

06-1869-CD

Patrick Nuzzo vs Vincent Terrizzi Jr.

Patrick Nuzzo vs Vincent Terrizzi
2006-1869-CD

Date: 6/12/2008

Time: 08:53 AM

Page 1 of 2

Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2006-01869-CD

Current Judge: Paul E. Cherry

Patrick A. Nuzzo vs. Vincent Terrizzi Jr.

Civil Other-COUNT

Date	Judge
11/13/2006	New Case Filed.
	<input checked="" type="checkbox"/> Filing: Civil Complaint Paid by: Blakley, Benjamin S. III (attorney for Nuzzo, Patrick A.) Receipt number: 1916410 Dated: 11/13/2006 Amount: \$85.00 (Check) 3 Cert. to Atty.
12/14/2006	<input checked="" type="checkbox"/> Defendant's Answer to Plaintiff's Complaint, filed by s/ S. Casey Bowers Esq. 1CC Atty.
2/7/2007	<input checked="" type="checkbox"/> Certificate of Readiness for Non-Jury Trial, filed by s/ Benjamin S. Blakley, III, Esquire. No CC
2/27/2007	<input checked="" type="checkbox"/> Sheriff Return, November 15, 2006 Sheriff of Cambria County was deputized. November 30, 2006 at 2:10 Served the within Complaint on Vincent Terrizzi Jr. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Blakley \$31.00 Cambria Co. costs pd by Blakley \$36.58
4/23/2007	<input checked="" type="checkbox"/> Order, this 20th day of April, 2007, Ordered that Defendant shall provide to the Law Office of Blakley & Jones all business documents of PAWS Miniature Golf of DuBois, PA. The documents shall be provided within no more than 20 days through today's date. Any failure to comply with the above Order shall result in automatic issuance of a Bench Warrant without further notice or hearing and upon his apprehension, imposition of a period of incarceration of 30 days. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty: Blakley, Bowers
7/18/2007	<input checked="" type="checkbox"/> Motion For Stay of Court Order, Motion to Compel Discovery and Motion For Contempt, filed by s/ S. Casey Bowers, Esquire. No cc
7/19/2007	<input checked="" type="checkbox"/> Order, this 17th day of July, 2007, upon consideration of Defendant's Motion, a Rule is issued upon Plaintiff. Written response is required within 30 days hereafter. Hearing, is scheduled to be held on the 24th day of Sept., 2007, at 9:30 a.m. in Courtroom 2. By the Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Bowers
7/26/2007	<input checked="" type="checkbox"/> Certificate of Service, filed. That on the 25th day of July 2007, a true and correct copy of the Order of Court Dated July 17, 2007 to Benjamin S. Blakley III Esq., filed by s/ S. Casey Bowers Esq. No CC.
9/21/2007	<input checked="" type="checkbox"/> Praeclipe to Withdraw Motion, filed by s/ S. Casey Bowers, Esquire. No CC
10/15/2007	<input checked="" type="checkbox"/> Notice of Deposition of Patrick Nuzzo, filed by s/ S. Casey Bowers, Esquire No CC
10/17/2007	<input checked="" type="checkbox"/> Notice of Deposition of Defendant Vincent Terrizzi, Jr. Filed by s/ Benjamin S. Blakley, III. No CC
10/19/2007	<input checked="" type="checkbox"/> Certificate of Service, filed. That on the 12th day of October 2007, a true and correct copy of the Supboena to Attend and Testify pertaining to depositions being held on October 25, 2007 was forwarded via Certified Mail to Jeffrey W. Rice DMD, filed by s/ S. Casey Bowers Esq. No CC.
3/5/2008	<input checked="" type="checkbox"/> Order, this 5th day of March, 2008, it is Ordered that a status conference has been scheduled for April 16, 2008 at 10:00 a.m. in Chambers. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty: Blakley, Bowers
4/14/2008	<input checked="" type="checkbox"/> Order, this 14th day of April, 2008, upon consideration of the request for continuance of the status conference scheduled for April 16, 2008, it is Ordered of this Court that said request is DENIED as untimely. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty: Blakley, Bowers

Michael R. McNaul
Robert G. McNaul

TO: ELEANOR M. NIXON
LEON C CARBERRY
HANNAH R. SLOCUM
COUNTY NATIONAL BANK
DAVID MCNAUL
JARED MCNAUL
SELMA A. JOHNSON
ANNA M. MARTINEZ
SALLY M. GOSS
MARTHA L. MCNAUL
RICHARD GATTUSO
VIRGINIA MCNAUL
DAVID W. MCNAUL
PATRICIA M. BENDER
GEORGE E. BENDER
MICHAEL D. MCNAUL
ALLAN A. MCNAUL
ANN ARGO
RALPH MONACO
ARDATH MORGAN
SONYA LEA MCNAUL
SONYA LEA HART
WILLIAM D. MCNAUL
FRANCES A. GATTUSO
JOHN M. DERR
ROBERT A. DERR
JENINE MCNAUL CAMPBELL
RICHARD PELUSE
KATHRYN COLLORD
BARBARA J. MCNAUL
MARTHA JANE SPINELLI
MICHAEL R. MCNAUL
ROBERT G. MCNAUL

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 5/13/2008

Date: 6/12/2008
Time: 08:53 AM
Page 2 of 2

Clearfield County Court of Common Pleas
ROA Report
Case: 2006-01869-CD
Current Judge: Paul E. Cherry

User: LMILLER

Patrick A. Nuzzo vs. Vincent Terrizzi Jr.

Civil Other-COUNT

Date	Judge	
4/17/2008	✓ Order, this 16th day of April, 2008, it is Ordered that Trial shall be held on June 17, 2008 at 1:30 p.m. in Courtroom 2. No continuances shall be granted. By The Court, /s/ Paul E. Cherry, Judge. 1CC Attys: Blakley, Bowers	Paul E. Cherry
5/12/2008	✓ Praeclipe for Entry of Appearance/Praeclipe for Withdrawal of Appearance, filed on behalf of Defendant, enter appearance of John R. Ryan, Esquire, and Withdraw Appearance of S. Casey Bowers, Esquire. Filed by s/ John R. Ryan, Esquire. 4CC Atty. Ryan ✓ Pretrial Statement of Defendant, filed by s/ John R. Ryan, Esquire. 3CC Atty. Ryan	Paul E. Cherry
5/13/2008	✓ Certificate of Service, copy of Praeclipe for withdrawal/Entry of Appearance and Pre-Trial Statement of Defendant, served upon Benjamin S. Blakley, III, Esquire, by first-class mail on the 12th day of May, 2007. filed by s/ John R. Ryan, Esquire. No CC	Paul E. Cherry

6-13-08 Order, dated 6-13-2008

William A. Shaw
Prothonotary

Issuing Attorney:

John Sughrue
23 North Second Street
Clearfield, PA 16830

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

PATRICK A. NUZZO,

Plaintiff,

vs.

VINCENT TERRIZZI, JR.,

Defendant.

: NO. 06 - 1869 - C.D.

