

03-1864-CD
BMP SYSTEMS vs. BTERLEY'S OFFICE EQUIPMENT

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46th JUDICIAL DISTRICT
COUNTY OF CLEARFIELD

NOTICE OF APPEAL

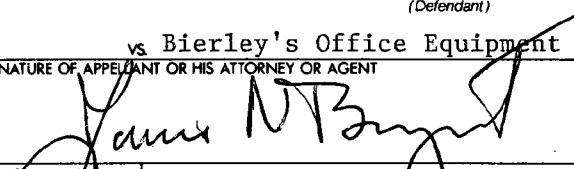
FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 03-1864-CJ

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT BIERLY'S OFFICE EQUIPMENT	MAG. DIST. NO. OR NAME OF D.J. Patrick N. Ford / 46-3-01		
ADDRESS OF APPELLANT East College Avenue, P. O. Box 5190,	CITY Pleasant Gap	STATE PA	ZIP CODE 16823
DATE OF JUDGMENT 12/1/03	IN THE CASE OF (Plaintiff) BMP Systems	(Defendant) vs Bierley's Office Equipment	
CLAIM NO. CV 19 0000459-03 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.		If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.	
Signature of Prothonotary or Deputy			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

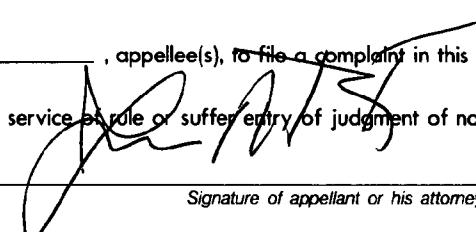
(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon BMP Systems, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 03-1864-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.


Signature of appellant or his attorney or agent

RULE: To BMP Systems, appellee(s).
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: 12/1/03.


Signature of Prothonotary or Deputy

FILED

DEC 19 2003

William A. Shaw
Prothonotary/Clerk of Courts

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____ ; ss

AFFIDAVIT: I hereby swear or affirm that I served

- a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____, 19_____. by personal service by (certified) (registered) mail, sender's receipt attached hereto.
- and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, 19_____. by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 19_____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____, 19_____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**

BIERLY'S OFFICE EQUIPMENT
E COLLEGE AVE
P.O. BOX 5190
PLESANT GAP, PA 16823

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

BMP SYSTEMS
RD 3 BOX 36
DUBOIS, PA 15801

NAME and ADDRESS

DEFENDANT:

BIERLY'S OFFICE EQUIPMENT
E COLLEGE AVE
P.O. BOX 5190
PLESANT GAP, PA 16823

VS.

NAME and ADDRESS

Docket No.: **CV-0000459-03**
Date Filed: **10/28/03**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

- Judgment was entered for: (Name) **BMP SYSTEMS**
- Judgment was entered against: (Name) **BIERLY'S OFFICE EQUIPMENT**
- in the amount of \$ **1,886.50** on: (Date of Judgment) **12/01/03**
- Defendants are jointly and severally liable. (Date & Time) _____
- Damages will be assessed on: _____
- This case dismissed without prejudice. _____
- Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____
- Portion of Judgment for physical damages arising out of residential lease \$ _____
- | | |
|--|--------------------|
| Amount of Judgment | \$ 1,815.00 |
| Judgment Costs | \$ 71.50 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$ 1,886.50 |
| Post Judgment Credits | \$ _____ |
| Post Judgment Costs | \$ _____ |
| Certified Judgment Total \$ _____ | |

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR DISTRICT JUSTICES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE DISTRICT JUSTICE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

12-1-03 Date Patrick N. Ford - gwf, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January, 2006 .

SEAL

AOPC 315-03

DATE PRINTED: **12/01/03** **2:56:35 PM**

FILED

copies to Atty Bryant

M/3,000.00

DEC 19 2003

Atty pd 85.00

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46th JUDICIAL DISTRICT
COUNTY OF CLEARFIELD

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

03-1864-CJ

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT BIERLY'S OFFICE EQUIPMENT	MAG. DIST. NO. OR NAME OF DJ. Patrick N. Ford / 46-3-01
ADDRESS OF APPELLANT East College Avenue, P. O. Box 5190,	CITY Pleasant Gap
DATE OF JUDGMENT 12/1/03	STATE PA
IN THE CASE OF (Plaintiff) BMP Systems	ZIP CODE 16823
CLAIM NO. CV 19 0000459-03	vs. Bierley's Office Equipment
LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Yance NT Bierley</i>
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>Signature of Prothonotary or Deputy</p>	
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon BMP Systems, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 03-1864-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

John M. T. S.

Signature of appellant or his attorney or agent

RULE: To BMP Systems, appellee(s).

Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: 12/1/03

Walter M. T. S.

Signature of Prothonotary or Deputy

FILED

12:00 PM
DEC 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

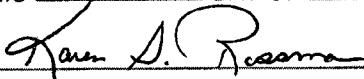
COUNTY OF CENTRE ; ss

AFFIDAVIT: I hereby swear or affirm that I served

- a copy of the Notice of Appeal, Common Pleas No. 03-1864-CD, upon the District Justice designated therein on
(date of service) December 22, 2003, by personal service by (certified) ~~xxxxxxxx~~ mail, sender's
receipt attached hereto, and upon the appellee, (name) BMP Systems, on
December 23, 2003 by personal service by (certified) ~~xxxxxxxx~~ mail, sender's receipt attached hereto.
- and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom
the Rule was addressed on December 22, 2003, 1903 by personal service by (certified) ~~xxxxxxxx~~ mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 22nd DAY OF December, 2003

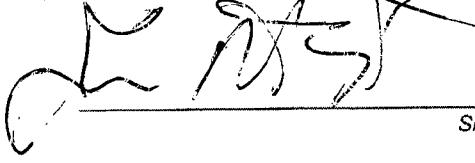


Signature of official before whom affidavit was made

Notary Public

Title of official

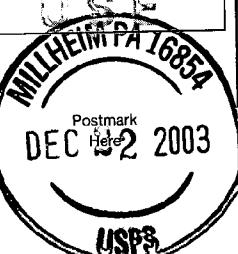
My commission expires on March 11, 2005, 1905


Signature of affiant

Notarial Seal
Karen S. Rossman, Notary Public
Millheim Boro, Centre County
My Commission Expires Mar. 11, 2005

Member, Pennsylvania Association of Notaries

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

OFFICIAL USE	
Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 2.67
  Postmark Here DEC 22 2003 USPS	
Sent To BMP SYSTEMS	
Street, Apt. No. or PO Box No. RD 3 BOX 36	
City, State, ZIP+4 DUBOIS PA 15801	

PS Form 3800, January 2001
See Reverse for Instructions

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

OFFICIAL USE	
Postage	\$.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 2.67
  Postmark Here DEC 22 2003 USPS	
Sent To DISTRICT JUSTICE PATRICK N FORD	
309 Maple Avenue	
Street, Apt. No. or PO Box No. P. O. Box 452	
City, State, ZIP+4 Dubois PA 15801	

PS Form 3800, January 2001
See Reverse for Instructions

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA

Telephone: (814) 371-5321 15801

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

BMP SYSTEMS
RD 3 BOX 36
DUBOIS, PA 15801

NAME and ADDRESS

DEFENDANT:

BIERLY'S OFFICE EQUIPMENT
E COLLEGE AVE
P.O. BOX 5190
PLEASANT GAP, PA 16823

NAME and ADDRESS

Docket No.: **CV-0000459-03**
Date Filed: **10/28/03**



03-1864-C

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

- Judgment was entered for: (Name) **BMP SYSTEMS**
- Judgment was entered against: (Name) **BIERLY'S OFFICE EQUIPMENT**
- in the amount of \$ **1,886.50** on: (Date of Judgment) **12/01/03**
- Defendants are jointly and severally liable. (Date & Time) _____
- Damages will be assessed on: **FILED**
m 100811 a 1
DEC 29 2003
- This case dismissed without prejudice. **DEC 29 2003**
- Amount of Judgment Subject to William A. Shaw
Attachment/42 Pa.C.S. § 8127 \$ **Prothonotary/Clerk of Courts**
- Portion of Judgment for physical damages arising out of residential lease \$ _____
- | | |
|--|--------------------|
| Amount of Judgment | \$ 1,815.00 |
| Judgment Costs | \$ 71.50 |
| Interest on Judgment | \$.00 |
| Attorney Fees | \$.00 |
| Total | \$ 1,886.50 |
| Post Judgment Credits | \$ _____ |
| Post Judgment Costs | \$ _____ |
| Certified Judgment Total \$ _____ | |

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UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE DISTRICT JUSTICE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

12-1-03 Date Patrick N. Ford - PWF, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

Date _____, District Justice

My commission expires first Monday of January, **2006**.

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

CIVIL COMPLAINT

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

PLAINTIFF:

NAME and ADDRESS

BMP Systems Inc.

RD#3 Box 36

Du Bois, PA 15801

VS.

DEFENDANT:

NAME and ADDRESS

Bierly's Office Equipment
East College Ave.
PO Box 5190
Pleasant Gap, PA 16823

Docket No: **CV 45903**
Date Filed:



FILING COSTS	AMOUNT	DATE PAID
SERVING COSTS	\$ <u>11.50</u>	/ /
TOTAL	\$ <u>11.50</u>	/ /

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 1,815.00 together w
costs upon the following claim (Civil fines must include citation of the statute or ordinance
violated):

Complaint is on invoice #7613, in the amount of \$1,815.00. The invoice
is for work preformed at the request of the defendant. The work consisted
of programming a cash register system for their client, Roma Pizza of
111 Sowers St. in St. College, PA. Defendant contacted us about preforming
the work on July 30, 2003. The programming was done at BMP Systems Inc.
during the week of August 4th, 2003. On August 11th, 2003, we arrived at
the offices of Bierly's Office Equipment at 9:00 am and installed the
programming on the defendants equipment. In the afternoon of the same
day, we then took the equipment to Roma Pizza and installed the defendants
equipment. We setup and tested the equipment at the location. At 4:00 pm,
we then headed back to BMP Systems Inc.

