

04-445-CD
KEVIN DISANTIS, et al. vs. KTF TRANSPORT, LLC, et al.

Kevin Disantis et al vs. KTF Transport et al
2004-445-CD

Date: 12/12/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 11:00 AM

ROA Report

Page 1 of 3

Case: 2004-00445-CD

Current Judge: Fredric Joseph Ammerman

Kevin Disantis, Apple Core vs. KTF Transport, LLC, Scott Fleck, S & M Log Transportation

Civil Other

Date		Judge
04/01/2004	X Filing: Civil Complaint Paid by: Noble, Theron G., Esquire Receipt number: 1876351 Dated: 04/01/2004 Amount: \$85.00 (Check) 4 CC to Atty.	No Judge
05/03/2004	X Sheriff Return, Papers served on Defendant, Tara Finley. Not Found as to Defendant Scott Fleck, t/d/b/a S&M Log Transportation. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
05/05/2004	X Filing: Reissue Writ/Complaint Paid by: Noble, Theron G. (attorney for Apple Core) Receipt number: 1878563 Dated: 05/05/2004 Amount: \$7.00 (Check)	No Judge
05/13/2004	X Praecipe To Enter Appearance On Behalf of Defendant, SCOTT FLECK, t/d/b/a S&M Log Transportation, Defendant. filed by, s/Dwight L. Koerber, Jr., Esquire Certificate of Service 4 cc to Atty	No Judge
05/19/2004	X Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
06/07/2004	X Defendant KTF Transport LLC - Answer, New Matter and Counterclaim. filed by, s/Jeffre S. DuBois, Esquire Verification s/Tara Finley Certificate of Service 3 cc Atty DuBois	No Judge
07/20/2004	X Answer and New Matter on Behalf of Scott Fleck, filed by Atty. Koerber 4 cert. to Atty. Koerber	No Judge
09/09/2004	X Plaintiff's Reply to New Matter of Defendant Scott Fleck filed by Plff. Atty. Noble No cc.	No Judge
	X Plaintiff's Reply to New Matter of Defendant KTF Transport, LLC, filed by s/Theron G. Noble, Esq. No CC	Fredric Joseph Ammerman
10/20/2004	X Preliminary Objections, filed on behalf of Defendant KTF Transport, LLC by s/Jeffrey S. DuBois, Esq. Three CC Attorney DuBois	No Judge
11/15/2004	X Order, AND NOW, this 15th day of Nov. 2004, in consideration of Defendant KTF Transport, LLC's Preliminary Ojections, IT IS HEREBY ORDERED AND DECREED that a hearing be scheduled for Dec. 16th, 2004 at 9:00 a.m. at the Clfd. Co. Courthouse. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 3 CC to Atty	Fredric Joseph Ammerman
11/30/2004	X Motion For Continuance, on behalf of Defendant KTF Transport, LLC, filed by s/ Jeffrey S. DuBois, Esquire. 3 CC to Atty	Fredric Joseph Ammerman
12/06/2004	X Order, AND NOW, this 6th day of December, 2004, in consideration of Defendant, KTF Transport, LLC's Motion for Continuance, IT IS HEREBY ORDERED AND DECREED that the hearing on Preliminary Objections be rescheduled for the 12th day of Jan., 2005 at 9:00 a.m. at the Clfd. Co. Courthouse. BY THE COURT: Fredric J. Ammerman, President Judge. 3CC Atty. Dubois	Fredric Joseph Ammerman
12/27/2004	X Plaintiff's Praecipe to Discontinue (only as to Defendant Fleck). Filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
01/13/2005	X Order, NOW, this 12th day of Jan., 2005, following argument on the Preliminary Objections filed on behalf of KTF Transport, LLC, it is the ORDER of this Court that said Preliminary Objections be and are hereby dismissed. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 3CC to Atty DuBois	Fredric Joseph Ammerman
02/02/2005	X Defendant KTF Transport LLC'S Reply to Plaintiffs Additional New Matter, filed by Atty. DuBois no cert. copies.	Fredric Joseph Ammerman

Date: 12/12/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 11:00 AM

ROA Report

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Case: 2004-00445-CD

Current Judge: Fredric Joseph Ammerman

Kevin Disantis, Apple Core vs. KTF Transport, LLC, Scott Fleck, S & M Log Transportation

Civil Other

Date		Judge
02/25/2005	<input checked="" type="checkbox"/> Filing: Praecipe/List For Arbitration Paid by: Noble, Theron G. (attorney for Apple Core) Receipt number: 1896433 Dated: 02/25/2005 Amount: \$20.00 (Check) no cert. copies Copy to C/A	Fredric Joseph Ammerman
06/20/2005	<input checked="" type="checkbox"/> Order, NOW, this 20th day of June, 2005, above matter is scheduled for Arbitration on Tuesday, August 16, 2005 at 9:00 a.m. in Conf./hearing room no. 3. The following have been appointed as Arbitrators: Richard A. Bell, Esquire, Chairman Ronald L. Collins, Esquire Kimberly M. Kubista, Esquire. BY THE COURT: /s/ FJA, Pres. Judge. 5CC C/A	Fredric Joseph Ammerman
08/16/2005	<input checked="" type="checkbox"/> Oath or Affirmation of Arbitrators: s/Richard A. Bell, Esq., Chairman s/Ronald Collins, Esq. s/Kimberly M. Kubista Award of Arbitrators: Now, this 16th day of August, 2005, find as follows: Award to Plaintiff \$5,562.00 Award to Defendant on Counterclaim \$425.00. Entry of Award/Witness My Hand and the Seal of the Court: August 16, 2005. s/William A. Shaw, Prothonotary	Fredric Joseph Ammerman
09/29/2005	<input checked="" type="checkbox"/> Filing: Praecipe To Enter Judgment Paid by: Noble, Theron G. (attorney for Disantis, Kevin) Receipt number: 1909172 Dated: 09/29/2005 Amount: \$20.00 (Check) Judgment in favor of Plaintiff and against Defendant KTF Transport in the amount of \$5,137.00. Filed by s/ Theron G. Noble, Esquire. NO CC, Notice to Def. (Atty. DuBois), Statement to Atty	Fredric Joseph Ammerman
	<input checked="" type="checkbox"/> Notice of Service, filed. Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this 28th day of September, 2005, propound on Defendant Plaintiff's FIRST DISCOVERY MATERIALS IN AID OF EXECUTION to Jeffrey S. DuBois Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
11/15/2005	<input checked="" type="checkbox"/> Motion to Compel and for Sanctions, filed by Atty. Noble. no cert. copies.	Fredric Joseph Ammerman
	<input checked="" type="checkbox"/> Order AND NOW, this 15th day of November, 2005, upon consideration of Plaintiff's MOTION TO COMPEL, it is the ORDER of this Court that Defendant KTF Transport, LLC, shall fully respond to the INTERROGATORIES and REQUEST FOR PRODUCTION OF DOCUMENTS (in aid of execution) within twenty (20) days hereof. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Noble.	Fredric Joseph Ammerman
11/17/2005	<input checked="" type="checkbox"/> Defendant KTF Transport LLC's Response to Plaintiffs Motion to Compel and Sanctions filed by s/ Jeffrey S. DuBois Esq. 3CC Atty DuBois.	Fredric Joseph Ammerman
	<input checked="" type="checkbox"/> Plaintiff's Notice of Service, filed. This 16th day of November 2005 mail a true and correct copy of the ORDER issued upon Plaintiff's Motion to Compel to Jeffrey S. DuBois Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
	<input checked="" type="checkbox"/> Rule to Show Cause Now, this 16th day of November, 2005, upon consideration of the attached Plaintiff's Motion for Sanctions, a Rule is hereby issued upon the Defendant, KTF Transport, LLC, to show cause why the Motion should not be granted. RULE RETUNABLE, for filing written response, is set for the 7th day of December 2005 at 10:30 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Noble.	Fredric Joseph Ammerman

Date: 12/12/2005

Clearfield County Court of Common Pleas

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ROA Report

Page 3 of 3

Case: 2004-00445-CD

Current Judge: Fredric Joseph Ammerman

Kevin Disantis, Apple Core vs. KTF Transport, LLC, Scott Fleck, S & M Log Transportation

Civil Other

Date		Judge
12/05/2005	<input checked="" type="checkbox"/> Certificate of Service, filed. Served a true and correct copy of the within Defendant Response to Plaintiff's First Set of Discovery Materials in Aid of Execution on the 5th day of December, 2005 to Theron G. Noble, Esq., filed by s/ Jeffrey S. DuBois Esq. 1CC Atty DuBois.	Fredric Joseph Ammerman
12/07/2005	<input checked="" type="checkbox"/> Certificate of Service, filed. This 3rd day of December, 2005 mail a true and correct copy of the RULE TO SHOW CAUSE issued upon Plaintiff's Motion for Sanction, to Jeffrey S. DuBois Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman

Civil Other

Date	Selected Items	Judge
12/15/2005	X ORDER, filed. cert. to Atty. Noble & DuBois NOW, this 14th day of December, 2005, RE: Defendant's Motion for Sanctions, ORDER of this Court that said Motion be and is hereby DISMISSED.	Fredric Joseph Ammerman
06/12/2006	X Motion To Compel And For Sanctions, filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
06/16/2006	X Rule To Show Cause, NOW, this 16th day of June, 2006, upon consideration of the Plaintiff's Motion to Compel And For Sanctions, a Rule is issued upon the Defendant. Rule Returnable for filing written response is set for the 5th day of July, 2006 and argument on the Motion set for the 18th day of July, 2006, at 9:30 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Noble	Fredric Joseph Ammerman
06/28/2006	X Certificate of Service, filed. This 26th day of June 2006, mailed a true and correct copy of the Rule Returnable issued upon Plaintiff's Motion to Compel and for Sanctions to Jeffrey S. DuBois Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
07/05/2006	X Certificate of Service, filed. Served a true and correct copy of the within Defendant KTF Transport, LLC, Reply to Plaintiff's Second Set of Discovery Material in Aid of Execution to Theron G. Noble Esq., filed by s/ Jeffrey S. DuBois Esq. 2 CC Atty DuBois.	Fredric Joseph Ammerman
	X Defendant's Response to Plaintiff's Motion to Compel, filed by s/ Jeffrey S. DuBois Esq. 2 CC Atty DuBois.	Fredric Joseph Ammerman

7-19-06 X Order, dated July 18, 2006

6-28-07 X Notice of Service

7-20-07 X Certificate of Service

7-25-07 X Motion to Compel

8-7-07 X Rule, dated August 6, 2007

8-10-07 X Notice of Service

8-29-07 X def's Rule Returnable in Response.

Fee Type:	MISC	Effective Date:	05/09/2006	Passport Fee - Number of fees collected: 47	Receipt Number	Proth Co Fees	Receipt Total
06/07/2006	12:43 PM	1914158	30.00	Case:	30.00	30.00	
06/07/2006	12:45 PM	1914159	30.00	Case:	30.00	30.00	
06/07/2006	02:18 PM	1914166	60.00	Case:	60.00	60.00	
06/08/2006	10:23 AM	1914175	30.00	Case:	30.00	30.00	
06/08/2006	01:17 PM	1914182	30.00	Case:	30.00	30.00	
06/09/2006	10:36 AM	1914191	30.00	Case:	30.00	30.00	
06/09/2006	10:47 AM	1914192	30.00	Case:	30.00	30.00	
06/09/2006	02:20 PM	1914203	30.00	Case:	30.00	30.00	
06/09/2006	02:40 PM	1914208	60.00	Case:	60.00	60.00	
06/09/2006	04:13 PM	1914212	30.00	Case:	30.00	30.00	
06/12/2006	10:28 AM	1914219	60.00	Case:	60.00	60.00	
06/12/2006	12:13 PM	1914235	30.00	Case:	30.00	30.00	
06/12/2006	12:14 PM	1914236	30.00	Case:	30.00	30.00	
06/12/2006	01:05 PM	1914246	30.00	Case:	30.00	30.00	
06/13/2006	11:04 AM	1914260	30.00	Case:	30.00	30.00	

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company; and SCOTT FLECK, t/d/b/a
S&M Log Transportation, an adult individual,

DEFENDANTS.

No. ⁰⁴~~03~~ - 445 -CD

Type of Pleading:

CIVIL COMPLAINT

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

APR 01 2004

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF, TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
and adult individual.

DEFENDANTS.

No. 04-445-CD

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 Meholick, 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)**

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF, TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

DEFENDANTS.

No. ⁰⁴~~03~~-445-CD

CIVIL COMPLAINT

NOW COMES, Kevin DiSantis, t/d/b/a Apple Core, Plaintiff, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of his CIVIL COMPLAINT:

The Parties

1. Plaintiff is Kevin DiSantis, t/d/b/a Apple Core, hereinafter "Apple Core", a sole proprietorship with principal place of business as 10 Lincoln Drive, DuBois, Clearfield County, Pennsylvania.
2. That first Defendant is KTF Transport, LLC, hereinafter "KTF", upon information and belief, a duly formed and existing Pennsylvania Limited Liability Company, with a principal place of business being 1672 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. That second Defendant is Scott Fleck, t/d/b/a S & M Log Transport, hereinafter "S&M", upon information and belief, a sole proprietorship with a principal place of business being located at 7901, Route 153, Brockport, Jefferson County, Pennsylvania.

Background

5. Apple Core is primarily engaged in the business of purchasing and selling automotive parts.

6. KTF is primarily engaged in the business of hauling goods in intrastate and interstate commerce.
7. S&M is also primarily engaged in the business of hauling goods in intrastate and interstate commerce.
8. On or about May 16, 2003, Apple Core contracted with KTF to haul automotive parts which it had sold to Northeast Core and Component, Inc., located at Blakeslee, Pennsylvania. Upon doing so, KTF was also to "back haul", from Northeast Core Components, Inc., to Apple Core an order consisting of 108 air conditioning compressors.
9. Upon information and belief, KTF in turn contracted with S&M to complete its contractual obligations with Apple Core.
10. That S&M delivered the order to Northeast Core and Component, Inc., and in turn picked up the order of air conditioning compressor parts for delivery to Apple Core.
11. Upon information and belief, at the time S&M took custody of said parts, the same were in good order and condition.
12. That S&M delivered the air conditioning compressors to Apple Core, and when the door to the trailer was opened, there was no other freight on board and the box, which was not secured in the trailer, containing the air conditioning compressors was broken open. Furthermore, about 15 - 18 of the compressors were lying loosely on the floor of the trailer.
13. The air conditioning compressors were placed in Apple Core's warehouse and were then inventoried and inspected by Apple Core.
14. Upon inventory and inspection, it was determined that all but 18 of the air conditioning compressors had been significantly damaged.
15. Apple Core promptly notified KTF of the situation, which remains unresolved despite Apple Core's attempt to do so.
16. That these air conditioning compressors, which Apple Core had sold and promised for delivery at a price of \$125 per unit, could not be replaced as these parts are not readily available on the market.
17. That the remaining 18 undamaged air conditioning compressors are essentially useless to Apple Core as it is not cost effective to ship such a minimal order.

18. That Apple Core has suffered a loss of \$13,500 representing 108 air conditioning compressors at a unit price of \$125.

Count I: Negligence

19. That the averments of paragraph 1 - 18, inclusive, are hereby incorporated as if again fully set forth at length.

20. That KTF and S&M owed Apple Core a duty created by each of their agreements to undertake transportation of the air conditioning compressors.

21. That KTF by hiring or contracting with S&M, made S&M its agent in this matter and is liable for S&M's negligence.

22. That S&M was negligent in that its driver, being S&M's employee or agent, and an employee or agent of KTF, in that:

(a) he failed to adequately load the air conditioning compressors onto the trailer;

(b) he failed to adequately secure the air conditioning compressors in place on the trailer such that they would not become damaged in transport;

(c) he failed to drive in a safe and prudent manner such that the air conditioning compressors became dislodged in transport and suffered damage; and

(d) he failed to inspect the air conditioning compressors while in transport to make certain they were being safely transported.

23. Besides its vicarious liability for the above, KTF was also negligent in that it hired S&M to do the hauling when it should have known that S&M was likely to not safely haul the air conditioning compressors.

24. That as a direct and proximate result of KTF's and S&M's negligence, Apple Core suffered the aforementioned damage.

WHEREFORE, Plaintiff requests that judgment be entered in his favor, and against Defendants, jointly and severally, in the amount of \$13,500, together with interest and costs.

Count II: Breach of Contract

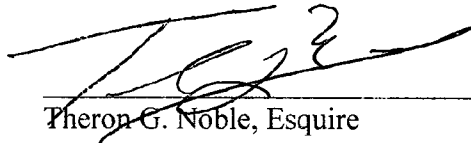
25. That the averments of paragraph 1 - 24, inclusive, are hereby incorporated as if again fully set forth at length.
26. That Apple Core contracted with KTF for the transportation of the aforementioned air conditioning compressors.
27. That implied within said contract was that KTF, or its agents, would transport said items in a non-negligent manner.
28. That for the aforementioned reasons, KTF breached the contract with Apple Core.
29. That Apple Core was the intended beneficiary of the contract between KTF and S&M.
30. That for the aforementioned reasons, S&M breached its contract with KTF and is liable to Apple Core as the intended beneficiary of said contract.
31. That as a result of the breaches by KTF and S&M, Apple Core has suffered a loss in the amount of \$13,500.
32. That for the foregoing reasons, defendants are liable, jointly and severally, to Apple Core in said amount.

WHEREFORE, Plaintiff requests that judgment be entered in his favor, and against Defendants, jointly and severally, in the amount of \$13,500, together with interest and costs.

33. That jurisdiction is proper.
34. That venue is proper.
35. That Defendants have joint and several liability.

WHEREFORE, Plaintiff requests that judgment be entered in his favor, and against Defendants, jointly and severally, in the amount of \$13,500, together with interest and costs.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. G. Noble', is written over a horizontal line.

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)

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF, TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
and adult individual.

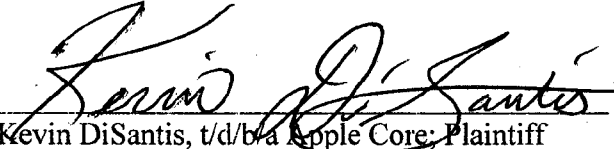
DEFENDANTS.

No. 04-4435-CD

VERIFICATION

I, Kevin DiSantis, t/d/b/a Apple Core, 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 25th day of March, 2004.


Kevin DiSantis, t/d/b/a Apple Core; Plaintiff

5/5/04 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
William A. Shaw
Deputy Prothonotary

FILED

APR 01 2004

01/10:58 a.m.
William A. Shaw
Prothonotary

400 to 0554

In The Court of Common Pleas of Clearfield County, Pennsylvania

DISANTIS, KEVIN t/d/b/a Apple Core

Sheriff Docket #

15381

VS.

04-445-CD

KTF TRANSPORT al

COMPLAINT

SHERIFF RETURNS

NOW APRIL 30, 2004 AT 10:30 AM SERVED THE WITHIN COMPLAINT ON KTF TRANSPORT, LLC a duly formed & existing Pennsylvania Limited Liability Company, DEFENDANT AT EMPLOYMENT, COZY ACRES FURNITURE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TARA FINLEY, CO-PARTNER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: MCCLEARY/SNYDER

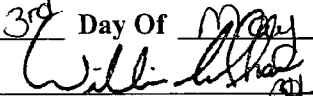
NOW APRIL 2, 2004, THOMAS DEMKO, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKNIS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON SCOTT FLECK t/d/b/a S&M LOG TRANSPORTATION, DEFENDANT.

NOW APRIL 19, 2004 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ON SCOTT FLECK t/d/b/a S&M LOG TRANSPORTATION, DEFENDANT BY DEPUTIZING THE SHERIFF OF JEFFERSON COUNTY. THE RETURN OF SHERIFF DEMKO IS HERETO ATTACHED AND MADE A PART OF THIS RETURN MARKED "NOT FOUND" ADDRESS IS IN ELK COUNTY.

Return Costs


Cost	Description
60.87	SHERIFF HAWKINS PAID BY: ATTY CK# 1369
20.00	SURCHARGE PAID BY: ATTY CK# 1370
29.64	JEFFERSON CO. SHFF. PAID BY: ATTY.

Sworn to Before Me This

30th Day Of May 2004


WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


Chester A. Hawkins
Sheriff

FILED
012:11:40
MAY 03 2004

William A. Shaw
Prothonotary/Clerk of Courts

No. 04-445-CD

Now, April 19, 2004, I return the within Notice to Defend and Civil Complaint for SCOTT FLECK, t/d/b/a S&M LOG TRANSPORTATION, Defendant, as unable to make service, Defendant's address is in Elk County.

Advance Costs Received:	\$125.00
My Costs:	\$ 27.64 Paid
Prothy:	\$ 2.00
Total Costs:	\$ 29.64
Refunded:	\$ 95.36

Sworn and subscribed

to before me this

day of

By

22nd

April

2004

My Commission Expires The
First Monday January 2008

So Answers,

Carol L. Gotsch Deputy
Thomas A. Demko Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
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DEFENDANTS.

No. ~~03~~-04-445⁵CD

Type of Pleading:

CIVIL COMPLAINT

Plaintiff

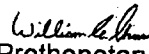
Counsel of Record:

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

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

APR 01 2004

Attest.


Prothonotary/
Clerk of Courts

**IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA
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No. ⁶¹¹~~03~~-445-CD

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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
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KTF, TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

DEFENDANTS.

No. ⁰⁴~~03~~ - 445 -CD

CIVIL COMPLAINT

NOW COMES, Kevin DiSantis, t/d/b/a Apple Core, Plaintiff, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of his CIVIL COMPLAINT:

The Parties

1. Plaintiff is Kevin DiSantis, t/d/b/a Apple Core, hereinafter "Apple Core", a sole proprietorship with principal place of business as 10 Lincoln Drive, DuBois, Clearfield County, Pennsylvania.
2. That first Defendant is KTF Transport, LLC, hereinafter "KTF", upon information and belief, a duly formed and existing, Pennsylvania Limited Liability Company, with a principal place of business being 1672 Treasure Lake, DuBois, Clearfield County, Pennsylvania.
3. That second Defendant is Scott Fleck, t/d/b/a S & M Log Transport, hereinafter "S&M", upon information and belief, a sole proprietorship with a principal place of business being located at 7901, Route 153, Brockport, Jefferson County, Pennsylvania.

Background

5. Apple Core is primarily engaged in the business of purchasing and selling automotive parts.

6. KTF is primarily engaged in the business of hauling goods in intrastate and interstate commerce.

7. S&M is also primarily engaged in the business of hauling goods in intrastate and interstate commerce.

8. On or about May 16, 2003, Apple Core contracted with KTF to haul automotive parts which it had sold to Northeast Core and Component, Inc., located at Blakeslee, Pennsylvania. Upon doing so, KTF was also to "back haul", from Northeast Core Components, Inc., to Apple Core an order consisting of 108 air conditioning compressors.

9. Upon information and belief, KTF in turn contracted with S&M to complete its contractual obligations with Apple Core.

10. That S&M delivered the order to Northeast Core and Component, Inc., and in turn picked up the order of air conditioning compressor parts for delivery to Apple Core.

