

05-1343-CD
Dale J. Granite vs Colors Galore al

Dale Granite vs Colors Galore, Jim Hile
2005-1343-CD

FILED Amy Pentz
0110:4261 p. 8500
AUG 31 2005
Copy to
William A. Shaw (LUN) PIRF
Prothonotary/Clerk of Courts
COPY FOR
Rudella
COPY to
Amy Pentz

COURT OF COMMON PLEAS
Clearfield County
JUDICIAL DISTRICT
46

FROM

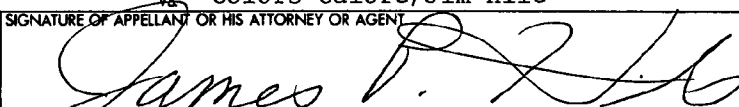
DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

05-1343-CD

NOTICE OF APPEAL

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

NAME OF APPELLANT Colors Galore/Jim Hile		MAG. DIST. NO. OR NAME OF D.J. Michael Rudella	
ADDRESS OF APPELLANT P. O. Box 785		CITY Clearfield	STATE PA
		ZIP CODE 16830	
DATE OF JUDGMENT 08/02/05	IN THE CASE OF (Plaintiff) Dale J. Granite		
		(Defendant) Colors Galore/Jim Hile	
CLAIM NO. CV 223 -05 LT	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		
<p>This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.</p> <p>This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.</p> <p>_____ Signature of Prothonotary or Deputy</p>		<p>If appellant was CLAIMANT (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.</p>	

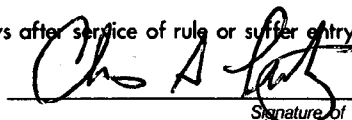
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon Dale J. Granite, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. 05-1343-CD) within twenty (20) days after service of rule or suffer entry of judgment of non pros.



Signature of appellant or his attorney or agent

RULE: To Dale J. Granite, appellee(s).
Name of appellee(s)

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

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

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

Date: August 31, 2005.



Signature of Prothonotary or Deputy

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

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

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

COURT OF COMMON PLEAS
Clearfield County
JUDICIAL DISTRICT
46


FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No. 05-1343-CD

NOTICE OF APPEAL

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

NAME OF APPELLANT Colors Galore/Jim Hile		MAG. DIST. NO. OR NAME OF D.J. Michael Rudella	
ADDRESS OF APPELLANT P. O. Box 785		CITY Clearfield	STATE PA
		ZIP CODE 16830	
DATE OF JUDGMENT 08/02/05	IN THE CASE OF (Plaintiff) Dale J. Granite		
		(Defendant) Colors Galore/Jim Hile	
CLAIM NO. CV 223 -05 LT _____	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT 		

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

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

Signature of Prothonotary or Deputy

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

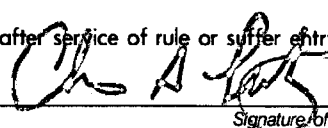
PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

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

PRAECIPE: To Prothonotary

Enter rule upon **Dale J. Granite**, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. **05-1343-CD**) within twenty (20) days after service of rule or suffer entry of judgment of non pros.


Signature of appellant or his attorney or agent

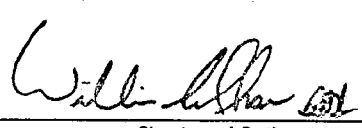
RULE: To **Dale J. Granite**, appellee(s).
Name of appellee(s)

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

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

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

Date: **August 31 2005**


Signature of Prothonotary or Deputy

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

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

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF _____; SS

AFFIDAVIT: I hereby swear or affirm that I served

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

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____

Signature of affiant

Signature of official before whom affidavit was made

Title of official

My commission expires on _____

Mag. Dist. No.:

46-3-03

MDJ Name: Hon.

MICHAEL A. RUDELLA

Address: **131 ROLLING STONE ROAD
PO BOX 210**

KYLERTOWN, PA

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

16847-0444

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

PLAINTIFF:

NAME and ADDRESS

GRANITE, DALE J

P O BOX 121

KARTHAUS, PA 16845

VS.

