

04-500-CD
CHRISTOFF MITCHELL PETROLEUM, INC. vs. RODGER KEPHART TRUCKIN
TNC.

Christoff Mitchell vs Rodger Kephart Truck.
2004-500-CD

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

CHRISTOFF MITCHELL PETROLEUM)
INC.,) NO. 2004- 500 - 40
Plaintiff)
)
v.) COMPLAINT
)
RODGER KEPHART TRUCKING, INC.,)
Defendant)
)
) Filed on Behalf of: Plaintiff
)
) Counsel for Plaintiff:
) Ronald S. McGlaughlin, Esquire
) Attorney I.D. 41531
)
) Stover, McGlaughlin, Gerace,
) Weyandt & McCormick
) 919 University Drive
) State College, PA 16801
) (814) 231-1850
) Fax No. 814-231-1860

FILED

APR 12 2004

William A. Shaw
Prothonotary

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

CHRISTOFF MITCHELL PETROLEUM	:	
INC.,	:	NO. 2004-
Plaintiff	:	
	:	
v.	:	
	:	
RODGER KEPHART TRUCKING, INC.,	:	
Defendant	:	

NOTICE TO DEFEND

TO THE ABOVE NAMED DEFENDANTS:

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claim 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 of any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

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

Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

STOVER, McGLAUGHLIN, SERACE,
WEYANDT & McCORMICK, P.C.

By:

Ronald S. McGlaughlin, Esquire
Attorney for Plaintiff
919 University Drive
State College, PA 16801
(814) 231-1850

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

CHRISTOFF MITCHELL PETROLEUM :
INC., : NO. 2004-
Plaintiff :
: :
v. :
: :
RODGER KEPHART TRUCKING, INC., :
Defendant :
:

COMPLAINT

1. The Plaintiff is Christoff Mitchell Petroleum, Inc., a Pennsylvania business corporation having offices at 2719 Walton Street, Philipsburg, Clearfield County, Pennsylvania.
2. The Defendant is Rodger Kephart Trucking, Inc., a Pennsylvania business corporation having offices at R.R. 1, Box 298, Houtzdale, Clearfield County, Pennsylvania.
3. The Plaintiff is comprised of three (3) former companies as a result of a merger on October 21, 2002. These companies being Christoff Oil Company, Robert R. Mitchell Company and Mitchell LP Gas.
4. Plaintiff became the owner of all outstanding accounts of all three companies as a result of the merger.
5. Defendant is engaged in the trucking business.
6. Defendant maintained an open account with Christoff Oil Company (now known as Plaintiff) whereby its drivers and other employees had the ability to purchase petroleum products from Christoff Oil.
7. The Defendant has on various times and on various dates purchased petroleum products from Christoff Oil Company.

8. After the merger of Christoff Oil into the Plaintiff on October 21, 2002, the Plaintiff soon thereafter terminated the Defendant's open account as a result of the outstanding balance.

9. As of March 19, 2004, Defendant was indebted to Plaintiff in the amount of Eighty-three Thousand Two Hundred Four and 15/100 Dollars (\$83,204.15). Plaintiff has attempted numerous times to have this account paid, but its efforts have not been successful.

10. A six month summary of the account is attached hereto as Exhibit "A" and incorporated herein by this reference.

11. Despite the efforts of Plaintiff, Defendant continues to maintain an outstanding balance on their account.

12. Plaintiff accrues a one and one half per cent (1 ½%) monthly finance charge on outstanding accounts.

WHEREFORE, Plaintiff requests judgment against Defendant in the amount of \$83,204.15, together with interest and costs of suit.

STOVER, McGLAUGHLIN, GERACE,
WEYANDT & McCORMICK, P.C.

By:

Ronald S. McGlaughlin, Esquire
Attorney for Plaintiff
919 University Drive
State College, PA 16801
(814) 231-1850

03/22/04

HISTORY PRINT

DATE FROM 031001 TO 040331

060494	RODGER KEPHART TRUCKING	PERIOD 1 BALANCE	.00
	R.R. #1 BOX 298	PERIOD 2 BALANCE	.00
	HOUTZDALE PA 16651	PERIOD 3 BALANCE	.00
		PERIOD 4 BALANCE	.00
	378-5488	PERIOD 5 BALANCE	.00
		PERIOD 6 BALANCE	83204.15
		F/C BALANCE	.00
	CREDIT LIMIT	TOTAL BALANCE	83204.15

