

06-1326-CD
Miller & Son Plumbing vs Refr. Service

2006-1326-CD
Miller & Son vs Refrigeration Service

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

MILLER & SON PLUMBING AND : CIVIL ACTION - AT LAW
HEATING, INC., :
Plaintiff : No. 06-13210-CD
vs. : Type of pleading:
REFRIGERATION SERVICE AND : COMPLAINT
ENGINEERING, INC., :
Defendant : Filed on behalf of:
 : Plaintiff
 : Counsel of Record for This
 : Party:
 : S. Casey Bowers, Esq.
 : Supreme Court No. 89032
 : Hanak, Guido and Taladay
 : 3 S. Brady St., Suite 300
 : P. O. Box 487
 : DuBois, PA 15801
 :
 : 814-371-7768

Date: August 18, 2006

FILED ^{Atty Ad.}
M 11/28/06 85.00
AUG 18 2006
cc:shff
William A. Shaw
Prothonotary/Clerk of Courts
CC Atty

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

MILLER & SON PLUMBING AND
HEATING, INC.,

Plaintiff

vs.

No. _____

REFRIGERATION SERVICE AND
ENGINEERING, INC.,

Defendant

NOTICE

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

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

Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

(814) 765-2641 Ext. 1300

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

MILLER & SON PLUMBING AND :
HEATING, INC., :
Plaintiff :
vs. :
No. _____
REFRIGERATION SERVICE AND :
ENGINEERING, INC., :
Defendant :
1

COMPLAINT

AND NOW, comes the Plaintiff, Miller and Son Plumbing and Heating, Inc., by and through its Attorneys, Hanak, Guido and Taladay, and hereby brings this Complaint against Defendant, Refrigeration Service and Engineering, Inc., averring as follows:

1. Plaintiff, Miller & Son Plumbing and Heating, Inc. ("Miller"), is a Pennsylvania business corporation, with a principal place of business at P. O. Box 512, U.S. Route 219 and 322, DuBois, Clearfield County, Pennsylvania 15801.
2. Defendant, Refrigeration Service and Engineering, Inc. ("RSE") is believed to be a Pennsylvania business corporation, with a principal place of business at 75 Industrial Parkway, Suite B, Pottstown, Pennsylvania 19464.

3. Defendant, RSE, regularly conducts business within Clearfield County, Pennsylvania.

4. Miller is in the business of, inter alia, fabricating and installing plumbing and heating systems.

5. On or about October 21, 2005, Miller and RSE, by their respective authorized agents, entered into an oral agreement whereby Miller agreed to supply all labor and material to fabricate and install three pieces of supply duct work at a facility owned and/or operated by Giuseppe's Finer Foods located at 2592 Oklahoma-Salem Road, DuBois, Clearfield County, Pennsylvania 15801.

6. In consideration of the fabrication and installation of said supply duct work, RSE agreed to pay Miller the cost of materials and labor at a rate of \$50.00 per hour. A copy of RSE's purchase order memorializing these terms is attached hereto and marked as Exhibit "A".

7. Miller did, in fact, fabricate and install the subject duct work at Giuseppe's location on Defendant's behalf. Copies of Miller's invoices evidencing the services rendered are attached hereto and marked as Exhibits "B-1", "B-2", "B-3" and "B-4".

8. The transaction that gave rise to this cause of action occurred in Clearfield County, Pennsylvania.

9. The services and materials provided by Plaintiff to the Defendant were at all times proper, satisfactory and consistent with and in the performance of the agreement between the parties.

10. Pursuant to the terms of the agreement entered into between Miller and RSE, Miller forwarded monthly invoices to RSE requesting payments for materials and services provided. Copies of said invoices are attached hereto and marked as Exhibits "B-1", "B-2", "B-3" and "B-4".

11. In spite of Miller's repeated demands, RSE has failed to make any payment to Miller.

12. As of April 19, 2006, RSE was \$65,119.62 in arrears on its payments to Miller for services and materials provided by Miller to RSE.