I, Jeffrey S. Teats verify that the facts set forth in this complaint are true and
correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of
Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

Jeffrey S. Teats
(Signature of Plaintiff or Authorized Agent)

Plaintiff's
Attorney:

Address:

Telephone:

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE
TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU
JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend
to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before
the date set for the hearing. If you have a claim against the plaintiff which is not within district justice
jurisdiction, you may request information from this office as to the procedures you may follow. If you
are disabled and require assistance, please contact the Magisterial District office at the address
above.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD

Address: **309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA**

Telephone: **(814) 371-5321 15801**

**PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801**

**CIVIL ACTION
HEARING NOTICE**

NAME and ADDRESS

PLAINTIFF:

**BMP SYSTEMS
RD 3 BOX 36
DUBOIS, PA 15801**

VS.

DEFENDANT:

**BIERLY'S OFFICE EQUIPMENT
E COLLEGE AVE
P.O. BOX 5190
PLEASANT GAP, PA 16823**

Docket No.: **CV-0000459-03**

Date Filed: **10/28/03**



A civil complaint has been filed against you in the above captioned case. A hearing has been set in this matter for:

Date:	11/25/03	Place:	DISTRICT COURT 46-3-01
Time:	9:45 AM		309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA 15801

NOTICE TO DEFENDANT

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to PA.R.CP.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

NOTICE TO PLAINTIFF

If the defendant enters a Notice of Intent to Defend, you will be notified of the date and time of the scheduled hearing and must appear.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

RECEIPT OF PAYMENT

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA

Telephone: **(814) 371-5321** **15801**



REMITTER :

BMP SYSTEMS
RD 3 BOX 36
DUBOIS, PA 15801

Docket No.: **CV-0000459-03**
Date Filed: **10/28/03**

RECEIPT NO:	095648	DATE:	10/28/03	PAGE:	1
SOURCE:	PAID AT WINDOW		AMOUNT RECEIVED:	\$	71.50
METHOD:	PAID BY CASH		AMOUNT APPLIED:	\$	71.50
CHECK#:			COLLATERAL APPLIED:	\$.00
MANUAL RECEIPT#:			CHANGE:	\$.00
CITATION#:					
COSTS INCLUDED ON:			NEXT PAYMENT AMOUNT:		
			NEXT PAYMENT DATE:		
			NEXT PMT TYPE:		

PAYMENT DESCRIPTION	BALANCE FWD	AMT APPLIED	CURRENT BAL
JUDICIAL COMPUTER PROJECT	8.50	8.50-	.00
ACCESS TO JUSTICE	1.50	1.50-	.00
POSTAGE	10.00	10.00-	.00
COMMONWEALTH COST- HB627	12.87	12.87-	.00
FILING FEES COMM-COST	12.87	12.87-	.00
FILING FEES 17-CTY	25.76	25.76-	.00
TOTAL	71.50	71.50-	.00
CURRENT BALANCE DUE	.00		

RECV'D FROM BMP SYSTEMS
KIM THANK YOU!

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

NOTICE OF INTENT TO DEFEND

PLAINTIFF:

BMP SYSTEMS
RD 3 BOX 36
DUBOIS, PA 15801

NAME and ADDRESS

DEFENDANT:

BIERLY'S OFFICE EQUIPMENT
E COLLEGE AVE
P.O. BOX 5190
PLESANT GAP, PA 16823

VS.

NAME and ADDRESS

Docket No.: **CV-0000459-03**
Date Filed: **10/28/03**



HEARING: CIVIL ACTION HEARING

Date: **12/01/03**

Place: **DISTRICT COURT 46-3-01**

Time: **2:30 PM**

309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

PLAINTIFF: BMP SYSTEMS

You are hereby notified that the defendant named below has given notice of his intent to present a defense at the hearing in the above case.

DEFENDANT: BIERLY'S OFFICE EQUIPMENT

11/19/03

Date

Patrick N. Ford

, District Justice

My commission expires first Monday of January, **2006**.

SEAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-01

DJ Name: Hon.

PATRICK N. FORD
Address: **309 MAPLE AVENUE**
P.O. BOX 452
DUBOIS, PA
Telephone: **(814) 371-5321**

15801

PATRICK N. FORD
309 MAPLE AVENUE
P.O. BOX 452
DUBOIS, PA 15801

NOTICE OF CONTINUANCE

PLAINTIFF:

BMP SYSTEMS
RD 3 BOX 36
DUBOIS, PA 15801

NAME and ADDRESS

DEFENDANT:

BIERLY'S OFFICE EQUIPMENT
E COLLEGE AVE
P.O. BOX 5190
PLESANT GAP, PA 16823

VS.

NAME and ADDRESS

Docket No.: **CV-0000459-03**
Date Filed: **10/28/03**



Please note that the hearing in the above captioned case, which was scheduled to occur on: **11/25/03**

has been continued to:

Date:	12/01/03	Place: DISTRICT COURT 46-3-01
Time:	2:30 PM	309 MAPLE AVENUE P.O. BOX 452 DUBOIS, PA 15801

If you have any questions, please contact this office immediately.

Continuance requested by: **DISTRICT JUSTICE**

If you are disabled and require assistance, please contact the Magisterial District office at the address above.

11/19/03 Date Patrick N. Ford, District Justice

My commission expires first Monday of January, **2006**

SEAL

Law Offices
BRYANT & CANTORNA, P.C.

PLEASE REPLY TO

James N. Bryant
Bernard F. Cantorna
www.bryant-associates.com

MILLHEIM OFFICE

November 14, 2003

107 East Main Street
Millheim, PA 16854
814-349-5666
814-364-9869
FAX 814-349-2212

IN STATE COLLEGE
1901 East College Avenue
State College, PA 16801
814-238-4370
FAX 814-238-8016

Honorable Patrick N. Ford
309 Maple Avenue
P. O. Box 452
Dubois, PA 15801

Re: BMP Systems v. Bierly's Office Equipment
CV-0000459-03

Dear Mr. Ford:

A representative of Bierly's Office Equipment will be at the hearing scheduled for November 25, 2003 to appear and defend. My client will be contesting venue. The contract was entered into in Centre County; was for programing restaurant equipment in Centre County and the defective workmanship occurred in Centre County. We object to venue under District Justice Rule No. 302. The representative of Bierly's Office Equipment will ask that the case be transferred to District Justice Daniel Hoffman in Bellefonte, Pennsylvania, who would have jurisdiction over this case, or District Justice Carmine Prestia in State College, Pennsylvania, which would be where the work occurred.

Very truly yours,

BRYANT & CANTORNA, P.C.

By:

James N. Bryant
James N. Bryant

JNB:ksr

cc: Harrison Tressler/Bierly's Office Equipment

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.

4. Article Addressed to:

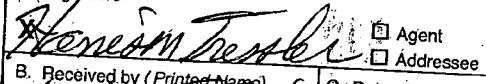
Bierly's Office
Equipment

CV 45903

7002 2410 0000 3956 8087

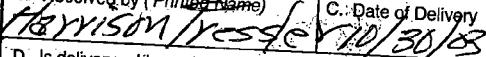
COMPLETE THIS SECTION ON DELIVERY

A. Signature



Agent Addressee

B. Received by (Printed Name)



C. Date of Delivery
10/10/01

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

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

46TH JUDICIAL DISTRICT

COUNTY OF CLEARFIELD

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

03-1864 (1)

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT

BIRLEY'S OFFICE EQUIPMENT

ADDRESS OF APPELLANT

51 College Avenue, P. O. Box 5190,

IN THE CASE OF (Plaintiff)

1/103

BMP Systems

OF JUDGMENT

MAG. DIST. NO. OR NAME OF DJ

Patrick N. Ford / 46-3-01

CITY

STATE

ZIP CODE

PA

16823

(Defendant)

vs Bierley's Office Equipment

CIV. NO.

CV 19 0000459-03

LT 19

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary, or Deputy

If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

COPY TO BE SERVED ON DISTRICT JUSTICE

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

BMP SYSTEMS, Inc., a duly formed and existing
Pennsylvania Corporation,
PLAINTIFF,

: No. 03- 1864 -CD

v.
HAROLD TRESSLER, t/d/b/a
BIERLY'S OFFICE EQUIPMENT,

DEFENDANTS.

: Type of Pleading:

: **CIVIL COMPLAINT**

: Filed By:
Plaintiff

: Counsel of Record:

: Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814:-375-2221
PA I.D.#: 55942

FILED

JAN 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
v.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM 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 CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David Meholic, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

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

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
v.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

CIVIL COMPLAINT

NOW COMES, BMP Systems, Inc., Plaintiff, by and through its counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of its CIVIL COMPLAINT:

The Parties

1. Plaintiff is BMP Systems, Inc., a duly formed and existing Pennsylvania corporation, currently with, and at all material times, principal place of business at RD #3, Box 36, DuBois, Clearfield County, Pennsylvania.
2. Defendant is Harold Tressler t/d/b/a Bierly's Office Equipment, upon information and belief a sole proprietorship, with, and at all material times, principal place of business at East College Avenue, Pleasant Gap, Centre County, Pennsylvania, and mailing address of P.O. Box 5190, Pleasant Gap, PA 16823.

Background

3. Defendant initially called BMP Systems, Inc., on, or about July 30, 2003, at its aforementioned place of business and requested its assistance to program certain cash registers which Defendant had previously sold to its customer, namely Roma Pizza, located in State College.
4. Following some additional conversations between Plaintiff and Defendant, Plaintiff indicated it could do as requested and would do so for \$1,800 plus any additional materials needed in the

task and faxed a quote to Defendant, on, or about August 4, 2003. A true and correct copy of said quote is attached hereto as Exhibit "A".

5. BMP Systems, Inc., by and through its employees, did do such programming by doing so in its office and then, on August 11, 2003, went to Defendant's office to assure the programming was running effectively and installed the same into the equipment sold by Defendant to Roma Pizza.

6. After doing so, Plaintiff and Defendant went to Roma Pizza in State College, Defendant left to go somewhere else, and Plaintiff installed the equipment, which had been programmed for Roma Pizza, including its seating charts and menu.

7. After installing the programmed equipment, which was running as designed, and doing some training for Roma Pizza, Plaintiff left.

