

02-503-CD  
JAMES A. LABORDE, DC -vs- PHILIP P. TABONE

46TH

## NOTICE OF APPEAL

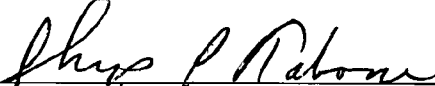
FROM

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2002-503-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 Philip P. Tabone		MAG. DIST. NO. OR NAME OF D.J. 46-3-01 Patrick N. Ford	
ADDRESS OF APPELLANT 723 S. Brady St		CITY DuBOW	STATE PA
DATE OF JUDGMENT 3-11-02	IN THE CASE OF (Plaintiff) Laborde DC, James A		(Defendant) vs Tabone, Philip P
CLAIM NO. CV 19 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

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.

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.

\_\_\_\_\_  
Signature of Prothonotary or Deputy

## 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 JAMES A LABORDE DC, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 2002-503-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

**RULE:** To JAMES A LABORDE DC, appellee(s).  
Name of appellee(s)

  
Signature of appellant or his attorney or agent

PHILIP P. TABONE

(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: APRIL 3, 2002

  
Signature of Prothonotary or Deputy

**FILED**

APR 03 2002

0/2:45 (ms)

 William A. Shaw  
Prothonotary

PD 80- - CASH  
BY TABONE

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## 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) \_\_\_\_\_, ☐ 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\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-01</b>
DJ Name: Hon.	<b>PATRICK N. FORD</b>
Address:	<b>309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA</b>
Telephone:	<b>(814) 371-5321 15801</b>

**PHILIP P. TABONE  
723 S BRADY ST  
DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**LABORDE DC, JAMES A  
RD 1 BOX 109  
DUBOIS, PA 15801**

VS.  
DEFENDANT: NAME and ADDRESS  
**TABONE, PHILIP P  
723 S BRADY ST  
DUBOIS, PA 15801**

Docket No.: **CV-0000026-02**  
Date Filed: **1/07/02**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **LABORDE DC, JAMES A**

☒ Judgment was entered against: (Name) **TABONE, PHILIP P**

in the amount of \$ **390.64** on: (Date of Judgment) **3/11/02**

☐ 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>344.64</b>
Judgment Costs	\$ <b>46.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 390.64</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</b>

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.**

**3-11-02** Date **Patrick N. Ford - PNF**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, District Justice

My commission expires first Monday of January,

**2006**

SEAL

02-503-00

**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. 2002-503-CD, upon the District Justice designated therein on  
(date of service) 4/4/02, ☐ by personal service ☒ by (certified) (registered) mail, sender's  
receipt attached hereto, and upon the appellee, (name) James A. Laborde, D.C., on  
4/4/02, 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 4/4/02, 19\_\_\_\_ ☐ by personal service ☒ by (certified) (registered)  
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 4th DAY OF April, 192002

Jeffrey J. Shaw  
Signature of affiant

Barbara A. Bowser  
Signature of official before whom affidavit was made

Title of official

My commission expires on \_\_\_\_\_, 19\_\_\_\_

Notarial Seal  
Barbara A. Bowser, Notary Public  
City of DuBois, Clearfield County  
My Commission Expires Mar. 28, 2005  
Member, Pennsylvania Association of Notaries

**FILED**

APR 12 2002  
m/101561  
William A. Shaw  
Prothonotary

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

## DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2007-503-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 <u>Philip P. Tabone</u>		MAG. DIST. NO. OR NAME OF D.J. <u>40-3 01 Police-Memo</u>	
ADDRESS OF APPELLANT <u>143 S. Brady St</u>		CITY <u>ALBANY</u>	STATE <u>PA</u>
DATE OF JUDGMENT <u>3-11-02</u>		ZIP CODE <u>12801</u>	
IN THE CASE OF (Plaintiff) <u>Loburde DC, James A</u>		(Defendant) <u>vs Tabone Philip P</u>	
CLAIM NO. CV 19 _____ LT 19 _____		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <u>[Signature]</u>	

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.

\_\_\_\_\_  
Signature of Prothonotary or Deputy

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.

## 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 James A. Loburde DC, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 2007-503-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

**RULE:** To James A. Loburde DC, 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: APR 11 2002, 192002

\_\_\_\_\_  
Signature of Prothonotary or Deputy

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

APR 03 2002

Attest.

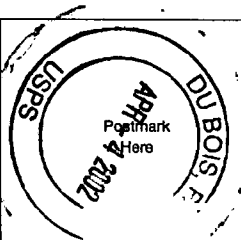
[Signature]  
Prothonotary/  
Clerk of Courts



(Domestic Mail Only, No Insurance Coverage Provided)

Article Sent To:

Postage	\$ 34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$3.94



Name (Please Print Clearly) (To be completed by mailer)

Patrick N. Ford, D.J.

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

309 Maple Ave., P. O. box 452

City, State, ZIP+4

DuBois PA 15801

PS Form 3800, July 1999

See Reverse for Instructions

7099 3220 0011 0167 7825

### **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:**

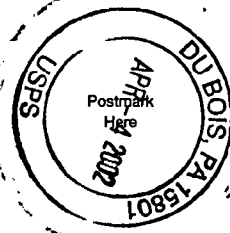
- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt 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.**

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

Article Sent To:

Postage	\$ .34
Certified Fee	2.10
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$3.94</b>



Name (Please Print Clearly) (To be completed by mailer)  
James C. Laborde, D.C.

Street, Apt. No., or PO Box No.  
R D #1 Box 109

City, State, ZIP+4  
Dubois, PA 15801

7099 3220 0011 0187 7818  
9182 2810 1100 022E 6602

**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:**

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- 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".
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**IMPORTANT: Save this receipt and present it when making an inquiry.**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
D.J. 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: **LABORDE DC, JAMES A**  
**RD 1 BOX 109**  
**DUBOIS, PA 15801**

VS.  
DEFENDANT: **TABONE, PHILIP P**  
**723 S BRADY ST**  
**DUBOIS, PA 15801**

Docket No.: **CV-0000026-02**  
Date Filed: **1/07/02**



**THIS IS TO NOTIFY YOU THAT:**

Judgment: **DEFAULT JUDGMENT P.T.F**

☒ Judgment was entered for: (Name) **LABORDE DC, JAMES A**

☒ Judgment was entered against: (Name) **TABONE, PHILIP P**

in the amount of \$ **390.64** on: (Date of Judgment) **3/11/02**

☐ 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>344.64</b>
Judgment Costs	\$ <b>46.00</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
Total	\$ <b>390.64</b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
Certified Judgment Total	\$ _____

**FILED**

*m/g:lo*

Date:	Place: <b>APR 15 2002</b>
Time:	<b>William A. Shaw</b> <b>Prothonotary</b>

**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.**

**3-11-02** Date **Patrick N. Ford - PNF**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, District Justice

My commission expires first Monday of January,

**2006**

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

**CIVIL COMPLAINT**

Mag. Dist. No.	<b>46-3-01</b>
DJ Name: Hon.	<b>PATRICK N. FORD</b>
Address:	<b>309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA 15801</b>
Telephone:	<b>(814) 371-5321</b>

PLAINTIFF: NAME and ADDRESS

James A. LaBorde DC  
RR 1 Box 109  
DuBois PA 15801

VS.  
DEFENDANT: NAME and ADDRESS

Philip P. Tabone  
723 S. Brady Street  
DuBois PA 15801

Docket No.: C102602  
Date Filed:

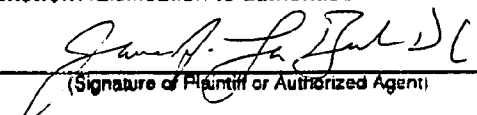


	AMOUNT	DATE PAID
FILING COSTS \$	<u>46-</u>	<u>/ /</u>
SERVING COSTS \$	<u></u>	<u>/ /</u>
TOTAL \$	<u></u>	<u>/ /</u>

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 344.64 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

Outstanding medical bills and accrued interest.

I, James A. LaBorde DC 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.

  
(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

JAMES A. LABORDE, D.C.,

PLAINTIFF

VS

PHILIP P. TABONE,

DEFENDANT

NO. 02 - 503 -CD

TYPE OF CASE: CIVIL

TYPE OF PLEADING:  
COMPLAINT

FILED ON BEHALF OF:  
PLAINTIFF

COUNSEL OF RECORD FOR  
THIS PARTY:  
BENJAMIN S. BLAKLEY, III

SUPREME COURT NO.: 26331

BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801  
(814) 371-2730

**FILED**

APR 18 2002

William A. Shaw  
Prothonotary

David S. Meholic,  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
(814) 765-2641

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

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No. 02 - -CD

**COMPLAINT**

AND NOW, comes Plaintiff, JAMES A. LABORDE, D.C., by and through his attorneys, BLAKLEY, JONES & MOHNEY, and files the following Complaint, of which the following is a statement:

1. Plaintiff is JAMES A. LABORDE, D.C., a Doctor of Chiropractic licensed to do business in the Commonwealth of Pennsylvania, with his business address being located at R.R. #1, Box 109, Du Bois, Clearfield County, Pennsylvania.
2. Defendant is PHILIP P. TABONE, an adult individual residing at 723 South Brady Street, Du Bois, Clearfield County, Pennsylvania.
3. That at all times material hereto, the Plaintiff practiced at the above address and offered his services to the general public.
4. That on or about March 5, 2001, the Defendant appeared at the offices of the Plaintiff seeking chiropractic services for shoulder and muscle pain and a pinched nerve.
5. That on March 5, 2001, the Plaintiff in furtherance of his practice, agreed to perform an examination, including cervical x-rays and chiropractic adjustment upon the Defendant, all of

which was requested by and accepted by the Defendant.

6. That on the aforesaid date, the Defendant informed the Plaintiff that he had medical insurance coverage through Highmark Blue Cross/Blue Shield and that all charges for services provided by the Plaintiff should be submitted to the Defendant's insurance provider. However, it was agreed by the Defendant that he would be responsible for all uninsured medical services or for any deductible amounts upon said insurance coverage.

7. That on his March 5, 2001 visit, the Defendant did pay to the Plaintiff an Eight Dollar (\$8.00) co-payment toward his financial obligation arising from the services provided by the Plaintiff to the Defendant on the aforesaid date.

8. That on March 7, 2001, March 9, 2001, March 12, 2001, March 14, 2001, and March 16, 2001, the Defendant reappeared at the offices of the Plaintiff and did request chiropractic adjustments, and in furtherance of said request, Plaintiff did perform chiropractic adjustments upon the body of the Defendant.

9. That the reasonable and customary charges for the initial examination of the Defendant on March 5, 2001, was Sixty Dollars (\$60.00), for the cervical x-ray, One Hundred Twenty-Five Dollars (\$125.00) and for the chiropractic adjustments provided to the Defendant, Forty Dollars (\$40.00) per visit.

10. That at the conclusion of each visit to Plaintiff's offices by the Defendant, the Defendant was presented with a billing for services provided, and he did acknowledge receipt of said billings with his signature on each visit. Copies of said billings are attached hereto and collectively marked as Exhibits "A-1" through "A-5."

11. The Plaintiff did submit the charges for the services provided to the Defendant to

Highmark Blue Cross/Blue Shield, as directed by the Defendant. Copies of said health insurance claim forms as submitted by the Plaintiff are attached hereto and marked as Exhibits "B", "C" and "D."

12. As a result of his reimbursement agreement with Highmark Blue Cross/Blue Shield, the Plaintiff was reimbursed Seventy-One Dollars (\$71.00) for the cervical x-rays provided to the Defendant by the Plaintiff on April 6, 2001, and as such, the Plaintiff accepted the aforesaid amount in full payment of the x-ray services provided to the Defendant.

