

02-1863-CD
TMP COMPANY, INC. vs. TRS THE RESTAURANT STORE, et al

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

TMP COMPANY, INC., *
a Pennsylvania corporation, *
Plaintiff, *
*
vs. * No. 02 - 1863 - CD
*
TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, 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

FILED

NOV 26 2002

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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TMP COMPANY, INC., *
a Pennsylvania corporation, *
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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
*
TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, 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, TRS The Restaurant Store, Inc. (hereinafter known as TRS), is an Indiana corporation, having a place of business located at 8250 Zionsville Road, Indianapolis, Indiana 46268
3. That the Defendant, Steven A. Zoll, is an adult individual, whose address is 1917 Camargue Drive, Zionsville, Indiana 46077.
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.

COJNT 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 March 17, 2000, Defendant TRS requested a quote from Plaintiff to manufacture a walk-in cooler with accessories. A copy of said request is attached hereto as Exhibit "A".

7. That in compliance with said request, Plaintiff provided Defendant TRS with a quote totaling \$13,482.65. A copy of said quote is attached hereto as Exhibit "B".

8. That Defendant TRS accepted Plaintiff's quote by fax directed to Plaintiff's principle place of business located at Graham Street, Hyde, Pennsylvania 16843. A copy of said fax is attached hereto as Exhibit "C".

9. That the contract for the equipment manufactured by Plaintiff for Defendant TRS 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 walk-in

cooler with accessories identified in the specifications attached hereto as Exhibit "B".

11. That Defendant TRS received the said walk-in cooler with accessories by common carrier on or about January 8, 2001.

12. That Defendant TRS has failed to pay Plaintiff for the walk-in cooler with accessories although demand for payment has been made.

WHEREFORE, Plaintiff claims damage from the Defendant TRS in the amount of \$13,482.65 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 Steven A. Zoll in his individual capacity requested Plaintiff to manufacture and ship to Defendant TRS a walk-in cooler with accessories as described in the specifications attached hereto as Exhibit "B".

15. That the contract to manufacture and deliver to Defendant TRS the walk-in cooler with accessories 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 Steven A. Zoll has failed and/or refused to pay for the walk-in cooler with accessories manufactured by Plaintiff for Defendant TRS, although demand for payment has been made.

WHEREFORE, Plaintiff claims damage from Defendant Steven A. Zoll in the amount of \$13,482.65 with interest as allowable by law.

Respectfully submitted,

James A. Naddeo

James A. Naddeo, Esquire
Attorney for Plaintiff

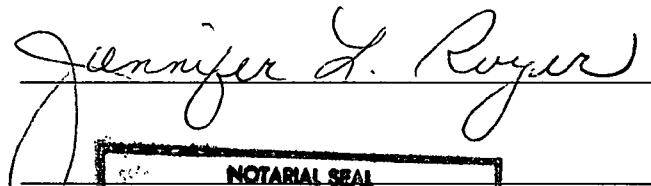
COMMONWEALTH OF PENNSYLVANIA)
 ss.
COUNTY OF CLEARFIELD)

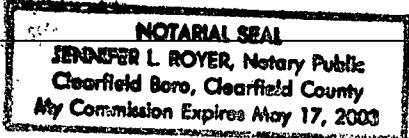
Before me, the undersigned officer, personally appeared WILLIAM CARR, President of TMP Company, Inc., who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.



William Carr

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







Telefax from:

RICHARD WIEST & ASSOCIATES

John Durbin
116 Ursal Lane
Greenwood IN 46143
Telephone: (317)885-9313
Fax: (317)859-0405

Date: March 17, 2000

To: Joyce Brossard

From: John Durbin

Pages: 4 total, including this cover sheet

Project: ????

Message:

Joyce,

Please provide quote on attached combination walk-in cooler/freezer by Monday, March 20th. The walk-in to include the following:

- Size and shape per plan x 7'-6" high
- Outdoor box
- Standard finish inside and out
- Membrane roof
- Stainless steel floor with interior ramp
- Pre-assembled remote refrigeration with outdoor controls, low-ambient kit and weather housings. Semi-hermetic, 208 volt-3 phase.
- Standard doors

Include option of painted outside panels. Call me if you have any questions.

2/19/00
JJD
500-4457 ENT 2000

Thanks!



