cc atty
William A. Shaw
Prothonotary
Mohney
JKD

BY THE COURT:

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

J. W. RICE CONSTRUCTION	:	NO. 01 - 1702 - C.D.
CO., INC.	:	
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
Defendants	:	

MOTION FOR DEFAULT JUDGMENT

AND NOW, comes Plaintiff **J. W. RICE CONSTRUCTION CO., INC.**, by its undersigned attorney, who moves this Honorable Court pursuant to Pennsylvania Rule of Civil Procedure 1037(c) for entry of Default Judgment against Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**, and in support thereof, avers the following:

1. Plaintiff **J. W. RICE CONSTRUCTION CO., INC.** started this lawsuit by the filing of a Complaint on October 11, 2001.
2. Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**, has a last known address at 780 Sunset Terrace, Franklin Lakes, New Jersey 07417.
3. Pursuant to Pennsylvania Rule of Civil Procedure 404, original process may be served outside the Commonwealth of Pennsylvania by return receipt mail.

4. Attached as Exhibit "A" is copy of envelope whereby Defendant **PATRICIA LYNN HADE** was sent, via certified mail, certified true and correct copy of original Complaint. The postmark is October 12, 2001.

5. While Exhibit "A" was returned "unclaimed", attached hereto as Exhibit "B" is letter of Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**, to the undersigned, dated December 27, 2001.

6. Attached as Exhibit "C" are the referenced letters to the Court of **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**.

7. By virtue of the Exhibits "B" and "C", Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**, has acknowledged service of the Complaint filed against the Estate.

8. Attached and marked Exhibit "D" is the Important Notice sent Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**, which the undersigned certifies was sent on February 5, 2002.

9. Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**, has failed to file of record proper Answer to the Complaint filed against it.

10. The amount claimed against Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**, is \$54,400.00, together with interest and costs of suit.

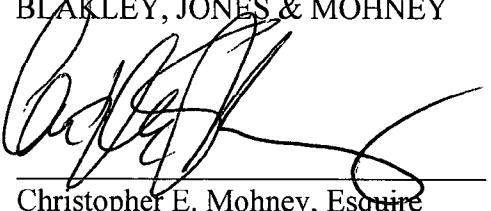
WHEREFORE, Plaintiff **J. W. RICE CONSTRUCTION CO., INC.** respectfully requests that this Honorable Court enter Default Judgment against Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE** in the amount of \$54,400.00, together with interest as

allowed under Pennsylvania law and costs of suit.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:


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

BLAKLEY, JONES & MOHNEY

90 Beaver Drive, Box 6
DuBois, PA 15801



CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
106 PB 85 13700
3865 \$04.170 OCT 12 01
0800 MAILED FROM DU BOIS PA 15801

7000 0520 0020 2467 5245

PATRICIA LYNN HADE
780 SUNSET TERRACE
FRANKLIN LAKES, NJ 07417

10/17
2nd NOTICE 10/23
REMOVED 11-2-01
RETURNED

MOVED, LEFT NO ADDRESS
FORWARDING ORDER EXPIRED
ATTEMPTED NOT KNOWN
UNCLAIMED REFUSED
 NO SUCH STREET
 NO SUCH NUMBER

December 27,2001

Blakley, Jones & Mohney
90 Beaver Drive, Box 6
DuBois,Pa,15801

Patricia L Hade for the estate of Neal L Hade
780 Sunset Terrace
Franklin Lakes, NJ 07417

Gentlemen:

Enclosed is a copy of the papers which I sent back to the court on behalf of the estate. The lawsuit was, literally, dropped on my doorstep during the middle of December. Per the answer, I cannot afford a lawyer and the estate is non-existent. My husband had a major heart attack, came home on portable life-support, had a heart transplant, acquired colon/rectal cancer from the suppression of his immune system, developed a brain tumor which was removed and had several major seizures requiring hospitalization prior to the cancer spreading to his liver. I am a widow with three children to raise and currently am working 6 days a week in order to do so. I had understood that this information regarding the financial situation of my family had been passed on to Mr. Rice at the time of Neal's death.

Sincerely,



Patricia L Hade for the estate of Neal L Hade

December 27, 2001
Court Administrator
Clearfield County Courthouse
Second and Market Streets
Clearfield, Pennsylvania 16830

Patricia L Hade for the estate of Neal L Hade
780 Sunset Terrace
Franklin Lakes, Nj 07417

RE: J W Rice Construction Co.Inc. vs. Encore Network Inc, Edward Dworetsky, Estate of Neal L Hade (No 01-1700-cd)

Gentlemen:

This lawsuit was, literally, dropped on my doorstep around the 15'th of December. My late husband had a major heart attack, eventually came home on portable life support, had heart transplant, developed colon/rectal cancer, brain tumors and eventually liver cancer. There is no estate per the filing I made with our county, nor was there any life insurance. I am a widow with three children to raise. The estate cannot afford a lawyer. I was also under the impression that the estate could no longer be sued, but I might be wrong in my understanding of timing. I have answered the complaint as best I can.

Patricia L Hade for the estate of Neal L Hade



December 27,2001

Response to Complaint

J W Rice Construction Co Inc vrs Encore Network, Edward Dworetsky, Estate of Neal L Hade no 01 1700 cd

The estate denies all of the allegations. To the best of my knowledge there are no contracts which existed or exist between Neal Hade and JW Rice Construction Co Inc.

I have also not been able to find any demands for payment mentioned in paragraph 18. During the period from mid September of 1999 to Neal's death in August of 2000 he was undergoing chemotherapy and intense radiation, he also had seizures and a brain tumor removed and was hospitalized several times and I do not believe he spoke to Mr. Rice during that period.

