

05-978-CD
Pharmacy (4) Inc. vs John C. Rezk

2005-978-CD
Pharm. 4 Inc v John Rezk

Date: 10/05/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 12:28 PM

ROA Report

Page 1 of 1

Case: 2005-00978-CD

Current Judge: No Judge

Pharmacy (4), Inc., Rezk Respiratory vs. John C. Rezk

Civil Other

Date		Judge
07/07/2005	New Case Filed.	No Judge
	X Filing: Complaint in a Civil Action. Paid by: Guido, Anthony S. (attorney for Pharmacy (4), Inc.) Receipt number: 1904432 Dated: 07/07/2005 Amount: \$85.00 (Check) 1CC Shff and 1CC Atty	No Judge
08/09/2005	X Preliminary Objections, filed by s/ James A. Naddeo, Esquire, and Ronald P. Carnevali, Jr., Esquire. No CC	No Judge
	X Praecipe, please schedule argument upon the Preliminary Objections filed by the Defendant. Filed by s/ James A. Naddeo, Esquire. No CC	No Judge
	X Entry of Appearance, on behalf of Defendant, filed by s/ James A. Naddeo, Esquire. No CC	No Judge
	X Entry of Appearance, on behalf of Defendant, filed by s/ Ronald P. Carnevali, Jr., Esquire. No CC	No Judge
08/18/2005	X Amended Complaint, filed by s/ Anthony S. Guido Esquire. 1Cc atty.	No Judge
09/06/2005	X Preliminary Objections To Plaintiff's Amended Complaint, filed by s/ James A. Naddeo, Esquire, and Ronald P. Carnevali, Jr., Esquire. 2CC to Atty	No Judge
09/12/2005	X Order, AND NOW, this 12th day of September, 2005, upon consideration of Defendant's Preliminary Objections to Plaintiff's Amended Complaint filed in the above matter, it is the Order of the Court that argument has been scheduled for the 10th day of October 2005 at 9:00 a.m. in Courtroom #1. BY THE COURT: /s/ Fredric J. Ammerman, P.J. 1CC to Attys: Guido, Naddeo and Carnevali.	No Judge
09/23/2005	X Motion To Dismiss Preliminary Objections, filed by s/ Anthony S. Guido, Esquire. 2CC Atty. Guido	No Judge
	X Certificate of Service, filed. Hereby certify that on the 22nd day of Sept. 2005, I served a copy of the within MOTION TO DISMISS PRELIMINARY OBJECTIONS to James A. Naddeo Esq, filed by Anthony S. Guido Esq. No CC.	No Judge
10/03/2005	X Order AND NOW, this 3rd day of October, 2005, upon consideration of Plaintiff's Motion to Dismiss Preliminary Objections filed in the above matter, it is the Order of this Court that argument has been scheduled for the 10th day of October, 2005 at 9:00 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Attys: Guido, Naddeo and Carnevali.	No Judge

~~10-6-05 X Response to motion~~

~~10-13-05 X Skiff return~~

Date: 09/28/2005

Clearfield County Court of Common Pleas

User: LBENDER

Time: 08:53 AM

Hearings by Judge

Page 3 of 3

CT COMMON PLEAS,

All Case Types

From 10/03/2005 08:00 AM to 10/07/2005 05:00 PM

Fredric Joseph Ammerman

Begin Date and Time End Date and Time

10/05/2005 09:00 AM 10/05/2005 04:00 PM

Richard L Kovalick, etal. vs. Board of Supervisors of the Township

Case: 2003-00072-CD

Hearing

Courtroom:

for presentation of additional evidence

Plaintiffs: Kovalick, Richard L

Kovalick, Linda L

Aveni, Bryan G.

Aveni, Marcella J.

McDowell, Norman

McDowell, Kelly

Lippert, Donna J.

Attorney: Durant, Timothy E.

Attorney: Durant, Timothy E.

Attorney: Durant, Timothy E.

Attorney: Durant, Timothy E.

Attorney: Durant, Timothy E.

Attorney: Durant, Timothy E.

Attorney: Durant, Timothy E.

Defendant: Board of Supervisors of the Township of Bradford

Days to Speedy Trial:

Speedy Trial Date:

Alias: BRADFORD TOWNSHIP SUPERVISORS (1 of 1)

Attorney: Kesner, Kim C

10/06/2005 09:00 AM 10/06/2005 12:00 PM

Appointment Description: need Courtroom No. 1 - criminal call

10/07/2005 09:00 AM 10/07/2005 01:30 PM

Appointment Description: hold - outside meeting

10/07/2005 02:00 PM 10/07/2005 02:00 PM

Appointment Description: Children & Youth Services - Review Hearing, No. 2002-24-CY - Cynthia B. Stewart, Esq., Daniel C. Bell, Esq. & Theron G. Noble, Esq.

Date: 01/20/2006

Clearfield County Court of Common Pleas

User: LBENDER

Time: 08:47 AM

ROA Report

Page 1 of 1

Case: 2005-00978-CD

Current Judge: No Judge

Pharmacy (4), Inc., Rezk Respiratory vs. John C. Rezk

Civil Other

Date	Selected Items	Judge
10/06/2005	X Response to Motion to Dismiss Preliminary Objections, filed by s/ James A. Naddeo Esq., and s/ Ronald P. Carnevali Jr Esq. 2CC Atty Naddeo	No Judge
10/13/2005	X Sheriff Return, July 14, 2005 Sheriff of Cambria County was Deputized. July 26, 2005 served the within Complaint on John C. Rezk. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by atty for plff \$40.00 and Cambria County costs pd by atty for plff \$31.13	No Judge
10/18/2005	X Order NOW, this 17th day of October, 2005, following argument on Defendant's Preliminary Objections to Plaintiff's Amended Complaint, it is the ORDER of this Court that said Preliminary Objections be and are hereby DISMISSED. Since Defendant's Preliminary Objections have been dismissed the Court will not issued a decision on Plaintiff's Motion to Dismiss Preliminary Objections. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Attys: Guido, Naddeo and Carnevali.	No Judge
11/09/2005	X Answer and New Matter to Amended Complaint, filed by s/ James A. Naddeo and s/ Ronald P. Carnevali Esq. 1CC Atty Naddeo	No Judge
12/12/2005	X Reply to New Matter, filed by Atty. Guido 3 cert. to Atty.	No Judge
	X Motion for Judgment on the Pleadings, filed by Atty. Guido 3 Cert. to Atty.	No Judge
	X Praecipe for Argument, filed by Atty. Guido 3 Cert. to Atty.	No Judge
12/30/2005	X Order, NOW, this 30th day of Dec., 2005, upon consideration of Plaintiff's Motion for Judgment on the Pleadings, Ordered that argument is scheduled for the 27th day of Jan., 2006, at 1:30 p.m. Courtroom No 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge.	Fredric Joseph Ammerman
01/04/2006	X Response To motion For Judgment on The Pleadings, filed by s/ James A. Naddeo, Esquire. 2CC Atty. Naddeo	No Judge

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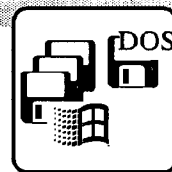
600 dpi

Resolution Enhancement technology & Microfine Toner

26 Scalable Typefaces

Courier	<i>CG Times It</i>	Univers Md Cd It
Courier Bd	<i>CG Times Bd It</i>	<i>Univers Bd Cd It</i>
<i>Courier It</i>	<i>Coronet</i>	Antique Olive
<i>Courier Bd It</i>	Univers Md	Antique Olive Bd
Letter Gothic	Univers Bd	<i>Antique Olive It</i>
Letter Gothic Bd	<i>Univers Md It</i>	Albertus Md
<i>Letter Gothic It</i>	<i>Univers Bd It</i>	Albertus XBd
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CG Times Bd	Univers Bd Cd	

Enhanced Printing in DOS & Windows



Enhanced

HP PCL 5



Memory Enhancement technology

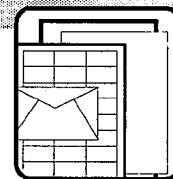


Printer Information

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MANUAL FEED:	OFF	FONT PITCH:	10.00
DEVICE RESOLUTION:	600	SYMBOL SET:	PC8
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I/O BUFFERING:	AUTO	Image Adapt Used:	NO

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HEWLETT® PACKARD

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

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZK,
Defendant

No. 05-978-CD

Type of Pleading:

**COMPLAINT IN A
CIVIL ACTION**

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

Date: 7/12/05

FILED ICC Shff
@m/1:04/1:00 Atty
JUL 07 2005
Atty pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts

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

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZK,
Defendant

:
:
:
:
:
:
:
:
:
:

No. _____, 2005, C.D.

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 a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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.

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830

(814) 765-2641 Ext. 1300

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

PHARMACY (4), INC., d/b/a	:	
REZK RESPIRATORY,	:	
Plaintiff	:	
	:	No. _____, 2005, C.D.
vs.	:	
	:	
JOHN C. REZK,	:	
Defendant	:	

COMPLAINT IN A CIVIL ACTION

AND NOW, comes the Plaintiff, PHARMACY (4), INC., d/b/a REZK RESPIRATORY, INC., by and through their attorneys, HANAK, GUIDO AND TALADAY, and files this Complaint and in support thereof aver the following:

1. Plaintiff, PHARMACY (4), INC., d/b/a REZK RESPIRATORY ("Rezk Respiratory"), is a corporation, organized and existing under the laws of the State of Delaware, with a principal office located at 320 Liberty Blvd., DuBois, Clearfield County, Pennsylvania.

2. The Defendant, JOHN C. REZK, is an adult individual who has a mailing address of P. O. Box 520, Carrolltown, Cambria County, Pennsylvania.

COUNT I

Pharmacy (4), Inc., d/b/a
Rezk Respiratory, Plaintiff

v.

John C. Rezk, Defendant.

3. Paragraphs 1 and 2 are incorporated herein by reference as though the same were set forth more fully at length.

4. On or about April 18, 2002, the Plaintiff, REZK RESPIRATORY, loaned to Defendant, JOHN C. REZK, the sum of Seventy Thousand and 00/100 (\$70,000.00) Dollars, which Defendant agreed to repay to Plaintiff, REZK RESPIRATORY, with interest equal to the prime rate.

5. With regard to said loan, JOHN C. REZK, executed a Note in favor of Plaintiff, REZK RESPIRATORY, dated April 18, 2002, a true and correct copy of which is attached hereto and marked Exhibit "A".

6. Demand has been made for the repayment of said loan, together with interest due thereon, but the Defendant, JOHN C. REZK, has refused and continues to refuse to pay the principal and interest due thereon or any part thereof.

7. In addition to the above, the Plaintiff, REZK RESPIRATORY, is entitled to attorney's fees equal to 10% of the amount owing for nonpayment of the principal amount due on said Note plus interest.

