

02-1862-CD  
TMP COMPANY, INC. vs. E.B.S. RESTAURANT EQUIPMENT, et al

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

TMP COMPANY, INC., \*  
a Pennsylvania corporation, \*  
Plaintiff, \*  
\*  
vs. \* No. 02 - 1862 - CD  
\*  
E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

\*  
\* Type of Pleading:  
\*  
\* **COMPLAINT**  
\*  
\* Filed on behalf of:  
\* Plaintiff  
\*  
\* Counsel of Record for  
\* this party:  
\*  
\* James A. Naddeo, Esq.  
\* Pa I.D. #06820  
\*  
\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

RECEIVED  
[Signature]

NOV 20 2002

William A. Shaw  
Prothonotary

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

TMP COMPANY, INC., \*  
a Pennsylvania Corporation, \*  
Plaintiff, \*  
\*  
vs. \* No. 02 - - CD  
\*  
E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
Corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

**NOTICE**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
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TMP COMPANY, INC., \*  
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Plaintiff, \*  
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vs. \* No. 02 - - CD  
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E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
Corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

C O M P L A I N T

NOW COMES the Plaintiff, TMP Company, Inc., and by its attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is TMP Company, Inc., a Pennsylvania corporation having a place of business located at Graham Street, Hyde, Pennsylvania 16843.

2. That the Defendant, E.B.S. Restaurant Equipment, Inc. (hereinafter known as E.B.S.), is a North Carolina corporation, having a place of business located at 1750 Lawson Street, Durham, North Carolina 27702.

3. That the Defendant, Mark Herman, is an adult individual, whose address is 1750 Lawson Street, Durham, North Carolina 27702.

4. That at all times referred to herein, the Plaintiff, TMP Company, Inc., engaged in the business of

manufacturing box coolers and related equipment in the Commonwealth of Pennsylvania.

COUNT I

5. That Paragraphs 1 though 4 of this Complaint and incorporated herein by reference and made a part hereof.

6. That on or about October 28, 1999, Defendant E.B.S. requested a quote from Plaintiff to manufacture a cooler/freezer combination, walk-in cooler with accessories and panels to convert existing cooler into two separate coolers.

7. That in compliance with said request, Plaintiff provided Defendant E.B.S. with a quote totaling \$16,190.74.

8. That Defendant E.B.S. accepted Plaintiff's quote by fax directed to Plaintiff's principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

9. That the contract for the equipment manufactured by Plaintiff for Defendant E.B.S. was made and accepted at Plaintiff's principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

10. That in reliance upon the contract referred to in Paragraph 9, which is incorporated herein by reference, Plaintiff manufactured and shipped to Defendant the cooler/freezer combination, walk-in cooler with accessories, and panels to convert the existing cooler into two separate coolers identified in the specifications attached hereto as Exhibit "B".

11. That Defendant E.B.S. received the said cooler/freezer combination, walk-in cooler with accessories and panels by common carrier on or about December 10, 1999, and February 3, 2000.

12. That Defendant E.B.S. has failed to pay Plaintiff for the cooler/freezer combination, walk-in cooler with accessories and panels although demand for payment has been made.

WHEREFORE, Plaintiff claims damage from the Defendant E.B.S. in the amount of \$16,190.74 with interest as allowable by law.

COUNT II

13. That Paragraphs 1 through 12 of this Complaint are incorporated herein by reference and made a part hereof.

14. That Defendant Mark Herman in his individual capacity requested Plaintiff to manufacture and ship to Defendant TRS a cooler/freezer combination, walk-in cooler with accessories and panels as described in the specifications attached hereto as Exhibit "B".

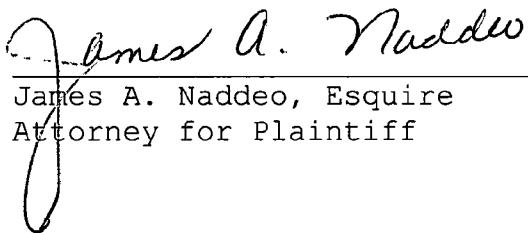
15. That the contract to manufacture and deliver to Defendant E.B.S. the cooler/freezer combination, walk-in cooler with accessories and panels identified in the specifications attached hereto as Exhibit "B" was formed at Plaintiff's

principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

16. That Defendant Mark Herman has failed and/or refused to pay for the cooler/freezer combination, walk-in cooler with accessories and panels manufactured by Plaintiff for Defendant E.B.S., although demand for payment has been made.