8. On, or about August 12, 2003, a representative from Plaintiff called Roma Pizza to provide a quote on some additional supplies which Roma Pizza had requested. At this time, Roma Pizza did not indicate any problems with the programmed equipment which had been installed the day before.

9. On, or about August 13, 2003, Plaintiff again called Roma Pizza to assure the programmed equipment was performing adequately. At this time, Roma Pizza again did not indicate any problems with the programmed equipment.

10. On, or about August 12, 2003, Plaintiff sent an invoice to Defendant, showing a balance due of \$1,815. A true and correct copy of the invoice is attached as Exhibit "B".

11. Defendant failed to respond to said invoice.

12. Even though Plaintiff sent late notices and attempted to call Defendant, Defendant failed to pay or respond in any manner to Plaintiff's attempts to collect the money owed to it by Defendant. These are attached hereto as Exhibits "C" and "D".

Breach of Contract

13. The averments of paragraphs 1 - 12 are included as if again fully set forth at length.

14. That Plaintiff at all times performed as agreed upon and billed as agreed upon.

15. That services provided by Plaintiff were reasonable and in accordance with industry standards and the few supplied materials were in good condition and repair.

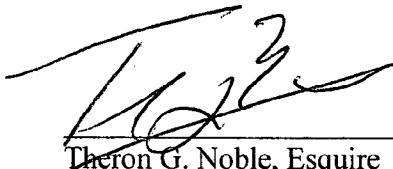
16. That Defendant has failed to pay for these services and materials.
17. That according to the terms of its billing practices, as contained in Plaintiff's quote and is customary in the industry, Defendant is liable for interest in the amount 18% per annum on outstanding balances.

Miscellaneous

18. That jurisdiction is proper.
19. That venue is proper.

WHEREFORE, Plaintiff requests that judgment be entered in his favor, and against Defendant, in an amount of \$1,815, together with interest and costs.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942



BMP SYSTEMS, INC.

R.D. 3, BOX 36 • P.O. BOX 314
DUBOIS, PENNSYLVANIA 15801
(814) 375-0165 • FAX: (814) 371-3388

QUOTE

Bierly's Office Equipment
East College Ave. Rte. 26
P.O. Box 5190
Pleasant GAP, PA 16823

INVOICE NO.	A 18292
DATE	8/16/93
ACCOUNT NO.	
YOUR P. O. NUMBER	
TERMS	
SHIP VIA	
FOB	
SALESMAN	

QTY.	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
		Programming of FS-3600 for Roma Pizza		1800.00
		Price includes:		
		- Programming of 3600		
		- Installation of program on Customers machine		
		- Setup of machines/Printers on-site		
		- Testing of system		
		Exhibit "A"		

TERMS - NET 20 Days. AFTER 30 DAYS a monthly FINANCE CHARGE of one and a half percent (1 1/2%), which is an ANNUAL PERCENTAGE RATE of eighteen percent (18%) on the unpaid balance will be charged.

CUSTOMER'S SIGNATURE _____

SUB-TOTAL	1800.00
TAX	Reseller
TOTAL	1800.00



BMP SYSTEMS, INC.

Sales - Service - Rentals

RD #3 Box 36

DU BOIS, PA 17837

20 E. 60th, New York.

(814) 371-3881
Fax (814) 371-3388

WORK OF GOD

7613

TO: Bierly's Office Equipment
P.O. Box 5790
Pleasant Gap, PA 16823

TERMS: Net 10 Days. No statement sent. Return invoice copy with payment.

PHONE	DATE OF ORDER <u>8/11/03</u>
ORDER TAKEN BY	CUSTOMER'S ORDER NUMBER
<input type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA	
JOB NAME/NUMBER	
JOB LOCATION	
JOB PHONE	STARTING DATE

Work ordered by

Client Signature

Signature

I hereby acknowledge the satisfactory completion of the above described work.

TOTAL OTHER		
Thank You	TAX	Rose 11
	TOTAL	1815.00



BMP SYSTEMS INC

PO BOX 314
RD 3 BOX 36
DUBOIS PA 15801

ACCOUNT INVOICE

Date:

10/22/2003

Bill to:

**BIERLY'S OFFICE EQUIPMENT
P O BOX 5190
PLEASANT GAP PA 16823**

TERMS	AMOUNT DUE	AMOUNT ENC.
NET 10	\$1,857.96	

DATE	DESCRIPTION	AMOUNT	BALANCE		
05/31/2003	Balance forward		0.00		
08/13/2003	INV #7613 - RESALE	1,815.00	1,815.00		
08/31/2003	INV #FC 1027 - Finance Charge	16.11	1,831.11		
09/30/2003	INV #FC 1068 - Finance Charge	26.85	1,857.96		
 Exhibit "C"					
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
0.00	26.85	1,831.11	0.00	0.00	\$1,857.96

Exhibit "C"

**IN THE FUTURE, PLEASE PAY FROM THE WORK
ORDER INVOICES YOU RECEIVE WITH YOUR
SUPPLIES OR SERVICE. TERMS: NET 10 DAYS.**

BMP Systems, Inc.

Office Equipment Sales & Service

P.O. Box 314 DuBois, PA 15801



(814) 371-3881

September 29, 2003

Bierly's Office Equipment
P O Box 5190
Pleasant Gap, PA 16823

Re: Invoice no: 7613
Balance Due: \$1831.11

Dear Sir:

Please be advised that the above indebtedness has been referred to my attention for immediate action.

The previous efforts of BMP Systems Inc. in soliciting your cooperation have proven unsuccessful. Legal action will be taken. This legal action will result in additional expenses, including the service of process and other court costs; thereby increasing your debt and overall financial obligation.

In order to prevent the foregoing action, you must contact Jeffrey S. Teats, Manager, within seven (7) days from the date of this letter to make arrangements for the immediate payment of this debt. This person can be reached at the address shown above or at 814-371-3881 by telephone.

Jeffrey S. Teats, Manager

Exhibit "D"

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

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
v.) No. 03- 1864 -CD
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
DEFENDANTS.)

VERIFICATION

I, Jeff Teats, manager for Plaintiff, does hereby swear and affirm that I have read the foregoing and attached CIVIL COMPLAINT in the above captioned matter, and that to the best of my information, knowledge and belief, the facts as set forth therein are true and correct. Furthermore, that I make this statement subject to the penalties of 18 Pa.C.S.A. 4101, relating to unsworn falsification to authorities.

So made this 31st day of December, 2003.



Jeff Teats, Manager,
BMP Systems, Inc., Plaintiff

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

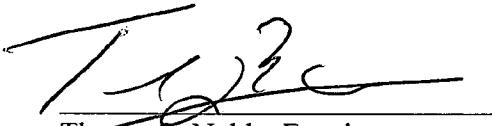
BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
v.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, attorney for Plaintiff, does hereby certify that I did mail, to the below indicated person at the below listed address, being counsel of record for the Defendant, this 3rd day of January, 2004, a true and correct copy of Plaintiff's CIVIL COMPLAINT, via United States Mail, first class, postage prepaid, as follows:

James N. Bryant, Esquire
Byrant & Cantorina, P.C.
107 E. Main St.
Millheim, PA 16854

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.No.: 55942

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

BMP SYSTEMS, INC., a duly formed and
existing Pennsylvania Corporation,
Plaintiff

v. : No. 03 - 1864 - CD

HAROLD TRESSLER, t/d/b/a
BIERLY'S OFFICE EQUIPMENT,
Defendants

Type of Pleading:

ANSWER & COUNTERCLAIM

Filed on behalf of

Defendant

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084

BRYANT & CANTORNA, P.C.
107 East Main Street
P. O. Box 551
Millheim, PA 16854

(814) 349-5666

FILED

JAN 16 2004

1/12/04

William A. Shaw

Prothonotary/Clerk of Courts

W.A. Shaw
1/12/04

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

BMP SYSTEMS, INC., a duly formed and
existing Pennsylvania Corporation,
Plaintiff

v. : No. 03 - 1864 - CD

HAROLD TRESSLER, t/d/b/a
BIERLY'S OFFICE EQUIPMENT,
Defendants

NOTICE

TO: BMP SYSTEMS, INC., Plaintiff
c/o Theron G. Noble, Esq.
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

IN ACCORDANCE WITH RULES 1026 AND 1361 OF THE PENNSYLVANIA RULES OF
CIVIL PROCEDURE, YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED DEFENDANT'S ANSWER AND COUNTERCLAIM WITHIN TWENTY (20) DAYS
FROM SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

BRYANT CANTORNA, P.C.

By: _____

James N. Bryant, Esq.
Attorney for Defendants
107 East Main Street
Millheim, PA 16854

DATED: January 15, 2004

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

ANSWER AND COUNTERCLAIM

AND NOW, comes the Defendant, Harold Tressler, t/d/b/a Bierly's Office equipment, by and through its attorney, James N. Bryant, Esq., of Bryant & Cantorna, P.C., and files this Answer and Counterclaim, and avers as follows:

ANSWER

1. Admitted.
 2. Denied as stated. On the contrary, the Defendant Harrison W. Tressler was and is at all times an employee of Bierly's Office Equipment, Inc., a Pennsylvania corporation. At all times relevant to this incident, the appropriate Defendant is Bierly's Office Equipment, Inc.
 3. Admitted.
 4. Admitted.
 5. Admitted.
 6. Admitted.
 7. Denied as stated. On the contrary, Harrison Tressler, an employee of the Bierly's Office Equipment, Inc. returned 45 minutes later and found the Plaintiff's employees had left. If this is what the Plaintiff means by "doing some training" then this is admitted.

8. After a reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief or answer the allegations contained in this paragraph in that it involves other people and other times when no representative of Bierly's Office Equipment, Inc. was present.

9. Denied for the same reason set forth in paragraph 8 above.

10. Admitted.

11. Denied as stated. On the contrary, the Plaintiff was advised by Harrison W. Tressler, an employee of Bierly's Office Equipment, Inc., that Roma's was so dissatisfied with the equipment that they removed all the equipment, including that which had been programmed, and refused to pay Bierly's Office Equipment, Inc. for the equipment. It is further averred that the programming was evidently for a McDonald's because all the slips printed McDonald's. For this reason, Bierly's Office Equipment, Inc. refused to pay the invoice to Plaintiff.

