

06-2005-CD

Pro-Formance Fuel al vs S. Vaught al

Pro-Formance Fuel vs Shawn Vaught et
2006-2005-CD

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PRO-FORMANCE FUEL INJECTION : CIVIL ACTION - AT LAW
SERVICE, INC., :
Plaintiff : No. 06-2005-CD
vs. : Type of Pleading:
SHAWN W. VAUGHT, t/d/b/a :
PERFORMANCE ENGINEERING, :
Defendant : **COMPLAINT**
: Filed on behalf of:
: PLAINTIFF
: Counsel of record for this
: Party:
: Robert M. Hanak, Esq.
: Supreme Court No. 05911
: Hanak, Guido and Taladay
: 498 Jeffers Street
: P. O. Box 487
: DuBois, PA 15801
: 814-371-7768

FILED Atty pd. 85.00
M 11/28/06
DEC 01 2006 ICC Shff

William A. Shaw
Prothonotary/Clerk of Courts

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

PRO-FORMANCE FUEL INJECTION :
SERVICE, INC., :
Plaintiff :
: :
vs. : No.
: :
SHAWN W. VAUGHT, t/d/b/a :
PERFORMANCE ENGINEERING, :
Defendant :
:

NOTICE

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

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

Office of Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

(814) 765-2641 Ext. 1303

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

PRO-FORMANCE FUEL INJECTION	:	
SERVICE, INC.,	:	
		Plaintiff
	:	
vs.	:	No.
	:	
SHAWN W. VAUGHT, t/d/b/a	:	
PERFORMANCE ENGINEERING,	:	
		Defendant
	:	

COMPLAINT

AND NOW, comes the Plaintiff, and by its Attorneys, Hanak, Guido and Taladay, avers a cause of action as follows:

1. Plaintiff is Pro-Formance Fuel Injection Service, Inc., a Pennsylvania business corporation, with a principal place of business at 102 Hotel Heights, I-80 Exit 120, Clearfield, Clearfield County, Pennsylvania 16830.
2. The Defendant is Shawn W. Vaught, an individual trading and doing business as Performance Engineering, whose principal place of business is at 8000C Middle Road, Fairview, Erie County, Pennsylvania 16415.
3. Plaintiff is in the business of repair and sales of new and re-built products for automotive diesel and gas powered engines, primarily fuel delivery systems for motors.
4. The Defendant is in the retail sales of specialty auto parts, primarily for high performance motors.

5. On or about March 3, 2006, the parties entered a course of dealings wherein Defendant would purchase fuel injection, turbo and carburation parts from the Plaintiff.

6. The course of dealings continued through August 1, 2006. During the course of dealings, the Defendant purchased from Plaintiff parts and services. A copy of the invoices for each of the parts or services are attached hereto as Exhibits 1 through 12.

7. Attached hereto is Exhibit B which is the accounting bill of all transactions entered between the parties showing all purchases made by the Defendant and all credits resultant from payments or core returns for reconditioned parts.

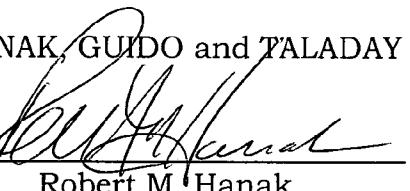
8. All parts purchased by the Defendant were duly delivered and received by the Defendant, were charged at the fair and reasonable price and the price agreed to by Defendant, and were used and converted by the Defendant.

9. The Defendant has refused and continues to refuse to pay the balance owing to Plaintiff in the amount of \$17,800.91.

WHEREFORE, Plaintiff prays your Honorable Court to enter judgment in its favor in the amount of \$17,800.91, together with costs of suit and interest as the Court may allow.