Patricia L Hade for the estate of Neal L Hade

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

J. W. RICE CONSTRUCTION : NO. 01 - 1702 - C.D.
CO., INC. :

Plaintiff :

VS. :

THE ENCORE NETWORK, INC., :
EDWARD DWORETSKY and :
PATRICIA LYNN HADE, :
Executrix of the Estate of NEAL L. :
HADE, :

Defendants :

TO: PATRICIA LYNN HADE
ESTATE OF NEAL L. HADE
780 SUNSET TERRACE
FRANKLIN LAKES, NJ 07417

DATE OF NOTICE: FEBRUARY 5, 2002

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 A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641, EXT. 5982

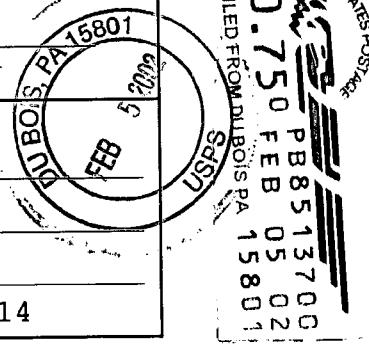
BLAKLEY, JONES & MOHNEY

Christopher E. Mohney, Esquire
Attorney for Plaintiff
I.D. # 63494
90 Beaver Drive, Box 6
Du Bois, PA 15801

EXHIBIT "D" (814) 371-2730

U.S. POSTAL SERVICE CERTIFICATE OF MAILING <small>MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER</small>	
Received From: BLAKLEY, JONES & MOHNEY 90 BEAVER DRIVE, BOX 6 DU BOIS, PA 15801	
One piece of ordinary mail addressed to: PATRICIA LYNN HADE ESTATE OF NEAL L. HADE 780 SUNSET TERRACE FRANKLIN LAKES, NJ 07414	

Affix **31★
1988★
post
fee.**
\$00.750
 UNITED STATES POSTAGE
 MAILED FROM DU BOIS PA 15801



PS Form 3817, Mar. 1989

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW
NO. 01 - 1702 - C.D.

J. W. RICE CONSTRUCTION CO.,
INC.,

Plaintiff

vs.

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE,
Executrix of the Estate of NEAL
L. HADE,
Defendants

MOTION FOR DEFAULT JUDGMENT

FILED

FFB 20 2002

07/23/2002
William A. Shaw
Prothonotary
Mohney

WAS

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 - AT LAW

J. W. RICE CONSTRUCTION : NO. 01 - 1702 - C.D.
CO., INC. :
Plaintiff : TYPE OF CASE: CIVIL
VS. : TYPE OF PLEADING: PRAECIPE
THE ENCORE NETWORK, INC., : TO REINSTATE COMPLAINT
EDWARD DWORETSKY and :
PATRICIA LYNN HADE, : FILED ON BEHALF OF: PLAINTIFF
Executrix of the Estate of NEAL L. :
HADE, : COUNSEL OF RECORD:
Defendants : CHRISTOPHER E. MOHNEY, ESQUIRE
: SUPREME COURT NO.: 63494
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

APR 05 2002
12:45 PM
William A. Shaw pp
Prothonotary
7.00

No C.F.
REINSTATEMENT COMING ON
APR 22.

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

J. W. RICE CONSTRUCTION	:	NO. 01 - 1702 - C.D.
CO., INC.	:	
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
Defendants	:	

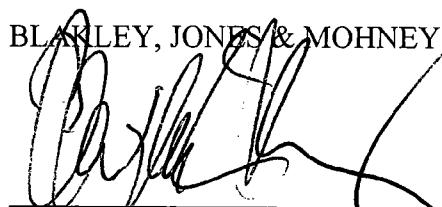
PRAECIPE TO REINSTATE COMPLAINT

TO: WILLIAM A. SHAW, PROTHONOTARY

Pursuant to Pa. R.C.P. No. 401(b)(1), please reinstate the Complaint in the above-captioned matter.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY



Christopher E. Mohney, Esquire
Supreme Court No.: 63494
BLAKLEY, JONES & MOHNEY
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW
NO. 01 - 1702 - C.D.

J. W. RICE CONSTRUCTION
CO., INC.,

Plaintiff

VS.

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE, Executrix
of the Estate of NEAL L. HADE,

Defendants

PRAECIPE TO REINSTATE COMPLAINT

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

FILED

APR 05 2002

William A. Shaw
Prothonotary

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

J. W. RICE CONSTRUCTION CO. INC. :

-vs- : No. 01 - 1702 - CD

THE ENCORE NETWORK, INC., :
EDWARD DWORETSKY and PATRICIA :
LYNN HADE, Executrix of the Estate of :
NEAL L. HADE :

PRE-TRIAL ORDER

NOW, this 12th day of April, 2002, following pre-trial conference into the above-captioned matter, it is the ORDER of this Court that Defendant Edward Dworetsky shall have counsel enter an appearance on his behalf within ten (10) days from date hereof. Thereafter, the parties shall schedule the matter for trial without jury at their convenience.

By the Court,

President Judge

FILED

APR 12 2002

William A. Shaw
Prothonotary

FILED

1cc Aug C. Mooney

01/10:35 AM
APR 12 2002

1cc Encore Network - 170 Edison Terrace
Franklin Lakes, NJ
07414
William A. Shaw ~~cc~~ Prothonotary

1cc P. Hade, Estate of Max Hade - 170 Somerset
Terrace
Franklin Lakes, NJ
07414
DeBois

1cc P. Hade, Estate of Max Hade - 170 Somerset
Terrace
Franklin Lakes, NJ
07414

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

J. W. RICE CONSTRUCTION CO. INC. :

-vs-

No. 01 - 1702 - CD

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and PATRICIA
LYNN HADE, Executrix of the Estate of
NEAL L. HADE

PRE-TRIAL ORDER

NOW, this 12th day of April, 2002, following pre-trial conference into the above-captioned matter, it is the ORDER of this Court that Defendant Edward Dworetsky shall have counsel enter an appearance on his behalf within ten (10) days from date hereof. Thereafter, the parties shall schedule the matter for trial without jury at their convenience.

By the Court.

/s/ JOHN K. REILLY, JR.

President Judge

FILED

APR 19 2002

mjl:bs/no/c

William A. Shaw
Prothonotary

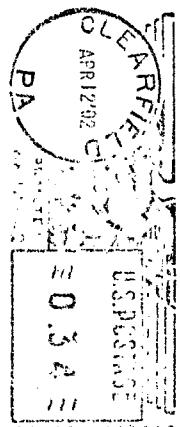
I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 12 2002

Attest:

William A. Shaw
Prothonotary

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830



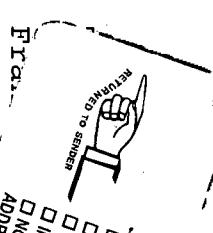
ENCORE NETWORK
170 Edison Avenue
Franklin Lakes, NJ 07414
ED

OFFICE OF COURT ADMINISTRATOR

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



- MOVED, LEFT NO ADDRESS
- ATTEMPTED - NOT KNOWN
- UNCLAIMED - NOT KNOWN
- NO SUCH ADDRESS
- NO SUCH STREET
- DREFUSED
- INSUFFICIENT NUMBER
- NOT DELIVERABLE
- ADDRESSED UNABLE AS



For a...