13. That the Plaintiff was advised by Highmark Blue Cross/Blue Shield that the Defendant had not met his yearly deductible, and as such, the Plaintiff would not be reimbursed for the March 5, 2001, examination and the chiropractic adjustments provided to the Defendant on March 5, 2001, March 7, 2001, March 9, 2001, March 12, 2001, March 14, 2001, and March 16, 2001. A copy of the Major Medical Explanation of Benefits received by the Plaintiff from Highmark Blue Cross/Blue Shield are attached hereto and marked as Exhibits "E-1" and "E-2."

14. That because of the lack of applicable insurance reimbursement by the Defendant's medical insurance carrier, the Defendant had an outstanding balance for services provided by the Plaintiff to the Defendant in the amount of Two Hundred Ninety-Two Dollars (\$292.00), representing services provided from March 5, 2001, to March 16, 2001, with the Defendant being credited for his Eight Dollar (\$8.00) co-payment on March 5, 2001, and for the insurance payment and adjustment arising from the x-ray services provided to the Defendant.

15. Despite repeated requests for payment of the aforesaid amount, the Defendant has failed and refused to make payment of the amounts due and owing to the Plaintiff for the services provided to the Defendant.

16. That pursuant to the statement affixed to the Defendant's initial billing, finance charges have accrued on the Defendant's unpaid balance commencing ninety (90) days after his first billing (May 3, 2001), said finance charges being at one and one-half percent (1 ½ %) per month. A copy of a billing similar to that forwarded to the Defendant containing the Plaintiff's finance charge policy is attached hereto and marked as Exhibit "F."

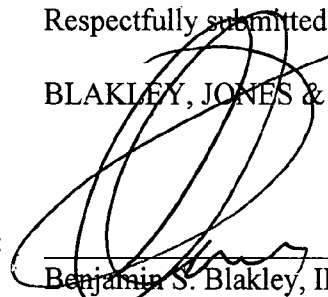
17. That as a result of Defendant's failure to pay his outstanding indebtedness to the Plaintiff, the Plaintiff was forced to bring an action against the Defendant in the office of the District Magistrate, Patrick N. Ford, for which he incurred costs of Forty-Six Dollars (\$46.00).

WHEREFORE, Plaintiff demands judgment against the Defendant in the amount of \$292.00, plus Magistrate costs of \$46.00, along with finance charges on Defendant's unpaid balance at the rate of 1 ½ % per month commencing August 3, 2001, to date of judgment, along with interest and costs of suit.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY


BY:

  
Benjamin S. Blakley, III, Esquire  
Attorneys for Plaintiff

## VERIFICATION

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

DATE: 4/17/02

  
JAMES A. LABORDE, D.C.

MAKE CHECKS PAYABLE TO:

# LaBorde Chiropractic Center

Route 219 South • DuBois, PA 15801

Telephone (814) 375-5230

28960

302B N. Main St. • Port Allegany, PA 16743

Telephone (814) 642-1036

PATIENT'S NAME

Philip P. Tabone

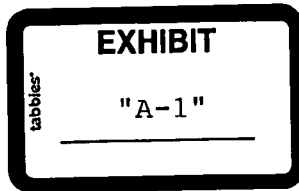
FEE

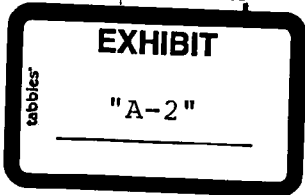
Brief Exam	CP
Intermediate Exam	TP
Comprehensive Exam	LBP
Manipulation	SP
Sunday/Holiday Office Visits	HP
X-Ray Single View	KP
Cervical (2 or 3 views)	SCIATICA
X	HEADACHES
Cervical (min. of 4 views)	SINUSITIS
Lumbar A-P/Lat.	HYPOESTHESIA
Ultrasound	MYOSPASM
Other	ARM
	HAND
	THIGH
	CALF
	FOOT
	ANKLE
Total	125.00
Payment - CK No. _____ Cash	
Amount Due	125.00

3.5.01  
DATE

PATIENT'S SIGNATURE

Philip P. Tabone





MAKE CHECKS PAYABLE TO:

**LaBorde Chiropractic Center**

Route 219 South • DuBois, PA 15801

Telephone (814) 375-5230

28958

302B N. Main St. • Port Allegany, PA 16743

Telephone (814) 642-1036

Philip P. Tabone

PATIENT'S NAME

FEE

Brief Exam	CP	
Intermediate Exam	TP	<u>60.00</u>
Comprehensive Exam	LBP	
Manipulation	SP	
Sunday/Holiday Office Visits	HP	
X-Ray Single View	KP	
Cervical (2 or 3 views)	SCIATICA	
Cervical (min. of 4 views)	HEADACHES	
Lumbar A-P/Lat.	SINUSITIS	
Ultrasound	HYPOESTHESIA	
Other	MYOSPASM	
	ARM	
	HAND	
	THIGH	
	CALF	
	FOOT	
	ANKLE	
Total		<u>60.00</u>
Payment - CK No.	Cash	
Amount Due		<u>60.00</u>

Philip P. Tabone

PATIENT'S SIGNATURE

3.5.01  
DATE

MAKE CHECKS PAYABLE TO:

**LaBorde Chiropractic Center**

Route 219 South • DuBois, PA 15801

Telephone (814) 375-5230

28959

302B N. Main St. • Port Allegany, PA 16743

Telephone (814) 642-1036

Philip P. Tabone

PATIENT'S NAME

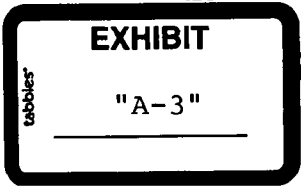
FEE

Brief Exam	CP	
Intermediate Exam	TP	
Comprehensive Exam	LBP	
Manipulation	SP	<u>40.00</u>
Sunday/Holiday Office Visits	HP	
X-Ray Single View	KP	
Cervical (2 or 3 views)	SCIATICA	
Cervical (min. of 4 views)	HEADACHES	
Lumbar A-P/Lat.	SINUSITIS	
Ultrasound	HYPOESTHESIA	
Other	MYOSPASM	
	ARM	
	HAND	
	THIGH	
	CALF	
	FOOT	
	ANKLE	
Total		<u>40.00</u>
Payment - CK No.	Cash	
Amount Due		<u>80.00</u>

Philip P. Tabone

PATIENT'S SIGNATURE

3.5.01  
DATE



MAKE CHECKS PAYABLE TO:

**LaBorde Chiropractic Center**

Route 219 South • DuBois, PA 15801

Telephone (814) 375-5230

302B N. Main St. • Port Allegany, PA 16743

Telephone (814) 642-1036

28990

PATIENT'S NAME Phillip T. Jones

FEE

Brief Exam	CP
Intermediate Exam	TP
Comprehensive Exam	LBP
Manipulation	SP <u>40</u>
Sunday/Holiday Office Visits	HP
X-Ray Single View	KP
Cervical (2 or 3 views)	SCIATICA
Cervical (min. of 4 views)	HEADACHES
Lumbar A-P/Lat.	SINUSITIS
Ultrasound	HYPOESTHESIA
Other	MYOSPASM
	ARM
	HAND
	THIGH
	CALF
	FOOT
	ANKLE
Total	<u>40</u>
Cash	
Amount Due	<u>40</u>

Payment - CK No. \_\_\_\_\_

PATIENT'S SIGNATURE Phillip T. Jones

DATE 3/9/01

MAKE CHECKS PAYABLE TO:

**LaBorde Chiropractic Center**

Route 219 South • DuBois, PA 15801

Telephone (814) 375-5230

302B N. Main St. • Port Allegany, PA 16743

Telephone (814) 642-1036

28974

PATIENT'S NAME Phil T. Jones

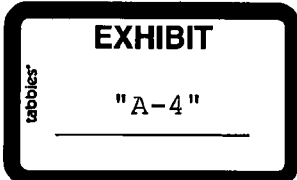
FEE

Brief Exam	CP <u>40</u>
Intermediate Exam	TP
Comprehensive Exam	LBP
Manipulation	SP <u>40</u>
Sunday/Holiday Office Visits	HP
X-Ray Single View	KP
Cervical (2 or 3 views)	SCIATICA
Cervical (min. of 4 views)	HEADACHES
Lumbar A-P/Lat.	SINUSITIS
Ultrasound	HYPOESTHESIA
Other	MYOSPASM
	ARM
	HAND
	THIGH
	CALF
	FOOT
	ANKLE
Total	<u>40</u>
Cash	
Amount Due	<u>40</u>

Payment - CK No. \_\_\_\_\_

PATIENT'S SIGNATURE Phil T. Jones

DATE 3/7/01



MAKE CHECKS PAYABLE TO:

**aBorde Chiropractic Center**

Route 219 South • DuBois, PA 15801

Telephone (814) 375-5230

29012

302B N. Main St. • Port Allegany, PA 16743

Telephone (814) 642-1036

PATIENT'S NAME

Phil Tazone

FEE

Brief Exam	CP
Intermediate Exam	TP
Comprehensive Exam	LBP
Manipulation	SP 40-
Sunday/Holiday Office Visits	HP
X-Ray Single View	KP
Cervical (2 or 3 views)	SCIATICA
Cervical (min. of 4 views)	HEADACHES
Lumbar A-P/Lat.	SINUSITIS
Ultrasound	HYPOESTHESIA
Other	MYOSPASM
	ARM
	HAND
	THIGH
	CALF
	FOOT
	ANKLE
Total	40-
Payment - CK No.	Cash
Amount Due	40-

DATE 3/14/01

PATIENT'S SIGNATURE

[Signature]

MAKE CHECKS PAYABLE TO:

**LaBorde Chiropractic Center**

Route 219 South • DuBois, PA 15801

Telephone (814) 375-5230

28998

302B N. Main St. • Port Allegany, PA 16743

Telephone (814) 642-1036

PATIENT'S NAME

Phil Tazone

FEE

Brief Exam	CP
Intermediate Exam	TP
Comprehensive Exam	LBP
Manipulation	SP 40- HP 210-417
Sunday/Holiday Office Visits	KP
X-Ray Single View	SCIATICA
Cervical (2 or 3 views)	HEADACHES
Cervical (min. of 4 views)	SINUSITIS
Lumbar A-P/Lat.	HYPOESTHESIA
Ultrasound	MYOSPASM
Other	ARM
	HAND
	THIGH
	CALF
	FOOT
	ANKLE
Total	40-
Payment - CK No.	Cash
Amount Due	40-

DATE 3/12/01

PATIENT'S SIGNATURE

[Signature]

MAKE CHECKS PAYABLE TO:

# LaBorde Chiropractic Center

Route 219 South • DuBois, PA 15801

Telephone (814) 375-5230

29021

302B N. Main St. • Port Allegany, PA 16743

Telephone (814) 642-1036

PATIENT'S NAME

PAUL TAYLOR

FEE

Brief Exam	CP
Intermediate Exam	TP
Comprehensive Exam	LBP
Manipulation	SP
Sunday/Holiday Office Visits	HP
X-Ray Single View	KP
Cervical (2 or 3 views)	SCIATICA
Cervical (min. of 4 views)	HEADACHES
Lumbar A-P/Lat.	SINUSITIS
Ultrasound	HYPOESTHESIA
Other	MYOSPASM
	ARM
	HAND
	THIGH
	CALF
	FOOT
	ANKLE
Total	40 -
Payment - CK No. _____ Cash	-
Amount Due	40 -

DATE

3/16/01

PATIENT'S SIGNATURE

Paul Taylor

EXHIBIT

"A-5"

tabbles

3/7/61

**PICA**

[illegible]

**PATIENT AND INSURED INFORMATION**

PHYSICIAN OR SUPPLIER INFORMATION

3/19/01

APPROVED OMB REG-00003

CARRIER

# HEALTH INSURANCE CLAIM FORM

PICA

MEDICAID CHAMPUS CHAMPVA GROUP HEALTH PLAN (SSN or ID) FECA BLK LUNG (SSN) OTHER (ID)