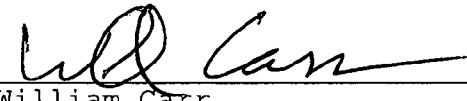
WHEREFORE, Plaintiff claims damage from Defendant Mark Herman in the amount of \$16,190.74 with interest as allowable by law.

Respectfully submitted,

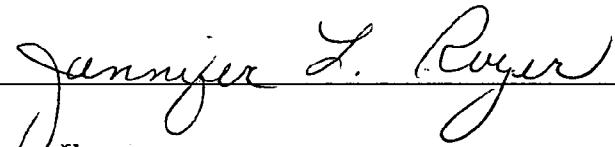
  
\_\_\_\_\_  
James A. Naddeo, Esquire  
Attorney for Plaintiff

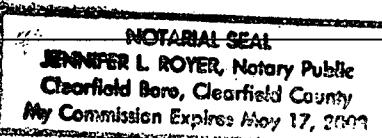
COMMONWEALTH OF PENNSYLVANIA )  
ss.  
COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared WILLIAM CARR, President of TMP Company, Inc., who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
William Carr

SWORN and SUBSCRIBED before me this 26th day of November, 2002.

  
\_\_\_\_\_  
Jennifer L. Royer



FILED

MAR 06 2003  
010:37 a.m.  
William A. Shaw  
Prothonotary

msr o- *Geoff*

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

TMP COMPANY, INC.,  
a Pennsylvania corporation,  
Plaintiff,

vs.

E.B.S. RESTAURANT EQUIPMENT,  
INC., a North Carolina  
corporation, and MARK HERMAN,  
an adult individual,  
Defendants.

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\* Type of Pleading:

\*

\* CERTIFICATE OF SERVICE

\*

\* Filed on behalf of:

\* Plaintiff

\*

\* Counsel of Record for  
\* this party:

\*

\*

\* James A. Naddeo, Esq.

\* Pa I.D. #06820

\*

\* 211 1/2 E. Locust Street

\* P.O. Box 552

\* Clearfield, PA 16830

\* (814) 765-1601

**FILED**

MAR 06 2003

William A. Shaw  
Prothonotary

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

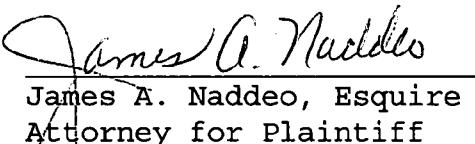
TMP COMPANY, INC., \*  
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Plaintiff, \*  
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vs. \* NO. 02 - 1862 - CD  
\*  
E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
Corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Default in the above-captioned action was served on the following person and in the following manner on the 6th day of March, 2003:

First-Class Mail, Postage Prepaid

E.B.S. Restaurant Equipment  
1750 Lawson Street  
Durham, NC 27702

  
\_\_\_\_\_  
James A. Naddeo, Esquire  
Attorney for Plaintiff

acc  
01/31/27 ~~Att'y~~ ~~Maddess~~  
Att'y pd. 85.00

**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:**

E. B. S. RESTAURANT EQUIPMENT INC  
1750 Lawson St.  
Durham, NC 27703

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  


B. Received by (Printed Name)  
  
C. Date of Delivery  
10-30-03

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

2. Article Number   
*(Transfer from service label)*

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-103E

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

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

CHESTER A HAWKINS  
Sheriff of Clearfield County  
1 N 2nd St. Suite 116  
Clearfield, Pa. 16830

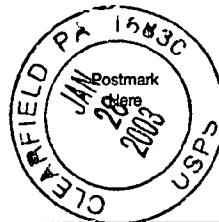
133 G5

0252

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

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



Sent To

E.B.S. RESTAURANT EQUIPMENT INC.

