

04-192-CD
NATIONAL FUEL GAS DISTRIBUTION CORP. vs. ANTHONY W. BROWN

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

NATIONAL FUEL GAS :
DISTRIBUTION CORPORATION :
:
VS :
:
ANTHONY W. BROWN :
: NO. 04-192-4
:

TYPE OF CASE: Civil
TYPE OF PLEADING: Complaint
FILED ON BEHALF OF: Plaintiff
COUNSEL FOR THIS PARTY: Lawrence C. Bolla, Esquire
2222 West Grandview
Erie, Pennsylvania 16506
(814)-833-2222

FILED

FEB 06 2004

William A. Shaw
Prothonotary

NATIONAL FUEL GAS : IN THE COURT OF COMMON PLEAS
DISTRIBUTION CORPORATION :
VS : OF CLEARFIELD COUNTY, PENNSYLVANIA
: :
ANTHONY W. BROWN : NO.

TO: **ANTHONY W. BROWN**

N O T I C E

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

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

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

Raymond Billotte
Court Administrator
2nd floor, Court House
Clearfield, Pennsylvania 16830
814-765-2641 (ext 50)

NATIONAL FUEL GAS : IN THE COURT OF COMMON PLEAS
DISTRIBUTION CORPORATION :
VS : OF CLEARFIELD COUNTY, PENNSYLVANIA
: :
ANTHONY W. BROWN : NO.

PURSUANT TO PROVISIONS OF THE FEDERAL FAIR DEBT
COLLECTION PRACTICE ACT, YOU ARE ADVISED AND WARNED THAT
THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION
OBTAINED WILL BE USED FOR THAT PURPOSE.
SEE 15 U.S.C. §1692(e)(11).

NATIONAL FUEL GAS	:	IN THE COURT OF COMMON PLEAS
DISTRIBUTION CORPORATION,	:	
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
	:	
V.	:	
	:	
ANTHONY W. BROWN,	:	
Defendant	:	NO.

CIVIL ACTION

AND NOW, comes the Plaintiff, National Fuel Gas Distribution Corporation, by and through its attorneys, Quinn, Buseck, Leemhuis, Toohey, and Kroto, Inc., and files this Civil Action Complaint of which the following is a statement:

1. The Plaintiff, National Fuel Gas Distribution Corporation, is a New York corporation with a place of business located at 1100 State Street, Erie, Pennsylvania.

2. The Defendant, Anthony W. Brown, is an individual residing at 120 Quarry Avenue, DuBois, Pennsylvania.

3. Pursuant to the provisions of the Federal Fair Debt Collection Practices Act [15 U.S.C. Section 1692(g)] attached hereto as Exhibit "A" is a **DEBT VALIDATION STATEMENT**.

4. At the Defendant's request, the Plaintiff supplied gas service to the Defendant up to and including December 17, 2003 (the "gas service").

5. The gas service was supplied to the Defendant at 120 Quarry Avenue, DuBois, Pennsylvania (the "premises") all in accordance with the rules and regulations of the Pennsylvania Public Utility Commission.

6. In regard to this gas service, the Plaintiff opened an account for the Defendant and assigned the Defendant Account Number 558104003 (the "Defendant's Account").

7. For and in consideration of the Plaintiff supplying the gas service as stated, the Defendant expressly or implicitly promised to pay the Plaintiff the amount charged to the Defendant's account for the gas service.

8. The Plaintiff has kept accurate records of the amount of gas consumed by the Defendant under the aforementioned account, as well as all debits and credits to that account, and the Plaintiff has sent the Defendant statements of the account on a regular basis which summarize this information (the "statement of account"). A true and correct copy of some of the Plaintiff's records of the Defendant's account is attached hereto, made a part hereof and marked as Exhibit "B."

9. The Defendant has never disputed the Plaintiff's statement of account.

10. As of the date of the last statement of account, the Defendant owed the Plaintiff Two Thousand Seven Hundred Seventy-eight and 74/100 (\$2,778.74) Dollars for gas service on this account.

11. The Plaintiff has demanded that the Defendant pay the Plaintiff the aforementioned amount, but the Defendant is either unable or unwilling to pay the amount due.

WHEREFORE, the Plaintiff demands judgment against the Defendant, above-captioned, in the amount of Two Thousand Seven Hundred Seventy-eight and 74/100 (\$2,778.74) Dollars, plus interest, plus the costs incurred as a result of this action.

Count II

12. The Plaintiff incorporates by reference each and every allegation contained in paragraph one (1) through eleven (11) above as fully as though the same were set forth herein at length.

