

04-1083-CD

JOHN R RADMONSKY

-VS-

D & M CONTRACTING

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

## 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. 46-3-03	
ADDRESS OF APPELLANT RD 3 Box 374		CITY New Alexandria	STATE PA
DATE OF JUDGMENT 6/24/04		ZIP CODE 15670	
IN THE CASE OF (Plaintiff) John R. Radmonsky		(Defendant) vs. D & M Contracting	
CLAIM NO. CV 0000164-04 LT		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <i>Mark L. Castell</i>	

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.

## 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.

*Mark L. Castell*

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 16, 2004

*William A. Shaw*

Signature of Prothonotary or Deputy

FILED Def. pd.

m/1:57pm 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 \_\_\_\_\_

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:

NAME and ADDRESS

**RADOMSKY, JOHN R.  
809 ALLPORT CUTOFF  
MORRISDALE, PA 16858**

VS.

DEFENDANT:

NAME and ADDRESS

**D & M CONTRACTING  
RD3 BOX 374  
NEW ALEXANDRIA, PA 15670****D & M CONTRACTING  
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) **RADOMSKYJOHN**☒ 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	\$ <b>4,425.15</b>
Judgment Costs	\$ <b>114.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 4,539.65</b>

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 **MA 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.

SUBORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS 5th DAY OF August, 2004.

Audrey A Nowicki  
Signature of official before whom affidavit was made

Arthur Z Castell

Signature of affiant

Title of official

Notarial Seal  
Audrey A. Nowicki, Notary Public  
Salem Twp., Westmoreland County  
My Commission Expires July 2, 2005  
Member, Pennsylvania Association of Notaries

My commission expires on \_\_\_\_\_

# FILED

AUG 09 2004

(Fm)

W. A. Shaw  
William A. Shaw  
Prothonotary

W. C. Shaw

COURT OF COMMON PLEAS

FROM

JUDICIAL DISTRICT

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. J. M. Contracting, Inc.		MAG. DIST. NO. OR NAME OF D.J. 45-3-03	
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		
CLAIM NO.	VS. D. J. M. Contracting (Defendant)		
CV LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT John R. Radomsky		
CV 0000150-04		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.

## 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.

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 16, 2004

Signature of Prothonotary or Deputy

**Customer Copy**  
Label 11-B September 2002



ER 676760100 US



UNITED STATES POSTAL SERVICE®

**Post Office To Addressee**

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code <b>15670</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. <b>8</b> Day <b>04</b> Year <b>04</b>	<input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	Postage \$ <b>13.65</b>
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee <b>1.75</b>
Weight lbs. <b>19</b> ozs.	Int'l Alpha Country Code	COD Fee \$
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>AE</b>	Insurance Fee
		Total Postage & Fees \$ <b>15.40</b>

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.	<input type="checkbox"/> <b>WAIVER OF SIGNATURE (Domestic Only)</b> 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.	

**FROM: (PLEASE PRINT)** PHONE **(724) 668-8775**

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

☐ **NO DELIVERY**  
☐ Weekend ☐ Holiday ☐ Customer Signature

**TO: (PLEASE PRINT)** PHONE **(814) 345-5892**

**John R. Radomsky**  
**809 Airport Cutoff**  
**Morrisdale, PA**

ZIP + 4  
**1 6 8 5 8** +

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

**www.usps.com**

**PRESS HARD. You are making 3 copies.**

**Customer Copy**  
Label 11-B September 2002



ER 676760095 US



UNITED STATES POSTAL SERVICE®

**Post Office To Addressee**

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code <b>15670</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. <b>08</b> Day <b>04</b> Year <b>04</b>	<input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	Postage \$ <b>13.65</b>
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee <b>1.75</b>
Weight lbs. <b>2.0</b> ozs.	Int'l Alpha Country Code	COD Fee \$
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>AE</b>	Insurance Fee
		Total Postage & Fees \$ <b>15.40</b>

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.	<input type="checkbox"/> <b>WAIVER OF SIGNATURE (Domestic Only)</b> 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.	

