

03-1267-CD
GREEN MOUNTAIN, INC. vs. VENANGO TRAINING & Development Center

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Green Mountain, Inc.,
Plaintiff

Vs.

Venango Training and
Development Center, Inc.
Defendant

: No. 03-1267-CD

: Type of Pleading:

: **COMPLAINT**

: Filed on Behalf of:
: PLAINTIFF

: Counsel of Record for this Party:

: Jeffrey S. DuBois
: Supreme Court No. 62074
: 190 West Park Avenue, Suite #5
: DuBois, PA 15801
: (814) 375-5598

FILED

AUG 26 2003

William A. Shaw
Prothonotary

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

Green Mountain, Inc., : No. _____
Plaintiff :
 :
Vs. :
 :
Venango Training and :
Development Center, Inc. :
Defendant :

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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Clearfield County Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Green Mountain, Inc.,	:	No. _____
Plaintiff	:	
	:	
Vs.	:	
	:	
Venango Training and	:	
Development Center, Inc.	:	
Defendant	:	

COMPLAINT

AND NOW, comes the Plaintiff, Green Mountain, Inc., by and through their attorneys, Jeffrey S. DuBois, Esquire, who file this complaint against the Defendant in support thereof avers the following:

1. Green Mountain, Inc., hereinafter referred to as Plaintiff, is a Wyoming Corporation with an address of 1310 South Spruce Street, Casper, Wyoming, 82601.
2. Venango Training and Development Center, Inc., hereinafter referred to as Defendant, is believed to be a Pennsylvania Corporation with a principal office at P.O. Box 289, Seneca, Pennsylvania, 16346.
3. C/J Packaging and Distribution is a subsidiary company to that of the Defendant with offices located at 101 Beaver Avenue, DuBois, Pennsylvania, 15801.
4. The subject matter of the dispute is located in DuBois, Clearfield County, Pennsylvania, and Defendant operates businesses within Clearfield County, Pennsylvania, and therefore jurisdiction is proper before this Honorable Court.
5. On or about 1997, Plaintiff arranged with Defendant for Defendant to store at C/J Packaging and Distribution office in DuBois, Clearfield County, approximately

twenty-one thousand (21,000) springs for use in an animal trap to be produced by Plaintiff.

6. There were discussions between Plaintiff and Defendant that Defendant would assist Plaintiff in producing said traps. Over the next few years, Defendant removed approximately three thousand (3,000) springs from the aforesaid C/J facility in DuBois, Pennsylvania.

7. On or about September 2002, Plaintiff requested from the Defendant to have the remaining springs, approximately seventeen thousand four hundred (17,400), that were in the C/J facility to be shipped to Plaintiff's office in Wyoming.

8. Shortly after Plaintiff's request, Defendant contacted Plaintiff to inform Plaintiff that Defendant did not have any springs.

9. Despite repeated requests by Plaintiff to Defendant since September 2002 for the shipment of the remaining springs, Defendant has refused to deliver said springs to Plaintiff.

10. Despite repeated requests by Plaintiff to Defendant to show paperwork that these remaining springs have been shipped or removed by Plaintiff prior to this time, Defendants have wholly failed to produce any such evidence.

11. The total cost for Plaintiff to replace the springs would be at a price in excess of Twelve Thousand and 00/100 (\$12,000.00) Dollars.

12. Because of the negligence, lack of due diligence, and failure to take reasonable care of Plaintiff's property, Plaintiff does not have the use of the aforesaid seventeen thousand four hundred (17,400) springs.

13. This failure by Defendant to produce these springs to Plaintiff has severely impacted Plaintiff's business.

14. As a consequence, Defendant is liable to Plaintiff for any and all costs and damages associated with the replacement of the aforesaid seventeen thousand four hundred (17,400) springs.

WHEREFORE, Plaintiff requests this Honorable Court to award judgment in its favor and against the Defendant in an amount not to exceed Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars.

