

05-445-CD  
W. Gillung vs. C. Adams

William Gillung et al v Cory Adams et al  
2005-445-CD

Date: 03/16/2006

Clearfield County Court of Common Pleas

User: LBENDER

Time: 11:12 AM

ROA Report

Page 1 of 1

Case: 2005-00445-CD

Current Judge: Paul E. Cherry

William C. Gillung, Evelyn Gillung vs. Cory Adams, Terry Adams, Jeni Adams, C & L Contracting

District Justice Appeal

Date		Judge
03/30/2005	New Case Filed.	No Judge
	✓ Filing: District Justice Appeals Paid by: Gefsky, James Receipt number: 1898193 Dated: 3/30/2005 Amount: \$85.00 (Check) Notice of Appeal mailed to Appellee and MDJ Ford. and copy to Atty.	No Judge
04/07/2005	✓ District Justice Transcript filed, in re: Cory Adms.	No Judge
	✓ District Justice Transcript filed, in re: Terry Adams.	No Judge
	✓ District Justice Transcript filed, in re: Jeni Adams.	No Judge
04/11/2005	✓ Proof of Service Of Notice Of Appeal And Rule to File Complaint on April 8, 2005 upon William C. Gillung, filed by James B. Gefsky, Esquire. No CC	No Judge
04/18/2005	✓ Complaint, filed by s/ Joseph H. Ellermeyer, Esquire. No CC	No Judge
05/24/2005	✓ Answer And Counter-Claim filed by s/ James B. Gefsky, Esquire. 2CC to Atty	No Judge
06/03/2005	✓ Answer To Counter Claim, filed by s/ Joseph H. Ellermeyer, esquire. No CC	No Judge
06/30/2005	Filing: Praecipe/List For Arbitration Paid by: Joseph Ellermeyer, Esq. Receipt number: 1903911 Dated: 06/30/2005 Amount: \$20.00 (Check)	No Judge
	✓ Certificate of Readiness For Arbitration, filed by s/ Joseph H. Ellermeyer, Esquire. No CC	No Judge
08/15/2005	✓ Order, dated August 15, 2005, filed. it is ORDER of the court that the above-captioned matter is scheduled for Arbitration on October, 11, 2005 at 9:00 a.m. The following have been appointed as Arbitrators: Dwight L. Koerber Jr., Chairman; R. Denning Gearhart Esq. and Theron G. Noble Esq. BY THE COURT /S/ Frederic J. Ammerman, P. Judge. 5CC C/A	Fredric Joseph Ammerman
10/11/2005	✓ Oath or Affirmation of Arbitrators, s/Dwight L. Koerber, Jr., Esq. s/R. Denning Gearhart, Esq. s/Theron G. Noble, Esq. Award of Arbitrators: Judgment for Plaintiffs (on Complaint) in the amount of \$9,020.46. Judgment for Plaintiffs (on counterclaim.) s/Dwight L. Koerber, Esq., Chairman s/R. Denning Gearhart, Esq. s/Theron G. Noble, Esq. Entry of Award, October 11, 2005, Witness My Hand and the Seal of the Court. s/William A. Shaw, Prothonotary	No Judge
11/10/2005	✓ Filing: Praecipe for Appeal of Arbitrators Decision Paid by: Gefsky, James (attorney for Adams, Cory) Receipt number: 1911247 Dated: 11/10/2005 Amount: \$450.00 (Check) filed by s/James B. Gefsky, Esq. Two CC Attorney Gefsky	No Judge
01/03/2006	✓ Motion For Continuance, filed by s/ John G. Achille, Esquire.	No Judge
01/09/2006	✓ Order, NOW, this 3rd day of Jan. 2006, the Court hereby Denies the requested Motion For a Continuance. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Achille	Paul E. Cherry
01/19/2006	✓ Order, NOW, this 19th day of Jan., 2006, following Pre-Trial Conference, Ordered: Trial in this matter is scheduled for March 20, 2006, beginning at 9:00 a.m. in Courtroom No. 2. (see original). By The Court, /s/ Paul E. Cherry, Judge. 2CC Attys: Ellermeyer, Gefsky	Paul E. Cherry

*Security Deposit.--*

Section 8127(a)(3.1) provides for the deduction of a security deposit from the attachment under circumstances set forth in the Code. Rule 3311 prescribes a form of Praecipe for Notice of Intent to Attach Wages which requires the plaintiff (judgment creditor-l and lord) to execute a Certification as to the status of the security deposit.

*Exemptions from Attachment.--*

1. Poverty Guidelines. Section 8127(a)(3.1) requires that the "sum attached shall be no more than 10% of the net wages per pay period of the judgment debtor-tenant or a sum not to place the debtor's net income below the poverty income guidelines as provided annually by the Federal Office of Management and Budget, whichever is less." First, the employer-garnishee will determine the ten percent limit of the net wages to be attached. Second, since the defendant (judgment debtor-tenant) is the only person who has knowledge whether the attachment will bring his or her net income below the poverty level, the rule requires the defendant to assert this objection to the attachment by filing a claim for exemption which is attached to the Notice of Intent to Attach Wages served upon the defendant. Third, Rule 3302(b) requires the prothonotary to attach to the Notice a copy of the most recent federal poverty income guidelines of the Federal Department of Health and Human Services as set forth on the web site of the Civil Procedural Rules Committee.

2. Other Exemptions. The Notice of Intent to Attach Wages advises the defendant that there may be other exemptions available, giving the example of an abused person or victim, and that these exemptions are to be claimed by filing a motion with the court.

COURT OF COMMON PLEAS

CLEARFIELD CO.  
JUDICIAL DISTRICT

46TH

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-445-CD

## 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 Cory Adams, Terry Adams and Jewi Adams Contracting		MAG. DIST. NO. OR NAME OF D.J. 46-3-01	
ADDRESS OF APPELLANT 126 Railroad Ave		CITY Apollo	STATE PA
DATE OF JUDGMENT 2/28/05		ZIP CODE 15613	
IN THE CASE OF (Plaintiff) GILLUNG William C ET AL.		(Defendant) vs. Adams Cory ET AL.	
CLAIM NO. CV 12 0000713-04 LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT James B. Betsky	

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.

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.

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 GILLUNG William C ET AL, appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 2005-445) 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 GILLUNG William C ET AL, 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: MARCH 30, 2005

FILED

MAR 30 2005

William A. Shaw  
Prothonotary

MAILED 3.31.05  
3.31.05 to APPY APPELLANT'S M.D.J. FOR  
COURT FILE TO BE FILED WITH PROTHONOTARY

William A. Shaw  
PROTHONOTARY

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

MAR 30 2005

Attest.

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) \_\_\_\_\_, 19\_\_\_\_. ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_ ☐ 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 \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Signature of affiant*

\_\_\_\_\_  
*Signature of official before whom affidavit was made*

\_\_\_\_\_  
*Title of official*

My commission expires on \_\_\_\_\_, 19\_\_\_\_.

**FILED**

MAR 30 2005

William A. Shaw  
Prothonotary

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-01</b>
MDJ Name: Hon.	<b>PATRICK N. FORD</b>
Address:	<b>309 MAPLE AVENUE PO BOX 452 DUBOIS, PA</b>
Telephone: (814) 371-5321	<b>15801</b>

**TERRY ADAMS**  
**730 N. SECOND STR**  
**D/B/A C & L CONTRACTING**  
**APOLLO, PA 15613**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: **GILLUNG, WILLIAM C, ET AL.**  
 2019 GREEN GLEN DR.  
 DUBOIS, PA 15801

VS.  
 DEFENDANT: **ADAMS, CORY, ET AL.**  
 126 RAILROAD AVENUE  
 D/B/A C & L CONTRACTING  
 APOLLO, PA 15613

Docket No.: **CV-0000713-04**  
 Date Filed: **12/21/04**

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **GILLUNG, WILLIAM C, ET AL.**

☒ Judgment was entered against: (Name) **ADAMS, TERRY**

in the amount of \$ **8,169.50** on: (Date of Judgment) **2/28/05**

☐ Defendants are jointly and severally liable.

(Date &amp; 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>8,000.00</b>
Judgment Costs	\$ <b>169.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 8,169.50</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 MAGISTERIAL DISTRICT JUDGES, 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 MAGISTERIAL DISTRICT JUDGE. 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 MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

**2-28-05** Date **Patrick N. Ford**, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
 \_\_\_\_\_ Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January, 2006 .

SEAL

AOPC 315-05

DATE PRINTED: **2/28/05 10:08:28 AM**

SERVICE OF NOTICE OF APPEAL AND OTHER DOCUMENTS FROM APPEAL  
FROM A DISTRICT JUSTICE DECISION

- (1) The Prothonotary shall require that in regard to any appeal from a District Justice civil decision that the appellant provide with the Notice of Appeal a stamped envelope, pre-addressed to the appellee, at the appellee's address as listed on the Complaint form filed in the office of the District Justice or as otherwise appearing in the records from that office, or the attorney of record, if any, of the appellee, as well as a stamped envelope, pre-addressed, to the District Justice in whose office the judgment was rendered. Copies of the Notice of Appeal, and Rule to File a Complaint pursuant to Rule of District Justice Procedure 1004B, if applicable, shall thereupon be mailed by the Prothonotary by first class mail to the appellee and District Justice.
- (2) The Prothonotary shall note such service and any return thereof on the Court's docket.
- (3) The Prothonotary shall not be required to file a Notice of Appeal to a District Justice judgment or verdict without the appellant providing the above described stamped and addressed envelopes for service purposes.
- (4) At the conclusion of any District Justice civil case, upon rendering of the decision, the District Justice shall provide a copy of this Rule to the party against whom the judgment or verdict is rendered, with the same either being made when applicable by personal service or through the mail along with the notice of entry of judgment or verdict.
- (5) Upon the Court of Common Pleas disposing of the appeal from a District Justice decision, the Prothonotary shall in all cases utilize the Common Pleas notification request form, prepared by the Administrative Office of Pennsylvania Courts (being AOPC Form 729B-98 or any future revision of the same) in order to notify the District Justice of the result of the appeal. The Prothonotary shall also provide to the District Justice a copy of the Court Order or document which is dispositive of the case.

COURT OF COMMON PLEAS

CLEARFIELD CO.  
JUDICIAL DISTRICT

46TH

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-445-CD

## 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 <u>Cory Adams, Terry Adams and Jeni Adams</u>		MAG. DIST. NO. OR NAME OF D.J. <u>djb/la 46-3-01</u>	
ADDRESS OF APPELLANT <u>126 RAILROAD AVE.</u>		CITY <u>APOLLO</u>	STATE <u>PA</u>
DATE OF JUDGMENT <u>2/28/05</u>		ZIP CODE <u>15613</u>	
CLAIM NO. <u>CV 0000713-04</u>		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <u>James B. Gelsky</u>	
LT 19			

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.

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.

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 GILLUNG William C. ET AL, appellee(s), to file a complaint in this appeal

Name of appellee(s)

(Common Pleas No. 2005-445) 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 GILLUNG William C. ET AL, 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: MARCH 30 19 2005

William A. Shaw  
PROTHONOTARY

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

MAR 30 2005



**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) \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered) mail, sender's  
receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_ on  
\_\_\_\_\_, 19\_\_\_\_ ☐ 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 \_\_\_\_\_, 19\_\_\_\_, ☐ by personal service ☐ by (certified) (registered)  
mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Signature of affiant*

\_\_\_\_\_  
*Signature of official before whom affidavit was made*

\_\_\_\_\_  
*Title of official*

My commission expires on \_\_\_\_\_, 19\_\_\_\_.

