

05-1876-CD
Audiocare Inc. vs J. Pannette et al

Audiocare vs Jerry Pannette et al
2005-1876-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

AUDIOCARE, INC.

NO. 05-1876-C

IN CIVIL ACTION

Plaintiff(s)

-vs-

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Defendant(s)

FILED

1/3/2005 10:35 AM
DEC 01 2005
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NUCC.

William A. Shaw
Prothonotary

COMPLAINT

CODE-
FILED ON BEHALF OF
PLAINTIFF

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466
Fax (412) 682-3138

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

AUDIOCARE, INC.

**NO.
IN CIVIL ACTION**

Plaintiff(s)

-vs-

**JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS**

Defendant(s)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you the Court without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF
YOU DONOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET
FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION
ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY
BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES
THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A
REDUCED FEE OR NO FEE.**

**Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646**

COMPLAINT

1. Plaintiff is a corporation having offices at 3455 Camino Del Rio South, San Diego, CA 92108.
2. Defendant Jerry Pannette is an individual in business whose address is 101 North Main, DuBois, Clearfield County, PA 15801.
3. At a specific request of the Defendant, Plaintiff sold and delivered to Defendant certain goods, wares, merchandise and/or services.
4. Defendant received and accepted the aforementioned goods, wares, merchandise and/or services.
5. The prices charged by Plaintiff were the fair, reasonable and market prices that prevailed at the time(s) of the transaction(s).
6. The prices charged by Plaintiff were the prices that Defendant agreed to pay but the checks paid to Plaintiff totaling \$23,896.42 were returned marked "NSF" as per Exhibit "A1-A2" copies of which are attached and made a part hereof.
7. Defendant repaid \$8,000.00 towards the returned checks, as per Exhibit "B" a copy of which is attached and made a part hereof.
8. Plaintiff avers that all conditions precedent to the Defendant's duty of performance under said agreement has occurred.
9. Plaintiff avers that the principal balance due amounts to \$15,896.42.

10. Plaintiff avers that interest has accrued at the rate of 6% per annum on the declining principal balance due.
11. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant(s) in the amount of \$15,896.42, with appropriate additional interest and costs.

APPLE AND APPLE, P.C.

By: 

Attorney for Plaintiff(s)

III

28847

M. E. JONES HEARING INSTRUMENTS
101 N. MAIN ST.
DU BOIS, PA. 15801

NSF **NSF** *390* *9-19-03* *80-6827433*

PAY TO THE ORDER OF *Audie Cane*

Two Thousand Two Hundred Sixty Five and 35/100

FIRST Commonwealth
First Commonwealth Bank
Central Office: Indiana, PA 15701-0400
Toll-Free: 800-243-1000

FOR *#028847# 104330682 : 0622 65 1670* **DOLLARS** *\$ 12265 35*

1670

BENNETT HEARING CO. INC.
1024 WASHINGTON BLVD.
WILLIAMSPORT, PA 17701

NSF *9-15-03* *80-6827433*

PAY TO THE ORDER OF *Audie Cane*

Sixty Thousand Sixty Six and 7/100

FIRST Commonwealth
First Commonwealth Bank
Central Office: Indiana, PA 15701-0400
Toll-Free: 800-243-1000

FOR *#001670# 104330682 7110 000731#* **DOLLARS** *\$ 6368 7*

E-1 *A-1*

29049

M. E. JONES HEARING INSTRUMENTS
101 N. MAIN ST.
DU BOIS, PA 15801

PAY TO THE ORDER OF Acme Cares DATE 10-14-03 60-602/433

Eight thousand Four Hundred Twenty Five and \$ 8,425.07

0 DOLLARS A

FIRST Commonwealth
First Commonwealth Bank
Central Office: Indiana, PA 15701-0100
North Main Street Office

FOR Greenbush 9/20 #029048# 10433068 26# 0622 504166# 4000084250?

[Handwritten signature over the signature block]

29048

M. E. JONES HEARING INSTRUMENTS
101 N. MAIN ST.
DU BOIS, PA 15801

PAY TO THE ORDER OF Acme Cares DATE 10-13-03 60-602/433

Three thousand Two hundred Six Dollars \$ 3,206.00

0 DOLLARS A

FIRST Commonwealth
First Commonwealth Bank
Central Office: Indiana, PA 15701-0400
North Main Street Office

FOR Mansfield - Wellspan 9/22 #029048# 10433068 26# 0622 504166# 400003206001

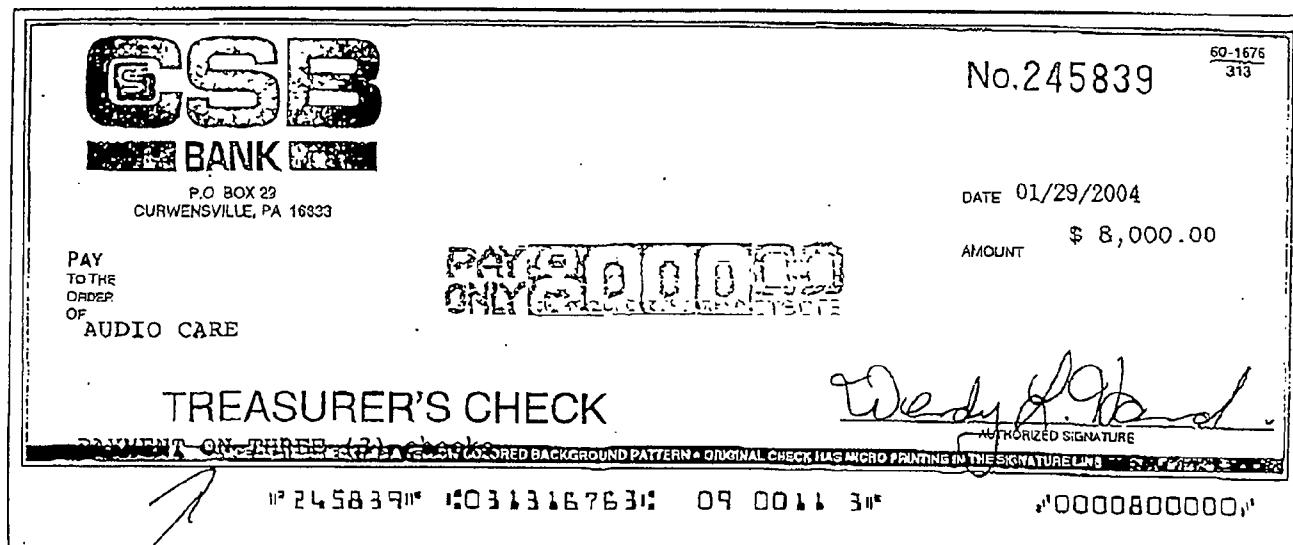
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A-2