WHEREFORE, Plaintiff, REZK RESPIRATORY, demands judgment against JOHN C. REZK, in the sum of Seventy Thousand and 00/100 (\$70,000.00) Dollars with interest at prime rate from April 18, 2002, to date of payment plus collection fees equal to 10% of the amount due.

COUNT II

Pharmacy (4), Inc., d/b/a
Rezk Respiratory, Plaintiff
v.
John C. Rezk, Defendant.

8. Paragraphs 1 through 7 are incorporated herein by reference as though the same were set forth more fully at length.

9. On or about June 17, 2002, the Plaintiff, REZK RESPIRATORY, loaned to Defendant, JOHN C. REZK, the sum of Fifty-eight Thousand and 00/100 (\$58,000.00) Dollars, which Defendant agreed to repay to Plaintiff, REZK RESPIRATORY, with interest equal to the prime rate.

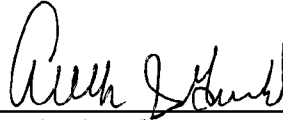
10. With regard to said loan, JOHN C. REZK, executed a Note in favor of Plaintiff, REZK RESPIRATORY, dated June 17, 2002, a true and correct copy of which is attached hereto and marked Exhibit "A".

11. Demand has been made for the repayment of said loan, together with interest due thereon, but the Defendant, JOHN C. REZK, has refused and continues to refuse to pay the principal and interest due thereon or any part thereof.

12. In addition to the above, the Plaintiff, REZK RESPIRATORY, is entitled to attorney's fees equal to 10% of the amount owing for nonpayment of the principal amount due on said Note plus interest.

WHEREFORE, Plaintiff, REZK RESPIRATORY, demands judgment against JOHN C. REZK, in the sum of Fifty-eight Thousand and 00/100 (\$58,000.00) Dollars with interest at prime rate from

June 17, 2002, to date of payment plus collection fees equal to 10% of the amount due.

A handwritten signature in black ink, appearing to read "Anthony S. Guido", written over a horizontal line.


Anthony S. Guido
Attorney for Plaintiffs

VERIFICATION

I, PAUL K. REZK, President of DuBOIS MEDICAL SUPPLY COMPANY, INC., do hereby state that I am the authorized agent for purposes of filing this Complaint. The statements therein are correct to the best of my personal knowledge, information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 7/6/05



Paul K. Rezk, President

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW

Plaintiff,

vs.

JOHN C. REZK,

Defendant.

No. 05-978-CD

PRELIMINARY OBJECTIONS

COUNSEL OF RECORD FOR PARTY:

JAMES A. NADDEO, ESQUIRE

I.D. No.: 06820

211 EAST LOCUST STREET

PCST OFFICE BOX 552

CLEARFIELD, PENNSYLVANIA 16830

(814) 765-1601

RONALD P. CARNEVALI, JR., ESQUIRE

I.D. No.: 47733

SPENCE, CUSTER, SAYLOR, WOLFE &

ROSE, LLC

AMERISERV FINANCIAL BUILDING

POST OFFICE BOX 280

JOHNSTOWN, PENNSYLVANIA 15907

(814) 536-0735

FILED NO
013:5464 CC
AUG 09 2005 GK

William A. Shaw
Prothonotary/Clerk of Courts

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW
Plaintiff, :
: No. 05-978-CD
vs. :
:
JOHN C. REZK, :
:
Defendant. :

PRELIMINARY OBJECTIONS

NOW COMES, the Defendant, John C. Rezk, by and through his attorneys, James A. Naddeo and Spence, Custer, Saylor, Wolfe & Rose, LLC and files these Preliminary Objections to the Plaintiff, Pharmacy (4), Inc. d/b/a Rezk Respiratory's Complaint as follows:

1. This matter arises from an alleged breach of a loan agreement between the Defendant, John C. Rezk, (hereinafter referred to as the "Defendant"), and the Plaintiff, Pharmacy (4), Inc. d/b/a Rezk Respiratory, (hereinafter referred to as the "Plaintiff").

2. Count I, Paragraph 5 of Plaintiff's Complaint alleges, in pertinent part, that:

With regard to said loan, John C. Rezk, executed a Note in favor of Plaintiff, Rezk Respiratory, dated April 18, 2002, a true and correct copy of which is attached hereto and marked Exhibit "A".

3. Similarly, Count II, Paragraph 10 of Plaintiff's Complaint alleges that:

With regard to said loan, John C. Rezk, executed a Note in favor of Plaintiff, Rezk Respiratory, dated June 17, 2002, a true and correct copy of which is attached hereto and marked as Exhibit "A".


4. The Pennsylvania Rules of Civil Procedure, Rule 1019 (i) provides that when any claim or defense is based upon a writing, the pleader shall attach a copy of the writing, or the material part thereof to the pleading.

5. Contrary to law and to the assertions made within the Complaint itself, the documents which form the basis of Plaintiff's lawsuit are not attached to the Complaint.

WHEREFORE, the Defendant, John C. Rezk, respectfully requests this Honorable Court strike Plaintiff's claims for its failure to follow the Pennsylvania Rules of Civil Procedure or, in the alternative, require that the Plaintiff file an amended pleading to meet the requirements of the Pennsylvania Rules of Civil Procedure including the attachments of any and all necessary documents.


Respectfully submitted,

By


James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By


Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

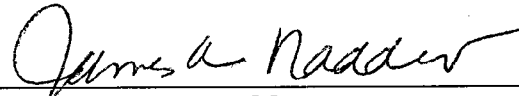
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 9th day of August, 2005, a true and correct copy of the Defendant, John C. Rezk's Preliminary Objections was forwarded via first-class mail, postage pre-paid, to the following persons:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
Post Office Box 487
Dubois, Pennsylvania 15801


Respectfully submitted,

By


James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By


Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

CP

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★

No. 05-978-CD

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[illegible]

Supreme Court ID#: 06820
207 East Market Street
P. O. Box 552
Clearfield, PA 16830
(814) 765-1601

13:54
AUG 09 2005

Produced by Chuck G. Courts

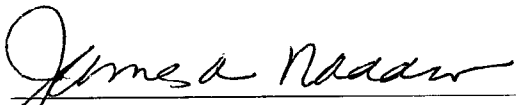
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

PHARMACY (4), INC., d/b/a	*
REZK RESPIRATORY,	*
Plaintiff,	*
	*
v.	* No. 05-978-CD
	*
JOHN C. REZK,	*
Defendant.	*

PRAECIPE

TO THE COURT ADMINISTRATOR:

Please schedule argument upon the Preliminary
Objections filed by the Defendant, John C. Rezk, in the above-
captioned case.



James A. Naddeo
Attorney for Defendant

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

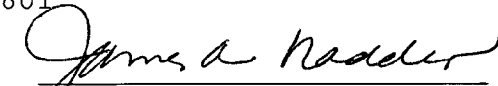
PHARMACY (4), INC., d/b/a	*	
REZK RESPIRATORY,	*	
Plaintiff,	*	
	*	
v.	*	No. 05-978-CD
	*	
JOHN C. REZK,	*	
Defendant.	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of the Praecept to Schedule Argument filed in the above-captioned case was served on the following and in the following manner on the 9th day of August, 2005:

First-Class Mail, Postage Prepaid

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801


James A. Naddeo
Attorney for Defendant

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW
Plaintiff, :
: No. 05-978-CD
vs. :
:
JOHN C. REZK, : ENTRY OF APPEARANCE
:
Defendant. : COUNSEL OF RECORD FOR PARTY:
:
: JAMES A. NADDEO, ESQUIRE
: I.D. No.: 06820
: 211 EAST LOCUST STREET
: POST OFFICE BOX 552
: CLEARFIELD, PENNSYLVANIA 16830
: (814) 765-1601

FILED *mc*
0353 *OK*
AUG 09 2005

William A. Chew
Prothonotary Clerk of Courts

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, : CIVIL ACTION - LAW
vs. : No. 05-978-CD
JOHN C. REZK, :
Defendant. :

ENTRY OF APPEARANCE

Enter our appearance for Defendant, John C. Rezk only
in the above-captioned case. Papers may be served at the
address stated below.

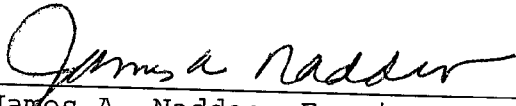
DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of
Civil Procedure, as amended, a Jury Trial is demanded on all
issues raised by the pleadings in the above-captioned action.

We certify that this entry of Appearance and Demand
for Jury Trial shall be served forthwith by ordinary mail upon
all parties.

James A. Naddeo, Esquire
211 East Locust Street
Post Office Box 552
Clearfield, Pennsylvania 16830

By


James A. Naddeo, Esquire
Attorneys for Defendant,
John C. Rezk

DATED: August 3, 2005

cc: Ronald P. Carnevali, Jr., Esquire
Anthony S. Guido, Esquire
Mr. John C. Rezk

PHARMACY (4), INC. d/b/a :
REZK RESPIRATORY, :

Plaintiff, :

vs. :

JOHN C. REZK, :

Defendant. :

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

No. C5-978-CD

ENTRY OF APPEARANCE

COUNSEL OF RECORD FOR PARTY:

RONALD P. CARNEVALI, JR., ESQUIRE

I.D. No.: 47733

SPENCE, CUSTER, SAYLOR, WOLFE &

ROSE, LLC

AMERISERV FINANCIAL BUILDING

POST OFFICE BOX 280

JOHNSTOWN, PENNSYLVANIA 15907

(814) 536-0735

FILED *nc*
013:5381
AUG 09 2005 *@*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
No. 05-977-CD

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,

Plaintiff,

vs.

JOHN C. REZK,

Defendant,

ENTRY OF APPEARANCE

LAW OFFICES
SPENCE, CUSTER, SAYLOR, WOLFE
& ROSE, L.L.C.

P. O. BOX 280
JOHNSTOWN, PENNSYLVANIA 15907

FILED

AUG 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZK,
Defendant

No. 05-978-CD

Type of Pleading:

**AMENDED
COMPLAINT**

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

Date: 8/17/05

FILED ^{icc}
m/11:06/05
AUG 18 2005
^{Atty}
(5)

William A. Shaw
Prothonotary/Clerk of Courts

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

PHARMACY (4), INC., d/b/a	:	
REZK RESPIRATORY,	:	
Plaintiff	:	
	:	No. 05-978, C.D.
vs.	:	
	:	
JOHN C. REZK,	:	
Defendant	:	

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 a written appearance personally or by attorney and filing in writing with the Court your defense or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed 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.