Respectfully Submitted,



Jeffrey S. DuBois
Attorney for Plaintiff

FILED

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PL 85.00
AUG 26 2003

William A. Shaw
Prothonotary

CP

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

Green Mountain, Inc.,
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

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No. 03 – 1267 - CD

Type of Document:

Preliminary Objections

Filed on behalf of:

Defendant

Counsel of Record for this Party:

Richard Winkler, Esquire
Supreme Court ID #23481
Butcher & Winkler
123 North Franklin Street
Titusville, PA 16354
(814) 827-9002

FILED

OCT 06 2003

11/2:00/L

William A. Shaw
Prothonotary/Clerk of Courts

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

Green Mountain, Inc.,
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

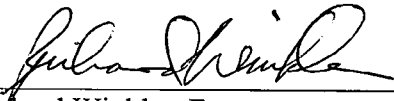
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No. 03 - 1267 - CD

CERTIFICATE OF SERVICE

I do hereby certify that on the 2nd day of OCTOBER, 2003 a true and correct copy of the Preliminary Objections were sent by first class mail, postage prepaid to the following:

Jeffrey S. Dubois, Esquire
190 West Park Ave., Suite #5
DuBois, PA 15801



Richard Winkler, Esq.
Attorney for Defendant
Supreme Court ID #23481
Butcher & Winkler
123 North Franklin Street
Titusville, PA 16354
814/827-9002

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

Green Mountain, Inc.,
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

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No. 03 – 1267 - CD

NOTICE

**TO: Green Mountain, Inc.
C/O Jeffrey S. DuBois, Esquire
190 W. Park Ave., Suite #5
DuBois, PA 15801**

You are hereby notified to file a response to the enclosed Preliminary Objections within twenty (20) days from service or a judgment may be entered against you.

Date: 10-2-03



Richard Winkler, Esquire
Attorney for Defendant
Supreme Court ID #23481
Butcher & Winkler
123 North Franklin Street
Titusville, PA 16354-1760
814/827-9002

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

Green Mountain, Inc.,
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

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No. 03 – 1267 - CD

PRELIMINARY OBJECTIONS

NOW, comes Defendant Venango Training and Development Center, Inc. by undersigned counsel and files the following Preliminary Objections to Plaintiff's Complaint in the above captioned matter, as follows:

PRELIMINARY OBJECTIONS ON GROUND OF LACK OF CAPACITY TO SUE

1. Defendant moves the Court for an order dismissing this action on the ground that Plaintiff lacks legal capacity to maintain this action for the reason that Plaintiff is a foreign corporation with a place of business at 1310 South Spruce Street, Casper, Wyoming, and is not authorized to do business in the Commonwealth of Pennsylvania.

2. Under the provisions of the Pennsylvania Business Corporation Law, Section 4141 (a), a non-qualified foreign business corporation doing business in the Commonwealth is not permitted to maintain any action or proceeding in any court of the Commonwealth of Pennsylvania until the corporation has obtained a certificate of authority.

3. Defendant avers, on information and belief, that Plaintiff conducted or conducts business activities in the Commonwealth of Pennsylvania as recited in the Complaint in this matter.

WHEREFORE, Defendant requests this Court to enter judgment in favor of Defendant and against Plaintiff, dismissing this action, for the reason that Plaintiff lacks capacity to sue.

PRELIMINARY OBJECTION FOR FAILURE OF A PLEADING TO
CONFORM TO LAW OR RULE OF COURT

4. Defendant moves the court for an order dismissing this action on the ground that the Complaint in this matter fails to conform to law or rule of Court.

5. Pa.R.C.P. 1024 (a) requires that every pleading containing an averment of fact not appearing of record in the action shall state that the averment is true upon the signer's personal knowledge or information and belief and shall be verified.

6. Pa.R.C.P. 1024 (c) requires that the verification shall be made by one or more of the parties filing the pleading, except in certain limited circumstances.

7. The Complaint filed by Plaintiff in this matter contains no verification and is therefore not in conformity with Pa.R.C.P. Rule 1024.

WHEREFORE, Defendant requests this court to enter judgment in favor of Defendant and against Plaintiff, dismissing this action, on the ground that the Complaint in this matter fails to conform to rule of Court.