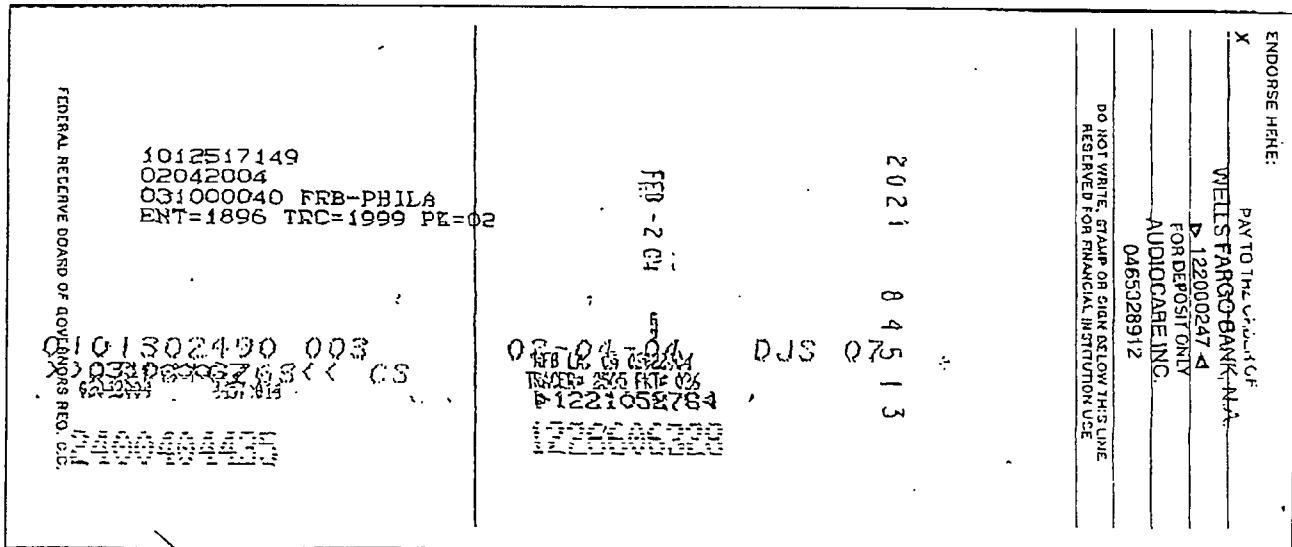
08-10-'04 21:04 FROM-M. STEWART, et al, LLC 7248362038
Date: 07-13-2004 Time: 10:21:47

T-374 P05/05 U-756

Page: 2



02-04-04 (01-013-02490) Acct # 900113 Serial # 245839 \$8,000.00



02-04-04 (01-013-02490) Acct # 900113 Serial # 245839 \$8,000.00

COPY OF ORIGINAL

Item Count: 1 Amount Total: \$8,000.00

COPY OF ORIGINAL

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103699

Jerry Pannette
AA103699AFFIDAVIT

I, Ron Bain, of
AUDIOCARE INC., Plaintiff

herein, verify that the statements of fact contained in the foregoing Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4909, relating to unsworn falsification to authorities.

5/9/05

Date

Affiant

Ron Bain

Title

3455 CAMINO DEL RIO SOUTH

Address

San Diego, CA 92108

City, State and Zip

COUNTY: Clearfield

APPLE AND APPLE, P.C., Attorneys at Law
4650 Baum Boulevard, Pittsburgh PA 15213-1223, Telephone: (412) 682-1466

Date: 11-22-05 File No. 103699 Docket No. _____

Plaintiff: AudiaCare vs. Defendant: Pannette

Instructions:

Responses:

Please file the enclosed:
 Complaint Transcript of Judgment

Praeclipe for Judgment

Praeclipe for Writ of Execution

Docket No. _____

Writ of Summons

Date Filed: _____

S & D Docket Satisfaction

Other _____

Deliver to the Sheriff, the enclosed:
 Service copies of Complaint with service instructions

Date delivered: _____

Execution Instructions

Date served: _____

Writ of Summons instructions

Levy date: _____

Other _____

Sale Date: _____

(Attach copy of sale bill)

Attached is check no.: To Pro Sheriff in amt. of \$ 85⁰⁰

Attached is check no.: To Pro Sheriff X in amt. of \$ 100⁰⁰ + 10⁰⁰

Used check no.: _____ Amt. \$ _____ Dated _____ Payable to _____

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

AUDIOCARE, INC.

Plaintiff(s)

v.

No. 1876-2005 CD

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Type of Pleading: **Praeclipe for
Entry of Appearance**

Defendant(s)

Filed on Behalf of: **Defendant(s)**

Filed By:

**Patrick Lavelle, Esq.
PA ID# 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232**

FILED *No cc*
11:48 AM
JAN 17 2006
6a

William A. Shaw
Prothonotary/Clerk of Courts

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

AUDIOCARE, INC.

Plaintiff(s)

v.

No. 1876-2005 CD

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Defendant(s)

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above captioned case on behalf of the
Defendant(s), JERRY PANETTE i/a/t/a/d/b/a M.E. JONES HEARING
INSTRUMENTS.

Respectfully Submitted,



Patrick Lavelle, Esq.
Counsel for the Defendant

CA

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

AUDIOCARE, INC.

CIVIL ACTION
No. 05-1876-CD

Plaintiff(s)

-vs-

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Type of Pleading:
Preliminary Objections

Defendant(s)

Filed on behalf of:
Defendant

Filed By:

Patrick Lavelle, Esq.
PA ID# 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED ^{No CC}
M 11:48 SA
JAN 17 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

AUDIOCARE, INC.

CIVIL ACTION
No. 05-1876-CD

Plaintiff(s)

-vs-

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Defendant(s)

PRELIMINARY OBJECTIONS UNDER RULE 1028

AND NOW comes the Defendant, JERRY PANETTE i/a/t/a/d/b/a M.E. JONES HEARING INSTRUMENTS, by and through his attorney, PATRICK LAVELLE, ESQ., and files the within stated Preliminary Objections pursuant to *Pa.R.C.P Rule 1028.*

1. Defendant objects to the contents of Plaintiff's Complaint as the Complaint fails to confirm to law or a rule of court as per *Pa.R.C.P. Rule 1028 (a) (2).*
 - a.) Plaintiff's Complaint at Paragraphs (3), (4), & (5) indicate that Plaintiff's claim sounds in Contract based upon a pre-existing Agreement.

b.) Plaintiff's Complaint fails to state whether such Agreement was an oral or written Agreement as required by *Pa.R.C.P. Rule 1019 (h)*.

c.) *Pa.R.C.P. Rule 1018 (i)* provides a rule requiring a Plaintiff alleging a claim based upon writing to attach a copy of the writing to the Complaint.

d.) Plaintiff's Complaint does not include a copy of any writing, contract, or other written Agreement.

2. Defendant objects to Plaintiff's Complaint due to insufficient specificity in the pleading as per *Pa. R.C.P., Rule 1028(a)(3)*.

a.) Paragraph (3) of the Plaintiff's Complaint avers generally that Defendant requested delivery, and further that delivery was made of some unidentified goods, wares, merchandise and/or service.

b.) Such pleading fails to adequately plead facts sufficient to advise the Defendant of the legal basis for any of the Plaintiff's claims.

c.) Paragraph (4) of the Plaintiff's Complaint avers receipt of, and acceptance of some unidentified goods, wares, merchandise and/or service.

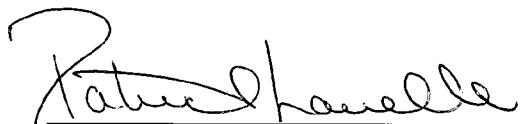
d.) Such pleading fails to adequately plead facts sufficient to advise the Defendant of the nature of the Plaintiff's claims.

e.) Paragraph (5) of Plaintiff's Complaint alleges that the prices for the undisclosed goods, wares, merchandise and/or services were fair and reasonable, and further that they were market prices.

f.) Such pleading fails to adequately plead facts sufficient to advise to Defendant as to what the prices were, or how any such undisclosed prices relate to the undisclosed identity or nature of the goods, wares, merchandise and/or services alleged to have been contracted for, delivered and/or accepted.

WHEREFORE, the Defendant prays that this Honorable Court will sustain his preliminary objections and dismiss the Complaint of the Plaintiff.