HANAK, GUIDO and TALADAY

By



Robert M. Hanak

Attorney for Plaintiff

VERIFICATION

I, MARTIN BELELLA, President of Pro-formance Fuel Injection Service, 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: 11-7-06

Martin Belella
Martin Belella

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
180 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
3/3/2006	11071

Bill To

PAID

Performance Engineering
8000C Middle RD
Fairview, PA 16415

	P.O. No.	Terms	Due Date	Account #	Project
			3/3/2006		
Item	Description		Qty	Rate	Amount
Sales Item	CUM 3967195		1	24.42	24.42
RB1 IPVR17X	PUMP		1	910.00	910.00
Core			1	500.00	500.00

Visit our website @ http://www.proformancefuel.com	Subtotal	\$1,434.42
	Sales Tax (6.0%)	\$0.00
	Total	\$1,434.42
	Payments/Credits	\$-1,434.42
	Balance Due	\$0.00

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
3/24/2006	11257

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

PAID

	P.O. No.	Terms	Due Date	Account #	Project
			3/24/2006		

Item	Description	Qty	Rate	Amount
TUR 167050	turbo	1	412.97	412.97
RB1 0432193635	injector	12	45.06	540.72
Freight	freight		54.37	54.37

Visit our website @ http://www.proformancefuel.com	Subtotal	\$1,008.06
	Sales Tax (6.0%)	\$0.00
	Total	\$1,008.06
	Payments/Credits	\$-1,008.06
	Balance Due	\$0.00

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
3/31/2006	11342

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

	P.O. No.	Terms	Due Date	Account #	Project
			3/31/2006		

Item	Description	Qty	Rate	Amount
AP1 AP63803AD	injectors	16	165.00	2,640.00
Core		16	150.00	2,400.00
HIGH FLOW NOZZLE	NOZZLE	16	40.00	640.00
labor	labor		236.00	236.00
Freight	freight	1	11.34	11.34

Visit our website http://www.proformancefuel.com	Subtotal	\$5,927.34
	Sales Tax (6.0%)	\$0.00
	Total	\$5,927.34
	Payments/Credits	\$-2,429.09
	Balance Due	\$3,498.25

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
4/28/2006	11654

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

P.O. No.	Terms	Due Date	Account #	Project
		4/28/2006		

Item	Description	Qty	Rate	Amount
Sales Item Freight	174430-turbo freight	1	825.00 9.78	825.00 9.78

Visit our website @ http://www.performancefuel.com	Subtotal	\$834.78
	Sales Tax (6.0%)	\$0.00
	Total	\$834.78
	Payments/Credits	\$0.00
	Balance Due	\$834.78

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
5/3/2006	11687

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

	P.O. No.	Terms	Due Date	Account #	Project
			5/3/2006		

Item	Description	Qty	Rate	Amount
Sales Item	PVR17X	1	910.00	910.00
Core		1	500.00	500.00
Freight	freight		7.40	7.40

Visit our website @ http://www.proformancefuel.com	Subtotal	\$1,417.40
	Sales Tax (6.0%)	\$0.00
	Total	\$1,417.40
	Payments/Credits	\$0.00
	Balance Due	\$1,417.40

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
5/15/2006	11794

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

	P.O. No.	Terms	Due Date	Account #	Project
			5/15/2006		

Item	Description	Qty	Rate	Amount
Sales Item	test injector	5	56.55	282.75
Sales Item	0986435503 injector	1	304.63	304.63
Sales Item	high flow	6	45.00	270.00
labor	labor	1	59.00	59.00
Freight	freight		56.83	56.83

Visit our website @ http://www.performancefuel.com	Subtotal	\$973.21
	Sales Tax (6.0%)	\$0.00
	Total	\$973.21
	Payments/Credits	\$0.00
	Balance Due	\$973.21

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
5/16/2006	11820

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

	P.O. No.	Terms	Due Date	Account #	Project
			5/16/2006		

Item	Description	Qty	Rate	Amount
Sales Item	739619-5004s turbo	1	1,412.15	1,412.15
Sales Item	759361-0003 turbo	1	1,378.16	1,378.16
Freight	freight		19.77	19.77

Visit our website @ http://www.proformancefuel.com	Subtotal	\$2,810.08
	Sales Tax (6.0%)	\$0.00
	Total	\$2,810.08
	Payments/Credits	\$0.00
	Balance Due	\$2,810.08

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
5/17/2006	11827

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

	P.O. No.	Terms	Due Date	Account #	Project
			5/17/2006		

Item	Description	Qty	Rate	Amount
Sales Item	5153m turbo	1	570.18	570.18
Freight	freight	1	12.10	12.10

Visit our website @ http://www.proformancefuel.com	Subtotal	\$582.28
	Sales Tax (6.0%)	\$0.00
	Total	\$582.28
	Payments/Credits	\$0.00
	Balance Due	\$582.28

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
180 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
5/17/2006	11829