101-015

ATTN:
John
Durbin

TRS THE RESTAURANT STORE, INC.
8250 ZIONSVILLE ROAD

NO. 002942

INDIANAPOLIS, IN 46268
(317) 802-3900

Page 1

01/08/01

VENDOR: 609
TAFCO
P.O. BOX 269
HYDE, PA 16843

SHIP-TO: Q1
TRS THE RESTAURANT STORE, INC
8250 ZIONSVILLE ROAD

INDIANAPOLIS, IN 46268

BUYER!TERMS	!SHIP VIA	!FOB	!FREIGHT!REF#	!EXPECTED!CUSTOMER
02 !NET 30	!BEST WAY	!HYDE	!PREPAID!PHISTE	!01/08/01!
VENDOR-ITEM # !ITEM !DESCRIPTION ! UNITS!UM! COST!UM! EXTENSION!				
!PAINT/ADD !ADD-ON TO PAINT COMP,HOUSING ! 1.0!EA! 50.00!EA! 50.00!				
!WALKIN/COM:WALK-IN COMBO PER SPECS. ! 1.0!PK! 13432.65!PK! 13432.65				
<p>!GREYSTONE #896SFC25 PAINTED 2 WALLS OUTSIDE.</p> <p>**NO FLOOR IN COOLER !!!!!!!</p> <p>** NEED APPROVAL DRAWINGS ASAP THANKS, STEVE BEATTY</p>				

Quote

28487 R#3

Best Way
Collect

Steve Beatty

AMOUNT!	TAX!	FREIGHT!	TOTAL!
13482.65!	.00!	.00!	13482.65

Please call should there be any problems w/ order

TAX EXEMPT # 0007282338

FILED

O 3 25 RA REC 85-02 to shiff
NOV 26 2002

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13364

TMP COMPANY, INC.

02-1863-CD

VS.

TRS THE RESTAURANT STORE, INC. al

COMPLAINT

SHERIFF RETURNS

NOW NOVEMBER 27, 2002 MAILED THE WITHIN COMPLAINT TO TRS THE RESTAURANT STORE INC., DEFENDANT BY CERTIFIED MAIL # 7001 1940 0001 9406 1515 AT 8250 ZIONSVILLE ROAD, INDIANAPOLIS, IN. 46268 BEING THEIR LAST KNOWN ADDRESS. THE RETURN RECEIPT IS HERETO ATTACHED AND MADE A PART OF THIS RETURN ENDORSED BY AGENT FOR DEFENDANT. NO DATE OF DELIVERY IS INDICATED ON RETURN RECEIPT CARD.

NOW DECEMBER 2, 2002 SERVED THE WITHIN COMPLAINT ON STEVEN A. ZOLL, DEFENDANT BY CERTIFIED MAIL # 7001 1940 0001 9406 1508 AT 1917 CAMARGUE DRIVE, ZIONSVILLE, IN. 46077 BEING HIS LAST KNOWN ADDRESS. THE RETURN RECEIPT IS HERETO ATTACHED AND MADE A PART OF THIS RETURN ENDORSED BY S. ZOLL. THE LETTER WAS SENT MARKED "ADDRESSEE ONLY".

Return Costs

Cost	Description
37.17	SHFF. HAWKINS PAID BY: ATTY.
20.00	SURCHARGE PAID BY; ATTY.

FILED
012:40
FEB 03 2003

William A. Shaw
Prothonotary

Sworn to Before Me This

3rd Day Of Feb 2003
WILLIAM A. SHAW
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

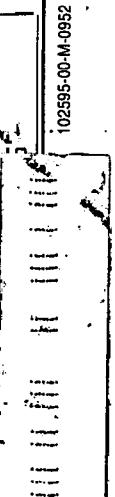
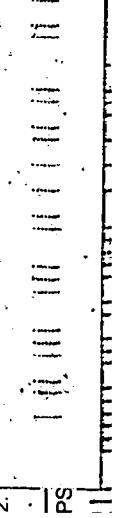
Chester A. Hawkins
Chester A. Hawkins
Sheriff

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:

TRS THE RESTAURANT & STORE SENT
8250 Zionsville Road
Indianapolis, IN. 46268
2002 6 21 ON
89394 *WYSPAN NEW*

A. Received by <i>Please Print Clearly</i>	B. Date of Delivery
C. Signature 	
D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> 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) <input type="checkbox"/> Yes	
2. 	
PS 	

102595-00-M-0932

UNITED STATES POSTAL SERVICE



- **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

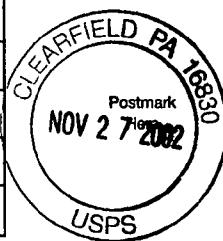
13364

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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
TRS THE RESTAURANT STORE, INC.
Street, Apt. No.;
or PO Box No. 8250 Zionsville Road
City, State, ZIP+4 Indianapolis, IN. 46268
PC Form 3800 (January 2001) See Reverse for Instructions

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

- 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 claims, 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, please complete and add applicable postage to the article and add "Request Return Receipt" to the address line.
 - Receipt (PS Form 3811) to the article and add applicable postage to cover the duplicate return receipt fee. To receive a fee waiver for the fee, endorse article "Request Return Receipt" on your Certified Mail receipt.
 - For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk the multipiece weight of the multipiece mailpiece.
 - If a postmark 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 "Certified Mail" at the post office for postmarking.
 - If a postmark 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 "Certified Mail" at the post office for postmarking.