PRELIMINARY OBJECTION ON THE GROUND OF
LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER)

8. Plaintiff's Complaint in this matter seeks damages for the loss of certain springs, apparently grounded in alleged negligence on the part of the Defendant.

9. Plaintiff's Complaint fails to set forth any averments regarding any duty on the part of Defendant to exercise reasonable care of the springs allegedly delivered by Plaintiff to Defendant.

10. Plaintiff's Complaint further fails to set forth any averments regarding the appropriate standard of care allegedly expected of Defendant.

11. Plaintiff's Complaint lastly fails to set forth any specifics as to how Defendant failed to meet any allegedly applicable standard of care.

12. Pa.R.C.P. 1019 requires that the Complaint set forth material facts on which Plaintiff's cause of action is based.

13. Plaintiff's Complaint sets forth only generalized allegations of negligence, which are legally insufficient under the law of Pennsylvania and fails to allege all of the necessary elements of a cause of action in negligence.

WHEREFORE, Defendant requests this court to enter judgment in favor of Defendant and against Plaintiff, dismissing the Complaint, for failure to set forth a cause of action.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Richard Winkler', is written over a horizontal line.

Richard Winkler, Esquire
Attorney for Defendant
Supreme Court ID #23481
Butcher & Winkler
123 North Franklin Street
Titusville, PA 16354-1760
814/827-9002

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

Green Mountain, Inc.,
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

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No. 03 – 1267 - CD

VERIFICATION

I, Colleen Stuart, Executive Director of Venango Training and Development Center, Inc. verify that the statements made in the Preliminary Objections are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Venango Training and Development Center, Inc.

By


Colleen Stuart, Defendant

Title: Executive Director

Date: 10-1-03

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

Green Mountain, Inc.,
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

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No. 03 – 1267 - CD

ORDER

AND NOW, this _____ day of _____, 2003, this matter having come before the Court on the Preliminary Objection of Defendant for an order dismissing the above entitled action, and upon consideration thereof, it is hereby ordered that the above entitled action be and is dismissed.

BY THE COURT,

J.

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

GREEN MOUNTAIN, INC.

vs.

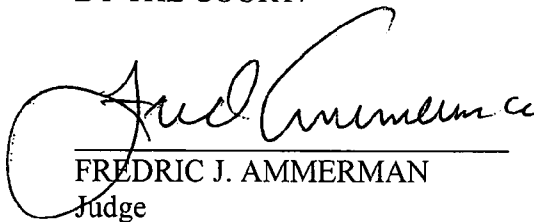
VENANGO TRAINING and
DEVELOPMENT CENTER, INC.

:
:
: No. 03-1267-CD
:
:

ORDER

AND NOW, this 9th day of December, 2003, it is the ORDER of
the Court that argument on Defendant's Preliminary Objections in the above matter
has been scheduled for **Friday, January 16, 2004 at 1:30 P.M.** in Courtroom No. 1,
Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
Judge

FILED

DEC 09 2003

William A. Shaw
Prothonotary

FILED

02-21-2003
DEC 09 2003
123 N Franklin St.
Philadelphia PA 19104

William A. Shaw
Prothonotary





**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

MEMO

TO: Attorneys and Litigants

FROM: Court Administrator's Office

RE: New Scheduling Procedure For Judge Ammerman

DATE: December 12, 2002

As many of you may be aware, due to the increase in the Court's caseload, especially in the area of Family Law, it has been difficult to find sufficient Court time to schedule hearings. To deal with this problem, Judge Ammerman will implement a new scheduling procedure in 2003. A larger number of miscellaneous petitions and motions will be scheduled for one day than has previously been done. Cases will, to an extent, also be scheduled at the same time. For example, four (4) different petitions/motions may all be scheduled at 8:45 A.M., and four (4) more at 10:00 A.M. The Court will then handle each case in the order in which it appears on the list. A similar procedure will be used in afternoon sessions. This policy will hopefully take full advantage of the Court's time relative the number of matters that are settled at the final hour, and make more days available for scheduling. This new policy will not affect requests for full day or one-half day hearings, like custody trials or hearings on economic issues.

As a result of this policy, this office is rescheduling numerous cases previously scheduled in January and February, 2003.