11. Upon information and belief, at the time S&M took custody of said parts, the same were in good order and condition.

12. That S&M delivered the air conditioning compressors to Apple Core, and when the door to the trailer was opened, there was no other freight on board and the box, which was not secured in the trailer, containing the air conditioning compressors was broken open. Furthermore, about 15 - 18 of the compressors were lying loosely on the floor of the trailer.

13. The air conditioning compressors were placed in Apple Core's warehouse and were then inventoried and inspected by Apple Core.

14. Upon inventory and inspection, it was determined that all but 18 of the air conditioning compressors had been significantly damaged.

15. Apple Core promptly notified KTF of the situation, which remains unresolved despite Apple Core's attempt to do so.

16. That these air conditioning compressors, which Apple Core had sold and promised for delivery at a price of \$125 per unit, could not be replaced as these parts are not readily available on the market.

17. That the remaining 18 undamaged air conditioning compressors are essentially useless to Apple Core as it is not cost effective to ship such a minimal order.

18. That Apple Core has suffered a loss of \$13,500 representing 108 air conditioning compressors at a unit price of \$125.

Count I: Negligence

19. That the averments of paragraph 1 - 18, inclusive, are hereby incorporated as if again fully set forth at length.

20. That KTF and S&M owed Apple Core a duty created by each of their agreements to undertake transportation of the air conditioning compressors.

21. That KTF by hiring or contracting with S&M, made S&M its agent in this matter and is liable for S&M's negligence.

22. That S&M was negligent in that its driver, being S&M's employee or agent, and an employee or agent of KTF, in that:

(a) he failed to adequately load the air conditioning compressors onto the trailer;

(b) he failed to adequately secure the air conditioning compressors in place on the trailer such that they would not become damaged in transport;

(c) he failed to drive in a safe and prudent manner such that the air conditioning compressors became dislodged in transport and suffered damage; and

(d) he failed to inspect the air conditioning compressors while in transport to make certain they were being safely transported.

23. Besides its vicarious liability for the above, KTF was also negligent in that it hired S&M to do the hauling when it should have known that S&M was likely to not safely haul the air conditioning compressors.

24. That as a direct and proximate result of KTF's and S&M's negligence, Apple Core suffered the aforementioned damage.

WHEREFORE, Plaintiff requests that judgment be entered in his favor, and against Defendants, jointly and severally, in the amount of \$13,500, together with interest and costs.

Count II: Breach of Contract

25. That the averments of paragraph 1 - 24, inclusive, are hereby incorporated as if again fully set forth at length.

26. That Apple Core contracted with KTF for the transportation of the aforementioned air conditioning compressors.

27. That implied within said contract was that KTF, or its agents, would transport said items in a non-negligent manner.

28. That for the aforementioned reasons, KTF breached the contract with Apple Core.

29. That Apple Core was the intended beneficiary of the contract between KTF and S&M.

30. That for the aforementioned reasons, S&M breached its contract with KTF and is liable to Apple Core as the intended beneficiary of said contract.

31. That as a result of the breaches by KTF and S&M, Apple Core has suffered a loss in the amount of \$13,500.

32. That for the foregoing reasons, defendants are liable, jointly and severally, to Apple Core in said amount.

WHEREFORE, Plaintiff requests that judgment be entered in his favor, and against Defendants, jointly and severally, in the amount of \$13,500, together with interest and costs.

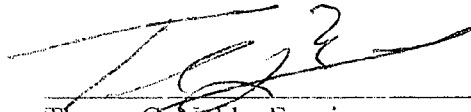
33. That jurisdiction is proper.

34. That venue is proper.

35. That Defendants have joint and several liability.

WHEREFORE, Plaintiff requests that judgment be entered in his favor, and against Defendants, jointly and severally, in the amount of \$13,500, together with interest and costs.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Theron G. Noble', is written over a horizontal line.

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)

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF, TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
and adult individual.

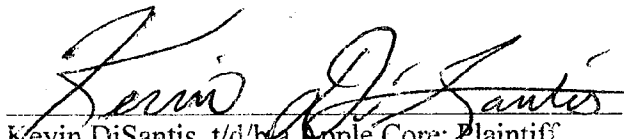
DEFENDANTS.

No. 04 445 -CD

VERIFICATION

I, Kevin DiSantis, t/d/b/a Apple Core, 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 25th day of March, 2007.


Kevin DiSantis, t/d/b/a Apple Core, Plaintiff

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF, TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

DEFENDANTS.

No. 04- 445 -CD

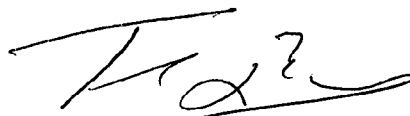
PRAECIPE TO REINSTATE

To: William A. Shaw, Prothonotary

Date: May 5, 2004

Please REINSTATE the CIVIL COMPLAINT in the above captioned 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

FILED

MAY 05 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple
Core, an adult individual,
Plaintiff

v.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company and SCOTT
FLECK, t/d/b/a S&M Log Transportation,
an adult individual,
Defendant

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Docket No. 04-445-CD

Type of Pleading:
PRAECIPE TO ENTER APPEARANCE

Filed on Behalf of:
Plaintiff:
SCOTT FLECK, t/d/b/a S&M Log
Transportation

Counsel of Record for
This Party:

Dwight L. Koerber, Jr., Esquire
PA I.D. No. 16332

LAW OFFICES OF
DWIGHT L. KOERBER, JR.
110 N. Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

MAY 13 2004

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a Apple
Core, an adult individual,
Plaintiff

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Docket No. 04-445-CD

v.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company and SCOTT
FLECK, t/d/b/a S&M Log Transportation,
an adult individual,
Defendant

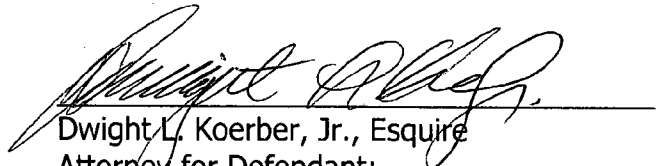
PREACIPE TO ENTER APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance on behalf of Defendant, SCOTT FLECK, t/d/b/a S&M

Log Transportation, Defendant in the above proceeding.

Respectfully submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:

SCOTT FLECK, t/d/b/a S&M Log Transportation

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

KEVIN DISANTIS, t/d/b/a Apple
Core, an adult individual,
Plaintiff

v.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company and SCOTT
FLECK, t/d/b/a S&M Log Transportation,
an adult individual,
Defendant

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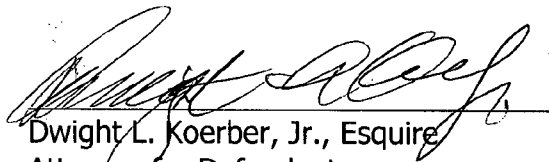
Docket No. 04-445-CD

CERTIFICATE OF SERVICE

I certify that on the 13th day of May, 2004, the undersigned served a certified copy of the Praeipe to Enter Appearance in the above-captioned matter upon the following via United States First Class Mail.

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

KTF TRANSPORT, LLC
1672 Treasure Lake
DuBois, PA 15801



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
SCOTT FLECK, t/d/b/a S&M Log Transportation

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET NO. 04-445-CD

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,
Plaintiff

v.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company and SCOTT
FLECK, t/d/b/a S&M Log Transportation
an adult individual,
Defendant

PRAECIPE TO ENTER APPEARANCE

0 3:04 am 401 to City
MAY 13 2004 *Red*

WILLIAM OFFICE C. LAW
DWIGHT KOEBER JR.
ATTORNEY-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830



In The Court of Common Pleas of Clearfield County, Pennsylvania

DISANTIS, KEVIN t/d/b/a Apple Core

Sheriff Docket #

15381

VS.

04-445-CD

KTF TRANSPORT al

COMPLAINT

SHERIFF RETURNS

NOW MAY 5, 2004, THOMAS KONTES, SHERIFF OF ELK COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON SCOTT FLECK t/d/b/a S & M LOG TRANSPORTATION, DEFENDANT.

NOW MAY 10, 2004 SERVED THE WITHIN COMPLAINT ON SCOTT FLECK t/d/b/a S&M TRANSPORTATION, DEFENDANT BY DEPUTIZING THE SHERIFF OF ELK COUNTY. THE RETURN OF SHERIFF KONTES IS HERETO ATTACHE AND MADE A PART OF THIS RETURN.

Return Costs

Cost	Description
18.97	SHERIFF HAWKINS PAID BY:ATTY CK# 1410
10.00	SURCHARGE PAID BY: ATTY CK# 1411
39.00	ELK CO. SHFF. PAID BY: ATTY

Sworn to Before Me This

So Answers,

19 Day Of May 2004
William A. Shaw

Chester A. Hawkins

Chester A. Hawkins
Sheriff

FILED

O 2:00 PM
MAY 19 2004

William A. Shaw
Prothonotary

15381

15381

Affidavit of Service

Kevin Desantis, t/d/b/a Apple
Core, an adult individual

vs.

Scott Fleck, t/d/b/a S&M Log
Transportation, an adult individual,
et al.

No. 445 Term, 20 04

Returnable within _____ days
from date of service hereof.

NOW May 10, 20 04 at 9:25 o'clock A.M.

served the within Complaint on Scott Fleck, t/d/b/a S&M
Log Transportation

at 7901 Rt. 153, Brockport, Elk County, PA

by handing to Scott Fleck

a true and attested copy of the original Complaint and made

known to him the contents thereof. Sheriff's Costs - \$39.00 PAID

Sworn to before me this 11th

day of May A.D. 20 04

Canda St...

My Commission Expires Prothonotary
January 7, 2008

So answers,

Thomas C. Korte

John G. ... Sheriff
Deputy



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986
AFTER 4:00 P.M. (814) 765-1533
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY
CYNTHIA AUGHENBAUGH
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 15381

KEVIN DISANTIS t/d/b/a

TERM & NO. 04-445-CD

VS

DOCUMENT TO BE SERVED:

COMPLAINT

KTF TRANSPORT al

SERVE BY: 06/04/2004

MAKE REFUND PAYABLE TO: THERON G. NOBLE, ESQ.

SERVE: SCOTT FLECK t/d/b/a S&M LOG TRANSPORTATION

ADDRESS: 7901 RT. 15th BROCKPORT, PA. (JEFF. CO. STATED THIS IS IN YOUR COUNTY)

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of
CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF
ELK COUNTY, Pennsylvania to execute this writ. This
Deputation being made at the request and risk of the Plaintiff this 5th Day of
MAY 2004

Respectfully,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

No. 04-⁴⁴⁵~~455~~-CD

Type of Pleading:

**DEFENDANT KTF TRANSPORT
LLC – ANSWER, NEW MATTER
AND COUNTERCLAIM**

Filed on Behalf of:

DEFENDANT KTF TRANSPORT, LLC

Counsel of Record for This Party:

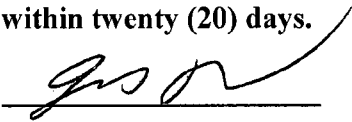
Jeffrey S. DuBois, Esquire

Supreme Court No. 62074

190 West Park Avenue, Suite #5

DuBois, PA 15801

**You are hereby notified to
file a responsive pleading
within twenty (20) days.**



FILED

JUN 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a/ Apple Core, an adult individual,	:	No. 04-455-CD
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania Limited Liability Company; and SCOTT FLECK, t/d/b/a S&M LOG Transportation an adult individual,	:	
	:	
Defendants	:	

**DEFENDANT KTF TRANSPORT LLC
ANSWER TO PLAINTIFF'S COMPLAINT**

AND NOW, comes the Defendant, KTF TRANSPORT, LLC, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Answer to Plaintiff's Complaint and in support thereof avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. There was no paragraph 4 to Plaintiff's complaint.
5. Defendant is without sufficient information to believe the truth or falsity of the averments contained in Plaintiff's paragraph number 5 and strict proof thereof is demanded at Trial.
6. Admitted, among other business.

7. Admitted.

8. Admitted in part and denied in part. It is admitted that on or about May 16, 2003, Plaintiff contracted with Defendant KTF Transport, LLC, to haul automotive parts to Blakeslee, Pennsylvania. It is specifically denied that KTF Transport, LLC, contracted to “back haul” any orders for Apple Core.

9. Admitted, to the extent that KTF Transport, LLC, contracted with Defendant S&M for the hauling of automotive parts to Blakeslee, Pennsylvania, and nothing more.

10. Defendant KTF Transport, LLC, is not in possession of sufficient information to believe the truth or falsity of the averments contained in paragraph ten of Plaintiff’s Complaint and strict proof thereof is demanded at Trial. By way of further answer, said paragraph relates to parties other than Defendant KTF Transport, LLC, and therefore is not responsible for answering the same.

11. Defendant KTF Transport, LLC, is not in possession of sufficient information to believe the truth or falsity of the averments contained in paragraph eleven of Plaintiff’s Complaint and strict proof thereof is demanded at Trial. By way of further answer, said paragraph relates to parties other than Defendant KTF Transport, LLC, and therefore is not responsible for answering the same.

12. Defendant KTF Transport, LLC, is not in possession of sufficient information to believe the truth or falsity of the averments contained in paragraph twelve of Plaintiff’s Complaint and strict proof thereof is demanded at Trial. By way of further answer, said paragraph relates to parties other than Defendant KTF Transport, LLC, and therefore is not responsible for answering the same.

13. Defendant KTF Transport, LLC, is not in possession of sufficient information to believe the truth or falsity of the averments contained in paragraph thirteen of Plaintiff's Complaint and strict proof thereof is demanded at Trial. By way of further answer, said paragraph relates to parties other than Defendant KTF Transport, LLC, and therefore is not responsible for answering the same.

14. Defendant KTF Transport, LLC, is not in possession of sufficient information to believe the truth or falsity of the averments contained in paragraph fourteen of Plaintiff's Complaint and strict proof thereof is demanded at Trial. By way of further answer, said paragraph relates to parties other than Defendant KTF Transport, LLC, and therefore is not responsible for answering the same.

15. It is admitted that Plaintiff contacted Defendant KTF Transport, LLC, though it is unknown by Defendant, and strict proof thereof is demanded, whether or not Plaintiff promptly notified Defendant KTF Transport, LLC. By way of further answer, as Defendant KTF Transport, LLC, informed Plaintiff at the time, Defendant KTF Transport, LLC, had absolutely nothing to do with the transportation of said air conditioning compressors, was not aware of the same, and therefore bore no responsibility to Plaintiff for the same.

16. Denied. As set forth in paragraph fifteen herein, Defendant KTF Transport, LLC has no responsibility to Plaintiff Apple Core for said air conditioning compressors.

17. Denied. As set forth in paragraph fifteen herein, Defendant KTF Transport, LLC has no responsibility to Plaintiff Apple Core for said air conditioning compressors.

18. Denied. It is denied that Apple Core suffered any loss. By way of further answer, Defendant KTF Transport, LLC, is in no way responsible for any alleged loss by

Plaintiff Apple Core, as there was no agreement, nor contract, of any shipment of said compressors, nor was Defendant KTF Transport, LLC, aware of the same.

COUNT I: NEGLIGENCE

19. No responsive pleading is required.

20. Denied. It is specifically denied that Defendant KTF Transport, LLC, had a duty to Plaintiff Apple Core as there was no agreement between Plaintiff Apple Core and Defendant KTF Transport, LLC, for the transportation of the air conditioning compressors.

21. Denied. It is specifically denied that Defendant KTF Transport, LLC, simply by hiring or contracting with S&M is liable for all of S&M's alleged negligence. On the contrary, the only contracting KTF Transport, LLC, did with S&M with respect to Plaintiff, Apple Core, was for the delivering of automotive parts to Blakeslee, Pennsylvania. Any other matters between the parties would be strictly between Defendant S&M and Plaintiff Apple Core and not Defendant KTF Transport, LLC.

22. Paragraph twenty two sets forth an allegation against a Defendant other than KTF Transport, LLC, and no responsive pleading is required by KTF Transport, LLC. By way of further answer, KTF Transport, LLC, made no agreement with either S&M or Plaintiff Apple Core for the transportation of the air compressors.

23. Denied. It is denied that KTF Transport, LLC, is negligent in any manner with respect to S&M, or Plaintiff, and on the contrary, KTF Transport, LLC, contracted with S&M and Plaintiff Apple Core for the hauling of automotive parts to Blakeslee,

Pennsylvania, which were done correctly and no complaints have been received by KTF Transport, LLC, for said transportation.

24. Denied. It is denied that Plaintiff Apple Core suffered any damage as the result of any conduct on the part of KTF Transport, LLC.

WHEREFORE, Defendant KTF Transport, LLC, respectfully requests this Honorable Court to dismiss Plaintiff's Complaint in its entirety against Defendant KTF Transport, LLC.

COUNT II – BREACH OF CONTRACT

25. No responsive pleading is required.

26. Denied. It is specifically denied that Plaintiff Apple Core contracted with KTF Transport, LLC, for the transportation of the air conditioning compressors. By way of further answer, Plaintiff Apple Core has failed to include in its Complaint any writing, or contract, or agreement, between Defendant KTF Transport, LLC, and Plaintiff Apple Core for the alleged transportation of the air conditioning compressors.

27. Denied. As is set forth herein, there was never any contract between Plaintiff Apple Core, and Defendant KTF Transport, LLC, therefore, there is no responsibility for the same.

28. Denied. There was no breach between the parties, as there was never a contract between the parties.

29. Denied. It is denied that Plaintiff Apple Core was the intended beneficiary of the contract, as there was no intended beneficiary and there was no contract between the parties.

30. Paragraph thirty of Plaintiff's complaint relates to a Defendant other than Defendant KTF Transport, LLC, and no responsive pleading is required.

31. Denied. It is denied that there were any breaches, as there were no contracts between Defendant KTF Transport, LLC, and Plaintiff Apple Core. Therefore, Plaintiff has suffered no loss as a result of Defendant KTF Transport, LLC.

32. Denied. It is specifically denied that Defendant KTF Transport, LLC, is liable at all to Plaintiff Apple Core.

WHEREFORE, Defendant KTF Transport, LLC, respectfully requests that this Honorable Court dismiss Plaintiff's complaint in its entirety against Defendant KTF Transport, LLC.

33. No responsive pleading is required.

34. No responsive pleading is required.

35. The averments contained in Plaintiffs paragraph thirty-five set forth conclusions of law to which no responsive pleading is required. By way of further answer, as set forth herein, Defendant KTF Transport, LLC, has no liability to Plaintiff Apple Core.

WHEREFORE, Defendant KTF Transport, LLC, requests this Honorable Court to dismiss Plaintiff's complaint in its entirety against Defendant KTF Transport, LLC.

NEW MATTER

36. Defendant hereby incorporates paragraphs one through thirty five (35) as if each were set forth hereunder.

37. The only contact in which Defendant KTF Transport, LLC, had with the Plaintiff with respect to the transportation of goods was for the transportation of automotive parts to Blakeslee, Pennsylvania.

38. Defendant KTF Transport, LLC had no other contact with Plaintiff concerning any other transportation, and Defendant was not aware of any “back hauling” of air conditioner compressors between Defendant S&M and Plaintiff.

39. There was never any agreement nor contract, between Defendant KTF Transport, LLC, and Plaintiff for any back hauling or any transportation of any air conditioner compressors.

40. Defendant, KTF Transport, LLC was not aware of any transportation or back hauling of the air conditioner compressors until they arrived in DuBois, Clearfield County, and Plaintiff contacted KTF Transport, LLC.

41. As a consequence, Defendant KTF Transport, LLC, did not contract with, nor even know about, any back hauling or transportation of the air conditioner compressors, Defendant, KTF Transport, LLC, cannot be liable to Plaintiff for any amounts.

WHEREFORE, Defendant, KTF Transport, LLC, respectfully requests this Honorable Court to dismiss Plaintiff's complaint in its entirety.

COUNTERCLAIM

42. Defendant hereby incorporates paragraphs one through forty one (41) as if each were set forth hereunder.

43. Defendant, KTF Transport, LLC, is a valid Limited Liability Company existing and organized under the laws of the Commonwealth of Pennsylvania with an address of 1672 Treasure Lake, DuBois, Clearfield County, Pennsylvania.

44. Plaintiff, KEVIN DISANTIS, t/d/b/a/ Apple Core, is believed to be a business operating within the Commonwealth of Pennsylvania with an address of 10 Lincoln Drive, DuBois, Clearfield County, Pennsylvania.

45. As set forth by Plaintiff in his Complaint, Plaintiff contracted with Defendant for the transportation of automotive parts to Blakeslee, Pennsylvania.

46. As part of their agreement, Plaintiff was to pay Defendant for the use of the truck to Blakeslee, Pennsylvania.

47. The cost to Plaintiff for this use was Three Hundred Twenty Five and 00/100 (\$325.00) Dollars. A copy of said invoice is attached hereto and made a part hereof as Exhibit "A".

48. To date, despite repeated requests by Defendant to Plaintiff for the payment of the same, Plaintiff has wholly failed and refused to pay said amount.

49. As was admitted by Plaintiff in its complaint, the above transportation did take place and the automotive parts were transported to Blakeslee, Pennsylvania.

50. Therefore, because of the fact Defendant complied with the terms of the agreement, Plaintiff owes Defendant the amount pursuant to the agreement, specifically

Three Hundred Twenty Five and 00/100 (\$325.00) Dollars, plus interest and late fees.

WHEREFORE, Defendant, KTF Transport, LLC, respectfully requests this Honorable Court to award judgment in its favor and against Defendant, in an amount of Three Hundred Twenty Five and 00/100 (\$325.00) Dollars, together with interest, costs of suit, and any other relief this Court deems just and equitable.

Respectfully submitted,

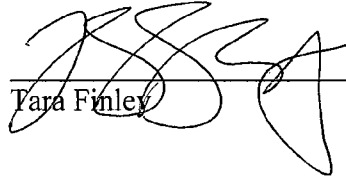
A handwritten signature in black ink, appearing to read 'Jeffrey S. DuBois', is written over a horizontal line.

Jeffrey S. DuBois, Esquire
Attorney for KTF Transport, LLC

VERIFICATION

I, TARA FINLEY, President of KTF Transportation, LLC, verify that the statements in the foregoing Pleading are true and correct to the best of my knowledge, information and belief.