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830

(814) 765-2641 Ext. 1300

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

PHARMACY (4), INC., d/b/a	:	
REZK RESPIRATORY,	:	
Plaintiff	:	
	:	No. 05-978- C.D.
vs.	:	
	:	
JOHN C. REZK,	:	
Defendant	:	

AMENDED COMPLAINT

AND NOW, comes the Plaintiff, PHARMACY (4), INC., d/b/a REZK RESPIRATORY, INC., by and through their attorneys, HANAK, GUIDO AND TALADAY, and files this Amended Complaint and in support thereof aver the following:

1. Plaintiff, PHARMACY (4), INC., d/b/a REZK RESPIRATORY ("Rezk Respiratory"), is a corporation, organized and existing under the laws of the State of Delaware, with a principal office located at 320 Liberty Blvd., DuBois, Clearfield County, Pennsylvania.

2. The Defendant, JOHN C. REZK, is an adult individual who has a mailing address of P. O. Box 520, Carrolltown, Cambria County, Pennsylvania.

COUNT I

**Pharmacy (4), Inc., d/b/a
Rezk Respiratory, Plaintiff**

v.

John C. Rezk, Defendant.

3. Paragraphs 1 and 2 are incorporated herein by reference as though the same were set forth more fully at length.

4. On or about April 18, 2002, the Plaintiff, REZK RESPIRATORY, loaned to Defendant, JOHN C. REZK, the sum of Seventy Thousand and 00/100 (\$70,000.00) Dollars, which Defendant agreed to repay to Plaintiff, REZK RESPIRATORY, with interest equal to the prime rate.

5. With regard to said loan, JOHN C. REZK, executed a Note in favor of Plaintiff, REZK RESPIRATORY, dated April 18, 2002, a true and correct copy of which is attached hereto and marked Exhibit "A".

6. Demand has been made for the repayment of said loan, together with interest due thereon, but the Defendant, JOHN C. REZK, has refused and continues to refuse to pay the principal and interest due thereon or any part thereof.

7. In addition to the above, the Plaintiff, REZK RESPIRATORY, is entitled to attorney's fees equal to 10% of the amount owing for nonpayment of the principal amount due on said Note plus interest.

WHEREFORE, Plaintiff, REZK RESPIRATORY, demands judgment against JOHN C. REZK, in the sum of Seventy Thousand and 00/100 (\$70,000.00) Dollars with interest at prime rate from April 18, 2002, to date of payment plus collection fees equal to 10% of the amount due.

COUNT II

Pharmacy (4), Inc., d/b/a
Rezk Respiratory, Plaintiff

v.

John C. Rezk, Defendant.

8. Paragraphs 1 through 7 are incorporated herein by reference as though the same were set forth more fully at length.

9. On or about June 17, 2002, the Plaintiff, REZK RESPIRATORY, loaned to Defendant, JOHN C. REZK, the sum of Fifty-eight Thousand and 00/100 (\$58,000.00) Dollars, which Defendant agreed to repay to Plaintiff, REZK RESPIRATORY, with interest equal to the prime rate.

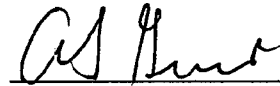
10. With regard to said loan, JOHN C. REZK, executed a Note in favor of Plaintiff, REZK RESPIRATORY, dated June 17, 2002, a true and correct copy of which is attached hereto and marked Exhibit "B".

11. Demand has been made for the repayment of said loan, together with interest due thereon, but the Defendant, JOHN C. REZK, has refused and continues to refuse to pay the principal and interest due thereon or any part thereof.

12. In addition to the above, the Plaintiff, REZK RESPIRATORY, is entitled to attorney's fees equal to 10% of the amount owing for nonpayment of the principal amount due on said Note plus interest.

WHEREFORE, Plaintiff, REZK RESPIRATORY, demands judgment against JOHN C. REZK, in the sum of Fifty-eight Thousand and 00/100 (\$58,000.00) Dollars with interest at prime rate from

June 17, 2002, to date of payment plus collection fees equal to 10% of the amount due.

A handwritten signature in black ink, appearing to read "AS Guido", is written over a horizontal line.

Anthony S. Guido
Attorney for Plaintiffs

VERIFICATION

I, PAUL K. REZK, President of PHARMACY (4), INC., d/b/a REZK RESPIRATORY, do hereby state that I am the authorized agent for purposes of filing this Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 8-17-2005

Paul K. Rezk
Paul K. Rezk, President


CERTIFICATE OF SERVICE

I do hereby certify that on the 17th day of August, 2005, I served a copy of the within Amended Complaint by first class mail, postage prepaid, to:

James A. Naddeo, Esq.
207 East Market Street
P. O. Box 552
Clearfield, PA 16830

Ronald P. Carnevali, Jr., Esq.
Spence, Custer, Saylor, Wolfe & Rose, LLC
P. O. Box 280
Johnstown, PA 15907-0280

Dennis J. Stofko, Esq.
969 Eisenhower Blvd., Suite E
P. O. Box 5500
Johnstown, PA 15904



Anthony S. Guido

Loan Contract

\$ 70,0000.00

April 18, 2002

John C. Rezk after date I promise to pay to the order of Rezk Respiratory,

320 Liberty Boulevard, DuBois, PA 15801, Seventy Thousand Dollars at prime +

0% interest and without defalcation, value received.

Upon the non-payment of this note at maturity, I/we do hereby authorize the prothonotary or any attorney of any court of record of the United States to appear therein and, with or without statement filed, to confess judgment therein against me/us and in favor of the then holder of this note, whether he be the original payee, or an assignee or endorsee thereof, for the amount names, herein, without interest, with costs of suit, release of errors, and with ten percent added for collection fees, hereby waiving all right of stay of execution, inquisition and appeal, and the benefit of any and all laws now or hereafter to be passed exempting real or personal property from levy and sale on execution, and also waiving the benefit of the present or any future insolvent laws of any state of the United States and of the present or any future bankrupt law of the United States.

Witness KHR hand/s and seal/s

John C. Rezk (Seal)
Paul K. 4-18-02 (Seal)

Loan Contract

\$ 58,0000.00

Monday, June 17, 2002

John C. Rezk after date I promise to pay to the order of Rezk Respiratory,
320 Liberty Boulevard, DuBois, PA 15801, Fifty-Eight Thousand Dollars at prime +
0% interest and without defalcation, value received.

Upon the non-payment of this note at maturity, I/we do hereby authorize the prothonotary or any attorney of any court of record of the United States to appear therein and, with or without statement filed, to confess judgment therein against me/us and in favor of the then holder of this note, whether he be the original payee, or an assignee or endorsee thereof, for the amount names, herein, without interest, with costs of suit, release of errors, and with ten percent added for collection fees, hereby waiving all right of stay of execution, inquisition and appeal, and the benefit of any and all laws now or hereafter to be passed exempting real or personal property from levy and sale on execution, and also waiving the benefit of the present or any future insolvent laws of any state of the United States and of the present or any future bankrupt law of the United States.

Witness KMR hand/s and seal/s

John C. Rezk (Seal)
Paul K. Jf 6-17-02 (Seal)

PHARMACY (4) INC., d/b/a
REZK RESPIRATORY,

Plaintiff,

vs.

JOHN C. REZK,

Defendant.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 05-978-CD

:
: PRELIMINARY OBJECTIONS TO
: PLAINTIFF'S AMENDED COMPLAINT

:
: COUNSEL OF RECORD FOR PARTY:

:
: JAMES A. NADDEO, ESQUIRE
: I.D. NO.: 06820
: 207 EAST MARKET STREET
: POST OFFICE BOX 552
: CLEARFIELD, PENNSYLVANIA 16830
: (814) 765-1601

:
: RONALD P. CARNEVALI, JR., ESQUIRE
: I.D. NO.: 47733
: SPENCE, CUSTER, SAYLOR, WOLFE
: & ROSE, LLC
: AMERISERV FINANCIAL BUILDING
: POST OFFICE BOX 280
: JOHNSTOWN, PENNSYLVANIA 15901
: (814) 526-0735

FILED

0 3:44p.m 6K

SEP 06 2005

2 cc to ATTY

William A. Shaw ©
Prothonotary

PHARMACY (4) INC., d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
 : NO. 05-978-CD
Plaintiff, :
 :
vs. :
 :
JOHN C. REZK, :
 :
Defendant. :

PRELIMINARY OBJECTIONS TO PLAINTIFF'S AMENDED COMPLAINT

NOW COMES, the Defendant, John C. Rezk, by and through his attorneys, James A. Naddeo and Spence, Custer, Saylor, Wolfe & Rose, LLC and files these Preliminary Objections to Plaintiff's Amended Complaint as follows:

1. This matter arises from the alleged breach of certain loan agreements between the Defendant, John C. Rezk, (hereinafter referred to as the "Defendant"), and the Plaintiff, Pharmacy (4), Inc., d/b/a Rezk Respiratory, (hereinafter referred to as the "Plaintiff").

2. On or about July 7, 2005, Plaintiff filed its original Complaint which contained reference to certain loan agreements dated April 18, 2002 and June 17, 2002.

3. Because the alleged loan agreements were not attached to the original Complaint, Defendant filed Preliminary Objections on August 9, 2005.

4. On August 17, 2005, Plaintiff filed an Amended Complaint which attached the necessary documents.

5. The document attached to Plaintiff's Amended Complaint as Exhibit "A" purports to be a loan contract dated April 18, 2002, and the document attached as Exhibit "B" purports to be a loan contract dated June 17, 2002, each of which contain a confession of judgment clause.

6. Neither the April 18, 2002 nor the June 17, 2002 alleged loan contract identifies and/or makes reference to a maturity date, the requisite prime interest rate and/or the manner and method of notice of default.

7. Count I of Plaintiff's Amended Complaint alleges in Paragraph 6 that:

Demand has been made for the payment of said loan, together with interest due thereon, but Defendant, John C. Rezk, has refused and continues to refuse to pay the principal and interest due thereon or any part thereof.

8. Similarly, Count II alleges at Paragraph 11 that:

Demand has been made for the payment of said loan, together with interest due thereon, but Defendant, John C. Rezk, has refused and continues to refuse to pay the principal and interest due thereon or any part thereof.

9. The Pennsylvania Rules of Civil Procedure, Rule 1028(a)(3) provides that Preliminary Objections may be filed by a party where the pleading in question is insufficient.

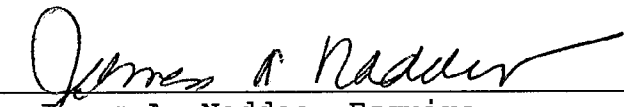
10. The Pennsylvania Rules of Civil Procedure, Rule 1019(f) provides that averments of time, place and items of special damage shall be specifically stated.