Street, Apt. No.;  
or PO Box No. 1750 Lawson St.

City, State, ZIP+4 Durham, NC 27703

See Reverse for Instructions

1940 0001 9406 1676  
2001 1940 0001 9406

PS Form 3800, January 2001

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

- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark is desired, please affix a postage and mail receipt is not needed, detach and affix label with postage and mail.
- If a postmark is not needed, advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- 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".
- A duplicate return receipt, a UPS postmark on your Certified Mail receipt is required.
- Return Receipt Requested. To receive a fee waiver for a duplicate receipt, attach a Return Receipt Requested label to the article and add applicable postage to cover the 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 delivery. For an additional fee, a Return Receipt may be requested to provide proof of valuable, please consider insured or Registered Mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For Certified Mail is not available for any class of international mail.
- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.

*Important Reminders:*

- A record of delivery kept by the Postal Service for two years
- A signature upon delivery
- A unique identifier for your mailpiece
- A mailing receipt

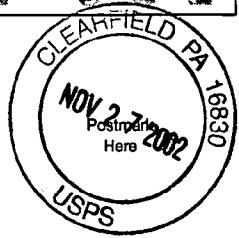
136

**Certified Mail Provides:**

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

**OFFICIAL USE**

Postage	\$ .60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



**Sent To**  
E.B.S. RESTAURANT EQUIPMENT INC  
Street, Apt. No.;  
or PO Box No. 1750 Lawson St.  
City, State, ZIP+4  
Durham, N.C. 27702

See Reverse for Instructions

1940 00001 7000 1940 00001 9400 1539

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

### **Certified Mail Provides:**

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

**OFFICIAL USE**

Postage	\$ .60
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 8.15

**ADDRESSEE ONLY**

ELKLA  
Postmark  
Here

NOV 21 2001

USPS

**Sent To**  
MARK HERMAN  
Street, Apt. No.;  
or PO Box No. 1750 Lawson St.  
City, State, ZIP+4  
Durham, N.C. 27702

See Reverse for Instructions

2001 1940 0000 9400 1522

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

■ 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.

■ 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".

■ Certified Mail receipt, a UPS postmark on your Certified Mail receipt is a duplicate return receipt, a UPS postmark on your Certified Mail receipt is a duplicate receipt, "Return Receipt Requested". To receive a fee waiver for delivery, to obtain Return Receipt service, please complete postage to cover the fee. Endorsement "Return Receipt Requested". To receive a fee waiver for delivery, to obtain Return Receipt service, please attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorsement "Return Receipt Requested". To receive a fee waiver for delivery, to obtain Return Receipt service, please consider insure or register your mailpiece, please consider insure or register your mailpiece.

■ Certified Mail is not available for any class of international mail.

■ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.

**Important Reminders:**

- A record of delivery kept by the Postal Service for two years
- A signature upon delivery
- A unique identifier for your mailpiece
- A mailing receipt

**Certified Mail Provides:**

13365

CHESTER A. HAWKINS

SHERIFF

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



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7001 1940 0001 9406 1522



MARK HERMAN  
1750 Lawson St.  
Durham, NC 27702

**ADDRESSEE  
ONLY**

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



RECEIVED  
1-15-03  
UNCLAIMED

27035382/2287

**SENDER: COMPLETE THIS SECTION****COMPLETE THIS SECTION ON DELIVERY**

- 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:**

MARK HERMAN  
1750 Lawson St.  
Durham, NC 27702

A. Received by (Please Print Clearly)	B. Date of Delivery
X	
C. Signature	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No	

If YES, enter delivery address below:

**3. Service Type**

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes  No

**2. Article Number (Copy from service label)**

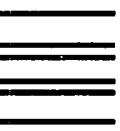
7001-1940 0001 9406 1522

102595-00-M-052

PS Form 3811, July 1999  
11111 11111 11111 11111

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

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

CHESTER A HAWKINS  
Sheriff of Clearfield county  
1 N. 2nd St. Suite 116  
Clearfield, Pa. 16830

13365

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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**1. Article Addressed to:**