Cory Adams  
126 Railroad Ave  
Apollo, PA 15613-1365

Jeni Adams  
126 Railroad Ave  
Apollo, PA 15613-1365

Terry Adams  
126 Railroad Ave  
Apollo, PA 15613-1365

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
MDJ Name: Hon. **PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

**PATRICK N. FORD**  
**309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: **GILLUNG, WILLIAM C, ET AL.**  
2019 GREEN GLEN DR.  
DUBOIS, PA 15801

VS.  
DEFENDANT: **ADAMS, CORY, ET AL.**  
126 RAILROAD AVENUE  
D/B/A C & L CONTRACTING  
APOLLO, PA 15613

Docket No.: **CV-0000713-04**  
Date Filed: **12/21/04**



THIS IS TO NOTIFY YOU THAT:  
Judgment:

DEFAULT JUDGMENT PLTF

- ☒ Judgment was entered for: (Name) GILLUNG, WILLIAM C, ET AL.  
☒ Judgment was entered against: (Name) ADAMS, CORY

in the amount of \$ 8,169.50 on: (Date of Judgment) 2/28/05

☐ 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**

*m/2/13/05*  
**APR 07 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

Amount of Judgment	\$ <b>8,000.00</b>
Judgment Costs	\$ <b>169.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	\$ <b>8,169.50</b>

Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____

**Certified Judgment Total** \$ \_\_\_\_\_

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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 MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

22805 Date Patrick N. Ford, Magisterial District Judge

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

\_\_\_\_\_, Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January, 2006 .

SEAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: CLEARFIELD

**CIVIL COMPLAINT**

Mag. Dist. No.: 46-3-01  
DJ Name: Patrick N. Ford  
Address: 309 Maple Avenue  
P.O. Box 452  
DuBois, PA 15801

Telephone: 814/371-5321

PLAINTIFF: NAME and ADDRESS

William and Evelyn Gillung  
2019 Green Glen Drive  
DuBois, PA 15801

VS.

DEFENDANT: NAME and ADDRESS

Cory Adams, Terry Adams and Jeni Adams  
d/b/a C & L Contracting  
126 Railroad Avenue  
Apollo, PA 15613

Docket No.: CV-713-04  
Date Filed: 12-21-04



	AMOUNT	DATE PAID
FILING COSTS	\$ 138.50	12/21/04
SERVING COSTS	\$	/ /
TOTAL	\$	/ /

**TO THE DEFENDANT:** The above named plaintiff(s) asks judgment against you for \$ 8,000.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

The Plaintiffs request Judgment be entered against the Defendants in the amount of \$8,000.00 due to the Defendants' negligent installation of windows and defective workmanship at the Plaintiffs' residence relative to the installation of replacement windows and trim work in August of 2004.

I, William Gillung, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

*William E. Gillung*  
(Signature of Plaintiff or Authorized Agent)

Plaintiff's

Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.**

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

**FILED**

**APR 07 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
MDJ Name: Hon.  
**PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

**PATRICK N. FORD**  
**309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: **GILLUNG, WILLIAM C, ET AL.**  
**2019 GREEN GLEN DR.**  
**DUBOIS, PA 15801**

VS.  
DEFENDANT: **ADAMS, CORY, ET AL.**  
**126 RAILROAD AVENUE**  
**D/B/A C & L CONTRACTING**  
**APOLLO, PA 15613**

Docket No.: **CV-0000713-04**  
Date Filed: **12/21/04**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **GILLUNG, WILLIAM C, ET AL.**

☒ Judgment was entered against: (Name) **ADAMS, TERRY**

in the amount of \$ **8,169.50** on: (Date of Judgment) **2/28/05**

☐ 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 \$ **William A. Shaw**  
**Prothonotary/Clerk of Courts**

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

**FILED**

**m/2:13 @**  
**APR 07 2005 @**

Amount of Judgment	\$ <b>8,000.00</b>
Judgment Costs	\$ <b>169.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 8,169.50</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.

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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 MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

**2-28-05** Date **Patrick N. Ford-PNF**, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
Date \_\_\_\_\_, Magisterial District Judge

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

SEAL

**CIVIL COMPLAINT**

Mag. Dist. No.: 46-3-01  
DJ Name: Patrick N. Ford  
Address: 309 Maple Avenue  
P.O. Box 452  
DuBois, PA 15801

Telephone: 814/371-5321

PLAINTIFF: NAME and ADDRESS

William and Evelyn Gillung  
2019 Green Glen Drive  
DuBois, PA 15801

VS.

DEFENDANT: NAME and ADDRESS

Cory Adams, Terry Adams and Jeni Adams  
d/b/a C & L Contracting  
126 Railroad Avenue  
Apollo, PA 15613

Docket No.: CV-713-01  
Date Filed: 12-21-04



	AMOUNT	DATE PAID
FILING COSTS	\$ 138.50	12/21/04
SERVING COSTS	\$	/ /
TOTAL	\$	/ /

**TO THE DEFENDANT:** The above named plaintiff(s) asks judgment against you for \$ 8,000.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

The Plaintiffs request Judgment be entered against the Defendants in the amount of \$8,000.00 due to the Defendants' negligent installation of windows and defective workmanship at the Plaintiffs' residence relative to the installation of replacement windows and trim work in August of 2004.

I, William Gillung, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

*William C. Gillung*  
(Signature of Plaintiff or Authorized Agent)

Plaintiff's

Attorney: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT.**

If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing. If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow. If you are disabled and require assistance, please contact the Magisterial District office at the address above.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-01**  
MDJ Name: Hon.  
**PATRICK N. FORD**  
Address: **309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA**  
Telephone: **(814) 371-5321** **15801**

**PATRICK N. FORD**  
**309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA 15801**

**NOTICE OF JUDGMENT/TRANSCRIPT**  
**CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**GILLUNG, WILLIAM C, ET AL.**  
**2019 GREEN GLEN DR.**  
**DUBOIS, PA 15801**

VS.  
DEFENDANT: NAME and ADDRESS  
**ADAMS, CORY, ET AL.**  
**126 RAILROAD AVENUE**  
**D/B/A C & L CONTRACTING**  
**APOLLO, PA 15613**

Docket No.: **CV-0000713-04**  
Date Filed: **12/21/04**



**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **GILLUNG, WILLIAM C, ET AL.**

☒ Judgment was entered against: (Name) **ADAMS, JENI**

in the amount of \$ **8,169.50** on: (Date of Judgment) **2/28/05**

☐ 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**  
**APR 07 2005**

William A. Shaw  
Prothonotary/Clerk of Courts

Amount of Judgment	\$ <b>8,000.00</b>
Judgment Costs	\$ <b>169.50</b>
Interest on Judgment	\$ <b>.00</b>
Attorney Fees	\$ <b>.00</b>
<b>Total</b>	<b>\$ 8,169.50</b>
Post Judgment Credits	\$
Post Judgment Costs	\$
<b>Certified Judgment Total</b>	<b>\$</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 MAGISTERIAL DISTRICT JUDGES, 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 MAGISTERIAL DISTRICT JUDGE.

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 MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

**2-28-05** Date **Patrick N. Ford -PNF**, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January, 2006 .

SEAL



## CIVIL COMPLAINT

Mag. Dist. No.: 46-3-01

DJ Name: Patrick N. Ford

Address: 309 Maple Avenue  
P.O. Box 452  
DuBois, PA 15801

Telephone: 814/371-5321

PLAINTIFF: NAME and ADDRESS

William and Evelyn Gillung  
2019 Green Glen Drive  
DuBois, PA 15801

VS.

DEFENDANT: NAME and ADDRESS

Cory Adams, Terry Adams and Jeni Adams  
d/b/a C & L Contracting  
126 Railroad Avenue  
Apollo, PA 15613Docket No.: CV-713-01  
Date Filed: 12-21-04

	AMOUNT	DATE PAID
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SERVING COSTS	\$	/ /
TOTAL	\$	/ /

**TO THE DEFENDANT:** The above named plaintiff(s) asks judgment against you for \$ 8,000.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

The Plaintiffs request Judgment be entered against the Defendants in the amount of \$8,000.00 due to the Defendants' negligent installation of windows and defective workmanship at the Plaintiffs' residence relative to the installation of replacement windows and trim work in August of 2004.

I, William Gillung, verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

*William C. Gillung*  
(Signature of Plaintiff or Authorized Agent)

Plaintiff's

Attorney: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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7002 3150 0004 2203 2391

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Sent To: William C Gillung Et Al  
Street, Apt. No.: 2019 Green Glen DR  
or PO Box No.:  
City, State, ZIP+4: DuBois PA 15801

PS Form 3800, June 2002 See Reverse for Instructions

4982 E022 4000 05TE 2002

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
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**OFFICIAL USE**

Postage	\$ .37	Postmark Here
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Sent To: Patrick N. Foro/Dist. Court 463-01  
Street, Apt. No.: PO Box 452  
or PO Box No.:  
City, State, ZIP+4: DuBois PA 15801

PS Form 3800, June 2002 See Reverse for Instructions

**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 Clearefield ; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

- ☒ a copy of the Notice of Appeal, Common Pleas No. 2005-445 upon the District Justice designated therein on (date of service) April 8, 2005, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto, and upon the appellee, (name) GILLUNG William C. Et Al on April 8, 2005 ☐ 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 April 8, 2005, ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

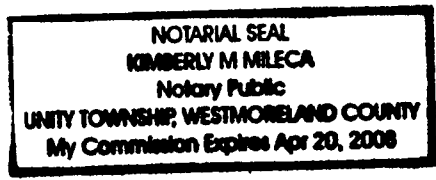
SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME  
THIS 8th DAY OF April, 2005

Kimberly M Mileca  
Signature of official before whom affidavit was made

Notary  
Title of official

My commission expires on April 20, 2008

[Signature]  
Signature of affiant



**FILED** No CC  
11.44/51  
APR 11 2005 (6)  
William A Shaw  
Prothonotary/Clerk of Courts  
Filed by James B. Gefsky, Esq.

COURT OF COMMON PLEAS

FROM

CLEARFIELD CO.  
JUDICIAL DISTRICT

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 2005-445-CD

## 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 <u>Cory Adams, Terry Adams and Jean Adams</u>		MAG. DIST. NO. OR NAME OF D.J. <u>46-3-01</u>	
ADDRESS OF APPELLANT <u>126 Railroad Ave.</u>		CITY <u>Apollo</u>	STATE <u>PA</u>
DATE OF JUDGMENT <u>2/28/05</u>		ZIP CODE <u>15613</u>	
IN THE CASE OF (Plaintiff) <u>GELLUNG William C. ET AL.</u>		(Defendant) <u>Adams Cory ET AL.</u>	
CLAIM NO. CV 19 <u>0000713-04</u> LT 19		SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT <u>James B. Betsky</u>	

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.

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.

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 GELLUNG William C. ET AL., appellee(s), to file a complaint in this appeal  
Name of appellee(s)

(Common Pleas No. 2005-445) 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 Gellung William C. ET AL., 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: MARCH 30, 19 2005

Signature of Prothonotary or Deputy  
William C. Gellung  
Prothonotary

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

MAR 30 2005

Aust.