12. Admitted.

BREACH OF CONTRACT

13. No answer is required.

14. Denied as stated. On the contrary, the programming provided by the Plaintiff was so substandard that the customer refused to use it, refused to pay for the machine that had been programmed to use it, and removed the machines from its premises.

15. Denied as stated. On the contrary, the services provided by the Plaintiff were grossly defective and caused the Defendant, Bierly's Office Equipment, Inc., substantial expense.

16. Admitted.

17. Admitted.

MISCELLANEOUS

18. Denied as stated. On the contrary, jurisdiction and venue would properly be in Centre County. However, Bierly's Office Equipment, Inc. waives these defenses.

19. See answer to paragraph 18.

FIRST AFFIRMATIVE DEFENSE

20. The Plaintiff has failed to join a responsible party, Bierly's Office Equipment, Inc., a corporation.

SECOND AFFIRMATIVE DEFENSE

21. The Defendant, Harrison Tressler, was and is at all times an employee, agent or servant of Bierly's Office Equipment, Inc., and as such is not liable for this expense as he was acting as a disclosed agent.

COUNTERCLAIM

22. Bierly's Office Equipment, Inc. installed a 3600 cash register/computer at a cost of approximately \$14,000.00 and invoiced the customer.

23. The system was to be programed by BMP Systems, Inc. so that it would properly perform the billing and records keeping required in a pizza shop.

24. As a direct result of the failure of BMP Systems, Inc. to properly program the computer, Roma Pizza refused to pay the balance due of approximately \$7,500.00 to Bierly's Office Equipment, Inc.

WHEREFORE, Bierly's Office Equipment, Inc. demands judgment of the Plaintiff, BMP Systems, Inc. in the amount of \$7,500.00.

BRYANT & CANTORNA, P.C.

By:

James N. Bryant, Esq., ID No. 14084
Attorney for Defendant
107 East Main Street
Millheim, PA 16854
(814) 349-5666

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

Harrison W. Tressler Jr.

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

BMP SYSTEMS, INC., a duly formed and existing Pennsylvania Corporation, Plaintiff :
v. : No. 03 - 1864 - CD
HAROLD TRESSLER, t/d/b/a :
BIERLY'S OFFICE EQUIPMENT, :
Defendants :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **ANSWER AND COUNTERCLAIM** was served by depositing the same with the United States Postal Service, postage prepaid, addressed to the following:

Theron G. Noble, Esq.
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

By: 

DATED: January 15, 2004

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

BMP SYSTEMS, Inc., a duly formed and existing
Pennsylvania Corporation,
PLAINTIFF,

: No. 03- 1864 -CD

v.
HAROLD TRESSLER, t/d/b/a
BIERLY'S OFFICE EQUIPMENT,

: DEFENDANTS.

: Type of Pleading:

REPLY TO NEW MATTER &
: ANSWER TO COUNTER-CLAIM

: Filed By:
Plaintiff

: Counsel of Record:

: Theron G. Noble, Esquire
Ferraraccio & Noble
: 301 East Pine Street
Clearfield, PA 16830
: (814)-375-2221
PA I.D.#: 55942

FILED

JAN 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
V.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

PLAINTIFF'S REPLY TO NEW MATTER
AND ANSWER TO COUNTER-CLAIM

AND NOW, comes the Plaintiff, BMP Systems, Inc., by and through its counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows as its REPLY TO NEW MATTER and ANSWER TO COUNTER-CLAIM:

Reply to New Matter

20. The same calls for a legal conclusion for which no response is deemed necessary.
21. The same calls for a legal conclusion for which no response is deemed necessary.

Answer to Counter-Claim

22. After reasonable investigation, Plaintiff can not admit or deny the same. As such, the same is DENIED and strict proof is demanded at time of trial.
23. Admitted in part, Denied in part. It is ADMITTED that BMP agreed to perform certain programming functions associated with the equipment sold by the defendant to Roma's Pizza. If that includes "billing and records keeping required in a pizza shop", the same is Admitted, otherwise the same is denied.
24. Denied. It is strictly DENIED that BMP performed anything other than adequate programming for the equipment sold by Defendant to Roma Pizza. By way of further response, Plaintiff at all times performed programming which was appropriate per the system sold by Defendant to Roma Pizza. However, apparently defendant had "over sold" the system to its customer such that the system was not capable of doing tasks required by Roma Pizza, but nonetheless, BMP programmed the system to the system's

full capacity.

WHEREFORE, Plaintiff requests that JUDGMENT be entered in its favor as to its CIVIL COMPLAINT and against Defendant as to the counter-claim, with costs and interest.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

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

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
v.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

VERIFICATION

I, Jeff Teats, manager for Plaintiff, does hereby swear and affirm that I have read the foregoing and attached REPLY TO NEW MATTER AND ANSWER TO COUNTER-CLAIM in the above captioned matter, and that to the best of my information, knowledge and belief, the facts as set forth therein are true and correct. Furthermore, that I make this statement subject to the penalties of 18 Pa.C.S.A. 4101, relating to unsworn falsification to authorities.

So made this 21st day of January, 2004.



Jeff Teats, Manager,
BMP Systems, Inc., Plaintiff

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

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
v.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, attorney for Plaintiff, does hereby certify that I did mail a true and correct copy of his client's REPLY TO NEW MATTER AND ANSWER TO COUNTER-CLAIM, this 22nd day of January, 2004, by depositing the same in the United States Mail, first class, postage pre-paid, addressed as follows:

James N. Bryant, Esquire
Bryant & Cantorina, P.C.
107 E. Main St.
Millheim, PA 16854

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

FILED NO
cc

3/19/08
JAN 27 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

FILED

FEB 04 2004

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
)
v.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)
)
No. 03- 1864 -CD

William A. Shaw
Prothonotary/Clerk of Courts

STIPULATION

The parties hereto, by and through their counsel of record, hereby agree and stipulate as follows:

1. That defendant/counter-plaintiff is incorrectly identified as Harold Tressler, t/d/b/a Bierly's Office Equipment, wherein said name is actually Harrison Tressler;
2. That the correct identification of defendant/counter-plaintiff is Bierly's Office Equipment, Inc., a duly formed and existing Pennsylvania Corporation, hereinafter "Bierly's";
3. That all references in the CIVIL COMPLAINT and ANSWER, NEW MATTER and COUNTER-CLAIM shall be deemed to refer to "Bierly's", as herein correctly identified;
4. That Harison Tressler was an authorized agent of "Bierly's" with the capacity to enter into the agreement as alleged in the CIVIL COMPLAINT and COUNTER-CLAIM; and
5. The pleadings of record shall be deemed amended to incorporate the correct identification of defendant/counter-plaintiff and all future pleadings shall reflect the correct party.

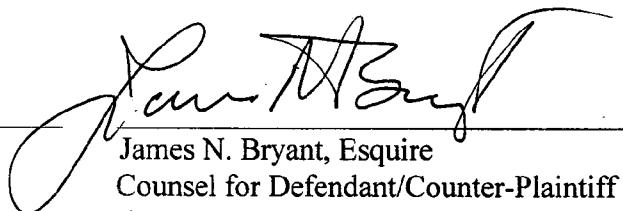
It is so agreed and stipulated this 2nd day of February, 2004.

By,



Theron G. Noble, Esquire
Counsel for Plaintiff
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830

By,



James N. Bryant, Esquire
Counsel for Defendant/Counter-Plaintiff
Bryant & Cantorina, P.C.
107 E. Main St.
Millheim, PA 16854

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

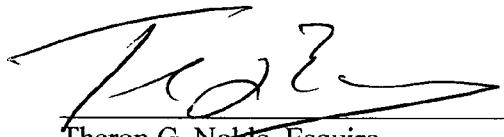
BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
v.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, attorney for Plaintiff, does hereby certify that I did mail a true and correct copy of the STIPULATION, this 2nd day of February, 2004, by depositing the same in the United States Mail, first class, postage pre-paid, addressed as follows:

James N. Bryant, Esquire
Bryant & Cantorina, P.C.
107 E. Main St.
Millheim, PA 16854

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

FILED NO
FEB 04 2004
William A. Shaw
Prothonotary/Clerk of Courts

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

BMP SYSTEMS, Inc., a duly formed and existing
Pennsylvania Corporation,
PLAINTIFF,

v.

BIERLY'S OFFICE EQUIPMENT, INC.,

DEFENDANT.

: No. 03-1864-CD

Type of Pleading:

**PRAECIPE TO LIST FOR
ARBITRATION**

Filed By:
Plaintiff

Counsel of Record:

: Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

MAR 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

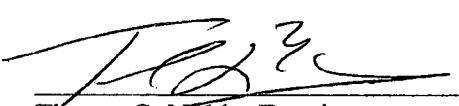
BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
v.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, attorney for Plaintiff, does hereby certify that I did mail a true and correct copy of the PRAECIPE TO LIST FOR ARBITRATION, this 17th day of March, 2004, by depositing the same in the United States Mail, first class, postage pre-paid, addressed as follows:

James N. Bryant, Esquire
Bryant & Cantorina, P.C.
107 E. Main St.
Millheim, PA 16854

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

FILED NO
cc
MAY 18 2004 AMY NABLE
MAR 18 2004 AMY NABLE pd. 20.00
William A. Shaw
Prothonotary/Clerk of Courts
Copy to CJA *[Signature]*

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

BMP SYSTEMS, INC. :
vs. : No. 03-1864-CD
BIERLY'S OFFICE EQUIPMENT, INC. :

ORDER

NOW, this 19th day of April, 2004, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on Monday, June 14, 2004 at 8:30 A.M. The following have been appointed as Arbitrators:

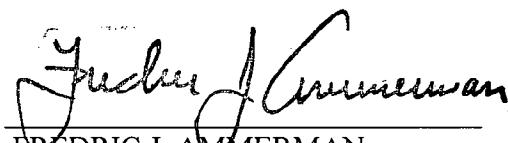
Carl A. Belin, Jr., Esquire, Chairman

J. Richard Lhota, Esquire

Michael S. Marshall, Esquire

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

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

APR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED SCC
D: 45001 CJA
APR 19 2004
61
W.A. Shaw
Prothonotary, Clerk of Courts

(A)

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

BMP SYSTEMS, INC. :
Plaintiff :
: v. :
: : No. 03-1864-CD
: :
BIERLY'S OFFICE EQUIPMENT, INC. :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Defendant's Pretrial Memorandum, was served by depositing the same with the United States Postal Service, postage prepaid and addressed to the following:

Theron G. Noble, Esq.
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

J. Richard Lhota, Esq.
110 North Second Street
Clearfield, PA 16830

Carl A. Belin, Esq.
15 North Front Street
P.O. Box 1
Clearfield, PA 16830

Michael S. Marshall, Esq.
16 Grant Street
Clarion, PA 16214

Respectfully Submitted,

BRYANT & CANTORNA, P.C.