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


Tara Finley

KTF Transport LLC.
 1672
 Treasure Lake
 DuBois, PA 15801
 USA
 (814)372-2266 FX:(814)372-0909

Invoice

PAGE 1

Invoice No. 00000158
 Invoice Date 06/04/04
 TAXPAYER ID 25-1883760

Sold To: APPLE CORE
 66 TAYLOR AVE
 FALLS CREEK, PA 15840

Ship To:

Purchase Order Number _____
 Date Ordered 06/04/04 Date Shipped 06/04/04 Ship Via _____
 Salesperson _____ Terms DUE ON RECEIPT Payment Due 06/04/04 F.O.B. _____
 Notes _____

Item	Ordered	Shipped	Description	Price	Amount
			TRIP TO BLAKESLEE, PA	325.00	325.00
		1	6/22/03 INTREST	58.50	58.50
		1	7/22/03 INTREST	58.50	58.50
		1	8/22/03 INTREST	58.50	58.50
		1	9/22/03 INTREST	58.50	58.50
		1	10/22/03 INTREST	58.50	58.50
		1	11/22/03 INTREST	58.50	58.50
		1	12/22/03 INTREST	58.50	58.50
		1	1/22/04 INTREST	58.50	58.50
		1	2/22/04 INTREST	58.50	58.50
		1	3/22/04 INTREST	58.50	58.50
		1	4/22/04 INTREST	58.50	58.50
		1	5/22/04 INTREST	58.50	58.50

Message
 18% INTREST PER M/ LATE CHARGE

SubTotal _____
 Sales Tax _____
 Shipping _____
 TOTAL 1,027.00

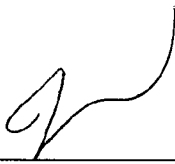
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 7th day of June, 2004, I served a true and correct copy of the within Defendant KTF Transport, LLC, Answer to Plaintiff's Complaint, by first class mail, postage prepaid, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

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

KEVIN DISANTIS, t/d/b/a
APPLE CORE, an adult
individual,
Plaintiff

-vs-

KTF TRANSPORT, LLC, a
Pennsylvania Limited
Liability Company; and
SCOTT FLECK, t/d/b/a
S & M LOG TRANSPORTATION,
an adult individual,
Defendants

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Docket No. 04-445-CD

Type of pleading:
ANSWER AND NEW MATTER ON
BEHALF OF SCOTT FLECK,
t/d/b/a S & M LOG
TRANSPORT, DEFENDANT

Filed on behalf of:
DEFENDANT, Scott Fleck,
t/d/b/a S & M Log
Transport

Counsel of record for
this party:

FILED

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

JUL 20 2004
o/ r/r/ur
William A. Shaw
Prothonotary

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

4 cent to Att

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

KEVIN DISANTIS, t/d/b/a
APPLE CORE, an adult
individual,
Plaintiff

-vs-

KTF TRANSPORT, LLC, a
Pennsylvania Limited
Liability Company; and
SCOTT FLECK, t/d/b/a
S & M LOG TRANSPORTATION,
an adult individual,
Defendants

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Docket No. 04-445-CD

NOTICE TO PLAINTIFF KEVIN DISANTIS, t/d/b/a APPLE CORE
AND TO DEFENDANT KTF TRANSPORT, LLC

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED ANSWER AND NEW MATTER WITHIN TWENTY (20) DAYS FROM
SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

Dwight L. Koerber, Jr.,
Esquire
Attorney for Defendant,
Scott Fleck, t/d/b/a S & M
Log Transport

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

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

KEVIN DISANTIS, t/d/b/a
APPLE CORE, an adult
individual,
Plaintiff

-vs-

KTF TRANSPORT, LLC, a
Pennsylvania Limited
Liability Company; and
SCOTT FLECK, t/d/b/a
S & M LOG TRANSPORTATION,
an adult individual,
Defendants

*

*

*

*

Docket No. 04-445-CD

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*

ANSWER AND NEW MATTER ON BEHALF OF
SCOTT FLECK, t/d/b/a S & M LOG TRANSPORT, DEFENDANT

COMES NOW, Scott Fleck, t/d/b/a S & M Log Transport (not Transportation as shown in the caption) (referred to hereinafter as "S & M"), and files the within Answer and New Matter in support of his position in opposition to the Complaint filed herein.

1. Admitted.

2. Admitted in part, with the understanding that S & M acknowledges that KTF Transport is a defendant, but does not know, and therefore cannot admit, whether it is an LLC, and likewise what its principal place of business might be.

3. Admitted in part and denied in part. The information alleged is correct with the exception of the county involved, as S & M is located in Elk County, not Jefferson County, Pennsylvania.

4. N/A.

5. Admitted.

6. Admitted in part and denied in part. While it is admitted that KTF is engaged in the transportation business, S & M does not know what its primary business activity is and requires strict proof of same at trial.

7. Admitted.

8. Admitted in part and denied in part. While the date and some of the information alleged appears to be correct, S & M cannot confirm the full details of the exact number of air conditioning compressors transported, nor the other details alleged. Accordingly, strict proof of same is required at trial. See New Matter.

9. Legal conclusion. No answer required.

10. Upon reasonable investigation, S & M is unable to determine the exact details of the transaction that occurred herein, and requires strict proof of same at trial. See New Matter.

11. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore denies them. Strict proof of same is required at trial. See New Matter.

12. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore

denies them. Strict proof of same is required at trial. See New Matter.

13. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore denies them. Strict proof of same is required at trial. See New Matter.

14. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore denies them. Strict proof of same is required at trial. See New Matter.

15. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore denies them. Strict proof of same is required at trial. See New Matter.

16. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore denies them. Strict proof of same is required at trial. See New Matter.

17. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore denies them. Strict proof of same is required at trial. See New Matter.

18. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore

denies them. Strict proof of same is required at trial. See New Matter.

COUNT I: NEGLIGENCE

19. No answer required.
20. Denied, legal conclusion. See New Matter.
21. Denied, legal conclusion. See New Matter.
- 22(a)-(d). Denied, legal conclusion. See New Matter.
23. Denied, legal conclusion. See New Matter.
24. Denied, legal conclusion. See New Matter.

WHEREFORE, Defendant Scott Fleck, t/d/b/a S & M Log Transport, denies the claim filed herein, and requests that judgment be entered in his favor and against the plaintiff.

COUNT II: BREACH OF CONTRACT

25. No answer required.
26. Upon reasonable investigation, S & M is unable to determine the truth of the allegations set forth, and therefore denies them. Strict proof of same is required at trial. See New Matter.
27. Denied, legal conclusion. See New Matter.
28. Denied, legal conclusion. See New Matter.
29. Denied, legal conclusion. See New Matter.
30. Denied, legal conclusion. See New Matter.
31. Denied, legal conclusion. See New Matter.
32. Denied, legal conclusion. See New Matter.

WHEREFORE, Defendant Scott Fleck, t/d/b/a S & M Log Transport, denies the claim filed herein, and requests that judgment be entered in his favor and against the plaintiff.

33. Legal conclusion. No answer required.

34. Legal conclusion. No answer required.

35. Legal conclusion. No answer required.

WHEREFORE, Defendant Scott Fleck, t/d/b/a S & M Log Transport, denies the claim filed herein, and requests that judgment be entered in his favor and against the plaintiff.

NEW MATTER

In further support of his position herein, S & M offers the following New Matter.

36. For the transportation arrangement that involves this claim, the transportation services were arranged for and contracted directly between plaintiff and Defendant KTF Transport, LLC. S & M played no role in contracting for those transportation services nor in overseeing the transportation services.

37. If in fact there is any theoretical liability against S & M Log Transport, that liability is negated by the fact that a clean delivery receipt was signed upon delivery of the shipment in question. Attached hereto as Exhibit A is a true and correct copy of the delivery receipt.

38. For any claim that might be due and owing, because of the

alleged damage that occurred, the transportation services rendered were not rendered through the oversight, control or direction of S & M, and for that reason, S & M has no liability for the claim.

39. In further support of his position, S & M attaches hereto as Exhibit B a true and correct copy of the freight bill furnished by KTF to Apple Core. This invoice confirms the fact that the parties acknowledged that there is a direct shipper/carrier relationship between themselves, independent of S & M.

40. Overall, if there is any liability, or if there is any wrongdoing on behalf of an entity as the motor carrier, that wrongdoing exists solely through Defendant KTF, and not through S & M.

WHEREFORE, Scott Fleck, t/d/b/a S & M Log Transport, prays that judgment be entered in its favor and against the plaintiff.

NEW MATTER PURSUANT TO Pa.R.C.P. 2252(d)

41. Without admitting or denying the averments set forth in the Complaint herein, and solely for the purposes of this cross claim, S & M hereby incorporates the portions of the plaintiff's Complaint that are directed to Defendant KTF.

42. It is S & M's position that if it should be determined at trial that plaintiff is entitled to recover, that the sole party that is liable to plaintiff is Defendant KTF, and if any liability is entered against S & M, KTF is liable over to S & M for payment

of liability by way of indemnity or contribution.

WHEREFORE, Defendant Scott Fleck, t/d/b/a S & M Log Transport, prays that its cross claim against Defendant KTF be granted, and that KTF alone be liable for all judgments, costs and claims that are entered in this matter.

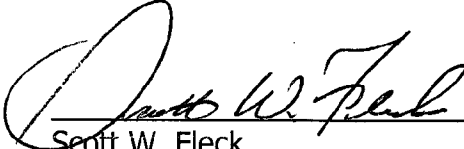
Respectfully submitted,

By: 

Dwight L. Koerber, Jr., Esquire
Attorney for Defendant,
SCOTT FLECK, t/d/b/a S & M
LOG TRANSPORT

VERIFICATION

I certify that the statements made in the foregoing document 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.



Scott W. Fleck

CERTIFICATE OF SERVICE

I certify that on this 20th day of July, 2004, a copy of the foregoing pleading was served by United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

KTF TRANSPORT, LLC
1672 Treasure Lake
DuBois, PA 15801



Dwight L. Koerber, Jr., Esquire

EXHIBIT A

Attached hereto is a true and correct copy of the clean delivery receipt signed by plaintiff.

Carrier

Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the receipt by the carrier of the property described in the Original Bill of Lading,

at

North East Coal Company from 154 West 1st St.

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown) marked, consigned and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each car of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on back hereof, which are hereby agreed to by the shipper and accepted for himself and his assigns.

(Mail or street address of consignee - For purposes of notification only.)

Consigned to

Apple Core

Destination

Fall Creek

State of

Zip Code

County of

Delivering
Carrier

Vehicle

or Car Initial

No.

Routing

Collect On Delivery

\$

and remit to:

C. O. D. charge
to be paid by{ Shipper
Consignee

Street

City

State

No.
Packages

Description of Articles, Special Marks, and Exceptions

*Weight
(Sub. to Car)Class
or RateCheck
Column

1	Shred Apple	1000 lbs	30	
---	-------------	----------	----	--

Subject to Section 7 of conditions this shipment is to be delivered to consignee without recourse on the part of the shipper, the shipper shall sign the following statements:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor.)

If charges are to be prepaid, write stamp here, "TO BE PREPAID."

Received \$_____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____
(the signature here acknowledges only the amount prepaid.)

Charges Advanced:

\$

"If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is 'carrier's or shipper's weight.' NOTE - Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property."

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ per _____

Shipper, Per

Agent, Per

Permanent post-office address of shipper,

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

EXHIBIT B

Attached hereto is a true and correct copy of the invoice presented by Defendant KTF to plaintiff.

KTF Transport LLC.

1672

Treasure Lake

DuBois, PA 15801

USA

(814)372-2266 FX:(814)372-0909

Invoice No.

00000158

Invoice Date

05/22/03

TAXPAYER ID

25-1883760

Sold

To: APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship

To:

Purchase Order Number

Date Ordered

05/22/03

Date Shipped

05/22/03

Ship Via

F.O.B.

Salesperson

Terms

DUE ON RECEIPT

Payment Due

05/22/03

Notes

Item

Ordered

Shipped

Description

Price

Amount

1 TRIP TO BLAKESLEE, PA

325.00

325.00

1 RETURN TRIP TO FALLS CREEK

100.00

100.00

Message

SubTotal

Sales Tax

Shipping

TOTAL

425.00

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
Docket No. 04-445-CD

KEVIN DISANTIS, t/d/b/a APPLE
CORE, an adult individual,
Plaintiff

-vs-

KTF TRANSPORT, LLC, a Pennsylvania
limited liability Company; and
SCOTT FLECK, t/d/b/a S & M LOG
TRANSPORTATION, an adult
individual,
Defendants

ANSWER AND NEW MATTER ON BEHALF OF
SCOTT FLECK, t/d/b/a S & M LOG
TRANSPORTATION, DEFENDANT

LAW OFFICE
DWIGHT KOERBER, JR.
ATTORNEY-AT-LAW
110 NORTH SECOND STREET
P. O. BOX 1320
CLEARFIELD, PENNSYLVANIA 16830

FILED

JUL 20 2004

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company; and SCOTT FLECK, t/d/b/a
S&M Log Transportation, an adult individual,

DEFENDANTS.

No. 04- 445 -CD

Type of Pleading:

**PLAINTIFF'S REPLY TO NEW
MATTER OF DEFENDANT
SCOTT FLECK, t/d/b/a S&M LOG
TRANSPORT**

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
IN 12:09 PM NDC
SEP 09 2004

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

No. 04- 445 -CD

**PLAINTIFF'S REPLY TO NEW MATTER OF DEFENDANT
SCOTT FLECK, t/d/b/a S&M LOG TRANSPORT**

AND NOW, comes the Plaintiff, Kevin DiSantis, t/d/b/a Apple Core, who avers as follows in support of its REPLY TO NEW MATTER of Defendant Scott Fleck, t/d/b/a S&M Log Transport, hereinafter "S&M", as follows:

36. Admitted in part, Denied in part. It is ADMITTED that Plaintiff and Defendant KTF Transport entered into a contract concerning transportation services. After reasonable investigation, it can not either be admitted or denied that Defendant S&M played no role in that contract and did not oversee the transportation services. Strict proof of the same is demanded at time of trial.

37. The same is a legal conclusion for which no response is necessary. By way of further response, Exhibit "A" demonstrates nothing more that the delivery was completed, not that the goods arrived in "clean" condition. Strict proof of the same is demanded at time of trial.

38. Denied. After reasonable investigation, it can neither be admitted or denied that Defendant S&M had no oversight, control or direction as to this matter, as such the same is DENIED. Strict proof of the same is demanded at time of trial.

39. Admitted in part, denied in part. It is admitted that Exhibit "B" is a true and correct copy of the invoice submitted to Plaintiff by Defendant KTF Transport, LLC. As to the relation ship between the parties, the same is a legal conclusion for which no response is deemed necessary. To the extent such a response might be deemed necessary, Plaintiff hereby incorporates his response to averment 37 as being responsive hereto.

40. The same is a legal conclusion for which no response is necessary.

WHEREFORE, Plaintiff requests judgment in his favor and against Defendant Scott Fleck, t/d/b/a S&M Log Transport as per his CIVIL COMPLAINT.

41 - 42. Said averments are directed to another party, as such, no response is deemed necessary.

WHEREFORE, Plaintiff requests judgment in his favor and against Defendants as per his CIVIL COMPLAINT.

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)

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

No. 04- 445 -CD

VERIFICATION

I, Kevin DiSantis, t/d/b/a Apple Core, Plaintiff, does hereby swear and affirm that I have read the foregoing and attached REPLY TO NEW MATTER 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 30th day of July, 2004.


Kevin DiSantis, Plaintiff

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

No. 04- 445 -CD

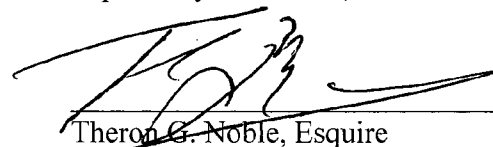
CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
8th day of September, 2004, mail a true and correct copy of
Plaintiff's RESPONSIVE PLEADING to DEFENDANT SCOTT FLECK's, t/d/b/a S&M
Log Transport NEW MATTER to the below listed individuals, being all counsels of
record, via United States Mail, first class, postage pre-paid, as follows:

Dwight L. Koerber, Jr., Esquire
P.O. Box 1320
Clearfield, PA 16830

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

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)

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company; and SCOTT FLECK, t/d/b/a
S&M Log Transportation, an adult individual,

DEFENDANTS.

No. 04- 445 -CD

Type of Pleading:

**PLAINTIFF'S REPLY TO NEW
MATTER OF DEFENDANT
KTF TRANSPORT, LLC**

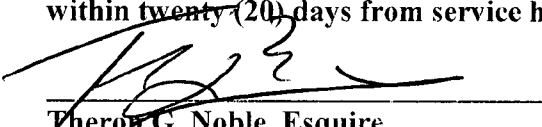
Filed By:
Plaintiff

Counsel of Record:

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

To: Defendant KTF Transport, LLC

You are hereby notified to file a written response to the enclosed Additional New Matter within twenty (20) days from service hereof or a judgment may be entered against you.


Theron G. Noble, Esquire
Attorney for Plaintiff

FILED
M 12:09 PM NO 04

SEP 09 2004

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

No. 04- 445 -CD

**PLAINTIFF'S ANSWER TO COUNTER-CLAIM, REPLY TO NEW MATTER
OF DEFENDANT KTF TRANSPORT, LLC and PLAINTIFF'S NEW MATTER**

AND NOW, comes the Plaintiff, Kevin DiSantis, t/d/b/a Apple Core, who avers as follows in support of its ANSWER TO COUNTER-CLAIM and REPLY TO NEW MATTER of Defendant KTF TRANSPORT, LLC, hereinafter "KTF", as follows:

Reply to New Matter

36. Plaintiff hereby incorporates his pleadings of averments 1 - 35 as if again fully set forth at length.

37. Denied. Said defendant also agreed to haul from Blakeslee, Pennsylvania the air compressors discussed in Plaintiff's civil complaint. Strict proof of the same is demanded at time of trial. Plaintiff has hereto attached as Exhibit "A", a true and correct copy of the invoice submitted by said Defendant to Plaintiff which clearly includes a billing charge for such "back hauling".

38. Denied. For the reasons set forth in response to averment 37, as well as those set forth in Plaintiff's CIVIL COMPLAINT, the same is DENIED and strict proof is demanded at time of trial.

39. Denied. For the reasons set forth in response to averment 37, as well as those set forth in Plaintiff's CIVIL COMPLAINT, the same is DENIED and strict proof is demanded at time of trial.

40. Denied. For the reasons set forth in response to averment 37, as well as those set

forth in Plaintiff's CIVIL COMPLAINT, the same is DENIED and strict proof is demanded at time of trial.

41. Denied. For the reasons set forth in response to averment 37, as well as those set forth in Plaintiff's CIVIL COMPLAINT, the same is DENIED and strict proof is demanded at time of trial.

WHEREFORE, Plaintiff requests judgment in his favor as requested in his civil complaint.

Answer to Counter-Claim

42. Plaintiff hereby incorporates his pleadings of averments 1 - 35, as well as his Reply to New Matter, as if again fully set forth at length.

43. After reasonable investigation, the same can not be admitted nor denied and strict proof is demanded at time of trial.

44. Admitted.

45. Admitted in part, Denied in part. It is admitted that Plaintiff and Defendant contracted for transportation of certain automotive parts, but in addition to those delivered to Blakeslee, Pennsylvania, also included was delivery for other parts back to DuBois from Blakeslee.

46. Denied. It is DENIED that Plaintiff was to pay for "use of the truck" but was to pay for transportation of the items in a safe and prudent manner, and is reflected in Defendant's invoice and a bill of lading as compared with a lease. Strict proof of the same is demanded at time of trial.

47. Denied. Defendant invoiced Plaintiff the agreed upon sum of \$425, which included a \$100 "back hauling" fee. (see Exhibit "A") It is fraudulent and perjurious for Defendant to suggest that the invoice attached to its New Matter and Counter-Claim is a true and correct copy of the invoice issued to Plaintiff. Strict proof of the same is demanded at time of trial.

48. Admitted. By way of further response, for the reasons set forth in Plaintiff's Civil Complaint, the same is not owed by Plaintiff to Defendant.

49. Admitted.

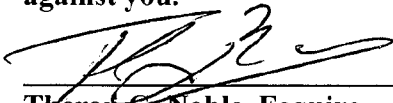
50. For the reasons herein set forth as well as those contained in Plaintiff's Civil Complaint, the same is DENIED and strict proof is demanded at time of trial.

WHEREFORE, Plaintiff requests judgment in his favor and against this Defendant as per his CIVIL COMPLAINT.

Additional New Matter

To: Defendant KTF Transport, LLC

You are hereby notified to file a written response to the enclosed Additional New Matter within twenty (20) days from service hereof or a judgment may be entered against you.



**Theron G. Noble, Esquire
Attorney for Plaintiff**

51. That the driver of the Defendant's truck, Russ Butson, was hired by this Defendant to drive to Blakeslee, Pennsylvania on May 16, 2003.

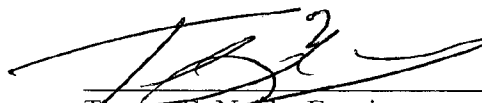
52. That the invoice attached hereto is a true and accurate copy of the invoice actually issued to Plaintiff by this Defendant for services provided on May 16, 2003.

53. That included in the contract between Plaintiff and this Defendant was that reasonable care would be provided for those goods hauled by the Defendant.

54. That for the reasons set forth in Plaintiff's CIVIL COMPLAINT, reasonable care was not used, the goods suffered damage and this Defendant breached the agreement with Plaintiff.

WHEREFORE, Plaintiff requests judgment in his favor and against Defendant KTF Transport, LLC as per his CIVIL COMPLAINT.

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**

TF Transport LLC.
 572
 reasure Lake
 uBois, PA 15801
 SA
 314)372-2266 FX:(814)372-0909

Invoice No. 00000158	Invoice Date 05/22/03	TAXPAYER ID 25-1883760
-------------------------	--------------------------	---------------------------

Sold
 To: APPLE CORE
 66 TAYLOR AVE
 FALLS CREEK, PA 15840

Ship
 To:

Purchase Order Number	Date Ordered 05/22/03	Date Shipped 05/22/03	Ship Via	F.O.B.
Salesperson	Terms DUE ON RECEIPT	Payment Due 05/22/03	Notes	

Item	Ordered	Shipped	Description	Price	Amount
	1	1	TRIP TO BLAKESLEE, PA	325.00	325.00
	1	1	RETURN TRIP TO FALLS CREEK	100.00	100.00

Exhibit "A"

Message

SubTotal	
Sales Tax	
Shipping	
TOTAL	425.00

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

No. 04- 445 -CD

VERIFICATION

I, Kevin DiSantis t/d/b/a Apple Core, Plaintiff, does hereby swear and affirm that I have read the foregoing and attached RESPONSIVE PLEADING 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 31 day of August, 2004.


