

04-1761-CD
BENARTEX, INC. vs. SUSAN L. FRENCH, et al.

2004-1761-CD
Bennartex Inc vs Susan French et al

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
NO.
CIVIL ACTION - LAW

BENARTEX, INC.,

Plaintiff

vs.

04-1761-CJ

SUSAN L. FRENCH, t/d/b/a STITCHES ETC.,

Defendant

COMPLAINT
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 complaint and notice are served by entering a written appearance personally, or by attorney, and filing, in writing, with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any 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, CONTACT":

Office of the Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Telephone No. (814) 765-2641

"IF YOU CANNOT AFFORD A LAWYER, CONTACT":

David S. Meholic, Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
Telephone No. (814) 765-2641

Charles A. Szybist
CHARLES A. SZYBIST, ESQUIRE
Attorney for Plaintiff
423 Mulberry Street
Williamsport, PA 17701
Telephone No. (570) 326-0559

1-7-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

FILED
M 1:53 AM pd 85
10/5/2004

NOV 05 2004

William A. Shaw
Prothonotary

BENARTEX, INC.,	: IN THE COURT OF COMMON PLEAS OF
	: CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	: :
vs.	: NO. :
SUSAN L. FRENCH, t/d/b/a STITCHES	: :
ETC.,	: :
Defendant	: CIVIL ACTION - LAW

COMPLAINT

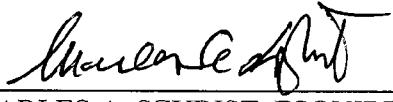
The Plaintiff, above-named, hereinafter referred to as "Plaintiff", claims of the Defendant, above-named, hereinafter referred to as "Defendant", the sum of \$2,044.67, with interest thereon, upon the following cause of action:

- (1) Plaintiff, BENARTEX, INC., is a New York corporation having an office and principal place of business at 1359 Broadway, Suite 1100, New York, New York, 10018.
- (2) Defendant, SUSAN L. FRENCH, is an adult individual trading and doing business as STITCHES ETC. and having an office and principal place of business at 602 West Dubois Avenue, Dubois, Clearfield County, Pennsylvania, 15801.
- (3) At the specific instance and oral request of Defendant, Plaintiff sold and delivered to Defendant goods and services at the times, of the kinds, in the quantities and for the prices set forth in Plaintiff's books of original entry, a true and correct copy of which is attached hereto, made a part hereof and labeled Exhibit "A".
- (4) Defendant received and accepted the goods and services described in Exhibit "A".
- (5) The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and services and the prices which Defendant agreed to pay.
- (6) Defendant made payments on account, thereby reducing the balance due and owing to \$2,044.67.
- (7) All credits, if any, to which Defendant is entitled are set forth in Exhibit "A".

(8) Although Plaintiff has often demanded payment of the said sum of \$2,044.67, Defendant has and still does neglect and refuse to pay for same or any part thereof.

WHEREFORE, Plaintiff claims there is now justly due and owing by Defendant the sum of \$2,044.67, plus costs and interest from the due date thereof and within arbitration limits of this Common Pleas Court.

Respectfully submitted:


CHARLES A. SZYBIST, ESQUIRE
Attorney for Plaintiff
Attorney I.D. #07574

423 Mulberry Street
Williamsport, PA 17701
Telephone No.: (570) 326-0559

STATE OF New York
COUNTY OF New York

:
SS
:

Luba Fastag, being duly sworn according to law,
deposes and says that she is Credit Manager of Bencutec Inc., the above-named plaintiff; that she
makes this affidavit on its behalf, being authorized so to do; and that the facts
set forth in the foregoing Complaint are true and correct to the best of his
knowledge, information and belief.

Luba Fastag

Sworn to and subscribed

before me this 25 day
of October, 2004

Janice Cantor
Notary Public

My commission expires:

JANICE CANTOR
Notary Public, State of New York
No. 01CA4801688
Qualified in New York County
Commission Expires Aug. 31 2004

BENARTEX, INC.