By:

James N. Bryant, Esq., # 14084
107 East Main Street
Millheim, PA 16854
(814) 349-5666
Attorney for Defendant

Date:

FILED
012:40 PM
MAY 20 2004
E
KCL
No CC

William A. Shaw
Prothonotary/Clerk of Courts

Arb-4e-1404

Law Offices

BRYANT & CANTORNA, P.C.

PLEASE REPLY TO

James N. Bryant
Bernard F. Cantorna
www.bryant-associates.com

MILLHEIM OFFICE

PLEASE REPLY TO: PO BOX 551

May 17, 2004

107 East Main Street
P. O. Box 551
Millheim, PA 16854
814-349-5666
814-364-9869
FAX 814-349-2212

IN STATE COLLEGE
1901 East College Avenue
State College, PA 16801
814-238-4370
FAX 814-238-8016

Mr. David S. Meholick
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Re: BMP Systems, Inc. vs. Bierly's Office Equipment, Inc.
No. 03-1864-CD

Dear Mr. Meholick:

Enclosed please find Defendant's Pretrial Memorandum in the above-captioned matter.
Please return a time-stamped copy to my office in the enclosed envelope. Thank you.

Very truly yours,

BRYANT & CANTORNA, P.C.

By,

James N. Bryant

RECEIVED

MAY 20 2004

**COURT ADMINISTRATOR'S
OFFICE**

JNB:nc
Enclosures
cc: Theron G. Noble, Esq., w/enc.
Carl A. Belin, Esq., w/enc.
J. Richard Lhota, Esq., w/enc.
Michael S. Marshall, Esq., w/enc.
Harrison Tressler, w/enc.

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

BMP SYSTEMS, INC. :
Plaintiff :
: :
v. : No. 03-1864-CD
: :
BIERLY'S OFFICE EQUIPMENT, INC. :
Defendant :
:

DEFENDANT'S PRETRIAL MEMORANDUM

NOW COMES the defendant, by and through it's attorney James N. Bryant, and files the following pretrial memorandum.

I. NARRATIVE OF THE CASE

The present case basically involves a dispute between the sole employee of the plaintiff corporation and Harold Tressler. The plaintiff was a young man out of work as a computer programer who hung out with Harold Tressler who sold computerized cash registers to bars, clubs and pizza joints.

The association was one of those things, you scratch my back and I'll scratch yours. The plaintiff now believes he needs more than his back scratched, he should be paid for all the work that Harold got because of all the help he gave Harold. The defendant counterclaimed because programming the plaintiff did, did not work and the defendant is out \$7,500.00.

II. WITNESSES

1. Plaintiff
2. Defendant

RECEIVED

MAY 20 2004

**COURT ADMINISTRATOR'S
OFFICE**

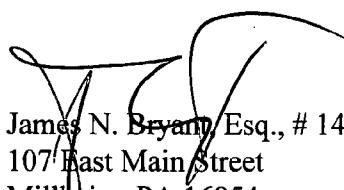
III. EXHIBITS

1. Roma Restaurant Sales
2. Roma Receipt from Burger King

Respectfully Submitted,

BRYANT & CANTORNA, P.C.

By:


James N. Bryant, Esq., # 14084
107 East Main Street
Millheim, PA 16854
(814) 349-5666
Attorney for Defendant

Date:

Welcome To
Burger King

Check 22

Station 001
Manager: Manager
Wednesday 8/13/03 1:50 pm

=====

1 Roma Steak Hoagie
No Mushrooms

1 Hot Sausage Hoagie

Tax 0.56 Total 9.56

Order 20

OFFICE EQUIPMENT INC.

Geography

22 EAST MAIN STREET
LOCK HAVEN, PA 17745

EAST COLLEGE AVENUE
P.O. BOX 190
PI FASANT GAP PA 16823

1249 PENNSYLVANIA AVENUE
TYRONE, PA 16686
814-684-4444

№ 11182

A small, ornate wooden box with a hinged lid. The lid is decorated with intricate carvings and features a small label with handwritten text.

814-359-3491	Invoice To: Boston Worcester University 224-544-6795	814-004-4444 Deliver To: University Bldg Favorit St State College, Pa.
--------------	--	--

Salesman	✓
Supervisor	✓
Contact #	
PO #	
Terms: Cash	Chqgt [□]
Lease [□]	C.O.D. [□]
Ship Via	Other [□]
Tax Exempt #	

Interest is charged at the rate of $1\frac{1}{2}\%$ per month on any unpaid balance.

CONDITIONS OF SALES ORDERS

(2) and that the title to the said property shall not pass until the purchase price is paid in full and such acceptance by Levi's Furniture Equipment, Inc. hereinafter to as seller, is not subject to cancellation or to any verbal agreement condition not stipulated in writing on it.

{3} In case of default of payment or in case of removal of said goods or any part thereof without the consent of seller or in the event the purchaser shall commence or go into bankruptcy or insolvency.

by indemnifying the concern of seller, the latter shall have the right to resume immediate possession of same whenever it may be found, and revert to it with the process of law, notwithstanding any claim or demand which may have been made by the buyer, or by any other person, in respect of the same, and the buyer shall be liable to the seller for all damages and expenses incurred by him in recovering the same, and the seller shall be entitled to sue for damages and rental for said goods. In the event a claim is placed in an attorney's hands for collection of the amount due in the event of a breach of contract, the attorney shall be entitled to a reasonable fee and expenses, and the seller shall be liable to pay the same to the attorney.

(d) In the event that the sale, use or rental of the merchandise herein is subject to any Federal, State, Municipal or other tax, now or hereafter enacted, the amount of such tax shall be added to the purchase or rental price.

49. All claims for shortage must be made within five (5) days from receipt of goods.
50. The customer acknowledges that he has read this agreement, understands it and agrees to be bound by its terms and conditions. Further, the customer agrees that it is the complete and exclusive statement of the agreement between the parties, which supersedes all proposals or prior agreements, oral or written and all other communications between the parties relating to the subject matter of this agreement.

二二四

Customer's Name

WHITE - REVIEW COPY

Customer's Signature

四

四

Total Amt.	
CASH/W ORDER	
NET AMT.	72/0

Subtotal	644.00
State & Local Tax	72.80

<input type="checkbox"/> 1 YEAR EXTENDED WARRANTY	6,740.00	540.00
	512.80	TAX
		100.00
		6,952.80
	Subtotal	4250.00
	TRADE-IN/EXCHANGE OR CREDIT	3600
		12,880

Arb - 6-14-04

FERRARACCIO & NOBLE

**301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377**

Ms. Marcy Kelley
c/o Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830

June 4, 2004

Re: BMP Systems, Inc. v. Tressler t/d/b/a Bierly's Office Equipment;
03-1864-CD
Plaintiff's Pre-Arbitration Memorandum

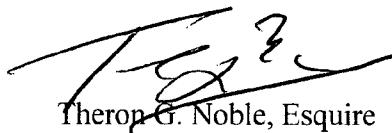
Dear Ms. Kelley:

Please find enclosed Plaintiff's PRE-ARBITRATION MEMORANDUM. Under cover of this letter, I am providing all indicated counsel, being Defense counsel as well as the arbitrators, with a copy of the same.

As always, thank you for assistance which is greatly appreciated.

With regards, I am

Sincerely,



Therop G. Noble, Esquire

RECEIVED

tn/TGN w.encl.

cc: Mr. Jeff Teats w.encl.

James N. Bryant, Esquire w.encl.

Carl. A. Belin, Jr., Esquire w.encl.

J. Richard Lhota, Esquire w.encl.

Michael S. Marshall, Esquire w.encl.

JUN 07 2004

**COURT ADMINISTRATOR'S
OFFICE**

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY,

PENNSYLVANIA

(CIVIL DIVISION)

RECEIVED

JUN 07 2004

COURT ADMINISTRATOR'S
OFFICE.

No. 03-1864-CD

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
v.)
BIERLY'S OFFICE EQUIPMENT, Inc.,)
DEFENDANT.)

PLAINTIFF'S PRE-ARBITRATION MEMORANDUM

NOW COMES the Plaintiff, BMP Systems, Inc., by and through its counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who submits the following as its Pre-Arbitration Memorandum:

I. Narrative of Case

Plaintiff, BMP Systems, Inc., is a small corporation engaged in the business of selling office supplies in the Clearfield County area since 1966. The business was primarily owned by Jack E. Nelson, who recently passed away and its two employees are carrying forward with day to day operations.

The parties were familiar with each other prior to the subject matter of this litigation. Sometime in late last July, Defendant contacted BMP and inquired whether it would be able to perform some programming for an advanced computerized cash register system it had sold to a "pizza joint" in the State College area. Defendant claimed that its programmer had quit defendant's employ and it was unable to do the networking required for its customer, Roma Pizza. (See exhibits "A" and "B" being a seating chart and menu faxed by Defendant to BMP on July 31st for the customer).

Plaintiff agreed to do so and the price of \$1,800, plus some incidentals for items such as cables, was arrived and agreed upon. (See Exhibit "C" being BMP's quote of August 6th). Plaintiff proceeded to do the programming. This initially meant that the programming was done at the office of BMP and the bugs worked out. Once perfected, BMP's two employees, Jeff Teats, its office manager and Brad Fidel went to the State College area to install the programming and do the networking. This was accomplished on August 11, 2003. (See Exhibit "D", being BMP's initial invoice for services rendered). When BMP's employees left Roma Pizza's place of business on August 11th, the cash

register system was working as programmed and to the best of the systems' capabilities for Roma Pizza's needs. (See checklist from installation prepared by BMP's employees following installation, Exhibit "E").