1. INSURED'S I.D. NUMBER (IF FOR PROGRAM IN ITEM 1)

NAME (Last Name, First Name, Middle Initial)

2. PATIENT'S BIRTH DATE MM DD YY SEX

ODC180406257

3. ADDRESS (No., Street)

6. PATIENT RELATIONSHIP TO INSURED

4. INSURED'S NAME (Last Name, First Name, Middle Initial)

NE, PHILIP P

01 21 50 M [X] F

TABONE, PHILIP P

3 S. BRADY STREET

7. INSURED'S ADDRESS (No., Street)

723 S. BRADY STREET

DUBOIS

8. PATIENT STATUS

DUBOIS

STATE PA

9. EMPLOYER'S NAME OR SCHOOL NAME

PA

TELEPHONE (Include Area Code)

10. IS PATIENT'S CONDITION RELATED TO

TELEPHONE (Include Area Code)

15801 (814) 371 9099

11. INSURED'S POLICY GROUP OR FECA NUMBER

15801 (814) 371 9099

12. INSURED'S DATE OF BIRTH MM DD YY SEX

13. EMPLOYER'S NAME OR SCHOOL NAME

56120-18

14. INSURED'S NAME OR SCHOOL NAME

15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS, GIVE FIRST DATE MM DD YY

01 21 50 M [X] F

16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY

17. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY

MAJOR MEDICAL

18. OUTSIDE LAB? \$ CHARGES

19. MEDICAID RESUBMISSION CODE

20. PRIOR AUTHORIZATION NUMBER

21. MEDICAID RESUBMISSION CODE

22. PRIOR AUTHORIZATION NUMBER

23. PRIOR AUTHORIZATION NUMBER

24. PRIOR AUTHORIZATION NUMBER

25. PRIOR AUTHORIZATION NUMBER

26. PRIOR AUTHORIZATION NUMBER

27. PRIOR AUTHORIZATION NUMBER

28. PRIOR AUTHORIZATION NUMBER

29. PRIOR AUTHORIZATION NUMBER

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105. PRIOR AUTHORIZATION NUMBER

106. PRIOR AUTHORIZATION NUMBER

107. PRIOR AUTHORIZATION NUMBER

108. PRIOR AUTHORIZATION NUMBER

109. PRIOR AUTHORIZATION NUMBER

PATIENT AND INSURED INFORMATION

PHYSICIAN OR SUPPLIER INFORMATION

EXHIBIT

"C"

tabbles

DATE 031901

FORM HCEA 1500-112-001

FORM HCEA 1500-112-001

**PICA**

					PATIENT AND INSURER INFORMATION
--	--	--	--	--	---------------------------------

PHYSICIAN OR SUPPLIER INFORMATION



Name: PHILIP TABONE  
Identification Number: 1804062570  
Group Number: 05612018  
Claim Number: 0108795193900  
Document Control Number: 01081042800268

Patient Name: PHILIP  
Relationship: SELF  
Period Reviewed: 03/05/01 to 03/14/01  
Explanation Date: 03/29/01

PROVIDER NAME	DATES OF SERVICE		POS	DESCRIPTION OF SERVICE		TOTAL EXPENSES	LESS INELIGIBLE EXPENSES		LESS DEDUCTIBLE		ALLOWABLE EXPENSES	
	FROM	TO		TYPE OF SERVICE	PROC CODE		AMOUNT	CODE	BASIC	MAJOR MEDICAL	80%	%
LABORDE JAMES	03/05/01	03/05/01	30	MEDICAL	99203	60.00				60.00		
LABORDE JAMES	03/05/01	03/05/01	30	THERAPY	S8902	40.00				40.00		
LABORDE JAMES	03/07/01	03/07/01	30	THERAPY	S8902	40.00				40.00		
LABORDE JAMES	03/09/01	03/09/01	30	THERAPY	S8902	40.00				40.00		
LABORDE JAMES	03/12/01	03/12/01	30	THERAPY	S8902	40.00				40.00		
LABORDE JAMES	03/14/01	03/14/01	30	THERAPY	S8902	40.00				40.00		
TOTALS						260.00				260.00		

THIS IS NOT A BILL

REMARKS:

E976 ELIGIBLE EXPENSES DO NOT EXCEED THE DEDUCTIBLE AT THIS TIME. THIS AMOUNT WILL BE CREDITED TOWARD FUTURE CLAIMS FOR THIS BENEFIT PERIOD.

TOTAL BENEFITS PAYABLE

RECEIVED APR 05 2001

EXHIBIT  
"E-1"



Patient Name: PHILLIP  
 Relationship: SELF  
 Period Reviewed: 03/16/01 to 03/16/01  
 Explanation Date: 05/01/01

**THIS IS NOT A BILL**

**TOTAL BENEFITS PAYABLE**

RECEIVED MAY 07 2001

"E-2"



**Statement**

LABORDE CHIROPRACTIC CENTER  
 RR1 BOX 109  
 DUBOIS, PA 15801  
 814-375-5230

DATE  
 4/3/2002

TO:

[REDACTED]

DATE	TRANSACTION	AMOUNT DUE \$120.00	AMOUNT ENC. BALANCE 120.00
03/05/2002	Balance forward		

There will be a 1½ percent interest charge on accounts inactive over 90 days

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
0.00	0.00	120.00	0.00	0.00	\$120.00

**EXHIBIT**

"F"

tabbies

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JAMES A. LABORDE, D.C.,  
  
Plaintiff

vs.

PHILIP P. TABONE,  
  
Defendant

COMPLAINT

FILED

APR 18 2002

William A. Shaw  
Prothonotary

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

*APR 23 2002*  
*Atty Blakley*

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

JAMES A. LABORDE, D.C.,

PLAINTIFF

VS

PHILIP P. TABONE,

DEFENDANT

NO. 02 - 503 -CD

TYPE OF CASE: CIVIL

TYPE OF PLEADING:  
AFFIDAVIT OF SERVICE

FILED ON BEHALF OF:  
PLAINTIFF

COUNSEL OF RECORD FOR  
THIS PARTY:  
BENJAMIN S. BLAKLEY, III

SUPREME COURT NO.: 26331

BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801  
(814) 371-2730

**FILED**

APR 28 2002  
m 11:43/1000 c  
William A. Shaw  
Prothonotary

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

No. 02 - 503 -CD

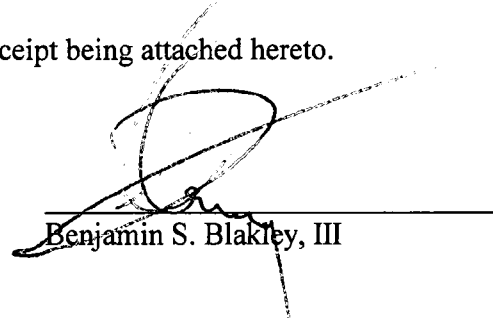
**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

SS.

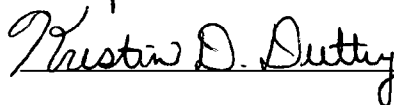
BENJAMIN S. BLAKLEY, III, ESQUIRE, being duly sworn according to law, deposes and says that as attorney for Plaintiff, JAMES A. LABORDE, D.C., he did on April 22, 2002, serve Defendant, PHILIP P. TABONE, with a certified copy of Complaint in the above-captioned matter by certified mail, return receipt requested, said return receipt being attached hereto.

  
Benjamin S. Blakley, III

Sworn to and Subscribed

before me this 25th day

of April, 2002.

 Notary Public

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

**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:

PHILIP P. TABONE  
723 SOUTH BRADY STREET  
DU BOIS, PA 15801

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

*Philip P. Tabone* 4/22/99

C. Signature

*Philip P. Tabone*

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

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 4737 9427

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
No. 02-503-C.D.

JAMES A. LABORDE, D.C.,  
  
Plaintiff

vs.  
  
PHILIP P. TABONE,  
  
Defendant

AFFIDAVIT OF SERVICE

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-LAW

JAMES A. LABORDE, D.C.  
Plaintiff

Plaintiffs

vs.

PHILIP P. TABONE,  
Defendant

No. 02-503-CD

Type of Pleading:

**ANSWER TO PLAINTIFF'S  
COMPLAINT AND NEW MATTER**

Filed on Behalf of:

DEFENDANT

Counsel of Record for this Party:

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

You are hereby notified to plead  
to the within pleading within  
twenty (20) days hereof or a  
default judgment may be entered  
against you.

  
Jeffrey S. DuBois  
Attorney for Defendant

**FILED**

JUN 03 2002

William A. Shaw  
Prothonotary

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

JAMES A. LABORDE, D.C.,  
Plaintiff

vs.

PHILIP P. TABONE,  
Defendant

:  
:  
:  
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No. 02-503-CD

**ANSWER TO PLAINTIFF'S COMPLAINT**  
**AND NEW MATTER**

AND NOW, comes the Defendant, PHILIP P. TABONE, by and through his attorneys, HANAK, GUIDO AND TALADAY, who files this Answer to Plaintiff's Complaint and New Matter and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. Defendant is without sufficient information to form a belief as to the truth or falsity of the averments contained in Paragraph 3 of Plaintiff's Complaint and strict proof thereof is demanded at trial.
4. Admitted.
5. Admitted in part and denied in part. It is admitted that said examination, including X-rays and adjustments was agreed to be performed upon Defendant, but the same was recommended by Plaintiff and further stated by Plaintiff that all of the above would cure Defendant's ailments.

6. Admitted in part and denied in part. It is admitted that parties discussed that Defendant had insurance through Highmark Blue Cross Blue Shield. By way of further answer, Plaintiff informed Defendant that, with the exception of a minimal co-pay, all amounts would be covered through his insurance. It denied that the parties discussed Defendant's responsibility to pay any deductible amounts.

7. Admitted. By way of further answer, and as also set forth in Paragraph 6 herein, based on Plaintiff's statements and Defendant's reliance thereon, it was Defendant's understanding based upon Plaintiff's assurances, that all he would be financially responsible for would be a co-payment for each visit.

8. Admitted. By way of further answer, it is admitted that Defendant appeared at the Plaintiff's office at the times mentioned, but it is denied that Plaintiff complied with his requirements under the contract of the parties as Plaintiff failed to alleviate any of the physical problems of Defendant, and Defendant was forced to go to another chiropractor to relief his said ailments.

9. Defendant is without sufficient information to form a belief as to the truth or falsity of the averments contained in Paragraph 9 of Plaintiff's Complaint and strict proof thereof is demanded at trial.

10. Admitted. By way of further answer, as set forth herein, it was the understanding of the Defendant by representations of the Plaintiff, that all he would be responsible for would be a co-payment.

11. Admitted.

12. Admitted.

13. Defendant is without sufficient information to form a belief as to the truth or falsity of the averments contained in Paragraph 13 of Plaintiff's Complaint and strict proof thereof is demanded at trial.

14. Denied. It is specifically denied that Defendant owes any money to Plaintiff, as per the agreement of the parties, and Plaintiff's assurances that Defendant's insurance, with the exception of co-pay, would pay for all said visits, Defendant does not owe the aforesaid amount to Plaintiff.

15. Admitted. By way of further answer, it is admitted that Defendant has refused to make payments in the above amounts but has done so for the reasons stated herein.

16. Denied. It is denied any amounts are due, and therefore Defendant cannot be responsible for any frivolous attempts to charge interest.

17. No factual averments are set forth in Plaintiff's Paragraph 17, as said averments are impertinent matter and no response is required under the Pennsylvania Rules of Civil Procedure.

WHEREFORE, Defendant respectfully requests this Honorable Court to dismiss Plaintiff's Complaint in its entirety with prejudice.

**NEW MATTER**

18. Paragraphs 1 through 17 herein are incorporated by reference as though the same were set forth more fully at length.

19. As set forth above, Defendant only agreed to the services provided by Plaintiff after Plaintiff's assurances that his particular treatment could cure Defendant's ailments.