11. Contrary to Pennsylvania law and rules of court, Plaintiff's Amended Complaint and its attachments fail to specifically set forth the manner, method and/or date upon which the Plaintiff allegedly made a demand for repayment of said loans and contain averments which are overly broad, vague and lack a concise summary of the material facts as required by the Pennsylvania Rules of Civil Procedure.


12. Plaintiff's Amended Complaint fails to appraise the Defendant of the material facts which constitute his alleged breach and/or the specific terms and conditions of the alleged loans in question and, as such, Defendant is unable to adequately prepare a defense to such allegations.

WHEREFORE, Defendant, John C. Rezk, respectfully requests this Honorable Court grant his Preliminary Objections and strike Paragraphs 6 and 11 from Plaintiff's Amended Complaint or, in the alternative, require that the Plaintiff file a more specific pleading to meet the requirements to the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

By 
James A. Naddeo, Esquire
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By 
Ronald P. Carnevali, Jr., Esquire
Attorneys for Defendant,
John C. Rezk

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 6th
day of September, 2005, a true and correct copy of the
Defendant, John C. Rezk's Preliminary Objections was forwarded
via first-class mail, postage pre-paid, to the following
persons:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
Post Office Box 487
Dubois, Pennsylvania 15801

Respectfully submitted,

By James A. Naddeo
James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By Ronald P. Carnevali, Jr.
Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

FILED

SEP 06 2005

William A. Shaw
Prothonotary

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

PHARMACY (4) INC., d/b/a	:
REZK RESPIRATORY,	:
Plaintiff	:
vs.	: No. 05-978-CD
JOHN C. REZK,	:
Defendant	:

ORDER

AND NOW, this 12th day of September, 2005, upon consideration of Defendant's Preliminary Objections to Plaintiff's Amended Complaint filed in the above matter, it is the Order of the Court that argument has been scheduled for the 10th day of October, 2005, at 9:00 A.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED *ice*

014:0031
SEP 12 2005

William A. Shaw
Prothonotary/Clerk of Courts

*Atty: Guido
Maddalo
Carnevali*

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

VS.

JOHN C. REZK,
Defendant

CIVIL ACTION - LAW

No. 05-978-CD

Type of Pleading:

**MOTION TO DISMISS
PRELIMINARY OBJECTIONS**

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

Date: 9/22/05

FILED 2cc
m/jf/la/BK Any Guido
SEP 23 2005 (GP)

William A. Shaw
Prothonotary/Clerk of Courts

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

PHARMACY (4), INC., d/b/a	:	
REZK RESPIRATORY,	:	
Plaintiff	:	
	:	No. 05-978- C.D.
vs.	:	
	:	
JOHN C. REZK,	:	
Defendant	:	

MOTION TO DISMISS PRELIMINARY OBJECTIONS

AND NOW, comes the Plaintiff, PHARMACY (4), INC., d/b/a REZK RESPIRATORY, INC. (Pharmacy (4)), and by its Attorneys, HANAK, GUIDO AND TALADAY, and files this Motion to Dismiss Preliminary Objections filed by Defendant, John C. Rezk (Rezk), for the following reasons:

1. Plaintiff, Pharmacy (4), filed a Complaint in Civil Action against Defendant Rezk seeking to recover an amount due on two loans made by Plaintiff, Pharmacy (4), to Defendant Rezk to the above captioned docket number.

2. Defendant Rezk filed Preliminary Objections to the original Complaint on the basis that Plaintiff, Pharmacy (4), had not attached to the original Complaint copies of the notes which were the subject of the subject loans. A copy of the said Preliminary Objections are attached hereto and marked Exhibit A.

3. In response to that Preliminary Objection, Plaintiff, Pharmacy (4), filed an Amended Complaint, the only change being that the notes in question were attached to the Amended Complaint.

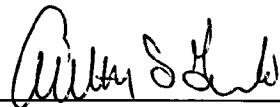
4. In response to the Amended Complaint, Defendant Rezk filed a second set of Preliminary Objections, a copy of which is attached hereto and marked Exhibit B.

5. The filing of the second set of Preliminary Objections violates Pa. R.C.P. Rule 1028(b) which provides that all preliminary objections shall be raised at one time.

6. When a court rules on a party's preliminary objections to a pleading, and the plaintiff thereafter amends the pleading, the party that interposed the preliminary objections may not then raise an objection which could have been raised against the original pleading without violating the prohibition in Rule 1028(b) against serial objections. A party cannot attack an opponent's pleading in small bites pointing out a particular defect by preliminary objections having a court pass on it compelling the opponent to amend and then attacking the amended complaint by pointing out another particular defect which was in the original pleadings. See Commonwealth Dept. of Transportation (PennDOT) v. Bethlehem Steel, 33 Pa. Cmwlth 1, 380 A.2d 1308 (1997).

WHEREFORE, for the above entitled reasons, Plaintiff, Pharmacy (4), hereby requests that your Honorable Court enter an order dismissing Defendant Rezk's second set of Preliminary Objections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony S. Guido', is written over a horizontal line.

Anthony S. Guido
Attorney for Plaintiff

PHARMACY (4), INC. d/b/a :	IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, :	CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, :	CIVIL ACTION - LAW
vs. :	No. 05-978-CD
JOHN C. REZK, :	<u>PRELIMINARY OBJECTIONS</u>
Defendant. :	COUNSEL OF RECORD FOR PARTY:
	JAMES A. NADDEO, ESQUIRE
	I.D. No.: 06820
	211 EAST LOCUST STREET
	POST OFFICE BOX 552
	CLEARFIELD, PENNSYLVANIA 16830
	(814) 765-1601
	RONALD P. CARNEVALI, JR., ESQUIRE
	I.D. No.: 47733
	SPENCE, CUSTER, SAYLOR, WOLFE &
	ROSE, LLC
	AMERISERV FINANCIAL BUILDING
	POST OFFICE BOX 280
	JOHNSTOWN, PENNSYLVANIA 15907
	(814) 536-0735

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW
Plaintiff, :
: No. 05-978-CD
vs. :
:
JOHN C. REZK, :
:
Defendant. :

PRELIMINARY OBJECTIONS

NOW COMES, the Defendant, John C. Rezk, by and through his attorneys, James A. Naddeo and Spence, Custer, Saylor, Wolfe & Rose, LLC and files these Preliminary Objections to the Plaintiff, Pharmacy (4), Inc. d/b/a Rezk Respiratory's Complaint as follows:

1. This matter arises from an alleged breach of a loan agreement between the Defendant, John C. Rezk, (hereinafter referred to as the "Defendant"), and the Plaintiff, Pharmacy (4), Inc. d/b/a Rezk Respiratory, (hereinafter referred to as the "Plaintiff").

2. Count I, Paragraph 5 of Plaintiff's Complaint alleges, in pertinent part, that:

With regard to said loan, John C. Rezk, executed a Note in favor of Plaintiff, Rezk Respiratory, dated April 18, 2002, a true and correct copy of which is attached hereto and marked Exhibit "A".

3. Similarly, Count II, Paragraph 10 of Plaintiff's Complaint alleges that:

With regard to said loan, John C. Rezk, executed a Note in favor of Plaintiff, Rezk Respiratory, dated June 17, 2002, a true and correct copy of which is attached hereto and marked as Exhibit "A".

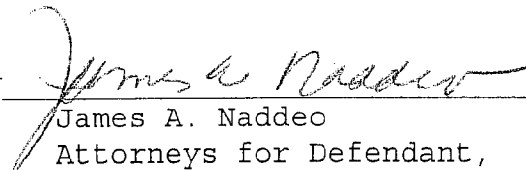
4. The Pennsylvania Rules of Civil Procedure, Rule 1019 (i) provides that when any claim or defense is based upon a writing, the pleader shall attach a copy of the writing, or the material part thereof to the pleading.

5. Contrary to law and to the assertions made within the Complaint itself, the documents which form the basis of Plaintiff's lawsuit are not attached to the Complaint.

WHEREFORE, the Defendant, John C. Rezk, respectfully requests this Honorable Court strike Plaintiff's claims for its failure to follow the Pennsylvania Rules of Civil Procedure or, in the alternative, require that the Plaintiff file an amended pleading to meet the requirements of the Pennsylvania Rules of Civil Procedure including the attachments of any and all necessary documents.

Respectfully submitted,

By



James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By



Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

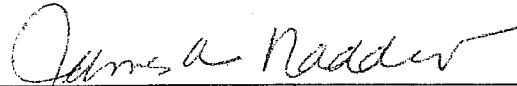
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 9th
day of August, 2005, a true and correct copy of the Defendant,
John C. Rezk's Preliminary Objections was forwarded via first-
class mail, postage pre-paid, to the following persons:

Anthony S. Guido, Esquire
Hanak, Guico and Taladay
498 Jeffers Street
Post Office Box 487
Dubois, Pennsylvania 15801

Respectfully submitted,

By



James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By



Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

PHARMACY (4) INC., d/b/a
REZK RESPIRATORY,

Plaintiff,

vs.

JOHN C. REZK,

Defendant.

: IN THE COURT OF COMMON PLEAS OF
: CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 05-978-CD

:
: PRELIMINARY OBJECTIONS TO
: PLAINTIFF'S AMENDED COMPLAINT

:
: COUNSEL OF RECORD FOR PARTY:

:
: JAMES A. NADDEO, ESQUIRE
: I.D. NO.: 06820
: 207 EAST MARKET STREET
: POST OFFICE BOX 552
: CLEARFIELD, PENNSYLVANIA 16830
: (814) 765-1601

:
: RONALD P. CARNEVALI, JR., ESQUIRE
: I.D. NO.: 47733
: SPENCE, CUSTER, SAYLOR, WOLFE
: & ROSE, LLC
: AMERISERV FINANCIAL BUILDING
: POST OFFICE BOX 280
: JOHNSTOWN, PENNSYLVANIA 15901
: (814) 526-0735

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

SEP 06 2005

Attest.

William A. Khan
Prothonotary/
Clerk of Courts

PHARMACY (4) INC., d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: NO. 05-978-CD
Plaintiff, :
vs. :
JOHN C. REZK, :
Defendant. :

PRELIMINARY OBJECTIONS TO PLAINTIFF'S AMENDED COMPLAINT

NOW COMES, the Defendant, John C. Rezk, by and through his attorneys, James A. Naddeo and Spence, Custer, Saylor, Wolfe & Rose, LLC and files these Preliminary Objections to Plaintiff's Amended Complaint as follows:

1. This matter arises from the alleged breach of certain loan agreements between the Defendant, John C. Rezk, (hereinafter referred to as the "Defendant"), and the Plaintiff, Pharmacy (4), Inc., d/b/a Rezk Respiratory, (hereinafter referred to as the "Plaintiff").

2. On or about July 7, 2005, Plaintiff filed its original Complaint which contained reference to certain loan agreements dated April 18, 2002 and June 17, 2002.