13. The Defendant, Anthony W. Brown, is the owner of and/or resides at the premises to which the Plaintiff supplied gas service. As such, the Defendant received the benefit of the gas service.

14. It would be inequitable and unconscionable, and the Defendant would thereby be unjustly enriched, if he/she is permitted to retain the benefits of the gas service without paying for the same.

WHEREFORE, the Plaintiff demands judgment against the Defendant, above-captioned, in the amount of Two Thousand Seven Hundred Seventy-eight and 74/100 (\$2,778.74) Dollars, plus interest, plus the costs incurred as a result of this action.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY &
KROTO, INC.

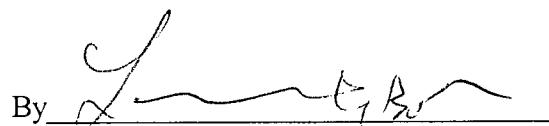
By 
Lawrence C. Bolla, Esquire
Pa. I.D. No. 19679
2222 West Grandview Boulevard
Erie, PA 16506-4508
(814) 833-2222
Attorneys for Plaintiff,
National Fuel Gas
Distribution Corporation

EXHIBIT "A"

NATIONAL FUEL GAS DISTRIBUTION : IN THE COURT OF COMMON PLEAS
CORPORATION :
VS : OF CLEARFIELD COUNTY, PENNSYLVANIA
: :
ANTHONY W. BROWN : NO.

DEBT VALIDATION STATEMENT

1. The amount of the debt is \$2,778.74.
2. The name of the creditor to whom the debt is owed is
NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
3. Unless Defendant(s), ANTHONY W. BROWN, within thirty days
after receipt of this Notice, disputes the debt validity, or any
portion thereof, the attorney signing this Complaint will assume
the debt to be valid.
4. If Defendant(s), ANTHONY W. BROWN, notifies the attorney
signing this Complaint in writing within the thirty day period that
the debt or any portion thereof is disputed, the attorney will
obtain verification of the debt or a copy of a judgment against
ANTHONY W. BROWN, and the attorney will mail a copy of such
verification or judgment to ANTHONY W. BROWN; and if appropriate,
5. A statement that, upon ANTHONY W. BROWN written request
within the thirty-day period, the attorney will provide ANTHONY W.
BROWN with the original creditor's name and address if different
from the current creditor.

10:32:04 wed Jan 14, 2004

KGLN0015-1

NATIONAL FUEL GAS DISTRIBUTION CORPORATION.

DATE: 01/14/04

ACCOUNTS RECEIVABLE PRINT

RBA NUM : 5581040 - 03
 NAME : BROWN, TONY W
 PREM ADDR : 120 QUARRY AVE DUBOIS PA
 MAIL ADDR : 120 QUARRY AVE DUBOIS PA 15801
 RBA STATUS : INACTIVE CAC : OC

TRANS DATE	EMP ID	TRANSACTION TYPE	TRANS AMOUNT	BALANCE
121703		TOTAL BILLED CHARGES	175.78	2778.74
111703		TOTAL BILLED CHARGES	252.25	2602.96
101703		TOTAL BILLED CHARGES	217.00	2350.71
101703	31071	ADJ NET EFFECT	-79.12	2133.71
091803		TOTAL BILLED CHARGES	63.58	2212.83
081903		TOTAL BILLED CHARGES	52.25	2149.25
072103		TOTAL BILLED CHARGES	54.01	2097.00
061903		TOTAL BILLED CHARGES	109.87	2042.99
052003		TOTAL BILLED CHARGES	179.88	1933.12
042103		TOTAL BILLED CHARGES	235.30	1753.24
041503	50558	ADJ NET EFFECT	-60.54	1517.94
041403		RATEPAYER PYMT	-206.00	1578.48
032003		TOTAL BILLED CHARGES	883.13	1784.48
021903		TOTAL BILLED CHARGES	266.92	901.35
012103		TOTAL BILLED CHARGES	212.48	634.43
121802		TOTAL BILLED CHARGES	196.20	421.95
111502		TOTAL BILLED CHARGES	126.98	225.75
101702		TOTAL BILLED CHARGES	66.22	98.77
091902	50517	ADJ NET EFFECT	-1.89	32.55
091802		TOTAL BILLED CHARGES	12.07	34.44
082102	50517	ADJ NET EFFECT	22.37	22.37

EXHIBIT

B

VERIFICATION

I, Mary C. Murosky, Assistant Manager, Consumer Business Division, Pennsylvania, of National Fuel Gas Distribution Corporation, depose and say that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Mary C. Murosky

DATED: February 4, 2004

In The Court of Common Pleas of Clearfield County, Pennsylvania

NATIONAL FUEL GAS DISTRIBUTION CORPORATION

VS.