Respectfully Submitted,



Patrick Lavelle
Patrick Lavelle
Counsel for Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 13th day of January, 2006, I served a copy of the foregoing Preliminary Objections, by mailing same via first class mail, postage prepaid to the following:

James R. Apple, Esq.
Apple and Apple, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237



Patrick Lavelle
Patrick Lavelle, Esq.

FILED

JAN 17 2006

William A. Shaw
Prothonotary/Clerk of Courts

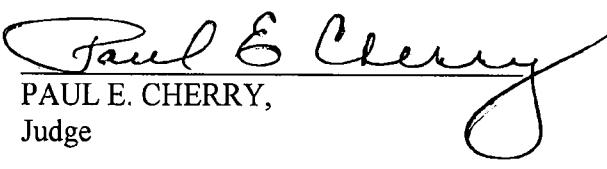
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

AUDIOCARE, INC., :
: :
: :
vs. : No. 05-1876-CD
: :
JERRY PANETTE, i/a/t/a/d/b/a :
M.E. JONES HEARING :
INSTRUMENTS :
: :

O R D E R

AND NOW, this 18th day of January, 2006, upon
consideration of Defendant's Preliminary Objections filed in the above matter, it is
the Order of the Court that argument has been scheduled for the 22nd day of
February, 2006, at 10:00 A.M, in Courtroom No. 2,
Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


PAUL E. CHERRY,
Judge

FILED
12:50 PM
JAN 19 2006
WAS
2cc Atlys:
Apple
Lavelle
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: 11/19/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

AUDIOCARE, INC.

**NO. 1876-2005CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

**JERRY PANNETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS**

Defendant(s)

AMENDED COMPLAINT

**CODE-
FILED ON BEHALF OF
PLAINTIFF**

**COUNSEL OF RECORD
FOR THIS PARTY:**

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466
Fax (412) 682-3138

FILED *12/3/06* *cc*
12/3/06 *Atty*
JAN 27 2006 *GB*

*William A. Shaw
Prothonotary/Clerk of Courts*

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

AUDIOCARE, INC.

**NO.1876-2005cd
IN CIVIL ACTION**

Plaintiff(s)

-vs-

**JERRY PANNETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS**

Defendant(s)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you the Court without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DONOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646**

AMENDED COMPLAINT

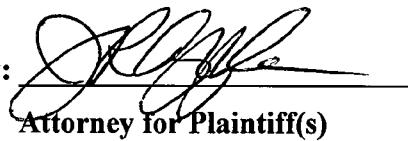
1. Plaintiff is a corporation having offices at 3455 Camino Del Rio South, San Diego, CA 92108.
2. Defendant Jerry Pannette is an individual in business whose address is 101 North Main, DuBois, Clearfield County, PA 15801.
3. At a specific request of the Defendant, Plaintiff sold and delivered to Defendant certain goods, wares, merchandise and/or services.
4. The agreement between the parties was based upon a written agreement.
5. Defendant received and accepted the aforementioned goods, wares, merchandise and/or services.
6. The prices charged by Plaintiff were the fair, reasonable and market prices that prevailed at the time(s) of the transaction(s).
7. The prices charged by Plaintiff were the prices that Defendant agreed to pay but the checks paid to Plaintiff totaling \$23,896.42 were returned marked "NSF" as per Exhibit "A1-A2" copies of which are attached and made a part hereof.
8. Defendant repaid \$8,000.00 towards the returned checks, as per Exhibit "B" a copy of which is attached and made a part hereof.
9. Plaintiff avers that all conditions precedent to the Defendant's duty of performance under said agreement has occurred.

10. Plaintiff avers that the principal balance due amounts to \$15,896.42.
11. Plaintiff avers that interest has accrued at the rate of 6% per annum on the declining principal balance due.
12. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due Plaintiff or any part thereof.

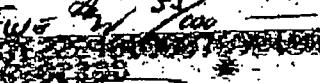
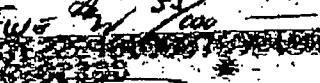
WHEREFORE, Plaintiff demands Judgment against Defendant(s) in the amount of \$15,896.42, with appropriate additional interest and costs.

APPLE AND APPLE, P.C.

By:



A handwritten signature in black ink, appearing to read "J. R. Apple", is written over a horizontal line. Below the signature, the text "Attorney for Plaintiff(s)" is printed in a standard font.

M. E. JONES HEARING INSTRUMENTS 101 N. MAIN ST. DU BOIS, PA. 15801		390 110 OR DEPOSIT ONLY AD 100 PP MEMO 9-19-03	28847 80-6827433 NST NSF \$ 12265.35 DOLLARS 12265.35 12265.35
PAY TO THE ORDER OF Adrian Cane		12265.35	
Twelve Thousand Two Hundred Sixty Five and 35/100			
FIRST Commonwealth <small>First Commonwealth Bank Central Office: DuBois, PA 15801 Telephone 819-3400</small>			
FOR 102884711		14330681 : 0622 SC 12265.35 100012265351	

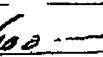
BENNETT HEARING CO. INC.		1670
1024 WASHINGTON BLVD. WILLIAMSPORT, PA 17701		60-682/483
NSF		
DATE 9-15-05		\$ 6368.67
<i>Audio Cams</i> PAY TO THE ORDER OF <i>Sixty Three Thousand Sixty Six</i> <i>and</i> <i>7/100</i>		DOLLARS <i>63,667.70</i>
 First Commonwealth 1111 Commonwealth Blvd. One City Center, Bldg. 1A 15701-9400 North Main Street, Dubois Office		
NSF 		
FOR	#0016701	104330682
	7110	0007311
	#0000636817	

Exhibit "A1"

29049

M. E. JONES HEARING INSTRUMENTS
101 N. MAIN ST.
DU BOIS, PA. 15801

PAY TO THE ORDER OF *Alice Casie* *NSF* DATE *10-14-03* 60-602/433
Eight thousand Four Hundred Twenty Five and *07* DOLLARS *0* *00*

FIRST Commonwealth
First Commonwealth Bank
Central Office: Indiana, PA 15701-0400
North Main Street Office: Office

FOR Greensburg *7/20* #029049# 1043306826# 0622 584166# 1000084250?#

29048

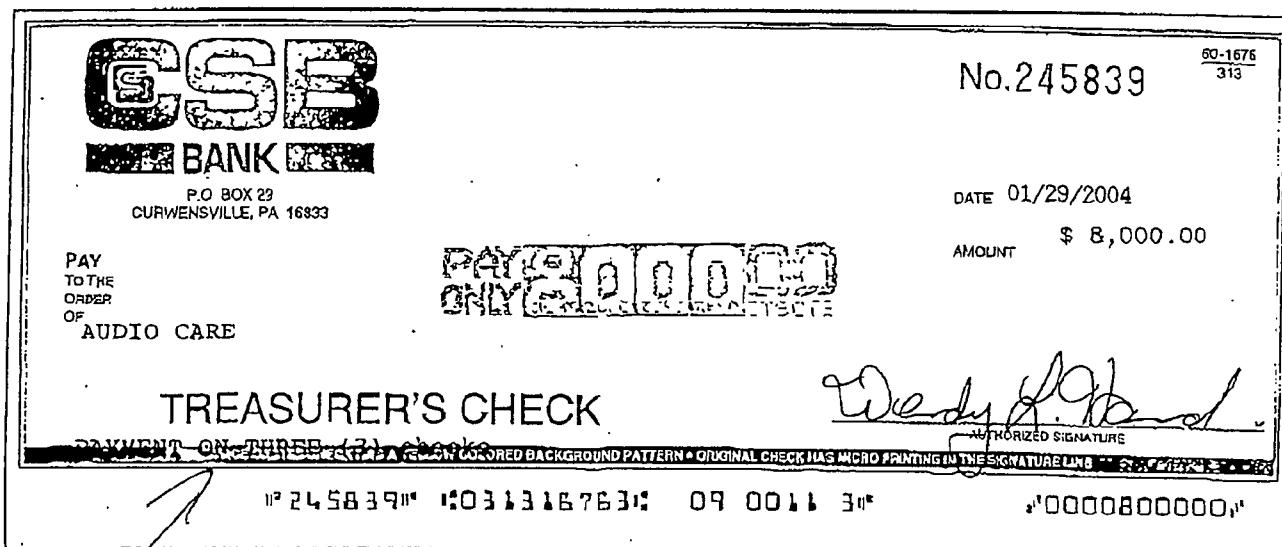
M. E. JONES HEARING INSTRUMENTS
101 N. MAIN ST.
DU BOIS, PA. 15801