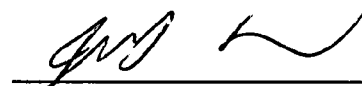
20. Plaintiff breached this responsibility by, even after several visits, failed to cure any of Defendant's ailments. This forced Defendant to seek other chiropractic treatments.

21. Additionally, Defendant only agreed to Plaintiff's services after Plaintiff assured him that all charges would be covered by his insurance, and at the most, he would only be responsible for a minimal co-pay.

22. Consequently, based on Defendant's detrimental reliance on Plaintiff's assurances and representations, Defendant is not liable to the Plaintiff for any amount.

WHEREFORE, Defendant requests your Honorable Court to dismiss Plaintiff's Complaint with prejudice.

Respectfully submitted,



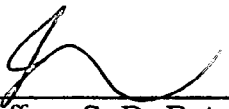
---

Jeffrey S. DuBois  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 3rd day of June, 2000, I  
mailed by first class mail, postage prepaid, a true copy of the  
Defendant's Answer and New Matter to the following:

Benjamin S. Blakley, III, Esq.  
Blakley Jones and Mohnery  
90 Beaver Drive, Box 6  
DuBois, PA 15801

  
\_\_\_\_\_  
Jeffrey S. DuBois

**VERIFICATION**

I, JEFFREY S. DUBOIS, hereby verify that the statements contained in the foregoing ANSWER TO PLAINTIFF'S COMPLAINT are correct to the best of my personal knowledge or information and belief.

At the time of the signing of this Verification, Defendant was unavailable. The undersigned has sufficient knowledge to sign this Verification as I am counsel for Defendant and possess a detailed knowledge of the case.

This statement and verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

A handwritten signature in black ink, appearing to read 'J. DuBois', is written above a horizontal line.

Jeffrey S. DuBois  
Attorney for Defendant

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

<b>CERTIFICATE OF READINESS</b> (To be executed by Trial Counsel Only)		<b>TO THE PROTHONOTARY</b>
		<b>DATE PRESENTED</b>
<b>CASE NUMBER</b> 02-503-C.D. Date Complaint filed: 4-18-02	<b>TYPE TRIAL REQUESTED</b> <input type="checkbox"/> Jury <input type="checkbox"/> Non-jury <input checked="" type="checkbox"/> Arbitration	<b>ESTIMATED TRIAL TIME</b> 1 HOUR _____ DAYS

PLAINTIFF(S)

JAMES A. LABORDE, D.C. ( )

DEFENDANT(S)

PHILIP P. TABONE ( )

ADDITIONAL DEFENDANT(S)

Check Block  
if a Minor  
is a Party  
to the Case

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE \$ 292.00, plus Magistrate's costs, finance charges and interest	CONSOLIDATION <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.

  
Signature of Trial Counsel

**FILED**

JUN 17 2002

William A. Shaw  
Prothonotary

**COUNSEL WHO WILL ACTUALLY TRY THE CASE**

<b>FOR THE PLAINTIFF</b> Benjamin S. Blakley, III, Esquire	<b>TELEPHONE NUMBER</b> 814-371-2730
<b>FOR THE DEFENDANT</b> Jeffrey S. DuBois, Esquire	<b>TELEPHONE NUMBER</b> 814-371-7768
<b>FOR ADDITIONAL DEFENDANT</b>	<b>TELEPHONE NUMBER</b>



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

November 18, 2002

Benjamin S. Blakley, Esquire  
Blakley, Jones & Mohnney  
90 Beaver Drive, Box 6  
DuBois, PA 15801

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
Post Office Box 487  
DuBois, PA 15801

RE: JAMES A. LABORDE, D.C.

vs.

PHILIP A. TABONE  
No. 02-503-CD

Dear Counsel:

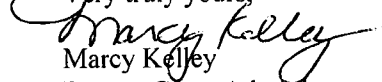
The above case is scheduled for Arbitration Hearing to be held **Friday, January 10, 2003**. The following have been appointed to the Board of Arbitrators:

James A. Naddeo, Esquire  
Barbara J. Hugney-Shope, Esquire  
Blaise Ferraraccio, Esquire  
Kimberly M. Kubista, Esquire  
Brian K. Marshall, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

You will be notified at a later date the exact time of the Arbitration Hearing.

Very truly yours,

  
Marcy Kelley  
Deputy 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

November 27, 2002

Benjamin S. Blakley, Esquire  
Blakley, Jones & Mohny  
90 Beaver Drive, Box 6  
DuBois, PA 15801

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
Post Office Box 487  
DuBois, PA 15801

RE: JAMES A. LABORDE, D.C.

vs.

PHILIP A. TABONE  
No. 02-503-CD

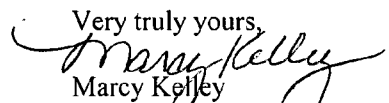
Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Friday, January 10, 2003 at 9:00 A.M.** The following have been appointed as Arbitrators:

Barbara J. Hugney-Shope, Esquire, Chairperson  
Blaise Ferraraccio, Esquire  
Kimberly M. Kubista, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local rule of Court.

Very truly yours,

  
Marcy Kelley  
Deputy Court Administrator

cc: Barbara J. Hugney-Shope, Esquire  
Blaise Ferraraccio, Esquire  
Kimberly M. Kubista, Esquire



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-~~8888~~ 7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

August 6, 2002

Benjamin S. Blakley, Esquire  
Blakley, Jones & Mohny  
90 Beaver Drive, Box 6  
DuBois, PA 15801

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
Post Office Box 487  
DuBois, PA 15801

RE: JAMES A. LABORDE, D.C.  
vs.  
PHILIP A. TABONE  
No. 02-503-CD

Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Friday, October 4, 2002.** The following have been appointed to the Board of Arbitrators:

R. Denning Gearhart, Esquire  
Peter F. Smith, Esquire  
Blaise Ferraraccio, Esquire  
David J. Hopkins, Esquire  
Paul Colavecchi, Esquire

If you wish to strike an Arbitrator, you must notify the undersigned within seven (7) days from the date of this letter the name you wish stricken from the list.

You will be notified at a later date the exact time of the Arbitration Hearing.

Very truly yours,

*Marcy Kelley*  
Marcy Kelley  
Deputy Court Administrator



OFFICE OF COURT ADMINISTRATOR  
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK  
COURT ADMINISTRATOR

PHONE: (814) 765-2641  
FAX: 1-814-765-~~0000~~ 7649

MARCY KELLEY  
DEPUTY COURT ADMINISTRATOR

August 20, 2002

Benjamin S. Blakley, Esquire  
Blakley, Jones & Mohnney  
90 Beaver Drive, Box 6  
DuBois, PA 15801

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
Post Office Box 487  
DuBois, PA 15801

RE: JAMES A. LABORDE, D.C.

vs.

PHILIP A. TABONE  
No. 02-503-CD

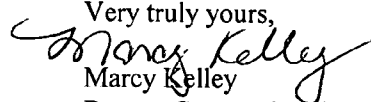
Dear Counsel:

The above case is scheduled for Arbitration Hearing to be held **Friday, October 4, 2002 at 3:00 P.M.** The following have been appointed as Arbitrators:

R. Denning Gearhart, Esquire, Chairman  
Peter F. Smith, Esquire  
Blaise Ferraraccio, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local rule of Court.

Very truly yours,

  
Marcy Kelley  
Deputy Court Administrator

cc: R. Denning Gearhart, Esquire  
Peter F. Smith, Esquire  
Blaise Ferraraccio, Esquire

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

JAMES A. LABORDE, D.C.,

PLAINTIFF

VS

PHILIP P. TABONE,

DEFENDANT

NO. 02 - 503 -CD

TYPE OF CASE: CIVIL

TYPE OF PLEADING:  
PLAINTIFF'S REPLY TO  
DEFENDANT'S NEW MATTER

FILED ON BEHALF OF:  
PLAINTIFF

COUNSEL OF RECORD FOR  
THIS PARTY:  
BENJAMIN S. BLAKLEY, III

SUPREME COURT NO.: 26331

BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801  
(814) 371-2730

**FILED**

JUN 17 2002

William A. Shaw  
Prothonotary

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

JAMES A. LABORDE, D.C.,	:	
	:	
Plaintiff	:	
	:	No. 02-503-CD
vs.	:	
	:	
PHILIP P. TABONE,	:	
	:	
Defendant	:	

**PLAINTIFF'S REPLY TO DEFENDANT'S NEW MATTER**

AND NOW, comes Plaintiff, JAMES A. LABORDE, D.C., by and through his attorneys,  
BLAKLEY, JONES & MOHNEY, and replies to Defendant's New Matter as follows:

18. Requires no answer.

19. It is denied that the Plaintiff at any time made assurances to the Defendant that the treatment (adjustments) to be provided to the Defendant would cure the Defendant's ailments, and on the contrary, it is averred that it was explained to the Defendant by the Plaintiff that there were no guarantees that the Defendant's ailments would be cured by chiropractic adjustments, but only that the Plaintiff would do his best to alleviate the discomfort being felt by the Defendant.

20. Denied for the same reasons as set forth in the previous paragraph.

21. Denied, and on the contrary, it is averred that Plaintiff and his staff explained to the Defendant that the Defendant would be covered by his insurance to the extent that his insurance deductible had been met and the Plaintiff was assured by the Defendant at that time that the Defendant's deductible had been met, when in fact the deductible had not been met and the charges assigned to the Plaintiff represented the deductible amounts from the Defendant's insurance. (See

Plaintiff's Exhibits "E-1" and "E-2").

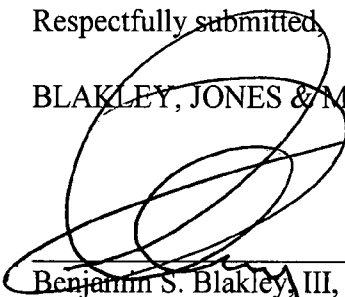
22. Paragraph 22 of Defendant's New Matter states a conclusion of law, and therefore, no reply is required. However, to the extent that a reply is appropriate, the Defendant at all times was made aware that he would be responsible for any insurance deductible amounts and all charges made by Plaintiff to the Defendant representing those amounts not covered by the Defendant's insurance, as his deductible amount had not been met. (See Plaintiff's Exhibits "E-1" and "E-2").

WHEREFORE, Plaintiff demands judgment against the Defendant as set forth in Plaintiff's Complaint.

Respectfully submitted,

BLAKLEY, JONES & MOHNEY

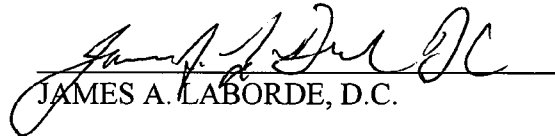
BY:

  
Benjamin S. Blakley, III, Esquire  
Attorneys for Plaintiff

### VERIFICATION

I verify that the statements made in this Plaintiff's Reply to Defendant's New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 6/14/02

  
JAMES A. LABORDE, D.C.

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

:  
:  
:  
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:  
:  
:

No. 02-503-CD

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiff's Reply to Defendant's New Matter filed in the above-captioned matter was served upon Defendant this 14<sup>th</sup> day of June, 2002, by depositing the same with the United States Postal Service via first-class mail, postage pre-paid, addressed as follows:

Jeffrey S. Du Bois, Esquire  
Hanak, Guido & Taladay  
P.O. Box 487  
498 Jeffers Street  
Du Bois, PA 15801

BLAKLEY, JONES & MOHNEY

By:

  
Benjamin S. Blakley, III, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY  
PENNSYLVANIA  
No. 02-503-C.D.

JAMES A. LABORDE, D.C.,  
  
Plaintiff

vs.

PHILIP P. TABONE,  
  
Defendant

PLAINTIFF'S REPLY TO  
DEFENDANT'S NEW MATTER

FILED

JUN 17 2002

William A. Shaw  
Prothonotary

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

UR

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

JAMES A. LABORDE, D.C.  
Plaintiff  
  
Plaintiffs  
  
vs.  
  