When BMP did not receive payment, nor any other contact from Defendant, despite also placing some phone calls, it sent a letter to Defendant inquiring about payment on September 29, 2003. (Exhibit "F"). Still not receiving payment, it issued an account statement on October 22, 2003. (Exhibit "G").

Finally, BMP initiated this action by filing a small claims complaint at the local magistrate, from which Defendant now appeals.

II. Citation to Applicable Cases and Statutes

BMP readily agrees that this case is generally controlled by common law. However, one aspect should be noted which is that this oral contract was between merchants as is therefore controlled by Pennsylvania's adoption of the Uniform Commercial Code. This is noteworthy in that Defendant never objected to the financing terms contained on BMP's invoice or quote, which confirmed the contract and when not objected to became part of the agreement. As such, BMP is entitled to the applicable finance charge on the debt. See 13 Pa.C.S.A. 2201 & 2207 as well as Herzog Oil Field Services, Inc., v. Otto Torpedo Co., et.al, 570 A.2d 549 (1989).

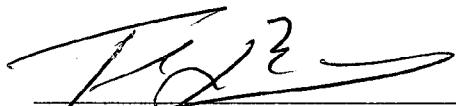
III. List of Witnesses

1. Jeff Teats-Manager of BMP Systems, Inc.;
2. Brad Fidel-Employee of BMP Systems, Inc.; and
3. Harold Tressler, Defendant's President, as on cross-examination.

IV. Damages

BMP asks for an award for (i) goods and services provided (\$1,815); (ii) interest since September 11, 2003 through June 14th at 1.5% per month being \$245.02; (iii) costs as determined by the Prothonotary; and (iv) additional post judgment interest. Therefore, BMP requests judgment in its favor, dismissing Defendant's Counter-Claim, in the amount of \$2,060.02, plus "costs and post judgment interest". Supporting exhibits are provided as per Narrative of Case.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

MEATBALLS

Ham, cappicola, cooked salami, provolone & mozzarella cheese, lettuce and tomato.

Served with a side of marinara sauce

10 Stromboli

\$6.25

Hoagie buns are delivered fresh daily and are topped with the freshest ingredients

401 Steak

Topped with cooked onions, provolone cheese, lettuce, tomato and our famous homemade italian dressing

whole \$5.00

402 Roma Steak

Our specialty!! Cooked with green peppers, onions, mushrooms and hot peppers. Then topped with lettuce, tomato and thousand island dressing

whole \$5.00

403 Italian

Cooked salami, cappicola, provolone cheese, lettuce, tomato, onion and our homemade italian dressing

whole \$5.00

404 Meatball

Fresh italian meatballs in our homemade marinara sauce and topped with provolone cheese

whole \$5.00

405 Hot Sausage

Spicy Italian sausage, green peppers and onions, topped with our homemade marinara sauce & provolone cheese

whole \$5.00

406 Cheese

Mounds of cheese topped with lettuce, tomato, onion and our homemade italian dressing

whole \$5.00

407 Ham & Cheese

Fresh slices of ham topped with cheese, lettuce, tomato and onion

whole \$5.00

408 Turkey

Fresh slices of turkey topped with cheese, lettuce, tomato and onion

whole \$5.00

BIERLY'S PLATE
GAP
10 Large 16" 12 slices.....\$1.50
10 Medium 14" 10 slices.....\$1.50
10 Small 12" 8 slices.....\$1.50
10 Junior 10" 6 slices.....\$1.50

Hand Tossed dough topped with sauce and cheese and your choice of toppings:
Size
Large 16" 12 slices.....\$1.50
Medium 14" 10 slices.....\$1.50
Small 12" 8 slices.....\$1.50
Junior 10" 6 slices.....\$1.50

Toppings

PIZZA

SAUCES *6.00*

All salads start with fresh salad greens, green peppers, tomato, onion, black olives, cucumbers and peppermint.

Dressings: House Italian, Light Italian, ranch, blue cheese, balsamic, vine.

For the above items add Frank and/or sausage.

601	Pittsburgh Style Chicken..... Topped with fresh grilled chicken breast, French fries and cheese	\$5.50
602	Pittsburgh style Buffalo chicken salad..... Topped with buffalo style chicken strips, French fries and cheese	\$5.50
603	Pittsburgh style steak salad..... Topped with tender strips of grilled steak, French fries and cheese	\$5.50
604	Antipasto..... Fresh cappicola, salami and pepperoni. Topped with provolone cheese and a hard boiled egg.	\$5.00
605	Chef..... Fresh sliced ham and turkey topped with provolone cheese a hard boiled egg.	\$2.75
606	Tossed Salad.....	

APPETIZERS *7.00*

10 Fried Zucchini.....
Deep fried slices of zucchini topped w/ romano cheese and served w/ a side of marinara sauce.

10 Fried Provolone Wedges.....
5 breaded wedges of provolone cheese, deep fried and served w/ a side of marinara sauce.

10 French Fries.....
Small \$1.50..... Large \$2.50

10 Chicken Strips.....
Breaded chicken tenderloins served with a side of fries. Also available in any of our barbecue and buffalo style at no extra charge

Bread Sticks.....
plain \$3.00..... w/ cheese \$3.50

10 Bacon Cheese Fries.....
A Roma tradition. French fries topped with bacon pieces, cheddar provolone and mozzarella cheese

10 Roma Puffs.....
Deep fried pieces of homemade dough (soft like a doughnut) topped with romano cheese and served w/ marinara sauce.

10 Pepperoni Rolls.....
Pepperoni, mozzarella and provolone cheese rolled up in homemade dough and served w/ marinara sauce

10 Ham & Cheese Rolls.....
Ham, mozzarella and provolone cheese rolled up in homemade dough and served w/ marinara sauce

10 Stuffed Hot Peppers.....
Pepperoni, mozzarella and ricotta cheese

8.00 *4.95*

CHICKEN WINGS *9.00*

Wings come with your choice of sauce: extra hot, hot, medium, mild garlic, cajun, barbecue, golden barbecue and spicy barbecue.

Served with a side of ranch or blue cheese.

Small - 10 wings.....\$4.50
Medium - 15 wings.....\$7.50
Large - 30 wings.....\$13.00

SHOP 814-237-9002
111 South College St.

CALZONES *9.00*

A pocket of dough filled with provolone, mozzarella and ricotta cheeses and your choice of two pizza toppings.

Steak chicken and meatballs count as two toppings.

Extra Toppings.....\$0.50
Regular - pepperoni and sausage.....\$5.50

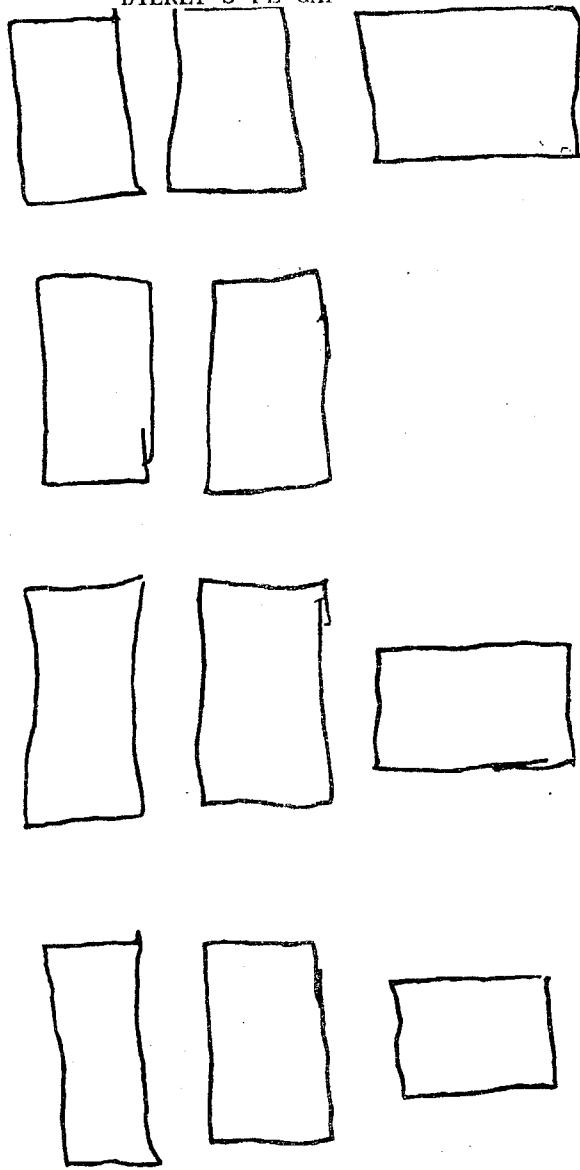
ATTN - Steve

844-412-999-0050

ROMA
RESTAURANT

Beverages *1.00*

Counter



Left this on my way

100/1021

Exhibit "B"



BMP SYSTEMS, INC.

R.D. 3, BOX 36 • P.O. BOX 314
DUBOIS, PENNSYLVANIA 15801
(814) 375-0165 • FAX: (814) 371-3388

QUOTE

Bierly's Office Equipment
East College Ave. Rte. 26
P.O. Box 5190
Pleasant Gap, PA 16823

INVOICE NO.	A 18282
DATE	8/6/03
ACCOUNT NO.	
YOUR P. O. NUMBER	
TERMS	
SHIP VIA	
FOB	
SALESMAN	

QTY.	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
		Programming of FS-3600 for Roma Pizza		1800.00
		Price includes:		
		- Programming of 3600		
		- Installation of program on Customers machine		
		- Setup of machines / Printers on-site		
		- Testing of system		
		Exhibit "C"		

TERMS - NET 20 Days. AFTER 30 DAYS a monthly FINANCE CHARGE of one and a half percent (1 1/2%), which is an ANNUAL PERCENTAGE RATE of eighteen percent (18%) on the unpaid balance will be charged.