Pursuant to this policy change, effective immediately, please be advised that any attorney/party who has obtained a scheduled Court date with Judge Ammerman by the filing of any Petition or Motion will now be responsible for the service on opposing counsel/party of the certified copy of any Court Order that reschedules the Court date.

Additionally, any attorney who has been served a Petition/Motion that requires a Court appearance and then later requests that the Court date be rescheduled will also be responsible for service of the rescheduling Order on opposing counsel/party. This policy is in general and not specifically related to the rescheduling issue.

Please note: The certified copies will be provided to you.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

CIVIL DIVISION

JAN 21 2004

GREEN MOUNTAIN, INC.

-vs-

VENANGO TRAINING AND
DEVELOPMENT CENTER, INC.

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No. 03-1267-cb William A. Shaw
Prothonotary

O R D E R

NOW, this 16th day of January, 2004, following argument on Preliminary Objections filed on behalf of the Defendant, it is the ORDER of this Court as follows:

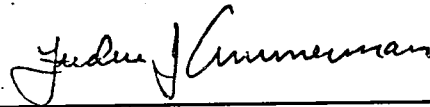
1. The parties shall have no more than fifteen (15) days from this date in which to provide the Court with letter brief relative Preliminary Objections based upon grounds of lack of capacity to sue as contained within Paragraphs 1 through 3 of the Defendant's Preliminary Objections. The Court notes that in the event the Plaintiff would discover that it does possess a certificate of authority a copy of the same shall be supplied to the Court and to Defense counsel;

2. Plaintiff shall have no more than fifteen (15) days from this date in which to cause an appropriate verification to be filed with the record and a copy provided to Defense counsel;

3. The Court is satisfied that the Plaintiff

should be required to file an amended complaint more specifically setting forth the basis of the cause of action. Plaintiff's counsel has requested a period of time to complete some Discovery in order to appropriately frame those issues. Accordingly, it is the further ORDER of this Court that Plaintiff shall file an amended complaint in no more than ninety (90) days from this date. In the event that Plaintiff has not been able to complete Discovery, despite reasonable, diligent and good-faith efforts to do so, it shall be the responsibility of the Plaintiff to file appropriate document requesting further extension of time.

BY THE COURT,

A handwritten signature in cursive script, appearing to read "Judge J. Ammerman", is written over a horizontal line.

President Judge

FILED

0 3:45 PM 2004 *cc: atty [unclear]*

JAN 21 2004

WILLIAM A. GIBSON
PROFESSOR

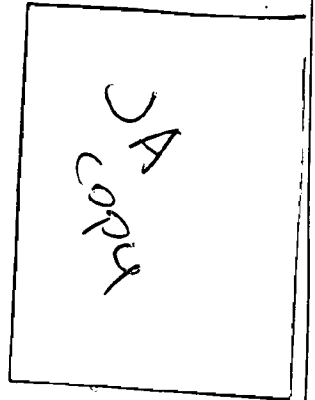
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

GREEN MOUNTAIN, INC.

-VS-

VENANGO TRAINING AND
DEVELOPMENT CENTER, INC.

No. 03-1267-CD



O R D E R

NOW, this 16th day of January, 2004, following argument on Preliminary Objections filed on behalf of the Defendant, it is the ORDER of this Court as follows:

1. The parties shall have no more than fifteen (15) days from this date in which to provide the Court with letter brief relative Preliminary Objections based upon grounds of lack of capacity to sue as contained within Paragraphs 1 through 3 of the Defendant's Preliminary Objections. The Court notes that in the event the Plaintiff would discover that it does possess a certificate of authority a copy of the same shall be supplied to the Court and to Defense counsel;

2. Plaintiff shall have no more than fifteen (15) days from this date in which to cause an appropriate verification to be filed with the record and a copy provided to Defense counsel;

3. The Court is satisfied that the Plaintiff

should be required to file an amended complaint more specifically setting forth the basis of the cause of action. Plaintiff's counsel has requested a period of time to complete some Discovery in order to appropriately frame those issues. Accordingly, it is the further ORDER of this Court that Plaintiff shall file an amended complaint in no more than ninety (90) days from this date. In the event that Plaintiff has not been able to complete Discovery, despite reasonable, diligent and good-faith efforts to do so, it shall be the responsibility of the Plaintiff to file appropriate document requesting further extension of time.