3. Because the alleged loan agreements were not attached to the original Complaint, Defendant filed Preliminary Objections on August 9, 2005.

4. On August 17, 2005, Plaintiff filed an Amended Complaint which attached the necessary documents.

5. The document attached to Plaintiff's Amended Complaint as Exhibit "A" purports to be a loan contract dated April 18, 2002, and the document attached as Exhibit "B" purports to be a loan contract dated June 17, 2002, each of which contain a confession of judgment clause.

6. Neither the April 18, 2002 nor the June 17, 2002 alleged loan contract identifies and/or makes reference to a maturity date, the requisite prime interest rate and/or the manner and method of notice of default.

7. Count I of Plaintiff's Amended Complaint alleges in Paragraph 6 that:

Demand has been made for the payment of said loan, together with interest due thereon, but Defendant, John C. Rezk, has refused and continues to refuse to pay the principal and interest due thereon or any part thereof.

8. Similarly, Count II alleges at Paragraph 11 that:

Demand has been made for the payment of said loan, together with interest due thereon, but Defendant, John C. Rezk, has refused and continues to refuse to pay the principal and interest due thereon or any part thereof.

9. The Pennsylvania Rules of Civil Procedure, Rule 1028(a)(3) provides that Preliminary Objections may be filed by a party where the pleading in question is insufficient.

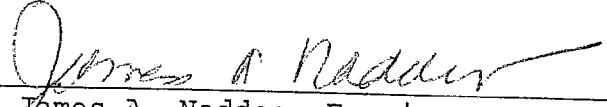
10. The Pennsylvania Rules of Civil Procedure, Rule 1019(f) provides that averments of time, place and items of special damage shall be specifically stated.

11. Contrary to Pennsylvania law and rules of court, Plaintiff's Amended Complaint and its attachments fail to specifically set forth the manner, method and/or date upon which the Plaintiff allegedly made a demand for repayment of said loans and contain averments which are overly broad, vague and lack a concise summary of the material facts as required by the Pennsylvania Rules of Civil Procedure.

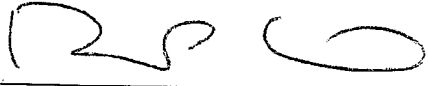
12. Plaintiff's Amended Complaint fails to appraise the Defendant of the material facts which constitute his alleged breach and/or the specific terms and conditions of the alleged loans in question and, as such, Defendant is unable to adequately prepare a defense to such allegations.

WHEREFORE, Defendant, John C. Rezk, respectfully requests this Honorable Court grant his Preliminary Objections and strike Paragraphs 6 and 11 from Plaintiff's Amended Complaint or, in the alternative, require that the Plaintiff file a more specific pleading to meet the requirements to the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

By 
James A. Naddeo, Esquire
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By 
Ronald P. Carnevali, Jr., Esquire
Attorneys for Defendant,
John C. Rezk

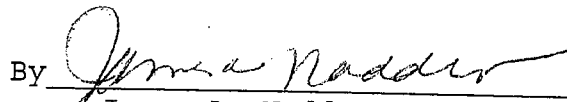
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 8th
day of September, 2005, a true and correct copy of the
Defendant, John C. Rezk's Preliminary Objections was forwarded
via first-class mail, postage pre-paid, to the following
persons:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
Post Office Box 487
Dubois, Pennsylvania 15801

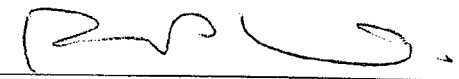
Respectfully submitted,

By


James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By


Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

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

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZK,
Defendant

:
:
:
:
:
:
:
:

No. 05-978- C.D.

ORDER

AND NOW, this ____ day of _____, 2005, upon
consideration of the foregoing Motion, the second set of Preliminary
Objections filed by Defendant Rezk are hereby dismissed.

BY THE COURT:

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

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,

Plaintiff

vs.

JOHN C. REZK,

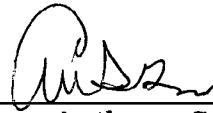
Defendant

No. 05-978- C.D.

CERTIFICATE OF SERVICE

I do hereby certify that on the 22nd day of Sept, 2005,
I served a copy of the within MOTION TO DISMISS PRELIMINARY
OBJECTIONS by first class mail, postage prepaid, to:

James A. Naddeo, Esq.
207 East Market Street
P. O. Box 552
Clearfield, PA 16830



Anthony S. Guido
Attorney for Plaintiff

FILED *no cc*
m/12:30/61
SEP 23 2005 *W*

William A. Shaw
Prothonotary/Clerk of Courts

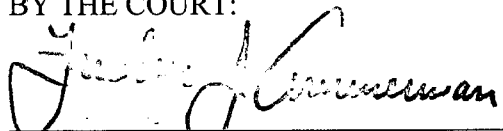
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

PHARMACY (4), INC., d/b/a :
REZK RESPIRATORY :
vs. : No. 05-978-CD
JOHN C. REZK :
:

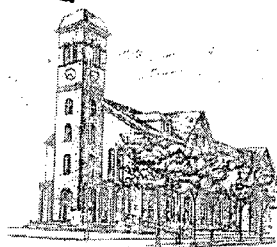
ORDER

AND NOW, this 3rd day of October, 2005, upon consideration of Plaintiff's Motion to Dismiss Preliminary Objections filed in the above matter, it is the Order of the Court that argument has been scheduled for the 10th day of October, 2005, at 9:00 A.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED 100 Atty: Guido
014:0001 Naddeo
OCT 03 2005 Carnevali
Walter A. Shady
Prothonotary Clerk of Courts



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

Date: September 19, 2005

Over the past several weeks, 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

_____ 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:

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW

Plaintiff,

No. 05-978-CD

vs.

RESPONSE TO MOTION TO DISMISS
PRELIMINARY OBJECTIONS

JOHN C. REZK,

Defendant.

COUNSEL OF RECORD FOR PARTY:

JAMES A. NADDEO, ESQUIRE

I.D. No.: 06820

211 EAST LOCUST STREET

POST OFFICE BOX 552

CLEARFIELD, PENNSYLVANIA 16830

(814) 765-1601

RONALD P. CARNEVALI, JR., ESQUIRE

I.D. No.: 47733

SPENCE, CUSTER, SAYLOR, WOLFE &

ROSE, LLC

AMERISERV FINANCIAL BUILDING

POST OFFICE BOX 280

JOHNSTOWN, PENNSYLVANIA 15907

(814) 536-0735

FILED 2cc

01/3/2005
OCT 06 2005

Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW
Plaintiff, :
: No. 05-978-CD
vs. :
:
JOHN C. REZK, :
:
Defendant. :

RESPONSE TO MOTION TO DISMISS PRELIMINARY OBJECTIONS

NOW COMES, the Defendant, John C. Rezk, by and through
his attorneys, James A. Naddeo and Spence, Custer, Saylor, Wolfe
& Rose, LLC and files these Response to Motion to Dismiss
Preliminary Objections as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

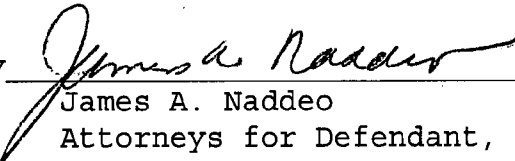
5. Denied. The averments of Paragraph 5 constitute conclusions of law to which no response is required. To the extent a response is required, said averments are denied. By way of further answer, the basis for the second set of Preliminary Objections lies in the documents which are attached to Plaintiff's Amended Complaint and the Amended Complaint's failure to plead essential terms not contained within those documents. As such, the Defendant had no duty or obligation nor the ability to preliminarily object to issues or claims which were not known at the time Preliminary Objections were filed to the Original Complaint. The Defendant's Preliminary Objections to the Amended Complaint are valid and comply with the Pennsylvania Rules of Civil Procedure, Rule 1028(b).

6. Admitted in part, denied in part. It is admitted that a party may not raise an objection which could have been raised against the original pleading. As also set forth in Paragraph 5 above, the Defendant's Preliminary Objections to the Amended Complaint allege that the loan documents attached to Plaintiff's Amended Complaint fail to set forth or identify


essential terms and conditions. Those essential terms and conditions are likewise absent from Plaintiff's Amended Complaint. Defendant was not in a position to determine that the Original Complaint lacked the requisite specificity until such time as the loan documents were attached to the Amended Complaint. Accordingly, the Preliminary Objections to the Amended Complaint are warranted and proper.

WHEREFORE, for the above reasons, Defendant, John C. Rezk, respectfully request this Honorable Court deny the Plaintiff, Pharmacy (4), Inc., d/b/a Rezk Respiratory's Motion to Dismiss Preliminary Objections.

Respectfully submitted,

By 
James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By 
Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 6th day of October, 2005, a true and correct copy of the Defendant, John C. Rezk's Motion to Dismiss Preliminary Objections was forwarded via first-class mail, postage pre-paid, to the following persons:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
Post Office Box 487
Dubois, Pennsylvania 15801

Respectfully submitted,

By James A. Naddeo
James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By Ronald P. Carnevali, Jr.
Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100620
NO: 05-978-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: PHARMACY (4), INC., d/b/a REZK RESPIRATORY
vs.
DEFENDANT: JOHN C. REZK

SHERIFF RETURN

NOW, July 14, 2005, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JOHN C. REZK.

NOW, July 26, 2005 AT 1:18 PM SERVED THE WITHIN COMPLAINT ON JOHN C. REZK, DEFENDANT. THE RETURN OF CAMBRIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
019:44391
OCT 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100620
NO: 05-978-CD
SERVICES 1
COMPLAINT

PLAINTIFF: PHARMACY (4), INC., d/b/a REZK RESPIRATORY
vs.
DEFENDANT: JOHN C. REZK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HANAK	14234	10.00
SHERIFF HAWKINS	HANAK	14234	30.00
CAMBRIA CO.	HANAK	14235	31.13

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

100620

CASE # PLAINTIFF
90206-05 -PHARMACY INC. 05-978
DATE 7/26/05

DEFENDANT
REZK, JOHN

AT 13:18 HRS. SERVED THE COMPLAINT IN EQUITY UPON JOHN C. REZK BY HANDING A TRUE AND ATTESTED COPY THEREOF TO HIM PERSONALLY AT 115 S. MAIN ST. CARROLLTOWN, PA. AND MAKING CONTENTS THEREOF KNOWN TO HIM. MY COSTS PAID BY ATTORNEY FOR PLAINTIFF.

SHERIFF COSTS 28.13
PRO 3.00
TOTAL COSTS 31.13

SO ANSWERS,

Bob Kolar

BOB KOLAR, SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME THIS 1ST DAY OF AUG. 2005

. PROTHONOTARY

Walter Burkebile

DEFENDANT
RESK, JOHN

02-278

PLAINTIFF
-PHARMACY INC.

