

05-1760-CD
M. Redenbach vs Robert Fischl et al

Martin Redenbach vs Robert Fischl al
05-1760-CD

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

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

, MARTIN J. REDENBACH,
Plaintiff,

v.

ROBERT FISCHL and
JANE FISCHL,
Husband and wife,
Defendants.

No. 05 - 1760 - CD

Type of Pleading:

COMPLAINT

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esquire
207 East Market Street
PO Box 552
Clearfield, PA 16830
(814) 765-1601

FILED 2cc Shf
01/11/02
NOV 10 2005 Atty pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts

Northern Insurance

PO BOX 1880
PITTSBURGH
800 888-8765

PA 15230 1880

CHECK NUMBER: 1540043191
DATE ISSUED: 10/04/02
AMOUNT: 75,000.00

Please Include Claim Number On All Future Correspondence

CLAIM NUMBER: 266-0098312 001 AC TAX ID:
POLICY NUMBER: TC985853951 INVOICE NUMBER:
DATE OF LOSS: 01/08/99 PYMT SERVICE DATES: 09/26/02-09/26/02
INSURED: RABE ENVIRONMENTAL SYSTEM
CLAIMANT: Martin J. Redenbach
FILE SUPERVISOR: Jane A. Cline PHONE NBR: 800 888-8765

NATURE OF PAYMENT: COMPROMISE AND RELEASE-LESS ATTORNEY FEE
ATTACHMENT INSTRUCTIONS: SEND CHECK CERTIFIED-RETURN RECEIPT

PAYMENT DESCRIPTION	AMOUNT PAID
VC WAGE LOSS & DISABILITY	75,000.00

ISSUED TO: TOTAL: 75,000.00
Martin J. Redenbach

C/O JUBILERER PASS & INTRIERI
219 FT. PITT BLVD.
PITTSBURGH PA 15222

REQUESTED BY: Jane A. Cline

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



ZURICH AMERICAN INSURANCE COMPANY
ON BEHALF OF Northern Insurance

CHECK NO. 1540043191

PO BOX 1880
PITTSBURGH PA 15230 1880

70-2302/719

ZURICH

CLAIM NUMBER: 266-0098312 001 AC

DATE ISSUED: 10/04/02

AMOUNT: SEVENTY-FIVE THOUSAND AND 00/100

VOID AFTER 180 DAYS

Pay to Order of Martin J. Redenbach

\$ *75,000.00

LASALLE BANK NA
CHICAGO IL 60603

THE BACKGROUND IS COLORED**

1540043191 10719230221 55988800100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION

MARTIN J. REDENBACH,

Plaintiff,

v.

No. 05 – 1760 – CD

ROBERT FISCHL and

JANE FISCHL,

Husband and wife,

Defendants.

Type of pleading:

RESPONSE TO COMPLAINT

Filed on behalf of:

Defendants

Counsel of Record for this party:

Robert and Jane Fischl

355 Rees Lane

Frenchville, PA 16836

(814) 263-4492

FILED *NO CC*
013:55/AN
DEC 19 2005 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION

No. 05 – 1760 - CD

MARTIN J. REDENBACH,

Plaintiff,

v.

ROBERT FISCHL and

JANE FISCHL,

Husband and wife,

Defendants.

RESPONSE TO COMPLAINT:

1. Regarding the plaintiff, Martin J. Redenbach, who resides at 120 Redenbach Lane, PO Box 125, Frenchville, PA 16836: PRESUMED.

2. Regarding the defendants, Robert Fischl and Jane Fischl, husband and wife, who reside at 355 Rees Lane, Frenchville, PA 16836: AGREED.

3. Regarding the defendants' operation of a delivery (expediting) business under the auspices of FedEx Custom Critical out of their place of residence: AGREED.

Defendants also owned the Redwood Inn, located at 9426 Gillingham Road, LeContes Mills, PA 16850.

4. Regarding the agreement said to have been made on or about October 12, 2002 for the purchase of a FedEx Custom Critical delivery truck to be operated in conjunction with defendants' delivery business: DENIED. No such agreement ever existed.

