

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

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., )  
Plaintiff )

v. )

RODGER KEPHART TRUCKING, INC., )  
Defendant )

NO. 2004- 500 - 49

COMPLAINT

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, GERACE,  
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. McLaughlin, 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 20000.00 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	.000000	762.52	107029.99	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
101503	0 49	.00	.000000	.00	107029.99	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
103203	0 48	.00	.000000	762.52	107792.51	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
103103	0 49	.00	.000000	.00	107792.51	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
111703	0 48	.00	.000000	762.52	108555.03	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
111603	0 49	.00	.000000	.00	108555.03	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
113103	0 48	.00	.000000	762.52	109317.55	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
113003	0 49	.00	.000000	.00	109317.55	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
120503	0 71	.00	.000000	-762.52	108555.03	0000	.00	.00	.00	.00	.00	.00	.00	.0	510
120503	0 71	.00	.000000	-20000.00	88555.03	0000	.00	.00	.00	.00	.00	.00	.00	.0	510
121603	0 48	.00	.000000	664.16	89219.19	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
121503	0 49	.00	.000000	.00	89219.19	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
123203	0 48	.00	.000000	664.16	89883.35	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
123103	0 49	.00	.000000	.00	89883.35	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
011604	0 48	.00	.000000	664.16	90547.51	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
011504	0 49	.00	.000000	.00	90547.51	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
013204	0 48	.00	.000000	664.16	91211.67	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
020204	0 49	.00	.000000	.00	91211.67	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
021604	0 48	.00	.000000	664.16	91875.83	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
021504	0 49	.00	.000000	.00	91875.83	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
030204	0 48	.00	.000000	664.16	92539.99	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
030104	0 49	.00	.000000	.00	92539.99	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
031604	0 48	.00	.000000	664.16	93204.15	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
031504	0 49	.00	.000000	.00	93204.15	0000	.00	.00	.00	.00	.00	.00	.00	.0	0
031904	0 71	.00	.000000	-10000.00	83204.15	0000	.00	.00	.00	.00	.00	.00	.00	.0	510

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EXHIBIT

"A"

tabbles

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 20108 1026 HHH*

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**

O 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., )  
Plaintiff )

v. )

RODGER KEPHART TRUCKING, INC., )  
Defendant )

NO. 2004-500-CD

PRAECIPE TO DISCONTINUE

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 WCC  
Cert. 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 Praecept 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**

**Christoff Mitchell Petroleum, Inc.**

**Vs.**

**No. 2004-00500-CD**

**Rodger Kephart Trucking, Inc.**

COPY

**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.

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William A. Shaw, Prothonotary