Kevin DiSantis, Plaintiff

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
8th day of September, 2004, mail a true and correct copy of
Plaintiff's RESPONSIVE PLEADING to DEFENDANT's KTF Transport, LLC's
pleadings to the below listed individuals, being all counsels of record, via United States
Mail, first class, postage pre-paid, as follows:

Dwight L. Koerber, Jr., Esquire
P.O. Box 1320
Clearfield, PA 16830

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

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

CP

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

KEVIN DISANTIS, t/d/b/a/ Apple Core, an adult individual,	:	No. 04- ⁴⁴⁵ 455 -CD
	:	
Plaintiff	:	Type of Pleading:
	:	
Vs.	:	PRELIMINARY OBJECTIONS
	:	
KTF TRANSPORT, LLC, a Pennsylvania Limited Liability Company; and SCOTT FLECK, t/d/b/a S&M LOG Transportation an adult individual,	:	Filed on Behalf of:
	:	DEFENDANT KTF TRANSPORT, LLC
Defendants	:	
	:	Counsel of Record for This Party:
	:	
	:	Jeffrey S. DuBois, Esquire
	:	Supreme Court No. 62074
	:	190 West Park Avenue, Suite #5
	:	DuBois, PA 15801

FILED 3cc
0/2:2261
OCT 20 2004
William A. Shaw
Prothonotary/Clerk of Courts

Atty DuBois

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

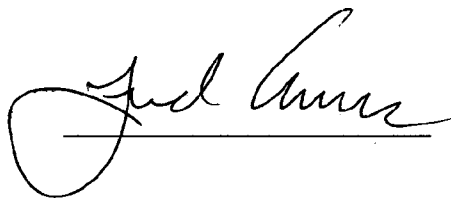
KEVIN DISANTIS, t/d/b/a/ Apple Core, : No. 04-⁴⁴⁵~~455~~-CD
an adult individual, :
Plaintiff :
Vs. :
KTF TRANSPORT, LLC, a Pennsylvania :
Limited Liability Company; and SCOTT :
FLECK, t/d/b/a S&M LOG Transportation :
an adult individual, :
Defendants :

ORDER

AND NOW, this 15 day of ~~October~~^{November}, 2004, in consideration of Defendant,
KTF Transport, LLC's, Preliminary Objections,

IT IS HEREBY ORDERED AND DECREED that a hearing be scheduled for
December 14, 2004, at 9:00 o'clock A.m. at the Clearfield County
Courthouse, Clearfield, Pennsylvania.

BY THE COURT:



FILED ²⁶¹²
O 3:42 PM 306 to atty.
NOV 15 2004

Prothonotary

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

KEVIN DISANTIS, t/d/b/a/ Apple Core, an adult individual,	:	No. 04-455-CD
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania Limited Liability Company; and SCOTT FLECK, t/d/b/a S&M LOG Transportation an adult individual,	:	
Defendants	:	

PRELIMINARY OBJECTIONS

AND NOW, comes the Defendant, KTF TRANSPORT, LLC, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Preliminary Objections to Plaintiff's Additional New Matter and in support thereof avers the following:

I. FAILURE OF PLEADING TO CONFORM TO LAW

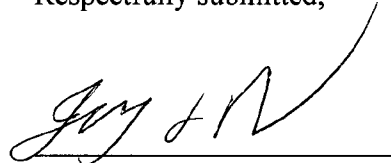
1. In the above captioned matter, Defendant filed an Answer and New Matter and Counterclaim to Plaintiff's Complaint.
2. In response, Plaintiff filed a Responsive Pleading, including paragraphs 51 through 54 of Plaintiff's Response which Plaintiff titled "Additional New Matter".
3. Under Pennsylvania Rules of Civil Procedure, specifically rule 1030, a Pleading of New Matter is designed to be set forth by a Defendant and for said Defendant

to assert affirmative defenses or other similar defenses during a pleading stage to avoid an unnecessary Trial.

4. As such, the New Matter is designed to be responded by Defendant to a Complaint from a Plaintiff. There is no rule setting forth or allowing an “Additional New Matter”, especially one filed by a Plaintiff.

5. Consequently, Plaintiff’s “Additional New Matter” does not conform to the law and paragraphs 51 through 54 of Plaintiff’s Response should be stricken.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey S. DuBois", written over a horizontal line.

Jeffrey S. DuBois, Esquire
Attorney for KTF Transport, LLC


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

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 20th day of October, 2004, I served a true and correct copy of the within Preliminary Objections, by first class mail, postage prepaid, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

CA

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

KEVIN DISANTIS, t/d/b/a/ Apple Core, an adult individual,	:	No. 04- ⁴⁴⁵ 455 -CD
	:	
Plaintiff	:	Type of Pleading:
	:	
Vs.	:	MOTION FOR CONTINUANCE
	:	
KTF TRANSPORT, LLC, a Pennsylvania Limited Liability Company; and SCOTT FLECK, t/d/b/a S&M LOG Transportation an adult individual,	:	Filed on Behalf of:
	:	DEFENDANT KTF TRANSPORT, LLC
Defendants	:	
	:	Counsel of Record for This Party:
	:	
	:	Jeffrey S. DuBois, Esquire
	:	Supreme Court No. 62074
	:	190 West Park Avenue, Suite #5
	:	DuBois, PA 15801

FILED

NOV 30 2004

0/12:00/14
William A. Shaw

Prothonotary/Clerk of Courts

3 copy to ATT

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

KEVIN DISANTIS, t/d/b/a/ Apple Core, : No. 04-455-CD
an adult individual, :
Plaintiff :
Vs. :
KTF TRANSPORT, LLC, a Pennsylvania :
Limited Liability Company; and SCOTT :
FLECK, t/d/b/a S&M LOG Transportation :
an adult individual, :
Defendants :

ORDER

AND NOW, this 6th day of ^{December}~~November~~, 2004, in consideration of Defendant,

KTF Transport, LLC's, Motion for Continuance,

IT IS HEREBY ORDERED AND DECREED that the hearing on Preliminary
Objections be rescheduled for the 12 day of January, 200⁵~~4~~, at 9:00 o'clock
A.M. at the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

FILED

6307 BA 300 *gilly*
Sub Jis
DEC 06 2004

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
Defendants	:	

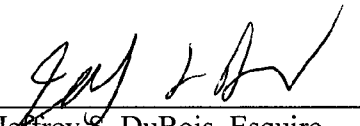
MOTION FOR CONTINUANCE

AND NOW, comes the Defendant, KTF TRANSPORT, LLC, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Motion for Continuance and in support thereof avers the following:

1. There is a Hearing scheduled for December 16, 2004, at 9:00 a.m. on Defendant's Preliminary Objections.
2. The undersigned has already been scheduled to appear in Jefferson County Court that same date and time.
3. It is in Defendant's best interest to have representation at said Hearing.
4. Therefore, Defendant's request this Hearing be rescheduled to another date and time.

WHEREFORE, Defendant's respectfully request this Honorable Court to
continue the Hearing on Preliminary Objections to another date and time.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for KTF Transport, LLC


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

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 30th day of November, 2004, I served a true and correct copy of the within Preliminary Objections, by first class mail, postage prepaid, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company; and SCOTT FLECK, t/d/b/a
S&M Log Transportation, an adult individual,

DEFENDANTS.

No. 04- 445 -CD

Type of Pleading:

**PLAINTIFF'S PRAECIPE
TO DISCONTINUE
(only as to Defendant Fleck)**

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 10
DEC 27 2004 CC
copy to CIA

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

No. 04- 445 -CD

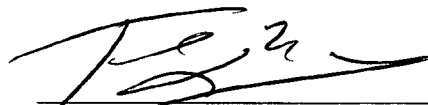
PRAECIEP TO DISCONTINUE
(only as to Defendant Fleck)

To: William A. Shaw, Prothonotary

Date: December 23, 2004

Only as to Defendant Scott Fleck, t/d/b/a S&M Log Transport, please mark the above
captioned case, settled, ended and forever DISCONTINUED.

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)

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

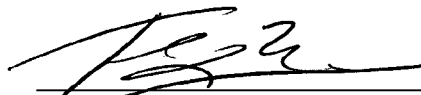
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
23rd day of December, 2004, mail a true and correct copy of
Plaintiff's PRAECIPE TO DISCONTINUE (only ad to Defendant Fleck) to the below
listed individual, being said defendant's counsel of record, via United States Mail, first
class, postage pre-paid, as follows:

Dwight L. Koerber, Jr., Esquire
P.O. Box 1320
Clearfield, PA 16830

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

CA

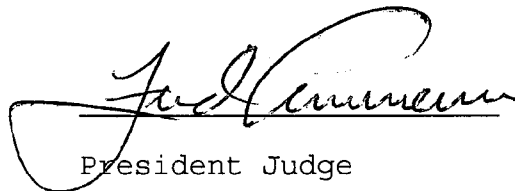
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a :
APPLE CORE :
VS. : NO. 04-445-CD
KTF TRANSPORT, LLC, a :
Pennsylvania Limited Liability :
Company, and SCOTT FLECK, :
t/d/b/a S&M LOG TRANSPORTATION :

O R D E R

NOW, this 12th day of January, 2005, following
argument on the Preliminary Objections filed on behalf of KTF
Transport, LLC, it is the ORDER of this Court that said
Preliminary Objections be and are hereby dismissed.

BY THE COURT:


President Judge

FILED
64 0 8:55 BA 300 & atty
Dubel
JAN 13 2005

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a/ Apple Core, :
an adult individual, :
Plaintiff :
Vs. :
KTF TRANSPORT, LLC, a Pennsylvania :
Limited Liability Company; and SCOTT :
FLECK, t/d/b/a S&M LOG Transportation :
an adult individual, :
Defendants :

No. 04-⁴⁴⁵~~455~~-CD
Type of Pleading:
**DEFENDANT KTF TRANSPORT
LLC'S REPLY TO PLAINTIFFS
ADDITIONAL NEW MATTER**
Filed on Behalf of:
DEFENDANT KTF TRANSPORT, LLC
Counsel of Record for This Party:
Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801

FILED
m/11:28 Btk
FEB 02 2005

ES
#NoCC

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
	:	
Plaintiff	:	
	:	
	:	
Vs.	:	
	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
	:	
Defendants	:	

DEFENDANT KTF TRANSPORT LLC
REPLY TO PLAINTIFF'S ADDITIONAL NEW MATTER

AND NOW, comes the Defendant, KTF TRANSPORT, LLC, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Reply to Plaintiff's Additional New Matter and in support thereof avers the following:

51. Admitted. By way of further answer, the transportation to Blakeslee, Pennsylvania, was the only part of the agreement of the parties.

52. Denied. It is denied that the invoice attached to Plaintiff's Additional new Matter is the correct invoice issued to Plaintiff, and on the contrary, the correct invoice is set forth in Defendant's Answer and New Matter, and Counterclaim.

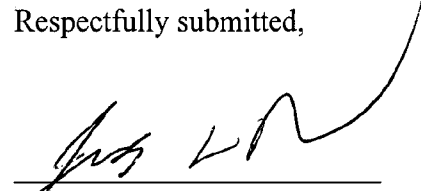
53. Denied. It is denied that any such terms as reasonable care exist, and further, Plaintiff has failed to show any contract between Plaintiff and Defendant that sets forth the duties of the parties in this particular case. By way of further answer, as set forth in Defendants invoice, the only obligations that Defendant had would be to transport to

Blakeslee, Pennsylvania. There is no obligation, nor agreement for a return trip of goods, and more importantly, there is no duty nor obligation upon Defendant for any removal of any goods, or the transporting of the goods from the truck to any final destination. By way of further answer, any damage to the goods, which Defendant claims there are none, would have been due to the negligence of Plaintiff and not Defendant.

54. Denied. See answer to paragraph 53 herein. As set forth above, if there was any damage suffered to goods, it would have been because of the negligence of Plaintiff in the removal of the same in transporting said goods to their final destination.

WHEREFORE, Defendant KTF Transport, LLC, respectfully requests this Honorable Court to dismiss Plaintiff's Complaint in its entirety and award judgment in favor of Defendant KTF Transport, LLC, in an amount as set forth in their Counterclaim.

Respectfully submitted,

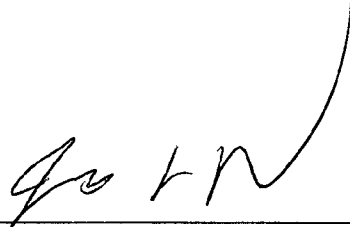


Jeffrey S. DuBois, Esquire
Attorney for Defendant

VERIFICATION

I, JEFFREY S. DUBOIS, Esquire, verify that the statements in the foregoing Defendants Reply to Plaintiff's Additional New Matter are true and correct to the best of my knowledge, information and belief. The undersigned is in possession of this information based on conversations with and representation of Defendant. Defendant is currently unavailable and a signed verification by Defendant will be submitted as soon as Defendant is in contact with the undersigned.

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

A handwritten signature in black ink, appearing to read 'J. S. DuBois', written over a horizontal line.

Jeffrey S. DuBois, Esquire
Attorney for Defendant

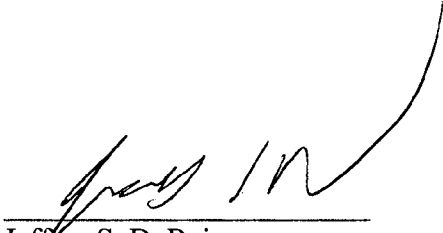
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core, : No. 04-455-CD
an adult individual, :
Plaintiff :
Vs. :
KTF TRANSPORT, LLC, a Pennsylvania :
Limited Liability Company; and SCOTT :
FLECK, t/d/b/a S&M LOG Transportation :
an adult individual, :
Defendants :

CERTIFICATE OF SERVICE

I do hereby certify that on the 15th day of February, 2005, I served a true and
correct copy of the within Defendant KTF Transport, LLC, Reply to Plaintiff's
Additional New Matter, by first class mail, postage prepaid, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04- 445 -CD

PRAECIPE TO LIST FOR ARBITRATION

To: Clearfield County Prothonotary

Date: February 24, 2005

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that in the above captioned matter, (i) pleadings are closed; (ii) there is no outstanding discovery requests; and (iii) attempts to amicably resolve this matter have failed or would be non-productive. Therefore, request is hereby made that the same be placed on the arbitration list.

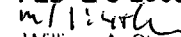
Respectfully Submitted,



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

FEB 25 2005

OK 
William A. Shaw
Prothonotary/Clerk of Courts

no cent

copy to C/P

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
24th day of February, 2005, mail a true and correct copy of
Plaintiff's PRAECIPE TO LIST FOR ARBITRATION to the below listed individual,
being all counsel of record, via United States Mail, first class, postage pre-paid, as
follows:

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

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 OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a Apple
Core, an individual

vs.

KTF TRANSPORT, LLC, a duly
and existing Pennsylvania Limited
Liability Company

:
:
:
: No. 04-445-CD
:
:
:

FILED SCC
CIA
6/2:13 PM
JUN 20 2005 @

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 20th day of June, 2005, it is the ORDER of the Court that the
above-captioned matter is scheduled for Arbitration on **Tuesday, August 16, 2005 at 9:00**
A.M. in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse,
Clearfield, PA. The following have been appointed as Arbitrators:

Richard A. Bell, Esquire, Chairman

Ronald L. Collins, Esquire

Kimberly M. Kubista, 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
in enclosed as well as a copy of said Local Rule of Court.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Kevin Disantis, t/d/b/a Apple Core

vs.

No. 2004-00445-CD

KTF Transport, LLC, a Pennsylvania Limited Liability
Company; and Scott Fleck; t/d/b/a S & M Log Transportation

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 16th day of August, 2005, 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.

Richard A. Bell, Esq.

Richard A. Bell
Chairman
Ronald L. Collins
Kimberly M. Kubista

Ronald L. Collins, Esq.

Kimberly M. Kubista, Esq.

Sworn to and subscribed before me this
August 16, 2005

William A. Shaw

Prothonotary

FILED Notice to
Augs:
0112:4061 Noble
AUG 16 2005 DuBois

William A. Shaw

William A. Shaw
Prothonotary/Clerk of Courts

AWARD OF ARBITRATORS

Now, this 16 day of Aug., 2005, 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:

Award to Plaintiff \$5562.00
Award to Defendant on Counterclaim \$425.00

Richard A. Bell Chairman

Ronald L. Collins
Kimberly M. Kubista

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 16th day of August, 2005, 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 *William A. Shaw*

Kevin Disantis, t/d/b/a
Apple Core


: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2004-00445-CD

KTF Transport, LLC

:

 COPY

NOTICE OF AWARD

TO: THERON NOBLE, ESQ.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 16, 2005 and have awarded:

Award to Plaintiff \$5,562.00 Award to Defendant on Counterclaim \$425.00

William A. Shaw

Prothonotary

By _____

August 16, 2005

Date

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

Kevin Disantis, t/d/b/a
Apple Core


: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2004-00445-CD

:

KTF Transport, LLC

 COPY

NOTICE OF AWARD

TO: JEFFREY S. DUBOIS

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 16, 2005 and have awarded:

Award to Plaintiff \$5,562.00 Award to Defendant on Counterclaim \$425.00

William A. Shaw_____

Prothonotary

By _____

August 16, 2005

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)

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

**PLAINTIFF'S PRAECIPE TO
ENTER JUDGMENT**

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 *Atty pd. 20.00*
m/2:49/81
SEP 29 2005 *No cc*

William A. Shaw
Prothonotary/Clerk of Courts

Notice to Def
(Atty DuBois)
Statement
to Atty

@

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

Defendant.

No. 04- 445 -CD

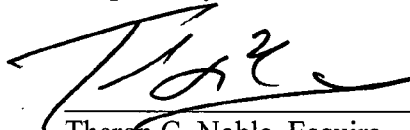
PRAECIPE TO ENTER JUDGMENT

To: Clearfield County Prothonotary

Date: September 28, 2005

Pursuant to the award of arbitrators, noting that no appeal has been entered and more than thirty (30) days have passed, please enter judgment, in the amount of \$5,137.00, plus interest and costs of record, in favor of Plaintiff and against defendant KTF Transport, LLC.

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)**

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

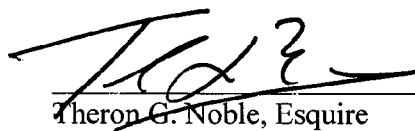
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
28th day of September, 2005, mail a true and correct copy of Plaintiff's
PRAECIPE TO ENTER JUDGMENT to the below listed individual, being all counsel of
record, via United States Mail, first class, postage pre-paid, as follows:


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

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 OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT


COPY

Kevin Disantis
Apple Core
Plaintiff(s)

No.: 2004-00445-CD

Real Debt: \$5,137.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

KTF Transport, LLC
Scott Fleck
S & M Log Transportation
Defendant(s)

Entry: \$20.00

Instrument: Judgment on Arbitrators' Award
against KTF Transport, LLC ONLY

Date of Entry: September 29, 2005

Expires: September 29, 2010

Certified from the record this 29th day of September, 2005.

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

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Kevin Disantis, t/d/b/a Apple Core

Vs.

No. 2004-00445-CD


KTF Transport, LLC, Scott Fleck,
S & M Log Transportation

To: Defendant KTF Transport, LLC ONLY

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$5,137.00 on September 29, 2005.

William A. Shaw
Prothonotary

William A. Shaw

 COPY

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

PLAINTIFF'S NOTICE OF SERVICE

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 No CC
m/2:40
SEP 29 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04- 445 -CD


NOTICE OF SERVICE

To: William A. Shaw, Prothonotary

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
28th day of September, 2005, propound on Defendant Plaintiff's FIRST
DISCOVERY MATERIALS IN AID OF EXECUTION to the below listed individual,
being defendant's counsel of record, via United States Mail, first class, postage pre-paid,
as follows:

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

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)

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

**MOTION TO COMPEL AND FOR
SANCTIONS**

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

NOV 15 2005

m/v: 20/c
William A. Shaw

Prothonotary/Clerk of Courts
w/c/c

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

FILED ^{icc}
019:35/B1 Atty/12bl
NOV 17 2005

William A. Shaw
Prothonotary/Clerk of Courts

No. 04- 445 -CD

RULE TO SHOW CAUSE

Now, this 16 day of November, 2005, upon consideration of the attached Plaintiff's MOTION FOR SANCTIONS, a RULE is hereby issued upon the Defendant KTF Transport, LLC, to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the 7th day of December, 2005 and argument on the MOTION set for the 14th day of December, 2005, at 10 : 30, A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

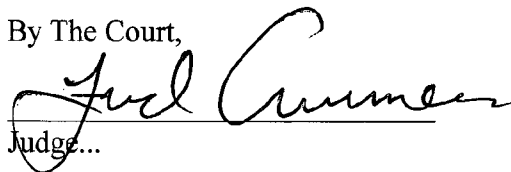
A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,

Judge...



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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

No. 04- 445 -CD

ORDER

AND NOW this _____ day of _____, 2005, upon consideration of
Plaintiff's MOTION TO COMPEL, it is the ORDER of this Court that Defendant KTF
Transport, LLC, shall fully respond to the INTERROGATORIES and REQUEST FOR
PRODUCTION OF DOCUMENTS (in aid of execution) within fifteen (15) days hereof.

By The Court,

Fredric J. Ammerman, PJ

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;
and SCOTT FLECK, t/d/b/a S&M Log Transport,
an adult individual.

No. 04- 445 -CD

PLAINTIFF'S MOTION TO COMPEL AND FOR SANCTIONS

AND NOW, comes the Plaintiff, Kevin DiSantis, t/d/b/a Apple Core, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of his MOTION TO COMPEL, as follows:

1. This matter was commenced by the filing of a CIVIL COMPLAINT against defendants.
2. That shortly after proceedings began, settlement was reached with one defendant while litigation pursued against Defendant KTF Transport, LLC..
3. On August 16th trial was held on this matter and an award in the amount of \$5,562.00 was awarded to Plaintiff. See Exhibit "A".
4. Following such award Plaintiff's counsel attempted on two occasions to call Defense counsel who did not respond to said phone calls, as was customary throughout this matter.
5. Based on the defendant's failure to respond, on September 28th, Plaintiff praeciped to enter judgment and propounded discovery materials in aid of execution on said defendant. See Exhibit "B".
6. Plaintiff's counsel also requested defense counsel to contact him concerning the scheduling of depositions in aid of execution, for which, not surprisingly, no reply has been received. See Exhibit "C".

7. Through out this matter the defense has only amounted to performing dilatory tactics and committing perjury.

8. That besides issuing an immediate order to force the defense into compliance with applicable discovery rules, argument should also be held on Plaintiff's request for sanctions, which should amount to Plaintiff's counsel reasonable attorney's fees to force defendant's compliance.

9. That Plaintiff's counsel made no effort to contact defense counsel in that all other efforts including previous phone calls and letter have received no reply and such was thought to be a futile effort in this circumstance.

WHEREFORE, Plaintiff requests his MOTION TO COMPEL be immediately GRANTED and hearing be held on Plaintiff's request for sanctions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Noble', is written over a horizontal line.

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

Kevin Disantis, t/d/b/a
Apple Core

: IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY

Vs.

: No. 2004-00445-CD

:

KTF Transport, LLC

NOTICE OF AWARD

TO: THERON NOBLE, ESQ.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on August 16, 2005 and have awarded:

Award to Plaintiff \$5,562.00 Award to Defendant on Counterclaim \$425.00

William A. Shaw

Prothonotary

By 

August 16, 2005

Date

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

EXHIBIT "A"

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

Kevin Disantis
Apple Core
Plaintiff(s)

No.: 2004-00445-CD

Real Debt: \$5,137.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

KTF Transport, LLC
Scott Fleck
S & M Log Transportation
Defendant(s)

Entry: \$20.00

Instrument: Judgment on Arbitrators' Award
against KTF Transport, LLC ONLY

Date of Entry: September 29, 2005

Expires: September 29, 2010

Certified from the record this 29th day of September, 2005.