: Type of Case: CIVIL ACTION

: Type of Pleading:
: COMPLAINT

: Filed on Behalf of: PLAINTIFF
: PATRICK A. NUZZO

: Counsel of Record:
: BENJAMIN S. BLAKLEY, III, ESQ.
: Supreme Court No. 26331

: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: Du Bois, Pa 15801
: (814) 371-2730

FILED

NOV 13 2006

01:30/w

William A. Shaw
Prothonotary/Clerk of Courts

3 copies to ATR

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

PATRICK A. NUZZO, : NO. 06 - - C.D.
Plaintiff, :
vs. :
VINCENT TERRIZZI, JR., :
Defendant. :
:

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 is 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 an order may be entered against you by the Court without further notice for any money claimed in the Complaint requested by 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

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

PATRICK A. NUZZO, : NO. 06 - - C.D.
Plaintiff, :
vs. :
VINCENT TERRIZZI, JR., :
Defendant. :
:

COMPLAINT

AND NOW, comes the Plaintiff, **PATRICK A. NUZZO**, by and through his attorneys **BLAKLEY & JONES** and files the following Complaint against Defendant, Vincent Terrizzi, Jr., upon the following the claims:

1. Plaintiff, **PATRICK A. NUZZO**, is an adult individual residing at 401 East Sheridan Avenue, DuBois, Clearfield County, Pennsylvania.
2. Defendant, **VINCENT TERRIZZI, JR.**, is an adult individual residing at 617 Philadelphia Avenue, Northern Cambria, Cambria County, Pennsylvania.
3. At all times material hereto, the Plaintiff was the owner of a miniature golf business operating under the registered fictitious name of PAWs Miniature Golf and located in Sandy Township, Clearfield County, Pennsylvania.
4. By Agreement dated May 5, 2004, Plaintiff and Defendant did enter into a lease with an option to purchase, providing for the Defendant to lease PAWs Miniature Golf for a period of twenty-four (24) months commencing May 6, 2004, and concluding May 6, 2006, with the parties to negotiate for the sale of the said business to the Defendant on or before the

commencement of the second year of said Agreement. A copy of said Agreement is attached hereto and made a part hereof and marked Exhibit "A".

5. Under the terms and conditions of said Agreement, the Defendant was to pay to the Plaintiff fifty (50%) percent of all profit after expenses, with the Defendant to give the Plaintiff all related income statements and other financial records that pertain to the leased premises during the course of the said Agreement.

COUNT I - BREACH OF CONTRACT

6. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 5 of this Complaint as if the same were fully set forth herein.

7. During the lease period as set forth under the parties Agreement of May 5, 2004, the Defendant was to pay all utility expenses incurred as a result of his operation of PAWs Miniature Golf.

8. During the month of January 2006, the Plaintiff was made aware that the Defendant had failed to pay for electric service provided to the leased premises by First Energy/Penelec, leaving an account balance of \$263.59. A copy of the Notice of Delinquent Account as prepared by NCO Financial Systems, Inc. is attached hereto and made a part hereof, and marked Exhibit "B".

9. In order to bring said account current, Plaintiff did satisfy the obligation to First Energy/Penelec.

10. The actions of the Defendant in failing to pay for electric service supplied to the leased premises is in breach of the parties' agreement of May 5, 2004.

WHEREFORE, Plaintiff demands judgment against the Defendant in the amount of \$263.59, plus interests from January 14, 2006, and costs of suit.

COUNT II - ACTION FOR SPECIFIC PERFORMANCE

11. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 10 of this Complaint as if the same were fully set forth herein.
12. Under the terms of the parties' Agreement of May 5, 2004, Defendant agreed to give to the Plaintiff all related income statements and other financial records that pertained to the leased premises during the course of the parties' Agreement.
13. Despite repeated requests, the Defendant has failed to produce said income statement and other financial records as required under the parties' Agreement of May 5, 2004.
14. Defendant has wholly failed to keep or to perform his part of the contract as set forth in paragraph 6 of the parties' said Agreement.
15. As a result of the actions of the Defendant, the Plaintiff has been unable to determine the amount owing to the Plaintiff by the Defendant pursuant to Paragraph 5 of the parties' Agreement of May 5, 2004.

WHEREFORE, the Plaintiff prays that this Honorable Court enter an Order as follows:

- a. ordering the Defendant immediately provide all income statements and other financial records relating to his operation of PAWs Miniature Golf from May 6, 2004, until the present date;

- b. ordering the Defendant provide an accounting for all monies received and disbursed by the Defendant as a result of his operation of PAWs Miniature Golf commencing May 6, 2004, until the present date;
- c. Defendant pay over to Plaintiff all monies due and owing the Plaintiff as may be shown by the income statements, financial records and accounting to be provided to the Plaintiff from May 6, 2004, to present, together with interests; and
- d. granting such other relief as may be just and proper.

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

VERIFICATION

I, **PATRICK A. NUZZO**, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Complaint are true and correct to the best of our knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


PATRICK A. NUZZO

Dated: 11/1/06

Lease with Option to Purchase

This lease agreement made the 5 day of May, 2004, by and between Patrick J. Nuzzo, 401 East Sheridan Ave., Dubois, PA 15801, hereinafter referred to as "Lessor" and Vincent Terrizzi Jr., hereinafter referred to as "Lessee".

Lessor and Lessee, in consideration of the mutual covenants herein, and other good and other valuable consideration, receipt of which is hereby acknowledged, hereby agree as follows:

1. For the term and subject to the provisions, terms and conditions set forth in this lease, Lessor hereby demises and lease to Lessee, and Lessee rents from Lessor, the certain premises known as PAWs Miniature Golf and located in Sandy Township, Clearfield County, Pennsylvania. Hereof and referred to herein as "leased premises".
2. The term of this lease shall commence on the 6 day of May, 2004, and shall continue for a period of twenty-four (24) months, until 6 day of May, 2006, unless extended or sooner terminated under agreement of both parties.
3. On or before commencement of the second year of this lease, Lessor and Lessee shall negotiate purchase terms for leased premises at a sale price of \$170,000.
4. All monies paid to Lessor by Lessee under this Lease Agreement will be considered as part of the purchase terms for the leased premises and will apply to the purchase price.
5. Lessee agrees to pay to the Lessor fifty percent (50%) of the profit after all expenses (including taxes) have been paid which includes the five percent (5%) lease payment of gross receipts to the City of Dubois. The payments and supporting documents will be provided on the 15th of the month for the preceding month.
6. Lessee agrees to give Lessor all related income statements and other financial records that pertain to the leased premises.
7. Lessee agrees to provide liability insurance for leased premises for one million dollars naming Lessor as co-insured. A copy of the policy will be provided to the Lessor.
8. Lessee agrees to operate the leased premises in a professional and safe manner. Lessee agrees to repair or replace any damages caused by Lessee. Any normal operating repairs or replacements will be considered expenses and applied as stated in #5 above.
9. If any improvements are made to the property, they will be mutually agreed upon and done at the Lessee expense. Any improvements will not result in an increased purchase price.
10. This Agreement shall be governed by and construed under the laws of the Commonwealth of Pennsylvania. All obligations of the parties created by this lease are performable in Clearfield County, Pennsylvania.