**FROM: (PLEASE PRINT)** PHONE **(724) 668-8775**

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

☐ **NO DELIVERY**  
☐ Weekend ☐ Holiday ☐ Customer Signature

**TO: (PLEASE PRINT)** PHONE **(814) 345-6789**

**Mag. Dist. 463-03**  
**Michael A Rudella**  
**131 Rolling Stone Rd. (PO Box 210)**  
**Kylestown, PA**

ZIP + 4  
**1 6 8 4 7** + **0**

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

**www.usps.com**

**PRESS HARD. You are making 3 copies.**

# FLAT RATE



UNITED STATES POSTAL SERVICE®

### HOW TO USE:



676760095 US

**Mailing Label**  
Label 11-8 September 2002



UNITED STATES POSTAL SERVICE® **Post Office To Addressee**

USE ONLY		Flat Rate Envelope	
Day of Delivery	<input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/> 3 PM	Postage	\$
<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	\$
<input type="checkbox"/> Military <input type="checkbox"/> Int'l Alpha Country Code	<input type="checkbox"/> COD Fee	Insurance Fee	\$
Acceptance Clerk Initials	Total Postage & Fees	\$	

PHONE 734.668.8775  
 Contracting Inc.  
 Box 374  
 Alexandria PA 15070

OR TRACKING CALL 1-800-222-1811  
 ps.com  
 are making 3 copies

DELIVERY (POSTAL USE ONLY)		Employee Signature	
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> AM <input type="checkbox"/> PM
Mo. Day	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	<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.
Federal Agency Acct. No. or Postal Service Acct. No.	I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery made by addressee or addressee's agent, signature of addressee or addressee's agent constitutes valid proof of delivery.
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Customer Signature
TO: (PLEASE PRINT) Mag. Dist. 46-3-03 Michael A Rudella 131 Rolling Stone Rd. (P.O. Box 210) Kylertown, PA	PHONE 814 345 6789 ZIP + 4 1 6 8 4 7 + [ ] [ ] [ ] [ ]

### SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mag. Dist 46-3-03  
 Michael A. Rudella  
 131 Rolling Stone Rd.  
 Kylertown, PA 16847

2. Article Number  
(Transfer from service label)

ER676760095 US

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

### COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent  
☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes  
☐ No

3. Service Type

☐ Certified Mail ☒ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

46<sup>th</sup>

**NOTICE OF APPEAL**

FROM

**DISTRICT JUSTICE JUDGMENT**

COMMON PLEAS No. 04-1083 (D)

**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 & M Contracting, Inc.

46-3-03

ADDRESS OF APPELLANT

CITY

STATE

ZIP CODE

RD 3 Box 374

New Alexandria

PA

15670

DATE OF JUDGMENT

IN THE CASE OF (Plaintiff)

(Defendant)

6/24/04

John R. Radmonsky

vs D & M Contracting

CLAIM NO.

SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT

CV  
LT

0000164-04

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.



EXPRESS MAIL  
POSTAGE REQUIRED  
DOMESTIC USE ONLY

www.usps.com

1. Article Addressed to:  
John R. Radomsky  
809 Airport Cutoff  
Morrisdale, PA 16858

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

3. Service Type

☐ Certified Mail ☒ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number

(Transfer from service label)

ER 676760100 US

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

Mailing Label  
Label 11-B September 2002

ER 676760100 US



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery	Flat Rate Envelope
	<input type="checkbox"/> Next <input type="checkbox"/> Second	<input type="checkbox"/>
Date in		Postage
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$
Time in	Military	Return Receipt Fee
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	
Weight	Int'l Alpha Country Code	COD Fee
lbs. ozs.		\$
No Delivery	Acceptance Clerk Initials	Insurance Fee
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		\$
FROM: (PLEASE PRINT)	PHONE	

DAM 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.

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 Act. No.

Federal Agency Act. No. or  
Postal Service Act. No.

NO DELIVERY  
☐ Weekend ☐ Holiday

TO: (PLEASE PRINT)

PHONE

John R. Radomsky  
809 Airport Cutoff  
Morrisdale, PA

ZIP + 4  
1 6 8 5 8 + [ ] [ ] [ ] [ ]

corner of envelope.

to remove the

fee no matter how many  
an Express Mail box.

its inside and pay only

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

04-1083-03

## 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. J. Contracting, Inc.		MAG. DIST. NO. OR NAME OF D.J. 15-2-03	
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		
CLAIM NO. CV -0000164-04	VS. D. J. Contracting (Defendant)		
SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT			

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.

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Signature of Prothonotary or Deputy

## 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. 04-1083-03) 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

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**

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

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **RADOMSKY, JOHN R.**  
**809 ALLPORT CUTOFF**  
**MORRISDALE, PA 16858**

VS.  
DEFENDANT: **D & M CONTRACTING**  
**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 \$ \_\_\_\_\_

**FILED**

**AUG 11 2004**

**6/12/04**

**William A. Shaw**  
Prothonotary/Clerk of Courts

Amount of Judgment	\$ <b>4,425.15</b>
Judgment Costs	\$ <b>114.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
Total	\$ <b>4,539.65</b>
Post Judgment Credits	\$ <b>—</b>
Post Judgment Costs	\$ <b>—</b>
Certified Judgment Total	\$ <b>4,539.65</b>

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 **MA Rudella**, District Justice

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
**8/9/04** Date **MA Rudella**, District Justice

My commission expires first Monday of January, 2006 .

