

OPEN FLOW GAS SUPPLY
CORPORATION,
Plaintiff

v.

TRACEWELL ELECTRONICS, INC., A
SUBSIDIARY OF TRACEWELL SYSTEMS,
INC.,
Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

NO. 06-863-CD

NOTICE TO DEFEND

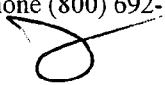
TO: Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc.
9962 Route 446
Cuba, NY 14727-9797

You are being 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 by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CAN NOT 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.

Pennsylvania Lawyers Referral Service
Pennsylvania Bar Association
100 South Street
Harrisburg, PA 17101
Phone (800) 692-7375


Michael S. Jan Janin
Attorney for Plaintiff

FILED 2cc Amy
m/2:31/201
MAY 30 2006 Amy pd.
85.00
William A. Shaw
Prothonotary/Clerk of Courts

OPEN FLOW GAS SUPPLY
CORPORATION,
Plaintiff

v.

TRACEWELL ELECTRONICS, INC., A
SUBSIDIARY OF TRACEWELL
SYSTEMS, INC.,
Defendant

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

: NO.
:

**PURSUANT TO PROVISIONS OF THE FEDERAL FAIR DEBT COLLECTION
PRACTICE ACT, YOU ARE ADVISED AND WARNED THAT THIS IS AN
ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE. SEE 15 U.S.C. §1692(e)(11).**

OPEN FLOW GAS SUPPLY
CORPORATION,
Plaintiff

v.

TRACEWELL ELECTRONICS, INC., A
SUBSIDIARY OF TRACEWELL
SYSTEMS, INC.,
Defendant

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

: NO.
:

CIVIL ACTION

AND NOW, comes the Plaintiff, Open Flow Gas Supply Corporation, by and through its attorneys, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., and files this Civil Action of which the following is a statement:

1. The Plaintiff, Open Flow Gas Supply Corporation (hereinafter "Plaintiff"), is a Pennsylvania corporation with a principal place of business located at P.O. Drawer J, 90 Beaver Drive, Suite 110B, DuBois, PA 15801.

2. The Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc. (hereinafter "Defendant"), is believed to be a corporation with a place of business located at 9962 Route 446, Cuba, NY 14727-9797.

3. Pursuant to the provisions of the Federal Fair Debt Collection Practice Act [15 U.S.C. Section 1692(g)] attached hereto as Exhibit "A" is a **DEBT VALIDATION STATEMENT**.

COUNT I – OPEN FLOW GAS SUPPLIES CORPORATION V. TRACEWELL ELECTRONICS, INC., A SUBSIDIARY OF TRACEWELL SYSTEMS, INC.

4. Pursuant to purchase orders between the Plaintiff and the Defendant, the Plaintiff supplied the Defendant with gas services as set forth and described in a statement of said account

attached hereto, made a part hereof and marked as Exhibit "B."

5. The Defendant agreed to pay for said gas services as set forth in Exhibit "B" herein by requesting and accepting the same.

6. The Defendant is in default of its obligation to pay said account to the Plaintiff.

7. As of the date of this Complaint, the balance due and owing by the Defendant to the Plaintiff, which is in default, is \$31,522.47.

8. The Plaintiff regularly sent statements to the Defendant which was received by the Defendant without exception so as to constitute an account stated.

9. The charges for said gas services were the normal, usual, and customary charges and the Plaintiff has performed any and all conditions precedent to recovery.

10. The Defendant has never disputed the reasonableness of the charges or the Plaintiff's accounting of the charges.

11. The Plaintiff has demanded and continues to demand payment of the outstanding balance but the Defendant has refused and continues to refuse to pay the same.

12. Under the terms and conditions of the Plaintiff's sale of gas services products to the Defendant, the Defendant is liable for interest on the unpaid balance at the rate of 1½% per month.

WHEREFORE, the Plaintiff, Open Flow Gas Supply Corporation, demands judgment in its favor and against the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., in the amount of \$31,522.47 plus interest at the rate of 1-1/2% per month through the date of judgment, plus interest from the date of judgment at the statutory rate and the costs of suit.

COUNT II – OPEN FLOW GAS SUPPLIES CORPORATION V. TRACEWELL
ELECTRONICS, INC., A SUBSIDIARY OF TRACEWELL SYSTEMS, INC. - UNJUST
ENRICHMENT

13. The averments contained in paragraphs 1 through 12 are incorporated herein by reference as if fully set forth.

14. It would be inequitable and unconscionable and the Defendant would be thereby unjustly enriched if the Defendant is permitted to retain the benefits.