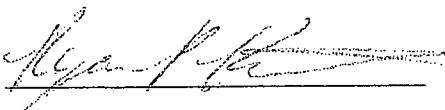
EXHIBIT

"A"

11. This lease constitutes the only agreement between the Lessor and Lessee and supercedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this lease.
12. No amendment, modification or alteration of the terms of this lease shall be binding unless it is in writing and dated subsequent to the date of this lease, and duly executed by the Lessor and Lessee.

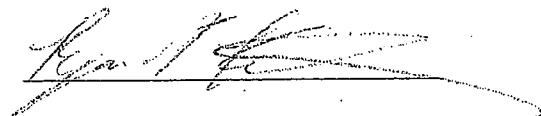
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

ATTEST:



Patrick D. Wagner

Lessor



James C. Wagner

Lessee

PO BOX 15630
DEPT 99
WILMINGTON DE 19850



Calls to or from NCO Financial Systems, Inc. may be monitored or recorded for quality assurance.

8T506B
PATRICK A NUZZO
401 E SHERIDAN AVE
DU BOIS PA 15801-3233

NCO FINANCIAL SYSTEMS INC

FORMERLY FINANCIAL COLLECTION AGENCIES
507 Prudential Road, Horsham, PA 19044

1-888-871-6484

OFFICE HOURS:

8AM-9PM MON THRU THURSDAY

8AM-5PM FRIDAY

8AM-12PM SATURDAY

Jan 14, 2006

CREDITOR: FIRST ENERGY PEN ELECTRIC
ACCOUNT #: 100034996742
REGARDING: PAWS GOLF COURSE 1290 RICH HW
PRINCIPAL: \$ 263.59
INTEREST: \$ 0.00
INTEREST RATE: 0.000%
COLLECTION COSTS: \$ 0.00
OTHER CHARGES: \$ 0.00
TOTAL BALANCE: \$263.59

The named creditor has placed this account with our office for collection. It is important that you forward payment in full.

If you choose not to respond to this notification, we will assign your account to a collector with instructions to collect the balance.

To assure proper credit please put our internal account number 8T506B on your check or money order and enclose the lower portion of this letter with your payment. If you need to speak to a representative contact us at 1-888-871-6484.

Returned checks will be subject to the maximum fees allowed by your state.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgement and mail you a copy of such judgement or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

Account #	Creditor Account #	Total Balance
8T506B	100034996742	\$ 263.59
PATRICK A NUZZO		
Payment Amount		↓

\$

Check here if your address or phone number has changed and provide the new information below.

Make Payment To:

EXHIBIT
"B"
NCO FINANCIAL SYSTEMS
PO BOX 41457
PHILADELPHIA PA 19101-1457

NCO A
3767

0199008T506B2000000010000000000263592

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

PATRICK A. NUZZO,
Plaintiff

VS.

VINCENT TERRIZZI, JR.,
Defendant

No. 06-1869-CD

Type of Action: Civil

Type of Pleading:

DEFENDANT'S ANSWER TO
PLAINTIFF'S COMPLAINT

Filed on Behalf of:
DEFENDANT

Counsel of Record for This
Party:

S. Casey Bowers,
Attorney at Law
Supreme Court No. 89032
Hanak, Guido and Taladay
P. O. Box 487
DuBois, PA 15801

(814) 371-7768

Dated: December 14, 2006

FILED
DEC 14 2006
12:30 PM
William A. Shaw
Prothonotary/Clerk of Courts
1 CENT TO ATTY

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

PATRICK A. NUZZO, :
Plaintiff :
vs. : No. 06-1869-CD
VINCENT TERRIZZI, JR., :
Defendant :
:

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

AND NOW, comes the Defendant, VINCENT TERRIZZI, JR., by and through his attorneys, Hanak, Guido and Taladay and hereby responds to Plaintiff's Complaint as follows:

1. Admitted upon information and belief.
2. Denied as stated. Defendant, Vincent Terrizzi, Jr. resides at 700 Chestnut Street, Northern Cambria, Cambria County, Pennsylvania.
3. Denied. After reasonable investigation, Defendant is without knowledge sufficient to form a belief as to the averments set forth in paragraph 3 of Plaintiff's complaint. Therefore, said allegations are denied and strict proof is demanded at trial.
4. Admitted.
5. Denied. The subject lease is a written document and, therefore, speaks for itself. To the extent the allegations set forth in paragraph 5 of Plaintiff's complaint are inconsistent with the subject lease, said allegations are denied.

COUNT I - BREACH OF CONTRACT

6. Defendant incorporates all prior paragraphs herein.
7. Admitted.
8. Denied. Defendant is without knowledge sufficient to form a belief as to the truth of the averment set forth in paragraph 8. Therefore, said averments are denied and strict proof is demanded at trial.
9. Denied. Defendant is without knowledge sufficient to form a belief as to the truth of the averment set forth in paragraph 9. Therefore, said averments are denied and strict proof is demanded at trial.
10. Denied. The allegations set forth in paragraph 10 of the Plaintiff's complaint constitute a legal conclusion. Therefore, no response is required. To the extent that a response is required, said allegations are denied.

WHEREFORE, Defendant demands judgment in his favor.

COUNT II - ACTION FOR SPECIFIC PERFORMANCE

11. Defendant incorporates all prior paragraphs herein.
12. Denied as stated. The subject agreement is a written document and, therefore, speaks for itself. As such, any allegations set forth in paragraph 12 of Plaintiff's complaint that are inconsistent with the subject agreement are denied.
13. Denied. It is denied that Plaintiff made several requests to Defendant. It is further denied that Defendant failed to perform his obligations under the subject agreement.
14. Denied. The allegations set forth in paragraph 14 of Plaintiff's complaint constitute a legal conclusion. Therefore, no response is required. To the extent that a response is required, said allegations are denied.

15. Denied. It is specifically denied that any monies are owed to Plaintiff as a result of Defendant's operation of the subject golf course. Despite Defendant's best efforts, said golf course failed to show a profit during any period of the subject lease.

WHEREFORE, Defendant demands judgment in his favor and against Plaintiff.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By: 

S. Casey Bowers, Esq.
Attorney for Defendant

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

PATRICK A. NUZZO, :
Plaintiff :
: No. 06-1869-CD
vs. :
: VINCENT TERRIZZI, JR., :
Defendant :
:

VERIFICATION

I, VINCENT TERRIZZI, Jr., do hereby verify that I have read the foregoing Defendant's Answer to Plaintiff's 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: 12-5-06



Vincent Terrizzi, Jr.

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

PATRICK A. NUZZO, :
Plaintiff :
: No. 06-1869-CD
vs. :
: :
VINCENT TERRIZZI, JR., :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2006, a true and correct copy of the foregoing Defendant's Answer to Plaintiff's Complaint was forwarded via first class mail, postage prepaid, addressed to all counsel of record as follows:

Benjamin S. Blakley, III, Esq.
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801



By: S. Casey Bowers, Esquire
Attorney for Defendant

ca

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL TRIAL LISTING**

CERTIFICATE OF READINESS (To be executed by Trial Counsel Only)		TO THE PROTHONOTARY	
		DATE PRESENTED	
CASE NUMBER 06-1869-C.D. Date Complaint filed: 11/13/06	TYPE TRIAL REQUESTED <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Non-jury <input type="checkbox"/> Arbitration	ESTIMATED TRIAL TIME 1/2 DAYS	

PLAINTIFF(S)

PATRICK A. NUZZO

()

DEFENDANT(S)

VINCENT TERRIZZI, JR.