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

EXHIBIT "B"

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830

(814) 765-4990

(814) 375-2221

FAX: (814) 765-9377

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

September 28, 2005

Re: Apple Core v. S&M Log Transport, et.al.;
04-445-CD

Dear Jeff:

Please find enclosed copies of materials which were filed with the Prothonotary entering judgment in this matter. Also, you shall find include our initial discovery materials in aid of execution, which includes an original and 2 copies.

In that I have not received a return phone call from you, despite placing two in the past two weeks, I must assume your clients do not want to pay this debt. I[n] retrospect, I do not find that surprising given that they were willing to commit perjury in an attempt to escape their liability.

With this in mind, I trust you have advised your clients about Pennsylvania's criminal laws relating to defrauding secured creditors, which Mr. DiSantis now is. In the event they resort to such tactics, I shall have no problem advocating their criminal prosecution.

Lastly, please provide a date in Mid-November for Mrs. Findley's deposition, as well as a date in Mid-December for Mr. Findley's deposition. In this manner, I can count on the materials herein requested to be in my possession for the each deposition and have the benefit of the first deposition prior to the second.

I await to hear from you.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN w.encl.

cc: Mr. Kevin DiSantis w.encl.

Exhibit "C"

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

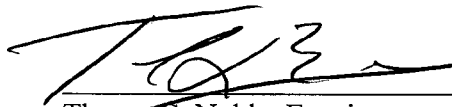
No. 04- 445 -CD

CERTIFICATE OF SERVICE

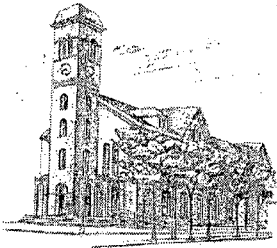
I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this 14th day of November, 2005, mail a true and correct copy of Plaintiff's MOTION TO COMPEL AND FOR SANCTIONS to the below listed individual, being all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

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

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



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s)/Attorney(s)

☐ Defendant(s)/Attorney(s)

☐ Other

☐ Special Instructions:

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

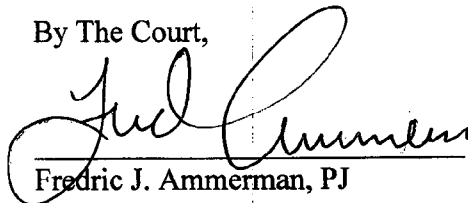
KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

No. 04- 445 -CD

ORDER

AND NOW this 15 day of November, 2005, upon consideration of
Plaintiff's MOTION TO COMPEL, it is the ORDER of this Court that Defendant KTF
Transport, LLC, shall fully respond to the INTERROGATORIES and REQUEST FOR
PRODUCTION OF DOCUMENTS (in aid of execution) within ~~fifteen~~ ^{twenty (20)} ~~(15)~~ days hereof. FJA

By The Court,


Fredric J. Ammerman, PJ

FILED

NOV 15 2005

0135515
William A. Shaw

Prothonotary/Clerk of Courts

1 clear to ATTORNEY

NOTICE

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company,

Defendant

No. 04-4⁴55-CD

Type of Pleading:

**DEFENDANT KTF TRANSPORT
LLC'S RESPONSE TO
PLAINTIFFS MOTION TO
COMPEL AND SANCTIONS**

Filed on Behalf of:
DEFENDANT

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801

FILED

0/8:30 am

NOV 17 2005

3cc AH, DuBois

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company,	:	
Defendant	:	

**DEFENDANT KTF TRANSPORT LLC
RESPONSE TO PLAINTIFF'S MOTION TO COMPEL
AND SANCTIONS**

AND NOW, comes the Defendant, KTF TRANSPORT, LLC, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Response to Plaintiff's Motion to Compel and Sanctions, and in support thereof avers the following:

1. The undersigned is quite surprised to Plaintiff's Motion to Compel in light of the fact the Discovery materials were not received by the undersigned until on or about the end of September.
2. Therefore, this would mean that, at the time of the filing of the Motion, the materials had been outstanding a grand total of less than one and one-half (1-1/2) months.
3. As is standard practice, not only in Clearfield, but obviously in the general practice area of Western Pennsylvania, Discovery materials are often answered in much more time than a month and one-half time period.


4. Further, counsel for Plaintiff's version of the facts is extremely distorted, as counsels have discussed this case numerous times, whether by telephone or personally.

5. Additionally, the Motion sets forth unsupported allegations, particularly the allegations of Defendant's conducts committing to perjury, when none has even been found, or ever implied, and in their case, Plaintiff's only received a Judgment of less than fifty (50%) percent of what Plaintiff was seeking.

6. In sum, Plaintiff's Motion is frivolous, premature, contains unprofessional allegations which are supported by no evidence, and should be dismissed.

WHEREFORE, Defendant KTF Transport, LLC, respectfully requests this Honorable Court to dismiss Plaintiff's Motion to Compel.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendant

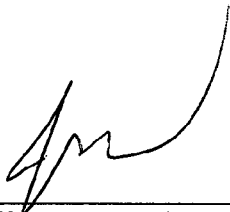
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core, : No. 04-455-CD
an adult individual, :
Plaintiff :
Vs. :
KTF TRANSPORT, LLC, a Pennsylvania :
Limited Liability Company, :
Defendants :

CERTIFICATE OF SERVICE

I do hereby certify that on the 17th day of November, 2005, I served a true and correct copy of the within Defendant KTF Transport, LLC, Response to Plaintiff's Motion to Compel and Sanctions, by first class mail, postage prepaid, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

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No. 04- 445 -CD

Type of Pleading:

PLAINTIFF'S NOTICE OF SERVICE

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 *no cc*
m110829
NOV 17 2005 *JS*

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

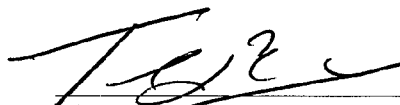
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
16th day of November, 2005, mail a true and correct copy of the
ORDER issued upon Plaintiff's Motion to Compel, to the below listed individual, being
all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

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

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 OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company,

Defendants

⁴⁴⁵
No. 04-~~455~~-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on Behalf of:
DEFENDANTS

Counsel of Record for This Party:

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

FILED ^{rec}
2010124 *Jeff DuBois*
DEC 05 2005
William A. Shaw
Prothonotary/Clerk of Courts


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

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 5th day of December, 2005, I served a true and correct copy of the within Defendant Response to Plaintiff's First Set of Discovery Materials in Aid of Execution, by hand delivery, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.


No. 04- 445 -CD

Type of Pleading:

PLAINTIFF'S NOTICE OF SERVICE

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 *no cc*
m/11:59/201
DEC 07 2005 

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this 3rd day of December, 2005, mail a true and correct copy of the RULE TO SHOW CAUSE issued upon Plaintiff's Motion for Sanctions, to the below listed individual, being all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

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

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
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a
APPLE CORE, an adult
individual

-VS-

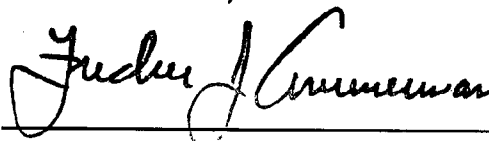
No. 04-445-CD

KTF TRANSPORT, LLC, a duly
formed and existing
Pennsylvania Limited
Liability Company

O R D E R

NOW, this 14th day of December, 2005, in
consideration of the Defendant's Motion for Sanctions, it
is the ORDER of this Court that said Motion be and is
hereby dismissed.

BY THE COURT,



President Judge

FILED 200
01/31/06
DEC 15 2005
Attys: Noble
DuBois

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 12/5/05

_____ You are responsible for serving all appropriate parties.

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

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

**MOTION TO COMPEL AND
FOR SANCTIONS**

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 *no cc*
7/1-3761
JUN 12 2006 *GP*

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

No. 04- 445 -CD

RULE TO SHOW CAUSE

Now, this 16th day of June, 2006, upon consideration of the attached PLAINTIFF'S MOTION TO COMPEL AND FOR SANCTIONS, a RULE is hereby issued upon the Defendant to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the 5th day of July, 2006 and argument on the MOTION set for the 18th day of July, 2006, at 9 : 30 A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

FILED

JUN 16 2006

Deccati, noble
William A. Shaw
Prothonotary/Clerk of Courts

By The Court

Judge...

69

DATE: 6-16-06

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

No. 04- 445 -CD

PLAINTIFF'S MOTION TO COMPEL AND FOR SANCTIONS

AND NOW, comes the Plaintiff, Kevin DiSantis, t/d/b/a Apple Core, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of his MOTION TO COMPEL, as follows:

1. This matter was commenced by the filing of a CIVIL COMPLAINT against defendants.
2. That shortly after proceedings began, settlement was reached with one defendant while litigation pursued against Defendant KTF Transport, LLC..
3. On August 16th trial was held on this matter and an award in the amount of \$5,562.00 was awarded to Plaintiff.
4. Following such award Plaintiff's counsel attempted on two occasions to call Defense counsel who did not respond to said phone calls, as was customary throughout this matter.
5. Based on the defendant's failure to respond, on September 28th, Plaintiff praeciped to enter judgment and propounded discovery materials in aid of execution on said defendant.
6. Plaintiff's counsel also requested defense counsel to contact him concerning the scheduling of depositions in aid of execution, for which, not surprisingly, no reply was received.
7. Through out this matter the defense has only amounted to performing dilatory tactics and committing perjury.
8. That Plaintiff propounded an initial set of discovery requests, which were not


responded to until an ORDER of Court was issued.

9. That Plaintiff then propounded a second set of discovery materials, on February 2, 2006, to which no response has been received other than a letter from Defense counsel, dated March 10th, attached hereto as Exhibit "A", indicating that responses would be forthcoming.

10. To date, no such responses have been received.

WHEREFORE, Plaintiff requests his MOTION TO COMPEL be immediately GRANTED and hearing be held on Plaintiff's request for sanctions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Theron G. Noble', is written over a horizontal line.

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



JEFFREY S. DuBOIS

Attorney at Law

Phone: 814-375-5598
Fax: 814-375-8710

190 West Park Avenue • Suite #5 • DuBois, PA 15801

E-Mail: jsd.law@verizon.net

March 9, 2006

Theron G. Noble, Esquire
Ferrarccio & Noble
301 East Pine Street
Clearfield, PA 16830

RE: Finley vs. Apple Core

Dear Terry,

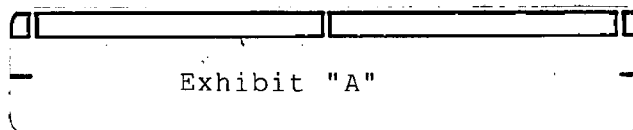
This is in response to your second discovery request. I have been tied up in court for the past three weeks, with numerous trials. I plan on getting the second set of Plaintiffs set of discovery materials to you within the next week or so.

If you have any questions, please contact me.

Sincerely,

Jeffrey S. DuBois

JSD: asm



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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

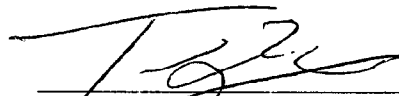
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
9th day of June, 2006, mail a true and correct copy of the Plaintiff's
MOTION TO COMPEL AND FOR SANCTIONS, to the below listed individual, being
all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

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

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)**

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

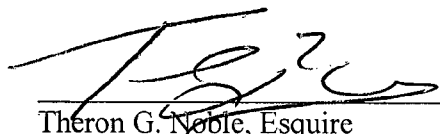
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this 26th day of June, 2006, mail a true and correct copy of the RULE RETURNABLE issued upon Plaintiff's MOTION TO COMPEL AND FOR SANCTIONS, to the below listed individual, being all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

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

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

JUN 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

WS C/C

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

⁴⁴⁵
No. 04-~~455~~-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on Behalf of:
DEFENDANTS

Counsel of Record for This Party:

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

FILED *2cc*
07/11/2006
JUL 05 2006 *Atty DuBois*

William A. Shaw
Prothonotary/Clerk of Courts

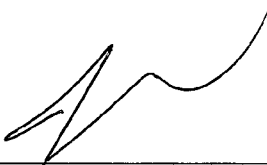
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 5th day of July, 2006, I served a true and correct copy of the within Defendant KTF Transport, LLC, Reply to Plaintiff's Second Set of Discovery Materials in Aid of Execution, by hand delivery, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

⁴⁴⁵
No. 04-~~455~~-CD

Type of Pleading:

**DEFENDANT'S RESPONSE
TO PLAINTIFF'S MOTION
TO COMPEL**

Filed on Behalf of:
DEFENDANT KTF TRANSPORT, LLC

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801

FILED
0/3:45 cm
JUL 05 2008 cm
ack AH
DuBois

William A. Shaw
Prothonotary

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
Defendants	:	

**DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION TO COMPEL**

AND NOW, comes the Defendant, KTF TRANSPORT, LLC, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Defendant's Response to Plaintiff's Motion to Compel and in support thereof avers the following:

1. The undersigned was served with Plaintiff's Second Set of Discovery Request in February of this year.
2. Because of counsel for Plaintiff's previous Court filings, the undersigned contacted, by correspondence, counsel for Plaintiff in March of this year informing him that he had not yet worked on the Discovery request and would not be able to for some time because of his Trial schedule.
3. The undersigned did not have anymore contact with counsel for Plaintiff until the Motion to Compel was filed by counsel in June of this year.

4. Based upon the filing of the Motion to Compel and the Court's Order, the Discovery request was completed and submitted to counsel for Plaintiff's office by hand delivery on July 5, 2006.

5. It is quite common, or more to the matter of fact the norm, for Discovery Requests to take a couple to several months to be completed and submitted to opposing counsel.

6. What is also standard in the industry, not only in this county, but in all surrounding counties, is if opposing counsel wishes a response to said Interrogatories, he/she can make a further inquiry to the attorney, or in the alternative, file a Motion to Compel.

7. What is not typical in practice, nor are there facts in this case to support the same, is to file for Sanctions when the only aggrieved upon action is the failure to file Discovery Requests when only a few months have elapsed.

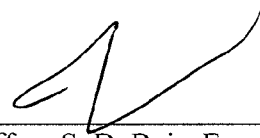
8. In this particular case there is absolutely no grounds for Plaintiff to file for Sanctions, when the only thing in which he set forth in his motion is that a couple of months have elapsed since the serving of his Discovery Request.

9. While the undersigned acknowledges counsels right to file a Motion to Compel, to which the undersigned has fully complied, there is no basis for an additional filing for Sanctions.

10. In light of the fact that Defendant has complied with the Discovery Request, and that only a few months has elapsed since the serving of Discovery Request, Plaintiff's Motion for Sanctions should be dismissed.

WHEREFORE, Defendant respectfully requests this Honorable Court to dismiss Plaintiff's Motion for Sanctions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. DuBois', written over a horizontal line.

Jeffrey S. DuBois, Esquire
Attorney for Defendant

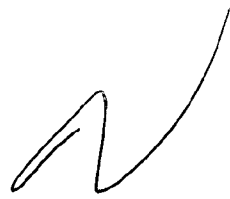
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 5th day of July, 2006, I served a true and correct copy of the within Defendant's Response to Plaintiff's Motion to Compel, by first class mail, postage prepaid, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

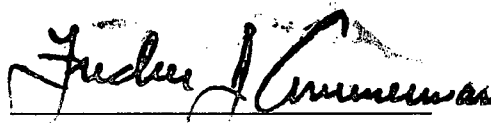
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a :
ADULT CORE, an Adult Individual :
VS. : NO. 04-445-CD
KTF TRANSPORT, LLC, a duly :
formed and existing Pennsylvania: Limited Liability Company :

O R D E R

AND NOW, this 18th day of July, 2006, following argument on Motion to Compel and for Sanctions filed on behalf of Plaintiff above-named, it is the ORDER of this Court that said Motion be and is hereby denied. The Court notes that counsel shall, in the future, be held strictly accountable to all time limits set forth in the Rules of Civil Procedure.

BY THE COURT,



President Judge

FILED
@ 9:46 AM
JUL 19 2006
2cc Atty's:
Noble
DuBois

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 19 2006

DATE: 7/19/06

☐ You are responsible for serving all appropriate parties.

☒ The Prothonotary's office has provided service to the following parties: William A. Shaw
Prothonotary/Clerk of Courts

☐ Plaintiff(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☒ Defendant(s) Attorney

☐ Special Instructions:

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

NOTICE OF SERVICE

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 *no cc*
m11:04/2d
JUN 28 2007 *LM*

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

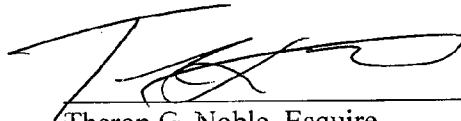
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this 28th day of June, 2007, mail a true and correct copy of the Plaintiff's **THIRD SET OF DISCOVERY MATERIALS IN AID OF EXECUTION**, including an original and two copies, to the below listed individual, being all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

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

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 OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

No. 04-445-CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed on Behalf of:
DEFENDANTS KTF TRANSPORT

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 60274
190 West Park Avenue, Suite #5
DuBois, PA 15801
(814) 375-5598

FILED

0/12:15um
JUL 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

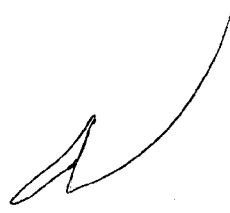
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core, an adult individual,	:	No. 04-445-CD
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania Limited Liability Company; and SCOTT FLECK, t/d/b/a S&M LOG Transportation an adult individual,	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 20th day of July, 2007, I served a true and correct copy of the within Response to Plaintiff's Third Set of Discover Materials in Aide of Execution by first class mail, postage prepaid, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois
Attorney for Plaintiff

CA

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

MOTION TO COMPEL

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 No CC
m/10: 524m
JUL 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

No. 04- 445 -CD

RULE TO SHOW CAUSE

Now, this 6 day of August, 2007, upon consideration of the
attached Plaintiff's MOTION TO COMPEL, a RULE is hereby issued upon the
Defendant to SHOW CAUSE why the MOTION should not be granted. RULE
RETURNABLE, for filing written response, is set for the 30th day of August,
2007 and argument on the MOTION set for the 12th day of September, 2007, at
11 : 00 , A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield,
Pennsylvania.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND
AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY
ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN
WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH
AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED
WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT
FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS
IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court

Judge...

FILED ^{1cc}
0/9:41/51
AUG 07 2007
Atty. Noble
(12)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/7/07

X You are responsible for serving all appropriate parties.

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

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

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

No. 04- 445 -CD

PLAINTIFF'S MOTION TO COMPEL

AND NOW, comes the Plaintiff, Kevin DiSantis, t/d/b/a Apple Core, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of his MOTION TO COMPEL, as follows:

1. This matter was commenced by the filing of a CIVIL COMPLAINT against defendants.
2. That shortly after proceedings began, settlement was reached with one defendant while litigation pursued against Defendant KTF Transport, LLC..
3. That following trial an award in the amount of \$5,562.00 was entered in Plaintiff's favor.
4. That Plaintiff propounded a third of discovery materials in aid of execution mostly concerning insurance policies and proceeds concerning a suspicious fire which occurred at a business owned by the same persons, upon information and belief, as the persons who own defendant herein.
5. That defendant objected to the same as not being relevant given the lack of this Defendant's interest in the policies or proceeds. See Exhibit "A" attached hereto.

6. That as this Court is aware, discovery is broader in scope in that it encompasses all materials which are relevant or which might lead to relevant information.
7. In this situation, the information might be relevant in two regards, as follows: (i) the entity structure might not be as clear as defendant pretends and Plaintiff under these circumstances certainly has the right to determine for his own benefit whether KTF Transport, LLC held the insurance policies or received benefits under such policies; and (ii) whether any of the property which belonged to Defendant KTF Transport, LLC was housed at or on the premises destroyed by the suspicious fire and insurance proceeds flowed to another entity.
8. That the real parties in interest, Kevin and Tara Finley were experiencing financial problems at the time of the fire as evidenced by the failed business of KTF Transport, LLC as well as Mr. Finley's prosecution in Pennsylvania and Florida for bad check charges.

WHEREFORE, Plaintiff requests his MOTION TO COMPEL be GRANTED and Defendant ORDERED to produce the requested responses and documents within 10 days after hearing.

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 OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

No. 04-455-CD

Type of Pleading:

**DEFENDANT'S RESPONSE
TO PLAINTIFF'S THIRD SET
OF DISCOVER MATERIALS
IN AIDE OF EXECUTION**

Filed on Behalf of:

DEFENDANT KTF TRANSPORT, LLC

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire

Supreme Court No. 62074

190 West Park Avenue, Suite #5

DuBois, PA 15801

Exhibt "A"

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

Defendant.

No. 04- 445 -CD

PLAINTIFF'S THIRD SET OF DISCOVERY
MATERIALS IN AID OF EXECUTION

Definitions and Instructions

1. "Defendant" or "Defendants" refer to either, means that person including, its agents, employees, officers, directors, representatives and all other persons or entities having information or authorized to act on its behalf. The words "you" and "your" herein shall be deemed to include all such persons or entities;
2. "Plaintiff" means Kevin DiSantis;
3. "Document" as used herein is intended to embrace the broadest possible meaning of that term under the Pennsylvania Rules of Civil Procedure, and includes all forms of written or recorded information, including drafts thereof;
4. "Communication" as used herein means any oral or written utterance between two or more persons and includes, but not limited to, letters, conversations, telephone calls, personal visits, discussions, agreements, or any other verbal or non-verbal interaction between two or more persons;
5. "Identify" when used in connection with a person or entity means to provide that person's or entity's name, address and telephone number;
6. "Identify" when used in connection with a document means to provide a brief but accurate description of the contents of the document, to identify the author(s), to identify

the recipient(s) or intended recipient(s), to state the date of the document, and to state whether the document is currently in your possession, custody and/or control;

7. "Identify" when used in connection with a communication means to identify the persons or entities who participated, witnessed or were otherwise involved in such communication, to describe the manner or mode in which the communication took place (i.e., whether it was written, oral, in person, telephonic or otherwise), to identify any documents related to or constituting such communication, to state the date upon which the communication took place and the place where the communication occurred, and a summary of what was said and done by each person participating in the communication;

8. To the extent any interrogatory or document request herein is thought to be objectionable and to the extent that answers or production are withheld by virtue of such objection, fully state the basis for the objection and describe the nature of the document or information being withheld;

9. These interrogatories and document requests are continuing in nature. To the extent additional or different information or documents become available to you after your responses hereto, you have an obligation to seasonably supplement your responses to include such information and documents as well as to explain the reason(s) for which such information or document was not originally provided;

10. Your responses hereto as well as the production of documents is required to be provided within (30) days hereof;

11. In the event sufficient space has not been provided for your responses hereto, attach additional sheets of paper as are necessary to fully respond hereto, so identifying the Interrogatory being answered; and

12. Your replies hereto are required to be under oath or with a verified response.

NOW COMES the Plaintiff, Kevin DiSantis, t/d/b/a Apple Core, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who propounds the following INTERROGATORIES and REQUEST FOR PRODUCTION OF DOCUMENTS (IN AID OF EXECUTION), pursuant to Pa.R.Civ.P. 4000, et.seq., and demands responses within thirty (30) days hereof:

1. Identify the person who is responding to these discovery materials on behalf of the defendant, as well as that person's relationship to the defendant.