BY THE COURT,

President Judge

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

GREEN MOUNTAIN, INC.	:	No. 03-1267-CD
Plaintiff	:	
	:	Type of Pleading:
Vs.	:	
	:	VERIFICATION
VENANGO TRAINING and	:	
DEVELOPMENT CENTER, INC.,	:	Filed on Behalf of:
Defendant	:	PLAINTIFF
	:	
	:	Counsel of Record for This Party:
	:	
	:	Jeffrey S. DuBois, Esquire
	:	Supreme Court No. 62074
	:	190 West Park Avenue, Suite #5
	:	DuBois, PA 15801
	:	(814) 375-5598

FILED

JAN 29 2004

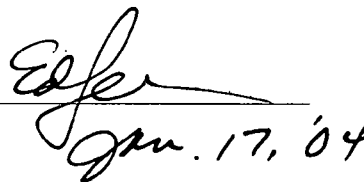
William A. Shaw
Prothonotary/Clerk of Courts

VERIFICATION

I, ED LEE, verify that the statements in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.

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

Ed Lee


Jan. 17, '04

FILED 3cc
of 2:05 PM
JAN 29 2004
Atty Dubois

William A. Shaw
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

GREEN MOUNTAIN, INC.
Plaintiff,

vs.

No. 03-1267-CD

VENANGO TRAINING and
DEVELOPMENT CENTER, INC.
Defendant.

ORDER

AND NOW, this 1ST day of March, 2004, following submission of briefs on behalf of both parties, it is the ORDER of this Court as follows:

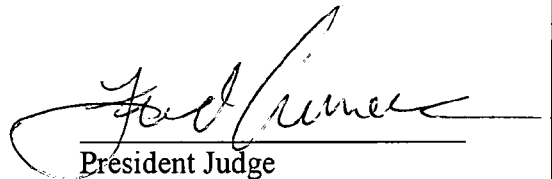
Defendant's Preliminary Objection based upon grounds of lack of capacity to sue as contained within Paragraphs 1 through 3 of the Defendant's Preliminary Objections is hereby DENIED. International Inventors Incorporated, East v. Berger, 363 A.2d 1262 (Pa.Super. 1976).

However, the Court ORDERS that the above-captioned matter is STAYED until such time as Plaintiff obtains the appropriate Certificate of Authority from the Pennsylvania Department of State. Upon receipt, Plaintiff shall submit a copy of said certificate to the Court and opposing counsel at which time the Court shall issue an Order lifting the stay imposed by this Order.

FILED

MAR 01 2004

William A. Shaw
Prothonotary


President Judge

FILED

*3:38 acc atty Dubois
acc atty Winkler*

MAR 01 2004

Winkler

**William A. Shaw
Prothonotary**

Date: 03/02/2004

Clearfield County Court of Common Pleas

User: DGREGG

Time: 10:17 AM

ROA Report

Page 1 of 1

Case: 2003-01267-CD

Current Judge: Fredric Joseph Ammerman

Green Mountain Inc. vs. Venango Training and Development Center, Inc,

Civil Other

Date		Judge
08/26/2003	✓ Filing: Civil Complaint Paid by: Jeff DuBois Receipt number: 1865168 Dated: 08/26/2003 Amount: \$85.00 (Check)	No Judge
10/06/2003	✓ Preliminary Objections, filed by Atty. Winkler 1 Cert. to Atty.	No Judge
12/09/2003	✓ ORDER, AND NOW, this 9th day of Decemnber, 2003, re: Argument on Defendant's Preliminary Objections scheduled for Friday, January 16, 2004, at 1:30 P.M. by the Court, s/FJA,J. 2 cc & Memo to Atty Winkler	Fredric Joseph Ammerman
01/21/2004	✓ ORDER, NOW, this 16th day of January, 2004, re: Argument on Preliminary Objections. by the Court, s/FJA,P.J. 2 cc Atty DuBois, Winkler	Fredric Joseph Ammerman
01/29/2004	✓ Verification of Statements In Complaint. s/Ed Lee 3 cc Atty DuBois	Fredric Joseph Ammerman
03/01/2004	✓ ORDER, AND NOW, this 1st day of March, 2004, re: Defendant's Preliminary Objections is hereby DENIED. However, matter is STAYED until such time as Plaintiff obtains appropriate Certificate of Authority from the Pennsylvania Department of State. Upon receipt, Plaintiff shall submit a copy of said certificate to the Court and opposing counsel at which time the Court shall issue an Order lifting the stay imposed by this Order. by the Court, s/FJA, P.J. 2 cc Atty DuBois, Winkler	Fredric Joseph Ammerman