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

P.O. No.	Terms	Due Date	Account #	Project
		5/17/2006		

Item	Description	Qty	Rate	Amount
Sales Item	144700-0000 turbo	2	480.68	961.36
Freight	freight	1	55.12	55.12

Visit our website @ http://www.performancefuel.com	Subtotal	\$1,016.48
	Sales Tax (6.0%)	\$0.00
	Total	\$1,016.48
	Payments/Credits	\$0.00
	Balance Due	\$1,016.48

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
5/17/2006	11830

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

	P.O. No.	Terms	Due Date	Account #	Project
			5/17/2006		
Item	Description		Qty	Rate	Amount
Sales Item	cc6.0 injector		8	157.50	1,260.00
Sales Item	high flow		8	40.00	320.00
Freight	freight		1	134.10	134.10

Visit our website @ http://www.proformancefuel.com	Subtotal	\$1,714.10
	Sales Tax (6.0%)	\$0.00
	Total	\$1,714.10
	Payments/Credits	\$0.00
	Balance Due	\$1,714.10

Pro-Formance Fuel Injection Service, Inc.

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Invoice

Date	Invoice #
5/17/2006	11831

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

	P.O. No.	Terms	Due Date	Account #	Project
			5/17/2006		

Item	Description	Qty	Rate	Amount
Sales Item	AP63805BA-inj	8	182.50	1,460.00
Sales Item	core	8	150.00	1,200.00
Freight	freight		84.00	84.00

Visit our website @ http://www.proformancefuel.com	Subtotal	\$2,744.00
	Sales Tax (6.0%)	\$0.00
	Total	\$2,744.00
	Payments/Credits	\$0.00
	Balance Due	\$2,744.00

Pro-Formance Fuel Injection Service, Inc

CREDIT MEMO

102 Hotel Heights
Clearfield, PA 16830
Phone: 814-768-1007
Fax: 814-768-0855

Date	Credit No.
8/1/2006	12513

Customer
Performance Engineering
8000C Middle RD
Fairview, PA 16413

		P.O. No.	Account #	Project
Item	Description	Qty	Rate	Amount
Sales Item	BA alliant Inj	-8	182.50	-1,460.00
Sales Item	core	-8	150.00	-1,200.00
	ref inv # 11831			
		Subtotal	\$-2,660.00	
		Sales Tax (6.0%)	\$0.00	
		Total	\$-2,660.00	
		Invoices	\$0.00	
		Balance Credit	\$-2,660.00	

Pro-Formance Fuel Injection Service, Inc.
102 Hotel Heights
Clearfield, PA 16830

Performance Engineering-All Transactions

Type	Date	Number	Amount	Balance
Invoice	3/3/2006	11071	1,434.42	1,434.42
Invoice	3/24/2006	11257	1,008.06	2,442.48
Invoice	3/29/2006	11322	2,830.25	5,272.73
Invoice	3/29/2006	11327	498.18	5,770.91
Invoice	3/31/2006	11342	5,927.34	11,698.25
Payment	4/13/2003	1	-6,500.00	5,198.25
Invoice	4/14/2006	11502	1,365.53	6,563.78
Invoice	4/14/2006	11503	3,504.80	10,068.58
Credit Memo	4/26/2006	11626	-500.00	9,568.58
Invoice	4/28/2006	11654	834.78	10,403.36
Invoice	5/3/2006	11687	1,417.40	11,820.76
Credit Memo	5/5/2006	11703	-1,200.00	10,620.76
Invoice	5/15/2006	11794	973.21	11,593.97
Invoice	5/16/2006	11820	2,810.08	14,404.05
Invoice	5/17/2006	11827	582.28	14,986.33
Invoice	5/17/2006	11829	1,016.48	16,002.81
Invoice	5/17/2006	11830	1,714.10	17,716.91
Invoice	5/17/2006	11831	2,744.00	20,460.91
Credit Memo	8/1/2006	12513	-2,660.00	17,800.91
Total			17,800.91	17,800.91

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102203
NO: 06-2005-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: PRO-FORMANCE FUEL INJECTION SERVICE, INC.
VS.
DEFENDANT: SHAWN W. VAUGHT t/d/b/a PERFORMANCE ENGINEERING

SHERIFF RETURN

NOW, December 04, 2006, SHERIFF OF ERIE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON SHAWN W. VAUGHT t/d/b/a PERFORMANCE ENGINEERING.