BROWN, ANTHONY W.

Sheriff Docket # 15179

04-192-CD

COMPLAINT

SHERIFF RETURNS

NOW FEBRUARY 18, 2004 AT 10:36 AM SERVED THE WITHIN COMPLAINT ON ANTHONY W. BROWN, DEFENDANT AT RESIDENCE, CLEARFIELD COUNTY JAIL, 115 21st ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ANTHONY W. BROWN A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/NEVLING.

Return Costs

Cost	Description
20.37	SHERIFF HAWKINS PAID BY: ATTY Ck# 244926
10.00	SURCHARGE PAID BY: ATTY CK# 244924

Sworn to Before Me This

29th, Day Of April, 2004
W. A. Shaw

So Answers,

*Chester A. Hawkins
by Marilyn Hamps*
Chester A. Hawkins
Sheriff

FILED

APR 29 2004
010:43 am
William A. Shaw
Prothonotary

NATIONAL FUEL GAS : IN THE COURT OF COMMON PLEAS
DISTRIBUTION CORPORATION :
VS : OF CLEARFIELD COUNTY, PENNSYLVANIA
ANTHONY W. BROWN : :
: NO. cd 2004-192

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

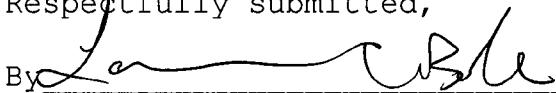
TO: THE PROTHONOTARY

Pursuant to Pa.R.C.P. 237.1, I hereby certify as attorney for the above-named Plaintiff that a written notice of intention to file praecipe for default judgment was mailed or delivered to the above-named Defendant(s), who is the party against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of this Praecipe. A copy of said notice is attached hereto and made a part hereof.

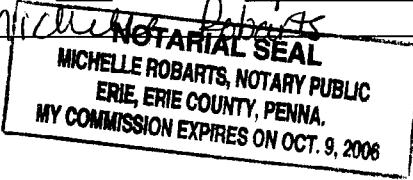
Therefore, please enter default judgment against the Defendant(s), above-captioned, in the sum of \$2,778.74, plus interest from February 9, 2004, and all costs of suit for failure to answer or otherwise plead.

Respectfully submitted,

By


Lawrence C. Bolla, Esquire
2222 West Grandview Boulevard
Erie, PA 16506-4508
(814) 833-2222

Sworn to and subscribed before
me this 27th day of April 2004.



FILED
APR 29 2004

William A. Shaw
Prothonotary/Clerk of Courts

NATIONAL FUEL GAS : IN THE COURT OF COMMON PLEAS
DISTRIBUTION CORPORATION :
VS : OF CLEARFIELD COUNTY PENNSYLVANIA
: :
ANTHONY W. BROWN : NO. cd 2004-192

TO: Anthony W. Brown
120 Quarry Avenue
Dubois, Pennsylvania 15801

DATE: April 15, 2004

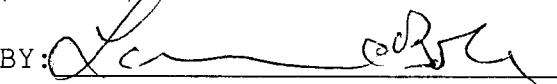
IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

Raymond Billotte
Court Administrator
2nd floor, Court House
Clearfield, Pennsylvania 16830
814-765-2641 (ext 50)

BY: 
Lawrence C. Bolla, Esquire
2222 West Grandview
Erie, Pennsylvania 16506
814-833-2222

FILED No cc

3/3/2004 Atty Bolla pd. 20.00
APR 29 2004

Notice to Def.

William A. Shaw
Prothonotary/Clerk of Courts
Statement to Atty Bolla

6/27/04

COPY

NATIONAL FUEL GAS : IN THE COURT OF COMMON PLEAS
DISTRIBUTION CORPORATION :
VS : OF CLEARFIELD COUNTY, PENNSYLVANIA
: :
ANTHONY W. BROWN : NO. cd 2004-192

TO: THE ABOVE DEFENDANTS:

You are hereby notified as required by law that a judgment-order-decree has been entered against you in the amount of \$2,778.74, plus interest from February 9, 2004, plus the costs of suit at the above term and number on April 29, 2004

If a judgment has been entered by confession, you will find enclosed copies of all documents filed in this office in support of the confession of judgment.

Prothonotary

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

COPY

National Fuel Gas Distribution Corp.
Plaintiff(s)

No.: 2004-00192-CD

Real Debt: \$2,778.74

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Anthony W. Brown
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 29, 2004

Expires: April 29, 2009

Certified from the record this 29th day of April, 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