

Miller & Son vs Refrigeration Service  
2006-1326-CD

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MILLER & SON PLUMBING AND  
HEATING, INC.,

Plaintiff

vs.

REFRIGERATION SERVICE AND  
ENGINEERING, INC.,

Defendant

CIVIL ACTION - AT LAW

No. 06-13210-CD

Type of pleading:

COMPLAINT

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** Any ad.  
m/11:28/01 85.00  
AUG 18 2006  
5 2ccshff  
William A. Shaw  
Prothonotary/Clerk of Courts | CC Any

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

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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  
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MILLER & SON PLUMBING AND  
HEATING, INC.,  
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vs.

REFRIGERATION SERVICE AND  
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Defendant

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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.

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: Aug 1, 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	105-2023	0.00
Total					\$0.00

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

EXHIBIT "A"



# 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	\$45,100.00	
	Labor @ \$50/hr	\$17,175.00	
	PO # 3290		
SubTotal			\$62,275.00
TOTAL NET			\$62,275.00

### 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.

EXHIBIT "B-1"



# 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	
SubTotal			\$62,275.00
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

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 cm  
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

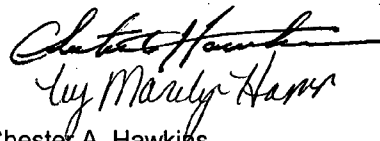
RETURN COSTS

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**

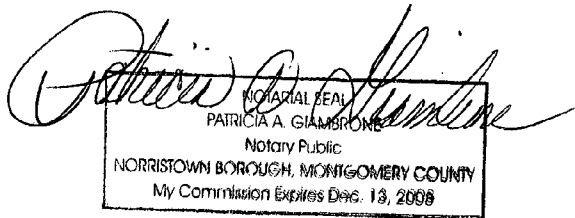
*The above document was served on the defendant  
as per information listed above in the County of  
Montgomery, Commonwealth of Pennsylvania.*

*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

MILLER & SON PLUMBING AND HEATING, INC.

TERM & NO. 06-1326-CD

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 Tupitza  
8-30-06 @ 0845 hrs.

Deputy Pokorny

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

RECEIVED  
06 AUG 23 PM 3:28  
OFFICE OF THE  
SHERIFF  
MONTG. 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  
FAX (814) 765-5915  
ROBERT SNYDER  
CHIEF DEPUTY  
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,

CHESTER A. HAWKINS  
Sheriff

*Marie*

COPY

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MILLER & SON PLUMBING AND  
HEATING, INC.,

Plaintiff

vs.

REFRIGERATION SERVICE AND  
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Defendant

CIVIL ACTION - AT LAW

No. 06-1326-CD

Type of pleading:

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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

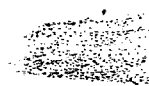
814-371-7768

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 A. Bowers*  
Prothonotary/  
Clerk of Courts

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

MILLER & SON PLUMBING AND  
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Plaintiff

vs.

REFRIGERATION SERVICE AND  
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No. \_\_\_\_\_

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Clearfield County Courthouse  
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REFRIGERATION SERVICE AND  
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**COMPLAINT**

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

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2. Defendant, Refrigeration Service and Engineering, Inc.

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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.

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Date: Aug 1, 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
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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	105-2023	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
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	Labor @ \$50/hr	\$17,175.00	
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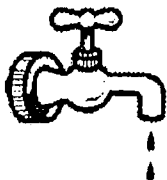
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18% annually

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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 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	
SubTotal			\$62,275.00
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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# 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	\$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

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☐ Check

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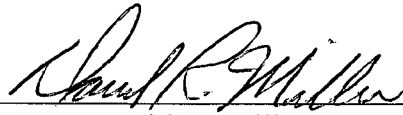


**VERIFICATION**

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

# 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	105-2023	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	\$45,100.00	
	Labor @ \$50/hr	\$17,175.00	
	PO # 3290		
SubTotal			\$62,275.00
TOTAL NET			\$62,275.00

### Payment Details

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# Miller & Son Plbg & Htg

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Invoice No.

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## 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
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SubTotal			\$62,275.00
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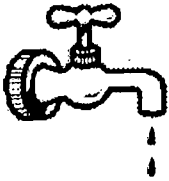
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IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

MILLER & SON PLUMBING AND  
HEATING, INC.,

Plaintiff

vs.

REFRIGERATION SERVICE AND  
ENGINEERING, INC.,

Defendant

CIVIL ACTION - AT LAW

No. 06-1326-CD

Type of pleading:

PRAECIPE TO MARK MATTER  
SETTLED, DISCONTINUED AND ENDED

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 4 2  
M/11.10 am Cert of disc  
FEB 07 2007 issued to  
(initials) Hthy Bowers.

William A. Shaw  
Prothonotary/Clerk of Courts

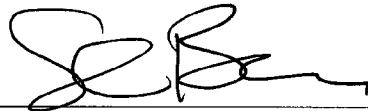
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

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

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

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

Nicole Hanak Bankovich  
S. Casey Bowers

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 Praecipe 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.**

**No. 2006-01326-CD**

**Refrigeration Service and Engineering, 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 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