NOW, January 04, 2007 ATTEMPTED TO SERVE THE WITHIN COMPLAINT ON SHAWN W. VAUGHT t/d/b/a PERFORMANCE ENGINEERING, DEFENDANT. THE RETURN OF ERIE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED
01/31/2007
MAR 08 2007
WMS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102203
NO: 06-2005-CD
SERVICES 1
COMPLAINT

PLAINTIFF: PRO-FORMANCE FUEL INJECTION SERVICE, INC.

VS.

DEFENDANT: SHAWN W. VAUGHT t/d/b/a PERFORMANCE ENGINEERING

SHERIFF RETURN

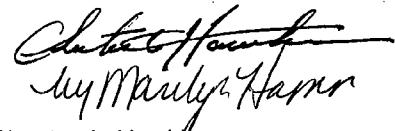
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HANAK	15192	10.00
SHERIFF HAWKINS	HANAK	15192	21.00
ERIE CO.	HANAK	15196	71.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2007



Chester A. Hawkins
Sheriff

SHERIFF'S RETURN - NOT SERVED

CASE NO: 2006-02005 M
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ERIE

PRO-FORMANCE FUEL INJECTION

VS

SHAWN VAUGHT ET AL

Bob Merski, Deputy Sheriff, who being duly sworn according to law, says, that he made a diligent search and inquiry for the within named DEFENDANT, to wit:

VAUGHT SHAWN TDBA PERFORMANCE ENGINEERING but was unable to locate Them in his bailiwick. He therefore returns the COMPLAINT

NOT SERVED, as to

the within named DEFENDANT, VAUGHT SHAWN TDBA PERFORMANCE ENGINEERING

8000C MIDDLE ROAD

FAIRVIEW PA 16415 0000

RETURNED NOT SERVED, PROPERTY VACANT.

Sheriff's Costs:

Docketing

.00

Bob Merski

Service

.00

Bob Merski, Sheriff of Erie County

Affidavit

.00

Surcharge

.00

.00

.00

00/00/0000

So answers:

Sworn and subscribed to before me

this 4th day of January
2007 A.D.

Barbara D. Turner

NOTARY
NOTARIAL SEAL
BARBARA D. TURNER, Notary Public
City of Erie, Erie County
My Commission Expires April 7, 2007

RECEIPT FOR PAYMENT
=====

Erie County Pennsylvania
140 West Sixth St - 4th Floor
Erie, PA 16501-1077

Receipt Date 12/06/2006
Receipt Time 15:54:25
Receipt No. 188704

PRO-FORMANCE FUEL INJECTION (VS) SHAWN VAUGHT ET AL

Case Number 2006-02005 M

Service Info

Remarks PD BY HANAK GUIDO ET AL
RAR/OUT OF TOWN

Total Check... + 71.00
Total Cash.... + .00
Cash Out..... - .00

Number .. 15196

Receipt total. = 71.00

----- Distribution Of Payment -----

Transaction Description Payment Amount

SHERIFF FEES	71.00
	<hr/>
	71.00

TREASURER OF ERIE COUNTY



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

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 102203

TERM & NO. 06-2005-CD

PRO-FORMANCE FUEL INJECTION SERVICE, INC.

COMPLAINT

VS.

SHAWN W. VAUGHT t/d/b/a PERFORMANCE ENGINEERING

SERVE BY: 12/31/06

MAKE REFUND PAYABLE TO HANAK GUIDO & TALADAY, ESQ.

SERVE: SHAWN W. VAUGHT t/d/b/a PERFORMANCE ENGINEERING

ADDRESS: 8000C MIDDLE ROAD, FAIRVIEW, PA 16415

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF ERIE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, December 04, 2006.

RESPECTFULLY,

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

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

2006 DEC - 6 PM 12: 27
SHERIFF'S OFFICE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PRO-FORMANCE FUEL INJECTION : CIVIL ACTION - AT LAW
SERVICE, INC., :
Plaintiff : No. 06-2005-CD
vs. : Type of Pleading:
SHAWN W. VAUGHT, t/d/b/a : **COMPLAINT**
PERFORMANCE ENGINEERING, :
Defendant : Filed on behalf of:
 : PLAINTIFF
 : Counsel of record for this
 : Party:
 : Robert M. Hanak, Esq.
 : Supreme Court No. 05911
 : Hanak, Guido and Taladay
 : 498 Jeffers Street
 : P. O. Box 487
 : DuBois, PA 15801
 :
 : 814-371-7768

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

DEC 01 2006

Attest.