Notice of Proposed Termination of Court Case

November 5, 2007

RE: 2003-01267-CD


Green Mountain Inc.

Vs.

Venango Training and Development Center, Inc,

FILED

NOV 05 2007

 William A. Shaw
Prothonotary/Clerk of Courts

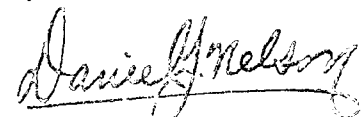
Dear Jeffrey S. DuBois, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 4, 2008**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



Daniel J. Nelson
Court Administrator

Notice of Proposed Termination of Court Case

November 5, 2007

RE: 2003-01267-CD

Green Mountain Inc.

Vs.

Venango Training and Development Center, Inc,

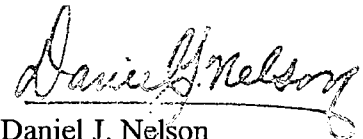
Dear Richard Winkler, Esq.:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **January 4, 2008**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

A handwritten signature in cursive script, appearing to read "Daniel J. Nelson", written over a horizontal line.

Daniel J. Nelson
Court Administrator

CA

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

CERTIFICATE OF READINESS (To be executed by Trial Counsel Only)	TO THE PROTHONOTARY DATE PRESENTED
CASE NUMBER 2003-1267-CD Date Complaint filed:	TYPE TRIAL REQUESTED () Jury () Non-jury (X) Arbitration
ESTIMATED TRIAL TIME _____ 1/2 _____ DAYS	

PLAINTIFF(S)

GREEN MOUNTAIN INC. _____ ()
DEFENDANT(S)

Check Block
if a Minor
is a Party
to the Case

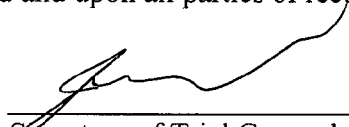
VENANGO TRAINING & DEVELOPMENT CENTER, INC. _____ ()
ADDITIONAL DEFENDANT(S)

JURY DEMAND FILED BY:	DATE JURY DEMAND FILED:
-----------------------	-------------------------

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
Under \$25,000.00	() Yes () No	

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 respect 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 – Jeffrey S. DuBois, Esquire

FILED *Atty DuBois*
01/10/2007 PD: 20.00
DEC 03 2007

William A. Shaw
 Prothonotary/Clerk of Courts

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF Jeffrey S. DuBois, Esquire	TELEPHONE NO. 814-375-5598
FOR THE DEFENDANT Richard Winkler, Esquire	TELEPHONE NO. 814-827-9002
FOR ADDITIONAL DEFENDANT	TELEPHONE NO.

(6)

CA

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

Green Mountain, Inc.
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

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No. 03 - 1267 - CD

Type of Document:

Motion to Strike Case from Arbitration List

Filed on behalf of:

Defendant

Counsel of Record for this Party:

Richard Winkler, Esquire
Supreme Court ID #23481
Butcher & Winkler
123 North Franklin Street
Titusville, PA 16354
(814) 827-9002

FILED
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DEC 14 2007
NOC
(GR)

William A. Shaw
Prothonotary/Clerk of Courts

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

Green Mountain, Inc.
PLAINTIFF,

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CERTIFICATE OF SERVICE

I do hereby certify that on the 12th day of DECEMBER, 2007 a true and correct copy of the within **Motion to Strike Case from Arbitration List** was sent by first class mail, postage prepaid to the following:

Jeffrey S. Dubois, Esquire
190 West Park Ave., Suite No. 5
DuBois, PA 15801



Richard Winkler, Esquire
Attorney for Defendant
Supreme Court ID #23481

BUTCHER & WINKLER, P.C.
123 North Franklin Street
Titusville, PA 16354-1760
814/827-9002

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

Green Mountain, Inc.	:	
PLAINTIFF,	:	
	:	
vs.	:	No. 03 – 1267 - CD
	:	
Venango Training and	:	
Development Center, Inc.,	:	
DEFENDANT.	:	

MOTION TO STRIKE CASE FROM ARBITRATION LIST

NOW COMES Defendant Venango Training and Development Center, Inc., by undersigned counsel and, pursuant to Local Rule 212.2, moves this Honorable Court for an order striking this case from the trial list on the following grounds:

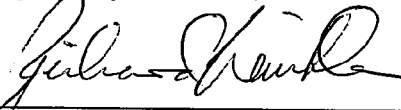
1. Plaintiff has complied with Subsection A of 212.2.
2. This action has not previously been listed for trial.
3. Plaintiff apparently filed a certificate of readiness on or about December 3, 2007, but Defendant's counsel was not served with said certificate until December 12, 2007.
4. This case should be stricken from the trial list for the following reasons:
 - a.) This case is not at issue and is not ready for trial, as Plaintiff has failed to comply with prior orders of this Court as discussed below.
 - b.) On January 16, 2004, this Court entered an Order directing Plaintiff to file an amended complaint, more specifically setting forth the alleged cause of action. To date, Plaintiff has never filed an amended complaint and has not complied with the Order of Court.
 - c.) On March 1, 2004, this Court entered a further Order staying this action until Plaintiff obtained the appropriate certificate of authority from the Pennsylvania Department of State, and then submitted copies of said

certificate to the Court and Defendant's counsel. To date, said Order has not been complied with and this matter is still stayed pursuant to that Order.

- d.) As a result of Plaintiff's failure to comply with prior orders of court, particularly including the failure to file an amended complaint setting forth a cause of action with specificity, Defendant has not filed an answer to the complaint, including asserting potential counterclaims against Plaintiff.
- e.) Notwithstanding Plaintiff's allegation that discovery is complete, there has never been any discovery undertaken in this case.

WHEREFORE, Defendant respectfully requests that this Court enter an order removing this case from the trial list until such time as Plaintiff complies with prior orders of Court, the issues are joined, appropriate discovery has been completed, and a proper praecipe for trial is filed.

Respectfully submitted,



Richard Winkler, Esquire
Attorney for Defendant
Supreme Court ID #23481

BUTCHER & WINKLER, P.C.
123 North Franklin Street
Titusville, PA 16354-1760
814/827-9002

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

Green Mountain, Inc.
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

No. 03 - 1267 - CD

ORDER

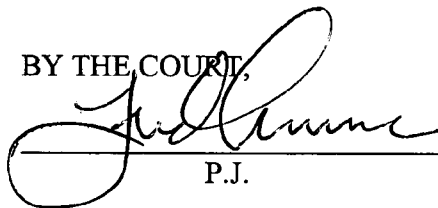
NOW, this 19th day of December, 2007, upon
consideration of the foregoing Motion, it is hereby ORDERED that:

1. A Rule is issued upon the Respondent / Plaintiff to show cause why the moving party is not entitled to the relief requested;
2. The Respondent shall file an Answer to the Motion within _____ days of this date;
3. The Motion shall be decided under Pa.R.C.P. 206.7;
4. Depositions and all other discovery shall be completed within _____ days of this date;
5. An evidentiary hearing on disputed issues and material facts shall be held on _____, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. _____;
6. Argument shall be held on January 23, 2008, in Courtroom No. 1 @ 2:00 pm of the Clearfield County Courthouse;
7. Notice of the entry of this Order shall be provided to all parties by the moving party.

FILED
DEC 19 2007

ICC
Att'y Winkler
@

BY THE COURT,


P.J.

