

04-1083-CD
JOHN R RADOMSKY -VS- D & M CONTRACTING

Joh Radomsky vs D&M Contracting
2004-1083-CD

4/16th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

04-1083-CJ

NOTICE OF APPEAL

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

NAME OF APPELLANT

D & M Contracting, Inc.

MAG. DIST. NO. OR NAME OF D.J.

ADDRESS OF APPELLANT

RD 3 Box 374

CITY

46-3-03

STATE

ZIP CODE

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

New Alexandria

PA

15670

(Defendant)

CLAIM NO.

6/24/04

John R. Radomsky

vs. D & M Contracting

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

CV 0000164-04

LT

Mark L. Castell

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

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

Signature of Prothonotary or Deputy

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

PRAECLPICE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECLPICE: To Prothonotary

Enter rule upon John R. Radomsky, appellee(s), to file a complaint in this appeal

(Common Pleas No. 04-1083-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Mark L. Castell

Signature of appellant or his attorney or agent

RULE: To John R. Radomsky, appellee(s).

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

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

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

Date: July 16, 2004

William A. Shaw

Signature of Prothonotary or Deputy

FILED Def. pd.
m/15/04 85.00
JUL 16 2004 Copies to
William A. Shaw Def.
Prothonotary/Clerk of Courts

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. _____, upon the District Justice designated therein on (date of service) _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) _____, on _____ by personal service by (certified) (registered) mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, _____ by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

DJ Name: Hon.

MICHAEL A. RUDELLA

Address: **131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA**

Telephone: **(814) 345-6789**

16847-0444

**D & M CONTRACTING
RD3 BOX 374
NEW ALEXANDRIA, PA 15670**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF: **RADOMSKY, JOHN R.** NAME and ADDRESS

**809 ALLPORT CUTOFF
MORRISDALE, PA 16858**

VS.

DEFENDANT: **D & M CONTRACTING** NAME and ADDRESS

**RD3 BOX 374
NEW ALEXANDRIA, PA 15670**

Docket No.: **CV-0000164-04**
Date Filed: **5/28/04**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) **RADOMSKY, JOHN**

Judgment was entered against: (Name) **D & M CONTRACTING**

in the amount of \$ **4,539.65** on: (Date of Judgment) **6/24/04**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____

Portion of Judgment for physical damages arising out of residential lease \$ _____

Amount of Judgment	\$ 4,425.15
Judgment Costs	\$ 114.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 4,539.65

Post Judgment Credits \$ _____

Post Judgment Costs \$ _____

Certified Judgment Total \$ _____

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

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

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

6-24-04 Date *M. A. RudeLLA*, District Justice

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

Date _____, District Justice

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

SEAL

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Westmoreland; ss

AFFIDAVIT: I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. 04-1083-CD, upon the District Justice designated therein on (date of service) August 5, 2004 by personal service by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) John R Radomsky, on August 5, 2004 by personal service by (certified) (registered) mail, sender's receipt attached hereto. and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on _____, _____, by personal service by (certified) (registered) mail, sender's receipt attached hereto.

SWEORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 5th DAY OF August, 2004

Mark J. Castell

Signature of affiant

Audrey A. Nowicki
Signature of official before whom affidavit was made

Notarial Seal

Audrey A. Nowicki, Notary Public
Salem Twp., Westmoreland County
My Commission Expires July 2, 2005

Title of official

My, commission expires on

Notary, Pennsylvania Association of Notaries

FILED

AUG 09 2004

fmw

m/ 11/04/mw
William A. Shaw
Prothonotary

W. C. Shaw, LORIN

46th

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO.

04-1083-CJ

NOTICE OF APPEAL

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

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.	
D. B. C. Contracting, Inc.		46-3-03	
ADDRESS OF APPELLANT		CITY	STATE
RD 3 Box 374		New Alexandria	PA
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff) (Defendant)		
5/24/04	John R. Radomsky vs. D. B. C. Contracting		
CLAIM NO.	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
CV	0000151-04	Platt Catt	
LT			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>			
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE OF APPEAL.</p>			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon John R. Radomsky, appellee(s), to file a complaint in this appeal
 Name of appellee(s)

(Common Pleas No. 04-1083-CJ) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Platt Catt

Signature of appellant or his attorney or agent

RULE: To John R. Radomsky, appellee(s).
 Name of appellee(s)

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

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

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

Date: July 11, 2004

Willie L. Harlan
 Signature of Prothonotary or Deputy



ER 676760100 US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 15670	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Fiat Rate Envelope <input type="checkbox"/>
Date In 08 04 04	Mo. Day Year <input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65
Time In 16:01	Military <input type="checkbox"/> AM <input type="checkbox"/> PM	Return Receipt Fee 1.75
Weight lbs. 19 ozs.	Int'l Alpha Country Code	COD Fee \$ <input type="checkbox"/>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials RE	Total Postage & Fees \$ 15.40

FROM: (PLEASE PRINT)

PHONE (**704.668.8775**)

DJM Contracting Inc.
RD 3 Box 374
New Alexandria, PA 15670

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com



PRESS HARD. You are making 3 copies.