PHILIP P. TABONE,  
Defendant

No. 02-503-CD

Type of Pleading:

**MOTION FOR  
CONTINUANCE**

Filed on Behalf of:

DEFENDANT

Counsel of Record for this Party:

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

**FILED**

AUG 30 2002

William A. Shaw  
Prothonotary

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

JAMES A. LABORDE, D.C.,  
Plaintiff

vs.

PHILIP P. TABONE,  
Defendant

No. 02-503-CD

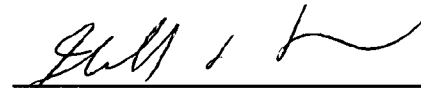
**MOTION FOR CONTINUANCE**

AND NOW, comes the Defendant, PHILIP P. TABONE, by and through his attorneys, HANAK, GUIDO AND TALADAY, who files this Motion for Continuance and in support thereof avers the following:

1. An Arbitration is scheduled in the above captioned matter before a Board of Arbitrators on October 4, 2002, at 3:00 o'clock p.m.
2. The undersigned is scheduled to be in attendance in Clearfield County at a criminal jury trial on October 4, 2002, and therefore, the undersigned will be unavailable on said date.
3. It is in the best interest of the Defendant, PHILIP TABONE, that the undersigned be present to represent him at said Arbitration.
4. The undersigned has been in contact with Attorney Benjamin S. Blakley, Esq., attorney for the Plaintiff, who states that he is in agreement with said continuance.
5. In addition, Plaintiff's attorney stated that he is unavailable during the month of October, 2002, and would therefore request that

the Arbitration be rescheduled during the month of November, 2002, or thereafter.

WHEREFORE, Defendant respectfully requests this Honorable Court to grant a continuance of the Arbitration scheduled in the above captioned matter for October 4, 2002.

A handwritten signature in dark ink, appearing to read "Jeffrey S. DuBois", is written above a horizontal line.

Jeffrey S. DuBois  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 29<sup>th</sup> day of  
August, 2002, I mailed by first class mail, postage prepaid, a  
true and correct copy of the Motion for Continuance to the following:

Benjamin S. Blakley, III, Esq.  
Blakley Jones and Mohnhey  
90 Beaver Drive, Box 6  
DuBois, PA 15801

R. Denning Gearhart, Esq.  
215 E. Locust Street  
Clearfield, PA 16830

Peter F. Smith, Esq.  
30 South Second Street  
Clearfield, PA 16830

Blaise Ferraraccio, Esq.  
301 E. Pine Street  
Clearfield, PA 16830



Jeffrey S. DuBois

FILED

01/10:28-30  
AUG 30 2002

William A. Shaw  
Prothonotary

3cc  
Att. Dubois  
WAS

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

JAMES A. LABORDE, D.C.,  
Plaintiff

vs.

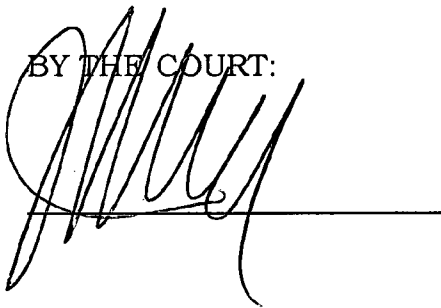
No. 02-503-CD

PHILIP P. TABONE,  
Defendant

ORDER OF COURT

AND NOW, this 5<sup>th</sup> day of September, 2002, upon  
consideration of the within Motion, it is hereby ORDERED AND  
DECREED that the Court Administrator is directed to schedule the  
matter for the next available arbitration date.

BY THE COURT:



**FILED**

SEP 05 2002

0130812ccatty Dubois  
William A. Shaw  
Prothonetary

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

JAMES A. LABORDE, D.C.,

PLAINTIFF

VS

PHILIP P. TABONE,

DEFENDANT

: NO. 02 - 503 -CD  
:  
: TYPE OF CASE: CIVIL  
:  
: TYPE OF PLEADING:  
: CERTIFICATE OF SERVICE  
:  
: FILED ON BEHALF OF:  
: PLAINTIFF  
:  
: COUNSEL OF RECORD FOR  
: THIS PARTY:  
: BENJAMIN S. BLAKLEY, III  
:  
: SUPREME COURT NO.: 26331  
:  
: BLAKLEY, JONES & MOHNEY  
: 90 BEAVER DRIVE, BOX 6  
: DU BOIS, PA 15801  
: (814) 371-2730

**FILED**

JAN 02 2003

William A. Shaw  
Prothonotary

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

No. 02 - 503 -CD

**CERTIFICATE OF SERVICE**

I, Benjamin S. Blakley, III, Esquire, Attorney for Plaintiff, certify that I did serve a true and correct copy of Plaintiff's Pre-Trial Statement filed in the above-captioned matter on Defendant's counsel and the Board of Arbitrators on the 2nd day of January, 2003, by depositing the same with the United States Postal Service, first-class mail, addressed as follows:

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
498 Jeffers Street  
P.O. Box 487  
Du Bois, PA 15801

Barbara J. Hugney-Shope, Esquire  
Attorney at Law  
23 North Third Street  
Clearfield, PA 16830

Blaise Ferraraccio, Esquire  
Ferraraccio & Noble  
301 East Pine Street  
Clearfield, PA 16830

Kimberly M. Kubista, Esquire  
Belin & Kubista  
P. O. Box 1  
Clearfield, PA 16830

BLAKLEY & JONES

By:

Benjamin S. Blakley, III, Esquire  
Attorney for Plaintiff

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

JAMES A. LABORDE, D.C.,

PLAINTIFF

VS

PHILIP P. TABONE,

DEFENDANT

NO. 02 - 503 -CD

TYPE OF CASE: CIVIL

TYPE OF PLEADING:  
MOTION TO COMPEL  
SETTLEMENT

FILED ON BEHALF OF:  
PLAINTIFF

COUNSEL OF RECORD FOR  
THIS PARTY:  
BENJAMIN S. BLAKLEY, III

SUPREME COURT NO.: 26331

BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801  
(814) 371-2730

FILED

MAR 3 1 2003

0/1:40/147  
William A. S. T.  
Prothonotary/Clerk of Courts  
2 CENT TO ATT

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

No. 02 - 503 -CD

**RULE TO SHOW CAUSE**

NOW, this 2<sup>nd</sup> day of April, 2003, upon consideration of foregoing Motion, it is the ORDER of this Court that a Rule be issued upon the Defendant, **PHILIP P. TABONE**, to show cause why the prayer in said Motion should not be granted.

RULE RETURNABLE and hearing thereon to be held the 16 day of May, 2003, at 2:00 clock P.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT.

**FILED**

APR 02 2003

014:00/12  
William A. Shaw  
Prothonotary

2 CHG TO ARRY

*[Handwritten signature]*

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

No. 02 - 503 -CD

**MOTION TO COMPEL SETTLEMENT**

AND NOW, comes Plaintiff, **JAMES A. LABORDE, D.C.**, by and through his attorneys, **BLAKLEY & JONES**, and moves this Honorable Court to compel settlement in the above captioned matter. In support thereof, the following is averred:

1. Plaintiff is a licensed Chiropractor, with his business being located at R. R. #1, Box 109, DuBois, Clearfield County, Pennsylvania.
2. Defendant, PHILIP P. TABONE, is an adult individual residing at 723 South Brady Street, DuBois, Clearfield County, Pennsylvania.
3. By Complaint filed April 18, 2002, the Plaintiff did bring an action against the Defendant for unpaid Chiropractic services and sought judgment in the amount of \$292.00, along with \$46.00 in Magistrate costs, finance charges on the Defendant's unpaid balance at the rate of one and one-half (1½ %) percent per month, commencing August 3, 2001 to date of judgement, along with interest and costs of suit.
4. That the Defendant filed a timely Answer and New Matter to Plaintiff's Complaint.
5. That the matter was scheduled for Arbitration by this Honorable Court on Friday, January 10, 2003.

6. That on January 8, 2003, Plaintiff by his attorney, BENJAMIN S. BLAKLEY, III, ESQUIRE, did affect a settlement of the matter with the attorney for the Defendant, JEFFREY S. DUBOIS, ESQUIRE, whereby the Defendant would enter into a Confession of Judgment in favor of the Plaintiff, for the amounts claimed by the Plaintiff, specifically \$381.76, plus Magistrate fees of \$46.00, and costs of suit, and upon affecting settlement, the Plaintiff's counsel did notify the Arbitrators of the Agreement and did cancel the said Arbitration. A copy of the settlement confirmation letter forwarded by Plaintiff's counsel to Defendant's counsel is attached hereto and marked Exhibit "A", and further the correspondence by Plaintiff's counsel with the Deputy Court Administrator of the Court of Common Pleas of Clearfield County canceling the Arbitration hearing of January 10, 2003, is attached hereto and marked Exhibit "B".

7. That despite repeated requests, the Defendant has failed and refused to execute the Confession of Judgment as agreed upon by the parties.

8. That the Plaintiff has agreed to pay his attorneys \$350.00 for the bringing of this Motion.

WHEREFORE, Plaintiff respectfully requests this Honorable Court Grant his Motion, and enter judgment in favor of the Plaintiff and against the Defendant, PHILIP P. TABONE, in the amount of \$427.76, plus interest from January 8, 2003, and costs of suit, and further, that this Honorable Court award Plaintiff the sum of \$350.00 attorneys' fees for the bringing of this Motion.

Respectfully submitted,

BLAKLEY & JONES

BY:

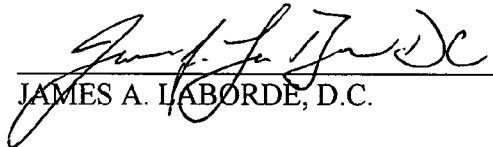
  
Benjamin S. Blakley, III, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I verify that the statements made in this Motion to Compel Settlement are true and correct.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

DATE: 3/28/03

  
\_\_\_\_\_  
JAMES A. LABORDE, D.C.

*LAW OFFICES OF*  
**BLAKLEY & JONES**  
*90 Beaver Drive, Box 6*  
*Du Bois, Pennsylvania 15801*

January 8, 2003

*Benjamin S. Blakley, III*

*Telephone (814) 371-2730*  
*Fax (814) 375-1082*

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
498 Jeffers Street  
P.O. Box 487  
Du Bois, PA 15801

**Re: James A. LaBorde, D.C. vs. Philip A. Tabone**  
**No. 02-503-C.D.**

Dear Jeff:

This will confirm that the arbitration in the above matter has been canceled for Friday, January 10, 2003, upon your agreement that Mr. Tabone will enter into a Confession of Judgment in favor of my client for the amounts claimed by my client, specifically \$381.76 plus Magistrate fees of \$46.00 and costs of suit. I have notified the Arbitrators of this agreement.

Please forward the Confession of Judgment and Judgment Note to my office so that I may file the same as quickly as possible.

Thank you very much for your help in bringing this matter to a conclusion.

Very truly yours,

BLAKLEY & JONES

Benjamin S. Blakley, III

BSB:kdm

cc: Dr. James A. LaBorde

EXHIBIT "A"



*LAW OFFICES OF*  
**BLAKLEY & JONES**  
*90 Beaver Drive, Box 6*  
*Du Bois, Pennsylvania 15801*

January 9, 2003

*Telephone (814) 371-2730*  
*Fax (814) 375-1082*

*Benjamin S. Blakley, III*

Marcy Kelley  
Deputy Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Suite 228  
Clearfield, PA 16830

RE: **James A. LaBorde, C.D. vs. Philip A. Tabone**  
**No. 02-503-C.D.**

Dear Marcy:

This will confirm our conversation of this date at which time I informed you that the Defendant had agreed to execute a Confession of Judgment in favor of my client for the amounts claimed plus costs and as such, the Arbitration scheduled for Friday, January 10, 2003, at 9:00 a.m. would not be necessary.