PAY TO THE ORDER OF *Alice Casie* *NSF* DATE *10-13-03* 60-602/433
Three thousand Two hundred Six Dollars *00* DOLLARS *0* *00*

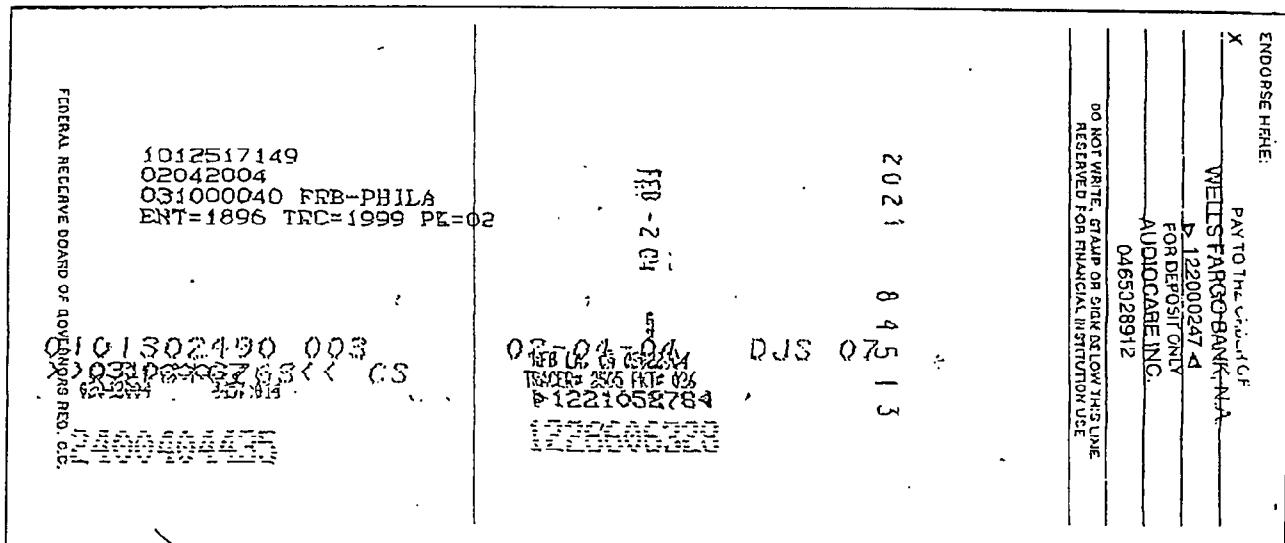
FIRST Commonwealth
First Commonwealth Bank
Central Office: Indiana, PA 15701-0400
North Main Street Office: Office

FOR Mansfield - Wellston *9/28* #029048# 1043306826# 0628 584166# 10000320600#

Exhibit "A2"



02-04-04 (01-013-02490) Acct # 900113 Serial # 245639 \$8,000.00



02-04-04 (01-013-02490) Acct # 900113 Serial # 245839 \$8,000.00

Exhibit "B"

COPY OF ORIGINAL

Item Count: 1

Amount Total: \$8,000.00

COPY OF ORIGINAL

AFFIDAVIT

I, James R. Apple, Esquire, Charles F. Bennett, or Joel E. Hausman, Esquire as indicated below verify that:

1. I am the attorney for the Plaintiff;
2. Verification by the Plaintiff or an authorized agent of Plaintiff cannot be obtained within the time allowed by law for the filing of pleading;
3. That the facts set forth in the foregoing Pleading are true and correct to the best of my knowledge, information, and belief, based upon information received from the Plaintiff.

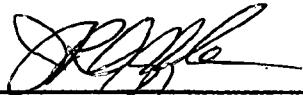
I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

APPLE AND APPLE, P.C.

Dated:

1/26/06

By:


Attorneys for Plaintiff(s)

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

AUDIOCARE, INC.

**NO. 2005-1876-CD
IN CIVIL ACTION**

Plaintiff(s)

-vs-

**JERRY PANNETTE i/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS**

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Patrick Lavelle
Attorney and Counselor at Law
25 East Park Ave., Suite #4
Dubois, PA 15801

Dated: 1-26-06

By: ~~Jackson A. Peugh~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

AUDIOCARE, INC.

CIVIL ACTION
No. 05-1876-CD

Plaintiff(s)

-VS-

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Type of Pleading:
Preliminary Objections

Defendant(s)

Filed on behalf of:
Defendant

Filed By:

Patrick Lavelle, Esq.
PA ID# 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED
03:05 P.M. 6K
FEB 14 2006 1CC TO ATTY
FEB 14 2006 1CC TO ATTY

William A. Shaw
Prothonotary/Clerk of Courts (6K)

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

AUDIOCARE, INC.

CIVIL ACTION
No. 05-1876-CD

Plaintiff(s)

-vs-

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Defendant(s)

PRELIMINARY OBJECTIONS UNDER RULE 1028

AND NOW comes the Defendant, JERRY PANETTE i/a/t/a/d/b/a M.E. JONES HEARING INSTRUMENTS, by and through his attorney, PATRICK LAVELLE, ESQ., and files the within stated Preliminary Objections pursuant to *Pa.R.C.P Rule 1028.*

1. Plaintiff filed his original complaint on December 1, 2005.
2. Defendant filed his original Preliminary Objections on January 17, 2006.
3. Plaintiff has now filed an Amended Complaint dated January 26, 2006.

4. Defendant now files his Preliminary Objections to the Plaintiff's Amended Complaint.

5. Defendant objects to the contents of Plaintiff's Complaint as the Complaint fails to confirm to law or a rule of court as per *Pa.R.C.P. Rule 1028* (a) (2).

a.) Plaintiff's Complaint at Paragraphs (3), (4), & (5) indicate that Plaintiff's claim sounds in Contract based upon a pre-existing Agreement.

b.) *Pa.R.C.P. Rule 1019 (i)* provides a rule requiring a Plaintiff alleging a claim based upon writing to attach a copy of the writing to the Complaint.

c.) Plaintiff's Complaint does not include a copy of any writing, contract, or other written Agreement.

2. Defendant objects to Plaintiff's Complaint due to insufficient specificity in the pleading as per *Pa. R.C.P., Rule 1028(a)(3)*.

a.) Paragraph (3) of the Plaintiff's Amended Complaint avers generally that Defendant requested delivery, and further that delivery was made of some unidentified goods, wares, merchandise and/or service.

b.) Such pleading fails to adequately plead facts sufficient to advise the Defendant of the legal basis for any of the Plaintiff's claims.

c.) Paragraph (5) of the Plaintiff's Amended Complaint avers receipt of, and acceptance of some unidentified goods, wares, merchandise and/or service.