DEFENDANT:

NAME and ADDRESS

COLORS GALORE/JIM HILE

P O BOX 785

CLEARFIELD, PA 16830

COLORS GALORE/JIM HILE

P O BOX 785

CLEARFIELD, PA 16830

Docket No.: **CV-0000223-05**

Date Filed: **7/08/05**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF



Judgment was entered for:

(Name) **GRANITE, DALE J**



Judgment was entered against: (Name)

COLORS GALORE/JIM HILE

in the amount of \$ **1,478.12** on:

(Date of Judgment) **8/02/05**



Defendants are jointly and severally liable.

(Date & Time)



Damages will be assessed on:



This case dismissed without prejudice.



Amount of Judgment Subject to

Attachment/42 Pa.C.S. § 8127 \$



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

Amount of Judgment	\$ 1,408.62
Judgment Costs	\$ 69.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,478.12
Post Judgment Credits	\$
Post Judgment Costs	\$
Certified Judgment Total	\$

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

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

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

8-2-05

Date

MARUDELLA

, Magisterial District Judge

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

Date

, Magisterial District Judge

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

SEAL

FILED

AUG 31 2005

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.: **46-3-03**
MDJ Name: Hon. **MICHAEL A. RUDELLA**
Address: **131 ROLLING STONE ROAD**
PO BOX 210
KYLERTOWN, PA
Telephone: **(814) 345-6789** **16847-0444**

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

NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE

PLAINTIFF: **GRANITE, DALE J**
P O BOX 121
KARTHAUS, PA 16845
VS.
DEFENDANT: **COLORS GALORE/JIM HILE**
P O BOX 785
CLEARFIELD, PA 16830

Docket No.: **CV-0000223-05**
Date Filed: **7/08/05**



THIS IS TO NOTIFY YOU THAT:

Judgment:

FOR PLAINTIFF

☒ Judgment was entered for: (Name) **GRANITE, DALE J**
☒ Judgment was entered against: (Name) **COLORS GALORE/JIM HILE**
in the amount of \$ **1,478.12** on: (Date of Judgment) **8/02/05**

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

☐ Damages will be assessed on:

☐ This case dismissed without prejudice. **FILED** *NO CC*
12:05 PM
SEP 14 2005

☐ Amount of Judgment Subject to Attachment/42 Pa.C.S. § 8127 \$ _____
☐ Portion of Judgment for physical damages arising out of residential lease \$ _____
William A. Shaw
Prothonotary/Clerk of Courts

Amount of Judgment	\$ 1,408.62
Judgment Costs	\$ 69.50
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,478.12
Post Judgment Credits	\$ —
Post Judgment Costs	\$ —
Certified Judgment Total	\$ 1,478.12

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

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

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

8-2-05 Date *MARUDELLA*, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.
9/6/05 Date *MARUDELLA*, Magisterial District Judge

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

SEAL

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DALE J. GRANITE

(Plaintiff)

PO BOX 121

KARTHAUS, PA 16845

CIVIL ACTION

District Justice Appeal

Case No. 05-1343-C. D.

Type of Pleading:

Vs.

COMPLAINT

COLORS GALORE / JIM HILE

(Defendant)

Filed on Behalf of:

PLAINTIFF **FILED**

PO BOX 785

CLEARFIELD, PA 16830

SEP 19 2005

0/1:50 LM

200 plb

Filed By:

William A. Shaw
Prothonotary

Dale J. Granite

PO Box 121

Karthaus, PA 16845

Phone: 263-4838

Dale J. Granite
(Signature)

9-18-05

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

DALE J. GRANITE

Plaintiff

Vs.

District Justice Appeal

Case No. 05-1343-C.D.

COLORS GALORE /JIM HILE

Defendant

Type of Pleading:

COMPLAINT

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
230 East Market Street
Clearfield, Pennsylvania 16830
(814) 765-2641, extension 1300

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

DALE J. GRANITE

Plaintiff

Vs.

District Justice Appeal

Case No. 05-1343-C.D.