Notary Public  
Notary  
Court of Courts

379 Main Street  
Brookville, PA 15825-1221

**ACHILLE, ELLERMEYER & FRENCH**  
*Attorneys at Law*

(814) 849-6701  
Fax: (814) 849-2889

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA**

WILLIAM GILLUNG and  
EVELYN GILLUNG,

Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS d/b/a C & L CONTRACTING,

Defendants.

:  
:  
:  
:  
: CIVIL ACTION - Law  
:  
: No. 445 C.D. 2005  
:  
: Type of Pleading:  
: COMPLAINT  
:  
:  
: Filed on behalf of: Plaintiffs  
:  
: Counsel of Record for this  
: Party:  
:  
: Joseph H. Ellermeyer, Esquire  
: Achille, Ellermeyer & French,  
: Attorneys at Law  
: 379 Main Street  
: Brookville, PA 15825  
: 814 849-6701  
: I.D. No. 43944

**FILED**<sup>GW</sup>  
m/12:58/10 CC  
APR 18 2005

William A. Shaw  
Prothonotary/Clerk of Courts

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS d/b/a C & L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA

:

: CIVIL ACTION - Law

:

: No. 445 C.D. 2005

:

:

:

:

### **NOTICE**

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 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 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  
230 E Market Street  
Clearfield, PA 16830  
(814) 765-2641 Ext. 5982

MidPenn Legal Services, Inc.  
211½ East Locust Street  
Clearfield, PA 16830  
(800) 326-9177

WILLIAM GILLUNG and  
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vs.

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS d/b/a C & L  
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: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA  
:  
: CIVIL ACTION - Law  
:  
: No. 445 C.D. 2005  
:  
:  
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### **COMPLAINT**

**AND NOW** come the Plaintiffs, by and through their attorney, Joseph H. Ellermeyer, Esquire, and file the following Complaint in Civil Action:

1. The Plaintiff are William Gillung and Evelyn Gillung, adult individuals who reside at 2019 Green Glen Drive, DuBois, Pennsylvania 15801.

2. The Defendants, Cory Adams, Terry Adams and Jeni Adams, all adult individuals, d/b/a C & L Contracting have a current mailing address of 126 Railroad Avenue, Apollo, Pennsylvania 15613.

3. On or about August 10, 2004, the Plaintiffs visited Napco Window Systems to purchase thirteen replacement windows for their home.

4. During the course of their purchase of the windows, the Plaintiffs were advised by Jeni Adams, an employee of Napco Window Systems, that her son, Cory Adams and her husband, Terry Adams, could install the replacement windows and trim through their business, C & L Contracting.

5. The Plaintiffs relied on the recommendation of Jeni Adams and hired the Defendants to perform the installation of the replacement windows and trim.

6. The Defendants, Cory Adams and Terry Adams, advised the Plaintiffs that they did not wish to utilize the window measurements supplied by the Plaintiffs and came to the Plaintiffs' residence on August 14, 2004, to measure for the replacement windows.

7. After measuring for the replacement windows, on August 16, 2004, the Defendant, Jeni Adams contacted the Plaintiffs and advised them that the replacement windows would cost \$3,279.13 excluding labor.

8. On August 19, 2004, the Plaintiffs delivered a check payable to Cory Adams in the amount of \$3,279.13 which was cashed on August 20, 2004.

9. On August 27, 2004, the Plaintiffs received a telephone call from Terry Adams inquiring if the windows were delivered and the Plaintiffs confirmed that they had been delivered.

10. On August 28, 2004, the Defendants, Cory Adams and Terry Adams, appeared at the Plaintiffs' residence and advised that the charge for labor would be \$3,000.

11. The Defendants, Cory Adams and Terry Adams, borrowed a ladder from the Plaintiffs and then began to remove the windows using only a prybar which destroyed the existing trim, house siding and old windows.

12. The Defendants, Cory Adams and Terry Adams, attempted to install the new replacement windows without the use of a level and without any insulation being installed. When attempting to do so, many of the windows were too large for the existing window spaces and unable to be installed. The



installed windows were installed improperly and structural portions of the house removed in the attempt to install the windows by the Defendants herein.

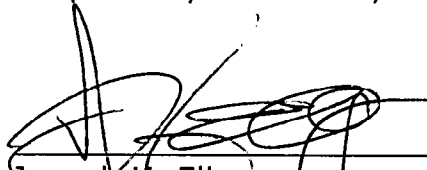
13. After watching the Defendants work for two days on August 28, 2004 and August 29, 2004, the Plaintiffs paid the Defendants \$2,000.00 for labor costs and terminated their services.

14. Due to the negligent and unprofessional work of the Defendants herein, the Plaintiffs were forced to contact an alternate contractor to repair the damages caused by the Defendants' work and to then perform the installation of additional, properly sized replacement windows incurring the following expenses:

(a) Whitmore Remodelers	\$8,400.00
(b) Certified Builders Wholesale, Inc.	\$ 188.90
(c) Kosko Wood Products, Inc.	\$ 431.56

WHEREFORE, the Plaintiffs demand that Judgment be entered in their favor against the Defendants for Nine Thousand Twenty and 46/100 (\$9,020.46) Dollars plus interest, costs, and such other relief as the Court may deem appropriate.

Respectfully submitted,



---

Joseph H. Ellermeyer  
Attorney for Plaintiffs

### **VERIFICATION**

I, William Gillung, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 4/14/05

x William Gillung

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs

CORY ADAMS, TERRY ADAMS,  
And JENI ADAMS d/b/a C&L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
: PENNSYLVANIA  
:  
: CIVIL ACTION - LAW  
:  
: No. 445 C.D. 2005  
:  
:  
:

TYPE OF PLEADING:  
Answer and Counter-Claim

FILED ON BEHALF OF THIS  
PARTY:  
Cory Adams, Terry Adams, and  
Jeni Adams d/b/a C&L  
Contracting

COUNSEL OF RECORD

JAMES B. GEFSKY, ESQUIRE

231 South Main Street  
310 Coulter Building  
Greensburg, PA 15601  
(724) 838-0000

PA I.D. 37880

**FILED**

MAY 24 2005 (6K)

0/1145/107  
William A. Shaw

Prothonotary/Clerk of Courts

2 cent to Amy

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs

CORY ADAMS, TERRY ADAMS,  
And JENI ADAMS d/b/a C&L  
CONTRACTING,  
Defendants.

:IN THE COURT OF COMMON PLEAS  
:OF CLEARFIELD COUNTY  
:PENNSYLVANIA

:  
: CIVIL ACTION - LAW

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: No. 445 C.D. 2005

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### NOTICE

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MidPenn Legal Services, Inc.  
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Clearfield, PA 16830  
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WILLIAM GILLUNG and	:IN THE COURT OF COMMON PLEAS
EVELYN GILLUNG,	:OF CLEARFIELD COUNTY
Plaintiffs,	:PENNSYLVANIA
	:
vs	: CIVIL ACTION - LAW
	:
CORY ADAMS, TERRY ADAMS,	: No. 445 C.D. 2005
And JENI ADAMS d/b/a C&L	:
CONTRACTING,	:
Defendants.	:

**ANSWER AND COUNTER-CLAIM**

AND NOW, come the Defendant, Cory Adams, Terry Adams and Jeni Adams d/b/a C&L Contracting, by and through their Attorney, James B. Gefsky, Esquire, who files the following Answer and Counter-Claim:

**ANSWER**

1. Admitted.
2. Admitted.
3. The averments in paragraph 3 are denied. The windows were technically purchased by Defendant Cory Adams.
4. The averments in paragraph 4 are denied. It is denied that the Plaintiffs were advised by Jeni Adams, Employee of Napco Window Systems, that her son Cory Adams and her husband Terry Adams, could install the replacement windows and trim through their business, C&L Contracting. On the contrary, it is averred that C&L Contracting never, in fact, existed as it was only a paper creation and that rather than the Plaintiffs being advised by Jeni Adams,

Plaintiffs actually badgered the Defendants to perform the installation when the Defendants really had no such desire to do so.

5. The averments in paragraph 5 are denied. Defendants are without knowledge and information sufficient as to form a belief as to the truth of the averment as to whether the Plaintiffs relied on the recommendation of Jeni Adams. In fact, the Defendants suggested that they hire someone locally to perform the installation.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. The averments in paragraph 11 are denied. It is denied that Defendants destroyed the existing trim and house siding. On the contrary, it is averred that the trim and house siding were not touched and the old windows had to be destroyed as they were mortared into the brick and as it was an old brick home, the only way to remove the windows was via a prybar.

12. Denied. On the contrary, the replacement windows would not be able to be installed without the use of insulation. It is also denied that the windows were

installed improperly and structural portions of the house were destroyed in an attempt to install the windows. On the contrary, it is averred that insulation was used and in fact the Defendants had extra insulation left over and any structural damage to the house was not caused by any attempt install the windows improperly. The windows are traditionally ordered one half inch too small and of course some amount of insulation obviously has to be used. Additionally, the Defendants put new casing in around the windows.

13. Denied. The Defendants were paid \$2,000.00, however, their service were not terminated until September 1, 2004.

14. The averments in paragraph are specifically denied that the work by the Defendants was negligent and unprofessional. On the contrary, it is averred that such work was satisfactory as to the specific amounts that the Plaintiffs were allegedly forced to utilize owing to the averments of unprofessional and negligent work. Those amounts are unknown to the Defendants do not have knowledge or information sufficient as to form a belief as to the truth to the averment.

WHEREFORE, the Defendants demand that judgment be

entered in their favor and against the plaintiffs thereby dismissing the case.

#### **COUNTER-CLAIM**

15. The Defendants hereby incorporate paragraphs 1 through 14 by reference herein as if it were more fully set forth at length.

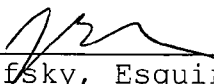
16. The Plaintiffs still have a miter saw of the Defendants. The Defendants estimate the value of said saw is \$300.00.

17. The Defendants ordered a specific window which cannot be reused and is valued at \$336.00.

18. The Defendants aver that they are owed \$1,200.00 remaining for the job which they were prevented from finishing owing to the actions of the Plaintiffs.

WHEREFORE, the Defendants demand judgment against Plaintiffs to be entered in their favor in the amount of \$1,836.00 plus interest, costs and such other relief as the court may deem appropriate.

Respectfully submitted,

  
\_\_\_\_\_  
James B. Gefsky, Esquire  
Attorney for Defendants



WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs

CORY ADAMS, TERRY ADAMS,  
And JENI ADAMS d/b/a C&L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY  
: PENNSYLVANIA

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: CIVIL ACTION - LAW

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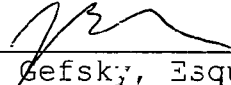
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#### CERTIFICATE OF SERVICE

I, James B. Gefsky, Esquire, do hereby certify that I  
did deliver a true and correct copy of the within ANSWER  
AND COUNTER-CLAIM to the U.S. Post Office, Greensburg,  
Pennsylvania and via facsimile to be served on the  
following:

Joseph H. Ellermeier, Esquire  
ACHILLE, ELLERMEYER & FRENCH  
379 Main Street  
Brookville, PA 15825

Date: 5-24-05

  
James B. Gefsky, Esquire

379 Main Street  
Brookville, PA 15825-1221

**ACHILLE, ELLERMEYER & FRENCH**  
*Attorneys at Law*

(814) 849-6701  
Fax: (814) 849-2889

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA**

WILLIAM GILLUNG and  
EVELYN GILLUNG,

Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS d/b/a C & L CONTRACTING,

Defendants.