By copy of this letter, I am formally advising the Arbitrators that the Hearing will not be necessary.

Thank you very much for your consideration of this matter.

Very truly yours,

BLAKLEY & JONES

Benjamin S. Blakley, III

BSB:kdm

cc: James A. LaBorde, D.C.  
Barbara J. Hugney-Shope, Esquire - **via facsimile and regular U.S. mail**  
Blaise J. Ferraraccio, Esquire - **via facsimile and regular U.S. mail**  
Kimberly M. Kubista, Esquire - **via facsimile and regular U.S. mail**  
Jeffery S. DuBois, Esquire - **via facsimile and regular U.S. mail**

EXHIBIT "B"



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

JAMES A. LABORDE, D.C.,

Plaintiff,

vs.

PHILIP P. TABONE,

Defendant.

MOTION TO COMPEL  
SETTLEMENT

NO. 02-503-C.D.

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

FILED

MAR 31 2003

William A. Blinn  
Prothonotary/Clerk of Courts

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

JAMES A. LABORDE, D.C.,

PLAINTIFF

VS

PHILIP P. TABONE,

DEFENDANT

NO. 02 - 503 -CD

TYPE OF CASE: CIVIL

TYPE OF PLEADING:  
CERTIFICATE OF SERVICE

FILED ON BEHALF OF:  
PLAINTIFF

COUNSEL OF RECORD FOR  
THIS PARTY:  
BENJAMIN S. BLAKLEY, III

SUPREME COURT NO.: 26331

BLAKLEY, JONES & MOHNEY  
90 BEAVER DRIVE, BOX 6  
DU BOIS, PA 15801  
(814) 371-2730

**FILED**

APR 09 2003

M/3:30 PM  
William A. Shaw  
Prothonotary  
w c/c E

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

No. 02 - 503 -CD

**CERTIFICATE OF SERVICE**

I, Benjamin S. Blakley, III, Esquire, Attorney for Plaintiff, certify that I did serve a true and correct copy of Plaintiff's Motion to Compel Settlement filed in the above-captioned matter, upon Defendant's counsel on the 8<sup>th</sup> day of April, 2003, by depositing the same with the United States Postal Service, first-class mail, addressed as follows:

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
498 Jeffers Street  
P.O. Box 487  
Du Bois, PA 15801

BLAKLEY & JONES

By: \_\_\_\_\_

Benjamin S. Blakley, III, Esquire  
Attorney for Plaintiff

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

JAMES A. LABORDE, D.C.,  
Plaintiff,

vs.

PHILIP P. TABONE,  
Defendant.

CERTIFICATE OF SERVICE

No. 02-503-C.D.

LAW OFFICES

**BLAKLEY & JONES**

90 BEAVER DRIVE - BOX 6

DUBOIS, PA 15801

**FILED**

APR 09 2003

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

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

No. 02 - 503 -CD

**ORDER**

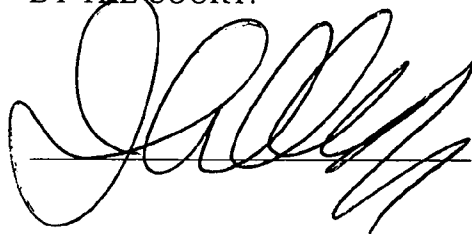
AND NOW this 16<sup>th</sup> day of May, 2003, this being the day and date set by the Court for hearing on Plaintiff's Motion to Compel Settlement, it appearing that the Defendant, **PHILIP P. TABONE**, was properly served with said Motion, and neither Defendant nor his attorney having appeared for the scheduled hearing, it is the Order of this Court that said Motion be and is hereby granted. Judgment is entered against Defendant, **PHILIP P. TABONE**, in the amount of Four Hundred Twenty-Seven Dollars and Seventy-Six Cents (\$427.76) together with interest from January 8, 2003, in the amount of Nine Dollars and Ninety-Six Cents (\$9.96), attorney's fees in the amount of Three Hundred Fifty Dollars (\$350.00) for a total of Seven Hundred Eighty-Seven Dollars and Seventy-Two Cents (\$787.72) plus costs of suit. The Prothonotary of Clearfield County is directed to enter a judgment in the above amount in favor of Plaintiff, **JAMES A. LABORDE, D.C.**, and against, **PHILIP P. TABONE**.

**FILED**

MAY 16 2003

William A. Shaw  
Prothonotary

BY THE COURT:



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

JAMES A. LABORDE, D.C.,

Plaintiff,

vs.

PHILIP P. TABONE,

Defendant.

ORDER

No. 02-503-C.D.

**FILED**

MAY 16 2003

William A. Shaw  
Prothonotary

LAW OFFICES

**BLAKLEY & JONES**

90 BEAVER DRIVE - BOX 6

DUBOIS, PA 15801

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

JAMES A. LABORDE, D.C.,

PLAINTIFF

VS

PHILIP P. TABONE,

DEFENDANT

: NO. 02 - 503 -CD

:  
: TYPE OF CASE: CIVIL

:  
: TYPE OF PLEADING:  
: PRAECIPE TO ENTER JUDGMENT

:  
: FILED ON BEHALF OF:  
: PLAINTIFF

:  
: COUNSEL OF RECORD FOR  
: THIS PARTY:  
: BENJAMIN S. BLAKLEY, III

:  
: SUPREME COURT NO.: 26331

:  
: BLAKLEY, JONES & MOHNEY  
: 90 BEAVER DRIVE, BOX 6  
: DU BOIS, PA 15801  
: (814) 371-2730

**FILED**

MAY 22 2003

William A. Shaw  
Prothonotary

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

No. 02 - 503 -CD

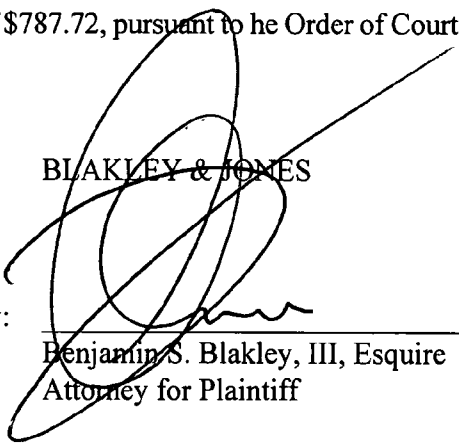
**PRAECIPE TO ENTER JUDGMENT**

TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly enter judgment in favor of JAMES A. LABORDE, D.C., Plaintiff, and against  
PHILIP P. TABONE, Defendant, in the amount of \$787.72, pursuant to the Order of Court dated May  
16, 2003.

BLAKLEY & JONES

By:

  
Benjamin S. Blakley, III, Esquire  
Attorney for Plaintiff

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

JAMES A. LABORDE, D.C.,

Plaintiff,

vs.

PHILIP P. TABONE,

Defendant.

PRAECIPE TO ENTER JUDGMENT

No. 02-503-C.D.

**FILED**

*Rec'd  
\$20.00*

MAY 22 2003

*Notice to  
Settlement*

William A. Shaw  
Prothonotary

*WAS*

LAW OFFICES

**BLAKLEY & JONES**

90 BEAVER DRIVE - BOX 6

DUBOIS, PA 15801

*WAS  
D. V. 12:12*

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

James A. Laborde DC  
Plaintiff(s)

No.: 2002-00503-CD

Real Debt: \$May 22, 2003

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Philip P. Tabone  
Defendant(s)

Entry: \$20.00

Instrument: Court Ordered Judgment

Date of Entry: May 22, 2003

Expires: May 22, 2008

COPY

Certified from the record this May 22, 2003

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

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

James A. Laborde DC

Vs.

No. 2002-00503-CD

Philip P. Tabone

COPY

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$\$787.72 on the May 22, 2003.

William A. Shaw  
Prothonotary

---

William A. Shaw

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

James A. Laborde DC  
Plaintiff(s)

No.: 2002-00503-CD

Real Debt: \$787.72

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Philip P. Tabone  
Defendant(s)

Entry: \$20.00

Instrument: Court Ordered Judgment

Date of Entry: May 22, 2003

Expires: May 22, 2008

Certified from the record this 22nd day of May, 2003

\_\_\_\_\_  
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

COPY

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

James A. Laborde DC

Vs.

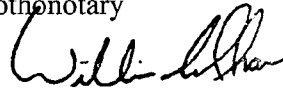
No. 2002-00503-CD

Philip P. Tabone

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$787.72 on the May 22, 2003.

William A. Shaw  
Prothonotary



William A. Shaw

**FILED**

JUN 12 2003

William A. Shaw  
Prothonotary

Re-mailed Notice to

15 Wigwam Ave.  
Dubois, PA 15801

On 7/18/03 per request & receipt of  
new envelope from B. Blackley

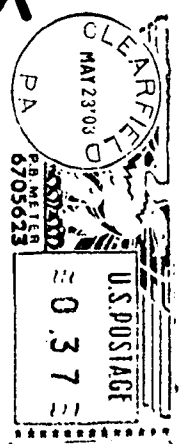
BLAKLEY & JONES  
90 Beaver Drive, Box 6  
DuBois, PA 15801

SEN D BACK  
To Sender

~~Daily Address~~  
No longer live there

- ☐ A ☐ INSUFFICIENT ADDRESS  
☐ C ☐ ATTEMPTED NOT KNOWN  
☐ S ☐ NO SUCH NUMBER/STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

RTS  
RETURN TO SENDER



15801

Sorry I open it by  
mistake

Not At Mrs ADAMS

NO LONGER

HAS MOVE

**BLAKLEY & JONES**

90 Beaver Drive, Box 6

- ☒ A INSUFFICIENT ADDRESS  
☐ C ATTEMPTED NOT KNOWN  
☐ S NO SUCH NUMBER/STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☐ UNABLE TO FORWARD
- OTHER

**RTS**  
RETURN TO SENDER

**FILED**  
p/12:51  
AUG 06 2003

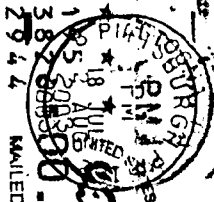
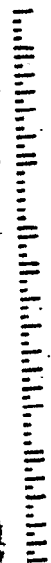
William A. Shaw  
Prothonotary/Clerk of Courts  
*Atty Blakley - 2 attempts  
made. Notice was opened,  
then returned*

~~William A. Shaw~~  
~~5000 Main Avenue~~  
~~DuBois PA 15801~~

*PO Box*

*Returned to Sender  
W/ New Address  
CAN'T DELIVER*

158013423



MAILED FROM DU BOIS PA 15801

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

James A. Laborde DC

Vs.

No. 2002-00503-CD

Philip P. Tabone

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$787.72 on the May 22, 2003.

William A. Shaw  
Prothonotary

A handwritten signature in black ink, appearing to read 'William A. Shaw', written over a horizontal line.

William A. Shaw

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	Type of Case: CIVIL
	:	
vs.	:	Type of Pleading: MOTION TO COMPEL
	:	ANSWERS TO INTERROGATORIES
PHILIP P. TABONE,	:	
	:	
Defendant.	:	Filed on Behalf of:
	:	PLAINTIFF
	:	
	:	Counsel of Record for this Party:
	:	BENJAMIN S. BLAKLEY, III
	:	
	:	SUPREME COURT NO. 26331
	:	
	:	BLAKLEY & JONES
	:	90 BEAVER DRIVE, BOX 6
	:	DU BOIS, PA 15801
	:	(814) 371-2730

**FILED**

SEP 19 2003

William A. Shaw  
Prothonotary

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
PHILIP P. TABONE,	:	
	:	
Defendant.	:	

**NOTICE**

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING RULE TO SHOW CAUSE BY ENTERING A WRITTEN APPEARANCE AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER 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 RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE 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 PA 16830  
(814) 765-2641, Ext. 50-51

BY THE COURT,

---

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
PHILIP P. TABONE,	:	
	:	
Defendant.	:	

**MOTION TO COMPEL ANSWERS TO INTERROGATORIES**

AND NOW comes, Petitioner, **JAMES A. LABORDE, D.C.**, by and through her attorneys, **BLAKLEY & JONES**, who moves this Honorable Court to compel the Defendant, **PHILIP P. TABONE**, to answer Interrogatories propounded by the Plaintiff. In support thereof the following is averred:

1. Movant and Respondent are parties to the above captioned action.
2. On August 7, 2003, the Plaintiff served Interrogatories upon the Defendant through his counsel of record, **JEFFREY S. DuBOIS, ESQUIRE**.
3. To date, the Defendant has failed and refused to complete and return the Interrogatories to the Plaintiff.
4. Pennsylvania Rule of Civil Procedure 4006(a)( 2 ) requires the answering party to respond to the Interrogatories within thirty (30) days after service of the same.