COLORS GALORE /JIM HILE

Defendant

Type of Pleading:

COMPLAINT

COMPLAINT

1. The Plaintiff is **Dale J. Granite** whose address is PO Box 121, Karthaus, PA 16845.
2. The Defendant is **Colors Galore / Jim Hile** whose address is PO Box 785, Clearfield, PA 16830.
3. On or about October 18, 2004, Plaintiff was hired to do a painting job by Defendant, Jim Hile, a painting contractor doing business as Colors Galore of Clearfield PA. The work site was the Wellsboro High School new construction project in Wellsboro, PA.
4. It was agreed that Defendant would pay Plaintiff at the rate of \$27.62 per hour for the duration of the contracted work period.
5. However, Defendant did not pay Plaintiff for the last 6 days Plaintiff worked for him. The specific dates are as follows:
 - a. December 2, 3, 6, 7, 8, 9, 2004
6. Therefore, there remains a total of 51 hours at \$27.62 per hour (or the sum of \$1408.62) for which Plaintiff has not been paid.
7. Additionally, as a direct result of Defendant's failure to uphold his contractual promise, Plaintiff has sustained several other miscellaneous costs and expenses as follows:

a. Magistrate filing fees, bounced check bank fees, loss of work / wages, certified letter and other postage mailing fees, transportation costs approximating \$350.00.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of \$1758.62, plus interest, court costs and such other reasonable costs as the court may allow.

Dale J. Grante
Plaintiff 7-18-05

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.

Dale J. Deante
9-18-05

FILED

SEP 19 2005

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

DALE J. GRANITE

Plaintiff

Vs.

District Justice Appeal

Case No. 05-1343-C.D.

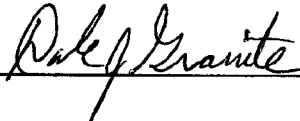
COLORS GALORE /JIM HILE

Defendant

CERTIFICATE OF SERVICE

I, **DALE J. GRANITE**, Plaintiff above named, do hereby certify
that on the 19th day of September, 2005, I caused a
certified copy of the Complaint to be mailed, first class - postage
prepaid, to the Defendant at his address as follows:

COLORS GALORE / JIM HILE
PO BOX 785
CLEARFIELD, PA 16830



FILED ^{no cc}
m/10-5901
SEP 22 2005 (LW)

William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 22 2005

Prothrombin, 100 units

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

DALE J. GRANITE

Plaintiff

Vs.

District Justice Appeal

Case No. ~~05-1343~~ C.D.

COLORS GALORE /JIM HILE

Defendant

FILED

0/3:12 cm

NOV - 7 2005

21 2000 pff

No CC

1 statement to pff

1 notice to deft

William A. Shaw
Prothonotary

PRAECIPE FOR ENTRY OF DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against the Defendant above named in the amount of \$1758.62 plus costs for the Defendant's failure to answer the Complaint within twenty (20) days of service thereof.

I hereby certify that a Notice of Intention to Enter Default Judgment was mailed or delivered to the Defendant on October 15, 2005, being at least ten (10) days prior to the date of the filing of this Praecipe. A true and correct copy of the Notice of Intention to Enter Default Judgment mailed or delivered in this case is attached to this Praecipe.



Dale J. Granite

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

DALE J. GRANITE

Plaintiff

Vs.

District Justice Appeal

Case No. 05-1343-C.D.

COLORS GALORE /JIM HILE

Defendant

TO: COLORS GALORE / JIM HILE

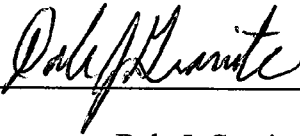
Defendant

Date of Notice: October 15, 2005

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641, EXTENSION 1300



Dale J. Granite
PO Box 121
Karthaus, PA 16845

FILED

NOV - 7 2005

William A. Shaw
Prothonotary

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

COPY

Dale J. Granite
Plaintiff(s)

No.: 2005-01343-CD

Real Debt: \$1758.62

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Colors Galore
Jim Hile
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 7, 2005

Expires: November 7, 2010

Certified from the record this November 7, 2005

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

COPY

Dale J. Granite

Vs.

No. 2005-01343-CD

Colors Galore Jim Hile

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$1758.62 on the November 7, 2005.

William A. Shaw
Prothonotary

William A. Shaw

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Dale J. Granite

(Plaintiff)

3523 MAIN, Box 121

(Street Address)

Karthaus PA 16845

(City, State ZIP)

CIVIL ACTION

No. 05-1343-C.D.

Type of Case: CIVIL COMPLAINT

Type of Pleading: CERTIFICATE OF READINESS

vs.