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:  
:  
:  
: CIVIL ACTION - Law  
:  
: No. 445 C.D. 2005  
:  
: Type of Pleading:  
: ANSWER TO COUNTER CLAIM  
:  
:  
: Filed on behalf of: Plaintiffs  
:  
: Counsel of Record for this  
: Party:  
:  
: Joseph H. Ellermeyer, Esquire  
: Achille, Ellermeyer & French,  
: Attorneys at Law  
: 379 Main Street  
: Brookville, PA 15825  
: 814 849-6701  
: I.D. No. 43944

**FILED**

JUN 03 2005

William A. Shaw

Prothonotary/Clerk of Courts

no C/C

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS d/b/a C & L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA

:  
: CIVIL ACTION - Law

:  
: No. 445 C.D. 2005

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### **PLAINTIFFS' ANSWER TO DEFENDANTS' COUNTER CLAIM**

**AND NOW** come the Plaintiffs, by and through their attorney, Joseph H. Ellermeyer, Esquire, and file the following Answer to the Defendants' Counterclaim:

15. The Plaintiffs, the Defendants on the Counterclaim, hereby incorporate paragraphs 1 through 14 of their Complaint herein by reference thereto.

16. Admitted. It is admitted that the Plaintiffs, the Defendants on the Counterclaim, still have a mitre saw at their residence and are not claiming title to the same; however, the Plaintiffs, the Defendants on the Counterclaim, deny that the estimated value of the saw is \$300 but rather aver that it was stated by the Defendants, the Plaintiffs on the Counter claim, that the saw was purchased in order to do the job which only cost \$99.


17. Denied. The Plaintiffs, the Defendants on the Counterclaim, are without knowledge as to what specific window is reference in this paragraph with a value of \$336 and demand specific proof of the same. By way of further response, in response to the averment that the window cannot be reused, it is

of no use to the Plaintiffs, the Defendants on the Counterclaim. The Plaintiffs, the Defendants on the Counterclaim, deny that they are, in any way, obligated to pay for a window for which they have no use.

18. Denied. The Plaintiffs, the Defendants on the Counterclaim, deny that the Defendants, the Plaintiffs on the Counter claim are, in any way, owed an additional \$1,200 as the job performed by the Defendants, the Plaintiffs on the Counter claim, could not have been completed in a satisfactory fashion.

WHEREFORE, the Plaintiffs, the Defendants on the Counterclaim, demand that Judgment be entered in their favor on the countersuit and request that the Defendants', the Plaintiffs on the Counter claim, countersuit be hereby dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph H. Ellermeyer', is written over a horizontal line. The signature is stylized with loops and flourishes.

Joseph H. Ellermeyer  
Attorney for Plaintiffs  
Defendants on the Counter claim

### **VERIFICATION**

I, William Gillung, hereby state that I am the Plaintiff/the Defendant on the Counter claim in this action and verify that the statements made in the foregoing Answer are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 6/1/05

William C Gillung

379 Main Street  
Brookville, PA 15825-1221

**ACHILLE, ELLERMEYER & FRENCH**  
*Attorneys at Law*

(814) 849-6701  
Fax: (814) 849-2889

*CF*

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA**

WILLIAM GILLUNG and  
EVELYN GILLUNG,

Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS d/b/a C & L CONTRACTING,

Defendants.

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: CIVIL ACTION - Law  
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: No. 445 C.D. 2005  
:  
: Type of Pleading:  
: CERTIFICATE OF READINESS  
:  
:  
: Filed on behalf of: Plaintiffs  
:  
: Counsel of Record for this  
: Party:  
:  
: Joseph H. Ellermeyer, Esquire  
: Achille, Ellermeyer & French,  
: Attorneys at Law  
: 379 Main Street  
: Brookville, PA 15825  
: 814 849-6701  
: I.D. No. 43944

FILED *Atty pd.*  
*m/1/2005* *20.00*  
JUN 30 2005 *No CC*  
William A. Shaw  
Prothonotary/Clerk of Courts *WS*



**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY**  
**CIVIL TRIAL LISTING**

<b>CERTIFICATE OF READINESS</b> (To be executed by Trial Counsel Only)		<b>TO THE PROTHONOTARY</b>  <b>DATE PRESENTED</b>
<b>CASE NUMBER</b> 445 CD 2005 Date Complaint filed: 04/18/2005	<b>TYPE TRIAL REQUESTED</b> <input type="checkbox"/> Jury <input type="checkbox"/> Non-jury <input checked="" type="checkbox"/> Arbitration	<b>ESTIMATED TRIAL TIME</b> <div style="text-align: center; font-size: 1.5em;">1 1/2</div> DAYS

**PLAINTIFF(S)**

William Gillung and Evelyn Gillung ( )

**DEFENDANT(S)**

Cory Adams, Terry Adams, and Jeni Adams d/b/a ( )  
**ADDITIONAL DEFENDANT(S)**   C & L Contracting

Check Block  
if a Minor  
is a Party  
to the Case

**JURY DEMAND FILED BY:**

**DATE JURY DEMAND FILED:**

<b>AMOUNT AT ISSUE</b>	<b>CONSOLIDATION</b>	<b>DATE CONSOLIDATION ORDERED</b>
\$ 9,020.46	<input type="checkbox"/> Yes <input type="checkbox"/> No n/a	

**PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.**

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

  
 \_\_\_\_\_  
 Signature of Trial Counsel

**COUNSEL WHO WILL ACTUALLY TRY THE CASE**

<b>FOR THE PLAINTIFF</b> Joseph H. Ellermeyer, Esquire	<b>TELEPHONE NUMBER</b> 814/849-6701
<b>FOR THE DEFENDANT</b> James B. Gefsky, Esquire	<b>TELEPHONE NUMBER</b> 724/838-0000
<b>FOR ADDITIONAL DEFENDANT</b>	<b>TELEPHONE NUMBER</b>

379 Main Street  
Brookville, PA 15825-1221

**ACHILLE, ELLERMEYER & FRENCH**  
*Attorneys at Law*

(814) 849-6701  
Fax: (814) 849-2889

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

WILLIAM GILLING and  
EVELYN GILLING

vs.

CORY ADAMS, TERRY ADAMS,  
JENI ADAMS, d/b/a C & L  
CONSTRUCTING

No. 05-445-CD

FILED <sup>5cc</sup>

06:20 AM C/A  
AUG 15 2005

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

NOW, this 15<sup>th</sup> day of August, 2005, it is the ORDER of the Court that  
the above-captioned matter is scheduled for Arbitration on **Tuesday, October 11, 2005 at**  
**9:00 A.M.** The following have been appointed as Arbitrators:

Dwight L. Koerber, Jr., Esquire, Chairman


R. Denning Gearhart, Esquire

Theron G. Noble, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven  
(7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court**  
**Administrator's Office and copies to opposing counsel and each member of the Board of**  
**Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form  
is enclosed as well as a copy of said Local Rule of Court.

Please report to Hearing Room No. 3, 2<sup>nd</sup> Floor, Clearfield County Courthouse,  
Clearfield, PA.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

William C. Gillung and  
Evelyn Gillung

vs.

Cory Adams, Terry Adams, and  
Jeni Adams d/b/a C & L Contracting

No. 2005-00445-CD

**OATH OR AFFIRMATION OF ARBITRATORS**

Now, this 11th day of October, 2005, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

Dwight L. Koerber, Esq.

R. Denning Gearhart, Esq.  
Theron G. Noble, Esq.

*[Signature]*  
Chairman  
*[Signature]*  
*[Signature]*

Sworn to and subscribed before me this  
October 11, 2005

*[Signature]*  
Prothonotary

**FILED** Notice to  
019:59/BN Aug:  
OCT 11 2005 Ellermeier  
William A. Shaw Gesky  
Prothonotary/Clerk of Courts

**AWARD OF ARBITRATORS**

Now, this 11 day of October, 2005, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

Judgement for Plaintiff, (on Complaint) in the amount of \$9022.46,  
plus costs and statutory interest,  
Judgement for Plaintiff, (on counter-claim).

*[Signature]* Chairman  
*[Signature]*  
*[Signature]*

(Continue if needed on reverse.)

**ENTRY OF AWARD**

Now, this 11<sup>th</sup> day of October, 2005, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

**WITNESS MY HAND AND THE SEAL OF THE COURT**

*[Signature]*  
Prothonotary  
By \_\_\_\_\_

William C. Gillung and  
Evelyn Gillung


: IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

Vs.

: No. 2005-00445-CD

:

Cory Adams, Terry Adams, and  
Jeni Adams d/b/a C & L Contracting

 COPY

NOTICE OF AWARD

TO: JOSEPH H. ELLERMEYER ESQ

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on October 11, 2005 and have awarded:

Judgment for Plaintiffs (on Complaint) in the amount of \$9,020.46 plus costs and statutory interest. Judgment for Plaintiffs (on Counter-claim).

William A. Shaw

Prothonotary

By \_\_\_\_\_

October 11, 2005

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

William C. Gillung and  
Evelyn Gillung

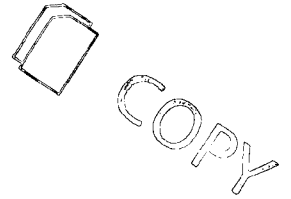
: IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY

Vs.

: No. 2005-00445-CD

:

Cory Adams, Terry Adams, and  
Jeni Adams d/b/a C & L Contracting

COPY

NOTICE OF AWARD

TO: JAMES GEFSKY

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on October 11, 2005, and have awarded:

Judgment for Plaintiffs (on Complaint) in the amount of \$9,020.46 plus costs and statutory interest. Judgment for Plaintiffs (on Counter-claim).

William A. Shaw

Prothonotary

By \_\_\_\_\_

October 11, 2005

Date

In the event of an Appeal from Award of Arbitration within thirty (30) days of date of award.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

WILLIAM C. GILLUNG and	)	
EVELYN GILLUNG,	)	
Plaintiffs,	)	
	)	
vs.	)	No. 2005-00445-CD
	)	
CORY ADAMS, TERRY ADAMS, and	)	
JENI ADAMS, d/b/a C&L	)	
CONTRACTING,	)	
Defendants.	)	

PRAECIPE FOR APPEAL OF ARBITRATORS DECISION

TO: Prothonotary's Office  
Clearfield County Courthouse  
200 E. Market Street  
Clearfield, PA 16830

Dear Staff:

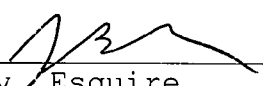
Please appeal the award of Arbitrators dated October 11, 2005.

I certify that a check in the amount of \$450.00, that compensation being payable to the Arbitrators, is hereby enclosed.

A Non-Jury Trial is requested.

Sincerely yours,

Date: 11-9-05

  
James B. Gefsky, Esquire  
Attorney for Defendants

450 South Main Street  
Suite 200  
Greensburg, PA 15601

(724) 838-0000

PA ID. #37880

**FILED** 2cc  
01/12/58 BT  
NOV 10 2005  
Atty Gefsky  
Atty pd. 450.00  
William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA**

WILLIAM GILLUNG and  
EVELYN GILLUNG,

Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS d/b/a C & L CONTRACTING,

Defendants.