MARK HERMAN  
1750 Lawson St.  
Durham, NC 27703

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature <b>X</b>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> 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 (Transfer from service label)	7001 1940 0001 9406 1669
PS Form 3811, August 2001	Domestic Return Receipt

10295-02-M-1035

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

TMP COMPANY, INC., \*  
a Pennsylvania corporation, \*  
Plaintiff, \*  
\*  
vs. \* No. 02 - 1862 - CD  
\*  
E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

\* Type of Pleading:

\* **COMPLAINT**

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. #06820

\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

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

NOV 20 2002

Attest,

*John A. Miller*  
Prothonotary/  
Clerk of Courts

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

TMP COMPANY, INC., \*  
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Plaintiff, \*  
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Corporation, and MARK HERMAN, \*  
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Defendants. \*

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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  
Market and Second Streets  
Clearfield, PA 16830

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2. That the Defendant, E.B.S. Restaurant Equipment, Inc. (hereinafter known as E.B.S.), is a North Carolina corporation, having a place of business located at 1750 Lawson Street, Durham, North Carolina 27702.

3. That the Defendant, Mark Herman, is an adult individual, whose address is 1750 Lawson Street, Durham, North Carolina 27702.

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7. That in compliance with said request, Plaintiff provided Defendant E.B.S. with a quote totaling \$16,190.74.

8. That Defendant E.B.S. accepted Plaintiff's quote by fax directed to Plaintiff's principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

9. That the contract for the equipment manufactured by Plaintiff for Defendant E.B.S. was made and accepted at Plaintiff's principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

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14. That Defendant Mark Herman in his individual capacity requested Plaintiff to manufacture and ship to Defendant TRS a cooler/freezer combination, walk-in cooler with accessories and panels as described in the specifications attached hereto as Exhibit "B".

15. That the contract to manufacture and deliver to Defendant E.B.S. the cooler/freezer combination, walk-in cooler with accessories and panels identified in the specifications attached hereto as Exhibit "B" was formed at Plaintiff's

principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

16. That Defendant Mark Herman has failed and/or refused to pay for the cooler/freezer combination, walk-in cooler with accessories and panels manufactured by Plaintiff for Defendant E.B.S., although demand for payment has been made.

WHEREFORE, Plaintiff claims damage from Defendant Mark Herman in the amount of \$16,190.74 with interest as allowable by law.

Respectfully submitted,

James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Plaintiff

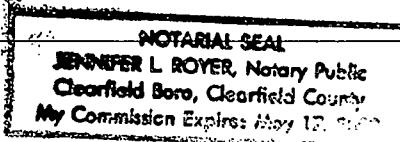
COMMONWEALTH OF PENNSYLVANIA )  
ss.  
COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared WILLIAM CARR, President of TMP Company, Inc., who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Will Carr  
William Carr

SWORN and SUBSCRIBED before me this 26th day of November, 2002.

Jennifer L. Royer



1/14/02  
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Plaintiff,

vs.

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\* No. 02 - 1862- CD

\* Type of Pleading:

\* COMPLAINT

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. #06820

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\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

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

JAN 27 2003

Attest.

*Wendell R.*  
Prothonotary/  
Clerk of Courts

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

TMP COMPANY, INC., \*  
a Pennsylvania Corporation, \*  
Plaintiff, \*  
\*  
vs. \* No. 02 - - CD  
\*  
E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
Corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Market and Second Streets  
Clearfield, PA 16830

(814) 765-2641

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

TMP COMPANY, INC., \*  
a Pennsylvania Corporation, \*  
Plaintiff, \*  
\*  
vs. \* No. 02 - - CD  
\*  
E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
Corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

C O M P L A I N T

NOW COMES the Plaintiff, TMP Company, Inc., and by its attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is TMP Company, Inc., a Pennsylvania corporation having a place of business located at Graham Street, Hyde, Pennsylvania 16843.

2. That the Defendant, E.B.S. Restaurant Equipment, Inc. (hereinafter known as E.B.S.), is a North Carolina corporation, having a place of business located at 1750 Lawson Street, Durham, North Carolina 27702.