**COUNT I
BREACH OF CONTRACT**

13. Plaintiff hereby incorporates Paragraphs 1 through 12 herein.

14. RSE's failure to remit to Miller the \$65,119.62 owed is a material breach of the agreement between the parties.

15. RSE's breach, as aforesaid, has caused Miller injury in the amount exceeding \$65,119.62.

WHEREFORE, Plaintiff, Miller & Son Plumbing and Heating, Inc., demands judgment against Defendant, Refrigeration Service and

Engineering, Inc., in the amount of \$65,119.62, together with costs and interest from the date of demand, being the date when the subject invoices were mailed to RSE, together with any additional relief this Court deems just and equitable.

COUNT II
UNJUST ENRICHMENT

16. Plaintiff hereby incorporates Paragraphs 1 through 15 herein.

17. In reliance on representations made by RSE, Miller has provided materials and services as set forth above to RSE.

18. RSE has appreciated and retained the materials and services provided by Miller.

19. The value of materials and services provided by Miller to RSE is \$62,275.00.

20. By appreciating and retaining the materials and services aforesaid, Defendant, RSE has been unjustly enriched at the expense of Miller in the amount of \$62,275.00.

WHEREFORE, Plaintiff, Miller & Son Plumbing and Heating, Inc., hereby requests judgment in its favor against Defendant, Refrigeration Service and Engineering, Inc. in the amount of \$62,275.00,

together with interest, costs of suit, and any additional relief as the Court
deems just and equitable.

Respectfully submitted,

HANAK, GUIDO AND TALADAY

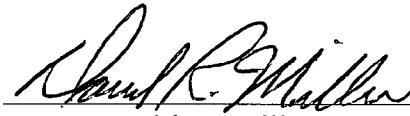
By: 
S. Casey Bowers
Attorney for Plaintiff

VERIFICATION

I, DAVID R. MILLER, PRESIDENT of MILLER & SON
PLUMBING AND HEATING, INC., do hereby verify that I have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: Augt, 2006



David R. Miller

RSE Inc.

Refrigeration Service and Engineering, Inc.
75 Industrial Parkway, Suite B
Pottstown, PA 19464
Phone (610)495-1972 -- Fax (610)495-1973

Purchase Order

DATE	P.O. NO.
10/21/2005	3290

Vendor
Miller & Son Plumbing and Heating Bruce Sedor PO Box 512 US Rts 219 & 322 DuBois, PA 15801

SHIP TO
Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801

ITEM	DESCRIPTION	QTY	RATE	CUSTOMER	AMOUNT
Subcontractor	Supply labor and material to fabricate and install three (3) pieces of supply duct work per conversations with Ken and sketches provided at a labor rate of \$50.00 /hr	1	0.00	I05-2023	0.00
					Total \$0.00

Please contact RSE office with questions and/or confirmations at 610-495-1972. Thank You!



Miller & Son Plbg & Htg

PO BOX 512
DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown _____ State PA ZIP 19464
Phone

Date 12/21/2005
Net Due Date 01/14/2006
PO No. 3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801 Materials Labor @ \$50/hr PO # 3290	\$45,100.00 \$17,175.00	

Payment Details

Cash
 Check

SubTotal \$62,275.00

TOTAL NET \$62,275.00

1.5% monthly late fee on net

18% annually

Office Use Only

If legal action is taken to collect full payment of this invoice, you will
be responsible for all legal fees.



Miller & Son Plbg & Htg

PO BOX 512
DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE =

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown State PA ZIP 19464
Phone

Date 02/06/2006
Net Due Date 01/14/2006
PO No. 3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials	\$45,100.00	
	Labor @ \$50/hr	\$17,175.00	
	PO # 3290		
	PAST DUE	\$934.13	

Payment Details

Cash
 Check

1.5% monthly late fee on net

18% annually

SubTotal	\$62,275.00
Late Fee	\$934.13
TOTAL NET	\$63,209.13

Office Use Only

If legal action is taken to collect full payment of this invoice, you will
be responsible for all legal fees.