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: CIVIL ACTION - Law  
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: No. 445 C.D. 2005  
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: Type of Pleading:  
: MOTION FOR CONTINUANCE  
:  
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: Filed on behalf of: Plaintiffs  
:  
: Counsel of Record for this  
: Party:  
:  
: John G. Achille, Esquire  
: Achille, Ellermeyer & French,  
: Attorneys at Law  
: 379 Main Street  
: Brookville, PA 15825  
: 814 849-6701  
: I.D. No. 28431



WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS d/b/a C & L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA

:  
: CIVIL ACTION - Law

:  
: No. 445 C.D. 2005

**ORDER OF COURT**

AND NOW, this 3<sup>rd</sup> day of January, 2006, the Court  
Denies  
hereby ~~grants~~ the requested Motion For a Continuance. ~~and continues the~~  
~~above captioned case from the 2006 Winter Civil Trial List until the next term~~  
~~of Civil Court.~~

BY THE COURT:

Paul E. Cherry  
J.J.

FILED

01/09/2006  
JAN 09 2006

William A. Shaw  
Prothonotary/Clerk of Courts

3cc  
Atty Achille  
@

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS d/b/a C & L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA  
:

: CIVIL ACTION - Law  
:

: No. 445 C.D. 2005  
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### **MOTION FOR A CONTINUANCE**

AND NOW, December 28, 2005, come the Plaintiffs, by and through their attorneys, Achille, Ellermeyer & French, Attorneys at Law, and file the following Motion For a Continuance:

1. The Plaintiffs move for a Continuance of the above-captioned case from the 2006 Winter Civil Trial List with Civil Call scheduled for January 3, 2006, and a PreTrial Statement due on December 27, 2005.

2. Counsel for the Plaintiffs only received notice of the 2006 Winter Civil Trial List by First Class Mail on Saturday, December 24, 2005, with the Court and his office closed on December 26, 2005.

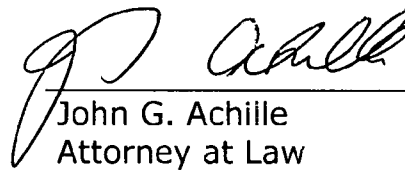
3. The Plaintiffs aver as grounds for this motion that their counsel, Joseph H. Ellermeyer, Esquire, is on vacation and will not return until January 4, 2006.

4. Counsel for the Defendants has no objection to the requested continuance.

WHEREFORE, the Plaintiff moves for a Continuance of the above-captioned case from the 2006 Winter Civil Trial List.

Achille, Ellermeyer & French,  
Attorneys at Law

Respectfully submitted,



---

John G. Achille  
Attorney at Law

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS d/b/a C & L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA

:  
: CIVIL ACTION - Law

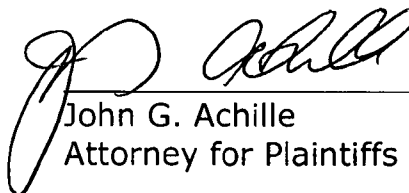
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: No. 445 C.D. 2005

### **CERTIFICATE OF SERVICE**

I, John G. Achille, Esquire, do hereby certify that a true and correct copy  
of the within Motion was served via first class mail, postage prepaid, addressed  
as follows:

James B. Gefsky, Esquire  
450 South Main Street, Suite 200  
Greensburg, PA 15601

Dated: December 28, 2005

  
\_\_\_\_\_  
John G. Achille  
Attorney for Plaintiffs



## Clearfield County Office of the Prothonotary and Clerk of Courts

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

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 11/9/06

X You are responsible for serving all appropriate parties.

           The Prothonotary's office has provided service to the following parties:

           Plaintiff(s)/Attorney(s)

           Defendant(s)/Attorney(s)

           Other

           Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs

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V.

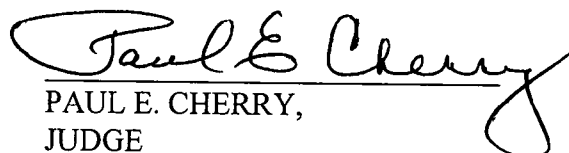
CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS, d/b/a C & L  
CONTRACTING,  
Defendants

**ORDER**

AND NOW, this 19<sup>th</sup> day of January, 2006, following Pre-Trial Conference, it is  
the ORDER of this Court as follows:

- 1 Trial in this matter is scheduled for March 20, 2006, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
3. Counsel for the parties, if they so desire, may submit a Trial Brief to the Court no more than seven (7) days prior to the commencement of trial.
4. The deadline for submitting any and all Motions shall be by and no later than thirty (30) days from this date.
5. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

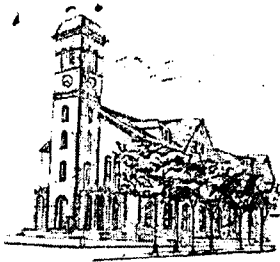
**FILED**

013:25/61  
JAN 19 2006

William A. Shaw  
Prothonotary/Clerk of Courts

(10)

2 cc Arty's:  
Ellermeyer  
Gefsky



## Clearfield County Office of the Prothonotary and Clerk of Courts

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

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 11/9/06

       You are responsible for serving all appropriate parties.

  X   The Prothonotary's office has provided service to the following parties:

  X   Plaintiff(s)/Attorney(s)

  X   Defendant(s)/Attorney(s)

       Other

       Special Instructions:

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

WILLIAM GILLUNG and  
EVELYN GILLUNG

-VS-

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS, d/b/a  
C & L CONTRACTING

No. 05-445-CD

FILED

0/10:40 AM  
MAR 21 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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CLO

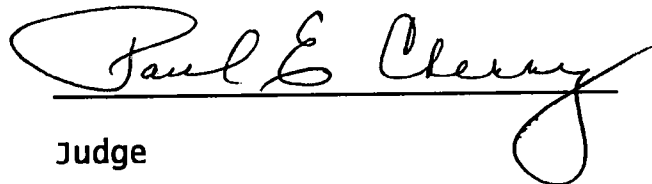
O R D E R

NOW, this 20th day of March, 2006, following non-jury trial; upon consideration of all testimony and exhibits presented, the Court hereby finds in favor of the Plaintiffs and against the Defendants as to Plaintiffs' complaint in the amount of Nine Thousand Twenty Dollars and Forty-Six (\$9,020.46) Cents, plus statutory interest from August 28, 2005, plus costs.

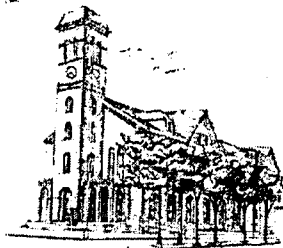
As to the counterclaim, the Court hereby finds in favor of the Plaintiffs and against the Defendants.

Upon payment of the judgment, all windows and miter saw shall be returned to the Defendants.

BY THE COURT,

  
Judge





## Clearfield County Office of the Prothonotary and Clerk of Courts

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

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 3/21/06

\_\_\_\_\_ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

\_\_\_\_\_ Other

\_\_\_\_\_ Special Instructions:

**ACHILLE, ELLERMEYER & FRENCH**  
*Attorneys at Law*

379 Main Street  
Brookville, PA 15825-1221

(814) 849-6701  
Fax: (814) 849-2889

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA**

WILLIAM GILLUNG and  
EVELYN GILLUNG,

Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS d/b/a C & L CONTRACTING,

Defendants.

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: CIVIL ACTION - Law  
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: No. 445 C.D. 2005  
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: Type of Pleading:  
: PRAECIPE FOR ENTRY  
: OF JUDGMENT  
:  
: Filed on behalf of: Plaintiffs  
:  
: Counsel of Record for this  
: Party:  
:  
: Joseph H. Ellermeyer, Esquire  
: Achille, Ellermeyer & French,  
: Attorneys at Law  
: 379 Main Street  
: Brookville, PA 15825  
: 814 849-6701  
: I.D. No. 43944

**FILED** *Atty pd. 20.00*  
*7:47 PM*  
**APR 24 2006** *Notices to Def.*  
*Statement to*  
William A. Shaw  
Prothonotary/Clerk of Courts *Atty*  
*CK*

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS d/b/a C & L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA

:  
: CIVIL ACTION - Law

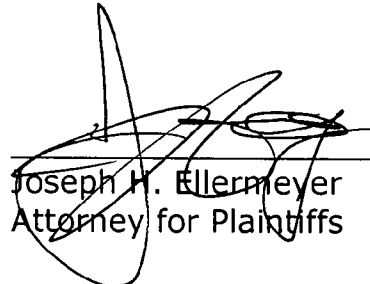
:  
: No. 445 C.D. 2005

**PRAECIPE FOR ENTRY OF JUDGMENT**

TO THE PROTHONOTARY:

Please enter Judgment against the above-captioned Defendants in the amount of \$9,020.46 plus costs and statutory interest in accordance with the Order of Court on March 20, 2006.

4/21/06  
Date

  
\_\_\_\_\_  
Joseph H. Ellermeyer  
Attorney for Plaintiffs

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

William C. Gillung and Evelyn Gillung

Vs.

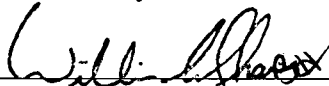
No. 2005-00445-CD

Cory Adams, Terry Adams, and Jeni Adams  
d/b/a C & L Contracting

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$9,020.46 on April 24, 2006.

William A. Shaw  
Prothonotary

  
\_\_\_\_\_  
William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

William C. Gillung and  
Evelyn Gillung  
Plaintiff(s)

No.: 2005-00445-CD

Real Debt: \$9,020.46

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Cory Adams, Terry Adams,  
Jeni Adams d/b/a C & L Contracting  
Defendant(s)

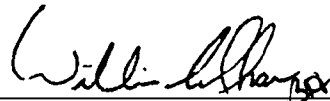
Entry: \$20.00

Instrument: Court Ordered Judgment

Date of Entry: April 24, 2006

Expires: April 24, 2011

Certified from the record this 24th day of April, 2006.



William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

# Achille, Ellermeyer & French

Attorneys At Law

John G. Achille\*  
Joseph H. Ellermeyer  
Stephen W. French\*\*  
\*Also NJ Bar  
\*\*Also CPA

379 Main Street  
Brookville, PA 15825

(814)849-6701 voice  
(814)849-2889 fax

October 3, 2005

Clearfield County Court Administrator  
Clearfield County Courthouse  
230 E Market Street  
Clearfield, PA 16214

Re: Gillung v Adams et al.  
No. 445 CD 2005

Dear Sir/madam:

Please find enclosed the original Pre Trial Statement which I wish to offer relative to the above-captioned case.

Thank you for your courtesy in this matter.

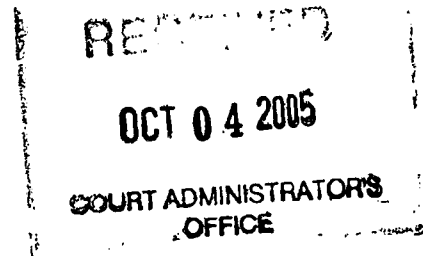
Very truly yours,

  
Joseph H. Ellermeyer

Enclosure

pc w/enc: James B. Gefsky, Esquire  
Dwight L. Koerber, Jr., Esquire  
R. Denning Gearhart, Esquire  
Theron G. Noble, Esquire

JHE/ch



**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA**

WILLIAM GILLUNG and  
EVELYN GILLUNG,

Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS d/b/a C & L CONTRACTING,

Defendants.