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-~~4689~~ 7449

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

May 23, 2002

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

R. Denning Gearhart, Esquire
Attorney at Law
215 East Locust Street
Clearfield, PA 16830

RE: J. W. RICE CONSTRUCTION CO., INC.

vs.

THE ENCORE NETWORK, INC., al
No. 01-1702-CD

Dear Counsel:

Pursuant to Attorney Mohney's letter of May 16, 2002, please be advised that the Civil Non-Jury Trial in the above matter has been rescheduled from June 14, 2002 to Tuesday, September 3, 2002 at 9:00 A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

One (1) day has been allotted for this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marcy Kelley".

Marcy Kelley
Deputy Court Administrator

cc: Honorable John K. Reilly, Jr.
Encore Network
Patricia Hade

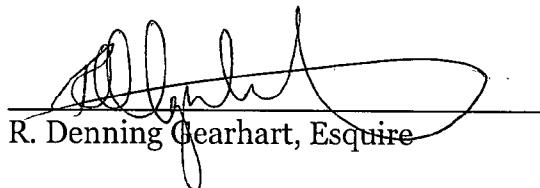
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

J.W. RICE CONSTRUCTION :
CO., INC., :
Plaintiff :
VS. : NO. 01-1702-CD
THE ENCORE NETWORK, INC. :
EDWARD DWORETSKY and :
PATRICIA LYNN HADE, :
Executrix of the Estate of :
NEAL L. HADE, :
Defendants :

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of the Defendant, EDWARD DWORETSKY, in the above captioned action.



R. Denning Gearhart, Esquire

Dated: April 26, 2002

FILED

11:38 AM NO
APR 26 2002 CC
KBS

William A. Shaw
Prothonotary

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

J. W. RICE CONSTRUCTION : NO. 01 - 1702 - C.D.
CO., INC. :
Plaintiff : TYPE OF CASE: CIVIL
VS. : TYPE OF PLEADING: PRAECIPE TO
ENTER JUDGMENT :
THE ENCORE NETWORK, INC., : FILED ON BEHALF OF: PLAINTIFF
EDWARD DWORETSKY and :
PATRICIA LYNN HADE, : COUNSEL OF RECORD:
Executrix of the Estate of NEAL L. : CHRISTOPHER E. MOHNEY, ESQUIRE
HADE, :
Defendants : SUPREME COURT NO.: 63494
: BLAKLEY, JONES & MOHNEY
: 90 BEAVER DRIVE, BOX 6
: DU BOIS, PA 15801
: (814) 371-2730

FILED

MAY 06 2002

William A. Shaw
Prothonotary

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

J. W. RICE CONSTRUCTION	:	NO. 01 - 1702 - C.D.
CO., INC.	:	
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
Defendants	:	

PRAECIPE TO ENTER JUDGMENT

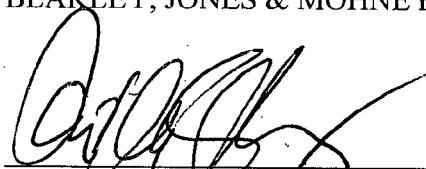
TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly enter judgment in favor of Plaintiff **J. W. RICE CONSTRUCTION CO., INC.** and against Defendant **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE**, in the amount of \$54,400.00, together with interest, pursuant to Court Order dated April 2, 2002, certified copy of which is attached hereto.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

BY:


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

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

J. W. RICE CONSTRUCTION : NO. 01 - 1702 - C.D.
CO., INC.

Plaintiff :

VS. :

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE,
Executrix of the Estate of NEAL L.
HADE,

Defendants :

ORDER

AND NOW, this 2 day of APRIL, 2002, upon Motion for Default Judgment of Plaintiff **J. W. RICE CONSTRUCTION CO., INC.**, after Hearing, it is hereby ORDERED AND DECREED that said Motion is granted, and that the Prothonotary is directed to mark in all appropriate indices a judgment in favor of **J. W. RICE CONSTRUCTION CO., INC.** against **PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE** for the amount of \$54,400.00, together with interest as allowed pursuant to Pennsylvania law and costs.

BY THE COURT:

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

/s/ JOHN K. REILLY, JR.

APR 02 2002

Attest.

William J. Reilly
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - AT LAW
NO. 01 - 1702 - C.D.

J.W. RICE CONSTRUCTION
CO., INC., Plaintiff
VS.

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE,
Executrix of the Estate of NEAL L.
HADE.

Defendants

PRAECIPE TO ENTER JUDGMENT

FILED

MAY 05 2001 Blakley pd \$20.00
M13371a
William A. Shaw Stat. & Ctry.
Prothonotary

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

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

COPY

J. W. Rice Construction Co., Inc.
Plaintiff(s)

No.: 2001-01702-CD

Real Debt: \$54,400.00

Atty's Comm:

Vs.

Costs: \$

Int. From:

The Encore Network, Inc.
Edward Dworetsky
Patricia Lynn Hade
Neal L. Hade Estate
Defendant(s)

Entry: \$20.00

Instrument: Court Order Judgment

Date of Entry: May 6, 2002

Expires: May 6, 2007

Certified from the record this 6th of May, 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



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: 1-814-765-8009 7449

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

May 3, 2002

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

Edward Dworetsky
173 Treasure Lake
DuBois, PA 15801

RE: J. W. RICE CONSTRUCTION CO., INC.

vs.

THE ENCORE NETWORK, INC., al
No. 01-1702-CD

Dear Mr. Mohney and Mr. Dworetsky:

With regard to the above matter, please be advised that a Civil Non-Jury Trial has been scheduled for Friday, June 14, 2002 at 9:00 A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

One (1) day has been allotted for this matter.