10/25/04 PAGE 1

STI15801
Stitches Etc.602 W. Dubois Avenue
Dubois, PA
15801
814-371-9665

TYPE	:	REGULAR	PTD CREDIT	0.00
CUR. ORDER	:	0.00	PTD DEBIT	0.00
CRED. LIMIT	:	0.00	YTD CREDIT	105.92
CUR. BAL.	:	2044.67	YTD DEBIT	74.47
BEGIN BAL.	:	2044.67	TERM CODE	22
UNAPPLD CR	:	0.00	COL	
REP	:	64	LAST DB	01/09/04

INV/CR #	TR	DATE	TM	REFERENCE	DEBITS	CREDITS	TR BALAN
45096	I	11/14/03	20	262332 / 42043	190.28		84.36
45737	I	11/20/03	20	261816	352.36		352.36
45884	I	11/25/03	20	261815	892.46		892.46
45965	I	11/26/03	20	261817	535.10		535.10
46481	I	12/10/03	20	261817	51.71	\$51.71 pd. 7/23/04	51.71
46573	I	12/10/03	20	261815	54.21	\$54.21 pd. 7/23/04	54.21
47422	I	01/09/04	20	261816	74.47		74.47

Codes Q - QUIT, F1 - CREDIT, F2 - ORDERS, F3 - CC, F4 - SI OR PGUP.

In The Court of Common Pleas of Clearfield County, Pennsylvania

BENARTEX, INC.

VS.

FRENCH, SUSAN L. t/d/b/a STITCHES ETC.

COMPLAINT

Sheriff Docket # 16580

04-1761-CD

SHERIFF RETURNS

NOW DECEMBER 17, 2004 RETURN THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO SUSAN L. FRENCH t/d/b/a STITCHES ETC., DEFENDANT. SEVERAL ATTEMPTS, NEVER OPEN.

Return Costs

Cost	Description
75.00	SHERIFF HAWKINS PAID BY: ATTY CK# 21123
10.00	SURCHARGE PAID BY: ATTY CK# 21124

Sworn to Before Me This

17 Day Of Dec 2004

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

So Answers,

Chester Hawkins
by *Markay Harris*
Chester A. Hawkins
Sheriff

FILED
DEC 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
NO.
CIVIL ACTION - LAW

BENARTEX, INC.,

Plaintiff

vs.

04-1761-C

SUSAN L. FRENCH, t/d/b/a STITCHES ETC.,

Defendant

COMPLAINT
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 complaint and notice are served by entering a written appearance personally, or by attorney, and filing, in writing, with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any 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.

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230 East Market Street
Clearfield, PA 16830
Telephone No. (814) 765-2641

Charles A. Szymbist
CHARLES A. SZYBIST, ESQUIRE
Attorney for Plaintiff
423 Mulberry Street
Williamsport, PA 17701
Telephone No. (570) 326-0559

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

NOV 05 2004

Attest.

William H. Thompson
Prothonotary/
Clerk of Courts

BENARTEX, INC.,	:	IN THE COURT OF COMMON PLEAS OF
	:	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	
vs.	:	NO.
	:	
SUSAN L. FRENCH, t/d/b/a STITCHES	:	
ETC.,	:	
	:	
Defendant	:	CIVIL ACTION - LAW

COMPLAINT

The Plaintiff, above-named, hereinafter referred to as "Plaintiff", claims of the Defendant, above-named, hereinafter referred to as "Defendant", the sum of \$2,044.67, with interest thereon, upon the following cause of action:

- (1) Plaintiff, BENARTEX, INC., is a New York corporation having an office and principal place of business at 1359 Broadway, Suite 1100, New York, New York, 10018.
- (2) Defendant, SUSAN L. FRENCH, is an adult individual trading and doing business as STITCHES ETC. and having an office and principal place of business at 602 West Dubois Avenue, Dubois, Clearfield County, Pennsylvania, 15801.
- (3) At the specific instance and oral request of Defendant, Plaintiff sold and delivered to Defendant goods and services at the times, of the kinds, in the quantities and for the prices set forth in Plaintiff's books of original entry, a true and correct copy of which is attached hereto, made a part hereof and labeled Exhibit "A".
- (4) Defendant received and accepted the goods and services described in Exhibit "A".
- (5) The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and services and the prices which Defendant agreed to pay.
- (6) Defendant made payments on account, thereby reducing the balance due and owing to \$2,044.67.
- (7) All credits, if any, to which Defendant is entitled are set forth in Exhibit "A".