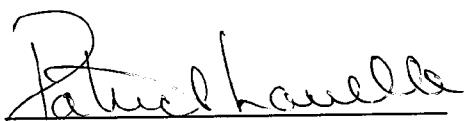
d.) Such pleading fails to adequately plead facts sufficient to advise the Defendant of the nature of the Plaintiff's claims.

e.) Paragraph (6) of Plaintiff's Amended Complaint alleges that the prices for the undisclosed goods, wares, merchandise and/or services were fair and reasonable, and further that they were market prices.

f.) Such pleading fails to adequately plead facts sufficient to advise to Defendant as to what the prices were, or how any such undisclosed prices relate to the undisclosed identity or nature of the goods, wares, merchandise and/or services alleged to have been contracted for, delivered and/or accepted.

WHEREFORE, the Defendant prays that this Honorable Court will sustain his preliminary objections and dismiss the Complaint of the Plaintiff.

Respectfully Submitted,

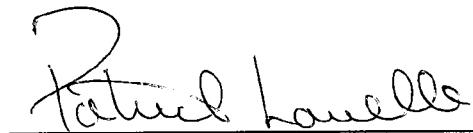


Patrick Lavelle
Counsel for Defendant

CERTIFICATE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 14th day of February, 2006, I served a copy of the foregoing Preliminary Objections, by mailing same via first class mail, postage prepaid to the following:

James R. Apple, Esq.
Apple and Apple, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237


Patrick Lavelle
Patrick Lavelle, Esq.

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

AUDIOCARE, INC.,

:

:

:

vs. : No. 05-1876-CD

:

:

:

JERRY PANNETTE, i/a/t/a/d/b/a
M.E. JONES HEARING
INSTRUMENTS

ORDER

AND NOW, this 16th day of February, 2006, upon
consideration of Defendant's Preliminary Objections filed in the above matter, it is
the Order of the Court that argument has been scheduled for the 5th day of
May, 2006, at 11:00 A.M, in Courtroom No. 2,
Clearfield County Courthouse, Clearfield, PA. One-half (1/2) an hour has been
allotted for this matter.

It is the responsibility of Defendant's Counsel to serve certified copies
of scheduling Order on the Plaintiff.

BY THE COURT:


PAUL E. CHERRY,
Judge

FILED 4CC
01/4/2006
FEB 16 2006
Amy Lavelle
610

William A. Shaw
Prothonotary/Clerk of Courts

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

AUDIOCARE, INC.

CIVIL ACTION
No. 05-1876-CD

Plaintiff(s)

-vs-

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Type of Pleading:
Notice of Service

Defendant(s)

Filed on behalf of:
Defendant

Filed By:

Patrick Lavelle, Esq.
PA ID# 85537
25 East Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2232

FILED NO CC
M 11:30 AM
FEB 24 2008 UN
[Handwritten signature]

William A. S. "W"
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

AUDIOCARE, INC.

CIVIL ACTION
No. 05-1876-CD

Plaintiff(s)

-vs-

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Defendant(s)

NOTICE OF SERVICE

I, PATRICK LAVELLE, ESQ., by my signature appearing below, do hereby certify that on the 23rd day of February, 2006, I served a copy of the attached Order scheduling Oral Argument in this case, by mailing same via first class mail, postage prepaid to the following:

James Apple, Esq.
Apple & Apple, P.C.
4650 Baum Blvd.
Pittsburgh, PA. 15213



Patrick Lavelle, Esq.

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

AUDIOCARE, INC.,	:	
	:	
	:	
vs.	:	No. 05-1876-CD
	:	
JERRY PANETTE, i/a/t/a/d/b/a	:	
M.E. JONES HEARING	:	
INSTRUMENTS	:	
	:	

ORDER

AND NOW, this 16th day of February, 2006, upon consideration of Defendant's Preliminary Objections filed in the above matter, it is the Order of the Court that argument has been scheduled for the 5th day of May, 2006, at 11:00 A.M, in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA. One-half (1/2) an hour has been allotted for this matter.

It is the responsibility of Defendant's Counsel to serve certified copies of scheduling Order on the Plaintiff.

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

BY THE COURT:

1-1 Paul E. Cherry

**PAUL E. CHERRY,
Judge**

Attesti

William E. Chan
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101055
NO: 05-1876-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: AUDIOCARE, INC.

vs.

DEFENDANT: JERRY PANNETTE i/a/t/a/d/b/a M.E. JONES HEARING INSTRUMENTS

SHERIFF RETURN

NOW, December 14, 2005 AT 3:00 PM SERVED THE WITHIN COMPLAINT ON JERRY PANNETTE i/a/t/a/d/b/a M.E. JONES HEARING INSTRUMENTS DEFENDANT AT 101 NORTH MAIN, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JERRY PANNETTE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
01/12/2006
MAR 02 2006
CS
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APPLE	8673	10.00
SHERIFF HAWKINS	APPLE	8672	36.43

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

*Chester A. Hawkins
by Marilyn Hause*

Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

AUDIOCARE, INC.

NO. 1876-2005CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Defendant(s)

SECOND AMENDED
COMPLAINT

CODE-
FILED ON BEHALF OF
PLAINTIFF

COUNSEL OF RECORD
FOR THIS PARTY:

James R. Apple, Esq.
PA I.D. No. 37942
Charles F. Bennett, Esq.
PA I.D. No. 30541
Joel E. Hausman, Esq.
PA I.D. No. 42096
APPLE AND APPLE, P.C.
Firm No. 719
4650 Baum Boulevard
Pittsburgh, PA 15213-1237
Telephone (412) 682-1466
Fax (412) 682-3138

FILED

MAR 17 2006 *E*
m/12:55/aw
William A. Shaw
Prothonotary
no 4/c

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

AUDIOCARE, INC.

**NO.1876-2005cd
IN CIVIL ACTION**

Plaintiff(s)

-vs-

**JERRY PANETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS**

Defendant(s)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you the Court without further notice, for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DONOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

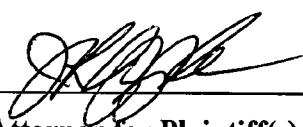
**Keystone Legal Services
211 1/2 East Locust Street
Clearfield, PA 16830
814-765-9646**

SECOND
AMENDED COMPLAINT

1. Plaintiff is a corporation having offices at 3455 Camino Del Rio South, San Diego, CA 92108.
2. Defendant Jerry Pannette is an individual in business whose address is 101 North Main, DuBois, Clearfield County, PA 15801.
3. At a specific request of the Defendant, Plaintiff sold and delivered to Defendant certain goods, wares, merchandise and/or services, but the Defendant's checks tendered to Plaintiff to payoff the account, totaling \$23,896.42, were returned marked "NSF", as per Exhibits "A1-A2" copies of which are attached and made a part hereof.
4. Defendant has partially repaid \$8,000.00 towards these returned checks, as per Exhibit "B" a copy of which is attached and made a part hereof.
5. Plaintiff avers that the principal balance due amounts to \$15,896.42.
6. Plaintiff avers that interest has accrued at the rate of 6% per annum on the declining principal balance due.
7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and refused to pay the amount due Plaintiff or any part thereof.

WHEREFORE, Plaintiff demands Judgment against Defendant in the amount of \$15,896.42, with appropriate additional interest and costs.