Certified Mail Provides:

A record of delivery kept by the Postal Service for two years

13344

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:

STEVEN A. ZOLL
1917 Camargue Drive
Zionsville, IN 46077

RESTRICTED
DELIVERY

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery
5/29/11	12-02
C. Signature	
	
X	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below <input checked="" type="checkbox"/> Addressee	

RECEIVED
DELIVERY

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) <input checked="" type="checkbox"/> Yes

2. Article Number (Copy from service label)

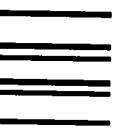
1940000194061508
7001

Domestic Return Receipt

102595-00-M-0952

PS Form 3811, July 1999

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

13364

02

13364

U.S. Postal Service

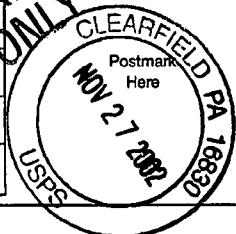
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$ - 68
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 8.15

ADDRESSEE
ONLY



Sent To

STEVEN A. ZOLL

Street, Apt. No.;

or PO Box No. 1917 Camargue Drive

City, State, ZIP+4

Zionsville, IN. 46077

PS Form 3800, January 2001

See Reverse for Instructions

Certified Mail Provides:

- A signature upon delivery
- A record of delivery kept by the Postal Service for two years
- 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
- Valuables, please consider insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain a 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 article "Return Receipt Requested". To receive a fee waiver for the additional fee, attach a USPS postmark on your Certified Mail receipt to the article.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. Certified Mail receipt may be requested to provide proof of delivery. To obtain a 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 article "Return Receipt Requested". To receive a fee waiver for the additional fee, attach a USPS postmark on your Certified Mail receipt to the article.
- Addressee authorizes agent to advise the clerk or mark the multipiece article, if necessary, to facilitate return receipt. Addressee authorizes agent to advise the clerk or mark the multipiece article, if necessary, to facilitate return receipt.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the multipiece article, if necessary, to facilitate return receipt.
- 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.
- 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.
- Multipostant: Save this receipt and present it when making an inquiry.

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

TMP COMPANY, INC., *
a Pennsylvania corporation, *
Plaintiff, *
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vs. * No. 02 - 1863 - CD
*
TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, 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 26 2003

William A. Shaw
Prothonotary

2 CENTS TO ATTY

GRS

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

TMP COMPANY, INC., *
a Pennsylvania corporation, *
Plaintiff, *
*
vs. * No. 02 - 1863 - CD
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TRS THE RESTAURANT STORE, *
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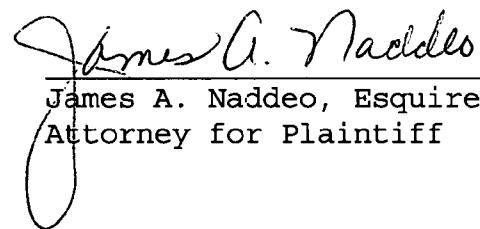
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiff's Notice of Default in the above-captioned action was served on the following persons and in the following manner on the 26th day of March, 2003:

First-Class Mail, Postage Prepaid

TRS, The Restaurant Store, Inc.
8250 Zionsville Road
Indianapolis, IN 46268

Steven A. Zoll
1917 Camargue Drive
Zionsville, IN 46077



James A. Naddeo, Esquire
Attorney for Plaintiff

PROSECUTOR
WILLIAM A. SHAW

MAR 28 2003

FILED

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

TMP COMPANY, INC.,)
a Pennsylvania corporation,)
Plaintiff,)
v.) Case No.: 02-1863-CD
TRS THE RESTAURANT STORE, INC., an)
Indiana Corporation, and STEVEN A. ZOLL,)
an adult individual,)
Defendants.)

NOTICE OF BANKRUPTCY FILING

TRS The Restaurant Store, Inc., by and through its counsel of record in its bankruptcy case, hereby notifies the Court that TRS The Restaurant Store, Inc., Defendant herein, filed a voluntary Petition for relief under Chapter 11 of the United States Bankruptcy Code on May 6, 2003, which pends under case number 03-08180-BHL-11. A copy of the voluntary Petition is attached hereto as "Exhibit A".