Miller & Son Plbg & Htg

PO BOX 512
DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown State PA ZIP 19464
Phone

Date 03/09/2006
Net Due Date 01/14/2006
PO No. 3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials Labor @ \$50/hr	\$45,100.00 \$17,175.00	
	PO # 3290		
	PAST DUE	\$934.13	
	PAST DUE	\$948.13	
		SubTotal	\$62,275.00
		Late Fee	\$1,882.26
		TOTAL NET	\$64,157.26

Payment Details

Cash
 Check

1.5% monthly late fee on net

18% annually

Office Use Only

If legal action is taken to collect full payment of this invoice, you will
be responsible for all legal fees.



Miller & Son Plbg & Htg

PO BOX 512
DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE =

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown State PA ZIP 19464
Phone

Date 04/19/2006
Net Due Date 01/14/2006
PO No. 3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials	\$45,100.00	
	Labor @ \$50/hr	\$17,175.00	
	PO # 3290		
	PAST DUE	\$934.13	
	PAST DUE	\$948.13	
	PAST DUE	\$962.36	

SubTotal \$62,275.00

Late Fee \$2,844.62

TOTAL NET \$65,119.62

Payment Details

Cash
 Check

1.5% monthly late fee on net

18% annually

Office Use Only

If legal action is taken to collect full payment of this invoice, you will be responsible for all legal fees.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101837
NO: 06-1326-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: MILLER & SON PLUMBING AND HEATING, INC.
vs.
DEFENDANT: REFRIGERATION SERVICE AND ENGINEERING, INC.

SHERIFF RETURN

NOW, August 18, 2006, SHERIFF OF MONTGOMERY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON REFRIGERATION SERVICE AND ENGINEERING INC..

NOW, August 30, 2006 AT 8:45 AM SERVED THE WITHIN COMPLAINT ON REFRIGERATION SERVICE AND ENGINEERING INC., DEFENDANT. THE RETURN OF MONTGOMERY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
0/10/15 LM
OCT 05 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101837
NO: 06-1326-CD
SERVICES 1
COMPLAINT

PLAINTIFF: MILLER & SON PLUMBING AND HEATING, INC.

vs.

DEFENDANT: REFRIGERATION SERVICE AND ENGINEERING, INC.

SHERIFF RETURN

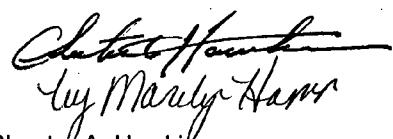
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HANAK	14974	10.00
SHERIFF HAWKINS	HANAK	14974	21.00
MONTGOMERY CO.	HANAK	14972	33.00

Sworn to Before Me This

____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

SHERIFF'S RETURN

PROTHONOTARY C- 3101

DEFENDANT: Refrigeration Service and Engineering Inc.

DOCUMENT SERVED: Civil

INDIVIDUAL SERVED: Michelle Tupitza

RELATIONSHIP TO DEFENDANT: Person In Charge

DATE AND PREVAILING TIME: August 30, 2006 @ 08:45

LOCATION: 75 Industrial Parkway, Suite B. Pottstown, PA

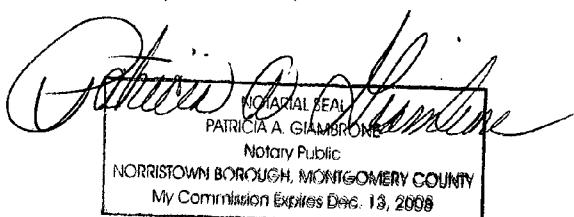
*The above document was served on the defendant
as per information listed above in the County of
Montgomery, Commonwealth of Pennsylvania.*

Affirmed and subscribed before me on this day so answers.

Notary Public Sept. 25, 2006

John P. Durante
Sheriff of Montgomery County

Deputy Sheriff
Pokorny





CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM

DEPT. CLERK

CYNTHIA AUGHENBAUGH

OFFICE MANAGER

KAREN BAUGHMAN

CLERK TYPIST

PETER F. SMITH

SOLICITOR

8-25
10

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 101837

TERM & NO. 06-1326-CD

MILLER & SON PLUMBING AND HEATING, INC.

COMPLAINT

vs.

REFRIGERATION SERVICE AND ENGINEERING, INC.

SERVE BY: 09/17/06

MAKE REFUND PAYABLE TO HANAK GUIDO & TALADAY, ESQ.