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
Express Mail Corporate Acct. No.

WAIVER OF SIGNATURE (Domestic Only)
Additional merchandise insurance is void if waiver of signature is requested.
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

Federal Agency Acct. No. or
Postal Service Acct. No.

NO DELIVERY
 Weekend Holiday Customer Signature

TO: (PLEASE PRINT) PHONE (**814.345-5892**)

John R. Radomsky
809 Allport Cutoff
Morrisdale, PA

1 6 8 5 8 + 0 0 0 0

ZIP + 4



ER 676760095 US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 15670	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Fiat Rate Envelope <input type="checkbox"/>
Date In 08 04 04	Mo. Day Year <input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65
Time In 16:01	Military <input type="checkbox"/> AM <input type="checkbox"/> PM	Return Receipt Fee 1.75
Weight lbs. 2.0 ozs.	Int'l Alpha Country Code	COD Fee \$ <input type="checkbox"/>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials RE	Total Postage & Fees \$ 15.40

FROM: (PLEASE PRINT)

PHONE (**704.668.8775**)

DJM Contracting Inc.
RD 3 Box 374
New Alexandria, PA 15670

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com



PRESS HARD. You are making 3 copies.



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
Express Mail Corporate Acct. No.

WAIVER OF SIGNATURE (Domestic Only)
Additional merchandise insurance is void if waiver of signature is requested.
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

Federal Agency Acct. No. or
Postal Service Acct. No.

NO DELIVERY
 Weekend Holiday Customer Signature

TO: (PLEASE PRINT) PHONE (**814.345.6789**)

Mag. Dist. 463-83
Michael A Rudella
131 Rolling Stone Rd. (PO Box 200)
Kutztown, PA

1 6 8 4 7 + 0 0 0 0

ZIP + 4

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS NO. 04-1183

NOTICE OF APPEAL

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

NAME OF APPELLANT

D & M Contracting, Inc.

MAG. DIST. NO. OR NAME OF DJ

46-3-03

ADDRESS OF APPELLANT

RD 3 Box 374

CITY

New Alexandria

STATE

PA

ZIP CODE

15670

DATE OF JUDGMENT

6/24/04

IN THE CASE OF (Plaintiff)

John R. Radomsky

(Defendant)

vs D & M Contracting

CLAIM NO.

CV 0000164-04

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

LT

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

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

Signature of Prothonotary or Deputy

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

COPY TO BE SERVED ON DISTRICT JUSTICE

■ Attach this card to the back of the mailpiece,
or on the front if space permits.

C: Date of Delivery

1. Article Addressed to:

John R. Radomsky

809 Airport Ctr Pk

Morrisdale, PA

16858

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

2. Article Number
(Transfer from service label) ER 676760100 US

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540



ER 676760100 US

EXPRESS
MAIL

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

Mailing Label
Label 11-B September 2002

www.usps.com

EXPRESS MAIL
POSTAGE REQUIRED
DOMESTIC USE ONLY

Recycled
Paper

ORIGIN (POSTAL USE ONLY)

PO ZIP Code Day of Delivery Flat Rate Envelope

Next Second Postage

Date In M.O. Day Year

12 Noon 3 PM \$ Return Receipt Fee

Time In Military

AM PM 2nd Day 3rd Day

Weight lbs. ozs. Int'l Alpha Country Code

COD Fee Insurance Fee

No Delivery Weekend Holiday

Acceptance Clerk Initials Total Postage & Fees

DELIVERY (POSTAL USE ONLY)

Delivery Attempt Time Employee Signature

No. Day AM PM

Delivery Attempt Time Employee Signature

No. Day AM PM

Delivery Date Time Employee Signature

No. Day AM PM

Customer Signature

Customer Signature

Customer Signature

Customer Signature

corner of envelope.

to remove the

corner of envelope.