Answer

Tara Finley - member of KTF Transport, LLC

2. Identify all dates from August 1, 2007 through October 31, 2007, that Tara Finley is available for a deposition in aid of execution.

Answer

Tara Finley is not available for Depositions during the month of August as she has minor children to take care of during the day. Once school starts in the latter part of August/September, 2007, Tara Finley should be available upon reasonable notice to her and her counsel.

3. Identify all dates from August 1, 2007 through October 31, 2007, that Kevin Finley is available for a deposition in aid of execution.

Answer

Keven Finley works out of town and thus notice for any Deposition must be given well in advance so Keven Finley can make appropriate work arrangements.

4. State all progress which has occurred concerning the requests for production of documents from agencies previously referenced by defendants as having been requested to supply the requested documents.

Answer

Still in the process of attempting to retrieve any documents still needed.

7. State the status of any insurance claims made by or with assistance of Tara and/or Kevin Finley concerning a fire which occurred at a business known as Cozy Acres in 2007.

Answer

No insurance claims have been filed by the Finley's, nor have any insurance monies been received by the Finley's with respect to the fire at Cozy Acres in April of 2007. Defendants object pursuant to Pa.R.C.P. 4006 to the content requested in paragraph seven (7) of Plaintiff's Interrogatories, as said request relates to policies of companies other than Defendant KTF Transport, and thus are not relevant to the present cause of action, nor is it reasonable to lead to discoverable information.

8. State any and all arrests for criminal violations, and the status of the same, for Tara and Kevin Finley for the last five years, including the nature of the offense, the state and county in which said charge was processed and whether said person is still subject to the court's jurisdiction concerning said offense.

Answer

Tara Finley - none;

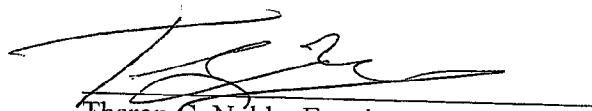
Keven Finley - (a) Bad check charge filed in Pennsylvania; the case was reduced to a Summary Offense.
(b) Bad check charge filed in Florida; this case was dismissed.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Pa.R.Civ.P. 4000, et.seq., provide true and correct copies of the following documents within thirty (30) days:

1. True and correct copies of any documents referenced in response to any interrogatory herein;
2. True and correct copies of any insurance policy, including all declaration pages, providing coverage for any time during 2007 for defendant, Tara and/or Kevin Finley, or any business in which Tara and/or Kevin Finley owned an interest;
3. True and correct copies of all documents supplied by or with assistance from Tara and/or Kevin Finley concerning a claim or claims for damage either caused or alleged to have been suffered as a result of the fire which occurred at Cozy Acres in 2007;
4. True and correct copies of all communications from any insurance company providing coverage, or thought to be providing coverage for the business known as Cozy Acres in 2007; and
5. True and correct copies of any payments received by either Tara and/or Kevin Finley, or any business in which they have an interest, resulting from any claim or claims presented to any insurance company for the fire which occurred in 2007 at Cozy Acres.

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

REQUEST FOR PRODUCTION OF DOCUMENTS

1. N/A
2. Defendants object pursuant to Pa.R.C.P. 4006 to the content requested in paragraph two (2) of Plaintiff's Request for Production of Documents, as said request relates to policies of companies other than Defendant KTF Transport, and thus are not relevant to the present cause of action, nor is it reasonable to lead to discoverable information. By way of further answer, no insurance policies existed for Defendant KTF Transport, LLC, for the calendar year 2007.
3. Defendants object pursuant to Pa.R.C.P. 4006 to the content requested in paragraph three (3) of Plaintiff's Request for Production of Documents, as said request relates to policies of companies other than Defendant KTF Transport, and thus are not relevant to the present cause of action, nor is it reasonable to lead to discoverable information. By way of further answer, no insurance policies existed for Defendant KTF Transport, LLC, for the calendar year 2007.
4. Defendants object pursuant to Pa.R.C.P. 4006 to the content requested in paragraph four (4) of Plaintiff's Request for Production of Documents, as said request relates to policies of companies other than Defendant KTF Transport, and thus are not relevant to the present cause of action, nor is it reasonable to lead to discoverable information. By way of further answer, no insurance policies existed for Defendant KTF Transport, LLC, for the calendar year 2007.
5. Defendants object pursuant to Pa.R.C.P. 4006 to the content requested in paragraph five (5) of Plaintiff's Request for Production of Documents, as said request relates to policies of companies other than Defendant KTF Transport, and thus are not relevant to the present cause of action, nor is it reasonable to lead to discoverable information. By way of further answer, no payments have been received by either Tara or Keven Finley.



Jeffrey S. DuBois, Esquire
Attorney for Defendants

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

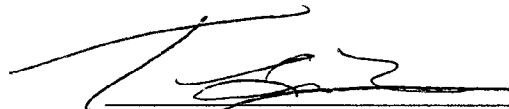
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
24th day of July, 2007, mail a true and correct copy of the Plaintiff's
MOTION TO COMPEL, to the below listed individual, being all counsel of record, via
United States Mail, first class, postage pre-paid, as follows:

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

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)

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

FILED

AUG 10 2007

William A. Shaw
Prothonotary/Clerk of Courts
w/c Clear Copy

Type of Pleading:

NOTICE OF SERVICE

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

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

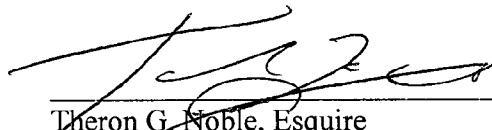
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this 9th day of August, 2007, mail a true and correct copy of the RULE RETURNABLE issued upon Plaintiff's MOTION TO COMPEL, to the below listed individual, being all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

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

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 OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

⁴⁴⁵
No. 04-~~455~~-CD

Type of Pleading:

**DEFENDANT'S RULE
RETURNABLE IN RESPONSE
TO PLAINTIFFS THIRD SET
OF DISCOVERY MATERIALS**

Filed on Behalf of:
DEFENDANT KTF TRANSPORT, LLC

Counsel of Record for This Party:

Jeffrey S. DuBois, Esquire
Supreme Court No. 62074
190 West Park Avenue, Suite #5
DuBois, PA 15801

FILED ^{3cc}
012:39/01
AUG 29 2007
Atty DuBois
(CK)

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a/ Apple Core, an adult individual,	:	No. 04-455-CD
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania Limited Liability Company; and SCOTT FLECK, t/d/b/a S&M LOG Transportation an adult individual,	:	
	:	
Defendants	:	

**DEFENDANT'S RULE RETURNABLE
IN RESPONSE TO PLAINTIFFS
THIRD SET OF DISCOVERY MATERIALS**

AND NOW, comes the Defendant, KTF TRANSPORT, LLC, by and through its attorney, Jeffrey S. DuBois, Esquire, who files this Rule Returnable in Response to Plaintiffs Third Set of Discovery Materials and in support thereof avers the following:

1. Defendant filed Objections to some of the requests of Discovery in Aid of Execution filed by Plaintiff to the above captioned matter.
2. Specifically, Defendants filed objections on a question of Plaintiffs concerning information of insurance claims filed by Keven or Tara Finley concerning a fire which occurred in April of 2007 at the business of Cozy Acres Furniture.
3. Said fire dealt with a furniture company who was incorporated under a name different from Defendant, and was a separate business from Defendant, and therefore has no connection to the case at hand.

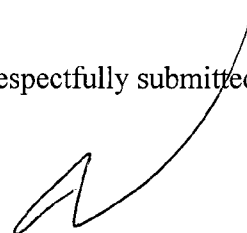
4. As such, under the Pennsylvania Rules of Civil Procedure, it is not relevant, nor is it likely to lead to relevant information, and therefore it is not discoverable, and it was proper for Defendant to object to the same.

5. Likewise, Plaintiff also asked in one of its questions whether or not there had been any arrests for criminal violations for either Keven or Tara Finley in the last five (5) years.

6. Defendant did answer the same, but also objected, as again, under the Pennsylvania Rules of Civil Procedure said information is in no way related to the case at hand, and therefore is not discoverable, and consequently it was improper for Plaintiff to request the same.

7. For the reasons set forth above, some of the questions set forth by Plaintiff were not proper Discovery questions, would not lead to discoverable information, dealt nothing with the case at hand, and therefore Defendant was proper in not answering the same.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendant

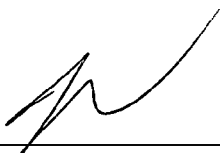
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE

I do hereby certify that on the 29 day of August, 2007, I served a true and correct copy of the within Rule Returnable in Response to Plaintiffs Third Set of Discovery Materials, by first class mail, postage prepaid, on the following:

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

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

KEVIN DISANTIS,

Plaintiff

vs.

KTF TRANSPORT, LLC, a duly formed
and existing Pennsylvania Limited

Liability Company,

Defendant

*

*

*

*

*

*

*

No. 04-445-CD


ORDER

NOW, this 12th day of September, 2007 following argument on Plaintiff's Motion to Compel, it is the ORDER of this Court that as follows:

1. The Defendant will provide within twenty (20) days hereof true and correct copies of all insurance policies providing, or thought to provide, insurance coverage for the premises, or contents on the premises, known as Cozy Acres; and
2. The Defendant will provide within twenty (20) days hereof true and correct copies of all documents, submitted to any insurance carrier, setting forth assets which were damaged from a fire on the Cozy Acres premises, on or about April 11, 2007.

The Court holds all other matters in abeyance until either party moves for further court involvement.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

SEP 13 2007

100 Amy's:
Noble
DuBois

William A. Shaw
Prothonotary/Clerk of Courts

(6)

FILED

SEP 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/13/07

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

**NOTICE OF INTENT TO
SERVE SUBPOENA**

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 No. 04-
m/10:37cm
JUN 29 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04- 445 -CD

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Date: June 26, 2009

Plaintiff intends to serve a subpoena identical to that attached to this notice to Westfield Insurance Companies. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully Submitted,



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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kevin Disantis

*

Apple Core

Plaintiff(s)

Vs.

*

No. 2004-00445-CD

KTF Transport, LLC

*

Scott Fleck

S & M Log Transportation

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: Westfield Insurance Companies

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

(i) all documents submitted by any person or entity on behalf of
Cozy Acres Furniture, LLC for loss of property (real or personal)
for a fire at its premises on April 11, 2007.
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Theron G. Noble, Esquire

ADDRESS: 301 E. Pine Street
Clearfield, PA 16830

TELEPHONE: (814)-375-2221

SUPREME COURT ID # 55942

ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Tuesday, June 09, 2009

Seal of the Court


Deputy

WILLIAM A. SHAW
Prothonotary

My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

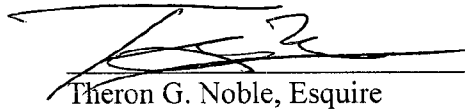
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this 26th day of June, 2009, mail a true and correct copy of the NOTICE OF INTENT TO SERVE SUBPOENA (along with a copy of the proposed subpoena), to the below listed individual, being all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

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

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)**

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04-__445__-CD

**CERTIFICATE PREREQUISITE TO SERVICE
OF SUBPOENA PURSUANT TO RULE 4009.22**

Date: July 22, 2009

As a prerequisite to service of subpoena for documents and things pursuant to Rule 4009.22, Plaintiff certifies as follows:

1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to the party at least twenty (20) days prior to the date on which the subpoena was sought to be served (and resent more than twenty days ago when returned by US Postal Officials since Defense Counsel had changed mailing address to the address contained in the Certificate of Service attached hereto);

2) a copy of the notice of intent, including the proposed subpoena, are attached to this certificate, as Exhibit "A"; and

3) the subpoena directed to Westfield Insurance Companies, Esquire which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Respectfully Submitted,



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

FILED
JUL 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

COPY

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

**NOTICE OF INTENT TO
SERVE SUBPOENA**

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

Exhibit "A"

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

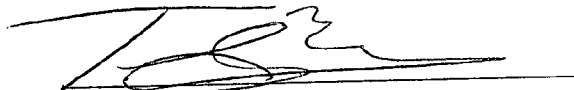
No. 04-__445__-CD

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Date: June 26, 2009

Plaintiff intends to serve a subpoena identical to that attached to this notice to Westfield Insurance Companies. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

Respectfully Submitted,



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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Kevin Disantis
Apple Core
Plaintiff(s)

Vs.

KTF Transport, LLC
Scott Fleck
S & M Log Transportation
Defendant(s)

*

*

*

No. 2004-00445-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: Westfield Insurance Companies

(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

(i) all documents submitted by any person or entity on behalf of
Cozy Acres Furniture, LLC for loss of property (real or personal)
for a fire at its premises on April 11, 2007.
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.


THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Theron G. Noble, Esquire
ADDRESS: 301 E. Pine Street
Clearfield, PA 16830
TELEPHONE: (814)-375-2221
SUPREME COURT ID # 55942
ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Tuesday, June 09, 2009
Seal of the Court


Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

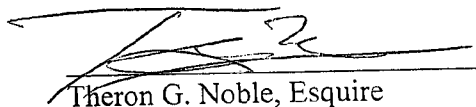
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
26th day of June, 2009, mail a true and correct copy of the NOTICE OF
INTENT TO SERVE SUBPOENA (along with a copy of the proposed subpoena), to the
below listed individual, being all counsel of record, via United States Mail, first class,
postage pre-paid, as follows:

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

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)**

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this 22nd day of July, 2009, mail a true and correct copy of the CERTIFICATE PREREQUISITE, to the below listed individual, being all counsel of record, via United States Mail, first class, postage pre-paid, as follows:

Jeffrey S. DuBois, Esquire
210 McCracken Run Rd.
DuBois, PA 15801

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

Arb 8-16-05

FERRARACCIO & NOBLE

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

Mr. David Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830

August 8, 2005

Re: Apple Core v. KTF Transport, LLC.;
04-445-CD
Plaintiff's Pre-Trial Statement

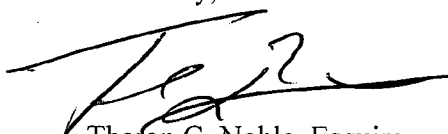
Dear Mr. Meholick:

Please find enclosed and file Plaintiff's PRE-TRIAL STATEMENT. Under cover of this letter, I have done as stated in the attached CERTIFICATES OF SERVICE as well as served the below identified arbitrators.

As always, thank you for your attention to this matter.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN

cc: Mr. Kevin DiSantis w.encl.
Jeffrey S. DuBois, Esquire, w.encl.
Richard A. Bell, Esquire w.encl.
Ronald L. Collins, Esquire w.encl.
Kimberly M. Kubista, Esquire w.encl..

RECEIVED

AUG 10 2005

COURT ADMINISTRATOR'S
OFFICE

CA

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

Type of Pleading:

PLAINTIFF'S PRE-TRIAL
STATEMENT

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

RECEIVED
AUG 10 2005
COURT ADMINISTRATOR'S
OFFICE

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF, TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04- 445 -CD

PLAINTIFF'S PRE-TRIAL (ARBITRATION) STATEMENT

AND NOW, comes the Plaintiff, Kevin DiSantis, t/d/b/a Apple Core, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who submits the following as Plaintiff's PRE-TRIAL STATEMENT, pursuant to Clearfield County Local Rule 1306(a):

Brief Statement of Case

Mr. DiSantis owns and operates an automotive parts business known as "Apple Core". In May 2003, Mr. DiSantis contracted with Defendant KTF Transport, LLC, for transportation of parts he had sold to a client, Northeast Core and Component, Inc., located in Blakeslee, Pennsylvania. As part of this arrangement, Mr. DiSantis also contracted for a "back haul" of 108 air conditioning compressors that Apple Core purchased from Northeast Core and Component, Inc..

When Defendant's truck arrived back at Mr. DiSantis's warehouse, with the air conditioning compressors, the box in which they were transported was noted to be unsecured, damaged and opened. In fact, some of the compressors were laying loose inside the trailer. Mr. DiSantis immediately informed KTF's owner of the situation and was told to contact dismissed defendant S & M Log Transport, Inc., from whom Defendant KTF leased either the trailer or truck used in this transportation gig, claiming S & M Log Transport maintained insurance coverage for its lessee, which it did not.

90 of the air conditioning compressors were (and are) severely damaged. The per unit cost of the compressors were \$125. However, the entire lot has no value as there is no market for only 18 compressors, therefore Apple Core seeks \$13,500 as its damages under theories of breach of contract and negligence.

Citation to Applicable Cases or Statutes

This is a straightforward breach of contract/negligence action and no such citations are necessary.

List of Witnesses

- A. Plaintiff;
- B. Dustin Pentz;
- C. Tyler Cribbs; and
- D. Jerry Rizzo.

Statement of Damages

Damages will be established as stated through oral testimony. In addition to photographs of the damages parts, Plaintiff will introduce as an exhibit an invoice from Defendant showing an invoice for the "back haul", which Defendant denies it contracted to do. The same is attached hereto as Exhibit "A". Exhibit "B" is the purchase order for the damaged parts that Mr. DiSantis was attempting to fill in this transaction. Exhibit "C" are copies of photos showing the condition of the box upon arrival at Mr. DiSantis's warehouse and the bubblewrap used in attempt to protect the parts.

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

IF Transport LLC.

72

Leasure Lake

Bois, PA 15801

SA

14)372-2266 FX:(814)372-0909

Invoice No.

00000158

Invoice Date

05/22/03

TAXPAYER ID

25-1883760

old

o:

APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship

To:

Purchase Order Number

Date Ordered

05/22/03

Date Shipped

05/22/03

Ship Via

F.O.B.

Salesperson

Terms

DUE ON RECEIPT

Payment Due

05/22/03

Notes

Item

Ordered

Shipped

Description

Price

Amount

1

1

TRIP TO BLAKESLEE, PA

325.00

325.00

1

1

RETURN TRIP TO FALLS CREEK

100.00

100.00

Exhibit "A"

Message

SubTotal

Sales Tax

Shipping

TOTAL

425.00

Claim# 571 527 466

108081

PURCHASE ORDER

814-375-1199

TO Apple Core	SHIP TO Born-Again Air, Inc.
ADDRESS 10 Lincoln Dr.	ADDRESS 3054 SE Loop 820
CITY, STATE, ZIP DuBois PA 15801	CITY, STATE, ZIP Fort Worth, TX 76140
	Office (817) 688-8889
	Fax (817) 688-8811

DATE 5/10/03	DATE REQUIRED 5/10/03	TERMS	HOW SHIPPED	REQ. NO. OR DEPT.	FOR
-----------------	--------------------------	-------	-------------	-------------------	-----

QUANTITY	DESCRIPTION	PRICE	UNIT
1	108 Misc. New Compressors	125.00	13,500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

Exhibit "B"

IMPORTANT PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES - PACKAGING, ETC. PLEASE NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO COMPLETE ORDER BY DATE SPECIFIED.	PLEASE SEND _____ COPIES OF YOUR INVOICE WITH ORIGINAL BILL OF LADING PURCHASING AGENT
---	--

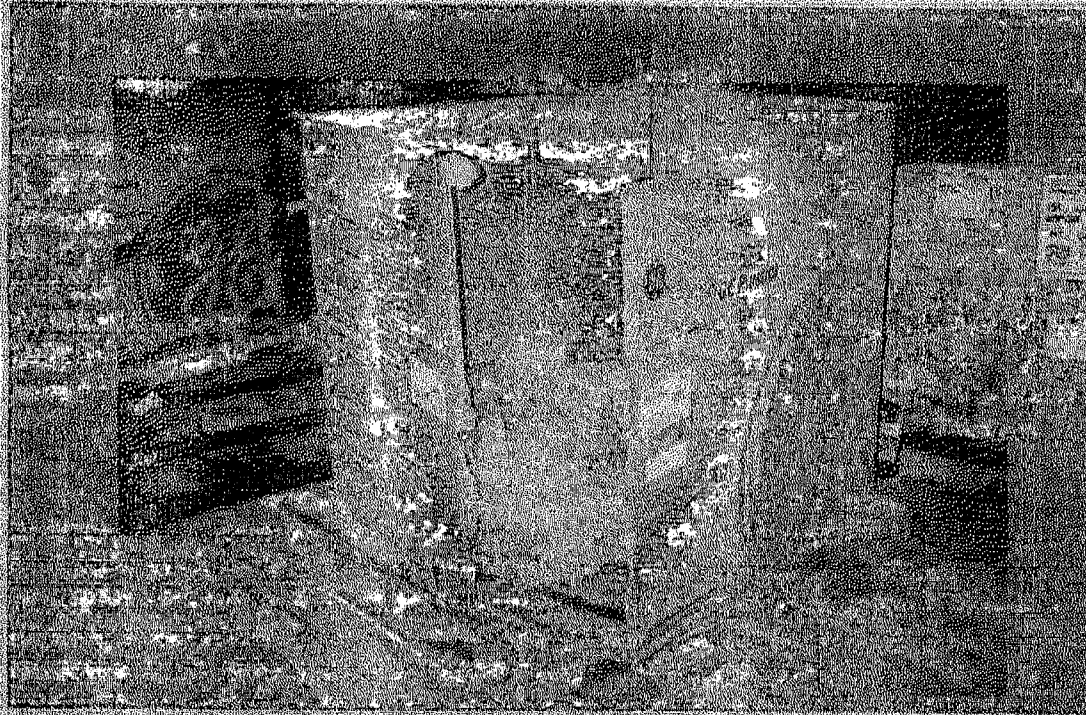


Photo Mounting Sheet

File Identification 222-12006

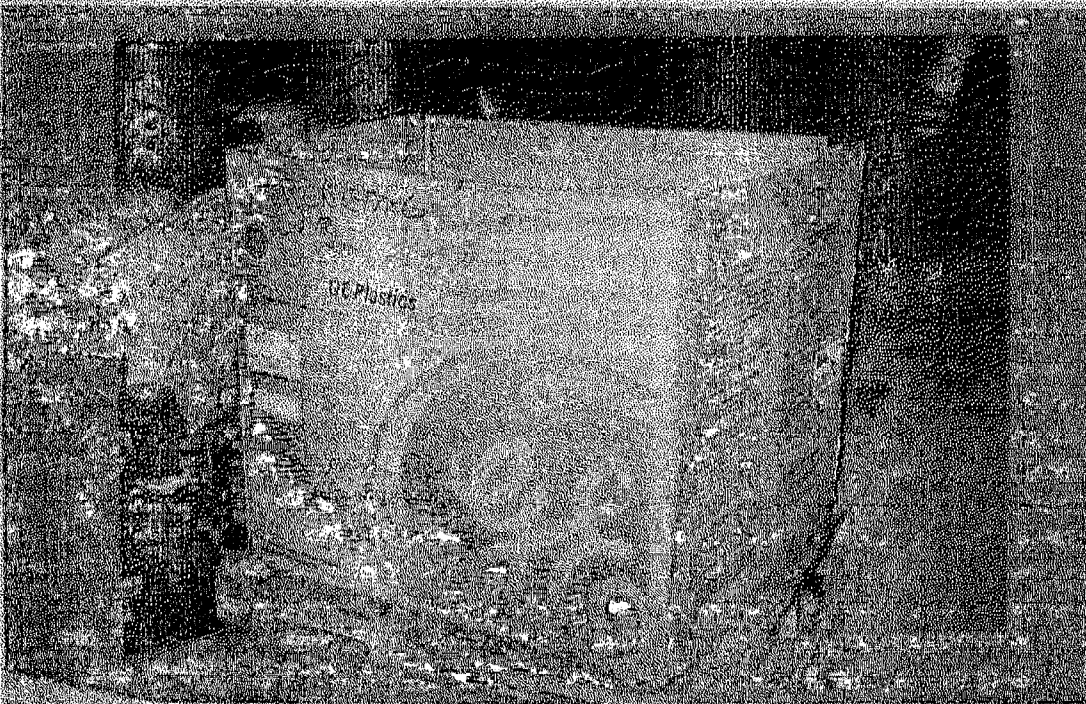
Taken By Roy McCreah

6/23/03
DATE TAKEN



Overall view of the container the motor was shipped in.