CASE #
90206-02
DATE
7/26/02

AT 13:18 HRS. SERVED THE COMPLAINT IN EQUITY UPON JOHN C.
RESK BY HANDING A TRUE AND ATTESTED COPY THEREOF TO HIM
PERSONALLY AT 112 S. MAIN ST. CARROLLTOWN, PA. AND MAKING
CONTENTS THEREOF KNOWN TO HIM. MY COSTS PAID BY ATTORNEY
FOR PLAINTIFF.

TOTAL COSTS	31.13
PRO	3.00
SHERIFF COSTS	28.13
20 ANSWERS,	

SWORN AND SUBSCRIBED TO BEFORE ME THIS FIRST DAY OF AUG. 2005
BOB KOLAR, SHERIFF

PROTHONOTARY

FILED

OCT 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

PHARMACY (4), INC., d/b/a
REZEK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZEK,
Defendant

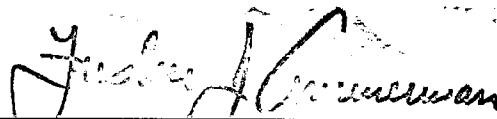
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*

NO. 05-978-CD

ORDER

NOW, this 17th day of October, 2005, following argument on Defendant's Preliminary Objections to Plaintiff's Amended Complaint; it is the ORDER of this Court that said Preliminary Objections be and are hereby DISMISSED. Since Defendant's Preliminary Objections have been dismissed the Court will not issue a decision on Plaintiff's Motion to Dismiss Preliminary Objections.

BY THE COURT,



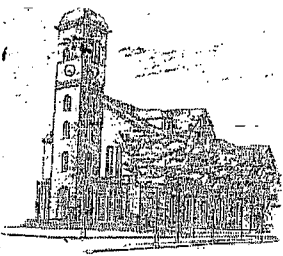
FREDRIC J. AMMERMAN
President Judge

FILED

012:36/01
OCT 18 2005

William A. Shaw
Prothonotary/Clerk of Courts

ice Atty's:
Guido
Maddio
Carnevali



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

Date: September 19, 2005

Over the past several weeks, 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

____ 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:

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW

Plaintiff,

No. 05-978-CD

vs.

JOHN C. REZK,

**ANSWER AND NEW MATTER
TO AMENDED COMPLAINT**

Defendant.

COUNSEL OF RECORD FOR PARTY:

JAMES A. NADDEO, ESQUIRE

I.D. No.: 06820

211 EAST LOCUST STREET

POST OFFICE BOX 552

CLEARFIELD, PENNSYLVANIA 16830

(814) 765-1601

RONALD P. CARNEVALI, JR., ESQUIRE

I.D. No.: 47733

SPENCE, CUSTER, SAYLOR, WOLFE &

ROSE, LLC

AMERISERV FINANCIAL BUILDING

POST OFFICE BOX 280

JOHNSTOWN, PENNSYLVANIA 15907

(814) 536-0735

FILED ice Atty Naddeo
0/3:32 LM
NOV - 9 2005 (UP)

William A. Shaw
Prothonotary

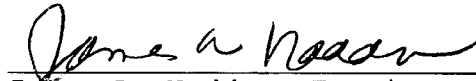
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

PHARMACY (4), INC., d/b/a	*	
REZK RESPIRATORY,	*	
Plaintiff,	*	
	*	
v.	*	No. 05-978-CD
	*	
JOHN C. REZK,	*	
Defendant.	*	

NOTICE TO PLEAD

TO THE PLAINTIFF:

You are hereby notified to file a written response to the enclosed New Matter within twenty (20) days from service hereof or a judgment may be entered against you.



James A. Naddeo, Esquire
Attorney for Defendant

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff, : CIVIL ACTION - LAW
vs. : No. 05-978-CD
JOHN C. REZK, :
Defendant. :

ANSWER AND NEW MATTER TO AMENDED COMPLAINT

NOW COMES, the Defendant, John C. Rezk, by and through his attorneys, James A. Naddeo and Spence, Custer, Saylor, Wolfe & Rose, LLC and files Answer to Amended Complaint as follows:

1. The identity of the Plaintiff, Pharmacy (4), Inc. d/b/a Rezk Respiratory, (hereinafter referred to as "Pharmacy (4)"), is admitted.

2. Admitted.

COUNT I

PHARMACY (4), INC., d/b/a REZK RESPIRATORY, PLAINTIFF

V.

JOHN C. REZK, DEFENDANT

3. Defendant, John C. Rezk, (hereinafter referred to as the "Defendant") hereby incorporates Paragraphs 1 and 2 of his Answer as if the same were fully set forth herein.

4. Admitted.

5. Denied. The averments of Paragraph 5 constitute conclusions of law to which no response is required. To the extent a response is required, said averments are denied. By way of further answer, the document in the form attached to Pharmacy (4)'s Amended Complaint as Exhibit "A" was not executed by the Defendant.

6. Denied. It is specifically denied that a proper demand has been made for repayment of any alleged loan.

7. Denied. The averments of Paragraph 7 constitute conclusions of law to which no response is required. To the extent a response is required, said averments are denied. By way of further answer, the provisions of the alleged note, attached to Pharmacy (4)'s Amended Complaint as Exhibit "A", providing for attorneys' fees and interest were not present at the time the Defendant executed the document.

WHEREFORE, the Defendant, John C. Rezk, respectfully request this Honorable Court enter Judgment in his favor and against the Plaintiff, Pharmacy (4), Inc., d/b/a Rezk Respiratory and Dismiss the Plaintiff's Amended Complaint with prejudice.

COUNT II

PHARMACY (4), INC., d/b/a REZK RESPIRATORY, PLAINTIFF

V.

JOHN C. REZK, DEFENDANT

8. Defendant hereby incorporates Paragraphs 1 through 7 of his Answer as if the same were fully set forth herein.

9. Admitted.

10. Denied. The averments of Paragraph 10 constitute conclusions of law to which no response is required. To the extent a response is required, said averments are denied. By way of further answer, the document in the form attached to Pharmacy (4)'s Amended Complaint as Exhibit "B" was not executed by the Defendant.

11. Denied. It is specifically denied that a proper demand has been made for repayment of any alleged loan.

12. Denied. The averments of Paragraph 12 constitute conclusions of law to which no response is required. To the extent a response is required, said averments are denied. By way of further answer, the provisions of the alleged note, attached to Pharmacy (4)'s Amended Complaint as Exhibit "B", providing for attorneys' fees and interest, were not present at the time the Defendant executed the document.

WHEREFORE, the Defendant, John C. Rezk, respectfully request this Honorable Court enter Judgment in his favor and against the Plaintiff, Pharmacy (4), Inc., d/b/a Rezk Respiratory and Dismiss the Plaintiff's Amended Complaint with prejudice.

NEW MATTER

13. Defendant hereby incorporates Paragraphs 1 through 12 of his Answer as if the same were fully set forth herein.

14. Pharmacy (4) has failed to state a claim against the Defendant for which relief can be granted.

15. Pharmacy (4)'s claims are barred by the Doctrine of Estoppel.

16. In November, 2001, Defendant was contacted by Pharmacy (4)'s purported President, Paul K. Rezk, and convinced to invest in the purchase of a corporation known as Pharmacy (4), a Kentucky corporation, which is alleged to be the Plaintiff in the underlying action.

17. In November, 2001, Defendant provided initial capital for the purchase of Pharmacy (4) and the start-up of the business in the amount of Thirty Thousand Dollars (\$30,000.00).

18. Said Thirty Thousand Dollars (\$30,000.00) was provided directly to Pharmacy (4)'s purported President, Paul K. Rezk, in the form of cash.

19. In November, 2001, Pharmacy (4) was purchased by the Defendant and Paul K. Rezk for the price of Ten Thousand Dollars (\$10,000.00).

20. Pursuant to the terms and conditions of the Defendant's agreement with Paul K. Rezk, Defendant would be fifty percent (50%) owner of Pharmacy (4) and be entitled to all benefits commensurate with such an ownership interest.

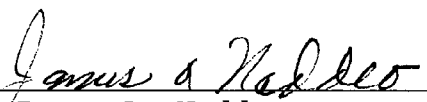
21. To the extent the representations made by Pharmacy (4)'s President, Paul K. Rezk, were false, fraudulent, and intended to mislead and deceive the Defendant, Pharmacy (4), is estopped from denying Defendant's ownership interest.

22. Defendant is entitled to a set-off for any and all claims of Pharmacy (4) to the extent of his initial contribution to the purchase of Pharmacy (4) and his percentage ownership interest including fifty percent (50%) of any and all profits made by Pharmacy (4) from November, 2001 through the present and fifty percent (50%) of the current value of Pharmacy (4).

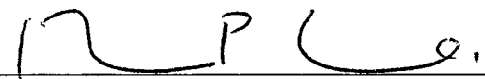
23. The alleged notes attached to Pharmacy (4)'s Amended Complaint as Exhibit "A" and Exhibit "B" are unenforceable.

24. The alleged notes attached to Pharmacy (4)'s Amended Complaint as Exhibit "A" and Exhibit "B" are invalid.

Respectfully submitted,

By 
James A. Naddeo
Attorneys for Defendant,
John C. Rezk

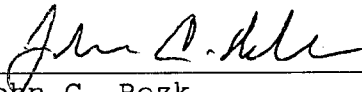
SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By 
Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

VERIFICATION PURSUANT TO 42 PA.C.S.A.
SECTION 102 AND PA.R.C.P. 76

I, the undersigned, verify that the statements contained in the Answer to Amended Complaint are true and correct to the best of my information, knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A., Section 4904, relating to unsworn falsification to authorities.

Date: 11/8/05

By 
John C. Rezk

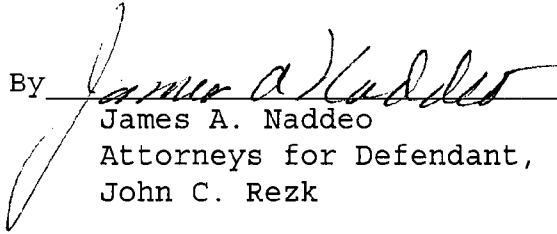
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 9th
day of November, 2005, a true and correct copy of the Defendant,
John C. Rezk's Answer to Amended Complaint was forwarded via
first-class mail, postage pre-paid, to the following persons:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
Post Office Box 487
Dubois, Pennsylvania 15801

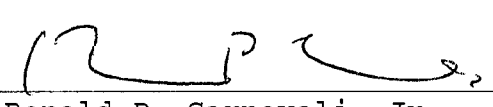
Respectfully submitted,

By


James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By


Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

FILED

NOV - 9 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZK,
Defendant

CIVIL ACTION - LAW

No. 05-978-CD

Type of Pleading:

REPLY TO NEW MATTER

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

Date:

12/12/05

FILED

DEC 12 2005

William A. Shaw

Prothonotary/Clerk of Courts

3 cases to Att

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

PHARMACY (4), INC., d/b/a	:	
REZK RESPIRATORY,	:	
Plaintiff	:	
	:	No. 05-978- C.D.
vs.	:	
	:	
JOHN C. REZK,	:	
Defendant	:	

REPLY TO NEW MATTER

AND NOW, comes the Plaintiff by and through their attorneys, HANAK, GUIDO AND TALADAY, and hereby presents the following Reply to New Matter:

13. Denied. In reply thereto, Plaintiff incorporates by reference as though fully set forth therein, the allegations of Plaintiff's Complaint Paragraphs 1 through 12 as though fully set forth herein.