CUSTOMER'S SIGNATURE

SUB-TOTAL	1800.00
TAX	472.50 / 18%
TOTAL	1800.00



BMP SYSTEMS, INC.
Sales - Service - Rentals
RD #3 Box 38
DU BOIS, PA 15801

(814) 371-3881
Fax (814) 371-3388

2 Bierly's Office Equipment
P.O. Box 5190
Pleasant Gap, PA 16823

TERMS: Net 10 Days. No statement sent. Return invoice copy with payment.

PHONE	DATE OF ORDER <i>8/11/93</i>	
ORDER TAKEN BY	CUSTOMER'S O/C/L# NUMBER	
<input checked="" type="checkbox"/> DAY WORK	<input type="checkbox"/> CONTRACT	<input checked="" type="checkbox"/> NEXT PA
JOB NAME / NUMBER		
JOB LOCATION		
JOB PICTURE	STARTING DATE	

Work ordered by

Alleged Signature

Signature

1. I declare that I have satisfactorily completed all the above described work.

Thank You

	TOTAL LABOR	
	TOTAL MATERIALS	85 10 60
	TOTAL OTHER	
Thank You	TAX	85 10 60
	TOTAL	170 20 60

BMP Systems Inc.
RD3 Box 36 DuBois PA 15801

Phone (814) 371-3881

INSTALL CHECK LIST (24402)

Customer ROMA PIZZA

Address 111 Sowers St.

City St. College

Phone 237-9002 Fax

Owner Steve

Key Operator Steve

EQUIPMENT:

Model: TM U2000 s/n: CQK603/403 Model: FS3600 3E003906

Model: TMU2000 s/n: C9K603/405 Model: FS3600 30003824 s/n:

Model: TM-T88 s/n: 06K6038112 Model: s/n:

Model: TM-T88 s/n: D6KG038124 Model: _____ s/n: _____

WARRANTY: Hardware: ____ days Software: days or hours

Hardware Maintenance cost \$ per year Software Maintenance cost per year

Is the installation cost included in quoted price of equipment? Yes No ? N/A
Is the wiring cost included in the quoted price of equipment? Yes No

SITE PREPARATION

Does this site have a dedicated 110 AC? Yes No

Does this site need a surge protector? Yes No

Does this site need APC protection? Yes No

Is the customer will to pay for this extra protection? Yes No

Does network wiring meet the TEC Code? Yes No

TYPE OF INSTALL.

Rental: Yes No Lease: Yes No Cash: Yes No - N/A
If yes, Lessor

Has financial matter been completed? Yes No

This must be signed by the management before the installation is started.

Signature: _____ date: _____

Print name: **Exhibit "E"**

Signature of BMP representative:

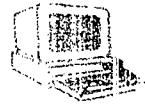
MEMO: Check on Credit Card processing

4 TEC SOFTWARES

BMP Systems, Inc.

Office Equipment Sales & Service

P.O. Box 314 DuBois, PA 15801



(814) 371-3381

September 29, 2003

Bierly's Office Equipment
P O Box 5190
Pleasant Gap, PA 16823

Re: Invoice no: 7613
Balance Due: \$1831.11

Dear Sir:

Please be advised that the above indebtedness has been referred to my attention for immediate action.

The previous efforts of BMP Systems Inc. in soliciting your cooperation have proven unsuccessful. Legal action will be taken. This legal action will result in additional expenses, including the service of process and other court costs; thereby increasing your debt and overall financial obligation.

In order to prevent the foregoing action, you must contact Jeffrey S. Teats, Manager, within seven (7) days from the date of this letter to make arrangements for the immediate payment of this debt. This person can be reached at the address shown above or at 814-371-3881 by telephone.

Jeffrey S. Teats, Manager

Exhibit "F"

BMP SYSTEMS INC

PO BOX 314
RD 3 BOX 36
DUBOIS PA 15801

ACCOUNT INVOICE

08101

10/22/2003

Bill to:

BIERLY'S OFFICE EQUIPMENT
P O BOX 5190
PLEASANT GAP PA 16823

TERMS	AMOUNT DUE	AMOUNT ENC.
	NET 10	\$1,857.96

DATE	DESCRIPTION	AMOUNT	BALANCE
05/31/2003	Balance forward		0.00
08/13/2003	INV #7613 - RESALE	1,815.00	1,815.00
08/31/2003	INV #FC 1027 - Finance Charge	16.11	1,831.11
09/30/2003	INV #FC 1068 - Finance Charge	26.85	1,837.96
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE
0.00	26.85	1,831.11	0.00
	OVER 90 DAYS PAST DUE	AMOUNT DUE	
	0.00	\$1,857.96	

Exhibit "G"

IN THE FUTURE, PLEASE PAY FROM THE WORK
ORDER INVOICES YOU RECEIVE WITH YOUR
SUPPLIES OR SERVICE. TERMS: NET 10 DAYS.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

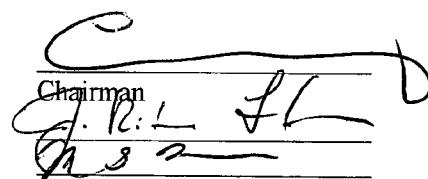
BMP Systems
vs.
Bierly's Office Equipment, Inc.

No. 2003-01864-CD

OATH OR AFFIRMATION OF ARBITRATORS

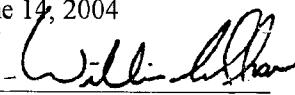
Now, this 14th day of June, 2004, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Carl A. Belin, Jr., Esquire


Chairman
C. A. Belin, Jr.

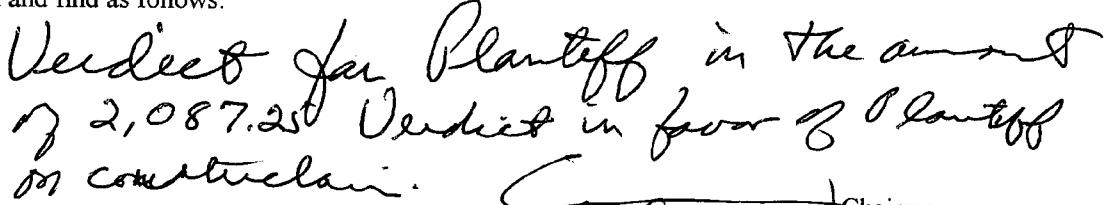
J. Richard Lhota, Esquire
Michael S. Marshall, Esquire

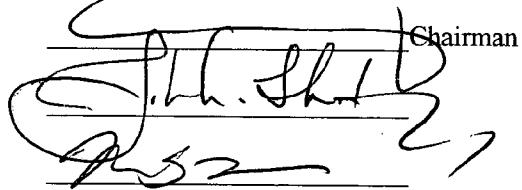
Sworn to and subscribed before me this
June 14, 2004


Prothonotary

AWARD OF ARBITRATORS

Now, this 14 day of June, 2004, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:



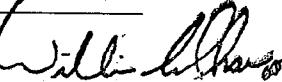

Chairman
J. Richard Lhota
6/14/04

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 14 day of June, 2004, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

Prothonotary
By 

BMP Systems

Vs.

Bierly's Office Equipment, Inc.

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2003-01864-CD

COPY

NOTICE OF AWARD

TO: BIERLY'S OFFICE EQUIPMENT, INC.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on June 14, 2004 and have awarded:

Verdict for Plaintiff in the amount of \$2,087.25. Verdict in favor of the Plaintiff on counterclaim.

William A. Shaw
Prothonotary
By _____

June 14, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

7/11/00

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

FRANK J. LAIRD, Trustee under Trust Agreement of February 24, 1988, and VERNON C. KEESEY, JR.	:
Individually and on Behalf of a Class of the Minority Shareholders	:
of THE CLEARFIELD & MAHONING RAILROAD COMPANY, a Pennsylvania	:
Corporation and Derivatively, on	:
Behalf of THE CLEARFIELD & MAHONING RAILROAD COMPANY,	:
Plaintiffs,	:
-vs-	No. 98-51-CD
THE CLEARFIELD & MAHONING RAILROAD COMPANY, a Pennsylvania Corporation,	:
BUFFALO, ROCHESTER & PITTSBURGH RAILWAY COMPANY, a Pennsylvania	:
Corporation, BUFFALO & PITTSBURGH RAILROAD, INC., a Pennsylvania	:
Corporation, CSX TRANSPORTATION INC., a Virginia Corporation, R.J. CORMAN	:
RAILWAY COMPANY/PENNSYLVANIA LINES, INC., a Pennsylvania Corporation, and	:
RICHARD J. CORMAN,	:
Defendants.	:
and	:
CONSOLIDATION RAIL CORPORATION	:
Added Defendant	:

OPINION and ORDER

On or about January 13, 1998, the Plaintiffs in the instant case filed a Class Action and Derivative Complaint in Equity against the above-named Defendants. Specifically, the derivative action was brought on behalf of The Clearfield & Mahoning Railroad Company

BMP Systems

Vs.

Bierly's Office Equipment, Inc.

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2003-01864-CD

COPY

NOTICE OF AWARD

TO: BMP SYSTEMS

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on June 14, 2004 and have awarded:

Verdict for Plaintiff in the amount of \$2,087.25. Verdict in favor of the Plaintiff on counterclaim.

William A. Shaw
Prothonotary
By _____

June 14, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

- (1) **Trial List:** The Court Administrator is hereby directed to list the case on the April 2002 Trial List without further action by the parties;
- (2) **Discovery:** All fact discovery shall be completed on or before October 1, 2001;
- (3) **Dispositive Motions:** All motions for judgment on the pleadings or for summary judgment shall be filed on or before December 31, 2001. Any replies to the Motion and supporting brief(s) shall be filed on or before January 31, 2002. Oral argument on any dispositive motions filed shall be scheduled by the Court, with said argument to be held within 14 days after the deadline for reply briefs.
- (4) **Expert Witnesses:** Plaintiffs shall supply to Defendants the name(s) and report(s) of its expert(s) on or before October 1, 2001, and Defendants shall supply to Plaintiffs the name(s) and report(s) of its expert(s) on or before November 30, 2001;
- (5) **Motions in Limine:** All motions in limine shall be filed on or before March 1, 2002, with supporting briefs attached thereto. All opposing briefs shall be filed on or before March 15, 2002. No reply briefs are permitted;
- (6) **Settlement Conference:** Upon request of counsel, a settlement conference will be scheduled by the Court;

BMP Systems

Vs.