SEAL

CLEARFIELD COUNTY COURT OF COMMON PLEAS

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

Docket No. 04-1083-CD

FILED

m/24704  
 AUG 26 2004  
 William A. Shaw  
 Prothonotary/Clerk of Courts

Responsible

Attorney's Name: Jill Radomsky Fisher, Esquire

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

Supreme Court ID No.: 85578

Firm Name: White and Williams LLP

Telephone Number: (610) 435-8414

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

Jury Demand Yes \_\_\_\_\_ No X

Anticipated consolidation with  
 another cases Yes \_\_\_\_\_ No X

Docket number of related  
 case \_\_\_\_\_

Estimated trial length \_\_\_\_\_  
 Estimated arbitration length 1 hour

       EXPEDITED        STANDARD        COMPLEX        MORTGAGE FORECLOSURE  
       ZONING APPEAL        MEDICAL MALPRACTICE X ARBITRATION (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        | <u>I. Other Negligence</u> |

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

Jill Radomsky Fisher  
 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.,

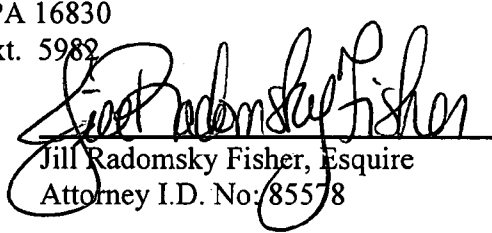
Defendant.

**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**

<b>John R. and Karen G. Radomsky,</b>	:	<b>No. 04-1083-CD</b>
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>D &amp; M Contracting, Inc.,</b>	:	
	:	
<b>Defendant.</b>	:	

**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

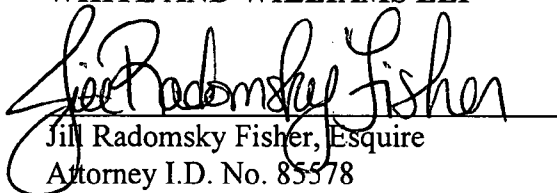
to in writing with the Sewer Authority. Further, Defendant violated the act by deceptively misrepresenting to Plaintiffs that it would come to their home and remedy the problems, creating confusion and misunderstanding in the minds of the Plaintiffs.

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.

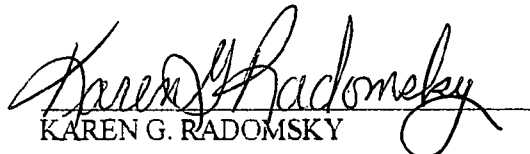


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JOHN R. RADOMSKY

VERIFICATION

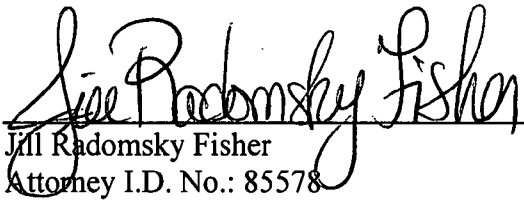
I, Karen G. Radomsky, Plaintiff herein, verify that the statements of fact made in this Complaint are true and correct to the best of my information and belief, and that they are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

  
KAREN G. RADOMSKY

**CERTIFICATE OF SERVICE**

I, Jill Radomsky Fisher, Esquire, hereby certify that on this 24<sup>th</sup> 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. DEFRANK  
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**  
m/11/12/04 cc  
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

CIVIL DIVISION

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

Plaintiff,

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 Praecipe for Appearance has been mailed by U.S. Mail to counsel of record via first class mail, postage pre-paid, this 13<sup>th</sup> 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,

Plaintiffs,

v.

D & M CONTRACTING, INC.,

Defendant.

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY,  
PENNSYLVANIA

NO. 04-1083-CD

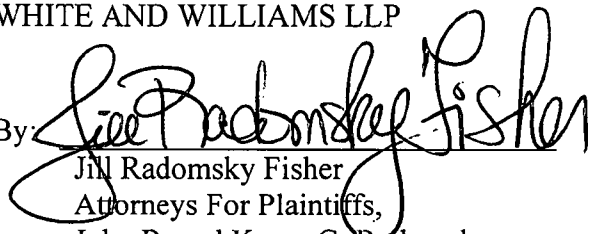
**PRAECIPE TO SETTLE, END AND DISCONTINUE**

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** <sup>EBK</sup>  
M 1:56 PM REC + Dist. of Direct to Atty  
Copy to CA  
OCT 27 2004

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

John R. Radomsky

Vs.  
D & M Contracting

No. 2004-01083-CD

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 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