SERVE: REFRIGERATION SERVICE AND ENGINEERING INC.

ADDRESS: 75 INDUSTRIAL PARKWAY, SUITE B, POTTSTOWN, PA 19464

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF MONTGOMERY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, August 18, 2006.

Served upon Michelle Tupitz a
8-30-06 C 0845 hrs.

RESPECTFULLY,

Deputy Pokorny

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

RECEIVED
06 AUG 23 PM 3:28
OFFICE OF THE
SHERIFF
MONTGOMERY CO., PA.

C 3101



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986

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MARILYN HAMM

DEPT. CLERK

CYNTHIA AUGHENBAUGH

OFFICE MANAGER

KAREN BAUGHMAN

CLERK TYPIST

PETER F. SMITH

SOLICITOR

September 21, 2006

Montgomery County Sheriff's Office
Courthouse
P.O. Box 311
Norristown, Pa. 19404
ATTN: Marie

MILLER & SON PLUMBING AND HEATING INC.

-VS-

REFRIGERATION SERVICE AND ENGINEERING INC.

NO. 06-1326-CD

Dear Marie:

I am returning the enclosed Deputation & receipt that was sent to our office. There is no Sheriff Return showing Montgomery County made service. Also, your receipt says Filed by: Allegheny.

If you have any questions please feel free to give me a call.

Sincerely,

Handwritten signature of Chester A. Hawkins.

CHESTER A. HAWKINS
Sheriff

Handwritten signature of Marilyn Hamm.

COPY

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

MILLER & SON PLUMBING AND : CIVIL ACTION - AT LAW
HEATING, INC., :
Plaintiff : No. 06-1326-CJ
vs. : Type of pleading:
REFRIGERATION SERVICE AND : COMPLAINT
ENGINEERING, INC., :
Defendant : Filed on behalf of:
 : Plaintiff
 : Counsel of Record for This
 : Party:
 : S. Casey Bowers, Esq.
 : Supreme Court No. 89032
 : Hanak, Guido and Taladay
 : 3 S. Brady St., Suite 300
 : P. O. Box 487
 : DuBois, PA 15801
 :
 : 814-371-7768

Date: August 18, 2006

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

AUG 18 2006

Attest.


William L. Ober
Prothonotary/
Clerk of Courts

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

MILLER & SON PLUMBING AND :
HEATING, INC., :
Plaintiff :
vs. : No. _____
REFRIGERATION SERVICE AND :
ENGINEERING, INC., :
Defendant :
:

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Court Administrator
Clearfield County Courthouse
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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION

MILLER & SON PLUMBING AND :
HEATING, INC., :
Plaintiff :
vs. :
No. _____
REFRIGERATION SERVICE AND :
ENGINEERING, INC., :
Defendant :
vs. :
No. _____

COMPLAINT

AND NOW, comes the Plaintiff, Miller and Son Plumbing and Heating, Inc., by and through its Attorneys, Hanak, Guido and Taladay, and hereby brings this Complaint against Defendant, Refrigeration Service and Engineering, Inc., averring as follows:

1. Plaintiff, Miller & Son Plumbing and Heating, Inc.

("Miller"), is a Pennsylvania business corporation, with a principal place of business at P. O. Box 512, U.S. Route 219 and 322, DuBois, Clearfield County, Pennsylvania 15801.

2. Defendant, Refrigeration Service and Engineering, Inc.

("RSE") is believed to be a Pennsylvania business corporation, with a principal place of business at 75 Industrial Parkway, Suite B, Pottstown, Pennsylvania 19464.

3. Defendant, RSE, regularly conducts business within Clearfield County, Pennsylvania.

4. Miller is in the business of, inter alia, fabricating and installing plumbing and heating systems.

5. On or about October 21, 2005, Miller and RSE, by their respective authorized agents, entered into an oral agreement whereby Miller agreed to supply all labor and material to fabricate and install three pieces of supply duct work at a facility owned and/or operated by Giuseppe's Finer Foods located at 2592 Oklahoma-Salem Road, DuBois, Clearfield County, Pennsylvania 15801.