WHEREFORE, the Plaintiff, Open Flow Gas Supply Corporation, demands judgment in its favor and against the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., in the amount of \$31,522.47 plus interest at the rate of 1-1/2% per month through the date of judgment, plus interest from the date of judgment at the statutory rate and the costs of suit.

COUNT III – OPEN FLOW GAS SUPPLY CORPORATION v. TRACEWELL
ELECTRONICS, INC., A SUBSIDIARY OF TRACEWELL SYSTEMS, INC. - (QUANTUM
MERUIT)

15. The averments in paragraphs 1 through 14 of this Complaint are incorporated herein be reference as if fully set forth.

16. The Plaintiff, at the request of the Defendant, and with the Defendant's knowledge and acquiescence, supplied gas services to the Defendant.

17. In the course of supplying gas services, the Plaintiff was required to and did furnish gas services as set forth on Exhibit "B."

18. The fair market value of said gas service at the time it was received was \$31,522.47.

19. The Defendant has refused to pay the Plaintiff the fair market value of the gas


services furnished although the same is due.

WHEREFORE, the Plaintiff, Open Flow Gas Supply Corporation, demands judgment in its favor and against the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., in the amount of \$31,522.47 plus interest at the rate of 1-1/2% per month through the date of judgment, plus interest from the date of judgment at the statutory rate and the costs of suit.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY &
KROTO, INC.

By



Michael S. Jan Janin
Pa. I.D. No. 38880
2222 West Grandview Boulevard
Erie, PA 16506-4508
(814) 833-2222
Attorneys for Plaintiff, Open Flow Gas Supply
Corporation

Document #32152, v1

OPEN FLOW GAS SUPPLY
CORPORATION,
Plaintiff

v.

TRACEWELL ELECTRONICS, INC.,
Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

NO.

VERIFICATION

I, William R. Deter, a representative of the Plaintiff, Open Flow Gas Supply Corporation, in the above matter, depose and say that the facts set forth in the foregoing Civil Action are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

OPEN FLOW GAS SUPPLY CORPORATION

BY



William R. Deter
P.O. Drawer J
90 Beaver Drive, Suite 110B
DuBois, PA 15801

Dated: 5-23-06

EXHIBIT "A"

OPEN FLOW GAS SUPPLY	:	IN THE COURT OF COMMON PLEAS
CORPORATION,	:	OF CLEARFIELD COUNTY,
Plaintiff	:	PENNSYLVANIA
	:	
v.	:	
	:	
TRACEWELL ELECTRONICS, INC., A	:	NO.
SUBSIDIARY OF TRACEWELL	:	
SYSTEMS, INC.,	:	
Defendant	:	

DEBT VALIDATION STATEMENT

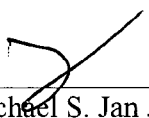
1. The amount of the debt is \$31,522.47.
2. The name of the creditor to whom the debt is owed is Open Flow Gas Supply Corporation
3. Unless Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., within thirty (30) days after receipt of this Notice, disputes the debt validity, or any portion thereof, the attorney signing this Complaint will assume the debt to be valid.
4. If Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., notifies the attorney signing this Complaint in writing within the thirty (30) day period that the debt, or any portion thereof, is disputed, the attorney will obtain verification of the debt or a copy of a judgment against the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., and the attorney will mail a copy of such verification or judgment to the Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., if appropriate.
5. Upon the Defendant's, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., written request within the thirty (30) day period, the attorney will provide the

Defendant, Tracewell Electronics, Inc., a subsidiary of Tracewell Systems, Inc., with the original creditor's name and address if different from the current creditor.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY &
KROTO, INC.

By



Michael S. Jan Janin

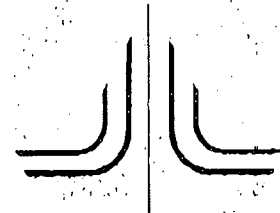
Pa. I.D. No. 38880

2222 West Grandview Boulevard

Erie, PA 16506-4508

(814) 833-2222

Attorneys for Plaintiff, Open Flow Gas Supply Corporation

Open Flow Gas Supply corp.**INVOICE**

Tracewell Electronics
9962 Route 446
Cuba, NY 14727-9797

INVOICE DATE: 05/09/2006

INVOICE #: 22704

PAYMENT TERMS: Net 10 Days

DELIVERY PERIOD: 4/30/2006

NAT. GAS DELIVERIES APRIL, 2006

Delivered Through: NFGD

VOLUME(DTH)