()
Check Block
if a Minor
is a Party
to the Case

ADDITIONAL DEFENDANT(S)

()

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE

CONSOLIDATION

DATE CONSOLIDATION ORDERED

\$263.59, along with Yes No
specific performance of lease contract

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.

FILED
M/3/07
FEB 07 2007
(6K)

Signature of Trial Counsel

William A. Shaw
Prothonotary/Clerk of Courts

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF <u>BENJAMIN S. BLAKLEY, III, ESQUIRE</u>	TELEPHONE NUMBER (814) 371-2730
FOR THE DEFENDANT <u>S. CASEY BOWERS, ESQUIRE</u>	TELEPHONE NUMBER (814) 371-7768
FOR ADDITIONAL DEFENDANT	TELEPHONE NUMBER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102142
NO: 06-1869-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: PATRICK A. NUZZO
VS.
DEFENDANT: VINCENT TERRIZZI, JR.

SHERIFF RETURN

NOW, November 15, 2006, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON VINCENT TERRIZZI JR..

NOW, November 30, 2006 AT 2:10 PM SERVED THE WITHIN COMPLAINT ON VINCENT TERRIZZI JR., DEFENDANT. THE RETURN OF CAMBRIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
01/37/07
FEB 27 2007
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102142
NO: 06-1869-CD
SERVICES 1
COMPLAINT

PLAINTIFF: PATRICK A. NUZZO
vs.
DEFENDANT: VINCENT TERRIZZI, JR.

SHERIFF RETURN

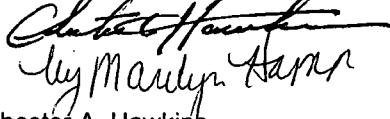
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BLAKLEY	9335	10.00
SHERIFF HAWKINS	BLAKLEY	9335	21.00
CAMBRIA CO.	BLAKLEY	4458	36.58

Sworn to Before Me This

So Answers,

____ Day of _____ 2007


Chester A. Hawkins
Sheriff

CASE # PLAINTIFF DEFENDANT
90279-06 NUZZO, PATRICK A 06-1869 TERRIZZI, VINCENT
DATE 11/30/06

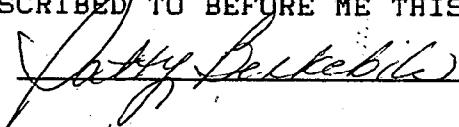
AT 2:10PM - SERVED THE COMPLAINT WITH NOTICE TO DEFEND UPON VINCENT TERRIZZI JR. BY HANDING A TRUE AND ATTESTED COPY THEREOF TO VINCENT TERRIZZI SR., VINCENT'S FATHER, HE BEING THE PERSON IN CHARGE AT 617 PHILADELPHIA AVENUE, NORTHERN CAMBRIA, PA 15714 AND MAKING CONTENTS THEREOF KNOWN TO HIM. MY COSTS PAID BY PLAINTIFF'S ATTORNEY.

SHERIFF COSTS \$33.58
PROTHONOTARY 3.00
TOTAL \$36.58

SO ANSWERS


BOB KOLAR, SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME THIS 19TH DAY OF DEC 2006

PROTHONOTARY: 

UA

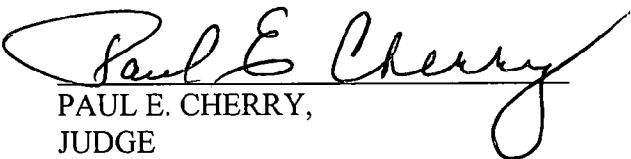
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

PATRICK A. NUZZO : NO. 06-1869-CD
Plaintiff :
:
v. :
:
VINCENT TERRIZZI, JR. :
Defendant :
:

ORDER

AND NOW, this 20th day of April, 2007, following Pre-Trial Conference, it is the ORDER of this Court that Defendant, Vincent Terrizzi, Jr., shall provide to the Law Office of Blakley & Jones all business documents of PAWS Miniature Golf of DuBois, Pennsylvania, including but not limited to receipts, ledgers, checking account statements, invoices and all checks written for the period May 1, 2005 through May 31, 2006. The above documents shall be provided within no more than twenty (20) days through today's date. Any failure to comply with the above Order shall result in automatic issuance of a Bench Warrant without further notice or hearing being provided and upon his apprehension, imposition of a period of incarceration of thirty (30) days.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

FILED
03/26/2007
APR 23 2007
1CC Atty's:
Blakley
Bawell
William A. Shaw
Prothonotary/Clerk of Courts
(6K)

FILED

APR 23 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/23/07

✓ 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)

PATRICK A. NUZZO, :
Plaintiff :
vs. : No. 06-1869-CD
VINCENT TERRIZZI, JR., :
Defendant : Type of Action: Civil
: Type of Pleading:
: MOTION FOR STAY OF
: COURT ORDER,
: MOTION TO COMPEL
: DISCOVERY and
: MOTION FOR CONTEMPT
: Filed on Behalf of:
: DEFENDANT
: Counsel of Record for This
: Party:
: S. Casey Bowers,
: Attorney at Law
: Supreme Court No. 89032
: Hanak, Guido and Taladay
: P. O. Box 487
: DuBois, PA 15801
: (814) 371-7768

Dated: 7-16-07

FILED
M 10:45 AM NO
JUL 18 2007
cc
William A. Shaw
Prothonotary/Clerk of Courts
(6K)

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

PATRICK A. NUZZO, :
Plaintiff :
: No. 06-1869-CD
vs. :
: VINCENT TERRIZZI, JR., :
Defendant :
:

MOTION FOR STAY OF COURT ORDER,
MOTION TO COMPEL DISCOVERY, and
MOTION FOR CONTEMPT

AND NOW, comes the Defendant, VINCENT TERRIZZI, JR., by and through his attorneys, Hanak, Guido and Taladay and hereby files this Motion to stay the Court Order dated April 20, 2007, and to further find Dr. Jeffrey Rice in contempt of court for his failure to comply with Defendant's discovery request.

1. Plaintiff filed the subject suit against Defendant, Vincent Terrizzi, Jr., for payment of \$263.59 and specific performance of a certain lease agreement between the parties.
2. The lease agreement required Defendant to provide Plaintiff with financial records for Paws Mini Golf Course during the term of the subject lease.

3. On or about April 12, 2007, Defendant provided all of the subject financial records in his possession. These records included records for 2004 through May, 2005.

4. Dr. Jeffrey Rice was in the exclusive possession of the subject mini golf course and financial records for the remainder of the lease term.

5. By Order dated April 20, 2007, this Court ordered that Defendant provide the remaining records or face thirty days incarceration in Clearfield County Jail.

6. Defendant, through counsel, served Dr. Jeffrey Rice with a Subpoena Duces Tecum requiring production of the subject financial records on or about May 7, 2007. A true and correct copy of said subpoena together with mailing receipt is attached hereto and marked as Exhibit "A".