3. That the Defendant, Mark Herman, is an adult individual, whose address is 1750 Lawson Street, Durham, North Carolina 27702.

4. That at all times referred to herein, the Plaintiff, TMP Company, Inc., engaged in the business of

manufacturing box coolers and related equipment in the Commonwealth of Pennsylvania.

COUNT I

5. That Paragraphs 1 though 4 of this Complaint and incorporated herein by reference and made a part hereof.

6. That on or about October 28, 1999, Defendant E.B.S. requested a quote from Plaintiff to manufacture a cooler/freezer combination, walk-in cooler with accessories and panels to convert existing cooler into two separate coolers.

7. That in compliance with said request, Plaintiff provided Defendant E.B.S. with a quote totaling \$16,190.74.

8. That Defendant E.B.S. accepted Plaintiff's quote by fax directed to Plaintiff's principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

9. That the contract for the equipment manufactured by Plaintiff for Defendant E.B.S. was made and accepted at Plaintiff's principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

10. That in reliance upon the contract referred to in Paragraph 9, which is incorporated herein by reference, Plaintiff manufactured and shipped to Defendant the cooler/freezer combination, walk-in cooler with accessories, and panels to convert the existing cooler into two separate coolers.

11. That Defendant E.B.S. received the said cooler/freezer combination, walk-in cooler with accessories and panels by common carrier on or about December 10, 1999, and February 3, 2000.

12. That Defendant E.B.S. has failed to pay Plaintiff for the cooler/freezer combination, walk-in cooler with accessories and panels although demand for payment has been made.

WHEREFORE, Plaintiff claims damage from the Defendant E.B.S. in the amount of \$16,190.74 with interest as allowable by law.

COUNT II

13. That Paragraphs 1 through 12 of this Complaint are incorporated herein by reference and made a part hereof.

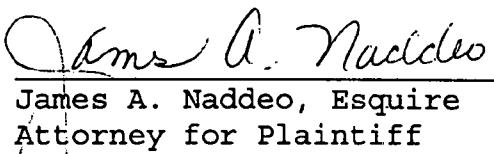
14. That Defendant Mark Herman in his individual capacity requested Plaintiff to manufacture and ship to Defendant TRS a cooler/freezer combination, walk-in cooler with accessories and panels.

15. That the contract to manufacture and deliver to Defendant E.B.S. the cooler/freezer combination, walk-in cooler with accessories and panels was formed at Plaintiff's principle place of business located at Graham Street, Hyde, Pennsylvania 16843.

16. That Defendant Mark Herman has failed and/or refused to pay for the cooler/freezer combination, walk-in cooler with accessories and panels manufactured by Plaintiff for Defendant E.B.S., although demand for payment has been made.

WHEREFORE, Plaintiff claims damage from Defendant Mark Herman in the amount of \$16,190.74 with interest as allowable by law.

Respectfully submitted,

  
James A. Naddeo  
James A. Naddeo, Esquire  
Attorney for Plaintiff

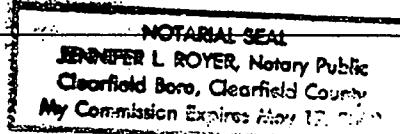
COMMONWEALTH OF PENNSYLVANIA      )  
                                            ss.  
COUNTY OF CLEARFIELD              )

Before me, the undersigned officer, personally appeared WILLIAM CARR, President of TMP Company, Inc., who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

Will Carr  
William Carr

SWORN and SUBSCRIBED before me this 26th day of November, 2002.

Jennifer L. Royer



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

TMP COMPANY, INC., \*  
a Pennsylvania Corporation, \*  
Plaintiff, \*  
\*  
vs. \* No. 02 - 1862 - CD  
\*  
E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
Corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

FILED

MAY 02 2003 *Fwd*  
01 10:30 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

NOTICE TO DEFENDANT

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

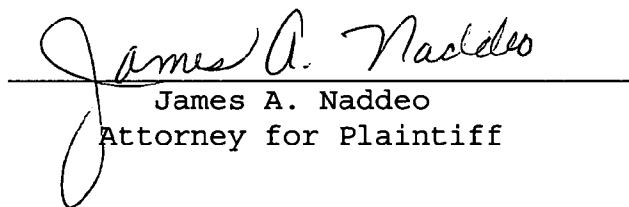
TO THE PROTHONOTARY:

Please enter judgment of default in favor of Plaintiff, TMP Company, Inc., and against Defendant, E.B.S. Restaurant Equipment, Inc., for its failure to plead to the Complaint in this action within the required time. The Complaint contains a Notice to Defend within twenty (20) days from the date of service thereof. Defendant, E.B.S. Restaurant Equipment, Inc., was served on January 30, 2003. Its answer was due to be filed on February 19, 2003.

Attached as Exhibit "A" is a copy of Plaintiff's written Notice of Intention to File Praecipe for Entry of Default Judgment as well as copy of Certificate of Service marked Exhibit "B" showing the date of service of the Default Judgment which I certify was mailed by regular mail to the

Defendant on March 6, 2003, which is at least ten days prior to the filing of this Praeclipe.

Judgment to be entered in the amount of \$16,190.74 plus interest from November 26, 2002.

  
\_\_\_\_\_  
James A. Naddeo  
Attorney for Plaintiff

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

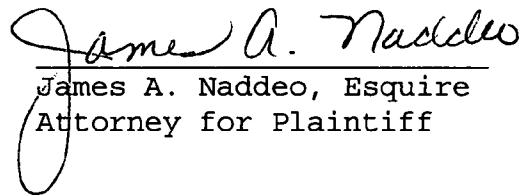
TMP COMPANY, INC., \*  
a Pennsylvania Corporation, \*  
Plaintiff, \*  
\*  
vs. \* No. 02 - 1862 - CD  
\*  
E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
Corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Praecipe For Entry of Default Judgment in the above-captioned action was served on the following person and in the following manner on the 2nd day of May, 2003:

First-Class Mail, Postage Prepaid

E.B.S. Restaurant Equipment  
1750 Lawson Street  
Durham, NC 27702

  
\_\_\_\_\_  
James A. Naddeo, Esquire  
Attorney for Plaintiff

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

3/6/03  
TMP COMPANY, INC., \*

a Pennsylvania Corporation, \*  
Plaintiff, \*

vs. \*

No. 02 - 1862 - CD

E.B.S. RESTAURANT EQUIPMENT, \*  
INC., a North Carolina \*  
Corporation, and MARK HERMAN, \*  
an adult individual, \*  
Defendants. \*

To: E.B.S. Restaurant Equipment, Inc.

Date of Notice: March 6, 2003

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Court Administrator  
Clearfield County Court House  
Market and Second Streets  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

*James A. Naddeo*

James A. Naddeo  
211 1/2 E. Locust Street  
Clearfield, PA 16830  
(814) 765-1601

"A"

36/03  
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

TMP COMPANY, INC.,  
a Pennsylvania corporation,  
Plaintiff,

vs.

E.B.S. RESTAURANT EQUIPMENT,  
INC., a North Carolina  
corporation, and MARK HERMAN,  
an adult individual,  
Defendants.

\*  
\*  
\*  
\*  
\* No. 02 - 1862 - CD  
\*

\*  
\* Type of Pleading:

\* CERTIFICATE OF SERVICE

\* Filed on behalf of:  
\* Plaintiff

\* Counsel of Record for  
\* this party:

\* James A. Naddeo, Esq.  
\* Pa I.D. #06820

\* 211 1/2 E. Locust Street  
\* P.O. Box 552  
\* Clearfield, PA 16830  
\* (814) 765-1601

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

TMP COMPANY, INC., \*

a Pennsylvania Corporation, \*

Plaintiff, \*

\*

vs. \*

No. 02 - 1862 - CD

\*

E.B.S. RESTAURANT EQUIPMENT, \*

INC., a North Carolina \*

Corporation, and MARK HERMAN, \*

an adult individual, \*

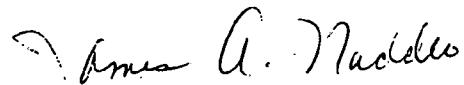
Defendants. \*

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Notice of Default in the above-captioned action was served on the following person and in the following manner on the 6th day of March, 2003:

First-Class Mail, Postage Prepaid

E.B.S. Restaurant Equipment  
1750 Lawson Street  
Durham, NC 27702

  
\_\_\_\_\_  
James A. Naddeo, Esquire

\_\_\_\_\_  
Attorney for Plaintiff

Prothonotary/Clerk of Courts  
William A. Shaw

MAY 02 2003

FILED

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

TMP COMPANY, INC., \*  
    a Pennsylvania Corporation, \*  
                            Plaintiff, \*  
                            \*  
    vs.                      \*                      No. 02 - 1862 - CD  
                            \*  
                            \*  
    E.B.S. RESTAURANT EQUIPMENT, \*  
    INC., a North Carolina \*  
    Corporation, and MARK HERMAN, \*  
    an adult individual, \*  
                            Defendants. \*

## NOTICE

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$16,190.74 with interest from November 26, 2002.

## PROTHONOTARY

By \_\_\_\_\_

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

TMP Company, Inc.  
Plaintiff(s)

No.: 2002-01862-CD

Real Debt: \$16,190.74

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

E. B. S. Restaurant Equipment, Inc.

Entry: \$20.00

Mark Herman

Defendant(s)

**JUDGMENT AGAINST E.B.S.**

**RESTAURANT ONLY**

Instrument: Default Judgment

Date of Entry: May 2, 2003

Expires: May 2, 2008

Certified from the record this May 2, 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

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13365

TMP COMPANY, INC.

02-1862-CD

VS.

E.B.S. RESTAURANT EQUIPMENT INC. AI

**COMPLAINT**

**SHERIFF RETURNS**

NOW NOVEMBER 27, 2002 MAILED THE WITHIN COMPLAINT TO E.B.S. RESTAURANT EQUIPMENT INC., DEFENDANT BY CERT. MAIL # 7001 1940 0001 9406 1539 AT 1750 LAWSON ST., DURHAM, N.C. 27702 BEING THEIR LAST KNOWN ADDRESS. THE RETURN RECEIPT OR LETTER WERE NEVER RETURNED.

NOW NOVEMBER 27, 2002 MAILED THE WITHIN COMPLAINT TO MARK HERMAN, DEFENDANT BY CERT. MAIL # 7001 1940 0001 9406 1522 AT 1750 LAWSON ST., DURHAM, NC 27702 BEING HIS LAST KNOWN ADDRESS. THE LETTER WAS RETURNED MARKED "UNCLAIMED". THE LETTER WAS SENT MARKED "ADDRESSEE ONLY".

NOW JANUARY 30, 2003 SERVED THE WITHIN COMPLAINT ON E.B.S. RESTAURANT EQUIPMENT INC., DEFENDANT BY CERT. MAIL # 7001 1940 0001 9406 1676 AT 1750 LAWSON ST., DURHAM, N.C. 27703 BEING THEIR LAST KNOWN ADDRESS. THE RETURN RECEIPT IS HERETO ATTACHED AND MADE A PART OF THIS RETURN ENDORSED BY AGENT FOR DEFENDANT.

NOW JANUARY 28, 2003 MAILED THE WITHIN COMPLAINT TO MARK HERMAN, DEFENDANT BY CERT. MAIL # 7001 1940 0001 9406 1669 AT 1750 LAWSON ST., DURHAM, NC 27703 BEING HIS LAST KNOWN ADDRESS. THE LETTER WAS RETURNED MARKED "UNCLAIMED". THE LETTER WAS SENT MARKED "ADDRESSEE ONLY".

**FILED**

0 3:39 BA  
APR 30 2003

**Return Costs**

Cost	Description
75.00	SHERIFF HAWKINS PAID BY: ATTY CK# 15580
20.00	SURCHARGE PAID BY: ATTY CK# 14581

William A. Shaw  
Prothonotary

Sworn to Before Me This

30 Day Of April 2003

William A. Shaw

So Answers,

Chester A. Hawkins  
by Minerva Hayes  
Chester A. Hawkins  
Sheriff