145

\$/DTH

7.927

AMOUNT

1,149.42T

SUBTOTAL \$1,149.42

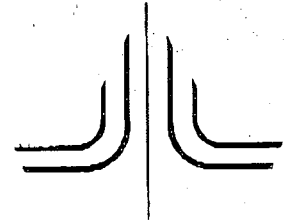
SALES TAX (0.0%) \$0.00

TOTAL **\$1,149.42**

DUE DATE: 5/19/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

Open Flow Gas Supply *corp.***INVOICE**

Tracewell Electronics
9962 Route 446
Cuba, NY 14727-9797

INVOICE DATE: 04/06/2006

INVOICE #: 22359

PAYMENT TERMS: Net 10 Days

DELIVERY PERIOD: 3/31/2006

NAT. GAS DELIVERIES MARCH, 2006**VOLUME(DTH)****\$/DTH****AMOUNT**

Delivered Through: NFGD

610

8.087

4,933.07T

SUBTOTAL \$4,933.07

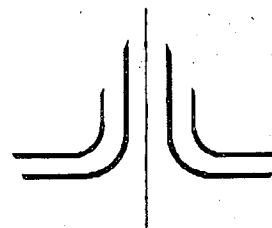
SALES TAX (0.0%) \$0.00

TOTAL **\$4,933.07**

DUE DATE: 4/16/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

Open Flow Gas Supply corp.**INVOICE**

Tracewell Electronics
9962 Route 446
Cuba, NY 14727-9797

INVOICE DATE: 03/08/2006

INVOICE #: 21931

PAYMENT TERMS: Net 10 Days

DELIVERY PERIOD: 2/28/2006

NAT. GAS DELIVERIES FEBRUARY, 2006**VOLUME(DTH)****\$/DTH****AMOUNT**

Delivered Through: NFGD

830

9.454

7,846.82T

SUBTOTAL \$7,846.82

SALES TAX (0.0%) \$0.00

TOTAL **\$7,846.82**

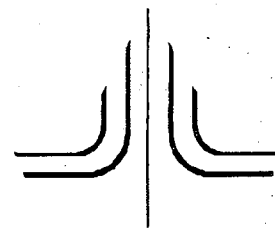
DUE DATE: 3/18/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

Open Flow Gas Supply *corp.*

INVOICE



Tracewell Electronics
9962 Route 446
Cuba, NY 14727-9797

INVOICE DATE: 02/07/2006

INVOICE #: 21584

PAYMENT TERMS: Net 10 Days

DELIVERY PERIOD: 1/31/2006

NAT. GAS DELIVERIES JANUARY, 2006

Delivered Through: NFGD

VOLUME(DTH)

685

\$/DTH

12.485

AMOUNT

8,552.23T

SUBTOTAL \$8,552.23

SALES TAX (0.0%) \$0.00

TOTAL \$8,552.23

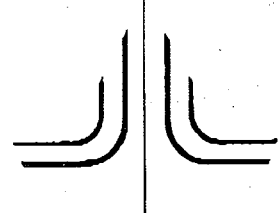
DUE DATE: 2/17/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

Open Flow Gas Supply *corp.*

INVOICE



Tracewell Electronics
9962 Route 446
Cuba, NY 14727-9797

INVOICE DATE: 01/09/2006

INVOICE #: 21315

PAYMENT TERMS: Net 10 Days

DELIVERY PERIOD: 12/31/2005

NAT. GAS DELIVERIES DECEMBER, 2005

VOLUME(DTH)

\$/DTH

AMOUNT

Delivered Through: NFGD

739

12.234

9,040.93T

SUBTOTAL \$9,040.93

SALES TAX (0.0%) \$0.00

TOTAL **\$9,040.93**

DUE DATE: 1/19/2006

Please remit to address below. Thank you. Please register any question or complaint prior to the Due Date.

Always report any safety problems, such as a noticeable gas odor or suspected gas leak, immediately to National Fuel's 24-hour emergency phone number: 1-800-444-3130

OPEN FLOW GAS SUPPLY
CORPORATION,
Plaintiff,

v.

TRACEWELL ELECTRONICS, INC., A
SUBSIDIARY OF TRACEWELL SYSTEMS,
INC.,
Defendant.


:
:
:
: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
: NO. 06-863-CD
:

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served, or caused to be served, a copy of the Complaint upon each of the following persons and parties in interest at the address shown below:

Via Certified Mail, Return Receipt Requested:

Tracewell Electronics, Inc.
9962 Route 46
Cuba, NY 14727-9797

FILED ^{NO CC}
m) 1:45 (6)
JUN 12 2006 

William A. Shaw
Prothonotary/Clerk of Courts

Attached hereto is the Domestic Return Receipt showing that the mailing was received on June 6, 2006.