7. Dr. Rice has yet to comply with Defendant's Subpoena Duces Tecum.

8. Defendant, Vincent Terrizzi, Jr., has incurred or will incur attorney's fees in excess of \$1,000 in connection with obtaining the records in the exclusive possession of Dr. Rice.

WHEREFORE, Defendant, Vincent Terrizzi, Jr., respectfully requests this Court to issue the following order:

- a. staying issuance of bench warrant against Defendant;
- b. ordering Dr. Rice to immediately comply with Defendant's Subpoena Duces Tecum;
- c. ordering Dr. Rice to immediately pay Defendant, Vincent Terrizzi, Jr., attorney's fees in the amount of \$1,000; and

d. finding Dr. Rice in contempt of court if he fails to so comply with Defendant's Subpoena Duces Tecum.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By: 

S. Casey Bowers, Esq.
Attorney for Defendant

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

PATRICK A. NUZZO : No. 06-1869-CD
Plaintiff :
: :
-vs- : :
VINCENT TERRIZZI, JR., :
Defendant : :
:

ORDER OF COURT

AND NOW, this 17th day of July, 2007, upon consideration
of the within Defendant's Motion, a Rule is issued upon Plaintiff to show
cause why the relief requested in said Motion should not be granted.

Written response is required within 30 days hereafter.

Hearing, if necessary, is scheduled to be held on the 24th day of
September, 2007, at 9:30 o'clock A.M. in Courtroom No. 2
of the Clearfield County Courthouse, 230 E. Market Street, Clearfield,
Pennsylvania.

BY THE COURT:

Paul E. Cleary

FILED ^{acc}
01400641 JUL 19 2007 Atty Bowers

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/19/07

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)

PATRICK A. NUZZO, :
Plaintiff :
vs. : No. 06-1869-CD
VINCENT TERRIZZI, JR., :
Defendant : Type of Action: Civil
: Type of Pleading:
: CERTIFICATE OF SERVICE
: Filed on Behalf of:
: DEFENDANT
: Counsel of Record for This
: Party:
: S. Casey Bowers,
: Attorney at Law
: Supreme Court No. 89032
: Hanak, Guido and Taladay
: P. O. Box 487
: DuBois, PA 15801
: (814) 371-7768

Dated: 7-14-07

FILED NO
M1104871
JUL 26 2007
WAS
CLERK

William A. Shaw
Prothonotary/Clerk of Courts

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

PATRICK A. NUZZO, :
Plaintiff :
vs. : No. 06-1869-CD
VINCENT TERRIZZI, JR., :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of July, 2007, a true and correct copy of the Order of Court dated July 17, 2007, was forwarded via first class mail, postage prepaid, addressed to all counsel of record as follows:

Benjamin S. Blakley, III, Esq.
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801



By: S. Casey Bowers, Esquire
Attorney for Defendant

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

PATRICK A. NUZZO, :
Plaintiff :
vs. : No. 06-1869-CD
VINCENT TERRIZZI, JR., :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July,
2007, a true and correct copy of the foregoing Defendant's Motion for
Stay of Court Order, Motion to Compel Discovery, and Motion for
Contemp was forwarded via fax and first class mail, postage prepaid,
addressed to all counsel of record as follows:

Benjamin S. Blakley, III, Esq.
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801



By: S. Casey Bowers, Esquire
Attorney for Defendant

LA

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

FILED

PATRICK A. NUZZO,
Plaintiff

vs.

VINCENT TERRIZZI, JR.,
Defendant

No. 06-1869-CD

Type of Action: Civil

Type of Pleading:

PRAECIPE TO WITHDRAW
MOTION

Filed on Behalf of:
DEFENDANT

Counsel of Record for This
Party:

S. Casey Bowers,
Attorney at Law
Supreme Court No. 89032
Hanak, Guido and Taladay
P. O. Box 487
DuBois, PA 15801

(814) 371-7768

SEP 21 2007
10:20 AM
William A. Shaw
Prothonotary/Clerk of Courts

no 4c

(6K)

Dated: 9-20-07

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

PATRICK A. NUZZO, :
Plaintiff :
vs. : No. 06-1869-CD
VINCENT TERRIZZI, JR., :
Defendant :
:

PRAECIPE TO WITHDRAW MOTION

To the Prothonotary:

With the consent of Plaintiff's counsel, the undersigned counsel for Defendant hereby withdraws Defendant's Motion for Stay of Court Order, Motion to Compel Discovery and Motion for Contempt. As such, hearing on said Motion now scheduled to be held on Monday, September 24, 2007, at 9:30 a.m. will not be necessary.

Respectfully submitted,

HANAK, GUIDO and TALADAY

By:



S. Casey Bowers, Esq.
Attorney for Defendant

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

PATRICK A. NUZZO, :
Plaintiff :
No. 06-1869-CD
vs. :
VINCENT TERRIZZI, JR., :
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 2007, a true and correct copy of the foregoing Petition to Withdraw Motion, was forwarded via first class mail, postage prepaid, addressed to all counsel of record as follows:

Benjamin S. Blakley, III, Esq.
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, PA 15801


By: S. Casey Bowers, Esquire
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PATRICK A. NUZZO

CIVIL ACTION - LAW

Plaintiff

No. 2006-01869-CD

vs.

VINCENT TERRIZZI, JR.

Type of pleading:

Defendant

**NOTICE OF DEPOSITION
OF PATRICK NUZZO**

Filed on behalf of:

DEFENDANT

Counsel of record for this
party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

FILED
m 18 580X NOV
OCT 15 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

PATRICK A. NUZZO

Plaintiff : No. 2006-01869-CD
vs. :
VINCENT TERRIZZI, JR. :
Defendant

NOTICE OF DEPOSITION OF PATRICK A. NUZZO

TO: **Patrick Nuzzo**

C/o Benjamin S. Blakley, III, Esq.
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, Pa 15801

PLEASE TAKE NOTICE that the deposition of Patrick A. Nuzzo by oral examination has been scheduled to be taken on Thursday, October 25, 2007, at 11:30 a.m. at the office of Blakley & Jones, 90 Beaver Drive, DuBois, Pennsylvania. This deposition is being taken for the purpose of discovery, pursuant to the Pennsylvania Rules of Civil Procedure regarding same.



S. Casey Bowers
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 12th, 2007, I mailed a true and correct copy of the Notice of Deposition by first class mail, postage prepaid, to the following::

Patrick Nuzzo
C/o Benjamin S. Blakley, III, Esq.
Blakley & Jones
90 Beaver Drive, Box 6
DuBois, Pa 15801



S. Casey Bowers
Attorney for Defendant

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

PATRICK A. NUZZO, : NO. 06 - 1869 - C.D.
Plaintiff, : Type of Case: CIVIL ACTION
vs. : Type of Pleading: NOTICE OF
VINCENT TERRIZZI, JR., : DEPOSITION
Defendant. : Filed on Behalf of: PLAINTIFF
: PATRICK A. NUZZO
: Counsel of Record:
: BENJAMIN S. BLAKLEY, III
: Supreme Court No. 26331
: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: Du Bois, Pa 15801
: (814) 371-2730

FILED

OCT 17 2007
10/20/07
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

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

PATRICK A. NUZZO, :
: Plaintiff,
: :
: vs. : NO. 06 - 1869 - C.D.
: :
: VINCENT TERRIZZI, JR., :
: :
: Defendant. :
:

NOTICE OF DEPOSITION

TO: **VINCENT TERRIZZI, JR.**
c/o S. Casey Bowers, Esquire
90 Beaver Drive, DuBois, PA 15801

PLEASE TAKE NOTICE that Plaintiff, **PATRICK A. NUZZO**, will take the deposition of Defendant **VINCENT TERRIZZI, JR.**, for the purpose of discovery pursuant to Rule 4007.1 et seq., of the Pennsylvania Rules of Civil Procedure. Said deposition will take place before a notary public or other person qualified to administer oaths on Thursday, October 25, 2007, beginning at 9:30 a.m., at the Law Offices of Blakley & Jones, 90 Beaver Drive, Suite 104A, DuBois, Pennsylvania.