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT

Express Mail Corporate Acct. No.

or Signature is requested.

WAIVER OF SIGNATURE (Domestic Only)

Additional merchandise insurance is void if waiver

of signature is requested.

Customer Signature

02/03
FOR PICKUP OR TRACKING CALL 1-800-222-1811
www.usps.com

PRESS HARD. You are making 3 copies.

Is Inside and pay only
fee no matter how many
an Express Mail box.

4104

NOTICE OF APPEAL

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-1083-C

NOTICE OF APPEAL

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

NAME OF APPELLANT		MAG. DIST. NO. OR NAME OF D.J.	
A. S. Contracting, Inc.		35-2-03	
ADDRESS OF APPELLANT		CITY	ZIP CODE
RD 3 Box 374		New Alexandria	PA 15670
DATE OF JUDGMENT	IN THE CASE OF (Plaintiff)		
5/24/04	John R. Radomsky		
CLAIM NO.	vs. D & M Contracting (Defendant)		
CV 0000164-04	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT		
LT			
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>			
<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>			

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon John R. Radomsky, appellee(s), to file a complaint in this appeal
(Name of appellee(s))

(Common Pleas No. 04-1083-C) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To John R. Radomsky, appellee(s).
(Name of appellee(s))

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

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

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

Date: July 11, 2004 U

Signature of Prothonotary or Deputy

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

46-3-03

DJ Name: Hon.

MICHAEL A. RUDELLA

Address: **131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA**

Telephone: **(814) 345-6789** **16847-0444**

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

RADOMSKY, JOHN R.

NAME and ADDRESS

809 ALLPORT CUTOFF

MORRISDALE, PA 16858

DEFENDANT:

D & M CONTRACTING

NAME and ADDRESS

RD3 BOX 374

NEW ALEXANDRIA, PA 15670

VS.

MICHAEL A. RUDELLA
131 ROLLING STONE ROAD
P.O. BOX 210
KYLERTOWN, PA 16847-0444

Docket No.: **CV-0000164-04**

Date Filed: **5/28/04**



2004-1083-CR

THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

Judgment was entered for: (Name) **RADOMSKY, JOHN**

Judgment was entered against: (Name) **D & M CONTRACTING**

in the amount of \$ **4,539.65** on: (Date of Judgment) **6/24/04**

Defendants are jointly and severally liable. (Date & Time) _____

Damages will be assessed on: _____

This case dismissed without prejudice. _____

Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____

Portion of Judgment for physical damages arising out of residential lease \$ _____

FILED
Aug 11 2004
6/12/04
 William A. Shaw
 Prothonotary/Clerk of Courts
 Amount of Judgment \$ **4,425.15**
 Judgment Costs \$ **114.50**
 Interest on Judgment \$ **.00**
 Attorney Fees \$ **.00**
 Total \$ **4,539.65**
 Post Judgment Credits \$ **—**
 Post Judgment Costs \$ **—**
 Certified Judgment Total \$ **4539.65**

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

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

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

6-24-04 Date *M A Rudella*, District Justice

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

8/9/09 Date *M A Rudella*, District Justice

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

SEAL

CLEARFIELD COUNTY COURT OF COMMON PLEAS

FILED

M 12474
AUG 26 2004NCC
William A. Shaw
Prothonotary/Clerk of Courts
EAS

John R. and Karen G. Radomsky,)
 Plaintiffs,)
 -vs-)
 D & M Contracting, Inc.,)
 Defendant.)

Docket No. 04-1083-CD

Responsible

Attorney's Name: Jill Radomsky Fisher, Esquire

Office Address: 3500 Winchester Road, Suite 200
 Allentown, PA 18104-2263

Supreme Court ID No.: 85578

Jury Demand Yes No

Firm Name: White and Williams LLP

Anticipated consolidation with
another cases Yes No

Telephone Number: (610) 435-8414

Docket number of related
case _____

TRACK ASSIGNMENT REQUESTED: (Check One)
 (Court has final approval for all track
 assignments)

Estimated trial length _____
 Estimated arbitration length 1 hour

EXPEDITED STANDARD COMPLEX MORTGAGE FORECLOSURE
 ZONING APPEAL MEDICAL MALPRACTICE ARBITRATION (\$~~50,000~~ ^{20,000} or less)

ADMINISTRATIVE TRACK (Cases that are likely to result in default or
 or consent judgments or can be resolved on the pleadings or by motion)

Category of Case: (Circle one)