Box was broken at time of delivery.



Another view of the shipping box.

Exhibit "C"

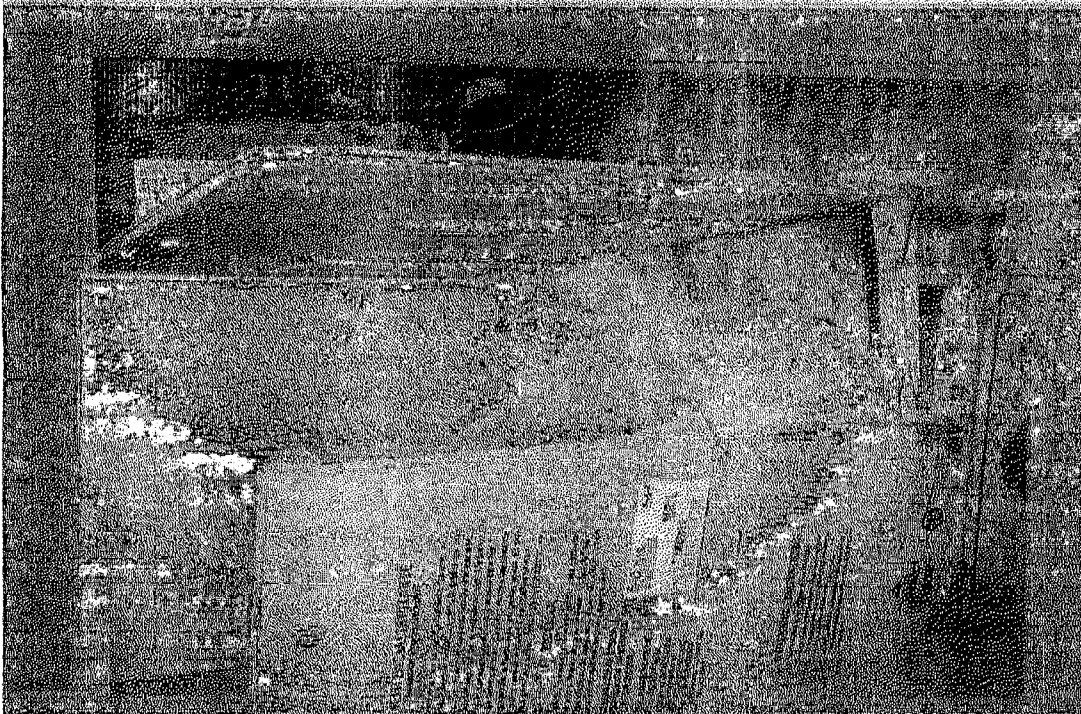


File Identification 222-12006

Taken By Ray Marshall

6/23/03
DATE TAKEN

Photo Mounting Sheet



Closeup of the broken corner on the box. (1)



Bubblewrap inside the box was out all over it. (1)

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

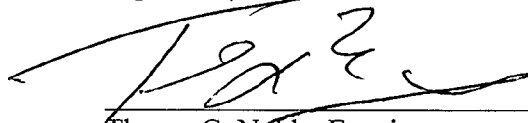
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
8th day of AUGUST, 2005, mail a true and correct copy of
Plaintiff's PRE-TRIAL STATEMENT to the below listed individual, being all counsel of
record, via United States Mail, first class, postage pre-paid, as follows:

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

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

Ans 8-16-05

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

No. 04-455-CD

Type of Pleading:

PRE-TRIAL STATEMENT

Filed on Behalf of:
DEFENDANT – KTF TRANSPORT

Counsel of Record for This Party:

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

RECEIVED

AUG 09 2005

**COURT ADMINISTRATIVE
OFFICE**

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,	:	No. 04-455-CD
an adult individual,	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania	:	
Limited Liability Company; and SCOTT	:	
FLECK, t/d/b/a S&M LOG Transportation	:	
an adult individual,	:	
Defendants	:	

PRE-TRIAL STATEMENT

I. BRIEF STATEMENT OF THE CASE

Defendant, KTF Transport, LLC, is in the business, among other things, providing truck and tractor trailer services for transportation purposes only.

On or about May 2003, Plaintiff contacted Defendant to engage Defendants services for the use of Defendants vehicle for the transportation of goods. The agreement was for the transportation of goods alone from DuBois, Pennsylvania, to Blakeslee, Pennsylvania. Additionally, the parties agreed on the amount of Three Hundred Twenty Five and 00/100 (\$325.00) Dollars for payment by Plaintiff to Defendant for the transportation of said goods.

This was the extent of the parties agreement and it was Plaintiffs responsibility for the loading and securing of the goods, as well as the removing of the goods once they got to their designated place. Once the goods were transported to Blakeslee, Pennsylvania, and removed at that particular site, thereafter, and unbeknownst to Defendant, Plaintiff

received additional goods at this particular site and had the driver transport these goods back to DuBois, Pennsylvania. This return trip of goods was never contemplated by the parties, nor ever agreed to by Defendant, nor was Defendant aware of the same.

Once the truck returned to DuBois, Pennsylvania, and the goods were taken to Plaintiffs place of business, Plaintiff signed a Bill of Lading setting forth that the goods received were in good and average condition. Again, as was the case the original destination place, Plaintiff, or Plaintiffs representatives or employees, were responsible for and removed all of the goods from the vehicle.

This suit pertains to Plaintiff attempting to sue Defendant for alleged damage to Plaintiffs goods.

Defendant denies any liability with respect to Plaintiffs claims, and Defendant is countersuing for the amount of money the parties contracted for and which was never paid by Plaintiff.

II. CITATION TO APPLICABLE CASE OR STATUTES

General Contract Law

III. LIST OF WITNESSES

1. Tara Finley – for Defendant

Defendant reserves the right to list additional witnesses with proper notice to counsel for Plaintiff and the Arbitrators.

IV. BRIEF DESCRIPTION OF DAMAGES - EXHIBITS

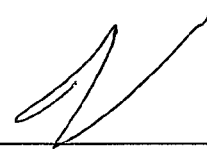
Defendant has filed a counterclaim against Plaintiff in the amount of Three Hundred Twenty Five and 00/100 (\$325.00) Dollars, plus costs.

EXHIBITS:

1. Bill of Lading
2. Invoices from Defendant to Plaintiff

Defendant reserves the right to add additional exhibits with proper notice to counsel for Plaintiff and the Arbitrators.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendants

Invoice

PAGE 1

KTF Transport LLC.
1672Treasure Lake
DuBois, PA 15801
USA

(814)372-2266 FX:(814)372-0909

Invoice No.
00000131Invoice Date
05/16/03TAXPAYER ID
25-1883760

Sold

To: APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840Ship
To:

Purchase Order Number

Date Ordered
05/16/03Date Shipped
05/16/03

Ship Via

F.O.B.

Salesperson

Terms

DUE ON RECEIPT

Payment Due
05/16/03

Notes

Item

Ordered

Shipped

Description

Price

Amount

1

1

TRIP TO BLAKESLEE PA

325.00

325.00

Message

SubTotal

Sales Tax

Shipping

TOTAL

325.00

F Transport LLC.

72

asure Lake

Bois, PA 15801

IA

(4)372-2266 FX:(814)372-0909

Invoice No.
00000138Invoice Date
03/22/03

TAXPAYER ID

25-1883760

OLD

TO: APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship
To:

Purchase Order Number	Date Ordered 03/22/03	Date Shipped 03/22/03	Ship Via	F.O.B.
Salesperson	Terms DUE ON RECEIPT	Payment Due 03/22/03	Notes	

Item	Ordered	Shipped	Description	Price	Amount
	1	1	TRIP TO BLAKESLEE, PA	325.00	325.00
	1	1	RETURN TRIP TO FALLS CREEK	100.00	100.00
Exhibit "A"					

Message

SubTotal	
Sales Tax	
Shipping	
TOTAL	425.00

Carrier

Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the receipt by the carrier of the property described in the Original Bill of Lading,

at North East Commercial from Boston

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown) marked, consigned and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination; if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each car of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on back hereof, which are hereby agreed to by the shipper and accepted for himself and his assigns.

(Mail or street address of consignee - For purposes of notification only.)

Consigned to Apple CorpDestination Fall River State of _____ Zip Code _____ County of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect On Delivery

\$ _____ and remit to: _____

C. O. D. charge to be paid by { Shipper
Consignee

Street

City

State

No. Packages	Description of Articles, Special Marks, and Exceptions	Weight (Sub. to Car.)	Class or Rate	Check Column
1	SACRED ARTICLES	1600 lbs	50	
<p>Subject to Section 7 of conditions this shipment is to be delivered to consignee without recourse on the signor, the consignor shall sign the following statements:</p> <p>The carrier shall not make deliver this shipment without payment of freight and all other lawful charges.</p> <p>(Signature of Consignor.)</p> <p>If charges are to be prepaid, write stamp here, "TO BE PREPAID."</p> <p>Received \$ _____ to apply to prepayment of the charges on the property described hereon.</p> <p>Agent or Cashier</p> <p>Per (the signature here acknowledges only the amount prepaid.)</p> <p>Charges Advanced:</p> <p>\$ _____</p>				

"If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is 'carrier's weight' or 'shipper's weight.' NOTE - Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding

Shipper, Per

Agent, Per

Permanent post-office address of shipper,

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

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

KEVIN DISANTIS, t/d/b/a/ Apple Core, an adult individual,	:	No. 04-455-CD
	:	
Plaintiff	:	
	:	
Vs.	:	
	:	
KTF TRANSPORT, LLC, a Pennsylvania Limited Liability Company; and SCOTT FLECK, t/d/b/a S&M LOG Transportation an adult individual,	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE


I do hereby certify that on the 9th day of August, 2005, I served a true and correct copy of the within Pre Trial Statement by first class mail, postage prepaid, on the following:

Richard A. Bell, Esquire
P.O. Box 670
Clearfield, PA 16830

Ronald L. Collins, Esquire
218 S. Second Street
Clearfield, PA 16830

Kimberly M. Kubista, Esquire
P.O. Box 1
Clearfield, PA 16830

Theron G. Noble, Esquire
301 E. Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois

KTF Transport LLC.
1672
Treasure Lake
DuBois, PA 15801
USA
(814)372-2266 FX:(814)372-0909

X A

Invoice

PAGE 1

Invoice No. 00000131	Invoice Date 05/16/03	TAXPAYER ID 25-1883760
-------------------------	--------------------------	---------------------------

Sold
To: APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship
To:

Purchase Order Number	Date Ordered 05/16/03	Date Shipped 05/16/03	Ship Via	F.O.B.
Salesperson	Terms DUE ON RECEIPT	Payment Due 05/16/03	Notes	

Item	Ordered	Shipped	Description	Price	Amount
	1	1	TRIP TO BLAKESLEE PA	325.00	325.00

Message

DEFENDANT'S
EXHIBIT

A

SubTotal	
Sales Tax	
Shipping	
TOTAL	325.00

Carrier

Agent's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the receipt by the carrier of the property described in the Original Bill of Lading,

at

from

property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown) marked, consigned and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination; if on its own railroad, water line, highway route or route, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each car all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including conditions on back hereof, which are hereby agreed to by the shipper and accepted for himself and his assigns.

(Mail or street address of consignee - For purposes of notification only.)

Consigned to

Destination

Street

City

State of

Zip Code

County of

Routing

Delivering

Carrier

Vehicle

or Car Initial

No.

Collect On Delivery

and remit to:

C. O. D. charge
to be paid byShipper
Consignee

Street

City

State

No.
packages

Description of Articles, Special Marks, and Exceptions

Weight
(Sub. to Class)Class
or RateCheck
Column

Subject to Section 7 of conditions this shipment is to be delivered to consignee without recourse on the shipper, the consignor shall sign the following statements:

The carrier shall not make deliver this shipment without payment of freight and all other lawful charges.

(Signature of Consignor.)

If charges are to be prepaid, write stamp here, "TO BE PREPAID."

Received \$_____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____
(the signature here acknowledges only the amount prepaid.)

Charges Advanced:

\$

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's weight." NOTE - Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ per

Shipper, Per

Agent, Per

Permanent post-office address of shipper,

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

XB

DEFENDANT'S
EXHIBIT

B

F Transport LLC.

72

asure Lake

Bois, PA 15801

IA

(4)372-2266 FX:(814)372-0909

Invoice No.
00000138Invoice Date
03/22/03

TAXPAYER ID

25-1883760

Dkt

To: APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840Ship
To:

Purchase Order Number	Date Ordered	Date Shipped	Ship Via	F.O.B.
	03/22/03	03/22/03		
Salesperson	Terms	Payment Due	Notes	
	DUE ON RECEIPT	03/22/03		

Item	Ordered	Shipped	Description	Price	Amount
	1	1	TRIP TO BLAKESLEE PA	325.00	325.00
	1	1	RETURN TRIP TO FALLS CREEK	100.00	100.00
Exhibit "A"					

Message

SubTotal	
Sales Tax	
Shipping	
TOTAL	425.00

DEFENDANT'S
EXHIBIT

C

Agent's No.

at North East Coast Company from ISKRA Steel Co

A property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown) marked, consigned and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination; if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, that each carrier or of or back property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including any conditions on said back hereof, which are hereby agreed to by the shipper and accepted for himself and his assigns.

(Mail or street address of consignee - For purposes of notification only.)

Consigned to Apple Core

Destination F. H. C. H. State of _____ Zip Code _____ County of _____

Routing: _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

and remit to:

C. O. D. charge to be paid by	<input type="checkbox"/> Shipper <input type="checkbox"/> Consignee
----------------------------------	--

Subject to Section 7 of conditions this shipment is to be delivered to consignee without recourse on the part of the consignor, the consignor shall sign the following statements:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor.)

If charges are to be prepaid, write stamp here. **"TO BE PREPAID."**

Received \$_____ to apply to
prepayment of the charges on the
property described hereon.

Agent or Cashier,

Per _____
(the signature here acknowledges only
the amount Prepaid.)

Charges Advanced:

1.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding

Permanent post-office address of shipper.

Shipper, Per

Agent, Per.

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

F Transport LLC.

72

asure Lake

Bois, PA 15801

IA

(4)372-2266 FX:(814)372-0909

Invoice No.

00000138

Invoice Date

05/22/03

TAXPAYER ID

25-1883760

Old

Apple CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship

To:

Purchase Order Number

Date Ordered

05/22/03

Date Shipped

05/22/03

Ship Via

F.O.B.

Salesperson

Terms

DUE ON RECEIPT

Payment Due

05/22/03

Notes

Item	Ordered	Shipped	Description	Price	Amount
	1	1	TRIP TO BLAKESLEE PA	325.00	325.00
	1	1	RETURN TRIP TO FALLS CREEK	100.00	100.00

Exhibit "A"

Message

SubTotal

Sales Tax

Shipping

TOTAL

425.00

claim# 571 527 466

108081

PURCHASE ORDER

814-315-1199

TO Apple Cdr	SHIP TO Born-Again Air, Inc.
ADDRESS 10 Lincoln Dr.	ADDRESS 3054 SE Loop 820
CITY, STATE, ZIP DuBois PA 15801	CITY, STATE, ZIP Fort Worth, TX 76140
	Office (817) 555-5559
	Fax (817) 555-5511

DATE 5/10/03	DATE REQUIRED 5/10/03	TERMS	HOW SHIPPED	REQ. NO. OR DEPT.	FOR
------------------------	---------------------------------	-------	-------------	-------------------	-----

QUANTITY	DESCRIPTION	PRICE	UNIT
1	108 Misc. New Compressors	125.00	13,500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

<p>IMPORTANT</p> <p>PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES - PACKAGING, ETC.</p> <p>PLEASE NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO COMPLETE ORDER BY DATE SPECIFIED.</p>	<p>PLEASE SEND _____ COPIES OF YOUR INVOICE WITH ORIGINAL BILL OF LADING.</p> <p>PURCHASING AGENT</p>
---	---

TC 8131

ORIGINAL

Invoice

PAGE 1

KTF Transport LLC.

1672

Treasure Lake

DuBois, PA 15801

USA

(814)372-2266 FX:(814)372-0909

Invoice No.

00000158

Invoice Date

05/22/03

TAXPAYER ID

25-1883760

Sold

To: APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship

To:

Purchase Order Number

Date Ordered

05/22/03

Date Shipped

05/22/03

Ship Via

F.O.B.

Salesperson

Terms

DUE ON RECEIPT

Payment Due

05/22/03

Notes

Item

Ordered

Shipped

Description

Price

Amount

1

1

TRIP TO BLAKESLEE, PA

325.00

325.00

1

1

RETURN TRIP TO FALLS CREEK

100.00

100.00

Message

SubTotal

Sales Tax

Shipping

TOTAL

425.00

claim# 571 527 466

108081

PURCHASE ORDER

814-375-1199

TO Apple Core	SHIP TO Born-Again Air, Inc.
ADDRESS 10 Lincoln Dr.	ADDRESS 3054 SE Loop 820
CITY, STATE, ZIP DuBois PA 15801	CITY, STATE, ZIP Fort Worth, TX 76140
	Office (817) 568-8899 Fax (817) 568-8811

DATE 5/10/03	DATE REQUIRED 5/10/03	TERMS	HOW SHIPPED	REQ. NO. OR DEPT.	FOR
------------------------	---------------------------------	-------	-------------	-------------------	-----

QUANTITY	DESCRIPTION	PRICE	UNIT
1	108 Misc. New Compressors	125.00	13,500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

<p>IMPORTANT</p> <p>PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES - PACKAGING, ETC.</p> <p>PLEASE NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO COMPLETE ORDER BY DATE SPECIFIED.</p>	<p>PLEASE SEND _____ COPIES OF YOUR INVOICE WITH ORIGINAL BILL OF LADING.</p> <p>PURCHASING AGENT</p>
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TC 8131

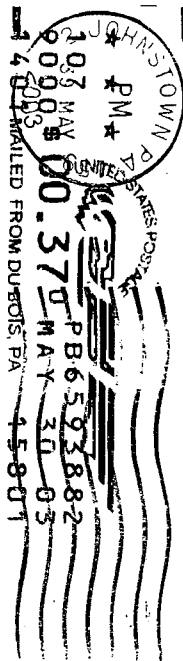
ORIGINAL

K.T.F. TRANSPORT
1672 TREASURE LAKE
DU BOIS, PA 15801

Steven DuSanto
10 Gleneden Ln.
DuBois Pa 15801

15801/3415

|||||



Invoice

PAGE 1

KTF Transport LLC.

1672

Treasure Lake

DuBois, PA 15801

USA

(814)372-2266 FX:(814)372-0909

Invoice No.

00000158

Invoice Date

05/22/03

TAXPAYER ID

25-1883760

Sold

To:

APPLE CORE

66 TAYLOR AVE

FALLS CREEK, PA 15840

Ship

To:

Purchase Order Number

Date Ordered

05/22/03

Date Shipped

05/22/03

Ship Via

F.O.B.

Salesperson

Terms

DUE ON RECEIPT

Payment Due

05/22/03

Notes

Item	Ordered	Shipped	Description	Price	Amount
	1	1	TRIP TO BLAKESLEE, PA	325.00	325.00
	1	1	RETURN TRIP TO FALLS CREEK	100.00	100.00

Message

SubTotal

Sales Tax

Shipping

TOTAL

425.00

X 2

Invoice

PAGE 1

KTF Transport LLC.
1672
Treasure Lake
DuBois, PA 15801
USA
(814)372-2266 FX:(814)372-0909

Invoice No.	Invoice Date	TAXPAYER ID
00000158	05/22/03	25-1883760

Sold
To: APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship
To:

Purchase Order Number	Date Ordered	Date Shipped	Ship Via	F.O.B.
	05/22/03	05/22/03		

Salesperson	Terms	Payment Due	Notes
	DUE ON RECEIPT	05/22/03	

Item	Ordered	Shipped	Description	Price	Amount
	1	1	TRIP TO BLAKESLEE, PA	325.00	325.00
	1	1	RETURN TRIP TO FALLS CREEK	100.00	100.00

Message

SubTotal	
Sales Tax	
Shipping	
TOTAL	425.00

claim# 571 527 466

(X1)

108081

PURCHASE ORDER

814-375-1199

TO Apple Core	SHIP TO Born-Again Air, Inc.
ADDRESS 10 Lincoln Dr.	ADDRESS 3054 SE Loop 820
CITY, STATE, ZIP DuBois PA 15801	CITY, STATE, ZIP Fort Worth, TX 76140
	Office (817) 688-8889
	Fax (817) 688-8811

DATE 5/10/03	DATE REQUIRED 5/10/03	TERMS	HOW SHIPPED	REQ. NO. OR DEPT.	FOR
------------------------	---------------------------------	-------	-------------	-------------------	-----

QUANTITY	DESCRIPTION	PRICE	UNIT
1 108	Misc. New Compressors	125.00	13,500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
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22			

<p>IMPORTANT</p> <p>PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES - PACKAGING, ETC.</p> <p>PLEASE NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO COMPLETE ORDER BY DATE SPECIFIED.</p>	<p>PLEASE SEND _____ COPIES OF YOUR INVOICE WITH ORIGINAL BILL OF LADING.</p> <p>PURCHASING AGENT</p>
---	---

TC 8131

ORIGINAL

FERRARACCIO & NOBLE

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

Mr. David Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830

August 8, 2005

COPY

Re: Apple Core v. KTF Transport, LLC.;
04-445-CD
Plaintiff's Pre-Trial Statement

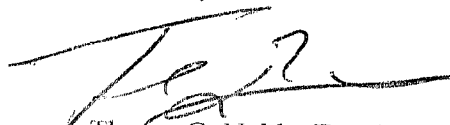
Dear Mr. Meholick:

Please find enclosed and file Plaintiff's PRE-TRIAL STATEMENT. Under cover of this letter, I have done as stated in the attached CERTIFICATES OF SERVICE as well as served the below identified arbitrators.

As always, thank you for your attention to this matter.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN

cc: Mr. Kevin DiSantis w.encl.
Jeffrey S. DuBois, Esquire, w.encl.
Richard A. Bell, Esquire w.encl.
Ronald L. Collins, Esquire w.encl.
Kimberly M. Kubista, Esquire w.encl..

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual,

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a Pennsylvania Limited
Liability Company;

DEFENDANT.