Respectfully submitted,

QUINN, BUSECK, LEEMHUIS, TOOHEY &
KROTO, INC.

BY: 

Michael S. Jan Janin
PA Id. No. 38880
2222 West Grandview Boulevard
Erie, Pennsylvania 16506-4508
Telephone: 814-833-2222
Facsimile: 814-833-6753
Counsel for Plaintiff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tracewell Electronics
9962 ROUTE 46
Cuba NY 14727-9777

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Kerry A. Engel*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Kerry A. Engel

C. Date of Delivery

6/6/00

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 2890 0002 3884 0274

UNITED STATES POSTAL SERVICE



First-Class Mail[®]
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Michael S. Jan Janin, Esquire
The Quinn Law Firm
2222 West Grandview Blvd.
Erie, PA 16506

Open Flow



OPEN FLOW GAS SUPPLY
CORPORATION,
Plaintiff

v.

TRACEWELL ELECTRONICS, INC., A
SUBSIDIARY OF TRACEWELL
SYSTEMS, INC.,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF CLEARFIELD COUNTY, PENNSYLVANIA
:
:
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: NO. 06-863-CD
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:

FILED No. 06-863-CD
m/2:08 am ICC + 1 CeA of
JUN 23 2006 ~~CC~~ issued to
Amy Janin

**PRAECIPE AND POWER OF ATTORNEY
FOR SATISFACTION AND/OR TERMINATION**

William A. Shaw
Prothonotary

TO: THE PROTHONOTARY/CLERK OF SAID COURT:

You are hereby authorized, empowered, and directed to enter, as indicated, the following on the records thereof:

- A. 1. _____ The within suit is settled, discontinued, ended and costs paid.
2. X The within suit is settled, discontinued, ended with prejudice and costs paid.
3. _____ The within suit is settled, discontinued, ended without prejudice and costs paid.
B. 1. _____ Satisfaction of the Award in the within suit is acknowledged.
2. _____ Satisfaction of Judgment, with interest and costs, in the within matter is acknowledged.
C. 1. _____ Other:

QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC.

Date: 6-21-06

BY [Signature]
Michael S. Jan Janin

COST PAYMENT VERIFICATION

I UNDERSTAND THAT THE ABOVE ACTION CANNOT BE FILED AND DOCKETED UNTIL ALL COSTS HAVE BEEN PAID, INCLUDING SHERIFF'S COSTS; AND HEREBY VERIFY THAT ALL COSTS HAVE BEEN PAID. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 Pa.C.S. §4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC.

BY [Signature]
Michael S. Jan Janin

Document #305201, v1

FILED

JUN 23 2006

William A. Shaw
Prothonotary

QUINN·BUSECK·LEEMHUIS·TOOHEY & KROTO·INC.

Attorneys At Law

2222 West Grandview Boulevard, Erie, PA 16506-4508 Phone: 814-833-2222 FAX: (814) 835-2076

Michael S. Jan Janin
mjanjanin@quinnfirm.com

June 21, 2006

Prothonotary
Clearfield County Court House
Clearfield, PA 16830

RE: Our File No. 43237.0007
Open Flow Gas Supply Corporation v. Tracewell Electronics, Inc., a subsidiary of
Tracewell Systems, Inc.
No. 06-863 CD Clearfield County, Pennsylvania

Dear Sir or Madam:

Please be advised that our office represents the Plaintiff, Open Flow Gas Supply Corporation, with reference to the above-captioned matter.

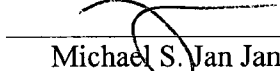
Enclosed please find the original and one (1) copy of the Praecipe and Power of Attorney for Satisfaction and/or Termination which we are filing. I would greatly appreciate it if you would provide me with a time-stamped copy and return it to me in the stamped, self-addressed envelope which I am enclosing.

I am also enclosing our Firm's check in the amount of \$7.00 made payable to the Clearfield County Prothonotary to satisfy the judgment.

If you have any questions or if you need anything further, please do not hesitate to contact me.

Very truly yours,

QUINN, BUSECK, LEEMHUIS, TOOHEY &
KROTO, INC.

By 
Michael S. Jan Janin

MSJ:my

Enclosures

C: Tracewell Electronics, Inc
Open Flow Gas Supply Corporation



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Open Flow Gas Supply Corporation

Vs.

No. 2006-00863-CD

Tracewell Electronics, Inc.
Tracewell Systems, Inc.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on June 23, 2006, marked:

Settled, discontinued and ended with prejudice

Record costs in the sum of \$85.00 have been paid in full by Quinn Buseck Leemhuis Toohey & Kroto Inc..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of June A.D. 2006.



William A. Shaw, Prothonotary