Deponent shall produce all documents reviewed by Deponent for the purpose of refreshing recollection or for determining the matters reasonably available to the Deponent prior to the deposition for examination and/or copying, pursuant to Pennsylvania Rule of Civil Procedure 4009.1.

Respectfully submitted,

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

Dated: 9/19/07

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

PATRICK A. NUZZO,

Plaintiff,

vs.

NO. 06 - 1869 - C.D.

VINCENT TERRIZZI, JR.,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Deposition has been served upon counsel for the Defendant by regular United States mail, postage prepaid, on this 16th day of October, 2007.

S. Casey Bowers, Esquire
90 Beaver Drive
DuBois, PA 15801

BLAKLEY & JONES

Benjamin S. Blakley, III
Attorney for Plaintiff

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

PATRICK A. NUZZO, :
Plaintiff :
vs. : No. 06-1869-CD
VINCENT TERRIZZI, JR., :
Defendant : Type of Action: Civil
: Type of Pleading:
: CERTIFICATE OF SERVICE
: Filed on Behalf of:
: DEFENDANT
: Counsel of Record for This
: Party:
: S. Casey Bowers,
: Attorney at Law
: Supreme Court No. 89032
: Hanak, Guido and Taladay
: P. O. Box 487
: DuBois, PA 15801
: (814) 371-7768

FILED
OCT 19 2006
W.A. Shaw
Prothonotary/Clerk of Courts

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

PATRICK A. NUZZO, :
Plaintiff :
vs. : No. 06-1869-CD
VINCENT TERRIZZI, JR., :
Defendant :
:

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of October, 2007, a true and correct copy of the Subpoena to Attend and Testify pertaining to depositions being held on October 25, 2007, was forwarded via Certified Mail, Return Receipt Requested, postage prepaid, addressed to:

Jeffrey W. Rice, DMD
90 Beaver Drive
DuBois, PA 15801



S. Casey Bowers, Esquire
Attorney for Defendant

7002 2030 0006 3807 9739

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

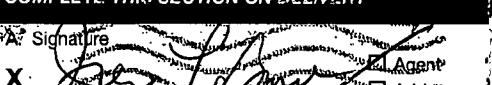
OFFICIAL USE

Postage	\$ <u>41</u>
Certified Fee	<u>2.65</u>
Return Receipt Fee (Endorsement Required)	<u>2.15</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>5.21</u>

Postmark
Here

Sent To
 Jeffrey W. Rice, DMD
 Street, Apt. No.:
 or PO Box No.: 90 Beaver Dr
 City, State, ZIP: Dubois, PA 15801

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		<p>A. Signature </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Jeffrey W. Rice, DMD</u> C. Date of Delivery <u>10/10/07</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><u>Jeffrey W. Rice, DMD</u> <u>90 Beaver Drive</u> <u>Dubois, PA 15801</u></p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number <u>7002 2030 0006 3807 9739</u></p> <p>40 <small>Transit from service to</small></p>			

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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

PATRICK A. NUZZO

vs.

: No. 06-1869-CD

VINCENT TERRIZZI, JR.

O R D E R

AND NOW, this 5th day of March, 2008, it is the ORDER of the Court that a status conference in the above-captioned matter has been scheduled for April 16, 2008 at 10:00 A.M. in Chambers, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


PAUL E. CHERRY
Judge

FILED
OCT 14 2008
MAR 05 2008
ICC Attn:
Blakley
Bowers

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/5/08

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

PATRICK A. NUZZO

: NO. 06-1869-CD

V.

VINCENT TERRIZZI, JR.

ORDER

AND NOW, this 14th day of April, 2008, upon consideration of the request for continuance of the status conference scheduled for April 16, 2008, it is the ORDER of this Court that said request be and is hereby DENIED as untimely.

BY THE COURT,


PAUL E. CHERRY,

JUDGE

FILED
04/14/2008
APR 14 2008 Blakley

William A. Shaw Bowers
Prothonotary/Clerk of Courts
(GK)

FILED

APR 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/14/08

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:

VA

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

PATRICK A. NUZZO

NO. 06-1869-CD

V.

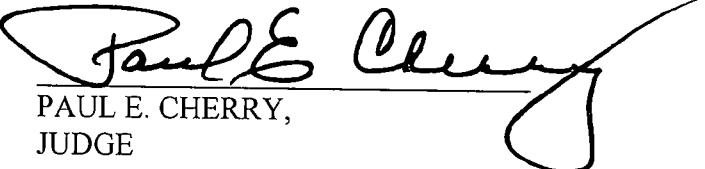
VINCENT TERRIZZI, JR.

ORDER

AND NOW, this 16th day of April, 2008, following Status Conference, the Defendant having failed to appear despite receiving due and proper notice, it is the ORDER of this Court that Trial shall be held on Tuesday, June 17, 2008 at 1:30 P.M. in Courtroom No.2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

No continuances shall be granted.

BY THE COURT,


PAUL E. CHERRY,

JUDGE

FILED *cc Atty's:*
04/18/2008
APR 17 2008 *Blankley*
Bowers

William A. Shaw
Prothonotary/Clerk of Courts (60)

FILED

APR 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/17/08

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 Other

Special Instructions:

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

PATRICK A. NUZZO,
Plaintiff

VS.

NO. 2006 - 01869 - C.D.

VINCENT TERRIZZI, JR.,
Defendant

**PRAECIPE FOR
WITHDRAWAL/ENTRY OF
APPEARANCE**

Filed on behalf of:
Defendant, VINCENT TERRIZZI, JR.

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED ^{4CC}
05/12/2008 Atty Ryan
MAY 12 2008
William A. Shaw Copy to CJA
Prothonotary/Clerk of Courts
(6K)

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

PATRICK A. NUZZO,
Plaintiff

VS. : NO. 2006 - 01869 - C.D.

VINCENT TERRIZZI, JR.,
Defendant

PRAECIPE FOR WITHDRAWAL/ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

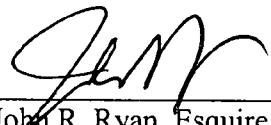
Kindly withdraw my appearance on behalf of VINCENT TERRIZZI, JR., Defendant in
the above-captioned matter.