WHEREFORE, Movant respectfully request this Honorable Court to order Defendant, **PHILIP P. TABONE**, to answer the Interrogatories propounded by the Plaintiff and served upon

the Defendant within ten (10) days of the Order to this Honorable Court and to impose attorney's fees upon the Defendant in the amount of Five Hundred Dollars (\$500.00) for the bringing of this petition.

Respectfully submitted by,

BLAKLEY & JONES

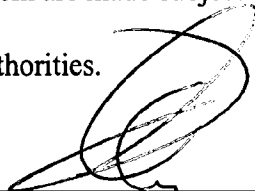
Dated: 9/19/03

By 

Benjamin S. Blakley, III

### **VERIFICATION**

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



---

Benjamin S. Blakley III  
Attorney for Plaintiff

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

JAMES A. LABORDE, D.C.,

Plaintiff,

vs.

PHILIP P. TABONE,

Defendant.

MOTION TO COMPEL  
ANSWERS TO INTERROGATORIES

No. 02-503-C.D.

**FILED**

*0 3:53 PM 5/26/2003*  
SEP 19 2003

William A. Shaw  
Prothonotary

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

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

JAMES A. LABORDE, D.C.,

Plaintiff,

vs.

PHILIP P. TABONE,

Defendant.

: NO. 02 - 503 - CD

: Type of Case: CIVIL

: Type of Pleading: RULE TO SHOW CAUSE

: Filed on Behalf of:  
: PLAINTIFF

: Counsel of Record for this Party:  
: BENJAMIN S. BLAKLEY, III

: SUPREME COURT NO. 26331

: BLAKLEY & JONES  
: 90 BEAVER DRIVE, BOX 6  
: DU BOIS, PA 15801  
: (814) 371-2730

**FILED**

**SEP 23 2003**

William A. Shover  
Prothonotary/Clerk of Courts

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

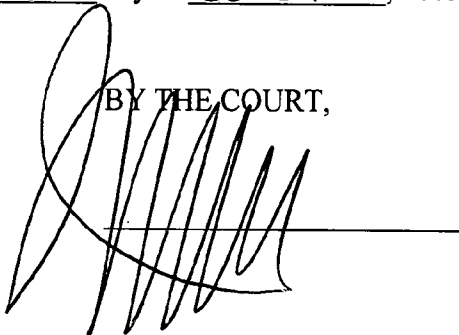
JAMES A. LABORDE, D.C., : NO. 02 - 503 - CD  
Plaintiff, :  
vs. :  
PHILIP P. TABONE, :  
Defendant. :

**RULE TO SHOW CAUSE**

AND NOW, this 23<sup>rd</sup> day of September, 2003, upon consideration of the foregoing Motion to Compel Answers to the Interrogatories it is the Order of this Court that a rule be issued upon Defendant, **PHILIP P. TABONE**, to show cause why the prayer and said motion should not be granted.

Rule Returnable for Answer on the 13 day of October, 2003.

BY THE COURT,



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

JAMES A. LABORDE, D.C.,

Plaintiff,

vs.

PHILIP P. TABONE,

Defendant.

RULE TO SHOW CAUSE

No. 02-503-C.D.

FILED

SEP 23 2003

William A. Shaw

Prothonotary/Clerk of Courts

William A. Shaw  
Prothonotary  
LAW OFFICES

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

3cc  
G. Atty Blakley  
HJD

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

JAMES A. LABORDE, D.C.,

PLAINTIFF

VS

PHILIP P. TABONE,

DEFENDANT

: NO. 02 - 503 -CD

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING:  
: CERTIFICATE OF SERVICE

: FILED ON BEHALF OF:  
: PLAINTIFF

: COUNSEL OF RECORD FOR  
: THIS PARTY:  
: BENJAMIN S. BLAKLEY, III

: SUPREME COURT NO.: 26331

: BLAKLEY, JONES & MOHNEY  
: 90 BEAVER DRIVE, BOX 6  
: DU BOIS, PA 15801  
: (814) 371-2730

**FILED**  
O 3:33 PM NCC  
OCT 02 2003

William A. Shaw  
Prothonotary

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant

:  
:  
:  
:  
:  
:  
:  
:

No. 02 - 503 -CD

**CERTIFICATE OF SERVICE**

I, Benjamin S. Blakley, III, Esquire, Attorney for Plaintiff, certify that I did serve a true and correct copy of Plaintiff's Motion to Compel Answers to Interrogatories filed in the above-captioned matter, upon Defendant's counsel on the 23<sup>rd</sup> day of September, 2003, by depositing the same with the United States Postal Service, first-class mail, addressed as follows:

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
498 Jeffers Street  
P.O. Box 487  
Du Bois, PA 15801

BLAKLEY & JONES

By:

Benjamin S. Blakley, III  
Attorney for Plaintiff

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

JAMES A. LABORDE, D.C.,

Plaintiff

vs.

PHILIP P. TABONE,

Defendant.

CERTIFICATE OF SERVICE

No. 02-503-C.D.

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

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	Type of Case: CIVIL
	:	
vs.	:	Type of Pleading: CERTIFICATE OF
	:	SERVICE
PHILIP P. TABONE,	:	
	:	
Defendant.	:	Filed on Behalf of:
	:	PLAINTIFF
	:	
	:	Counsel of Record for this Party:
	:	BENJAMIN S. BLAKLEY, III
	:	
	:	SUPREME COURT NO. 26331
	:	
	:	BLAKLEY & JONES
	:	90 BEAVER DRIVE, BOX 6
	:	DU BOIS, PA 15801
	:	(814) 371-2730

FILED

OCT 23 2003

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
PHILIP P. TABONE,	:	
	:	
Defendant.	:	

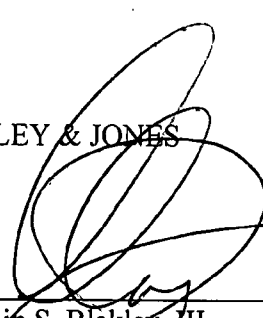
**CERTIFICATE OF SERVICE**

I, BENJAMIN S. BLAKLEY, III, hereby certify that I have served a true and correct copy of the Order of October 20, 2003, upon counsel for the Defendant on this 21<sup>st</sup> day of October, 2003, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire  
Hanak, Guido & Taladay  
498 Jeffers Street  
P.O. Box 487  
Du Bois, PA 15801

BLAKLEY & JONES

BY:

  
Benjamin S. Blakley, III  
Attorney for Plaintiff

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

JAMES A. LABORDE, D.C.,

Plaintiff,

v.

PHILIP P. TABONE,

Defendant.

CERTIFICATE OF SERVICE

No. 02-503-C.D.

FILED No  
OCT 23 2003  
11:21 AM  
cc

William A. Shaw  
Prothonotary/Clerk of Courts

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

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	Type of Case: CIVIL
	:	
vs.	:	Type of Pleading: PETITION TO HOLD
	:	DEFENDANT IN CONTEMPT OF ORDER
PHILIP P. TABONE,	:	ISSUED OCTOBER 20, 2003
	:	
Defendant.	:	Filed on Behalf of:
	:	PLAINTIFF
	:	
	:	Counsel of Record for this Party:
	:	BENJAMIN S. BLAKLEY, III
	:	
	:	SUPREME COURT NO. 26331
	:	
	:	BLAKLEY & JONES
	:	90 BEAVER DRIVE, BOX 6
	:	DU BOIS, PA 15801
	:	(814) 371-2730

**FILED**

**NOV 06 2003**

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES A. LABORDE, D.C.,  
Plaintiff,

vs.

PHILIP P. TABONE,  
Defendant.

: NO. 02 - 503 - CD  
:  
:  
:  
:  
:  
:

**NOTICE**

Legal proceedings have been brought against you alleging you have willfully disobeyed an Order of Court issued October 20, 2003.

If you wish to defend against the claims set forth in the following pages, you may but are not required to file in writing with the Court your defenses or objections.

Whether or not you file in writing with the Court your defenses or objections, you must appear in person in Court on December 8, 2003, at 1:30 o'clock p.m., in Courtroom No. 1 of the Clearfield County Courthouse, 2<sup>nd</sup> Floor, Clearfield, Pennsylvania.

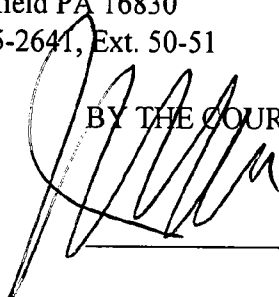
IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

If the Court finds that you have willfully failed to comply with Its Order issued October 20, 2003, you may be found to be in contempt of Court and committed to jail, fined or both.

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 PA 16830  
(814) 765-2641, Ext. 50-51

BY THE COURT,



**FILED**

**NOV 07 2003**

William A. Shaw  
Prothonotary/Clerk of Courts

11-7-03

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
PHILIP P. TABONE,	:	
	:	
Defendant.	:	

**PETITION TO HOLD DEFENDANT  
IN CONTEMPT OF ORDER ISSUED OCTOBER 20, 2003**

**TO: The Honorable John K. Reilly, Jr.  
President Judge of Said Court**

The Petition of **JAMES A. LaBORDE, D.C.**, by and through his attorneys,

**BLAKLEY & JONES**, respectfully represents:

1. Petitioner, **JAMES A. LaBORDE, D.C.**, is an adult individual, having his place of business at RR #1, Box 109, DuBois, Clearfield County, Pennsylvania.
2. Respondent, **PHILIP P. TABONE**, is an adult individual, with his last known address as 723 South Brady Street, DuBois, Clearfield County, Pennsylvania.
3. That by Complaint dated April 18, 2002, the Plaintiff brought suit against the Defendant for amounts due and owing the Plaintiff by the Defendant for chiropractic adjustments received by the Defendant by the Plaintiff.
4. That the matter was scheduled for arbitration by this Honorable Court for Friday, January 10, 2003.

5. That on January 8, 2003, Plaintiff, by his attorneys, **BLAKLEY & JONES**, did effect a settlement of the matter with the attorney for the Defendant, **JEFFREY S. DuBOIS, ESQUIRE**, whereby the Defendant would enter into a Confession of Judgment in favor of the Plaintiff for the amounts claimed by the Plaintiff, specifically, \$381.76, plus Magistrate fees of \$46.00 and costs of suit, and upon said agreement, the arbitration was canceled.

6. That subsequent to the entry of the agreement settling the above-captioned matter, the Defendant failed and refused to enter into a Judgment Note for the amounts due and owing the Plaintiff, causing the Plaintiff thereafter to file a Motion to Compel Settlement, which was heard by this Honorable Court on May 16, 2003.

7. That, after hearing on Plaintiff's Motion to Compel Settlement, this Honorable Court entered an Order awarding the Plaintiff his original judgment of \$427.76, together with interest from January 8, 2003, and attorney's fees in the amount of \$350.00 for the bringing of his Motion to Compel Settlement, for a total judgment against the Defendant of \$787.72, plus costs of suit.