Colors Galore/ Jim Hile

(Defendant)

PO Box 785

(Street Address)

Clearfield PA 16830

(City, State ZIP)

Filed on Behalf of:

Dale J. Granite

(Plaintiff/~~Defendant~~)

FILED (E)

DEC 14 2005

8/31/05

William A. Shaw

Prothonotary/Clerk of Courts

2 COPY TO PLEFF.

COPY TO C/A

Dartell M. Granite

(Filed by)

PO Box 171

(Address)

Karthaus PA 16845

(Phone)

Dartell M. Granite

(Signature)

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED

CASE NUMBER 05-1343-C.D.
Date Complaint
Filed: 12-14-05
TYPE TRIAL REQUESTED
() Jury () Non-Jury
(X) Arbitration
ESTIMATED TRIAL TIME
.25 days/hours

PLAINTIFF(S)

Dale J. Granite () Check block if a Minor
DEFENDANT(S) is a Party to the Case

Colours Galore/ Jim Hile ()
ADDITIONAL DEFENDANT(S)

()

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

More than
& 1798.62 () yes (X) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

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

Dale J. Granite 814-263-4838
FOR THE PLAINTIFF TELEPHONE NUMBER

Colours Galore/ Jim Hile 814-765-6637
FOR THE DEFENDANT TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

FILED

DEC 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

DALE J. GRANITE

vs.

COLORS GALORE/JIM HILE

:
:
:
:
:

No. 05-1343-CD

FILED
01/10/11 BA
MAR 28 2006
CLC

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

NOW, this 27th day of March, 2006, it is the ORDER of the Court that
the above-captioned matter is scheduled for Arbitration on **Tuesday, May 23, 2006 at 9:00**
A.M. The following have been appointed as Arbitrators:

John Sughrue, Esquire, Chairman

Jeffrey S. DuBois, Esquire

Lea Ann Heltzel, Esquire

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

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

BY THE COURT:


FREDRIC J. AMMERMAN

President Judge

FILED

MAR 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

DALE J. GRANITE,
Plaintiff

vs.

COLORS GALORE/JIM HILE,
Defendant

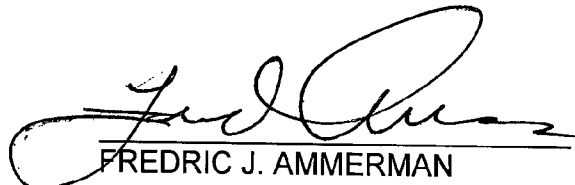
*
*
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*

NO. 05-1343-CD

ORDER

NOW, this 5th day of May, 2006, the Court having reviewed the file and noting that Default Judgment was entered against the Defendant on or about November 7, 2005 and that there is no need to proceed to arbitration; it is the ORDER of this Court that above-captioned case be and is hereby struck from the Arbitration List.

BY THE COURT,

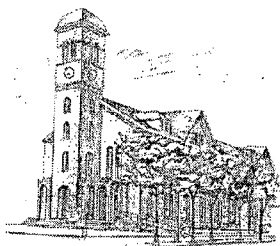

FREDRIC J. AMMERMAN
President Judge

FILED ICC Piff
03:30 PM PO Box 121
MAY 05 2006 Korthaus, PA 16845
William A. Shaw
Prothonotary/Clerk of Courts ICC Atty Pentz
610

FILED

MAY 05 2006

William A. Shaw
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

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: 5/5/06

____ You are responsible for serving all appropriate parties.

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

X Plaintiff(s)/Attorney(s)

X Defendant(s)/Attorney(s)

____ Other

____ Special Instructions:

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

DALE J. GRANITE,
Plaintiff

vs

COLORS GALORE/JIM HILE,
Defendant

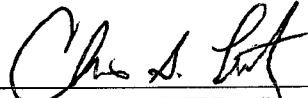
No. 2005- 1343 -CD

Type of Case: Contract

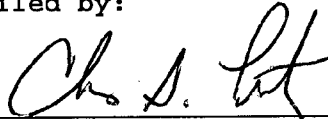
Type of Pleading: Petition to
Open and Strike Judgment/Rule

Filed on Behalf of: Defendant

Counsel of Record for this Party:


CHRIS A. PENTZ, Esquire
Supreme Court I.D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

Filed by:


Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830
814 765-4000

Date: 6-30-06

FILED 3cc
018:58/30 Atty Pentz
JUN 30 2006 @CR

William A. Shaw
Prothonotary/Clerk of Courts

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

DALE J. GRANITE,	*	
Plaintiff	*	
	*	
vs	*	No. 2005- 1343 -CD
	*	
	*	
COLORS GALORE/JIM HILE,	*	
Defendant	*	

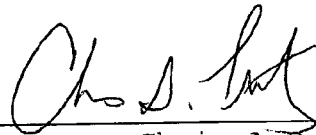
PETITION TO OPEN AND STRIKE JUDGMENT

1. The Petitioner is the Defendant in the above captioned matter.
2. The Respondent is the Plaintiff in the above captioned matter.
3. This matter is a District Judge appeal filed by Petitioner's Counsel Chris A. Pentz, Attorney at Law.
4. The Respondent/Plaintiff filed and served his Complaint on or about September 19, 2005.
5. The Respondent/Plaintiff filed a default judgment on November 11, 2005 without providing Counsel for the Petitioner/Defendant any notice of the filing.
6. Respondent/Plaintiff did not provide Counsel for Petitioner/Defendant a ten (10) day Notice of Default Judgment as required by the Pennsylvania Rules of Civil Procedure.

7. Respondent/Plaintiff has initiated execution proceedings, on the improperly obtained judgment, against assets of the Petitioner/Defendant.

WHEREFORE, Petitioner/Defendant respectfully requests your Honorable Court to Open and Strike the Judgment and to award counsel fee in favor of Petitioner/Defendant.

Respectfully submitted this 30 of June, 2006

A handwritten signature in cursive script, appearing to read "Chris A. Pentz", written over a horizontal line.

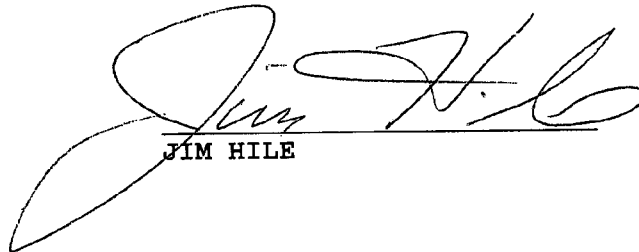
Chris A Pentz
Attorney for Petitioner/Defendant

VERIFICATION

I, JIM HILE, verify that the statements made in this Petition to Open and Strike are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

6-30-06

Date


JIM HILE

FILED

JUN 30 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

DALE J. GRANITE,
Plaintiff

vs

No. 2005- 1343 -CD

COLORS GALORE/JIM HILE,
Defendant

*
*
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*

FILED 3cc
019:54/01 Amy Pentz
JUL 03 2006 CW

ORDER OF COURT

William A. Shaw
Prothonotary/Clerk of Courts

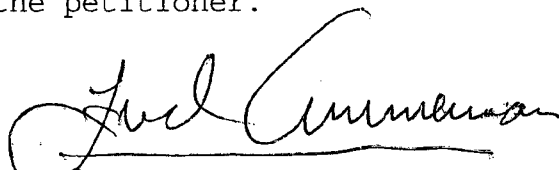
AND NOW, this 30 day of June, 2006,
upon consideration of the foregoing petition, it is hereby
ordered that:

(1) a rule is issued upon the respondent to show cause
why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the
petition within twenty (20) days of service upon the
respondent;

(3) the petition shall be decided under Pa.R.C.P. No.
206.7;

(4) notice of the entry of this order shall be
provided to all parties by the petitioner.


P.J.

FILED

JUL 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTD 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 and Market Streets
Clearfield PA 16830
814 765-2641, Ext. 1300

BY THE COURT:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DALE J. GRANITE
(Plaintiff)

PO BOX 121

KARTHAUS, PA 16845

CIVIL ACTION

District Justice Appeal

Case No. 05-1343-C. D.

Type of Pleading: Answer to
Defendant's Petition to Open
and Strike Judgment/Rule

Vs.

COLORS GALORE / JIM HILE
(Defendant)

PO BOX 785

CLEARFIELD, PA 16830

Filed on Behalf of:

PLAINTIFF

FILED

JUL 19 2006

0/11:45/AM

William A. Shaw

Prothonotary/Clerk of Courts

3 CERT TO PIFF.

Filed By:

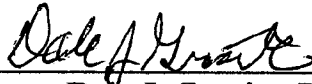
Margaret J. Granite
PO Box 121
Karthaus, PA 16845
Phone: 263-4838

Margaret J. Granite
Signature

7-19-06
Date

Wherefore. Plaintiff respectfully requests your Honorable Court to deny the Defendant's Petition to Open and Strike the Judgment, and to allow the Plaintiff's Court Ordered Default Judgment against the Defendant to stand.