APPLE AND APPLE, P.C.

By: 

Attorney for Plaintiff(s)

3-96 28847

M. E. JONES HEARING INSTRUMENTS
101 N. MAIN ST.
DU BOIS, PA. 15801

ID
 Date
 DEPOSIT ONLY
 AD
 C
 MEMO

NSF **NSF** 9-15-05

80-6827433

PAY TO THE ORDER OF *Aveco Corp* \$12265.25

Two Thousand Two Thousand Sixty Five *3/100* DOLLARS

FIRST Commonwealth
First Commonwealth Bank
1515 Locust Indiana, PA 15701-0400
1515 Locust Indiana, PA 15701-0400

FOR #028847 14330682 : 0622 51 51 700012265351

1670

BENNETT HEARING CO. INC.
1034 WASHINGTON BLVD.
WILLIAMSPORT, PA 17701

NSF

60-6827433

DATE 9-15-05

Aveco Corp \$6368.17

Sixty Three Hundred Sixty Eight *17/100* DOLLARS

FIRST Commonwealth
First Commonwealth Bank
1515 Locust Indiana, PA 15701-0400
1515 Locust Indiana, PA 15701-0400

FOR #001670 104330682 7110 000731 70000636817

Exhibit "A1"

29049

M. E. JONES HEARING INSTRUMENTS
101 N. MAIN ST.
DU BOIS, PA 15801

PAY TO THE ORDER OF *Acme Cares* DATE *10-14-03* 60-692/433

Eight thousand Four Hundred Twenty Five and *07* DOLLARS *00*

NSF \$ 8,425.07

First Commonwealth
First Commonwealth Bank
Central Office: Indiana, PA 15701-0100
North Main Street Office
FOR *Greensburg 9/28* #029049# 1043306826# 0622 504166# 60000842507#

29048

M. E. JONES HEARING INSTRUMENTS
101 N. MAIN ST.
DU BOIS, PA 15801

PAY TO THE ORDER OF *Acme Cares* DATE *10-13-03* 60-692/433

Three thousand Two hundred Six Dollars *00* DOLLARS *00*

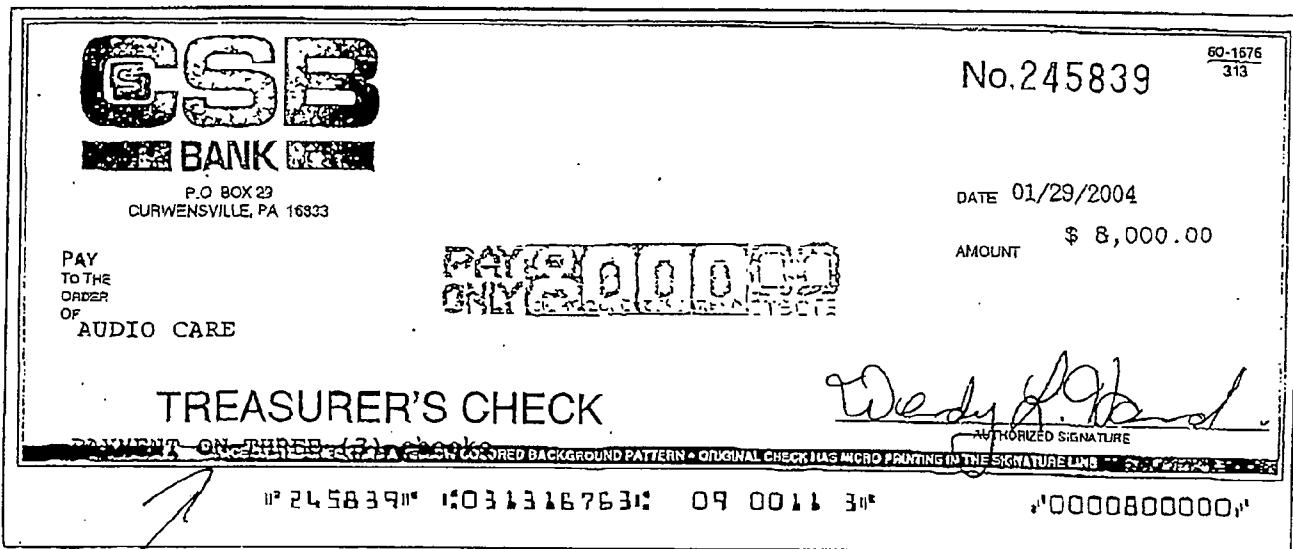
NSF \$ 3,206.00

First Commonwealth
First Commonwealth Bank
Central Office: Indiana, PA 15701-0100
North Main Street Office
FOR *Mars Area - Wellsville 9/28* #029048# 1043306826# 0622 504166# 60000320600#

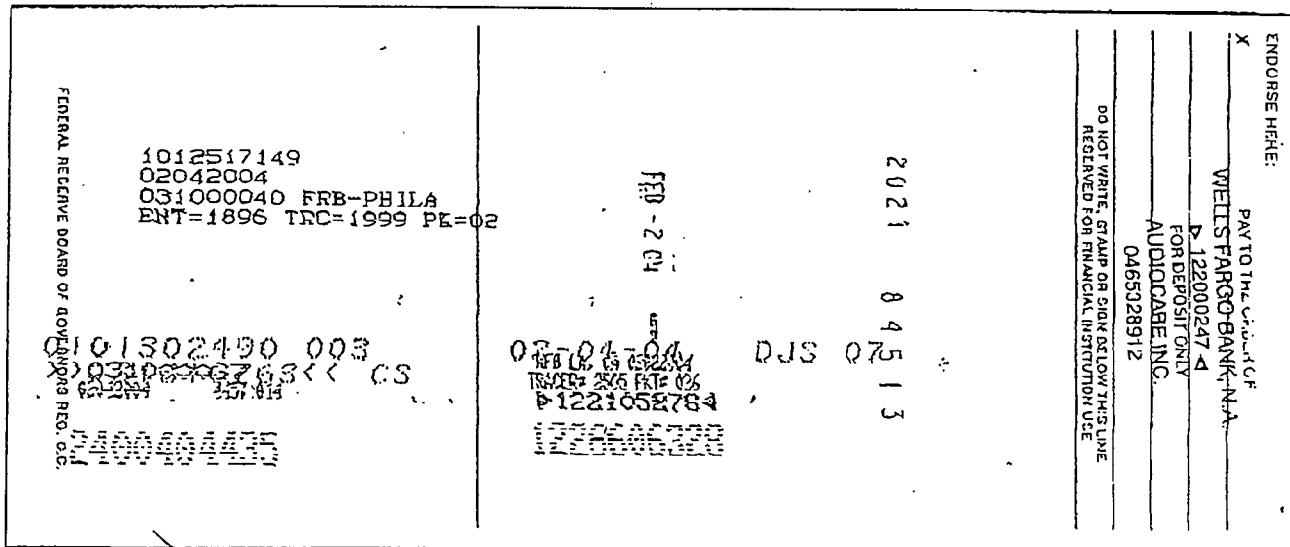
Exhibit "A2"

08-10-'04 21:04 FROM-M. STEWART, et al,LLC 7248362038
Date: 08-10-2004 Time: 21:04 CSD Daily (Resident)

T-374 P05/05 U-756



02-04-04 (01-013-02490) Acct # 900113 Serial # 245839 \$8,000.00



02-04-04 (01-013-02490) Acct # 900113 Serial # 245839 \$8,000.00

COPY OF ORIGINAL

Item Count: 1 Amount Total: \$6,000.00

COPY OF ORIGINAL

Exhibit "B"

AFFIDAVIT

I, James R. Apple, Esquire, Charles F. Bennett, or Joel E. Hausman, Esquire as indicated below verify that:

1. I am the attorney for the Plaintiff;
2. Verification by the Plaintiff or an authorized agent of Plaintiff cannot be obtained within the time allowed by law for the filing of pleading;
3. That the facts set forth in the foregoing Pleading are true and correct to the best o my knowledge, information, and belief, based upon information received from the Plaintiff.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

APPLE AND APPLE, P.C.