CIVIL ACTION - Law

No. 445 C.D. 2005

Type of Pleading:  
PRETRIAL STATEMENT

Filed on behalf of: Plaintiffs

Counsel of Record for this  
Party:

Joseph H. Ellermeyer, Esquire  
Achille, Ellermeyer & French,  
Attorneys at Law  
379 Main Street  
Brookville, PA 15825  
814 849-6701  
I.D. No. 43944

RECEIVED

OCT 04 2005

COURT ADMINISTRATOR'S  
OFFICE



WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS,  
and JENI ADAMS d/b/a C & L  
CONTRACTING,  
Defendants.

: IN THE COURT OF COMMON PLEAS OF  
: CLEARFIELD COUNTY, PENNSYLVANIA  
:

: CIVIL ACTION - Law  
:

: No. 445 C.D. 2005  
:  
:  
:  
:

### **PRETRIAL STATEMENT**

AND NOW come the Defendants, by and through their attorney, Joseph  
H. Ellermeyer, Esquire, and file the following Pretrial Statement:

#### **A. NARRATIVE STATEMENT OF ESSENTIAL FACTS**

The matter before this Court involves the defective work done by the  
Defendants. The Plaintiffs hired the Defendants to install replacement windows  
in their home.

Due to the defective workmanship of the Defendants, the Plaintiffs had  
to hire alternate contractors to not only install the replacement windows but  
also to repair the damage done by the Defendants herein to the Plaintiffs'  
home. The alternate contractors were unable to utilize any of the materials  
which the Defendants had purchased.

#### **B. CITATION TO APPLICABLE CASES OR STATUTES**

None

**C. WITNESSES**

1. William Gillung;
2. Evelyn Gillung;
3. Art Whitmore; and
4. Mark Huffman.

**D. STATEMENT OF DAMAGES with copies of bills to be offered**

The Plaintiffs have attached hereto the Exhibits which they contend are applicable in this instance. The Plaintiffs specifically offer the following:

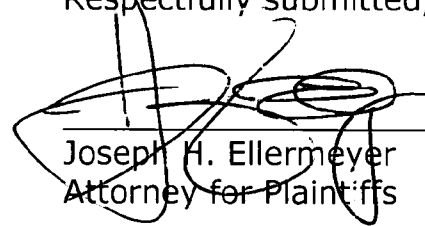
1. Photocopy of check #5819 payable to Cory Adams in the amount of \$3,279.13;
2. Photocopy of check #5826 payable to Cory Adams in the amount of \$2,000.00;
3. Photocopy of Whitmore Remodelers' statement dated 9/13/2004 in the amount of \$8,400.00;
4. Photocopy of Certified Builders Wholesale, Inc., statement dated 9/10/04 in the amount of \$188.90; and
5. Photocopies of Kosko Wood Products, Inc., statements dated 9/4/04 (\$340.15) and 10/5/04 (\$91.41);
6. Photocopies of photographs:
  - a. 3 photographs of windows/door from interior of residence
  - b. 5 photographs of windows from exterior of residence

- c. 7" x 5" photograph of window from exterior of residence
- d. 7" x 5" photograph of multiple exterior windows
- e. 7" x 5" photograph of two exterior windows and partial siding
- f. 3 8" x 9 1/4" photographs of uninstalled windows
- g. 8 photographs of residence


Photographs will be supplied at time of arbitration.

- 7. Copy of Deed for residence.

Respectfully submitted,




Joseph H. Ellermeyer  
Attorney for Plaintiffs

<b>WILLIAM C. &amp; EVELYN GILLUNG</b> 2019 GREEN GLEN DR. DUBOIS, PA. 15801		5819	
DATE <u>AUG:16/04</u>		75-7987/2433	
20040824 012012754		01-050-0216	
PAY TO THE ORDER OF <u>CORY ADAMS</u>		\$ 3279.13	
<b>\$3,279.13</b>		DOLLARS	
 <b>PRIORITY FIRST FEDERAL CREDIT UNION</b> 550 MAIN STREET BROCKWAY, PA 15624		<i>William C. Gillung</i>	
MEMO <u>WINDOWS</u>			
⑆243379873⑆ 8830000000305⑈5819 ⑈0000327913⑈			

0612675886 0410-0001-4 08232004 ENT=4039 TRC=4153 PK=03	08/26/04 04775 APOLLO TRUST CO.	#586651	<i>Cory Adams</i>
--	------------------------------------	---------	-------------------

Print

Close

WILLIAM C. & EVELYN GILLUNG 2019 GREEN GLEN DR. DUBOIS, PA. 15801		DATE <u>Aug 30/04</u> 5826
75-7987/2433		20040901 012020703
31 575 3915		\$ 2000 <sup>00</sup>
PAY TO THE ORDER OF <u>Cory Adams</u>	\$2,000.00	DOLLARS
 PRIORITY FIRST FEDERAL CREDIT UNION 550 MAIN STREET BROCKWAY, PA 15824		
MEMO <u>Window payment</u> <u>William C Gillung</u>		
⑆243379873⑆ 8830000000305⑈ 5826 ⑈0000200000⑈		

6512150002 0410-0001-4 08312004 ENT=3810	TAC=3850133504267 08/30/04 03487 APOLLO TRUST CO.	⑆586651⑆ <u>Cory Adams</u>
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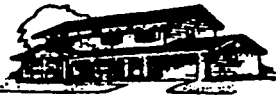
Print

Close

- SIDING
- WINDOWS
- SOFFIT • FASCIA
- INSULATED MOBILE HOME ROOFS

# WHITMORE REMODELERS

150 Beech Tree Rd. - P.O. Box 642 - DuBois, PA 15801  
PHONE: (814) 375-1172  
1-800-834-7704



- ROOFING
- DOORS
- DECKS

Name of Buyer MR & MRS WILLIAM C. GILLUNG Date 9-13-04  
Address 2019 GREEN GLEN DR Phone 371-5041  
City DUBOIS County CLEARFIELD State PA Zip Code 15801

IN ACCORDANCE WITH SPECIFICATIONS GIVEN BELOW:

- (1) FURNISH AND INSTALL NAPCO VINYL REPLACEMENT WINDOWS WITH INSULATED LOW'E GLASS, HALF SCREENS, BROWN EXTERIORS, WHITE INTERIORS. WINDOWS TO BE INSTALLED WITH NEW BRICK MOLD ON EXTERIOR AND CAP WITH BROWN COIL STOCK. NEW CHANNELS FOR SIDING. HOMEOWNER TO FURNISH MATERIALS FOR JAMBS AND CASINGS. WHITMORE TO INSTALL.
- (13) WINDOWS TO BE DOUBLE-HUNG IN STYLE AND TO HAVE 3/16" GRID PATTERN TOP & BOTTOM SASH ONLY.
- (1) PICTURE WINDOW TO BE DOUBLE HUNG / DEANITE / DOUBLE HUNG AND TO BE MADE 1/4 1/2 1/4 END DOUBLE HUNG TO HAVE 3/16" GRID PATTERN IN TOP SASHES.

- (2) INSULATE CHAUV. ALL WINDOWS
- (3) LEAVE OLD WINDOWS FOR HOMEOWNER
- (4) WARRANTY ON WINDOWS FROM NAPCO
- (5) WHITMORE REMODELERS IS A FULLY INSURED CO.

(2) HOMEOWNER HAS (3) BUSINESS DAYS FROM DATE CONTRACT DATE OF 9-13-04 TO CANCEL THIS TRANSACTION!

CASH PRICE ..... \$ 8400<sup>00</sup>  
DEPOSIT ON START OF JOB ..... Cash - Check \$ 4200<sup>00</sup>  
PAYMENT ON COMPLETION OF JOB ..... \$ 4200<sup>00</sup>

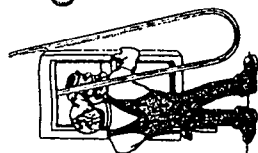
Or balance to be financed pursuant to a Home Improvement Installment Contract to be entered into between Seller and Buyer prior to completion of the work.  
No work shall be done except as specified above and NO VERBAL AGREEMENTS WILL BE RECOGNIZED. The undersigned intend to be legally bound hereby. Should Seller be required to resort to legal remedies to enforce the terms of this agreement, Buyer agrees to assume responsibility for Seller's legal fees and costs.

## WHITMORE REMODELERS

CONTRACTOR MAKES NO WARRANTIES WHATSOEVER WITH RESPECT TO THE WORK OR MATERIALS FURNISHED UNDER THE CONTRACT IDENTIFIED ABOVE. SPECIFICALLY, CONTRACTOR DISCLAIMS ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND ALL OTHER WARRANTIES, EXPRESS, IMPLIED AND STATUTORY EXCEPT AS PROVIDED IN THIS AGREEMENT.

[Signature] (Name of Salesperson) (SEAL)  
Approved By \_\_\_\_\_ (Name) \_\_\_\_\_ (Title)

William C. Gillung (Signature of Buyer) (SEAL)  
William C. Gillung (Signature of Buyer) (SEAL)



# CERTIFIED BUILDERS WHOLESALE, INC.

1212 Walton Street

Philipsburg, PA 16866

(814) 342-6540 • 800-742-4504

FAX (814) 342-4417

www.certifiedbuilders.net



INVOICE NO. 09255 INVOICE DATE 9/10/04

DATE 9/10/04

NOTE: Purchaser assumes responsibility for sizes, specifications and quantities on all orders.

RUSTIC SHADES HARVEST J-CHENNI  
Pmt # 3 Date 9/10/04 Amount Check #  
164748 108.90 408.07  
TOTAL PAID \$ 188.90

4.95 178.20

## PURCHASER ASSUMES RESPONSIBILITY FOR SIZES, SPECIFICATIONS & QUANTITIES ON ALL ORDERS.

NOTE: NO Warranty on DARK BROWN Windows unless specified in writing. All sales take place at 1212 Walton St., Philipsburg, Clearfield County, PA.