Respectfully submitted this 19th day of July, 2006.



Dale J. Granite, Plaintiff

VERIFICATION

I verify that the statements made in this Reply to Petition to Open and Strike are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to Unsworn Falsification to Authorities.



Dale J. Granite

7-19-06

Date

Plaintiff's Court Order (Case No. 00-00000) against the Defendant's Court Order (Case No. 00-00000) is hereby affirmed.

Respectfully submitted this _____ day of _____, 2006.

D. Lee J. Gentry, Plaintiff

VERIFICATION

I verify that the statements made in this Reply to Plaintiff's Petition to Dismiss are true and correct. I understand that these statements are made subject to the penalties of 18 Pa.C.S. § 904 relating to false information to authorities.

D. Lee J. Gentry, Plaintiff

FILED
JUL 19 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

DALE J. GRANITE

Plaintiff

Vs.

District Justice Appeal

Case No. 05-1343-C.D.

COLORS GALORE /JIM HILE

Defendant

CERTIFICATE OF SERVICE

I, Dale J. Granite, Plaintiff above named, do hereby certify
that on the **19th day of July, 2006**, I served a certified copy of the
Reply to Defendant's Petition to Open and Strike Judgment on
the Defendant above named, by hand delivering said certified copy
to the Defendant at Office of his Attorney, Chris A.
Pentz, 207 E. Market St., PO Box 552
Clearfield PA 16830. (Received by "Jamie"
at front desk).

Dale J. Granite

FILED

JUL 24 2006

William A. Shaw
Prothonotary/Clerk of Courts

NOTARY PUBLIC
STATE OF TEXAS

DATE: _____
TIME: _____

Notary Public, State of Texas

Case No. 02-144-02

NOTARY PUBLIC
STATE OF TEXAS

POWER OF ATTORNEY

I, _____, of the County of _____, State of Texas, do hereby certify that on the _____ day of _____, 2006, I signed a certified copy of the _____, in accordance with the provisions of the _____, and the same is being delivered to _____, by hand, being said certified copy to the _____.

William A. Shaw
Prothonotary/Clerk of Courts

JUL 24 2006

FILED

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

DALE J. GRANITE

Plaintiff

Vs.

District Justice Appeal

Case No. 05-1343-C.D.


COLORS GALORE /JIM HILE

Defendant

CERTIFICATE OF SERVICE

I, Dale J. Granite, Plaintiff above named, do hereby certify
that on the **20th day of July, 2006**, I caused a certified copy of the
Reply to Defendant's Petition to Open and Strike Judgment to
be mailed, first-class, postage prepaid, to the Defendant at his
address as follows:

COLORS GALORE
ATTN: JIM HILE
PO BOX 785
CLEARFIELD, PA 16830



FILED
m 10:34
JUL 24 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY,
PENNSYLVANIA

D. LEE J. GRANITE

Plaintiff

vs.

Case No. 05-0043-0

CLEARFIELD COUNTY

Defendant

CERTIFICATE OF SERVICE

I, D. Lee J. Granite, Plaintiff, do hereby certify that on the 23rd day of July, 2006, I caused a certified copy of this Reply to Defendant's Petition to Open and Strike a Judgment to be mailed, first-class, postage prepaid, to the Defendant at his address as follows:

CLEARFIELD, PA 16830
PO BOX 782
ATTN: JIM HITE
CLEARFIELD, PA 16830

FILED

JUL 24 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

DALE J. GRANITE,
Plaintiff

VS

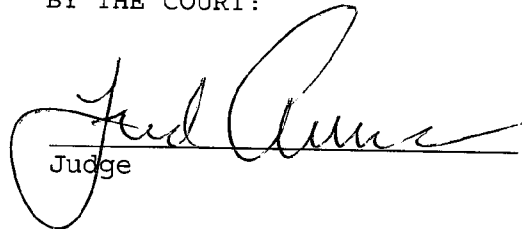
COLORS GALORE/JIM HILE,
Defendant

No. 2005- 1343 -CD

SCHEDULING ORDER

AND NOW, this 7 day of August, 2006,
upon consideration of the PETITION OPEN AND STRIKE JUDGMENT filed
by Chris A. Pentz, Attorney for Defendant, and an answer being
filed by the Plaintiff, a hearing is hereby scheduled for
the 18th day of September, 2006, at 10:00 A.M. in
Court Room No. 1 of the Clearfield County Courthouse,
Clearfield, Pennsylvania.