William L. Hanak
Prothonotary/
Clerk of Courts

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

PRO-FORMANCE FUEL INJECTION :
SERVICE, INC., :
Plaintiff :
: :
vs. : No.
: :
SHAWN W. VAUGHT, t/d/b/a :
PERFORMANCE ENGINEERING, :
Defendant :
:

NOTICE

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

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

Office of Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

(814) 765-2641 Ext. 1303

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

PRO-FORMANCE FUEL INJECTION :
SERVICE, INC., :
Plaintiff :
vs. :
No.
SHAWN W. VAUGHT, t/d/b/a :
PERFORMANCE ENGINEERING, :
Defendant :
:

COMPLAINT

AND NOW, comes the Plaintiff, and by its Attorneys, Hanak, Guido and Taladay, avers a cause of action as follows:

1. Plaintiff is Pro-Formance Fuel Injection Service, Inc., a Pennsylvania business corporation, with a principal place of business at 102 Hotel Heights, I-80 Exit 120, Clearfield, Clearfield County, Pennsylvania 16830.

2. The Defendant is Shawn W. Vaught, an individual trading and doing business as Performance Engineering, whose principal place of business is at 8000C Middle Road, Fairview, Erie County, Pennsylvania 16415.

3. Plaintiff is in the business of repair and sales of new and re-built products for automotive diesel and gas powered engines, primarily fuel delivery systems for motors.

4. The Defendant is in the retail sales of specialty auto parts, primarily for high performance motors.

5. On or about March 3, 2006, the parties entered a course of dealings wherein Defendant would purchase fuel injection, turbo and carburation parts from the Plaintiff.

6. The course of dealings continued through August 1, 2006.

During the course of dealings, the Defendant purchased from Plaintiff parts and services. A copy of the invoices for each of the parts or services are attached hereto as Exhibits 1 through 12.

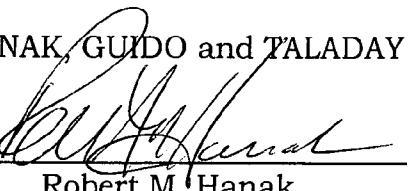
7. Attached hereto is Exhibit B which is the accounting bill of all transactions entered between the parties showing all purchases made by the Defendant and all credits resultant from payments or core returns for reconditioned parts.

8. All parts purchased by the Defendant were duly delivered and received by the Defendant, were charged at the fair and reasonable price and the price agreed to by Defendant, and were used and converted by the Defendant.

9. The Defendant has refused and continues to refuse to pay the balance owing to Plaintiff in the amount of \$17,800.91.

WHEREFORE, Plaintiff prays your Honorable Court to enter judgment in its favor in the amount of \$17,800.91, together with costs of suit and interest as the Court may allow.

HANAK, GUIDO and TALADAY

By 

Robert M. Hanak
Attorney for Plaintiff

VERIFICATION

I, MARTIN BELELLA, President of Pro-formance Fuel Injection Service, 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: 11-7-86

Martin Berella
Martin Berella

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
180 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
3/3/2006	11071

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

PAID

	P.O. No.	Terms	Due Date	Account #	Project
			3/3/2006		

Item	Description	Qty	Rate	Amount
Sales Item	CUM 3967195	1	24.42	24.42
RB1 IPVR17X	PUMP	1	910.00	910.00
Core		1	500.00	500.00

Visit our website @ http://www.proformancefuel.com	Subtotal	\$1,434.42
	Sales Tax (6.0%)	\$0.00
	Total	\$1,434.42
	Payments/Credits	\$-1,434.42
	Balance Due	\$0.00

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
3/24/2006	11257

Bill To
Performance Engineering 8000C Middle RD Fairview, PA 16415

	P.O. No.	Terms	Due Date	Account #	Project
			3/24/2006		

Item	Description	Qty	Rate	Amount
TUR 167050	turbo	1	412.97	412.97
RB1 0432193635	injector	12	45.06	540.72
Freight	freight		54.37	54.37

Visit our website @ http://www.proformancefuel.com	Subtotal	\$1,008.06
	Sales Tax (6.0%)	\$0.00
	Total	\$1,008.06
	Payments/Credits	-\$1,008.06
	Balance Due	\$0.00