6. In consideration of the fabrication and installation of said supply duct work, RSE agreed to pay Miller the cost of materials and labor at a rate of \$50.00 per hour. A copy of RSE's purchase order memorializing these terms is attached hereto and marked as Exhibit "A".

7. Miller did, in fact, fabricate and install the subject duct work at Giuseppe's location on Defendant's behalf. Copies of Miller's invoices evidencing the services rendered are attached hereto and marked as Exhibits "B-1", "B-2", "B-3" and "B-4".

8. The transaction that gave rise to this cause of action occurred in Clearfield County, Pennsylvania.

9. The services and materials provided by Plaintiff to the Defendant were at all times proper, satisfactory and consistent with and in the performance of the agreement between the parties.

10. Pursuant to the terms of the agreement entered into between Miller and RSE, Miller forwarded monthly invoices to RSE requesting payments for materials and services provided. Copies of said invoices are attached hereto and marked as Exhibits "B-1", "B-2", "B-3" and "B-4".

11. In spite of Miller's repeated demands, RSE has failed to make any payment to Miller.

12. As of April 19, 2006, RSE was \$65,119.62 in arrears on its payments to Miller for services and materials provided by Miller to RSE.

COUNT I
BREACH OF CONTRACT

13. Plaintiff hereby incorporates Paragraphs 1 through 12 herein.

14. RSE's failure to remit to Miller the \$65,119.62 owed is a material breach of the agreement between the parties.

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WHEREFORE, Plaintiff, Miller & Son Plumbing and Heating, Inc., demands judgment against Defendant, Refrigeration Service and

Engineering, Inc., in the amount of \$65,119.62, together with costs and interest from the date of demand, being the date when the subject invoices were mailed to RSE, together with any additional relief this Court deems just and equitable.

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16. Plaintiff hereby incorporates Paragraphs 1 through 15 herein.

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18. RSE has appreciated and retained the materials and services provided by Miller.

19. The value of materials and services provided by Miller to RSE is \$62,275.00.

20. By appreciating and retaining the materials and services aforesaid, Defendant, RSE has been unjustly enriched at the expense of Miller in the amount of \$62,275.00.

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Respectfully submitted,

HANAK, GUIDO AND TALADAY

By: 
S. Casey Bowers
Attorney for Plaintiff

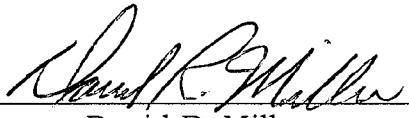
VERIFICATION

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Date: Aug 1, 2006


David R. Miller
David R. Miller

RSE Inc.

Refrigeration Service and Engineering, Inc.
 75 Industrial Parkway, Suite B
 Pottstown, PA 19464
 Phone (610)495-1972 -- Fax (610)495-1973

Purchase Order

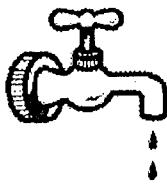
DATE	P.O. NO.
10/21/2005	3290

Vendor
Miller & Son Plumbing and Heating Bruce Sedor PO Box 512 US Rts 219 & 322 DuBois, PA 15801

SHIP TO
Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801

ITEM	DESCRIPTION	QTY	RATE	CUSTOMER	AMOUNT
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Total					\$0.00

Please contact RSE office with questions and/or confirmations at 610-495-1972. Thank You!



Miller & Son Plbg & Htg

PO BOX 512
DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE =

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown State PA ZIP 19464
Phone

Date 12/21/2005
Net Due Date 01/14/2006
PO No. 3290

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	Labor @ \$50/hr	\$17,175.00	
	PO # 3290		
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		TOTAL NET	\$62,275.00

Payment Details

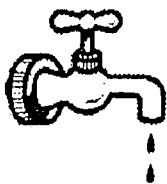
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Miller & Son Plbg & Htg

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Invoice No.

6558

INVOICE

Customer

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Phone

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Net Due Date 01/14/2006
PO No. 3290

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			SubTotal
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			Late Fee
			\$934.13
			TOTAL NET
			\$63,209.13

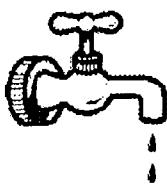
Payment Details

Cash
 Check

1.5% monthly late fee on net
18% annually

Office Use Only

If legal action is taken to collect full payment of this invoice, you will
be responsible for all legal fees.