DATE	TIME	PR	GALLONS	PRICE	DOLLARS	BALANCE	TXCD	FEDERAL	SALES	STATE	FRAN	OTH TX1	OTH TX2	ODOMETER	LOC #
101603	0 48	.00	.00000	762.52	07029.99	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
101503	0 49	.00	.00000	.00	07029.99	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
103203	0 48	.00	.00000	762.52	07792.51	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
103103	0 49	.00	.00000	.00	07792.51	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
111703	0 48	.00	.00000	762.52	08555.03	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
111603	0 49	.00	.00000	.00	08555.03	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
113103	0 48	.00	.00000	762.52	09317.55	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
113003	0 49	.00	.00000	.00	09317.55	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
120503	0 71	.00	.00000	-762.52	08555.03	0000	.00	.00	.00	.00	.00	.00	.00	.0	510
120503	0 71	.00	.00000	-20000.00	88555.03	0000	.00	.00	.00	.00	.00	.00	.00	.0	510
121603	0 48	.00	.00000	664.16	89219.19	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
121503	0 49	.00	.00000	.00	89219.19	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
123203	0 48	.00	.00000	664.16	89883.35	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
123103	0 49	.00	.00000	.00	89883.35	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
011604	0 48	.00	.00000	664.16	90547.51	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
011504	0 49	.00	.00000	.00	90547.51	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
013204	0 48	.00	.00000	664.16	91211.67	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
020204	0 49	.00	.00000	.00	91211.67	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
021604	0 48	.00	.00000	664.16	91875.83	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
021504	0 49	.00	.00000	.00	91875.83	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
030204	0 48	.00	.00000	664.16	92539.99	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
030104	0 49	.00	.00000	.00	92539.99	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
031604	0 48	.00	.00000	664.16	93204.15	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
031504	0 49	.00	.00000	.00	93204.15	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
031904	0 71	.00	.00000	-10000.00	83204.15	0000	.00	.00	.00	.00	.00	.00	.00	.0	510

EXHIBIT

tables

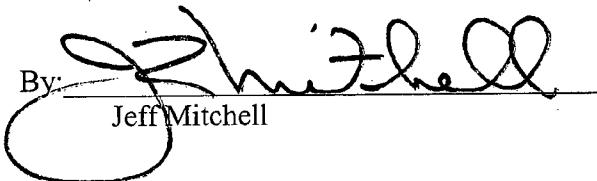
"A"

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

I, JEFF MITCHELL, state that I am Sec./Treas. of CHRISTOFF MITCHELL PETROLEUM, INC., and verify that the statements made in the Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

CHRISTOFF MITCHELL PETROLEUM, INC.

By: 
Jeff Mitchell

Date: 3, 22, 2004

FILED
in 201001 acts 1108

APR 12 2004

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

CHRISTOFF MITCHELL PETROLEUM INC.

VS.

RODGER KEPHART TRUCKING INC.

COMPLAINT

Sheriff Docket # 15431

04-500-CD

SHERIFF RETURNS

NOW APRIL 15, 2004 AT 1:54 PM SERVED THE WITHIN COMPLAINT ON RODGER KEPHART TRUCKING INC., DEFENDANT AT RESIDENCE, RR#1 BOX 298, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ANNA MAE KEPHART, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

Return Costs

Cost	Description
31.87	SHERIFF HAWKINS PAID BY: ATT CK# 2021
10.00	SURCHARGE PAID BY: ATT CK# 2020

Sworn to Before Me This

17 Day Of May 2004
William A. Shaw

So Answers,

Chester A. Hawkins
Chester A. Hawkins
Sheriff

FILED

0 1:30 PM

MAY 17 2004

William A. Shaw
Prothonotary

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

CHRISTOFF MITCHELL PETROLEUM)
INC.,) NO. 2004-500-CD
Plaintiff)
)
v.) PRAECIPE TO DISCONTINUE
)
RODGER KEPHART TRUCKING, INC.,)
Defendant)
)
) Filed on Behalf of: Plaintiff
)
) Counsel for Plaintiff:
) Ronald S. McGlaughlin, Esquire
) Attorney I.D. 41531
)
) Stover, McGlaughlin, Gerace,
) Weyandt & McCormick
) 919 University Drive
) State College, PA 16801
) (814) 231-1850
) Fax No. 814-231-1860

FILED

M 1:59 PM NO CL
Cust. to Atty
SEP 17 2004 Copy to CA

William A. Shaw
Prothonotary

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

CHRISTOFF MITCHELL PETROLEUM)
INC.,) NO. 04-500-CD
Plaintiff)
)
v.)
)
RODGER KEPHART TRUCKING, INC.,)
Defendant)

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly discontinue the above captioned matter.

STOVER, McGLAUGHLIN, GERACE
WEYANDT & McCORMICK

By:

Ronald S. McGlaughlin, Esquire
Attorney for Plaintiff
919 University Drive
State College, PA 16801
(814) 231-1850
Attorney I. D. No. 41531

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

CHRISTOFF MITCHELL PETROLEUM)
INC.,) NO. 04-500-CD
Plaintiff)
)
v.)
)
RODGER KEPHART TRUCKING, INC.,)
Defendant)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praeclipe to Discontinue
was hereby served by depositing same with the custody of the United States Postal Service, First
Class, postage prepaid, addressed to the following:

Rodger Kephart, President
Rodger Kephart Trucking, Inc.
R. R. #1, Box 298
Houtzdale, PA 16651

STOVER, McGLAUGHLIN, GERACE
WEYANDT & MCCORMICK

By:

Ronald S. McGlaughlin, Esquire
Attorney for Plaintiff
919 University Drive
State College, PA 16801
(814) 231-1850
Attorney I.D. No. 41531

Date: 7/15, 2004

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Christoff Mitchell Petroleum, Inc.

Vs. No. 2004-00500-CD
Rodger Kephart Trucking, Inc.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on September 17, 2004, marked:

Discontinued.

Record costs in the sum of \$126.87 have been paid in full by Attorney McGlaughlin.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of September A.D. 2004.

William A. Shaw, Prothonotary