NOTE: Products are distributed sold or installed by Certified Builders Wholesale, Inc. and are purchased by the same from the manufacturer as a proven product. Certified Builders is not responsible for any defect on the products, windows, or screens other than what the manufacturer stipulates. The warranty is (ONE) full year at no charge to the customer for parts or labor. A \$55.00 service charge will be rendered for the first hour and \$25.00 per hour after that plus any parts not covered by the manufacturer. You may not cancel any special order after 3 work days. No other conditions exist for canceling an order, unless a written agreement is signed by both parties. 1 Returns subject to a restocking charge depending on the product purchased. 2 A 1.5% per month service charge is added beginning the first of the month following due date. 3 Attorney's fees of 25% of the outstanding balance plus legal costs will be added for collection fees where we deem it necessary to enforce collection. 4 Vendor liability ceases upon delivery of goods to vendor's loading dock, for pick up. 5 On deliveries vendor's liability ceases when goods are unloaded. Vendor reserves right to unload anywhere at destination unless specific directions are given by customer within reasonable requests. 6 Vendor has the right to attach, garnish or lien on any property or joint property including all of the above rules in order to collect any outstanding bills due. Vendor maintains the right at any time after sufficient notice for nonpayment has been issued with a minimum of 30 days. Vendor warrants this right against contractor or parties whether in business or not, no matter what state said party or parties

SUB TOTAL	178.20
SALES TAX	10.70
DEPOSIT	188.90
TOTAL AMOUNT	10

# KOSKO WOOD PRODUCTS, INC.

Casing, Baseboard, Moldings, Paneling, Flooring - Kiln Dried Hardwoods

57 MARE DRIVE • P.O. BOX 197 • STUMP CREEK, PA 15863

PHONE: 814-427-2499

FAX: 814-427-2592

## INVOICE

Job William C. H. y Date 9/11/04  
 SOLD TO: William C. H. y  
 ADDRESS: 371-504  
 CITY: 371-504 PHONE NO.: 371-504

TYPE OF PAYMENT: CHECK ☐ CASH ☐

DESCRIPTION	PCS. ORD.	TOTAL FT.	PRICE	AMOUNT
13/8 Dup/4 clowst-p		20	.40	8.00
21/4 Dup/4 casing		188	.55	103.40
3/4 x 3 1/2 Dup/4 casing		142.5	.88	125.40
4 1/2 Dup/4 casing		58	1.45	84.10

PAID 9-7-04

CHECK # 4502

REMARKS:	NET SALE	320.90
	SALES TAX	19.25
	GRAND TOTAL	340.15

CUSTOMER'S SIGNATURE

# KOSKO WOOD PRODUCTS, INC.

Casing, Baseboard, Moldings, Paneling, Flooring - Kiln Dried Hardwoods

57 MARE DRIVE • P.O. BOX 197 • STUMP CREEK, PA 15863

PHONE: 814-427-2499

FAX: 814-427-2592

## INVOICE

Job G. H. y Date 10/6/04  
 SOLD TO: G. H. y  
 ADDRESS: 371-504  
 CITY: 371-504 PHONE NO.: 371-504

TYPE OF PAYMENT: CHECK ☒ CASH ☐

DESCRIPTION	PCS. ORD.	TOTAL FT.	PRICE	AMOUNT
21/4 Dup/4 casing		80	.55	44.00
3/4 x 3 1/2 Dup/4 casing		48	.88	42.24

Trim for baseboards

10/15/04

REMARKS:	NET SALE	86.24
	SALES TAX	5.17
	GRAND TOTAL	91.41

CUSTOMER'S SIGNATURE



VOL 1696 PAGE 312

WARRANTY DEED - 1995

PLANKENHORN CO. WILLIAMSPORT, PA

County Parcel No. \_\_\_\_\_

## This Deed,

MADE the 10th day of August,  
in the year nineteen hundred and ninety-five, (1995),

BETWEEN RONALD C. TORRELL and RICHARD J. BERNARDO, partners, t/a TORRELL AND BERNARDO REMODELING AND CUSTOM HOMES, of the City of DuBois, Clearfield County, Pennsylvania, parties of the first part, hereinafter referred to as the GRANTORS,

A  
N  
D

EVELYN E. HOUCK and WILLIAM C. GILLUNG, of Brockway, Jefferson County, Pennsylvania, as joint tenants with right of survivorship and not as tenants in common, parties of the second part, hereinafter referred to as the GRANTEES.

WITNESSETH, That in consideration of Eighteen Thousand and 00/100  
(\$18,000.00) Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantors do hereby grant and convey to the said grantees,

All that certain piece, parcel or lot of land lying and being situate in the City of DuBois, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a point in the northerly right-of-way of Nathan Court in the Coke Hill Estates Subdivision in the City of DuBois, said point being also the southeast corner of Lot No. 6; thence along Lot No. 6 N 29-55-00 E 150.0 feet to a point in the southerly line of Lot No. 7; Thence along Lot No. 7 S 70-05-00 E 109.35 feet to a point in the eastern right-of-way of Green Glen Drive; thence along the right-of-way of Green Glen Drive S 35-02-29 W 110.5 feet to a point; thence by same S 29-00-00 W 20.24 feet to a point; thence still along right-of-way with a curve to the right having a radius of 25.0 feet to a point in the northern right-of-way of Nathan Court; thence by the northerly line of Nathan Court N 70-05-00 W 78.68 feet to a point and the place of beginning.

CONTAINING 0.35 acres more or less and being known as Lot No. 5 in the Coke Hill Estates Subdivision in the City of DuBois, Pennsylvania.

EXCEPTING AND RESERVING a right-of-way easement ten (10.00) feet wide for the construction and maintenance of utility lines along and adjacent to the road right-of-ways.

WILLIAM GILLUNG and  
EVELYN GILLUNG,  
Plaintiffs,

vs

CORY ADAMS, TERRY ADAMS,  
And JENI ADAMS d/b/a/ C&L  
CONTRACTING  
Defendants.

) IN THE COURT OF COMMON PLEAS  
) OF CLEARFIELD COUNTY  
) PENNSYLVANIA  
)  
)  
) CIVIL ACTION - LAW  
)  
) No. 445 C.D. 2005  
)  
)

Type of Pleading:  
PRETRIAL STATEMENT

Filed on Behalf of:  
Defendants

Counsel of record for this  
Party:

JAMES B. GEFSKY, ESQUIRE

231 South Main Street  
310 Coulter Bldg  
Greensburg, PA 15601

(724) 838-0000  
PA I.D. #37880

RECEIVED

OCT 11 2005

COURT ADMINISTRATOR'S  
OFFICE

WILLIAM GILLUNG and	)	IN THE COURT OF COMMON PLEAS
EVELYN GILLUNG,	)	OF CLEARFIELD COUNTY
Plaintiffs,	)	PENNSYLVANIA
	)	
vs	)	
	)	CIVIL ACTION - LAW
CORY ADAMS, TERRY ADAMS,	)	
And JENI ADAMS d/b/a/ C&L	)	No. 445 C.D. 2005
CONTRACTING	)	
Defendants.	)	

**PRETRIAL STATEMENT**

AND NOW, comes the Defendants, by and through their attorney, James B. Gefsky, Esquire, and files the following Pretrial Statement:

**A. NARRATIVE STATEMENT OF ESSENTIAL FACTS**

The matter before this Court involves the alleged work done by the Defendants. The Plaintiffs hired the Defendants to install windows in their home.

The Defendants deny any and all defective work and the fact that the Plaintiffs hired alternative contractors to finish the work was clearly the Plaintiff's choice.

**B. CITATION OF APPLICABLE CASES OR STATUTES**

None

**C. WITNESSES**

1. Cory Adams
2. Terry Adams
3. Jeni Adams

**D. STATEMENT OF DAMAGES no copies to be offered**

The Defendants have no exhibits to attach.

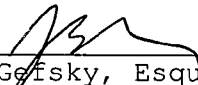
The Defendant specifically offer the following:

1. The Plaintiffs have a miter saw in their possession with a value \$300.00

2. The Defendants ordered a specific window which cannot be reused and valued at \$336.00

3. The Defendants are owed \$1,200.00 for the job which they were prevented from finishing owing to actions of the Plaintiffs.

Respectfully submitted,

  
\_\_\_\_\_  
James B. Gafsky, Esquire  
Attorney for Defendants

**James B. Gefsky, Esquire**  
310 Coulter Building  
231 South Main Street  
Greensburg, PA 15601  
Email Address: LegalOutlet@comcast.net

## Associates:

Andrew F. Skala, Esquire  
Candice J. Stewart, Esquire

Telephone  
(724) 838-0000  
Facsimile  
(724) 838-1603

## FACSIMILE TRANSMITTAL SHEET

To:

Prothonotary  
Company:

1-814-765-7659  
Fax Number:

Phone Number:

Re:

From:

James B. Gefsky, Esq.  
Date:

2  
Number of Pages (Including Cover):

Sender's Fax Number:

Account/Reference Number:

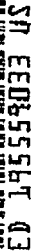
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply Original To Follow in Mail

Notes/Comments:

*This is a copy of my Receipt*

## Confidentiality Notice

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FROM: (PLEASE PRINT) PHONE: 1-724-631-0000

JAMES B. BETSKY, ESQ.  
231 S. MAIN ST.  
310 COUNTRY BLDG.  
GREENSBURG PA 15601

Call 1-800-222-1811



<b>DELIVERY (POSTAL USE ONLY)</b>	
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Mo.	Day <input type="checkbox"/> PM
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Mo.	Day <input type="checkbox"/> PM
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Mo.	Day <input type="checkbox"/> PM

<b>CUSTOMER USE ONLY</b>	
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No. _____	
Federal Agency Acct. No. # _____	
Postal Service Acct. No. _____	
<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Retried	<input type="checkbox"/> No Signature <input type="checkbox"/> Meter Signature

☐ WALKER OF BRUNNEN (Domestic Mail Only)  
 Additional insurances insurance is void if:  
 - recipient refuses to receive signature  
 - delivery is made by person other than insured  
 - address label is torn or illegible  
 - postage paid is less than required  
 - package is damaged or tampered with  
 - package is returned to sender without proper marking

**TO:** (PLEASE PRINT) PHONE 1 \_\_\_\_\_

Prothonotary  
126 RAILROAD AVE  
APOLLO PA 15013-1365

ZIP + 4 U.S. ADDRESSED ONLY. DO NOT USE FOR FOREIGN POSTAL CODES)

1	5	4	V	3	+	1	3	6	5
---	---	---	---	---	---	---	---	---	---

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

**James B. Gefsky, Esquire**  
310 Coulter Building  
231 South Main Street  
Greensburg, PA 15601  
Email Address: [LegalOutlet@comcast.net](mailto:LegalOutlet@comcast.net)

Associates:  
Andrew F. Skala, Esquire  
Candice J. Stewart, Esquire

Telephone  
(724) 838-0000  
Facsimile  
(724) 838-1603

\*\*\*\*\*  
FACSIMILE TRANSMITTAL SHEET  
\*\*\*\*\*

To:

Prothonotary  
Company:

814-765-7659

Fax Number:

Phone Number:

Re:

Gilling vs Adams

From:

James B. Gefsky, Esq.  
Date:

3/30/05  
Number of Pages (Including Cover):

3  
Sender's Fax Number:

Account/Reference Number:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply Original To Follow in Mail

Notes/Comments:

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WEEK TO

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James B. Gefsky, Esquire  
310 Coulter Building  
231 South Main Street  
Greensburg, PA 15601  
Email Address: LegalOutlet@comcast.net

Associates:  
Andrew F. Skala, Esquire  
Candice J. Stewart, Esquire

Telephone  
(724) 838-0000  
Facsimile  
(724) 838-1603

\*\*\*\*\*  
FACSIMILE TRANSMITTAL SHEET  
\*\*\*\*\*

To:

Prothonotary

Company:

814-765-7659

Fax Number:

Phone Number:

From:

James B. Gefsky, Esq.