BY THE COURT:


Judge

FILED

AUG 08 2006

William A. Shaw

Prothonotary/Clerk of Courts

2 CENT TO PENTZ
1 CENT TO PLAINTIFF

William A. Shaw
Prothonotary/Clerk of Courts

AUG 08 2006

FILED

DATE: 8-8-06

☒ You are responsible for serving all appropriate parties.

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

☒ Plaintiff(s)

☐ Defendant(s) Attorney ☐ Other

Special Instructions:

P.O. Box 121
Karatunas

16845

11A

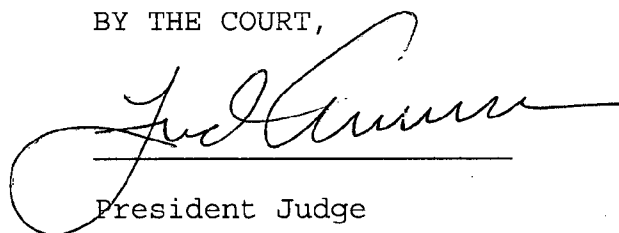
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

DALE J. GRANITE :
VS. : NO. 05-1343-CD
COLORS GALORE/JIM HILE :

O R D E R

AND NOW, this 18th day of September, 2006, following argument on the Petition to Open and Strike Judgment; with it being clear that, contrary to the Rules of Civil Procedure, the Plaintiff did not serve counsel for the Defendant with any documents filed until the Reply to the Petition to Open and Strike Judgment, it is the ORDER of this Court that Petition to Open and Strike Judgment be and is hereby granted. The Prothonotary is directed to strike the judgment. The Defense shall have no more than twenty (20) days from this date in which to respond to the Plaintiff's Complaint.

BY THE COURT,


President Judge

FILED ^{2cc}
9/15/06 ^{Piff-}
SEP 21 2006 ^{PO Box 121}
^{Karthaus, PA 16845}

William A. Shaw ^{2cc}
Prothonotary/Clerk of Courts ^{Any Pertz}
^{CR}

FILED

SEP 21 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/21/06

___ You are responsible for serving all appropriate parties.

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

X Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) X Defendant(s) Attorney

___ Special Instructions:

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

DALE J. GRANITE,
Plaintiff

vs

COLORS GALORE/JIM HILE,
Defendant

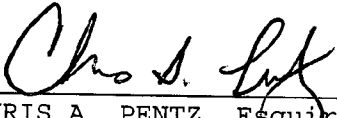
No. 2005- 1343 -CD

Type of Case: Contract

Type of Pleading: Answer to
Complaint and New Matter

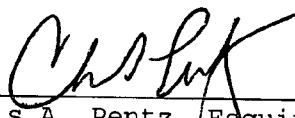
Filed on Behalf of: Defendant

Counsel of Record for this Party:


CHRIS A. PENTZ, Esquire
Supreme Court I.D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

FILED 3cc Atty
0/11:55 am
OCT 10 2006
Pentz

Filed by:


Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830
814 765-4000

William A. Shaw
Prothonotary/Clerk of Courts

Date: 10-10-06

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

DALE J. GRANITE,
Plaintiff

vs

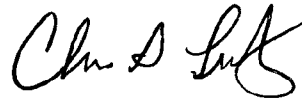
COLORS GALORE/JIM HILE,
Defendant

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No. 2005- 1343 -CD

To: DALE J. GRANITE

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



Chris A. Pentz, Esquire
I. D. # 39232
Attorney for Defendant

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

DALE J. GRANITE,

Plaintiff

vs

COLORS GALORE/JIM HILE,

Defendant

*

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No. 2005- 1343 -CD

ANSWER TO COMPLAINT AND NEW MATTER

1. Paragraph 1 is admitted.

2. Paragraph 2 is denied. The Defendant is Colors Galore/Jim Hile whose address is 64 Color Lane, Clearfield Pennsylvania 16830.