FILED

MAY 13 2002

03241noCC
William A. Shaw
Prothonotary

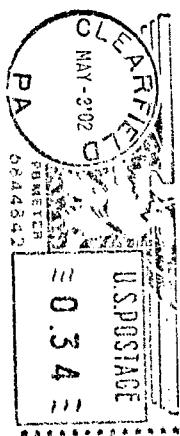
EK25

Very truly yours,
Marcy Kelley
Marcy Kelley
Deputy Court Administrator

cc: Honorable John K. Reilly, Jr.
Encore Network
Patricia Hade

OFFICE OF COURT ADMINISTRATOR

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



ENCORE NETWORKING ENGINEERING
170 Edison Terrace, Suite 170
Franklin Lakes, NJ 07417
ENCORE
NETWORKING
ENGINEERING

16830-22

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

J.W. RICE CONSTRUCTION CO. :

-vs- : No. 01-1702-CD

EDWARD DWORETSKY :

O R D E R

NOW, this 3rd day of September, 2002, following conclusion of Civil Non-Jury Trial, it is the ORDER of this Court that counsel for Plaintiff have no more than ten (10) days from date hereof to submit brief to the Court. Counsel for Defendant shall have no more than ten (10) days thereafter in which to respond in kind.

BY THE COURT,

President Judge

FILED

SEP 03 2002

William A. Shaw
Prothonotary

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

J.W. RICE CONSTRUCTION CO., INC. :
Plaintiff :
VS. : NO. 01-1702-CD
THE ENCORE NETWORK, INC., :
EDWARD DWORETSKY and :
PATRICIA LYNN HADE, :
Executrix of the Estate of :
NEAL L. HADE, :
Defendants :

CERTIFICATE OF SERVICE

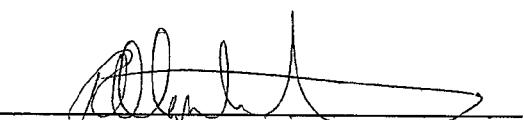
That on the 1st day of October, 2002, I served a certified copy of the Post-Trial Brief of Defendant, Edward Dworetsky, filed in this proceeding on the following and in the following manner:

U.S. POST OFFICE, FIRST CLASS MAIL, POSTAGE PRE-PAID

Christopher E. Mohney, Esquire
BLAKLEY, JONES & MOHNEY
90 Beaver Drive, Box 6
DuBois, PA 15801

I certify under penalty of perjury that the foregoing is true and correct.

Dated: October 1, 2002


R. Denning Gearhart, Esquire
Attorney for Defendant

FILED

OCT 01 2002

William A. Shaw
Prothonotary

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

J.W. RICE CONSTRUCTION CO., INC. :

-vs-

No. 01 - 1702 - CD

THE ENCORE NETWORK, INC., :
EDWARD DWORETSKY and :
PATRICIA LYNN HADE, Executrix of :
Neal L. Hade :

FILED

OCT 15 2002

OPINION AND ORDER

William A. Shaw
Prothonotary

J. W. Rice Construction Co., Inc., Plaintiff above named, is owned by Jeffrey W. Rice and said corporation was the owner of real estate in the Acorn Hills Subdivision of Treasure Lake. The Corporation is the owner of the "Rice Complex", an office complex located in the City of DuBois, Clearfield County, Pennsylvania. The Defendant, Edward Dworetsky, approached Rice for the purpose of constructing a headquarters complex and guest house on the Treasure Lake property, and further for the rental of office space for the Encore Network, Inc. Dworetsky was, in fact, a shareholder of Encore and Jeffrey Rice was of the opinion that Dworetsky had authority to enter into the necessary agreements to accomplish the above purposes. Rice testified that he expended the sum of \$10,000 of his own money in the design of the headquarters and obtaining the necessary approvals, following which Dworetsky called off the project. Rice now seeks to recover the \$10,000 expended by him in furtherance of the construction.

Defendant Dworetsky also indicated his desire to obtain office space for Encore in Rice's office complex in the City of DuBois. An oral agreement was reached to lease said space to Encore for \$12,500 per year rent. Although Rice delivered a written lease to Dworetsky, it was never executed or returned. In return for the first year's rent, Rice was given

25,000 shares of stock in Encore, but received nothing for the second year's rental, and now seeks to recover \$12,500 for the second year's rental period.

Rice further testified that Dworetsky commissioned him to build a guest house at Treasure Lake for Encore and they orally entered into an agreement to construct the house for \$360,000. The house was, in fact, completed and Dworetsky called off the purchase. Rice subsequently sold the house for \$330,000 and now seeks to recover the \$30,000 difference between the agreed upon price and the subsequent sale price.

This Court is of the opinion that Defendant Edward Dworetsky must respond in damages to the Plaintiff for the \$10,000 advanced by Plaintiff to cover initial considerations in the building of the corporate headquarters which neither Defendant nor Encore completed, and for the \$12,500 rental value for the second year of occupancy by Encore in Plaintiff's office complex. Clearly Defendant Dworetsky caused these expenses to be incurred by Plaintiff and must be required to respond in damages.

However, Plaintiff's allegations seeking to recover the sum of \$30,000 on the sale of the guest house are not sustained by the record. While it is true that the house was built at the request of the Defendant Dworetsky, who later failed to complete the sale, there is nothing in the record to indicate that the subsequent sale of the house brought the maximum available in the open market and indeed, this Court could find that Plaintiff should have mitigated its damages by realizing much earlier, based on the circumstances surrounding his relationship with Dworetsky, that to continue the construction was ill advised. Therefore, this Court will not award damages against this Defendant for the alleged \$30,000 loss of profit.

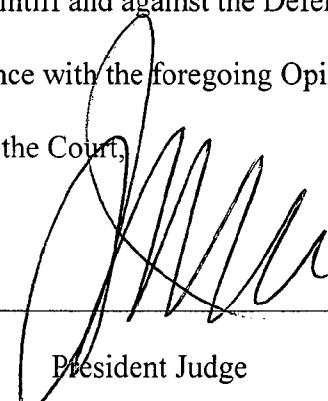
Defendant, in his brief, raises the defense of the statute of frauds alleging that since no written document exists covering any of the above claims, there can be no recovery.

This Court notes, however, that Pennsylvania Rule of Civil Procedure 1030 requires that the statute of frauds be raised as an affirmative defense under the caption of new matter. Since Defendant did not do this, and in fact did not raise the statute of frauds at all until the filing of his post-trial brief, this Court will not consider it as a defense in this matter and will therefore enter the following:

ORDER

NOW, this 14th day of October, 2002, following hearing and briefs into the above-captioned action for breach of contract, it is the ORDER of this Court that judgment shall be and is hereby entered in favor of the Plaintiff and against the Defendant Edward Dworetsky in the amount of \$22,500 in accordance with the foregoing Opinion.