A. Contract B. Personal Injury C. Products Liability
 D. Real Property E. Medical Malpractice F. Construction
 G. Zoning Appeal H. Condemnation I. Other Negligence

Relief Requested:

A. Monetary Relief Requested: Less than \$20,000

B. Equitable Relief Requested: _____

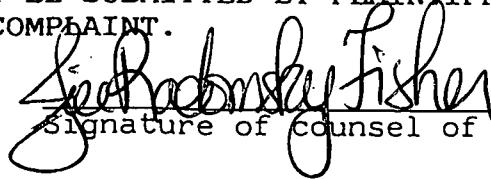
C. Both: _____

Amount above includes claim(s) for Negligence and Pennsylvania

Unfair Trade Practices and Consumer Protection Law

INFORMATION AND TRACK ASSIGNMENT FORM MUST BE SUBMITTED BY PLAINTIFF'S COUNSEL
 CONTEMPORANEOUSLY WITH THE FILING OF THE COMPLAINT.

Date: August 24, 2004


 Signature of counsel of record

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

FILED

AUG 26 2004

William A. Shaw
Prothonotary/Clerk of Courts

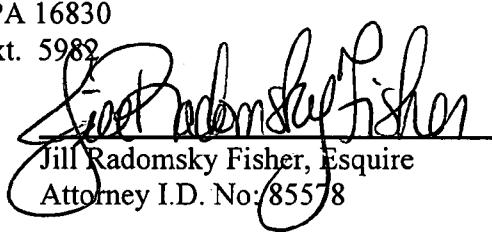
John R. and Karen G. Radomsky, : No. 04-1083-CD
Plaintiffs, :
v. :
D & M Contracting, Inc., :
Defendant. :
:

NOTICE TO DEFEND

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 AMENDED ANSWER AND NEW MATTER 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 THE RELIEF REQUESTED BY THE DEFENDANT. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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

DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
814-765-2641 ext. 5982


Jill Radomsky Fisher, Esquire
Attorney I.D. No. 85578

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

John R. and Karen G. Radomsky,	:	No. 04-1083-CD
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
D & M Contracting, Inc.,	:	
	:	
Defendant.	:	

COMPLAINT

Plaintiffs, John R. and Karen G. Radomsky, by and through their counsel, Jill Radomsky Fisher, Esquire, files the within Complaint against Defendant, and in support thereof avers as follows:

1. Plaintiffs, John R. and Karen G. Radomsky (hereinafter "Plaintiffs"), husband and wife, are adult individuals residing at 809 Allport Cutoff, Morrisdale, Clearfield County, Pennsylvania 16858.
2. Defendant, D & M Contracting, Inc., (hereinafter "Defendant") is a Pennsylvania business corporation with a mailing address of R.D. #3 Box 374, New Alexandria, PA 15670.
3. Defendant entered into a contract with the Northern Allport Sewer Extension, Contract 03-1, to perform excavation and installation services to assist in the installation of a township-wide sewer system.
4. Beginning in September of 2004, Defendant began excavation work in the yard of Plaintiffs' residence.
5. In September of 2004, Defendant installed a grinder pump in Plaintiff's yard to allow them to hook onto the local sewer extension. This grinder pump is run on electricity and

required Defendant to excavate a trench from the site of the pump to Plaintiffs' home in order to run the electrical wiring to activate the pump.

6. When Defendant excavated this trench, it failed to fill the trench in and restore Plaintiffs' property to its original condition after running the electrical wiring from Plaintiffs' home to the pump.

7. Further, Defendant failed to make the area safe for Plaintiffs and their guests by placing rope or some other type of barrier around the trench to ensure that no one would fall into the trench and injure themselves.

8. On numerous occasions from late October until mid-November of 2004, Plaintiffs requested Defendant return to their home and fill in the trench and restore their property to its original condition. Defendant assured Plaintiffs on multiple occasions that someone would return to their home to remedy the problem. Despite these repeated requests, no one from Defendant returned to remedy the problem at Plaintiffs' property at any time.

9. Upon information and belief, Plaintiffs allege that Defendant properly covered the trenches of other homes in the neighborhood the same day that the trenches were dug.

10. Plaintiffs built their home in 1976 and landscaped it in approximately 1980. For twenty-four (24) years, Plaintiffs have never taken water into the basement of their home, despite numerous torrential downpours in the area over the years.