(8) Although Plaintiff has often demanded payment of the said sum of \$2,044.67, Defendant has and still does neglect and refuse to pay for same or any part thereof.

WHEREFORE, Plaintiff claims there is now justly due and owing by Defendant the sum of \$2,044.67, plus costs and interest from the due date thereof and within arbitration limits of this Common Pleas Court.

Respectfully submitted:


CHARLES A. SZYBIST, ESQUIRE
Attorney for Plaintiff
Attorney I.D. #07574

423 Mulberry Street
Williamsport, PA 17701
Telephone No.: (570) 326-0559

STATE OF New York
COUNTY OF New York

:
SS
:

Luba Fastag, being duly sworn according to law,
deposes and says that she is Credit Manager of Bencutic Inc., the above-named plaintiff; that she
makes this affidavit on its behalf, being authorized so to do; and that the facts
set forth in the foregoing Complaint are true and correct to the best of his
knowledge, information and belief.

Luba Fastag

Sworn to and subscribed
before me this 25 day
of October, 2004

JANICE CANTOR
Notary Public

My commission expires:

JANICE CANTOR
Notary Public, State of New York
No. 01CA4801688
Qualified in New York County
Commission Expires Aug. 31, 2004

BENARTEX, INC.

10/25/04 PAGE 1

STI15801
Stitches Etc.602 W. Dubois Avenue
Dubois, PA
15801
814-371-9665

TYPE	:	REGULAR	PTD CREDIT	0.00
CUR. ORDER	:	0.00	PTD DEBIT	0.00
CRED. LIMIT	:	0.00	YTD CREDIT	105.92
CUR. BAL.	:	2044.67	YTD DEBIT	74.47
BEGIN BAL.	:	2044.67	TERM CODE	22
UNAPPLD CR	:	0.00	COL	
REP	:	64	LAST DB	01/09/04

INV/CR #	TR	DATE	TM	REFERENCE	DEBITS	CREDITS	TR BALAN
45096	I	11/14/03	20	262332 / 42043	190.28		84.36
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46573	I	12/10/03	20	261815	54.21	\$54.21 pd. 7/23/04	54.21
47422	I	01/09/04	20	261816	74.47		74.47

Codes Q - QUIT, F1 - CREDIT, F2 - ORDERS, F3 - CC, F4 - SI OR PGUP.

BENARTEX, INC., : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
vs. :
SUSAN L. FRENCH, t/d/b/a STITCHES, :
ETC., :
Defendant : CIVIL ACTION - LAW

PRAECIPE

TO THE PROTHONOTARY:

Please reinstate the Complaint in the above-captioned matter.

Respectfully submitted:


CHARLES A. SZYBIST, ESQUIRE
Attorney for Plaintiff
Attorney I.D. #07574

423 Mulberry Street
Williamsport, PA 17701
Telephone No. (570) 326-0559

Dated: December 29, 2004
cc: ~~Montour~~ County Sheriff
CLEARFIELD

FILED *No cc*
1/8/05 1Compl. Reinstated
JAN 07 2005 to Sheriff
William A. Shaw Atty pd 7.00
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **100118**

BENARTEX, INC.

Case # 04-1761-CD

vs.

SUSAN L. FRENCH t/d/b/a STITCHES ETC.

SHERIFF RETURNS

NOW February 10, 2005 RETURNED THE WITHIN COMPLAINT "NOT SERVED, TIME EXPIRED" AS TO SUSAN L. FRENCH T/D/B/A STITCHES ETC., DEFENDANT. NEVER RECEIVED ADVANCE FROM ATTY.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	Szybist	21209	10.00
SHERIFF HAWKINS	Szybist	21209	5.74

FILED

6th FEB 23 2005
0192451
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before me This

____ Day of _____ 2005

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
NO.
CIVIL ACTION - LAW

BENARTEX, INC.,

04-1761-CJ

Plaintiff

vs.