Miller & Son Plbg & Htg

PO BOX 512
DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE =

Customer

Name	RSE Inc.		
Address	75 Industrial Parkway, Suite B		
City	Pottstown	State PA	ZIP 19464
Phone			

Date	03/09/2006
Net Due Date	01/14/2006
PO No.	3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials	\$45,100.00	
	Labor @ \$50/hr	\$17,175.00	
	PO # 3290		
	PAST DUE	\$934.13	
	PAST DUE	\$948.13	

SubTotal \$62,275.00

Late Fee \$1,882.26

TOTAL NET \$64,157.26

Payment Details

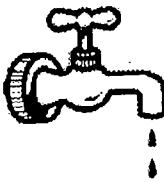
- Cash
- Check

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18% annually

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Miller & Son Plbg & Htg

PO BOX 512
DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE =

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown State PA ZIP 19464
Phone

Date 04/19/2006
Net Due Date 01/14/2006
PO No. 3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials	\$45,100.00	
	Labor @ \$50/hr	\$17,175.00	
	PO # 3290		
	PAST DUE	\$934.13	
	PAST DUE	\$948.13	
	PAST DUE	\$962.36	
	SubTotal	\$62,275.00	
	Late Fee	\$2,844.62	
	TOTAL NET	\$65,119.62	

Payment Details

Cash
 Check

1.5% monthly late fee on net

18% annually

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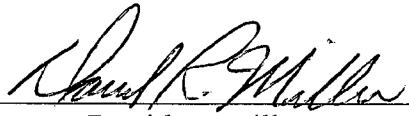
VERIFICATION

I, DAVID R. MILLER, PRESIDENT of MILLER & SON

PLUMBING AND HEATING, INC., do hereby verify that I have read the foregoing Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: Aug 1, 2006


David R. Miller
David R. Miller

RSE Inc.

Refrigeration Service and Engineering, Inc.
 75 Industrial Parkway, Suite B
 Pottstown, PA 19464
 Phone (610)495-1972 ... Fax (610)495-1979

Purchase Order

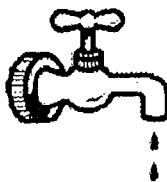
DATE	P.O. NO.
10/21/2005	3290

Vendor
Miller & Son Plumbing and Heating Bruce Sedor PO Box 512 US Rts 219 & 322 DuBois, PA 15801

SHIP TO
Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801

ITEM	DESCRIPTION	QTY	RATE	CUSTOMER	AMOUNT
Subcontractor	Supply labor and material to fabricate and install three (3) pieces of supply duct work per conversations with Ken and sketches provided at a labor rate of \$50.00 /hr	1	0.00	I05-2023	0.00
Total					\$0.00

Please contact RSE office with questions and/or confirmations at 610-495-1972. Thank You!



Miller & Son Plbg & Htg

PO BOX 512
DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE =

Customer

Name	RSE Inc.		
Address	75 Industrial Parkway, Suite B		
City	Pottstown	State	PA
Phone	ZIP 19464		

Date	12/21/2005
Net Due Date	01/14/2006
PO No.	3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials	\$45,100.00	
	Labor @ \$50/hr	\$17,175.00	
	PO # 3290		

Payment Details

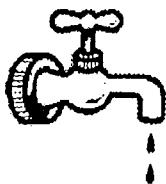
- Cash
- Check

SubTotal \$62,275.00

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18% annually

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Miller & Son Plbg & Htg

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DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown State PA ZIP 19464
Phone

Date 02/06/2006
Net Due Date 01/14/2006
PO No. 3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials Labor @ \$50/hr	\$45,100.00 \$17,175.00	
	PO # 3290		
	PAST DUE	\$934.13	

Payment Details

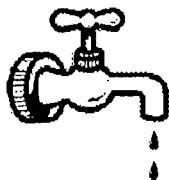
Cash
 Check

SubTotal	\$62,275.00
Late Fee	\$934.13
TOTAL NET	\$63,209.13

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18% annually

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Miller & Son Plbg & Htg

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DuBois, PA 15801
814-583-7342 fax 814-583-7203

Invoice No.