Dated: 3/14/06

By: 
Attorneys for Plaintiff(s)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

AUDIOCARE, INC.

NO. 2005-1876-CD
IN CIVIL ACTION

Plaintiff(s)

-vs-

JERRY PANETTE i/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Defendant(s)

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a true and correct copy of the attached or foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage prepaid and addressed as follows:

Patrick Lavelle, Esquire
Attorney and Counselor at Law
25 East Park Ave., Suite #4
Dubois, PA 15801

Dated: 3-14-06

By: Patrick Lavelle

FILED
MAR 17 2006
William A. Shaw
Prothonotary

LA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

AUDIOCARE, INC.

Type of Case - **CIVIL**

Plaintiff

⁵
1876-2006-CD

vs.

Type of Pleading - **PETITION TO
WITHDRAW APPEARANCE AS
COUNSEL**

**JERRY PANETTE i/a/t/a/d/b/a
M. E. JONES HEARING INSTRUMENTS**

Defendant(s)

Filed on Behalf of - **DEFENDANT**

Filed by:

**PATRICK LAVELLE, ESQ.
Pa. I.D. #85537**

Patrick Lavelle Esq.
25 E. Park Ave.
Suite #4
DuBois, PA 15801
(814) 371-2232

FILED
MTH:1241 Atty Lavelle
SEP 29 2006
(GP)

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

AUDIOCARE, INC.

Plaintiff

vs.

05-1876-CD

**JERRY PANETTE i/a/t/a/d/b/a
M. E. JONES HEARING INSTRUMENTS**

Defendant(s)

PETITION TO WITHDRAW APPEARANCE AS COUNSEL

AND NOW comes PATRICK LAVELLE, Esq., counsel for the defendant in the above captioned case, and files the within stated Petition to Withdraw Appearance as Counsel pursuant to *Pa. R.C.P., No. 1012(e)(1)*, averments in support of which are as follows:

1. Petitioner entered his appearance in this case through the filing of a Preliminary Objections to the Plaintiff's complaint on February 14, 2006.
2. Petitioner has represented the defendant in all phases of this case to date.
3. Numerous attempts have been made to contact the defendant both through mailings at his last known business and home addresses, and telephone calls to his business and his residence. To date, the defendant has not responded to any such attempts by counsel to contact him.
4. Counsel has attempted to contact the defendant through messages relayed to him by his son-in-law and business partner, without success.
5. Defendant's last known business address is:

Joseph G. Pannette
101 N. Main St.
DuBois, PA. 15801

6. Correspondence sent to this address on 9/9/2006 was returned to the petitioner by the Post Office noting the addressee had moved and left no forwarding address.

7. Defendant's last known home address is:

Joseph G. Pannette
470 Treasure Lake
DuBois, PA. 15801

8. To the best of petitioner's current knowledge, the defendant still resides at the Treasure Lake address.

9. The plaintiff in this case has filed a Notice of Intent to Take Default Judgment, which had been forwarded to the defendant via the mail, and he has been informed of same through repeated phone messages left at his residence phone number.

10. In spite of the foregoing, to date the defendant has failed and/or refused to communicate with counsel.

11. Due to the fact that the defendant refuses to cooperate with counsel, or otherwise communicate with counsel, Petitioner avers that he is unable to adequately represent the defendant and should withdraw as counsel of record.

WHEREFORE, Petitioner prays that this honorable court will issue a rule to show cause, and schedule a hearing on matter.

Respectfully Submitted,


Patrick Lavelle, Esq.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

AUDIOCARE, INC.

Plaintiff

JERRY PANNETTE i/a/t/a/d/b/a
M. E. JONES HEARING INSTRUMENTS

05-1876-CD

vs.

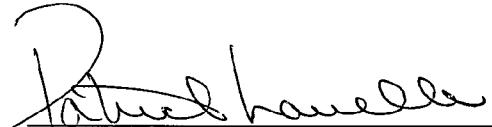
Defendant(s)

CERTIFICATE OF SERVICE

By my signature appearing below, I hereby certify that on the 28th day of
September 2006, I served a copy of the foregoing Motion to Withdraw as
Counsel, by mailing same via first class mail, postage prepaid to the following:

Mr. James Apple, Esq.
Apple and Apple, P.C.
4650 Baum Boulevard
Pittsburgh, PA 15213-1237

Jerry Pannette
470 Treasure Lake
DuBois, PA 15801



Patrick Lavelle, Esq.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

AUDIOCARE, INC.

Plaintiff

JERRY PANNETTE i/a/t/a/d/b/a
M. E. JONES HEARING INSTRUMENTS

05-1876-CD

vs.

Defendant(s)

ORDER

AND NOW, this 29th day of September, 2006, upon consideration of the foregoing Petition to Withdraw as Counsel, it is hereby ORDERED that (a) a Rule is issued upon the defendant to show cause why the petitioner is not entitled to the relief requested, and (b) said rule is returnable and a hearing on the matter shall be held on the 23rd day of October, 2006, at 2:30 P.M., in Courtroom No. 2 of the Clearfield County Courthouse.

BY THE COURT

Paul E Cherry

FILED
OCT 03 2006
1:39 PM
Atty Lavelle
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/3/00 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

OCT 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

AUDIOCARE, INC.

:

VS.

: NO. 05-1876-CD

JERRY PANETTE, i/a/t/a/d/b/a

:

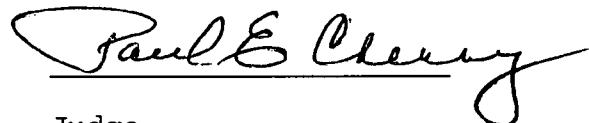
M.E. JONES HEARING INSTRUMENTS

:

O R D E R

AND NOW, this 23rd day of October, 2006, this being the date set for hearing on Petition to Withdraw as Counsel; Defendant having failed to appear and the Court being satisfied that the Petitioner has made every effort to contact Defendant, it is the ORDER of this Court that said petition shall be and is hereby granted. Patrick Lavelle, Esquire, shall be permitted to withdraw as counsel for Jerry Pannette, i/a/t/a/d/b/a M.E. Jones Hearing Instruments. Patrick Lavelle, Esquire, shall cause a praecipe to be filed with the Prothonotary's Office within no more than seven (7) days from today's date.

BY THE COURT,



Judge

FILED

01/01/06/071 Atys: Apple
OCT 31 2006 Lavelle

William A. Shaw
Prothonotary/Clerk of Courts

101 North Main
DuBois, PA 15801

(6K)

FILED

OCT 31 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/31/06

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:

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

AUDIOCARE, INC.

No. 1876 – 2005 CD

Plaintiff

Vs,

Type of Pleading: Withdraw of
Appearance

JERRY PANNETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

Filed on Behalf of-Defendant

Defendant

Filed By:

Patrick Lavelle, Esq.
Pa. ID# 85537
25 E. Park Ave.
Suite #4
DuBois, PA. 15801
(814) 371-2605

FILED
m 10:00 AM
OCT 31 2006
cc

William A. Shaw
Prothonotary/Clerk of Courts
Copy to CIA
(6K)

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

AUDIOCARE, INC.