8. That on August 7, 2003, the Plaintiff, through his attorneys, **BLAKLEY & JONES**, served Interrogatories in Aid of Execution upon the Defendant through his counsel of record, **JEFFREY S. DuBOIS, ESQUIRE**, which the Defendant failed and refused to complete within the time prescribed by the Pennsylvania Rules of Civil Procedure.

9. That on September 19, 2003, Plaintiff, through his attorneys, **BLAKLEY & JONES**, filed a Motion to Compel Answers to Interrogatories before this Honorable Court, and by Order dated October 20, 2003, this Honorable Court granted the Plaintiff's Motion to Compel Answers to Interrogatories and ordering the Defendant, **PHILIP P. TABONE**, to answer the interrogatories propounded by Plaintiff, with the same to be served upon Plaintiff within ten (10) days from the date of the Order, and to pay to the Plaintiff the sum of \$500.00 for the bringing of said Motion. A copy of said Order is attached hereto and made a part hereof and marked Exhibit A

A certified copy of the said Order entered by this Honorable Court on October 20, 2003, was served upon **JEFFERY S. DuBOIS, ESQUIRE**, counsel of record for Defendant, **PHILIP P. TABONE**, by letter dated October 21, 2003, a copy of which is attached hereto and marked Exhibit B.

10. To date, the Defendant has failed and refused to complete the interrogatories or to pay to Plaintiff's counsel \$500.00 as ordered by this Honorable Court on October 20, 2003.

11. That the actions of the Defendant are in willful disobedience of this Honorable Court's Order of October 20, 2003.

12. That in bringing this Petition before this Honorable Court to seek the enforcement of this Honorable Court's Order, Plaintiff has had to retain the services of his

attorneys and will incur attorney's fees of \$500.00 that were made necessary solely because of the delinquent conduct of the Defendant.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- (a) find the Defendant, **PHILIP P. TABONE**, in contempt of the Order issued by this Honorable Court on October 20, 2003;
- (b) order the said **PHILIP P. TABONE** to immediately complete the interrogatories propounded by the Plaintiff and served upon the Defendant in aid of execution of Plaintiff's judgment;
- (c) direct the Defendant to pay Plaintiff's attorney's fees in the amount of \$500.00; and
- (d) issue such other orders or punishments upon the Defendant as this Honorable Court may deem appropriate to vindicate its authority and to enforce its Order of October 20, 2003.

Respectfully submitted by,

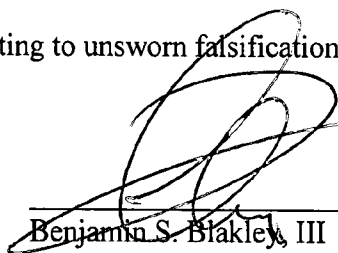
BLAKLEY & JONES

  
Benjamin S. Blakley, III

Dated: 11/5/03

### **VERIFICATION**

I verify that the statements made in this Petition to Hold Defendant in Contempt of Order Issued October 20, 2003 are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



---

Benjamin S. Blakley, III  
Attorney for Plaintiff

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

JAMES A. LABORDE, D.C., : NO. 02 - 503 - CD  
Plaintiff, :  
vs. :  
PHILIP P. TABONE, :  
Defendant. :

**ORDER**

AND NOW, this 20<sup>th</sup> day of October, 2003, the Plaintiff having filed a Motion to Compel Answers to Interrogatories on September 19, 2003, and this Court issued a Rule Returnable for Answer on September 23, 2003, and it appearing to the Court that no answer has been filed by Defendant, **PHILIP P. TABONE**, it is the Order of this Court that the Rule issued by this Court is hereby absolute and Defendant, **PHILIP P. TABONE**, is ordered to answer the Interrogatories propounded by the Plaintiff and serviced upon the Defendant within ten (10) days of the date of this Order.

IT IS FURTHER ORDERED that attorney's fees are hereby awarded in favor of the Plaintiff and against the Defendant in the amount of Five Hundred Dollars (\$500.00) for the bringing of the Motion, said amount to be paid within ten (10) days of the date of this Order.

By the Court,

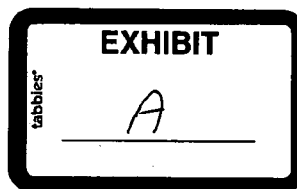
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

/s/ JOHN K. REILLY, JR.

OCT 20 2003

Attest.

*James A. Laborde*  
Prothonotary  
Clearfield County



*LAW OFFICES OF*  
**BLAKLEY & JONES**  
*90 Beaver Drive, Box 6*  
*Du Bois, Pennsylvania 15801*

*Telephone (814) 371-2730*  
*Fax (814) 375-1082*

*Benjamin S. Blakley, III*

October 21, 2003

Jeffrey S. DuBois, Esquire  
190 West Park Avenue, Suite 5  
Du Bois, PA 15801

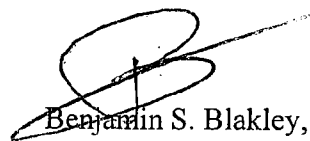
**Re: James A. Laborde, D.C. vs. Philip P. Tabone**  
**Clearfield County No. 02-503-CD**

Dear Jeff:

As you are still listed as attorney of record in the above-captioned matter, enclosed please find a certified copy of the Order ordering Mr. Tabone to answer the interrogatories served in the above-captioned matter and further ordering the payment of attorney's fees of \$500.00, both of which are to take place within ten (10) days of October 20<sup>th</sup> (October 30<sup>th</sup>).

Very truly yours,

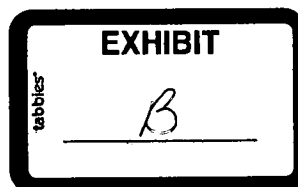
BLAKLEY & JONES

  
Benjamin S. Blakley, III

BSB:glb

Enclosure

cc: James A. LaBorde, D.C. (w/enclosure)



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

JAMES A. LABORDE, D.C.,

Plaintiff,

v.

PHILIP P. TABONE,

Defendant.

PETITION TO HOLD DEFENDANT  
IN CONTEMPT OF ORDER  
ISSUED OCTOBER 20, 2003

No. 02-503-C.D.

**FILED**

NOV 06 2003

William A. Shaw  
Prothonotary/Clerk of Courts

LAW OFFICES

**BLAKLEY & JONES**

90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	Type of Case: CIVIL
	:	
vs.	:	Type of Pleading: CERTIFICATE OF
	:	SERVICE
PHILIP P. TABONE,	:	
	:	
Defendant.	:	Filed on Behalf of:
	:	PLAINTIFF
	:	
	:	Counsel of Record for this Party:
	:	BENJAMIN S. BLAKLEY, III
	:	
	:	SUPREME COURT NO. 26331
	:	
	:	BLAKLEY & JONES
	:	90 BEAVER DRIVE, BOX 6
	:	DU BOIS, PA 15801
	:	(814) 371-2730

**FILED**

**NOV 06 2003**

William A. Shaw  
Prothonotary/Clerk of Courts

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

JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
PHILIP P. TABONE,	:	
	:	
Defendant.	:	

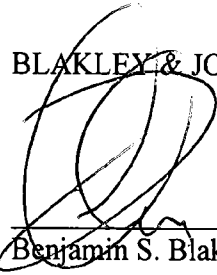
**CERTIFICATE OF SERVICE**

I, BENJAMIN S. BLAKLEY, III, hereby certify that I have served a true and correct copy of the Plaintiff's Petition to Hold Defendant in Contempt of Order Issued October 20, 2003, upon counsel for the Defendant on this 7 day of November, 2003, by depositing the same with the United States Postal Service via First-Class Mail, postage pre-paid, addressed as follows:

Jeffrey S. DuBois, Esquire  
190 West Park Avenue  
Suite 5  
DuBois, PA 15801

BLAKLEY & JONES

BY:

  
Benjamin S. Blakley, III  
Attorney for Plaintiff

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

JAMES A. LABORDE, D.C.,

Plaintiff,

v.

PHILIP P. TABONE,

Defendant.

CERTIFICATE OF SERVICE

No. 02-503-C.D.

*Go*  
**FILED**

*11:44 AM*  
NOV 06 2003

*Adg*  
William A. Shaw  
Prothonotary/Clerk of Courts

LAW OFFICES

**BLAKLEY & JONES**

90 BEAVER DRIVE - BOX 6  
DUBOIS, PA 15801

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

JAMES A. LABORDE, D.C.,

Plaintiff,

vs.

PHILIP P. TABONE,

Defendant.

: NO. 02 - 503 - CD

:

: Type of Case: CIVIL

:

: Type of Pleading: ORDER

:

:

: Filed on Behalf of:

: PLAINTIFF

:

: Counsel of Record for this Party:

: BENJAMIN S. BLAKLEY, III

:

: SUPREME COURT NO. 26331

:

: BLAKLEY & JONES

: 90 BEAVER DRIVE, BOX 6

: DU BOIS, PA 15801

: (814) 371-2730

:

**FILED**

**OCT 20 2003**

William A. Shaw  
Prothonotary/Clerk of Courts

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

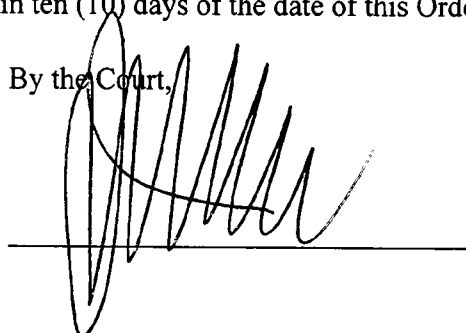
JAMES A. LABORDE, D.C.,	:	NO. 02 - 503 - CD
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
PHILIP P. TABONE,	:	
	:	
Defendant.	:	

**ORDER**

AND NOW, this 20<sup>th</sup> day of October, 2003, the Plaintiff having filed a Motion to Compel Answers to Interrogatories on September 19, 2003, and this Court issued a Rule Returnable for Answer on September 23, 2003, and it appearing to the Court that no answer has been filed by Defendant, **PHILIP P. TABONE**, it is the Order of this Court that the Rule issued by this Court is hereby absolute and Defendant, **PHILIP P. TABONE**, is ordered to answer the Interrogatories propounded by the Plaintiff and serviced upon the Defendant with in ten (10) days of the date of this Order.

IT IS FURTHER ORDERED that attorney's fees are hereby awarded in favor or the Plaintiff and against the Defendant in the amount of Five Hundred Dollars (\$500.00) for the bringing of the Motion, said amount to be paid within ten (10) days of the date of this Order.

By the Court,



A handwritten signature in black ink, appearing to be 'J. A. Laborde', is written over a horizontal line.

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

JAMES A. LABORDE, D.C.,

Plaintiff,

vs.

PHILIP P. TABONE,

Defendant.

ORDER

No. 02-503-C.D.

**FILED**  
OCT 20 2003  
3:47 PM  
JCC

William A. Shaw  
Prothonotary/Clerk of Courts

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

Blakley

8

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

JAMES A. LABORDE, D.C.

:

-vs-

:

No. 02 – 503 – CD

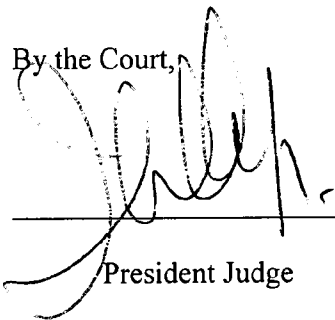
PHILIP P. TABONE

:

**ORDER**

NOW, this 8<sup>th</sup> day of December, 2003, this being the day and date set for consideration of Plaintiff's Petition to Hold Defendant in Contempt of Court, Defendant having failed to appear either in person or by counsel, it is the ORDER of this Court that the Defendant is directed to fully respond to Plaintiff's Interrogatories within ten (10) days from date hereof. In the event that satisfactory responses are not filed on or before 4:00 p.m. Monday, December 22, 2003, a bench warrant shall issue for the Defendant's arrest.

By the Court,

  
\_\_\_\_\_  
President Judge

**FILED**

DEC 0 8 2003

William A. Shaw  
Prothonotary