5. Regarding plaintiff's check in the amount of \$75,000 intended for the purchase of a FedEx Custom Critical delivery truck: DENIED. A delivery truck was purchased by the defendants for use in the defendants' delivery business. Supporting documentation exists to prove that the truck was purchased using defendants' own means. Plaintiff's check in the amount of \$75,000 was never intended or used in conjunction with FedEx Custom Critical or the defendants' delivery business. The plaintiff's intentions for the money were to buy part or all of the defendants' Redwood Inn business.

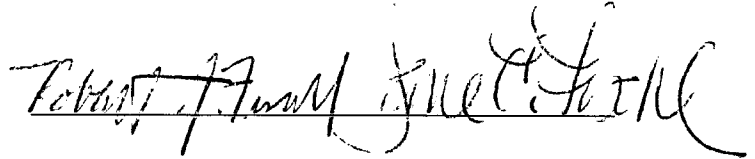
6. Regarding plaintiff's check in the amount of \$75,000 that the defendants allegedly "cashed... and appropriated the proceeds therefrom": DENIED. Plaintiff's check was deposited in the Redwood Inn's business checking account as agreed between the plaintiff and defendants. This was transacted with the plaintiff's full knowledge and consent, and indeed at the plaintiff's ardent insistence that the money be deposited in the Redwood Inn's business checking account and nowhere else.

7. Regarding the defendants' alleged failure to use plaintiff's check for the purchase of a FedEx Custom Critical delivery truck and defendants' alleged appropriation of the proceeds from said check to their own use: DENIED. The \$75,000 was deposited in the Redwood Inn's business checking account under the assumption that the plaintiff had intentions of buying part or all of the business. These intentions were delayed by the plaintiff's criminal record, which he claimed could be expunged.

8. Regarding the plaintiff's demand upon the defendants for the return of \$75,000 and the defendants' alleged refusal to do so: DENIED. Documentation and testimony exists to prove that the plaintiff's \$75,000 – deposited in the Redwood Inn's business checking account – was fully spent and disposed of by the plaintiff himself or at the

plaintiff's discretion. The plaintiff had full access at all times to the check ledger for the Redwood Inn's business checking account as well as records detailing expenditures made out of the \$75,000 with the plaintiff's full knowledge and consent.

Wherefore, defendants claim total exoneration from all allegations made by the plaintiff on the merit of proof and testimony which disproves the plaintiff's complaint.

A handwritten signature in cursive script, appearing to read "Robert and Jane Fischl", written over a horizontal line.

Robert and Jane Fischl

Defendants

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100997
NO: 05-1760-CD
SERVICE # 1 OF 2
COMPLAINT

PLAINTIFF: MARTIN J. REDENBACH
vs.
DEFENDANT: ROBERT FISCHL and JANE FISCHL

SHERIFF RETURN

NOW. November 28, 2005 AT 10:39 AM SERVED THE WITHIN COMPLAINT ON ROBERT FISCHL DEFENDANT AT RR#1 BOX 437, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JANE FISCHL, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

FILED
0/9:40
MAR 01 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100997
NO: 05-1760-CD
SERVICE # 2 OF 2
COMPLAINT

PLAINTIFF: MARTIN J. REDENBACH
vs.
DEFENDANT: ROBERT FISCHL and JANE FISCHL

SHERIFF RETURN

NOW, November 28, 2005 AT 10:39 AM SERVED THE WITHIN COMPLAINT ON JANE FISCHL DEFENDANT AT RR#1 BOX 437, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JANE FISCHL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100997
NO: 05-1760-CD
SERVICES 2
COMPLAINT

PLAINTIFF: MARTIN J. REDENBACH
vs.
DEFENDANT: ROBERT FISCHL and JANE FISCHL

SHERIFF RETURN


RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	10538	20.00
SHERIFF HAWKINS	NADDEO	10538	39.89

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,


by 

Chester A. Hawkins
Sheriff

MARTIN J. REDENBACH

NO. 05-1760-CD

-VS-

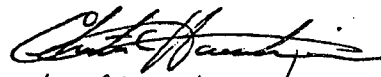

ROBERT FISCHL and JANE FISCHL

COMPLAINT

AMENDED
SHERIFF'S RETURN

NOW APRIL 26, 2006 AMEND RETURN CHANGING SHERIFF COSTS FROM \$39.89 to \$29.89.