S. Casey Bowers, Esquire

Kindly enter my appearance on behalf of VINCENT TERRIZZI, JR., Defendant in the
above-captioned matter.

BELIN, KUBISTA & RYAN LLP



John R. Ryan, Esquire

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

PATRICK A. NUZZO,

Plaintiff

VS.

NO. 2006 - 01869 - C.D.

VINCENT TERRIZZI, JR.,

Defendant

**PRETRIAL STATEMENT OF
DEFENDANT**

Filed on behalf of:

Defendant, VINCENT TERRIZZI, JR.

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED *3ce*
0124384 *Atty Ryan*
MAY 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

PATRICK A. NUZZO, :
Plaintiff :
VS. : NO. 2006 - 1869 - C.D.
VINCENT TERRIZZI, JR., :
Defendant :
:

PRE-TRIAL STATEMENT OF DEFENDANT

NOW COMES, Vincent Terrizzi, Jr., Defendant above named, and by his Attorneys, Belin, Kubista & Ryan, LLP, files his Pre-Trial Statement in accordance with Local Rules of Court as follows:

1. **NARRATIVE STATEMENT OF FACTS**

On or about May 5, 2004, Patrick Nuzzo entered into a Lease with Option to Purchase with Vincent Terrizzi, Jr. for the operation of a miniature golf course in Sandy Township, Clearfield County, Pennsylvania. The Lease was for a term of twenty-four (24) months and provided that Terrizzi would pay to Nuzzo fifty (50%) percent of the profit after all expenses, including taxes, including a payment of five (5%) percent of gross receipts to the City of DuBois, which was the actual owner of the real property on which the golf course was situated.

The Lease further stated that Terrizzi would provide Nuzzo with all related income statements and other financial records that pertain to the leased premises. It further included a provision that any normal operating repairs or replacements were to be considered expenses to be applied in calculating profits.

Terrizzi operated the golf course until May of 2005. At no time was a profit realized from the operation of the golf course, therefore no monies were due and payable to Nuzzo.

On November 18, 2006, Nuzzo filed a Complaint alleging a breach of the Lease Agreement in that Terrizzi failed to pay a electric bill in the amount of \$263.59, and further seeking specific performance of the Lease, alleging that Terrizzi did not provide financial information regarding the income and expenses associated with the operation of the golf course as required, and seeking payment of any amounts due thereunder.

Terrizzi filed a responsive Answer alleging that no monies were due to Nuzzo in that no profit was ever realized from the operation of the course.

It is believed that in the course of discovery, Nuzzo has been provided with the information requested.

2. UNUSUAL QUESTIONS OF LAW

None anticipated.

3. WITNESSES

- a. Vincent Terrizzi, Jr.—liability and damages;
- b. Vincent Terrizzi, Sr.—liability and damages;
- c. Jeffrey Rice;
- d. Patrick Nuzzo;
- e. Individual responsible for preparation of accounting of income and expenses incurred in operation of golf course;
- f. Defendant reserves the right to call additional witnesses, with appropriate notice to Plaintiff.

4. EXPERT REPORTS

None.

5. SPECIAL DAMAGES

Defendant has not made any claim for damages.

6. LIST OF ALL EXHIBITS

- a. Copies of statements of income and expenses incurred in the operation of the golf course during the time Defendant was in possession of same;
- b. Defendant reserves the right to offer additional exhibits upon appropriate notice to Plaintiff.

7. COPIES OF PHOTOGRAPHS, ETC.

None.

8. ESTIMATED TIME FOR TRIAL

Defendant estimates that the trial will take one-half (1/2) of a day.

9. PROPOSED STIPULATIONS

- a. Defendant believes that the parties can stipulate as to the Lease Agreement itself;
- b. Defendant believes that Plaintiff will stipulate that the amount due for an electric bill was paid to the Plaintiff after the commencement of litigation;
- c. Defendant believes there may be additional matters which can be the subject of stipulation; if so the same will be presented to the Court prior to trial.

Respectfully submitted,

BELIN, KUBISTA & RYAN LLP



John R. Ryan
Attorney for Defendant

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

PATRICK A. NUZZO, :
Plaintiff :
VS. :
VINCENT TERRIZZI, JR., :
Defendant :

NO. 2006 - 1869 - C.D.

FILED

MAY 13 2008
6/10/08
William A. Shaw
Prothonotary/Clerk of Courts
No C.P.M. C.R.C.
(GK)

CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant, VINCENT TERRIZZI, JR.

Counsel of Record for
this Party:

John R. Ryan
Attorney-At-Law

Pa. I.D. 38739

BELIN, KUBISTA & RYAN LLP
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

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

PATRICK A. NUZZO,
Plaintiff

VS.

VINCENT TERRIZZI, JR.,
Defendant

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

NO. 2006 - 1869 - C.D. **MAY 13 2008**

Attest.

William A. Blakley
Prothonotary/
Clerk of Courts

CERTIFICATE OF SERVICE

This is to certify that I have served a certified copy of Praecipe for Withdrawal/Entry of Appearance and Pre-Trial Statement of Defendant filed on behalf of VINCENT TERRIZZI, JR., Defendant in the above captioned matter, on the following party by postage prepaid first-class United States mail, on the 12th day of May, 2007:

Benjamin S. Blakley, III, Esquire
Blakley & Jones
90 Beaver Drive, Box 6
Du Bois, PA 15801
Attorney for Plaintiff

BELIN, KUBISTA & RYAN LLP

J. R. Ryan
John R. Ryan
Attorney for Defendant

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

PATRICK A. NUZZO,

Plaintiff,

vs.

VINCENT TERRIZZI, JR.,

Defendant.

: NO. 06 - 1869 - C.D.

: Type of Case: CIVIL ACTION

: Type of Pleading: ORDER

: Filed on Behalf of: PLAINTIFF
PATRICK A. NUZZO

: Counsel of Record:

: BENJAMIN S. BLAKLEY, III
Supreme Court No. 26331

: BLAKLEY & JONES
90 Beaver Drive, Box 6
Du Bois, Pa 15801
: (814) 371-2730

FILED 4CC
07/14/2008 Amy Blakley
JUN 13 2008

William A. Shaw
Prothonotary/Clerk of Courts
GJ

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

PATRICK A. NUZZO,

Plaintiff,

NO. 06 - 1869 - C.D.

vs.

VINCENT TERRIZZI, JR.,

Defendant.

ORDER

AND NOW, this 13th day of June, 2008, the parties having entered into an Agreement and Release in order to settle the claims raised in Plaintiff's Complaint, thereby rendering trial in this matter scheduled for June 17, 2008, unnecessary, it is the Order of this Court that said trial being and is hereby cancelled and shall be removed from the Court's schedule. It is the further Order of this Court that the Agreement and Release of the parties dated May 30, 2008, is hereby adopted by this Court as an Order of Court and the parties are ordered to comply with the same, with Plaintiff, Patrick A. Nuzzo to mark this matter settled, discontinued and ended after receipt of the final payment called for under the parties Agreement and Release, the same to be paid on or before August 31, 2008.

BY THE COURT:

Paul E Cherry

FILED

JUN 13 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/13/08

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

PATRICK A. NUZZO,

: NO. 06 - 1869 - C.D.