14. Denied. The allegations of Paragraph 14 are conclusions of law and not averments of fact and therefore no response is required pursuant to the Pennsylvania Rules of Civil Procedure.

15. Denied. The allegations of Paragraph 15 are conclusions of law and not averments of fact and therefore no response is required pursuant to the Pennsylvania Rules of Civil Procedure.

16. Denied. DuBois Medical Supply Company, Inc., purchased the stock of Pharmacy (4), Inc., by agreement dated November 30, 2000, a copy of said agreement was attached hereto and marked Exhibit "A". As a result from that date forward, Pharmacy (4), Inc., was a wholly owned subsidiary of

DuBois Medical Supply Company, Inc. Consequently, it is denied that in November of 2001, Defendant was convinced by the Pharmacy (4), Inc.'s President, Paul K. Rezk, to invest and purchase the corporation known as Pharmacy (4), Inc., a Kentucky corporation as alleged. In addition, Pharmacy (4), Inc., is a Delaware corporation, not a Kentucky corporation.

17. Denied. In reply thereto, the reply to Paragraph 16 is incorporated by reference herein as though fully set forth at length herein. In further reply thereto, at the time Pharmacy (4), Inc., was purchased by DuBois Medical Supply Company, Inc., on November 30, 2000, the Defendant, John C. Rezk, was under contract with Rotech Medical and as a part of that contract the Defendant agreed to not compete with the business of Rotech Medical. An investment in Pharmacy (4), Inc., according to the information and belief of Plaintiff would have been a violation of that agreement. In addition, the subject \$30,000.00 was a personal loan from Defendant, John C. Rezk, to Paul K. Rezk, which loan has since been repaid.

18. Denied. In reply thereto, the replies to Paragraphs 16 and 17 are incorporated by reference thereto as though fully set forth herein.

19. Denied. As previously averred, Pharmacy (4), Inc., was purchased by DuBois Medical Supply Co., Inc., and not by either Defendant, John C. Rezk, or Paul K. Rezk. In further reply thereto, the replies to Paragraphs 16 and 17 are incorporated herein by reference thereto as though fully set forth herein.

20. Denied. In reply thereto, the replies to Paragraphs 16, 17 and 19 are incorporated herein by reference thereto as though fully set forth herein.

21. Denied. The allegations of Paragraph 21 are conclusions of law and not averments of fact and therefore no response is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent a reply is required, Plaintiff incorporates by reference the replies to Paragraphs 16 through 19 inclusive as though fully set forth herein.

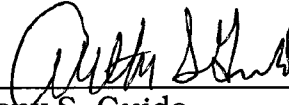
22. Denied. The allegations of Paragraph 22 are conclusions of law and not averments of fact and therefore no response is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent a reply is required, Plaintiff incorporates by reference the replies to Paragraphs 16 through 19 inclusive as though fully set forth herein.

23. Denied. The allegations of Paragraph 23 are conclusions of law and not averments of fact and therefore no response is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent a reply is required, Plaintiff incorporates by reference the replies to Paragraphs 16 through 19 inclusive as though fully set forth herein. It is further averred that the claim asserted by Defendant, even if true, which it is not, would be a claim against Paul K. Rezk, and not against Pharmacy (4), Inc., and would not constitute an offset or defense to the claim of Pharmacy (4), Inc.

24. Denied. The allegations of Paragraph 23 are conclusions of law and not averments of fact and therefore no response is required pursuant to the Pennsylvania Rules of Civil Procedure. To the extent a reply is required, Plaintiff incorporates by reference the replies to Paragraphs 16 through 19 inclusive as though fully set forth herein. It is further averred that the claim asserted by Defendant, even if true, which it is not, the claim would be a

claim against Paul K. Rezk, and not against Pharmacy (4), Inc., and would not constitute an offset or defense to the claim of Pharmacy (4), Inc.

WHEREFORE, Plaintiff demands that Defendant's claims be dismissed and judgment entered in its favor as set forth in Plaintiff's Complaint.

A handwritten signature in black ink, appearing to read "Anthony S. Guido", is written over a horizontal line.

Anthony S. Guido
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that on 12 day of December, 2005, I mailed a copy of the within Reply to New Matter by first class mail, postage prepaid, to the following:

James A. Naddeo, Esq.
207 East Market Street
P. O. Box 552
Clearfield, PA 16830

Ronald P. Carnevali, Jr., Esq.
Spence, Custer, Saylor, Wolfe & Rose, LLC
P. O. Box 280
Johnstown, PA 15907-0280



Anthony S. Guido, Esq.
Attorney for Plaintiff

VERIFICATION

I, PAUL K. REZK, President of PHARMACY (4), INC., d/b/a REZK RESPIRATORY, do hereby state that I am the authorized agent for purposes of filing this Reply to New Matter. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Date: 12-6-05



Paul K. Rezk, President

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZK,
Defendant

CIVIL ACTION - LAW

No. 05-978-CD

Type of Pleading:

**MOTION FOR JUDGMENT
ON THE PLEADINGS**

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

Date: 12/12/05

FILED

DEC 12 2005

12/12/05

William A. Shaw

Prothonotary/Clerk of Courts

3 SENT TO ATTORNEY

NO ORDER ATTACHED

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

PHARMACY (4), INC., d/b/a	:	
REZK RESPIRATORY,	:	
Plaintiff	:	
	:	No. 05-978- C.D.
vs.	:	
	:	
JOHN C. REZK,	:	
Defendant	:	

MOTION FOR JUDGMENT ON THE PLEADINGS

AND NOW, comes the Plaintiff, PHARMACY (4), INC., d/b/a REZK RESPIRATORY, INC. (Pharmacy (4)), and by its Attorneys, HANAK, GUIDO AND TALADAY, and files this Motion for Judgment on the Pleadings pursuant to Pa.R.C.P. 1034 as follows:

1. The pleadings in this case are closed and time exists within which to dispose of this Motion before trial.
2. The claim of the Plaintiff in this action is based upon the fact that it made two loans to the Defendant, one in the sum of \$70,000.00 which is evidenced by a Note dated April 18, 2002, and the other in the sum of \$58,000.00 as evidenced by a Note dated June 17, 2002.
3. In its Complaint, Pharmacy (4), Inc., alleges that said loans have not been repaid which Defendant does not deny in his answer and therefore, Plaintiff is entitled to judgment in the amount of the Notes plus interest, attorney's fees and costs of suit.
4. The Defendant filed an Answer and New Matter to the Complaint, and in the Answer the Defendant does not deny Plaintiff's

claim that the subject two loans to the Defendant have not been repaid. The Defendant merely states that the averments in the Plaintiff's complaint are averments of law to which no response is required.

5. The only defense that Defendant poses to the Plaintiff's Complaint in his Answer is that the two Notes were not executed by the Defendant. Nevertheless, the Defendant does not deny that he borrowed the subject sums from the Plaintiff. In fact, the Defendant in his answer to Paragraphs 4 and 9 admits that Plaintiff, Pharmacy (4), Inc., made the two subject loans to the Defendant.

6. In his New Matter, the Defendant sets forth averments that if believed and if true, are claims against Paul K. Rezk not a claim against Pharmacy (4), Inc., nor can the alleged claims made in the New Matter filed by the Defendant constitute an offset or a defense to the claim of the Plaintiff for the amounts loaned to the Defendant plus interest and cost of suit.

7. The averments set forth in the Defendant's New Matter in no way constitute a counterclaim or offset against the amounts claimed by the Plaintiff.

8. No genuine issue of material fact exists in this case.

9. As a result, the Plaintiff is entitled to judgment as a matter of law for the reasons set forth herein.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Anthony S. Guido", is written over a horizontal line.

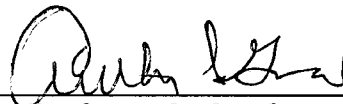
Anthony S. Guido
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that on the 12th day of Dec, 2005,
I served a copy of the within Motion for Judgment on the Pleadings by
first class mail, postage prepaid, to:

James A. Naddeo, Esq.
207 East Market Street
P. O. Box 552
Clearfield, PA 16830

Ronald P. Carnevali, Jr., Esq.
Spence, Custer, Saylor, Wolfe & Rose, LLC
P. O. Box 280
Johnstown, PA 15907-0280



Anthony S. Guido
Attorney for Plaintiff

CA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZK,
Defendant

CIVIL ACTION - LAW

No. 05-978-CD

Type of Pleading:

PRAECIPE FOR ARGUMENT

Filed on Behalf of:

PLAINTIFF

Counsel of Record for
This Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
498 Jeffers Street
PO Box 487
DuBois, PA 15801

814-371-7768

Date:

12/18/05

FILED

DEC 12 2005

William A. Shaw

Prothonotary/Clerk of Courts

3 cfr to Ann

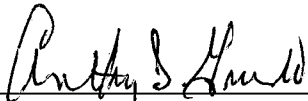
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

PHARMACY (4), INC., d/b/a	:	
REZK RESPIRATORY,	:	
Plaintiff	:	
	:	No. 05-978- C.D.
vs.	:	
	:	
JOHN C. REZK,	:	
Defendant	:	

PRAECIPE FOR ARGUMENT

TO THE PROTHONOTARY:

Pursuant to Local Rule 211, please place the above captioned matter on the next argument list as to Plaintiff's Motion for Judgment on the Pleadings.



Anthony S. Guido
Attorney for Plaintiff

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

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZK,
Defendant

No. 05-978- C.D.

ORDER OF COURT

AND NOW, this 30th day of December, 2005, upon
consideration of Plaintiff's Motion for Judgment on the Pleadings,

IT IS HEREBY ORDERED AND DECREED that argument is
scheduled for the 27th day of January, 2006, at 1:30 o'clock
P. m., Courtroom No. 1, Clearfield County Courthouse, Clearfield,
Pennsylvania.