No. 1876-2005 CD

Plaintiff

Vs,

JERRY PANNETTE i/a/t/a/d/b/a
M.E. JONES HEARING INSTRUMENTS

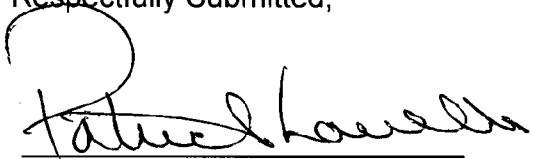
Defendants

WITHDRAW OF APPEARANCE

TO THE PROTHONOTARY:

Please withdraw my appearance in the above captioned matter on behalf of the Defendant, JERRY PANNETTE i/a/t/a/d/b/a M.E. Jones Hearing Instruments.

Respectfully Submitted,



Patrick Lavelle
Patrick Lavelle, Esq.

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

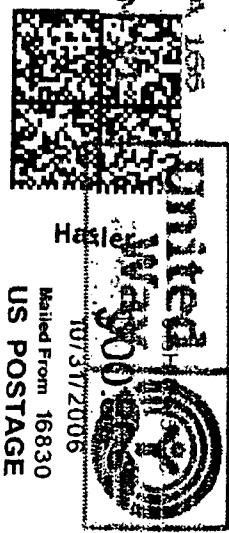
FILED

11:37 am (WT)
NOV - 6 2006

William A. Shaw
Prothonotary/Clerk of Courts

remaileddo
470 Treasures PA 15801
Lake
DuBois

ALTOONA, PA 16601-3700
United States Post Office
1319 OCT 2006 PM



Mailed From 16830
US POSTAGE

Jerry Pannette
M.E. Jones Hearing Instruments

101 North Main

DuBois, PA 1

ME JO 101 15801-3700 07 1606 03 11/02/06
ME JONES RETURN TO SENDER
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

16830-3700-149834

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

AUDIOCARE, INC.

:

VS.

: NO. 05-1876-CD

JERRY PANETTE, i/a/t/a/d/b/a

:

M.E. JONES HEARING INSTRUMENTS

:

O R D E R

AND NOW, this 23rd day of October, 2006, this being the date set for hearing on Petition to Withdraw as Counsel; Defendant having failed to appear and the Court being satisfied that the Petitioner has made every effort to contact Defendant, it is the ORDER of this Court that said petition shall be and is hereby granted. Patrick Lavelle, Esquire, shall be permitted to withdraw as counsel for Jerry Pannette, i/a/t/a/d/b/a M.E. Jones Hearing Instruments. Patrick Lavelle, Esquire, shall cause a praecipe to be filed with the Prothonotary's Office within no more than seven (7) days from today's date.

BY THE COURT,

/s/ Paul E. Cherry

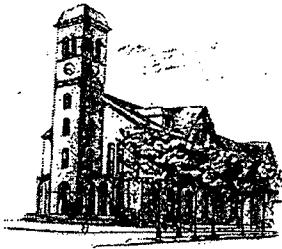
Judge

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

OCT 31 2006

Attest.

William E. Cherry
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: 10/31/06

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

X Defendant(s) X Defendant(s) Attorney

 Special Instructions:

F. CORTEZ BELL, III, ESQUIRE
DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE
DEPUTY COURT ADMINISTRATOR

PHONE: 814-765-2641 x 5010
FAX: 814-765-7649
EMAIL: fbell@clearfieldco.org



HON. FREDRIC J. AMMERMAN
PRESIDENT JUDGE

HON. PAUL E. CHERRY
JUDGE

OFFICE OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PENNSYLVANIA 16830-2448

March 19, 2013

RE: 2005 - 1876- CD

Audiocare, Inc.
vs.
Jerry Pannette
M.E. Jones Hearing Instruments

FILED

4 MAR 19 2013
1876-CD
William A. Shaw
Prothonotary/Clerk of Courts
W.A.S. T.O.

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above-captioned case ~~NO C.P.R.T.~~ without notice, because the Court records show that 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 to Proceed must be filed on or before May 20, 2013.

If you fail to file the required Statement of Intention to Proceed within the required time period, the case will be terminated.

Sincerely,

The signature of F. Cortez Bell, III, in cursive ink.
F. Cortez Bell, III, Esquire
Court Administrator

Protective Agency of Courts
William A. Scanlon

MAX 13 2000

FILED

OFFICE OF COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PA 16830

FILED
m 8:30am
MAR 28 2013

William A. Shaw
Prothonotary/Clerk of Courts

unable to
forward

RECEIVED MAR 27 2013



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ME. Jones Hearing Instruments
101 N. Main St.
DuBois, Pa 15801
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NOT RETURN TO SENDER
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UNABLE TO FORWARD
BC: 16830244853 *3043-00877-19-44
16830244853

2005-1876-CD

HON. FREDRIC J. AMMERMAN
PRESIDENT JUDGE

F. CORTEZ BELL, III, ESQUIRE
DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE
DEPUTY COURT ADMINISTRATOR

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OFFICE OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
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230 EAST MARKET STREET, SUITE 228
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HON. PAUL E. CHERRY
JUDGE

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Sincerely,


F. Cortez Bell, III, Esquire
Court Administrator

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

MAR 19 2013

Attest.


Prothonotary/
Clerk of Courts

OFFICE OF COURT ADMINISTRATOR

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PA 16830

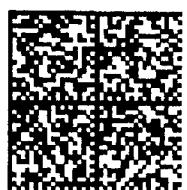
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William A. Shaw
Prothonotary/Clerk of Courts

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F. CORTEZ BELL, III, ESQUIRE
DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE
DEPUTY COURT ADMINISTRATOR

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HON. FREDRIC J. AMMERMAN
PRESIDENT JUDGE

HON. PAUL E. CHERRY
JUDGE

OFFICE OF THE COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
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Sincerely,

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

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MAR 19 2013

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

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

AUDIOCARE, INC., * NO. 2005-1876-CD
Plaintiff *
vs. *
JERRY PANETTE, M.E. JONES HEARING INSTRUMENTS*
Defendants *

ORDER

NOW, this 20th day of June, 2013, upon the Court's review of the record, with the Court noting from the docket there has been no activity in the case since November 6, 2006 and that a Notice of Proposed Termination of Court Case had been mailed to the parties March 19, 2013 with no response having been received, pursuant to the provisions of Rule of Judicial Administration 1901 the case is hereby DISMISSED for inactivity. The Prothonotary shall code the case in Full Court as Z-1901A.

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

No CC.

9/9:20am 6K

OFFICE OF COURT ADMINISTRATOR

OFFICE OF COURT ADMINISTRATION
CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET, SUITE 228
CLEARFIELD, PA 16830

LG

FILED

8:30am
JUL 24 2013

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw

Prothonotary/Clerk of Courts

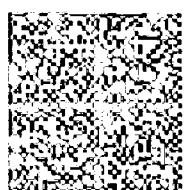
RECEIVED JUL 23 2013

Jerry Pannette
470 Treasure Lake
DuBois, Pa 15801

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UNABLE TO FORWARD

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DISTRICT COURT ADMINISTRATOR

SHARON S. WHIPPLE
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PRESIDENT JUDGE

HON. PAUL E. CHERRY
JUDGE

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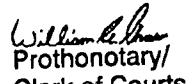
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MAR 19 2013

Attest.


Prothonotary/
Clerk of Courts