6558

INVOICE

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown State PA ZIP 19464
Phone

Date 03/09/2006
Net Due Date 01/14/2006
PO No. 3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials Labor @ \$50/hr	\$45,100.00 \$17,175.00	
	PO # 3290		
	PAST DUE	\$934.13	
	PAST DUE	\$948.13	

Payment Details

Cash
 Check

1.5% monthly late fee on net

18% annually

SubTotal	\$62,275.00
Late Fee	\$1,882.26
TOTAL NET	\$64,157.26

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Miller & Son Plbg & Htg

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Invoice No.

6558

INVOICE

Customer

Name RSE Inc.
Address 75 Industrial Parkway, Suite B
City Pottstown State PA ZIP 19464
Phone

Date 04/19/2006
Net Due Date 01/14/2006
PO No. 3290

Qty	Description	Unit Price	TOTAL
	Fabricate and install 3 supply duct work per Ken @ Giuseppe's Finer Foods 2592 Oklahoma Salem Road PO Box 687 DuBois, PA 15801		
	Materials Labor @ \$50/hr	\$45,100.00 \$17,175.00	
	PO # 3290		
	PAST DUE	\$934.13	
	PAST DUE	\$948.13	
	PAST DUE	\$962.36	
	SubTotal		\$62,275.00
	Late Fee		\$2,844.62
	TOTAL NET		\$65,119.62

Payment Details

Cash
 Check

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18% annually

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IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

MILLER & SON PLUMBING AND : CIVIL ACTION - AT LAW
HEATING, INC., :
Plaintiff : No. 06-1326-CD
vs. : Type of pleading:
: PRAECIPE TO MARK MATTER
REFRIGERATION SERVICE AND : SETTLED, DISCONTINUED AND ENDED
ENGINEERING, INC., :
Defendant :
: Filed on Behalf of:
: Plaintiff
: Counsel of Record for This
: Party:
: S. Casey Bowers, Esq.
: Supreme Court No. 89032
: Hanak, Guido and Taladay
: 3 S. Brady St., Suite 300
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

Date: February 5, 2007

FILED acc 42
M/11/10 am Cert of disc
FEB 07 2007 issued to
William A. Shaw
Prothonotary/Clerk of Courts
Handy Bowers

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

MILLER & SON PLUMBING AND : CIVIL ACTION - AT LAW
HEATING, INC., :
Plaintiff : No. 06-1326-CD
:
vs. :
:
REFRIGERATION SERVICE AND :
ENGINEERING, INC., :
Defendant :
:

PRAECIPE TO MARK MATTER SETTLED, DISCONTINUED AND ENDED

TO THE PROTHONOTARY:

Kindly mark the above referenced matter settled, discontinued and ended.



S. Casey Bowers
Attorney for Plaintiff

HANAK, GUIDO and TALADAY
Attorneys at Law

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

Nicole Hanak Bankovich
S. Casey Bowers

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

P.O. Box 487
DuBois, PA 15801
scbowers@verizon.net

February 6, 2007

Office of the Prothonotary
Clearfield County Courthouse
230 E. Market Street
P. O. Box 549
Clearfield, PA 16830

Re: Miller & Son Plumbing and Heating, Inc. v
Refrigeration Service and Engineering, Inc.
No. 05-1326-CD

Dear Bill:

Enclosed please find an original and two copies of a Praeclipe to
Mark Matter Settled, Discontinued and Ended for the above noted matter.
Would you be so kind as to file the same of record and return the
certified copies to me in the envelope enclosed for your convenience.

I thank you for your kind attention to this matter. Please feel free
to call me if you need anything further or have any questions.

Very truly yours,



S. Casey Bowers

SCB/mbh
Enclosures
cc: Mr. Dave Miller (w/encl.)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Miller & Son Plumbing and Heating, Inc.

Vs.
Refrigeration Service and Engineering, Inc.

No. 2006-01326-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 7, 2007, marked:

Settled, discontinued and ended.

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 7th day of February A.D. 2007.



William A. Shaw, Prothonotary