BY THE COURT:

Frederick J. Zimmerman

FILED

DEC 30 2005

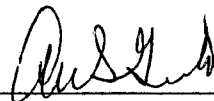
0/4:00/6 ⁶²
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

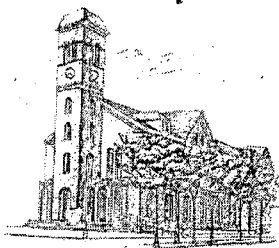
I do hereby certify that on the 12th day of December, 2005,
I served a copy of the within PRAECIPE FOR ARGUMENT by first class
mail, postage prepaid, to:

James A. Naddeo, Esq.
207 East Market Street
P. O. Box 552
Clearfield, PA 16830

Ronald P. Carnevali, Jr., Esq.
Spence, Custer, Saylor, Wolfe & Rose, LLC
P. O. Box 280
Johnstown, PA 15907-0280



Anthony S. Guido
Attorney for Plaintiff



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: 12-30-05

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:

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW

Plaintiff,

No. 05-978-CD

vs.

**RESPONSE TO MOTION FOR JUDGMENT
ON THE PLEADINGS**

JOHN C. REZK,

Defendant.

COUNSEL OF RECORD FOR PARTY:

JAMES A. NADDEO, ESQUIRE
I.D. No.: 06820
211 EAST LOCUST STREET
POST OFFICE BOX 552
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-1601

RONALD P. CARNEVALI, JR., ESQUIRE
I.D. No.: 47733
SPENCE, CUSTER, SAYLOR, WOLFE &
ROSE, LLC
AMERISERV FINANCIAL BUILDING
POST OFFICE BOX 280
JOHNSTOWN, PENNSYLVANIA 15907
(814) 536-0735

FILED
d/3:09/01
JAN 04 2006

2CC
Amy Naddeo
EX

William A. Shaw
Prothonotary/Clerk of Courts

PHARMACY (4), INC. d/b/a : IN THE COURT OF COMMON PLEAS OF
REZK RESPIRATORY, : CLEARFIELD COUNTY, PENNSYLVANIA
: CIVIL ACTION - LAW
Plaintiff, :
: No. 05-978-CD
vs. :
:
JOHN C. REZK, :
:
Defendant. :

RESPONSE TO MOTION FOR JUDGMENT ON THE PLEADINGS

NOW COMES, the Defendant, John C. Rezk, by and through his attorneys, James A. Naddeo and Spence, Custer, Saylor, Wolfe & Rose, LLC and files these Response to Motion for Judgment on the Pleadings as follows:

1. Admitted.

2. Admitted.

3. Admitted in part, denied in part. It is admitted that the Defendant does not claim that any loans were repaid. It is specifically denied that the Plaintiff is entitled to Judgment in the amount of the loans, plus interest, attorneys' fees and costs of suit, as any claim for interest, attorneys'

fees and costs of suit are based on an allegation that the Defendant executed two (2) Notes which set forth the right to claim those costs and fees upon default. As more fully set forth in the Defendant's Answer and New Matter to Plaintiff's Complaint, the Notes attached to Plaintiff's Complaint were not signed by the Defendant. By way of further answer, the Defendant is entitled to a set-off on any amount claimed by the Plaintiff for the amounts which are due and owing to the Defendant.

4. Admitted in part, denied in part. It is admitted that the Defendant does not claim that any loans were repaid. It is specifically denied that the Plaintiff is entitled to Judgment in the amount of the loans, plus interest, attorneys' fees and costs of suit. As any claim for interest, attorneys' fees and costs of suit are based on an allegation that the Defendant executed two (2) Notes which set forth the right to claim those costs and fees upon default. As more fully set forth in the Defendant's Answer and New Matter to Plaintiff's Complaint, the Notes attached to Plaintiff's Complaint were not

signed by the Defendant. By way of further answer, the Defendant is entitled to a set-off on any amount claimed by the Plaintiff for the amounts which are due and owing to the Defendant.

5. Denied. It is specifically denied that the only defense raised by the Defendant is that the notes were not executed by the Defendant. By way of further answer, the Defendant has pled a right of set-off, as well as the Doctrine of Estoppel.

6. Denied. Defendant's New Matter alleges the purchase and/or formation of a corporation for which the Defendant made a capital contribution. As a result of his capital contribution and work on behalf of that corporation, the Defendant was entitled to fifty percent (50%) ownership of the corporation and all of the benefits flowing from that ownership. The New Matter further alleges a right of set-off for any monies claimed by the Plaintiff in an amount equal to distributions

which should have been made to the Defendant since the corporations inception and his percentage share of the value of the corporation.

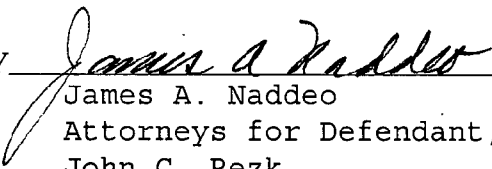
7. Denied. The averments of Paragraph 7 constitute conclusions of law to which no response is required. To the extent a response is required, said averments are denied.

8. Denied. The averments of Paragraph 8 constitute conclusions of law to which no response is required. To the extent a response is required, said averments are denied. By way of further answer, genuine issue of material facts exists with respect to the Defendant's right of set-off in the amounts and owing to the Defendant from the Plaintiff.

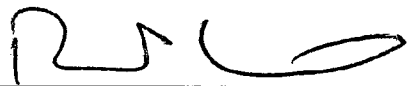
9. Denied. The averments of Paragraph 9 constitute conclusions of law to which no response is required. To the extent a response is required, said averments are denied.

WHEREFORE, the Defendant, John C. Rezk, respectfully request this Honorable Court enter Judgment in his favor and dismiss the Plaintiff, Pharmacy (4), Inc., d/b/a Rezk Respiratory's Motion for Judgment on the Pleadings.

Respectfully submitted,

By 
James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By 
Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

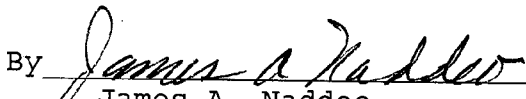
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 4th day of January, 2006, a true and correct copy of the Defendant, John C. Rezk's Response to Motion for Judgment on the Pleadings was forwarded via first-class mail, postage pre-paid, to the following persons:

Anthony S. Guido, Esquire
Hanak, Guido and Taladay
498 Jeffers Street
Post Office Box 487
Dubois, Pennsylvania 15801


Respectfully submitted,

By


James A. Naddeo
Attorneys for Defendant,
John C. Rezk

SPENCE, CUSTER, SAYLOR, WOLFE & ROSE, LLC

By


Ronald P. Carnevali, Jr.
Attorneys for Defendant,
John C. Rezk

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

PHARMACY (4), INC., d/b/a
REZEK RESPIRATORY,
Plaintiff

vs.

JOHN C. REZEK,
Defendant

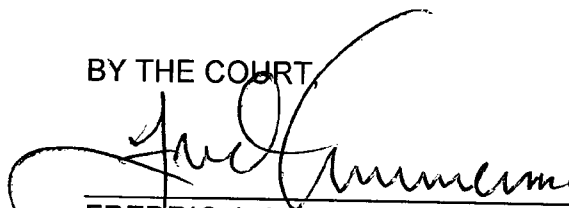
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NO. 05-978-CD

ORDER

NOW, this 27th day of January, 2006 following argument on Plaintiff's Motion for Judgment on the Pleadings, it is the ORDER of this Court that said Motion be and is hereby DENIED.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

JAN 30 2006

01/27/06
William A. Shaw

Prothonotary/Clerk of Courts

CERT TO AMY GUYDO (4)
NADDA (2)
CARNOWAL

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

-vs-

JOHN C. REZK,
Defendant

No. 05-978-CD

Type of Case: Civil Action

Type of Pleading: Praecipe
for Discontinuance

Filed on Behalf of: Plaintiff

Counsel of Record for This
Party:

Anthony S. Guido, Esq.
Supreme Court No. 05877
Hanak, Guido and Taladay
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

m/11:15 am

JUL 21 2006

NCC

1 Cert of disc

issued to ASG
Guido

copy to C/A

William A. Shaw
Prothonotary

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

PHARMACY (4), INC., d/b/a
REZK RESPIRATORY,
Plaintiff

-vs-

JOHN C. REZK
Defendant

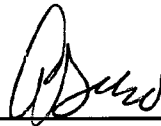
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No. 05-978-CD

PRAECIPE FOR DISCONTINUANCE

TO WILLIAM SHAW, PROTHONOTARY OF SAID COURT:

Please mark the above case settled, discontinued and ended.



Anthony S. Guido
Attorney for Plaintiff

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801

Nicole Hanak Bankovich
S. Casey Bowers

July 20, 2006

William A. Shaw, Prothonotary
Clearfield County Courthouse
P. O. Box 549
Clearfield, PA 16830

Dear Bill:

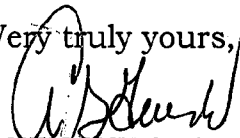
Enclosed are the following:

1. Praeipie to discontinue the case of Pharmacy (4), Inc., vs. John C. Rezk filed to No. 05-978-CD.
2. Praeipie to discontinue the case of DuBois Medical Supply vs. John C. Rezk filed to No. 05-977-CD.
3. Praeipie to discontinue the case of DuBois Medical Supply vs. Kathryn Silvester filed to No. 05-1116-CD.
4. Praeipie to discontinue the case of DuBois Medical Supply vs. Russell N. Thomas filed to No. 05-1114-CD.
5. Praeipie to discontinue the case of DuBois Medical Supply vs. Debra A. Milchak filed to No. 05-1115-CD.

Please forward to our office Certificates of Discontinuance of each of the actions in the enclosed, self-addressed, stamped envelope.

I thank you for your consideration. If you should have any questions or need anything further on this, please advise.

Very truly yours,

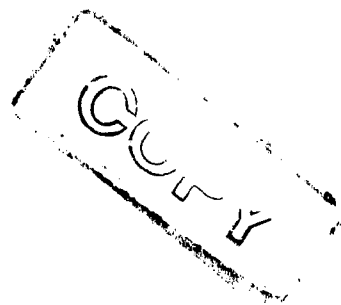


ANTHONY S. GUIDO

ASG:ks
Enclosure
Cc: Ronald Carnevali, Esq.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION



Pharmacy (4), Inc.
Rezk Respiratory

Vs.
John C. Rezk

No. 2005-00978-CD

CERTIFICATE OF DISCONTINUATION

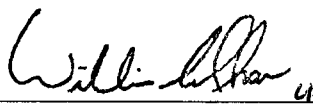
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 21, 2006, marked:

Settled, discontinued and ended

Record costs in the sum of \$85.00 have been paid in full by Anthony S. Guido Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of July A.D. 2006.



William A. Shaw, Prothonotary