11. Plaintiffs' basement is fully finished and carpeted and has been since approximately 1994.

12. Heavy rain occurred in Morrisdale on November 19, 2004, accumulating approximately .6 inches.

13. Water from this downpour was channeled into the trench which Defendant allowed to remain in Plaintiffs' yard. This water accumulated and washed out the dirt under Plaintiffs' retaining wall, blocking an outside drain designed to carry water away from the home. Muddy water then flowed directly in front of the Plaintiffs' basement door and eventually rose to a level which overflowed the door jamb and entered the basement.

14. As a result of this water entering Plaintiffs' basement, Plaintiffs suffered damage as follows:

- A. water damage to carpet, padding and laminate flooring, which must be replaced;
- B. \$1,300.00 to have a cleaning service remove the water from their basement; and
- C. one day that each of the Plaintiffs had to take off from work in order to clean their basement after the water had been removed.

COUNT I
NEGLIGENCE

15. Plaintiffs hereby incorporates by reference Paragraphs 1 through 14 of this Complaint as if more fully set forth herein at length.

16. In undertaking to complete excavation in Plaintiffs' yard, Defendant had a duty to perform these services in a manner that would not cause damage to Plaintiffs' property.

17. Defendant breached this duty by allowing a large trench to remain uncovered in Plaintiffs' yard for an extended period of time despite numerous requests from Plaintiffs that the problem be fixed.

18. This breach was the proximate cause or a substantial factor in rainwater which accumulated, washed out Plaintiffs' retaining wall and flowed into Plaintiffs' basement, thereby causing Plaintiffs to suffer damages as set forth more fully above.

WHEREFORE, Plaintiffs, John R. and Karen G. Radomsky, respectfully request that this Honorable Court enter judgment in their favor and against Defendant for amounts expended to return their basement to its original condition, together with interest and costs of suit.

COUNT II
UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW

19. Plaintiffs hereby incorporates by reference Paragraphs 1 through 18 of this Complaint as if more fully set forth herein at length.

20. Defendant performed work on Plaintiffs' property that was of an inferior quality. When informed about the problems, Defendant failed to return at any point to remedy its poor workmanship, despite repeated assurances that the problem would be fixed.

21. On repeated occasions, Plaintiffs contacted Defendant and were told that the problem with their property would be taken care of in a timely manner. Defendant intentionally misled Plaintiffs into believing that it would return to remedy the problem with their property, while having no intention of actually fixing the problems and poor workmanship that it had left behind.

22. The Pennsylvania Unfair Trade Practices and Consumer Protection Law states that an "unfair or deceptive act or practice" under the Act is any one of many definitions, including "making repairs, improvements or replacements on tangible, real or personal property, of a nature or quality inferior to or below the standard of that agreed to in writing." 73 P.S. § 201-2(4)(xvi).

23. The Pennsylvania Unfair Trade Practices and Consumer Protection law also defines an "unfair or deceptive act or practice" as "engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding." 73 P.S. § 201-2(4)(xxi).

24. All of the above actions of Defendant constitute violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Act, 73 P.S. § 201-1 *et seq.*, as Defendant performed improvements to Plaintiffs' real property that were below the standard that it agreed

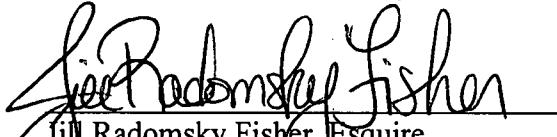
to in writing with the Sewer Authority. Further, Defendant violated the act by deceptively misrepresenting to Plaintiffs that it would come to their home and remedy the problems, creating confusion and misunderstanding in the minds of the Plaintiffs.

25. As Defendant violated the provisions of the Unfair Trade Practices and Consumer Protection Act, Plaintiffs are entitled to treble damages, costs and attorneys fees. 73 P.S. § 201-9.2(a).

WHEREFORE, Plaintiffs, John R. and Karen G. Radomsky, request that this Honorable Court find in their favor and against the Defendant for amounts expended to return their basement to its original condition, together with interest, attorneys fees and costs of suit.