3. Paragraph 3 is denied. The Plaintiff was not hired by the Defendant. It is believed and therefore averred that the Plaintiff was brought to the work site by Kevin Long.

4. Paragraph 4 is denied. The Defendant believes and therefore avers that the Plaintiff was to receive a minimum of \$27.62 per hour and a percentage of the profit if any existed.

5. Paragraph 5 is admitted in part and denied in part. It is admitted that the Defendant did not pay the Plaintiff any sums for the specific dates. It is denied

4
that the Defendant was personally liable to the Plaintiff for the work performed from the date set forth.

6. Answer to Paragraph 5 above is incorporated herein by reference as though set forth in full.

7. Paragraph 7 is denied. The Defendant denies any damages have resulted by any actions taken or not taken by the Defendant.

WHEREFORE, the Defendant demands judgment in his favor.

NEW MATTER

8. All painters on the work site at the Wellsboro High School in Wellsboro, Pennsylvania were to be paid a minimum of \$27.62 per hour with the painters receiving additional profit based on the amount of the profit being divided by the number of hours required to complete the job.

9. All painters on the project were to be paid upon receipt of funds from the general contractor, Lobar, Inc. of Dillsburg, Pennsylvania.

10. The general contractor has failed to make any payments from approximately December, 2004 to present.

11. A suit has been filed by the Defendant on behalf of the painters against Lobar, Inc. to collect the sums due for unpaid work on the Wellsboro High School project in

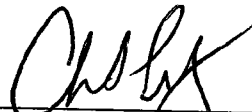
Wellsboro, Pennsylvania.

12. The Defendant is not in possession of any money which may be due the Plaintiff from Lobar, Inc.

13. If the Defendant does come in possession of funds due the Plaintiff from Lobar, Inc. he will immediately forward all the funds to the Plaintiff.

WHEREFORE, the Defendant demands judgment against the Plaintiff and in his favor.

Respectfully submitted this 10 day of Oct., 2006.

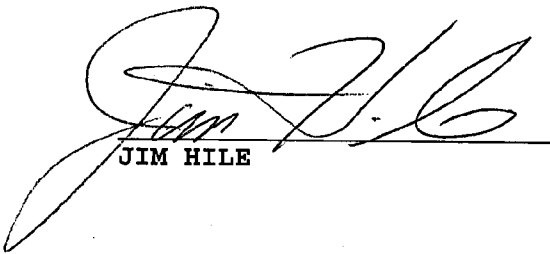


Chris A. Peniz, Esquire
I.D. 39323
207 East Market Street
Clearfield PA 16830
814 765-4000

VERIFICATION

I, JIM HILE, verify that the statements made in this Answer to Complaint and New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date


JIM HILE

FILED

OCT 10 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

DALE J. GRANITE,
Plaintiff

vs

COLORS GALORE/JIM HILE,
Defendant

No. 2005- 1343 -CD

Type of Case: Contract

Type of Pleading: Certificate
of Service

Filed on Behalf of: Defendant

Counsel of Record for this Party:

CHRIS A. PENTZ, Esquire
Supreme Court I.D. # 39232
207 East Market Street
P. O. Box 552
Clearfield PA 16830
814 765-4000

Filed by:

Chris A. Pentz, Esquire
207 East Market Street
P. O. Box 552
Clearfield, PA 16830
814 765-4000

FILED
OCT 18 2006

William A. Shaw
Prothonotary/Clerk of Courts

Date: 10-18-06

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY PENNSYLVANIA
CIVIL DIVISION

DALE J. GRANITE,
Plaintiff

vs

COLORS GALORE/JIM HILE,
Defendant

No. 2005-1343-CD

CERTIFICATE OF SERVICE

I, Chris A. Pentz, Esquire, do hereby certify that a
certified copy of Answer to Complaint and New Matter filed to the
above-captioned action was served on the following person and in
the following manner on the 12th day of October, 2006.

First-Class Mail, Postage Prepaid

Mr. Dale Granite
P. O. Box 121
Karthaus PA 16845



Chris A. Pentz, Esquire

FILED

OCT 18 2006

William A. Shaw
Prothonotary/Clerk of Courts