SO ANSWERS,

CHESTER A. HAWKINS
SHERIFF

SWORN TO BEFORE ME THIS
____ DAY OF _____ 2006

FILED
APR 26 2006
William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

6A

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

MARTIN J. REDENBAH,
Plaintiff

vs.

ROBERT FISCHL and
JANE FISCHL,
Husband and wife,
Defendants.

No. 05 - 1760 - CD

FILED ^{icc}
9/2:14/30/ ^{Any}
MAY 31 2006 ^{Naddeo}
(EV)

ORDER

William A. Shaw
Prothonotary/Clerk of Courts

AND NOW, this 30th day of May, 2006, upon consideration of
the forgoing Petition, it is hereby ordered that:

(1) a rule is hereby issued upon Respondent, Martin J. Redenbach, to Show Cause why the Petitioner, James A. Naddeo, 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.

NOTICE

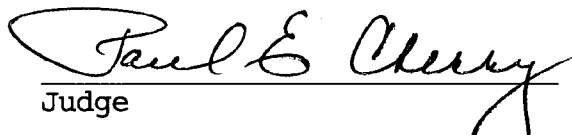
A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION, YOU MUST TAKE ACTION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY

SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY FOR 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 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 Street
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 50-51

BY THE COURT,


Judge

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

MARTIN J. REDENBACH,
Plaintiff

vs.

ROBERT FISCHL and
JANE FISCHL,
Husband and wife,
Defendants.

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No. 05 - 1760 - CD

PETITION TO WITHDRAW AS COUNSEL

NOW COMES James A. Naddeo, Esquire, attorney of record for the Plaintiff, Martin J. Redenbach, and sets forth the following:

1. That Plaintiff in the above-captioned action is Martin J. Redenbach who currently resides in Frenchville, Pennsylvania 16836.

2. That Defendant in the above-captioned action is Robert and Jane Fischl whose address is R. R. 1, Box 437, Frenchville, Pennsylvania, 16836.

3. That the Plaintiff consulted your Petitioner on or about November 2, 2005, and requested that your Petitioner file pleadings on his behalf to the above-captioned term and number.

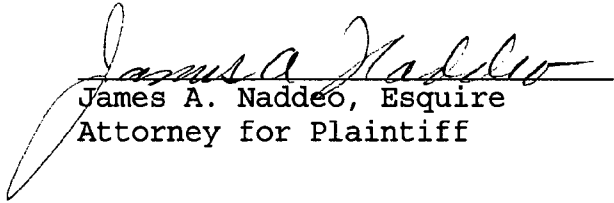
4. That by letter dated December 27, 2005 your Petitioner requested Plaintiff to forward the sum of \$750.00 for stenographic fees to take the depositions of the Defendants.

5. That Plaintiff failed to respond to your Petitioner's request and another letter dated March 15, 2006 was directed to the Plaintiff.

6. That Plaintiff left a message with Petitioner's office on April 3, 2006 that he intended to bring a check to Petitioner's office the week of April 3rd. A copy of telephone message is attached hereto as Exhibit "A".

7. That Plaintiff has failed to deliver a check to your Petitioner or to further communicate with him.

WHEREFORE, Petitioner respectfully requests Your Honorable Court to enter a Rule upon Plaintiff, Martin J. Redenbach, to show cause why Petitioner should not be allowed to withdraw as counsel.


James A. Naddeo, Esquire
Attorney for Plaintiff

Linda Lewis

From: "James Naddeo" <naddeo>
To: "Linda Lewis" <linda@naddeo.com>
Sent: Friday, April 28, 2006 10:43 AM
Subject: Fw: Martin Redenbach 412-728-3513

----- Original Message -----

From: Server
To: James Naddeo
Sent: Monday, April 03, 2006 10:27 AM
Subject: Martin Redenbach 412-728-3513

He still wants to pursue his case, he said he will bring you in a check this week

EXHIBIT "A"