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
3/31/2006	11342

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

	P.O. No.	Terms	Due Date	Account #	Project
			3/31/2006		

Item	Description	Qty	Rate	Amount
AP1 AP63803AD	injectors	16	165.00	2,640.00
Core		16	150.00	2,400.00
HIGH FLOW NOZZLE	NOZZLE	16	40.00	640.00
labor	labor		236.00	236.00
Freight	freight	1	11.34	11.34

Visit our website @ http://www.proformancefuel.com	Subtotal	\$5,927.34
	Sales Tax (6.0%)	\$0.00
	Total	\$5,927.34
	Payments/Credits	\$-2,429.09
	Balance Due	\$3,498.25

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
4/28/2006	11654

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

P.O. No.	Terms	Due Date	Account #	Project
		4/28/2006		

Item	Description	Qty	Rate	Amount
Sales Item Freight	174430-turbo freight	1	825.00 9.78	825.00 9.78

	Subtotal	\$834.78
Visit our website @: http://www.performancefuel.com	Sales Tax (6.0%)	\$0.00
	Total	\$834.78
	Payments/Credits	\$0.00
	Balance Due	\$834.78

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
5/3/2006	11687

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

	P.O. No.	Terms	Due Date	Account #	Project
			5/3/2006		

Item	Description	Qty	Rate	Amount
Sales Item	PVR17X	1	910.00	910.00
Core		1	500.00	500.00
Freight	freight		7.40	7.40

Visit our website @ http://www.proformancefuel.com	Subtotal	\$1,417.40
	Sales Tax (6.0%)	\$0.00
	Total	\$1,417.40
	Payments/Credits	\$0.00
	Balance Due	\$1,417.40

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
5/15/2006	11794

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

	P.O. No.	Terms	Due Date	Account #	Project
			5/15/2006		

Item	Description	Qty	Rate	Amount
Sales Item	test injector	5	56.55	282.75
Sales Item	0986435503 injector	1	304.63	304.63
Sales Item	high flow	6	45.00	270.00
labor	labor	1	59.00	59.00
Freight	freight		56.83	56.83

Visit our website @ http://www.performancefuel.com	Subtotal	\$973.21
	Sales Tax (6.0%)	\$0.00
	Total	\$973.21
	Payments/Credits	\$0.00
	Balance Due	\$973.21

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
5/16/2006	11820

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

P.O. No.	Terms	Due Date	Account #	Project
		5/16/2006		

Item	Description	Qty	Rate	Amount
Sales Item	739619-5004s turbo	1	1,412.15	1,412.15
Sales Item	759361-0003 turbo	1	1,378.16	1,378.16
Freight	freight		19.77	19.77

Visit our website @ http://www.proformancefuel.com	Subtotal	\$2,810.08
	Sales Tax (6.0%)	\$0.00
	Total	\$2,810.08
	Payments/Credits	\$0.00
	Balance Due	\$2,810.08

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
5/17/2006	11827

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

	P.O. No.	Terms	Due Date	Account #	Project
			5/17/2006		

Item	Description	Qty	Rate	Amount
Sales Item	5153m turbo	1	570.18	570.18
Freight	freight	1	12.10	12.10

Visit our website @ http://www.proformancefuel.com	Subtotal	\$582.28
	Sales Tax (6.0%)	\$0.00
	Total	\$582.28
	Payments/Credits	\$0.00
	Balance Due	\$582.28

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
5/17/2006	11829

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

P.O. No.	Terms	Due Date	Account #	Project
		5/17/2006		

Item	Description	Qty	Rate	Amount
Sales Item	144700-0000 turbo	2	480.68	961.36
Freight	freight	1	55.12	55.12

Visit our website @ http://www.performancefuel.com	Subtotal	\$1,016.48
	Sales Tax (6.0%)	\$0.00
	Total	\$1,016.48
	Payments/Credits	\$0.00
	Balance Due	\$1,016.48

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
5/17/2006	11830

Bill To

Performance Engineering
8000C Middle RD
Fairview, PA 16415

	P.O. No.	Terms	Due Date	Account #	Project
			5/17/2006		

Item	Description	Qty	Rate	Amount
Sales Item	cc6.0 injector	8	157.50	1,260.00
Sales Item	high flow	8	40.00	320.00
Freight	freight	1	134.10	134.10