Pursuant to Section 362(a) of the United States Bankruptcy Code, the Plaintiff is stayed from taking any further action against TRS The Restaurant Store, Inc. in this pending action without relief of the United States Bankruptcy Court for the Southern District of Indiana, Indianapolis Division.

Respectfully submitted,

ICE MILLER

By:

Henry A. Efroymson (Atty. No.: 6427-47)
Counsel for TRS The Restaurant Store, Inc.
in its pending bankruptcy case

ICE MILLER
One American Square
Box 82001
Indianapolis, Indiana 46282-0002
(317) 236-2100

FILED

MAY 16 2003

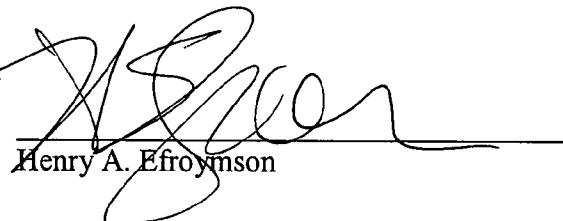
William A. Shaw
Prothonotary

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been deposited in the U.S. mail, first class postage prepaid, on the 14th day of May, 2003, addressed to:

James A. Naddeo
211 ½ East Locust Street
P.O. Box 552
Clearfield, Pennsylvania 16830

Ronald A. Safrin
SAFRIN & ASSOCIATES
9200 Keystone Crossing, Suite 770
Indianapolis, Indiana 46240



Henry A. Efroymson

ICE MILLER
One American Square
Box 82001
Indianapolis, Indiana 46282-0002

United States Bankruptcy Court Southern District of Indiana		Voluntary Petition																		
Name of Debtor (if individual, enter Last, First, Middle): TRS The Restaurant Store, Inc.		Name of Joint Debtor (Spouse) (Last, First, Middle):																		
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): 03-08180																		
Soc. Sec./Tax I.D. No. (if more than one, state all): 35-2031712		Soc. Sec./Tax I.D. No. (if more than one, state all):																		
Street Address of Debtor (No. & Street, City, State & Zip Code): 8250 Zionsville Road Indianapolis, IN 46268		Street Address of Joint Debtor (No. & Street, City, State & Zip Code): BHLIN																		
County of Residence or of the Principal Place of Business: Marion		County of Residence or of the Principal Place of Business:																		
Mailing Address of Debtor (if different from street address): 8250 Zionsville Road Indianapolis, IN 46268		Mailing Address of Joint Debtor (if different from street address): JUDGE LORCH																		
Location of Principal Assets of Business Debtor (if different from street address above):																				
Information Regarding the Debtor (Check the Applicable Boxes)																				
<p>Venue (Check any applicable box)</p> <p><input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.</p> <p><input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.</p>																				
<p>Type of Debtor (Check all boxes that apply)</p> <p><input type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other</p>		<p>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)</p> <p><input type="checkbox"/> Chapter 7 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding</p>																		
<p>Nature of Debts (Check one box)</p> <p><input type="checkbox"/> Consumer/Non-Business <input checked="" type="checkbox"/> Business</p>		<p>Filing Fee (Check one box)</p> <p><input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.</p>																		
<p>Chapter 11 Small Business (Check all boxes that apply)</p> <p><input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)</p>																				
<p>Statistical/Administrative Information (Estimates only)</p> <p><input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.</p> <p><input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.</p>																				
<table border="1" style="width: 100%;"> <tr> <td style="text-align: left;">Estimated Number of Creditors</td> <td style="text-align: center;">1-15</td> <td style="text-align: center;">16-49</td> <td style="text-align: center;">50-99</td> <td style="text-align: center;">100-199</td> <td style="text-align: center;">200-999</td> <td style="text-align: center;">1000-over</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	THIS SPACE IS FOR COURT USE ONLY				
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Estimated Assets																				
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Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

TRS The Restaurant Store, Inc.