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: ~~12/19/07~~

~~X~~ You are responsible for serving all appropriate parties.

~~___~~ The Prothonotary's Office has provided service to the following parties:

~~___~~ Plaintiff(s) ~~___~~ Plaintiff(s) Attorney ~~___~~ Other

~~___~~ Defendant(s) ~~___~~ Defendant(s) Attorney

~~___~~ Special Instructions:

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

Green Mountain, Inc.
PLAINTIFF,

vs.

Venango Training and
Development Center, Inc.,
DEFENDANT.

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No. 03 – 1267 - CD

ORDER OF COURT

NOW, this _____ day of _____, 2007, upon Defendant's Motion to Strike Case from Arbitration List, said Motion is granted and this case is stricken from the trial list. Plaintiff is further directed to comply with prior Orders of Court within ten days of the date hereof or a non-suit shall be entered.

BY THE COURT,

P.J.

A

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

GREEN MOUNTAIN, INC.,
Plaintiff

vs.

VENANGO TRAINING and DEVELOPMENT
CENTER, INC.,
Defendant

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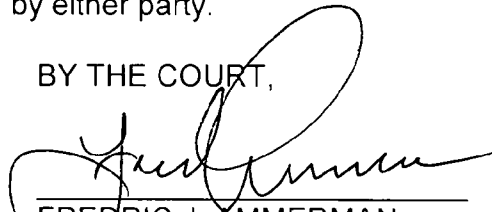
NO. 03-1267-CD

ORDER

NOW, this 3rd day of January, 2008, the Court being in receipt of and having reviewed the Defendant's Motion to Strike Case from Arbitration List and noting agreement by Plaintiff's counsel, Jeffrey S. DuBois, it is the ORDER of this Court as follows:

1. The Defendant's Motion to Strike Case from Arbitration List is granted;
2. Argument on Defendant's Motion to Strike Case from Arbitration List scheduled for January 23, 2008 is canceled;
3. The Arbitration hearing scheduled for February 7, 2008 at 1:00 p.m. is canceled; and
4. The above-captioned case will be relisted for Arbitration upon a Praecipe for Arbitration being filed by either party.

BY THE COURT,


FREDRIC J. AMMERMAN
Resident Judge

FILED
012346
JAN 03 2008

2cc Atty's:
DuBois
Winkler

William A. Shaw
Prothonotary/Clerk of Courts

(6K)

DATE: 1/3/08

 You are responsible for serving all appropriate parties.

 X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts

JAN 03 2008

FILED

Notice of Proposed Termination of Court Case

March 2, 2012

RE: 2003-01267-CD

Green Mountain Inc.

Vs.

Venango Training and Development Center, Inc,

FILED
MAR 02 2012
COURT CLERK
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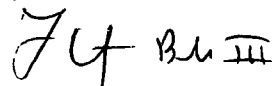
To All Parties and Counsel:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **May 2, 2012**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,



F. Cortez Bell, III, Esq.
Court Administrator

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

GREEN MOUNTAIN, INC.

Plaintiff

vs.

VENANGO TRAINING and DEVELOPMENT CENTER, INC.

Defendant

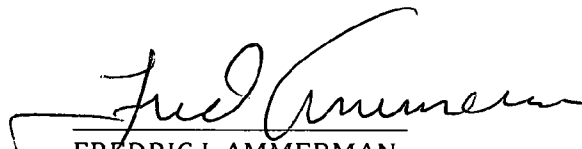
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NO. 2003-1267-CD

ORDER

NOW, this 28th day of February, 2013, upon the Court's review of the record, with the Court noting from the docket there has been no activity in the case since January 3, 2008, and that a Notice of Proposed Termination of Court Case had been mailed to the parties March 2, 2012 with no response having been received, pursuant to the provisions of Rule of Judicial Administration 1901 the case is hereby DISMISSED for inactivity. The Prothonotary shall code the case in Full Court as Z-1901A.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 1cc Atty's:
0/8:30am J. DuBois
MAR 6 2013 R. Winkler

William A. Shaw
Prothonotary/Clerk of Courts