Bierly's Office Equipment, Inc.

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
: No. 2003-01864-CD

COPY

NOTICE OF AWARD

TO: JAMES N. BRYANT

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on June 14, 2004 and have awarded:

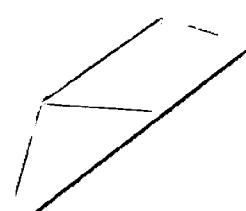
Verdict for Plaintiff in the amount of \$2,087.25. Verdict in favor of the Plaintiff on counterclaim.

William A. Shaw
Prothonotary
By _____

June 14, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.



relationship to the C&M and thus that particular information is not relevant to the present action and is outside the scope of permissible discovery.

As to the fourth issue, it is well established that the best evidence rule normally requires the original records be submitted when the purpose is to prove contents thereof. It is within the discretion of the trial judge to admit, as valid secondary evidence, a summary of the original evidence made by a competent person familiar with the original records. Keller v. Porta, 172 Pa. Super. 651, 94 A.2d 140 (1953). The Pennsylvania Rules of Evidence further require a proper foundation for the admission of summaries. This requires that the proponent prove that the summary is accurate. Invariably, this may be done only by an individual who prepared or supervised the preparation of the summary. Pennsylvania Rule of Evidence 1006.10. In the case at bar, there is no dispute that Plaintiffs' counsel prepared the summary in question. In order for the summary to be admissible, Plaintiffs' counsel will have to take the stand himself and be cross-examined, unless CSXT stipulates that his summary is accurate. Failing this, the summary is inadmissible.

THEREFORE, this Court enters the following:

ORDER

NOW, this 11th day of September, 2001, it is the ORDER of this Court that Motion for

BMP Systems

Vs.

Bierly's Office Equipment, Inc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
No. 2003-01864-CD

COPY

NOTICE OF AWARD

TO: THERON G. NOBLE

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on June 14, 2004 and have awarded:

Verdict for Plaintiff in the amount of \$2,087.25. Verdict in favor of the Plaintiff on counterclaim.

William A. Shaw
Prothonotary
By _____

June 14, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

BMP Systems

Vs.

Bierly's Office Equipment, Inc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY
No. 2003-01864-CD

NOTICE OF AWARD

TO: Copies to: Bierly's Office Equipment, Inc. (Defendant), P.O. Box 5190, 511 East College Avenue, Pleasant Gap, PA, 16823, BMP Systems (Plaintiff), R. D. 3 Box 36, , Dubois, PA, 15801, James N. Bryant (Defense Attorney), Theron G. Noble (Plaintiff Attorney)

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on June 14, 2004 and have awarded:

Verdict for Plaintiff in the amount of \$2,087.25. Verdict in favor of the Plaintiff on counterclaim.

William A. Shaw
Prothonotary
By _____

June 14, 2004

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

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

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
V.)
)
BIERLY'S OFFICE EQUIPMENT, Inc.,)
)
DEFENDANT.)

PRAECIPE TO ENTER JUDGMENT

To: William A. Shaw, Prothonotary

Date: July 19, 2004

Please enter Judgment, in the amount of \$2,087.25 plus costs, in favor of Plaintiff and
against Defendant, as per the award of the arbitrators, dated June 14, 2004.

Respectfully Submitted,


Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiff
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.No.: 55942

Recd
FILED *Atty Noble* Atty pd. 20.00
M 11 4 6 081 Notice to
JUL 20 2004 James Bryant
Atty for Def.
William A. Shaw
Prothonotary/Clerk of Court *Statement to*
Atty Noble

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

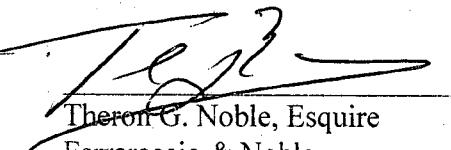
BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
V.)
HAROLD TRESSLER, t/d/b/a)
BIERLY'S OFFICE EQUIPMENT,)
)
DEFENDANTS.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, attorney for Plaintiff, does hereby certify that I did mail a true and correct copy of the PRAECIPE TO LIST FOR ARBITRATION, this 19th day of July, 2004, by depositing the same in the United States Mail, first class, postage pre-paid, addressed as follows:

James N. Bryant, Esquire
Bryant & Cantorina, P.C.
107 E. Main St.
Millheim, PA 16854

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiffs
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.No.: 55942

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

BMP Systems

Vs.

No. 2003-01864-CD

Bierly's Office Equipment, Inc.

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered
against you in the amount of \$2,087.25 on July 20, 2004.

William A. Shaw
Prothonotary

William A. Shaw

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

COPY

BMP Systems
Plaintiff(s)

No.: 2003-01864-CD

Real Debt: \$2,087.25

Atty's Comm: \$

Vs.

Costs: \$

Bierly's Office Equipment, Inc.
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Judgment on Arbitrator's Award

Date of Entry: July 20, 2004

Expires: July 20, 2009

Certified from the record this 20th day of July, 2004.

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, CLEARFIELD COUNTY,
PENNSYLVANIA
(CIVIL DIVISION)

BMP SYSTEMS, Inc., a duly formed and existing)
Pennsylvania Corporation,)
PLAINTIFF,)
) No. 03- 1864 -CD
v.)
)
BIERLY'S OFFICE EQUIPMENT, Inc.,)
)
DEFENDANT.)

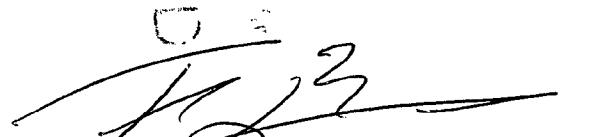
PRAECIPE FOR CERTIFICATION OF JUDGMENT

To: William A. Shaw, Prothonotary

Date: August 11, 2004

Please prepare and forward to me a CERTIFICATION OF JUDGMENT.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiff
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. No.: 55942

FILED *No CC*
7/10/28/04 Atty pd. 15.00
AUG 13 2004 *Cert. docket#*
Cert. of Judgm.
William A. Shaw
Prothonotary/Clerk of Courts *Atty. Noble*

Date: 08/13/2004

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 10:32 AM

ROA Report

Page 1 of 1

Case: 2003-01864-CD

Current Judge: No Judge

BMP Systems vs. Bierly's Office Equipment, Inc.

Copy

District Justice Appeal

Date	Judge	
12/19/2003	Filing: District Justice Appeals Paid by: Bryant, James N. (attorney for Bierley's Office Equipment) Receipt number: 1870781 Dated: 12/19/2003 Amount: \$85.00 (Check) Copies to Atty. Bryant	No Judge
12/23/2003	Proof Of Service of Notice of Appeal and Rule To File Complaint. filed.	No Judge
12/29/2003	Transcript From Jusdtice Ford. Filed.	No Judge
01/05/2004	Civil Complaint. filed by, s/Theron G. Noble, Esquire Verification s/Jeff Teats Certificate of Service no cc	No Judge
01/16/2004	Answer & Counterclaim. filed by, s/James N. Bryant, Esquire Verification. s/Harrison W. Tressler Certificate of Service no cc	No Judge
01/27/2004	Reply to New Matter and Answer to Counter-claim, filed by s/Theron G. Noble, Esq. No CC	No Judge
02/04/2004	STIPULATION. filed by, s/Theron G. Noble, Esq. s/James N. Bryant, Esq. Certificate of Service no cc	No Judge
03/18/2004	Filing: Praecipe/List For Arbitration Paid by: Noble, Theron G. (attorney for BMP Systems) Receipt number: 1875714 Dated: 03/18/2004 Amount: \$20.00 (Check) Praecipe To List for Arbitration. filed by, s/Theron G. Noble, Esquire Certificate of Service no cc Copy to C/A	No Judge
04/19/2004	ORDER, NOW, this 19th day of April, 2004, re: Arbitration scheduled for Monday, June 14, 2004, at 8:30 a.m. Arbitrators: Carl A. Belin, Jr., Esq., Chairman, J. Richard Lhota, Esq., and Michael S. Marshall, Esq. by the Court, s/FJA, P.J. 5 C/A	No Judge
05/20/2004	Certificate of Service, Defendant's Pretrial Memorandum upon Attys Noble, Lhota, Belin and M. Marshall. filed by, s/James N. Bryant, Esq. no cc	No Judge
06/14/2004	June 14, 2004, Oath of Affirmation of Arbitrators, filed. Award of Arbitrators: Verdict for Plaintiff in the amount of \$2,087.25. Verdict in favor of Plaintiff on counterclaim. S/Carl A. Belin, Jr. Esq. s/J. Richard Lhota, Esq. s/Michael S. Marshall, Esq. Entry of Award, Witness My Hand and the Seal of the Court, William A. Shaw, Prothonotary.	No Judge
07/20/2004	Filing: Judgment Paid by: Noble, Theron G. (attorney for BMP Systems) Receipt number: 1883194 Dated: 07/20/2004 Amount: \$20.00 (Check) Judgment entered against Bierly's Office Equipment, Inc. in the amount of \$2,087.25 Notice to Defendant c/o Atty. Bryant Statement to Atty. Noble	No Judge
08/13/2004	Filing: Praecipe for Certification of Judgment Paid by: Noble, Theron G. (attorney for BMP Systems) Receipt number: 1884598 Dated: 08/13/2004 Amount: \$15.00 (Check) No CC Certified docket and Certification of Judgment to Attorney Noble	No Judge

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
OFFICE OF THE PROTHONOTARY

COPY

**BMP Systems, Inc., a duly formed and
existing Pennsylvania Corporation**

Vs.

NO. 2003-01864-CD

Bierly's Office Equipment, Inc.

CERTIFICATION OF DOCKET ENTRIES AND JUDGMENT

I, William A. Shaw, Prothonotary of the Court of Common Please of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

I further certify that a Judgment was entered in the above captioned matter in favor of BMP Systems and against Bierly's Office Equipment, Inc. on July 20, 2004, in the amount of \$2,087.25.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court, on the 13th day of August, A.D., 2004.

William A. Shaw
Prothonotary

BY: _____
Deputy