Visit our website @ http://www.performancefuel.com	Subtotal	\$1,714.10
	Sales Tax (6.0%)	\$0.00
	Total	\$1,714.10
	Payments/Credits	\$0.00
	Balance Due	\$1,714.10

Pro-Formance Fuel Injection Service, Inc.**Invoice**

102 Hotel Heights
I 80 Exit 120
Clearfield, PA 16830
814-768-1007

Date	Invoice #
5/17/2006	11831

Bill To

Performance Engineering 8000C Middle RD Fairview, PA 16415
--

	P.O. No.	Terms	Due Date	Account #	Project
			5/17/2006		

Item	Description	Qty	Rate	Amount
Sales Item	AP63805BA-inj	8	182.50	1,460.00
Sales Item	core	8	150.00	1,200.00
Freight	freight		84.00	84.00

Visit our website @ http://www.proformancefuel.com	Subtotal	\$2,744.00
	Sales Tax (6.0%)	\$0.00
	Total	\$2,744.00
	Payments/Credits	\$0.00
	Balance Due	\$2,744.00

Pro-Formance Fuel Injection Service, Inc

102 Hotel Heights
 Clearfield, PA 16830
 Phone: 814-768-1007
 Fax: 814-768-0855

CREDIT MEMO

Date	Credit No.
8/1/2006	12513

Customer
Performance Engineering 8000C Middle RD Fairview, PA 16415

		P.O. No.	Account #	Project
Item	Description	Qty	Rate	Amount
Sales Item	BA alliant Inj	-8	182.50	-1,460.00
Sales Item	core	-8	150.00	-1,200.00
				Subtotal \$-2,660.00
				Sales Tax (6.0%) \$0.00
				Total \$-2,660.00
				Invoices \$0.00
				Balance Credit \$-2,660.00

Pro-Formance Fuel Injection Service, Inc.
102 Hotel Heights
Clearfield, PA 16830

Performance Engineering-All Transactions

Type	Date	Number	Amount	Balance
Invoice	3/3/2006	11071	1,434.42	1,434.42
Invoice	3/24/2006	11257	1,008.06	2,442.48
Invoice	3/29/2006	11322	2,830.25	5,272.73
Invoice	3/29/2006	11327	498.18	5,770.91
Invoice	3/31/2006	11342	5,927.34	11,698.25
Payment	4/13/2003	1	-6,500.00	5,198.25
Invoice	4/14/2006	11502	1,365.53	6,563.78
Invoice	4/14/2006	11503	3,504.80	10,068.58
Credit Memo	4/26/2006	11626	-500.00	9,568.58
Invoice	4/28/2006	11654	834.78	10,403.36
Invoice	5/3/2006	11687	1,417.40	11,820.76
Credit Memo	5/5/2006	11703	-1,200.00	10,620.76
Invoice	5/15/2006	11794	973.21	11,593.97
Invoice	5/16/2006	11820	2,810.08	14,404.05
Invoice	5/17/2006	11827	582.28	14,986.33
Invoice	5/17/2006	11829	1,016.48	16,002.81
Invoice	5/17/2006	11830	1,714.10	17,716.91
Invoice	5/17/2006	11831	2,744.00	20,460.91
Credit Memo	8/1/2006	12513	-2,660.00	17,800.91
Total			17,800.91	17,800.91

CA

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

PRO-FORMANCE FUEL INJECTION * NO. 2006-2005-CD
Plaintiff *
vs. *
SHAWN VAUGHT *
PERFORMANCE ENGINEERING *
Defendants *
*
*
*
*

ORDER

NOW, this 15th day of April, 2013, following a review of the docket, due to the case's extended period of time in pending status; it is the ORDER of this Court that a **status conference** be and is hereby scheduled for the **8th day of May, 2013 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

If this case has been concluded, the moving party is directed to file the appropriate Praecipe with the Prothonotary of Clearfield County to finalize that status of the case.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 1CC Aty
073:30pm Hanak
APR 17 2013
William A. Shaw
Prothonotary/Clerk of Courts
8600 C Middle Rd
Fairview PA
16415
66

William A. Shaw
Prothonotary/Clerk of Courts
Po Box 549
Clearfield, PA 16830.