Date:

31  
3/30/05

Number of Pages (Including Cover):

82

Sender's Fax Number:

Re:

Gilman vs Adams

Account/Reference Number:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply Original To Follow in Mail

Notes/Comments:

addresses of Defendants -

## Confidentiality Notice

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PLAINTIFF'S ADDRESS

William C GILLUNG  
2019 Green Glen Dr  
DuBois, PA 15801

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:	<b>46-3-01</b>
MDJ Name: Hon.	<b>PATRICK N. FORD</b>
Address:	<b>309 MAPLE AVENUE PO BOX 452 DUBOIS, PA</b>
Telephone: (814) 371-5321	<b>15801</b>

**TERRY ADAMS**  
**730 N. SECOND STR**  
**D/B/A C & L CONTRACTING**  
**APOLLO, PA 15613**

**NOTICE OF JUDGMENT/TRANSCRIPT  
CIVIL CASE**

PLAINTIFF: NAME and ADDRESS  
**GILLUNG, WILLIAM C, ET AL.**  
**2019 GREEN GLEN DR.**  
**DUBOIS, PA 15801**

VS.  
DEFENDANT: NAME and ADDRESS  
**ADAMS, CORY, ET AL.**  
**126 RAILROAD AVENUE**  
**D/B/A C & L CONTRACTING**  
**APOLLO, PA 15613**

Docket No.: **CV-0000713-04**  
Date Filed: **12/21/04**

**THIS IS TO NOTIFY YOU THAT:**

Judgment:

**DEFAULT JUDGMENT PLTF**

☒ Judgment was entered for: (Name) **GILLUNG, WILLIAM C, ET AL.**

☒ Judgment was entered against: (Name) **ADAMS, TERRY**

in the amount of \$ **8,169.50** on: (Date of Judgment) **2/28/05**

☐ 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	\$ <u><b>8,000.00</b></u>
Judgment Costs	\$ <u><b>169.50</b></u>
Interest on Judgment	\$ <u><b>.00</b></u>
Attorney Fees	\$ <u><b>.00</b></u>
<b>Total</b>	<b>\$ <u><b>8,169.50</b></u></b>
Post Judgment Credits	\$ _____
Post Judgment Costs	\$ _____
<b>Certified Judgment Total</b>	<b>\$ _____</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 MAGISTERIAL DISTRICT JUDGES, 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 MAGISTERIAL DISTRICT JUDGE.

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 MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

**2-28-05** Date **Patrick N. Ford** *PNF*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.  
\_\_\_\_\_, Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January, 2006.

SEAL

AOPC 315-05

DATE PRINTED: **2/28/05 10:08:28 AM**

Mar. 31 '05 17:17

P. 1

James B. Gelsky, Esquire  
310 Conner Building  
231 South Main Street  
Greensburg, PA 15601  
Email Address: LegalOutlet@comcast.net

Associates:  
Andrew F. Skala, Esquire  
Candice J. Stewart, Esquire

Telephone  
(724) 838-0000  
Facsimile  
(724) 838-1603

\*\*\*\*\*  
FACSIMILE TRANSMITTAL SHEET  
\*\*\*\*\*

To: <u>From</u>	TO <u>James</u>
<u>Prothonotary</u>	<u>James B. Gelsky, Esq.</u>
Company:	Date: <u>3/31/05</u>
<u>814-765-7659</u>	Number of Pages (Including Cover): <u>3</u>
Fax Number:	Sender's Fax Number: <u>1</u>
Phone Number:	
Re:	Account/Reference Number:
<u>Gilman vs Adams</u>	
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply   Original To Follow in Mail	

Notes/Comments:

*Addresses of Defendants -*

*You REPRESENT THE DEFENDANT  
NEED, PLAINTIFF / APPELLATE*

## Confidentiality Notice

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY AND RETURN THE ORIGINAL TRANSMISSION TO US.

74:27 PM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

WILLIAM GILLUNG and  
EVELYN GILLUNG,

Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS d/b/a C& L CONTRACTING,

Defendants.

:  
:  
: CIVIL ACTION - Law  
:  
: No. 445 C.D. 2005  
:  
:  
: Type of Pleading:  
: PRAECIPE FOR EXEMPLIFIED  
: RECORD  
:  
: Filed on behalf of: Plaintiffs  
:  
: Counsel of Record for this Party:  
:  
: Joseph H. Ellermeyer, Esquire  
: Achille, Ellermeyer & French  
: Attorneys at Law  
: 379 Main Street  
: Brookville, PA 15825  
: 814-849-6701  
: I.D. No. 43944  
:

FILED

m/10:44/30  
JUN 20 2006

Any pd. 15.00  
Certification to  
Any

*[Signature]*

William A. Shaw  
Prothonotary/Clerk of Courts

WILLIAM GILLUNG and  
EVELYN GILLUNG,

Plaintiffs,

vs.

CORY ADAMS, TERRY ADAMS, and  
JENI ADAMS d/b/a C&L CONTRACTING,

Defendants.

: IN THE COURT OF COMMON PLEAS  
: OF CLEARFIELD COUNTY,  
: PENNSYLVANIA

:  
: CIVIL ACTION - Law

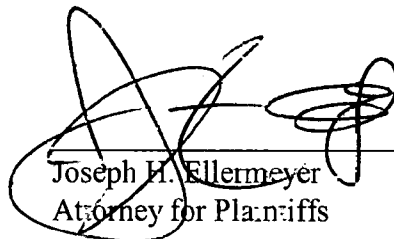
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PRAECIPE FOR AN EXEMPLIFIED RECORD


TO THE PROTHONOTARY:

Please provide my office with an exemplified record of the above captioned case.

6/14/06  
Date

  
\_\_\_\_\_  
Joseph H. Ellermeyer  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
OFFICE OF THE PROTHONOTARY

 COPY

**William C. Gillung and Evelyn Gillung**

**Vs.**

**NO. 2005-00445-CD**

**Cory Adams, Terry Adams, and  
Jeni Adams d/b/a C & L Contracting**


**CERTIFICATION OF DOCKET ENTRIES AND JUDGMENT**

I, William A. Shaw, Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, do hereby certify that the attached is a certified and full copy of the docket entries in the above captioned case.

I further certify that a Judgment was entered in the above captioned matter in favor of William Gillung and Evelyn Gillung and against Cory Adams, Terry Adams, and Jeni Adams d/b/a C&L Contracting on April 24, 2006, in the amount of \$9,020.46.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court, on the 20th day of June, A.D., 2006.

William A. Shaw  
Prothonotary

BY:   
Deputy

## District Justice Appeal

Date		Judge
03/30/2005	New Case Filed.	No Judge
	Filing: District Justice Appeals Paid by: Gefsky, James Receipt number: 1898193 Dated: 3/30/2005 Amount: \$85.00 (Check)	No Judge
	Notice of Appeal mailed to Appellee and MDJ Ford. and copy to Atty.	
04/07/2005	District Justice Transcript filed, in re: Cory Adms.	No Judge
	District Justice Transcript filed, in re: Terry Adams.	No Judge
	District Justice Transcript filed, in re: Jeni Adams.	No Judge
04/11/2005	Proof of Service Of Notice Of Appeal And Rule to File Complaint on April 8, 2005 upon William C. Gillung, filed by James B. Gefsky, Esquire. No CC	No Judge
04/18/2005	Complaint, filed by s/ Joseph H. Ellermeyer, Esquire. No CC	No Judge
05/24/2005	Answer And Counter-Claim filed by s/ James B. Gefsky, Esquire. 2CC to Atty	No Judge
06/03/2005	Answer To Counter Claim, filed by s/ Joseph H. Ellermeyer, esquire. No CC	No Judge
06/30/2005	Filing: Praecipe/List For Arbitration Paid by: Joseph Ellermeyer, Esq. Receipt number: 1903911 Dated: 06/30/2005 Amount: \$20.00 (Check)	No Judge
	Certificate of Readiness For Arbitration, filed by s/ Joseph H. Ellermeyer, Esquire. No CC	No Judge
08/15/2005	Order, dated August 15, 2005, filed. it is ORDER of the court that the above-captioned matter is scheduled for Arbitration on October, 11, 2005 at 9:00 a.m. The following have been appointed as Arbitrators: Dwight L. Koerber Jr., Chairman; R. Denning Gearhart Esq. and Theron G. Noble Esq. BY THE COURT /s/ Frederic J. Ammerman, P. Judge. 5CC C/A	Fredric Joseph Ammerman
10/11/2005	Oath or Affirmation of Arbitrators, s/Dwight L. Koerber, Jr., Esq. s/R. Denning Gearhart, Esq. s/Theron G. Noble, Esq. Award of Arbitrators: Judgment for Plaintiffs (on Complaint) in the amount of \$9,020.46. Judgment for Plaintiffs (on counterclaim.) s/Dwight L. Koerber, Esq., Chairman s/R. Denning Gearhart, Esq. s/Theron G. Noble, Esq. Entry of Award, October 11, 2005, Witness My Hand and the Seal of the Court. s/William A. Shaw, Prothonotary	No Judge
11/10/2005	Filing: Praecipe for Appeal of Arbitrators Decision Paid by: Gefsky, James (attorney for Adams, Cory) Receipt number: 1911247 Dated: 11/10/2005 Amount: \$450.00 (Check) filed by s/James B. Gefsky, Esq. Two CC Attorney Gefsky	No Judge
01/03/2006	Motion For Continuance, filed by s/ John G. Achille, Esquire.	No Judge
01/09/2006	Order, NOW, this 3rd day of Jan. 2006, the Court hereby Denies the requested Motion For a Continuance. By The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Achille	Paul E. Cherry
01/19/2006	Order, NOW, this 19th day of Jan., 2006, following Pre-Trial Conference, Ordered: Trial in this matter is scheduled for March 20, 2006, beginning at 9:00 a.m. in Courtroom No. 2. (see original). By The Court, /s/ Paul E. Cherry, Judge. 2CC Attys: Ellermeyer, Gefsky	Paul E. Cherry

Date: 06/20/2006

Clearfield County Court of Common Pleas

User: HUDSON

Time: 10:59 AM

ROA Report

Page 2 of 2

Case: 2005-00445-CD

Current Judge: Paul E. Cherry

William C. Gillung, Evelyn Gillung vs. Cory Adams, Terry Adams, Jeni Adams, C & L Contracting


District Justice Appeal

Date		Judge
03/21/2006	Order, NOW, this 20th day of March, 2006, following non-jury trial, the Court finds in favor of the Plaintiffs and against the Defendants as to plaintiffs' complaint in the amount of \$9,020.46, plus statutory interest from August 28, 2005, plus costs. As to the counterclaim, the Court hereby finds in favor of the Plaintiffs and against the Defendants. Upon payment of the judgment, all windows and miter saw shall be returned to the Defendants. By The Court, /s/ Paul E. Cherry, Judge. 3CC Attys: Ellermeyer, Gefsky	Paul E. Cherry
04/24/2006	Filing: Judgment Paid by: Ellermeyer, Joseph H. Esq (attorney for Gillung, William C.) Receipt number: 1913492 Dated: 04/24/2006 Amount: \$20.00 (Check) Judgment in favor of Plaintiffs and against Defendants in the amount of \$9,020.46. Filed by s/ Joseph H. Ellermeyer, Esquire. Notices to Def., Statement to Atty	Paul E. Cherry
06/20/2006	Filing: Exemplified Record Paid by: Ellermeyer, Joseph H. Esq (attorney for Gillung, William C.) Receipt number: 1914352 Dated: 06/20/2006 Amount: \$15.00 (Check) Certification to Attorney	Paul E. Cherry

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

JUN 20 2006

Attest.

  
Prothonotary/  
Clerk of Courts