By the Court,


President Judge

FILED

01/10/06 BY
OCT 15 2002

William A. Shaw
Prothonotary

1 CC Atty Mohney

1 CC Atty Gearhart

1 CC ~~Atty~~ D. Milesell

1 CC P. Hade - 780 Sunset Terrace
Franklin Lakes, NJ 07417

EO
SPD

1 CC Encore - 170 Edison Terrace
Franklin Lakes, NJ 07417

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830



William A. Shaw
Prothonotary

OCT 23 2002
M 10:30 AM
TUE

Encore Network, Inc.
170 Edison Terrace
Franklin Lakes, NJ 07417

FORWARDING
TIME EXPIRED

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

J.W. RICE CONSTRUCTION CO., INC.	:	
-vs-	:	No. 01-1702-CD
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE, Executrix of	:	
Neal L. Hade	:	

OPINION AND ORDER

J. W. Rice Construction Co., Inc.. Plaintiff above named, is owned by Jeffrey W. Rice and said corporation was the owner of real estate in the Acorn Hills Subdivision of Treasure Lake. The Corporation is the owner of the "Rice Complex", an office complex located in the City of DuBois, Clearfield County, Pennsylvania. The Defendant, Edward Dworetsky, approached Rice for the purpose of constructing a headquarters complex and guest house on the Treasure Lake property, and further for the rental of office space for the Encore Network, Inc. Dworetsky was, in fact, a shareholder of Encore and Jeffrey Rice was of the opinion that Dworetsky had authority to enter into the necessary agreements to accomplish the above purposes. Rice testified that he expended the sum of \$10,000 of his own money in the design of the headquarters and obtaining the necessary approvals, following which Dworetsky called off the project. Rice now seeks to recover the \$10,000 expended by him in furtherance of the construction.

Defendant Dworetsky also indicated his desire to obtain office space for Encore in Rice's office complex in the City of DuBois. An oral agreement was reached to lease said space to Encore for \$12,500 per year rent. Although Rice delivered a written lease to Dworetsky, it was never executed or returned. In return for the first year's rent, Rice was given

25,000 shares of stock in Encore, but received nothing for the second year's rental, and now seeks to recover \$12,500 for the second year's rental period.

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This Court is of the opinion that Defendant Edward Dworetsky must respond in damages to the Plaintiff for the \$10,000 advanced by Plaintiff to cover initial considerations in the building of the corporate headquarters which neither Defendant nor Encore completed, and for the \$12,500 rental value for the second year of occupancy by Encore in Plaintiff's office complex. Clearly Defendant Dworetsky caused these expenses to be incurred by Plaintiff and must be required to respond in damages.

However, Plaintiff's allegations seeking to recover the sum of \$30,000 on the sale of the guest house are not sustained by the record. While it is true that the house was built at the request of the Defendant Dworetsky, who later failed to complete the sale, there is nothing in the record to indicate that the subsequent sale of the house brought the maximum available in the open market and indeed, this Court could find that Plaintiff should have mitigated its damages by realizing much earlier, based on the circumstances surrounding his relationship with Dworetsky, that to continue the construction was ill advised. Therefore, this Court will not award damages against this Defendant for the alleged \$30,000 loss of profit.

Defendant, in his brief, raises the defense of the statute of frauds alleging that since no written document exists covering any of the above claims, there can be no recovery.

This Court notes, however, that Pennsylvania Rule of Civil Procedure 1030 requires that the statute of frauds be raised as an affirmative defense under the caption of new matter. Since Defendant did not do this, and in fact did not raise the statute of frauds at all until the filing of his post-trial brief, this Court will not consider it as a defense in this matter and will therefore enter the following:

ORDER

NOW, this 14th day of October, 2002, following hearing and briefs into the above-captioned action for breach of contract, it is the ORDER of this Court that judgment shall be and is hereby entered in favor of the Plaintiff and against the Defendant Edward Dworetsky in the amount of \$22,500 in accordance with the foregoing Opinion.

By the Court,

/s/ JOHN K. REILLY, JR.

President Judge

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

OCT 15 2002

Attest.

William B. Orr
Prothonotary/
Clerk of Courts

CR

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

J. W. RICE CONSTRUCTION : NO. 01-1702 C.D.
CO., INC., : TYPE OF CASE: CIVIL

Plaintiff : TYPE OF PLEADING:
VS. : MOTION FOR SANCTIONS

THE ENCORE NETWORK, INC., : FILED ON BEHALF OF:
EDWARD DWORETSKY and : PLAINTIFF

PATRICIA LYNN HADE, : COUNSEL OF RECORD:
Executrix of the Estate of NEAL L. : CHRISTOPHER E. MOHNEY.
HADE, : ESQUIRE

Defendants : SUPREME COURT NO.: 63494

CHRISTOPHER E. MOHNEY, ESQ
90 BEAVER DRIVE
SUITE 201A
DuBOIS, PA 15801

FILED

FEB 05 2003

079151

William A. Shaw

Prothonotary/Clerk of Courts

2 Cans to Attn

CGH

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

J. W. RICE CONSTRUCTION CO., INC.,	:	NO. 01-1702 C.D.
	:	TYPE OF CASE: CIVIL
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
Defendants	:	

RULE RETURNABLE

AND NOW, this 5th day of February, 2003, upon consideration of Plaintiff's Motion for Sanctions, a hearing is set for the 3 day of March, 2003 at 10:00 o'clock, A. M. in Courtroom No. 1 of the Court of Common Pleas of Clearfield County for Defendant Edward Dworetsky to appear and show cause why Plaintiff's request for relief should not be granted.

BY THE COURT,



FILED

FEB 05 2003

William A. Shaw
Prothonotary

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

J. W. RICE CONSTRUCTION CO., INC.,	:	NO. 01-1702 C.D. TYPE OF CASE: CIVIL
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
Defendants	:	

MOTION FOR SANCTIONS

AND NOW, comes Plaintiff, J. W. RICE CONSTRUCTION CO., INC., by its' attorney, CHRISTOPHER E. MOHNEY, ESQUIRE, and files the following Motion for Sanctions pursuant to Pennsylvania Rule of Civil Procedure 4019, and in support thereof avers as follows:

1. After bench trial before this Honorable Court, Plaintiff obtained a money judgment against Defendant Edward Dworetsky for the amount of \$22,500.00. Attached hereto as Exhibit "A" is a copy of the Opinion and Order of October 14, 2002.
2. Defendant Dworetsky did not file post-trial motions, nor seek to appeal this Court's Order of October 14, 2002.
3. The undersigned contacted R. Denning Gearhart, Esquire, counsel for Defendant Dworetsky, by letter dated November 21, 2002 demanding judgment and also asking for dates of availability for deposition of Defendant Dworetsky in the event

judgment was not going to be voluntarily paid. Attached and marked Exhibit "B" is copy of aforementioned letter.