No. 04- 445 -CD

COPY

Type of Pleading:

**PLAINTIFF'S PRE-TRIAL
STATEMENT**

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

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF, TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

No. 04- 445 -CD

PLAINTIFF'S PRE-TRIAL (ARBITRATION) STATEMENT

AND NOW, comes the Plaintiff, Kevin DiSantis, t/d/b/a Apple Core, by and through his counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who submits the following as Plaintiff's PRE-TRIAL STATEMENT, pursuant to Clearfield County Local Rule 1306(a):

Brief Statement of Case

Mr. DiSantis owns and operates an automotive parts business known as "Apple Core". In May 2003, Mr. DiSantis contracted with Defendant KTF Transport, LLC, for transportation of parts he had sold to a client, Northeast Core and Component, Inc., located in Blakeslee, Pennsylvania. As part of this arrangement, Mr. DiSantis also contracted for a "back haul" of 108 air conditioning compressors that Apple Core purchased from Northeast Core and Component, Inc..

When Defendant's truck arrived back at Mr. DiSantis's warehouse, with the air conditioning compressors, the box in which they were transported was noted to be unsecured, damaged and opened. In fact, some of the compressors were laying loose inside the trailer. Mr. DiSantis immediately informed KTF's owner of the situation and was told to contact dismissed defendant S & M Log Transport, Inc., from whom Defendant KTF leased either the trailer or truck used in this transportation gig, claiming S & M Log Transport maintained insurance coverage for its lessee, which it did not.

90 of the air conditioning compressors were (and are) severely damaged. The per unit cost of the compressors were \$125. However, the entire lot has no value as there is no market for only 18 compressors, therefore Apple Core seeks \$13,500 as its damages under theories of breach of contract and negligence.

Citation to Applicable Cases or Statutes

This is a straightforward breach of contract/negligence action and no such citations are necessary.

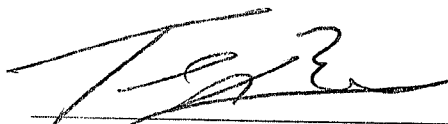
List of Witnesses

- A. Plaintiff;
- B. Dustin Pentz;
- C. Tyler Cribbs; and
- D. Jerry Rizzo.

Statement of Damages

Damages will be established as stated through oral testimony. In addition to photographs of the damages parts, Plaintiff will introduce as an exhibit an invoice from Defendant showing an invoice for the "back haul", which Defendant denies it contracted to do. The same is attached hereto as Exhibit "A". Exhibit "B" is the purchase order for the damaged parts that Mr. DiSantis was attempting to fill in this transaction. Exhibit "C" are copies of photos showing the condition of the box upon arrival at Mr. DiSantis's warehouse and the bubblewrap used in attempt to protect the parts.

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

F Transport LLC.

12

asure Lake
Bois, PA 15801

A

4)372-2266 FX:(814)372-0909

Invoice No.
00000158

Invoice Date
05/22/03

TAXPAYER ID
25-1883760

Apple CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship
To:

urchase Order Number

Date Ordered
05/22/03

Date Shipped
05/22/03

Ship Via

F.O.B.

alesperson

Terms

DUE ON RECEIPT

Payment Due
05/22/03

Notes

em

Ordered	Shipped	Description	Price	Amount
1	1	TRIP TO BLAKESLEE PA	325.00	325.00
1	1	RETURN TRIP TO FALLS CREEK	100.00	100.00

Exhibit "A"

Message

SubTotal

Sales Tax

Shipping

TOTAL

425.00

claim# 571 527 466

108081

PURCHASE ORDER

TO 814-375-1199 Apple Core		SHIP TO Bern-Again Air, Inc.	
ADDRESS 10 Lincoln Dr.		ADDRESS 3054 SE Loop 820	
CITY, STATE, ZIP DuBois PA 15801		CITY, STATE, ZIP Fort Worth, TX 76140	
		Office (817) 508-8888	
		Fax (817) 508-8811	
DATE 5/10/03	DATE REQUIRED 5/10/03	TERMS	HOW SHIPPED
		REQ. NO. OR DEPT.	FOR
QUANTITY	DESCRIPTION	PRICE	UNIT
1	108 Misc. New Compressors	125.00	13,500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			

Exhibit "B"

IMPORTANT: PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES - PACKAGING, ETC. PLEASE NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO COMPLETE ORDER BY DATE SPECIFIED.	PLEASE SEND _____ OFFICE OF YOUR INVOICE WITH ORIGINAL BILL OF LADING. PURCHASING AGENT
--	---

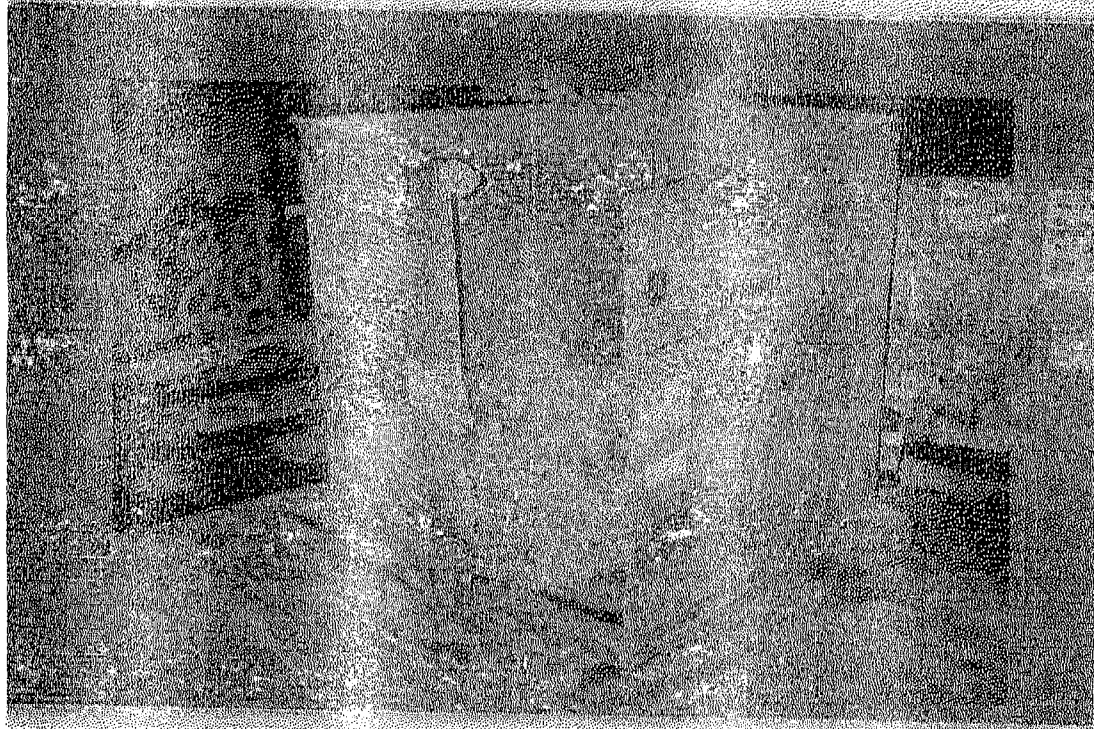
Crawford®

Photo Mounting Sheet

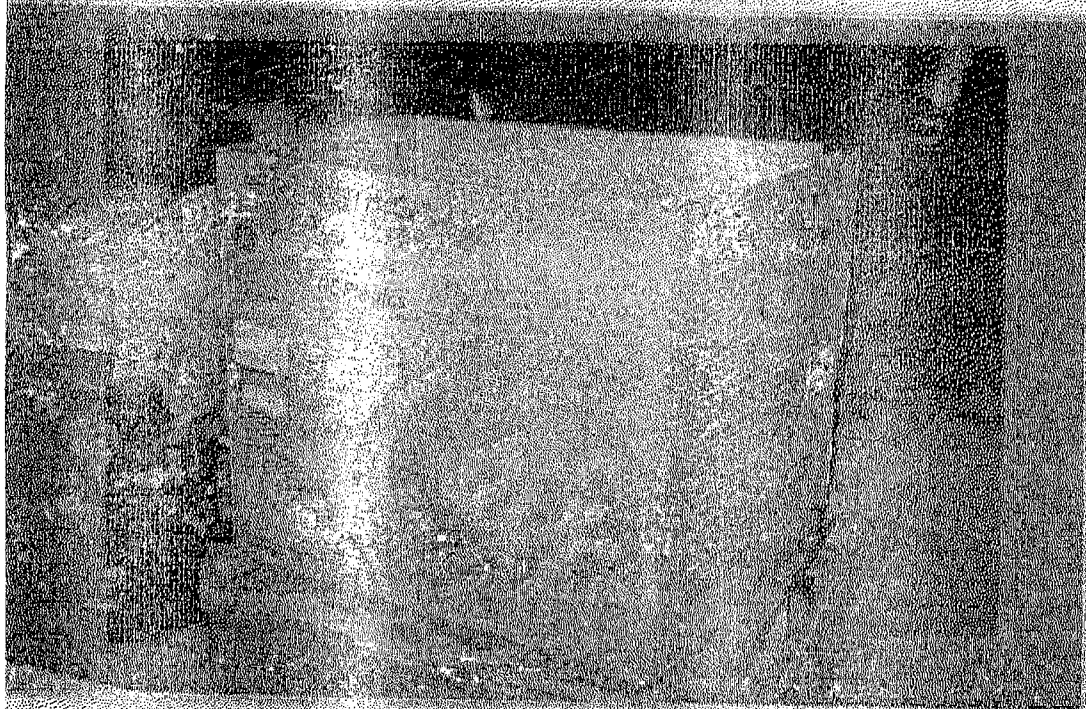
File Identification 222-1200G

Taken By Ray McNeal

9/17/02



Small view of the
carburetor the motor
was shipped in
but was broken at
time of delivery.



Another view of
the shipping box.

Exhibit "C"

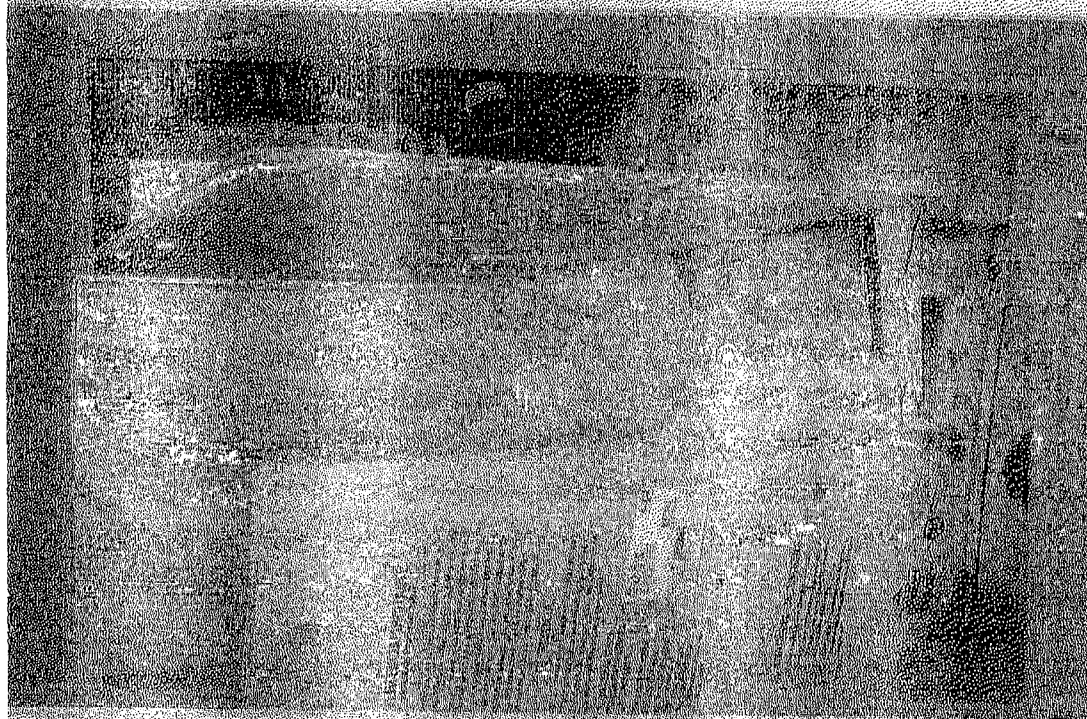
Crawford®

Photo Mounting Sheet

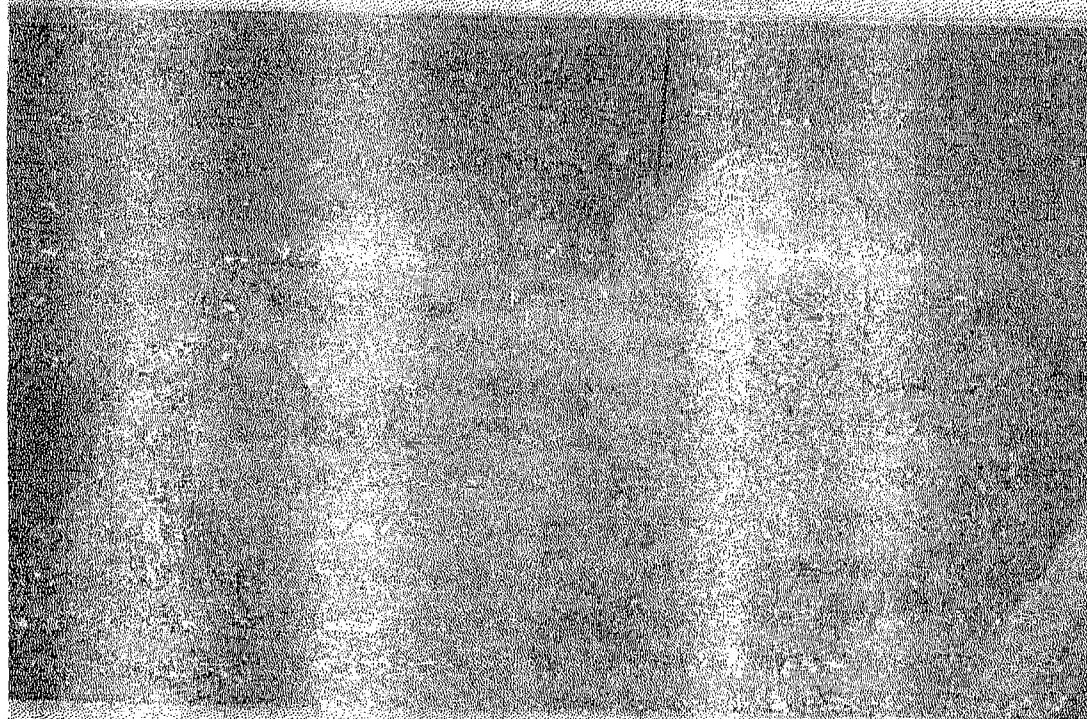
File Identification 222-12006

Taken By Ray Marshall

6/25/03
DATE TAKEN



Closeup of the
broken camera on
the box



Closeup of the
broken camera on
the box

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

KEVIN DISANTIS, t/d/b/a Apple Core,
an adult individual;

PLAINTIFF,

v.

KTF TRANSPORT, LLC, a duly formed and
existing Pennsylvania Limited Liability Company;

DEFENDANT.

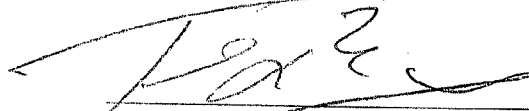
No. 04- 445 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for Plaintiff, does hereby certify that I did, this
8th day of AUGUST, 2005, mail a true and correct copy of
Plaintiff's PRE-TRIAL STATEMENT to the below listed individual, being all counsel of
record, via United States Mail, first class, postage pre-paid, as follows:

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

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



JEFFREY S. DuBOIS

Attorney at Law

Phone: 814-375-5598

Fax: 814-375-8710

190 West Park Avenue • Suite #5 • DuBois, PA 15801

E-Mail: jsd.law@verizon.net

August 9, 2005

Richard A. Bell, Esquire ✓
P.O. Box 670
Clearfield, PA 16830

Ronald L. Collins, Esquire
218 S. Second Street
Clearfield, PA 16830

Kimberly M. Kubista, Esquire
P.O. Box 1
Clearfield, PA 16830

Theron G. Noble, Esquire
301 E. Pine Street
Clearfield, PA 16830

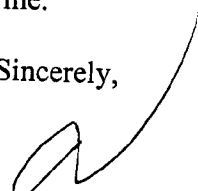
RE: DiSantis vs. KTF, et al
No. 04-455-CD

Dear Arbitrators,

Enclosed please find a Pre-Trial Statement in regards to the above captioned matter.

If you have any questions, please feel free to contact me.

Sincerely,


Jeffrey S. DuBois

JSD:tlm

Enclosure

Cc: Tara Finley

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

No. 04-455-CD

Type of Pleading:

PRE-TRIAL STATEMENT

Filed on Behalf of:
DEFENDANT – KTF TRANSPORT

Counsel of Record for This Party:

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

RECEIVED

AUG 09 2005

COURT ADMINISTRATOR'S
OFFICE

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

No. 04-455-CD

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

PRE-TRIAL STATEMENT

I. BRIEF STATEMENT OF THE CASE

Defendant, KTF Transport, LLC, is in the business, among other things, providing truck and tractor trailer services for transportation purposes only.

On or about May 2003, Plaintiff contacted Defendant to engage Defendants services for the use of Defendants vehicle for the transportation of goods. The agreement was for the transportation of goods alone from DuBois, Pennsylvania, to Blakeslee, Pennsylvania. Additionally, the parties agreed on the amount of Three Hundred Twenty Five and 00/100 (\$325.00) Dollars for payment by Plaintiff to Defendant for the transportation of said goods.

This was the extent of the parties agreement and it was Plaintiffs responsibility for the loading and securing of the goods, as well as the removing of the goods once they got to their designated place. Once the goods were transported to Blakeslee, Pennsylvania, and removed at that particular site, thereafter, and unbeknownst to Defendant, Plaintiff

received additional goods at this particular site and had the driver transport these goods back to DuBois, Pennsylvania. This return trip of goods was never contemplated by the parties, nor ever agreed to by Defendant, nor was Defendant aware of the same.

Once the truck returned to DuBois, Pennsylvania, and the goods were taken to Plaintiffs place of business, Plaintiff signed a Bill of Lading setting forth that the goods received were in good and average condition. Again, as was the case the original destination place, Plaintiff, or Plaintiffs representatives or employees, were responsible for and removed all of the goods from the vehicle.

This suit pertains to Plaintiff attempting to sue Defendant for alleged damage to Plaintiffs goods.

Defendant denies any liability with respect to Plaintiffs claims, and Defendant is countersuing for the amount of money the parties contracted for and which was never paid by Plaintiff.

II. CITATION TO APPLICABLE CASE OR STATUTES

General Contract Law

III. LIST OF WITNESSES

1. Tara Finley – for Defendant

Defendant reserves the right to list additional witnesses with proper notice to counsel for Plaintiff and the Arbitrators.

IV. BRIEF DESCRIPTION OF DAMAGES - EXHIBITS


Defendant has filed a counterclaim against Plaintiff in the amount of Three Hundred Twenty Five and 00/100 (\$325.00) Dollars, plus costs.

EXHIBITS:

1. Bill of Lading
2. Invoices from Defendant to Plaintiff

Defendant reserves the right to add additional exhibits with proper notice to counsel for Plaintiff and the Arbitrators.

Respectfully submitted,



Jeffrey S. DuBois, Esquire
Attorney for Defendants

KTF Transport LLC.
1672
Treasure Lake
DuBois, PA 15801
USA
(814)372-2266 FX:(814)372-0909

Invoice

PAGE 1

Invoice No.
00000131

Invoice Date
05/16/03

TAXPAYER ID
25-1883760

Sold
To: APPLE CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship
To:

Purchase Order Number

Date Ordered
05/16/03

Date Shipped
05/16/03

Ship Via

F.O.B.

Salesperson

Terms

DUE ON RECEIPT

Payment Due
05/16/03

Notes

Item

Ordered

Shipped

Description

TRIP TO BLAKESLEE PA

Price

325.00

Amount

325.00

Message

SubTotal

Sales Tax

Shipping

TOTAL

325.00

F Transport LLC.

72

asure Lake

Bois, PA 15801

IA

(4)372-2266 FX:(814)372-0909

Invoice No.
00000158

Invoice Date
05/22/03

TAXPAYER ID
25-1883760

Old

Apple CORE
66 TAYLOR AVE
FALLS CREEK, PA 15840

Ship
To:

Purchase Order Number

Date Ordered
05/22/03

Date Shipped
05/22/03

Ship Via

F.O.B.

Salesperson

Terms

DUE ON RECEIPT

Payment Due
05/22/03

Notes

Item

Ordered

Shipped

Description

Price

Amount

TRIP TO BLAKESLEE PA
RETURN TRIP TO FALLS CREEK

325.00
100.00

325.00
100.00

Exhibit "A"

Message

SubTotal

Sales Tax

Shipping

TOTAL

425.00

Agent's No. _____

The property described below, in apparent good order, except as noted (contents and condition of containers and contents of packages unopened) moved, consigned and destined as shown below, which said consignment (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to the usual place of delivery at said destination; if on its own railroad, water line, highway route or route, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each car or all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on back hereof, which are hereby agreed to by the shipper and accepted for himself and his assigns.

Commodity: 15/64 105/100 - 105 from 15/64 105/100 - 105

Consignment: 15/64 105/100 - 105

(Mail or street address of consignee - For purposes of notification only.

Street

City

State of

Zip Code

County of _____

Routing

Delivering

Vehicle

or Car Initial _____ No _____

Collect On Delivery

\$ _____ and remit to:

**C. O. D. charge
to be paid by**

Shipper
Consignee

Subject to Section 7 of conditions of this shipment is to be delivered to consignee without recourse on the signor, the signor shall sign the following statements:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor.)

If charges are to be prepaid, write stamp here, "TO BE PREPAID."

Received \$_____ to apply to
prepayment of the charges on the
property described hereon.

Agent or Cashier

Per _____
(the signature here acknowledges only
the amount prepaid.)

Chargés d'Avancement

-Shipper, Per.

244

~~Agent, Per~~

Permanent post-office address of shipper.

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

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

KEVIN DISANTIS, t/d/b/a/ Apple Core,
an adult individual,

Plaintiff

Vs.

KTF TRANSPORT, LLC, a Pennsylvania
Limited Liability Company; and SCOTT
FLECK, t/d/b/a S&M LOG Transportation
an adult individual,

Defendants

No. 04-455-CD

CERTIFICATE OF SERVICE


I do hereby certify that on the 9th day of August, 2005, I served a true and
correct copy of the within Pre Trial Statement by first class mail, postage prepaid, on the
following:

Richard A. Bell, Esquire
P.O. Box 670
Clearfield, PA 16830

Kimberly M. Kubista, Esquire
P.O. Box 1
Clearfield, PA 16830

Ronald L. Collins, Esquire
218 S. Second Street
Clearfield, PA 16830

Theron G. Noble, Esquire
301 E. Pine Street
Clearfield, PA 16830



Jeffrey S. DuBois