Respectfully submitted,

WHITE AND WILLIAMS LLP



Jill Radomsky Fisher, Esquire
Attorney I.D. No. 85578
The Frederick Building
3500 Winchester Road, Suite 200
Allentown, PA 18104-2263
(610) 435-8414

Attorneys for Plaintiffs,
John R. and Karen G. Radomsky

Dated: August 24, 2004

VERIFICATION

I, John R. Radomsky, Plaintiff herein, verify that the statements of fact made in this Complaint are true and correct to the best of my information and belief, and that they are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



JOHN R. RADOMSKY

VERIFICATION

I, Karen G. Radomsky, Plaintiff herein, verify that the statements of fact made in this Complaint are true and correct to the best of my information and belief, and that they are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

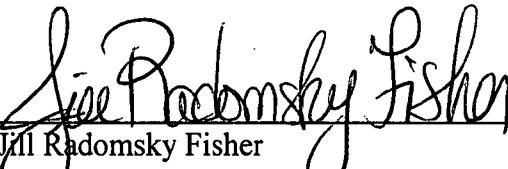

KAREN G. RADOMSKY

CERTIFICATE OF SERVICE

I, Jill Radomsky Fisher, Esquire, hereby certify that on this 24th day of August, 2004, I caused a true and correct copy of the foregoing Complaint to be served upon the following person by placing the same in the United States mail, first-class and postage prepaid:

D & M Contracting, Inc.
R.D. #3 Box 374
New Alexandria, PA 15670

By:


Jill Radomsky Fisher
Attorney I.D. No.: 85578
The Frederick Building
3500 Winchester Road – 200
Allentown, PA 18104
(610) 435-8414

Attorney for Plaintiffs, John R. and Karen G.
Radomsky

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. RADOMSKY and
KAREN G. RADOMSKY

Plaintiff,
vs.

D&M CONTRACTING,
Defendant.

CIVIL DIVISION

Docket No.: 04-1083 CD

PRAECIPE FOR APPEARANCE
(Jury Trial Demanded)

Filed on Behalf of the Defendant
Counsel of Record for This Party:

PAMELA V. COLLIS, ESQUIRE
PA I.D. # 73657

JAMES A. DEFRAK
PA I.D. #91226

WALSH, COLLIS & BLACKMER, L.L.C.
The Gulf Tower, Suite 2300
707 Grant Street
Pittsburgh, PA 15219

(412) 261-3232

FILED
m111284 NO
SEP 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. RADOMSKY and
KAREN G. RADOMSKY

Plaintiff,

CIVIL DIVISION

Docket No.: 04-1083 CD
(Jury Trial Demanded)

vs.

D&M CONTRACTING,

Defendant.

PRAECIPE FOR APPEARANCE

TO: THE PROTHONOTARY

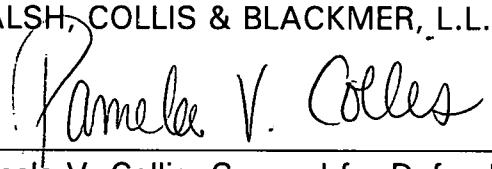
Kindly enter the Appearance of the undersigned, Pamela V. Collis, Esquire, and James A. DeFrank, of the law firm of Walsh, Collis & Blackmer, L.L.C., on behalf of the Defendant, D&M Contracting, in the above case.

JURY TRIAL DEMANDED

Respectfully submitted,

WALSH, COLLIS & BLACKMER, L.L.C.

By


Pamela V. Collis, Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Praeclipe for Appearance has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 13th day of September, 2004.

Jill Radomsky Fisher, Esquire
White & Williams, LLP
The Frederick Bldg.
3500 Winchester Rd. - 200
Allentown, PA 18104-2263

WALSH, COLLIS & BLACKMER, L.L.C.

By Pamela V. Collis
Pamela V. Collis, Counsel for Defendant

WHITE AND WILLIAMS LLP
BY: Jill Radomsky Fisher
Identification No. 85578
The Frederick Building
3500 Winchester Road - 200
Allentown, PA 18104-2263
610.435.8414

Attorney For Plaintiffs,
John R. and Karen G. Radomsky

JOHN R. and KAREN G. RADOMSKY,

: IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

Plaintiffs,

NO. 04-1083-CD

v.
D & M CONTRACTING, INC.,

Defendant.

PRAECIPE TO SETTLE, END AND DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above-captioned matter as settled, discontinued, and ended with
prejudice.

WHITE AND WILLIAMS LLP

By:

Jill Radomsky Fisher
Attorneys For Plaintiffs,
John R. and Karen G. Radomsky

Dated: October 25 2004

FILED *26K*
M 1:56 PM 1cc + Crt. of Dist. Atty
copy to CA
OCT 27 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

John R. Radomsky

Vs.
D & M Contracting

No. 2004-01083-CD

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 October 27, 2004, marked:

Discontinued, settled and ended.

Record costs in the sum of \$85.00 have been paid in full by Attorney Fisher.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 27th day of October A.D. 2004.

William A. Shaw, Prothonotary