SUSAN L. FRENCH, t/d/b/a STITCHES ETC.,

Defendant

COMPLAINT
NOTICE TO DEFEND

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Charles A. Szybist
CHARLES A. SZYBIST, ESQUIRE
Attorney for Plaintiff
423 Mulberry Street
Williamsport, PA 17701
Telephone No. (570) 326-0559

1-7-05 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
C. A. Szybist
Charles A. Szybist
Deputy Prothonotary

BENARTEX, INC., : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
vs. :
SUSAN L. FRENCH, t/d/b/a STITCHES :
ETC., :
Defendant : CIVIL ACTION - LAW

COMPLAINT

The Plaintiff, above-named, hereinafter referred to as "Plaintiff", claims of the Defendant, above-named, hereinafter referred to as "Defendant", the sum of \$2,044.67, with interest thereon, upon the following cause of action:

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- (4) Defendant received and accepted the goods and services described in Exhibit "A".
- (5) The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and services and the prices which Defendant agreed to pay.
- (6) Defendant made payments on account, thereby reducing the balance due and owing to \$2,044.67.
- (7) All credits, if any, to which Defendant is entitled are set forth in Exhibit "A".

(8) Although Plaintiff has often demanded payment of the said sum of \$2,044.67, Defendant has and still does neglect and refuse to pay for same or any part thereof.

WHEREFORE, Plaintiff claims there is now justly due and owing by Defendant the sum of \$2,044.67, plus costs and interest from the due date thereof and within arbitration limits of this Common Pleas Court.

Respectfully submitted:



CHARLES A. SZYBIST, ESQUIRE
Attorney for Plaintiff
Attorney I.D. #07574

423 Mulberry Street
Williamsport, PA 17701
Telephone No.: (570) 326-0559

STATE OF New York
COUNTY OF New York

SS

Luba Fastyg, being duly sworn according to law,
deposes and says that she is Credit Manager of
Bencuter Inc., the above-named plaintiff; that she
makes this affidavit on its behalf, being authorized so to do; and that the facts
set forth in the foregoing Complaint are true and correct to the best of his
knowledge, information and belief.

Luba Fastyg

Sworn to and subscribed
before me this 25 day
of October, 2004

JANICE CANTOR
Notary Public

My commission expires:

JANICE CANTOR
Notary Public, State of New York
No. 01CA4801688
Qualified in New York County
Commission Expires Aug. 31 2004

BENARTFX, INC.

10/25/04 PAGE 1

STI15801
Stitches Etc.
602 W. Dubois Avenue
Dubois, PA
15801
814-371-9665

TYPE : REGULAR PTD CREDIT : 0.00
CUR. ORDER : 0.00 PTD DEBIT : 0.00
CRED. LIMIT: 0.00 YTD CREDIT : 105.92
CUR. BAL. : 2044.67 YTD DEBIT : 74.47
BEGIN BAL. : 2044.67 TERM CODE : 22
UNAPPLD CR : 0.00 COL
REP : 64 LAST DB : 01/09/04

INV/CR #	TR	DATE	TM	REFERENCE	DEBITS	CREDITS	TR BALAN
45096	I	11/14/03	20	262332 / 42043	190.28		84.36
45737	I	11/20/03	20	261816	352.36		352.36
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46573	I	12/10/03	20	261815	54.21	\$54.21 pd. 7/23/04	54.21
47422	I	01/09/04	20	261816	74.47		74.47

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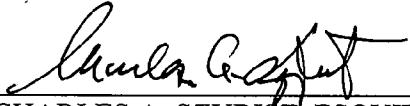
BENARTEX, INC., : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
vs. :
SUSAN L. FRENCH, STITCHES, ETC. :
Defendants : NO. 2004-01761-CD
: CIVIL ACTION - LAW

PRAECLYPE

TO THE PROTHONOTARY:

Please discontinue the above-captioned matter without prejudice to Plaintiff.

Respectfully submitted:


CHARLES A. SZYBIST, ESQUIRE
Attorney for Plaintiff
Attorney I.D. #07574

423 Mulberry Street
Williamsport, PA 17701
Telephone No. (570) 326-0559

Dated: March 26, 2010

FILED
MTO:3/26/2010
MAR 29 2010
S
William A. Shaw
Prothonotary/Clerk of Courts
60

RECEIVED
FEB 1 2010
FAC 2010
William A. Shaw
Prothonotary/Clerk of Courts