4. The deposition in aid of execution for Defendant Dworetsky was scheduled for Friday, December 20, 2002. Attached hereto and marked as Exhibit "C" is copy of letter dated December 6, 2002 and Notice of Deposition.

5. A few days before the scheduled deposition of Defendant Dworetsky, his attorney, R. Denning Gearhart, Esquire, contacted the undersigned by telephone to indicate that Defendant Dworetsky would not be appearing for the scheduled deposition.

6. Indeed, Defendant Dworetsky failed to show up at the offices of Blakley, Jones & Mohney for his scheduled deposition on December 20, 2002 at 10:00 A.M.

7. Pennsylvania Rule of Civil Procedure 4019(a)(1)(iv) allows for sanctions on the failure of a party to appear for deposition.

8. Pursuant to Pennsylvania Rule of Civil Procedure 4019(b), the undersigned, on behalf of Plaintiff, is authorized to apply to this Honorable Court for an Order compelling Dworetsky to appear, be sworn, and to answer, under penalty of contempt, at a deposition.

WHEREFORE, Plaintiff J. W. Rice Construction Co., Inc. prays this Honorable Court for an Order compelling Defendant Edward Dworetsky to appear in the office of the attorney for Plaintiff at a date to be set by counsel for Plaintiff within ten (10) days from date of Order, and to be sworn and to answer, under penalty of contempt.

Respectfully submitted,

BY:

Christopher E. Mohney, Esquire

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

J. W. RICE CONSTRUCTION CO., INC.,	:	NO. 01-1702 C.D.
	:	TYPE OF CASE: CIVIL
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC., EDWARD DWORETSKY and PATRICIA LYNN HADE, Executrix of the Estate of NEAL L. HADE,	:	
Defendants	:	

FILED

MAR 03 2003

William A. Shaw
Prothonotary

ORDER

AND NOW, this 3 day of March, 2003, upon consideration of Plaintiff's Motion for Sanctions against Defendant Dworetsky for Dworetsky's failure to appear at a scheduled deposition, after being served notice thereof, it is hereby ordered that the Motion is granted and Defendant Edward Dworetsky shall appear at the law office of Christopher E. Mohney, Esquire, at a date and time to be set by Attorney Mohney and within ten (10) days of this Order, to be sworn and answer, under penalty of contempt, for purposes of a deposition in aid of execution, or appropriate sanctions will be imposed upon further application to the Court.

BY THE COURT

100-1000

EUDS F O RAM

William A. Shaw
Prothonotary

William A. Shaw
Prothonotary

FILED

01/10/2003
MAR 03 2003
FPL

cc
Atty Mohney
FPL

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

J.W. RICE CONSTRUCTION CO., INC. :

-vs-

: No. 01 - 1702 - CD

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE, Executrix of
Neal L. Hade

OPINION AND ORDER

J. W. Rice Construction Co., Inc., Plaintiff above named, is owned by Jeffrey W. Rice and said corporation was the owner of real estate in the Acorn Hills Subdivision of Treasure Lake. The Corporation is the owner of the "Rice Complex", an office complex located in the City of DuBois, Clearfield County, Pennsylvania. The Defendant, Edward Dworetsky, approached Rice for the purpose of constructing a headquarters complex and guest house on the Treasure Lake property, and further for the rental of office space for the Encore Network, Inc. Dworetsky was, in fact, a shareholder of Encore and Jeffrey Rice was of the opinion that Dworetsky had authority to enter into the necessary agreements to accomplish the above purposes. Rice testified that he expended the sum of \$10,000 of his own money in the design of the headquarters and obtaining the necessary approvals, following which Dworetsky called off the project. Rice now seeks to recover the \$10,000 expended by him in furtherance of the construction.

Defendant Dworetsky also indicated his desire to obtain office space for Encore in Rice's office complex in the City of DuBois. An oral agreement was reached to lease said space to Encore for \$12,500 per year rent. Although Rice delivered a written lease to Dworetsky, it was never executed or returned. In return for the first year's rent, Rice was given

25,000 shares of stock in Encore, but received nothing for the second year's rental, and now seeks to recover \$12,500 for the second year's rental period.

Rice further testified that Dworetsky commissioned him to build a guest house at Treasure Lake for Encore and they orally entered into an agreement to construct the house for \$360,000. The house was, in fact, completed and Dworetsky called off the purchase. Rice subsequently sold the house for \$330,000 and now seeks to recover the \$30,000 difference between the agreed upon price and the subsequent sale price.

This Court is of the opinion that Defendant Edward Dworetsky must respond in damages to the Plaintiff for the \$10,000 advanced by Plaintiff to cover initial considerations in the building of the corporate headquarters which neither Defendant nor Encore completed, and for the \$12,500 rental value for the second year of occupancy by Encore in Plaintiff's office complex. Clearly Defendant Dworetsky caused these expenses to be incurred by Plaintiff and must be required to respond in damages.

However, Plaintiff's allegations seeking to recover the sum of \$30,000 on the sale of the guest house are not sustained by the record. While it is true that the house was built at the request of the Defendant Dworetsky, who later failed to complete the sale, there is nothing in the record to indicate that the subsequent sale of the house brought the maximum available in the open market and indeed, this Court could find that Plaintiff should have mitigated its damages by realizing much earlier, based on the circumstances surrounding his relationship with Dworetsky, that to continue the construction was ill advised. Therefore, this Court will not award damages against this Defendant for the alleged \$30,000 loss of profit.

Defendant, in his brief, raises the defense of the statute of frauds alleging that since no written document exists covering any of the above claims, there can be no recovery.

This Court notes, however, that Pennsylvania Rule of Civil Procedure 1030 requires that the statute of frauds be raised as an affirmative defense under the caption of new matter. Since Defendant did not do this, and in fact did not raise the statute of frauds at all until the filing of his post-trial brief, this Court will not consider it as a defense in this matter and will therefore enter the following:

ORDER

NOW, this 14th day of October, 2002, following hearing and briefs into the above-captioned action for breach of contract, it is the ORDER of this Court that judgment shall be and is hereby entered in favor of the Plaintiff and against the Defendant Edward Dworetzky in the amount of \$22,500 in accordance with the foregoing Opinion.