Plaintiff,

: Type of Case: CIVIL ACTION

vs.

VINCENT TERRIZZI, JR.,

: Type of Pleading: PRAECIPE TO
: SETTLE, DISCONTINUE AND END

Defendant.

: Filed on Behalf of: PLAINTIFF
: PATRICK A. NUZZO

: Counsel of Record:
: BENJAMIN S. BLAKLEY, III
: Supreme Court No. 26331

: BLAKLEY & JONES
: 90 Beaver Drive, Box 6
: Du Bois, Pa 15801
: (814) 371-2730

1CC & 1Cet of
FILED 12:55 pm
m/2/08 disc issued to
SEP - 3 2008 Atty Blakley
William A. Shaw
Prothonotary/Clerk of Courts
Copy to cia
15

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

PATRICK A. NUZZO, :
Plaintiff, :
vs. : NO. 06 - 1869 - C.D.
VINCENT TERRIZZI, JR., :
Defendant. :

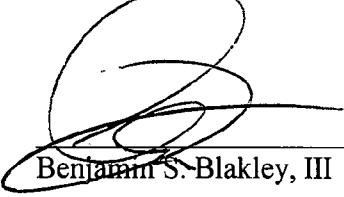
PRAECIPE TO SETTLE, DISCONTINUE AND END

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Please mark the above matter settled, discontinued and ended.

Respectfully submitted,

BLAKLEY & JONES


Benjamin S. Blakley, III

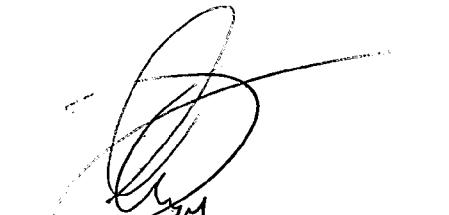
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

PATRICK A. NUZZO, :
Plaintiff, :
vs. : NO. 06 - 1869 - C.D.
VINCENT TERRIZZI, JR., :
Defendant. :

CERTIFICATE OF SERVICE

This will certify that the undersigned served a copy of the Praeclipe to Settle, Discontinue and
End in the above-captioned matter on counsel for the Defendant at the address shown below by first-
class U.S. Mail on the 2nd day of September, 2008:

John R. Ryan, Esquire
Belin, Kubista & Ryan, LLP
15 North Front Street
P. O. Box 1
Clearfield, PA 16830



Benjamin S. Blakley, III

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Patrick A. Nuzzo

Vs.
Vincent Terrizzi Jr.

No. 2006-01869-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 September 3, 2008, marked:

Settled, discontinued and ended

Record costs in the sum of \$85.00 have been paid in full by Benjamin S. Blakley III Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of September A.D. 2008.


William A. Shaw, Prothonotary

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

PATRICK A. NUZZO

NO. 06-1869-CD

V.

VINCENT TERRIZZI, JR.

ORDER

AND NOW, this 14th day of April, 2008, upon consideration of the request for continuance of the status conference scheduled for April 16, 2008, it is the ORDER of this Court that said request be and is hereby DENIED as untimely.

BY THE COURT,

PAUL E. CHERRY,
JUDGE

700 Chestnut Avenue
Northern Cambria, PA 15714

Honorable Judge Paul E. Cherry
230 East Market Street
Clearfield, PA 16830

Dear Judge Cherry:

Regarding the matter of Patrick A. Nuzzo vs. Vincent Terrizzi, Jr., I am writing to you to request a 30-day continuance in this matter. I am presently without legal representation. I have included a letter from my former attorney,

I am actively seeking council and feel confident that I can find a suitable attorney and have him fully ready to forward my defense at that time. Thank you.

Respectfully,



Vincent Terrizzi, Jr.

Enclosure

HANAK, GUIDO and TALADAY
Attorneys at Law

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

Nicole Hanak Bankovich

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

528 Liberty Blvd.
P.O. Box 487
DuBois, PA 15801

mbtaladay@verizon.net

March 14, 2008

Mr. Vince Terrizzi, Jr.
700 Chestnut Avenue
Northern Cambria, PA 15714

Re: Patrick A. Nuzzo vs. Vincent Terizzi, Jr.

Dear Mr. Terrizzi:

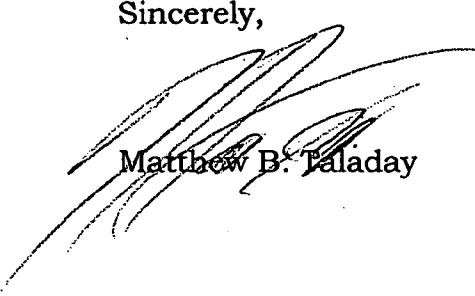
As you know, Casey Bowers is no longer actively engaged in the practice of law. Unfortunately, the state of my practice does not permit me time to take over handling your case. In addition, I believe that there is a potential conflict of interest which would prohibit me from proceeding on your behalf in the above referenced matter.

I am writing to advise that you should immediately seek another attorney to represent you in this pending litigation. There is a status conference scheduled for **April 16, 2008**. Therefore, it is important that you act promptly to obtain another lawyer. If you wish a referral, please let me know promptly and I will be glad to provide you with one.

We will make your filed documentation available, upon payment of your account in full, to your new counsel and will take any other steps necessary for a smooth transition.

If you have any questions regarding the above, please contact me.

Sincerely,


Matthew B. Taladay

MBT:kam
Encs.

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

PATRICK A. NUZZO

vs.

No. 06-1869-CD

VINCENT TERRIZZI, JR.

ORDER

AND NOW, this 5th day of March, 2008, it is the ORDER of the Court that a status conference in the above-captioned matter has been scheduled for April 16, 2008 at 10:00 A.M. in Chambers, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

/s/ Paul E. Cherry

PAUL E. CHERRY
Judge

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

MAR 05 2008

RECEIVED
3-6-08

Attest.

William L. Cherry
Prothonotary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Patrick A. Nuzzo

*

Plaintiff(s)

Vs.

*

No. 2006-01869-CD

Vincent Terrizzi Jr.

*

Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
RULE 4009.22

TO: Jeffrey W. Rice, DMD -- 90 Beaver Drive, DuBois, PA 15801
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

All financial documents including checks, invoices, financial statements and ledgers regarding the operation of PAWS Mini Golf Course from 5/1/05 through 5/31/06

(Address)
to Hanak, Guido & Taladay, 3 S. Brady St, Room 300, PO Box 487, DuBois, PA 15801

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: S. Casey Bowers, Esq.

ADDRESS: PO Box 487
DuBois, PA 15801

TELEPHONE: (814) 371-7768

SUPREME COURT ID # 89032

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


GK

Deputy

DATE: Wednesday, May 02, 2007

Seal of the Court

Exhibit A

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Irene Lamer C. Date of Delivery 5/1/01</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>1. Article Addressed to:</p> <p>Jeffrey W. Rice, DMD 90 Beaver Drive Dubois, PA 15801</p>		<p>2. Article Number <i>Transfer from service 1a</i> 7002 2030 0006 3807 9883</p>	
<p>PS Form 3811, August 2001</p>		<p>Domestic Return Receipt</p>	
<p>2ACPRI-03-P-4081</p>			