FORM B1, Page 2

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location

Where Filed: - **None** -

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

- **None** -

Case Number:

Date Filed:

District:

Relationship:

Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney

X

Signature of Attorney for Debtor(s)

Henry A. Efrbymson 6427-49

Printed Name of Attorney for Debtor(s)

ICE MILLER

Firm Name

**One American Square
Box 82001
Indianapolis, IN 46282**

Address

(317) 236-2100 Fax: (317) 236-2219

Telephone Number

May 6, 2003

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Steven A. Zoll

Printed Name of Authorized Individual

President

Title of Authorized Individual

MD - 6 - 2003

Date

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

 Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X Signature of Attorney for Debtor(s)**5/6/03** Date**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

 Yes, and Exhibit C is attached and made a part of this petition. No**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

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

TMP COMPANY, INC., *
a Pennsylvania corporation, *
Plaintiff, *
*
vs. * No. 02 - 1863 - CD
*
TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, an adult *
individual, *
Defendants. *

* Type of Pleading:

* **PRAECIPE FOR ENTRY OF
DEFAULT JUDGMENT**

* Filed on behalf of:
* Plaintiff

* Counsel of Record for
* this party:

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

* Naddeo & Lewis, LLC
* 207 East Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED 102 Defs. w/
02-30-07 Notice
JUL 05 2007 Atty pd.
20-00

W.A. Shaw
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 - 1863 - CD
*
TRS THE RESTAURANT STORE, *
INC., an Indiana Corporation, *
and STEVEN A. ZOLL, an adult *
individual, *
Defendants. *

PRAECLPSE FOR ENTRY OF DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Please enter judgment of default in favor of Plaintiff, TMP Company, Inc., and against Defendants, TRS The Restaurant Store, Inc. and Steven Zoll, for their 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, TRS The Restaurant Store, Inc., was served with the Complaint on November 27, 2002. His answer was due to be filed on December 19, 2002. Defendant, Steven Zoll, was served with the Complaint on December 2, 2002. His answer was to be filed on December 22, 2002.

Attached as Exhibit "A" are copies of Plaintiff's written Notices of Intention to File Praecept for Entry of Default Judgment as well as a copy of Certificate of Service

marked Exhibit "B" showing the date of service of the Notices which I certify were mailed by regular mail to the Defendants on March 26, 2003, which is at least ten days prior to the filing of this Praeclipe.

Naddeo & Lewis, LLC

By: James A. Naddeo
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 - 1853 - CD
*
TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, an adult *
individual, *
Defendants. *

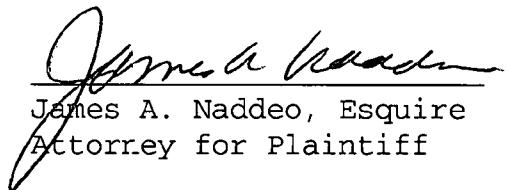
CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Praeclipe for Entry of Default Judgment in the above-captioned action was served on the following persons and in the following manner on the 5th day of July, 2007:

First-Class Mail, Postage Prepaid

TRS, The Restaurant Store, Inc.
8250 Zionsville Road
Indianapolis, IN 46268

Steven A. Zoll
1917 Camargue Drive
Zionsville, IN 46077


James A. Naddeo, Esquire
Attorney for Plaintiff

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

3/26/03
TMP COMPANY, INC., *
a Pennsylvania corporation, *
Plaintiff, *
*
vs. * No. 02 - 1863 - CD
*
TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, an adult *
individual, *
Defendants. *

To: TRS, The Restaurant Store

Date of Notice: March 26, 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

3/26/03
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

TMP COMPANY, INC., *
a Pennsylvania corporation, *
Plaintiff, *
*
vs. * No. 02 - 1863 - CD
*
TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, an adult *
individual, *
Defendants. *

To: Steven A. Zoll

Date of Notice: March 26, 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:

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3/26/03
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

TMP COMPANY, INC., *
a Pennsylvania corporation, *
Plaintiff, *
*
vs. * No. 02 - 1863 - CD
*

TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, 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

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

TMP COMPANY, INC., *
a Pennsylvania corporation, *
Plaintiff, *
*
vs. * No. 02 - 1863 - CD
*
TRS THE RESTAURANT STORE, *
INC., an Indiana corporation, *
and STEVEN A. ZOLL, an adult *
individual, *
Defendants. *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy of Plaintiff's Notice of Default in the above-captioned action was served on the following persons and in the following manner on the 26th day of March, 2003:

First-Class Mail, Postage Prepaid

TRS, The Restaurant Store, Inc.
8250 Zionsville Road
Indianapolis, IN 46268

Steven A. Zoll
1917 Camargue Drive
Zionsville, IN 46077

James A. Naddeo

James A. Naddeo, Esquire
Attorney for Plaintiff

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

COPY

TMP Company, Inc.

Vs.

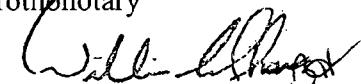
No. 2002-01863-CD

TRS The Restaurant Store, Inc. and Steven A. Zoll

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered
against you on July 5, 2007.

William A. Shaw
Prothonotary



William A. Shaw