By the Court,

/s/ JOHN K. REILLY, JR.

President Judge

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

OCT 15 2002

Attest.

William L. Reilly
Prothonotary/
Clerk of Courts

BLAKLEY, JONES & MOHNEY

Attorneys and Counselors at Law

90 Beaver Drive, Box 6

Du Bois, Pennsylvania 15801

Telephone (814) 371-2730

Fax (814) 375-1082

November 21, 2002

Benjamin S. Blakley, III
Christopher E. Mohney

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

RE: J. W. Rice Construction Co., Inc. vs. The Encore Network, Inc., et al.
No. 01-1702-C.D.

Dear Denning:

By my calendar, thirty (30) days from the Order awarding my client a money judgment in the amount of \$22,500.00 has run. I am not aware that any steps have been timely taken to appeal Judge Reilly's decision. Within the next ten (10) days, please provide me the intent of Mr. Dworetzky. That is, is he going to pay the judgment?

Anticipating that he is not inclined to pay the judgment amount, please provide me dates both you and he are available to take his deposition in aid of execution. If I receive no response on either of the above requests, I will proceed to select a date myself, and notice Mr. Dworetzky without the courtesy of his input on dates of availability. Please understand I am not attempting to be difficult; however, my client wants the money which he has been awarded. We feel that if we do not pursue collection aggressively, Mr. Dworetzky will not volunteer to come forward with payment on his own volition.

If you want to discuss this matter further, please do not hesitate to call or write.

Sincerely,

BLAKLEY, JONES & MOHNEY

Christopher E. Mohney, Esquire

CEM:kdm

copy to: Dr. Jeffrey Rice, J. W. Rice Construction Co., Inc.

EXHIBIT "B"



BLAKLEY, JONES & MOHNEY

Attorneys and Counselors at Law

90 Beaver Drive, Box 6

Du Bois, Pennsylvania 15801

Telephone (814) 371-2730

Fax (814) 375-1082

R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

December 6, 2002

Benjamin S. Blakley, III

Christopher E. Mohney

RE: J. W. Rice Construction Co., Inc. vs. The Encore Network, Inc., et al.
No. 01-1702-C.D.

Dear Denning:

I have not heard back from you from my letter dated November 21, 2002.

Accordingly, enclosed is Notice of Deposition, wherein I have scheduled a deposition of Mr. Dworetzky to occur in my office the morning of Friday, December 20, 2002, at 10:00 a.m.. The purpose of the deposition will be to aid in our execution process on the money judgment obtained to the above-captioned case number.

Sincerely,

BLAKLEY, JONES & MOHNEY

Christopher E. Mohney, Esquire

CEM:kdm

Enclosure

copy to: Dr. Jeffrey Rice, J. W. Rice Construction Co., Inc. (w/enc.)

EXHIBIT "C"



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

J. W. RICE CONSTRUCTION
CO., INC.

Plaintiff

VS.

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE,
Executrix of the Estate of NEAL L.
HADE,

Defendants

NO. 01 - 1702 - C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING: NOTICE OF
DEPOSITION

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

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

J. W. RICE CONSTRUCTION
CO., INC.

Plaintiff

VS.

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE,
Executrix of the Estate of NEAL L.
HADE,

Defendants

NO. 01 - 1702 - C.D.

NOTICE OF DEPOSITION

TO: EDWARD DWORETSKY
c/o R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

PLEASE TAKE NOTICE that Plaintiff, J. W. RICE CONSTRUCTION CO., INC., will take the deposition of **EDWARD DWORETSKY**, for the purpose of discovery pursuant to Rule 4007.1 et seq., of the Pennsylvania Rules of Civil Procedure. Said deposition will take place before a notary public or other person qualified to administer oaths at 10:00 a.m. on Friday, December 20, 2002, at the law offices of Blakley, Jones & Mohney, 90 Beaver Drive, Du Bois, Pennsylvania 15801.

Deponent shall produce all documents reviewed by Deponent for the purpose of refreshing recollection or for determining the matters reasonably available to the Deponent prior to the

deposition for examination and/or copying, pursuant to Pennsylvania Rule of Civil Procedure

4009.1.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

Dated: December 6, 2002

BY:

Christopher E. Mohney, Esquire
Attorney for Plaintiff

cc: Court Reporter

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

J. W. RICE CONSTRUCTION
CO., INC.

Plaintiff

VS.

THE ENCORE NETWORK, INC.,
EDWARD DWORETSKY and
PATRICIA LYNN HADE,
Executrix of the Estate of NEAL L.
HADE,

Defendants

NO. 01 - 1702 - C.D.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Notice of Deposition of has been served upon the following individual by regular United States mail, postage prepaid, on this _____ day of December, 2002.

R. Denning Gearhart, Esquire
Attorney for Defendant Edward Dworetsky
215 East Locust Street
Clearfield, PA 16830

BLAKLEY, JONES & MOHNEY

BY:

Christopher E. McHenry, 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 - AT LAW

J. W. RICE CONSTRUCTION : NO. 01-1702 C.D.
CO., INC., : TYPE OF CASE: CIVIL
Plaintiff :
VS. : TYPE OF PLEADING: NOTICE
THE ENCORE NETWORK, INC., : DEPOSITION
EDWARD DWORETSKY and :
PATRICIA LYNN HADE, : FILED ON BEHALF OF:
Executrix of the Estate of NEAL L. : PLAINTIFF
HADE, : COUNSEL OF RECORD:
Defendants : CHRISTOPHER E. MOHNEY.
: ESQUIRE
: SUPREME COURT NO.: 63494
: CHRISTOPHER E. MOHNEY, ESQ
: 90 BEAVER DRIVE
: SUITE 201A
: DuBOIS, PA 15801

FILED

MAR 07 2003
010120 (u) *Shaw*
William A. Shaw
Prothonotary
No. 63494 Copy

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

J. W. RICE CONSTRUCTION	:	NO. 01-1702 C.D.
CO., INC.,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
	:	
Defendants	:	

NOTICE OF DEPOSITION

TO: EDWARD DWORETSKY
c/o R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

PLEASE TAKE NOTICE that Plaintiff, **J. W. RICE CONSTRUCTION CO., INC.**, will take the deposition of **EDWARD DWORETSKY**, for the purpose of discovery pursuant to Rule 4007.1 *et seq.*, of the Pennsylvania Rules of Civil Procedure. Said Deposition will take place before a Notary Public or other person qualified to administer oaths at 10:00 A.M. on Tuesday, March 18, 2003 at the law office of Christopher E. Mohney, Esquire, 90 Beaver Drive, DuBois, Pennsylvania 15801.