FILED
APR 23 2013
11:30 AM
William A. Shaw
Prothonotary/Clerk of Courts
Courts

Hasler
\$00.460
04/18/2013
Mailed From 168300
US POSTAGE

Shawn Vaught
Performance
8000C Middl
Fairview Pa
8C: 16830054949
RE TURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
DEARABLE TO FORWARD
1019-03982-18-411

defts @
8000C Middle Rd
Fairview PA 16415

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

PRO-FORMANCE FUEL INJECTION
Plaintiff

* NO. 2006-2005-CD

SHAWN VAUGHT
PERFORMANCE ENGINEERING
Defendants

*
*
*
*
*

ORDER

NOW, this 15th day of April, 2013, following a review of the docket, due to the case's extended period of time in pending status; it is the ORDER of this Court that a **status conference** be and is hereby scheduled for the **8th day of May, 2013 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

If this case has been concluded, the moving party is directed to file the appropriate Praecept with the Prothonotary of Clearfield County to finalize that status of the case.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

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

APR 17 2013

Attest.


Prothonotary/
Clerk of Courts

CA

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

PRO-FORMANCE FUEL INJECTION * NO. 2006-2005-CD
SERVICE, INC., *
Plaintiff *
vs. *
SHAWN W. VAUGHT, t/d/b/a PERFORMANCE *
ENGINEERING *
Defendant *

ORDER

NOW, this 1st day of May, 2013, the Court notes that a Praeclipe for Termination in the above-captioned case was filed on April 30, 2013 by Robert M. Hanak, Esquire. Therefore, it is the ORDER of this Court that the **status conference** in the above-captioned case scheduled for the 8th day of May, 2013 is **canceled**.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

(L6) ICC Atty
Hanak
FILED
S 0/3:34pm
MAY 01 2013
William A. Shaw
Prothonotary/Clerk of Courts
ICC defts

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

PRO-FORMANCE FUEL INJECTION :
SERVICE, INC., :
Plaintiff :
: :
vs. : No. 2006-2005-CD
: :
SHAWN W. VAUGHT, t/d/b/a :
PERFORMANCE ENGINEERING, :
: :
Defendant :
:

PRAECIPE FOR TERMINATION

TO THE PROTHONOTARY:

Kindly mark the above matter terminated and discontinued of
record.



Robert M. Hanak

Attorney for Plaintiff

FILED No. C
M 10:36 AM
S APR 30 2013 Copy to C/A
William A. Shaw
Prothonotary/Clerk of Courts
64

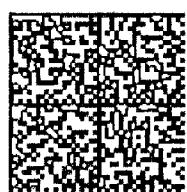
William A. Shaw
Prothonotary/Clerk of Courts
Po Box 549
Clearfield, PA 16830.

W.W.

82

FILED

5 MAY 13 2013
MAY 13 2013
William A. Shaw
Prothonotary/Clerk of Courts



Hasler

016H26524836
\$00.460
05/02/2013
Mailed From 16830
US POSTAGE

Shawn W Vaught
Performance Engineering
8000C Midland
Fairview Park, OH 44128

152

FE 1

00

05/08/13

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 16830054949 *1619-00271-02-41
16830054949

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

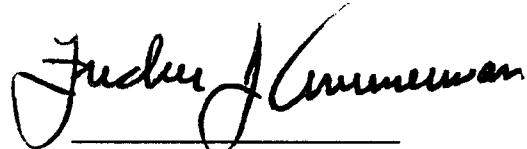
PRO-FORMANCE FUEL INJECTION * NO. 2006-2005-CD
SERVICE, INC., *
Plaintiff *
vs. *
SHAWN W. VAUGHT, t/d/b/a PERFORMANCE *
ENGINEERING *
Defendant *

8600 C middle Rd
Fairview 16415

ORDER

NOW, this 1st day of May, 2013, the Court notes that a Praeclipe for Termination in the above-captioned case was filed on April 30, 2013 by Robert M. Hanak, Esquire. Therefore, it is the ORDER of this Court that the **status conference** in the above-captioned case scheduled for the 8th day of May, 2013 is **canceled**.

BY THE COURT,

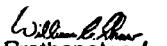


FREDRIC J. AMMERMAN
President Judge

I hereby certify that a copy of this order and attested copy of the original statement filed in this case.

MAY 01 2013

Attest.



William L. Bahr
Prothonotary/
Clerk of Courts