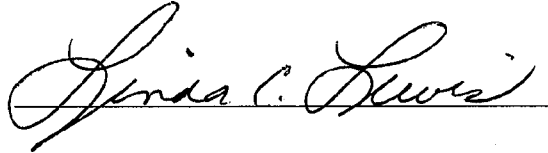
5/11/2006

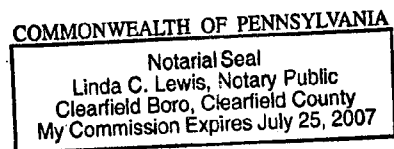
COMMONWEALTH OF PENNSYLVANIA)
)
) SS.
COUNTY OF CLEARFIELD)

Before me, the undersigned officer, personally appeared JAMES A. NADDEO, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Petition to Withdraw as Counsel are true and correct to the best of her knowledge, information and belief.


James A. Naddeo

SWORN and SUBSCRIBED before me this 25th day of May, 2006.





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Atty Naddeo

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

MARTIN J. REDENBACH,
Plaintiff,

v.

ROBERT FISCHL and
JANE FISCHL,
Husband and wife,
Defendants.

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*
*
* No. 05 - 1760 - CD
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ORDER

NOW this 28th day of June, 2006, upon consideration of the Petition and Motion to Withdraw as Counsel filed by James A. Naddeo, Esquire, it appearing that a return date was set upon said Petition for June 19, 2006 and the Plaintiff having failed to file a response, it is the ORDER of this Court that James A. Naddeo, Esquire, be permitted to withdraw as counsel on behalf of the Plaintiff, Martin J. Redenbach. It is the further ORDER of this Court that a certified copy of this Order be directed to Martin J. Redenbach by James A. Naddeo, Esquire.

BY THE COURT

Paul E. Chering

DATE: 6/28/06

X You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other

____ Defendant(s) _____ Defendant(s) Attorney

____ Special Instructions:

FILED

JUN 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

MARTIN J. REDENBACH,
Plaintiff,

v.

ROBERT FISCHL and
JANE FISCHL,
Husband and wife,
Defendants.

No. 05 - 1760 - CD

Type of Pleading:

**PRAECIPE TO WITHDRAW
APPEARANCE**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esquire
Pa I.D. 06820

207 East Market Street
PO Box 552
Clearfield, PA 16830
(814) 765-1601

FILED 2cc
0/10: 38/51 Amy Naddeo
JUN 29 2005
USC Copy to CIA

William A. Shaw
Prothonotary/Clerk of Courts

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

MARTIN J. REDENBACH,
Plaintiff,

vs.

ROBERT FISCHL and
JANE FISCHL,
Husband and wife,
Defendants.

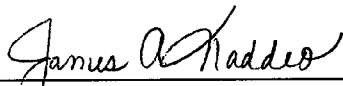
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No. 05 - 1750 - CD

PRAECIPE TO WITHDRAW APPEARANCE

TO THE PROTHONOTARY:

Please withdraw my Appearance on behalf of the
Plaintiff, Martin J. Redenbach, in the above captioned case.



James A. Naddeo
Attorney for Plaintiff

Notice of Proposed Termination of Court Case

July 1, 2011

RE: Martin J. Redenbach
Vs.
Robert Fischl
and Jane Fischl
2005-1760-CD

FILED
JUL 01 2011
William A. Shaw
Prothonotary/Clerk of Courts

Dear Robert and Jane Fischl:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the **Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830**. The Statement of Intention to Proceed must be filed on or before **September 2, 2011**.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,

F. Cortez Bell, III
F. Cortez Bell, III, Esq.
Court Administrator

Court of Common Pleas of Clearfield County, Pennsylvania
Civil Division

Martin J. Redenbach

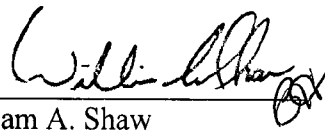
Vs.

2005-01760-CD

Robert Fischl and
Jane Fischl

Termination of Inactive Case

This case is hereby terminated with prejudice this
September 7, 2011, as per Rule 230.2



William A. Shaw
Prothonotary

5 FILED
d/4:00pm
SEP 07 2011

William A. Shaw
Prothonotary/Clerk of Courts

1cc M. Redenbach
PO Box 125
120 Redenbach Lane
Frenchville, PA 16836

1cc Defs.
355 Rees Lane
Frenchville, PA 16836