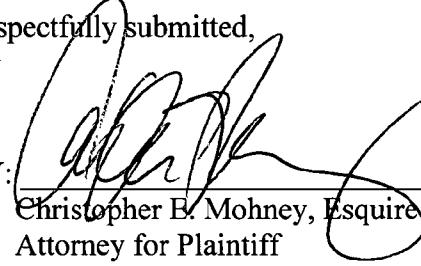
Deponent shall produce all documents reviewed by Deponent for the purpose of refreshing recollection or for determining the matters reasonably available to the

Deponent prior to the deposition for examination and/or copying, pursuant to
Pennsylvania Rule of Civil Procedure 4009.1.

Dated: March 6, 2003

Respectfully submitted,

BY:


Christopher E. Mohney, Esquire
Attorney for Plaintiff

cc: Court Reporter

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

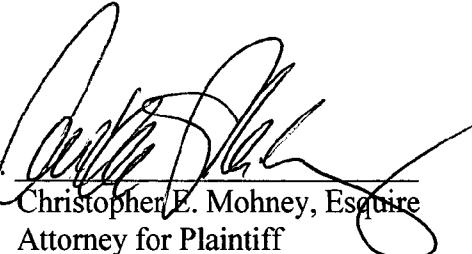
J. W. RICE CONSTRUCTION	:	NO. 01-1702 C.D.
CO., INC.,	:	
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Notice of Deposition of Edward Dworetsky has been served upon the following individual by regular United States mail, postage prepaid, on this 16th day of March, 2003.

R. Denning Gearhart, Esquire
Attorney for Defendant Edward Dworetsky
215 East Locust Street
Clearfield, PA 16830

BY:


Christopher E. Mohney, Esquire
Attorney for Plaintiff

90 Beaver Drive, Suite 201A
DuBois, PA 15801
(814) 375-1044

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

J. W. RICE CONSTRUCTION : NO. 01-1702 C.D.
CO., INC., : TYPE OF CASE: CIVIL
Plaintiff : :
VS. : TYPE OF PLEADING: NOTICE
: OF DEPOSITION
THE ENCORE NETWORK, INC., : FILED ON BEHALF OF:
EDWARD DWORETSKY and : PLAINTIFF
PATRICIA LYNN HADE, : COUNSEL OF RECORD:
Executrix of the Estate of NEAL L. : CHRISTOPHER E. MOHNEY.
HADE, : ESQUIRE
Defendants : SUPREME COURT NO.: 63494
: :
: CHRISTOPHER E. MOHNEY, ESQ
: 90 BEAVER DRIVE
: SUITE 201A
: DuBOIS, PA 15801

FILED

MAR 14 2003

William A. Shaw
Prothonotary

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

J. W. RICE CONSTRUCTION	:	NO. 01-1702 C.D.
CO., INC.,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
	:	
Defendants	:	

NOTICE OF DEPOSITION

TO: EDWARD DWORETSKY
c/o R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

PLEASE TAKE NOTICE that Plaintiff, **J. W. RICE CONSTRUCTION CO., INC.**, will take the deposition of **EDWARD DWORETSKY**, for the purpose of discovery pursuant to Rule 4007.1 et seq., of the Pennsylvania Rules of Civil Procedure. Said Deposition will take place before a Notary Public or other person qualified to administer oaths at 10:00 A.M. on Tuesday, March 27, 2003 at the law office of Blakley & Jones, 90 Beaver Drive, DuBois, Pennsylvania 15801.

Deponent shall produce all documents reviewed by Deponent for the purpose of refreshing recollection or for determining the matters reasonably available to the

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

J. W. RICE CONSTRUCTION	:	NO. 01-1702 C.D.
CO., INC.,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
	:	
Defendants	:	

NOTICE OF DEPOSITION

TO: EDWARD DWORETSKY
c/o R. Denning Gearhart, Esquire
215 East Locust Street
Clearfield, PA 16830

PLEASE TAKE NOTICE that Plaintiff, **J. W. RICE CONSTRUCTION CO., INC.**, will take the deposition of **EDWARD DWORETSKY**, for the purpose of discovery pursuant to Rule 4007.1 et seq., of the Pennsylvania Rules of Civil Procedure. Said Deposition will take place before a Notary Public or other person qualified to administer oaths at 10:00 A.M. on Tuesday, March 27, 2003 at the law office of Blakley & Jones, 90 Beaver Drive, DuBois, Pennsylvania 15801.

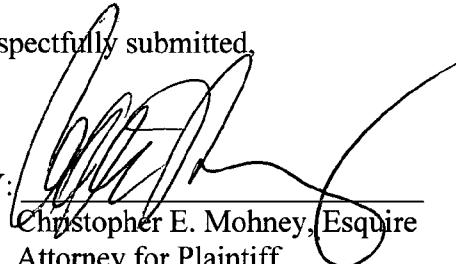
Deponent shall produce all documents reviewed by Deponent for the purpose of refreshing recollection or for determining the matters reasonably available to the

Deponent prior to the deposition for examination and/or copying, pursuant to
Pennsylvania Rule of Civil Procedure 4009.1.

Dated: March 6, 2003

Respectfully submitted,

BY:


Christopher E. Mohney, Esquire
Attorney for Plaintiff

cc: Court Reporter

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

J. W. RICE CONSTRUCTION CO., INC.,	:	NO. 01-1702 C.D.
Plaintiff	:	
VS.	:	
THE ENCORE NETWORK, INC.,	:	
EDWARD DWORETSKY and	:	
PATRICIA LYNN HADE,	:	
Executrix of the Estate of NEAL L.	:	
HADE,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Notice of Deposition of Edward Dworetsky has been served upon the following individual by regular United States mail, postage prepaid, on this 13th day of March, 2003.

R. Denning Gearhart, Esquire
Attorney for Defendant Edward Dworetsky
215 East Locust Street
Clearfield, PA 16830

BY:

Christopher E. Mohney, Esquire
Attorney for Plaintiff

90 Beaver Drive, Suite 201A
DuBois, PA 15801
(814) 375-1044