

07-764-CD
Barnet's Inc vs Raymond Campeau

Barnet's Inc vs Raymond Campeau et al
2007-764-CD

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

BARNET'S, INC.,
Plaintiff

v.

RAYMOND P. CAMPEAU, an
Individual, and
DONATO TRANSPORTATION, INC.,
A corporation,
Defendants

No. 07 - 764 - CD

Type of Pleading:

**PRAECIPE FOR WRIT
OF SUMMONS**

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

NADDEO & LEWIS, LLC
207 East Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED No CC
0/3:37/6/2 Writs
MAY 15 2008 to Shff
William A. Shaw
Prothonotary/Clerk of Courts
Att'y pd.
85.00

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

BARNET'S, INC.,
Plaintiff

v.

RAYMOND P. CAMPEAU, an
Individual, and
DONATO TRANSPORTATION, INC.,
A corporation,
Defendants

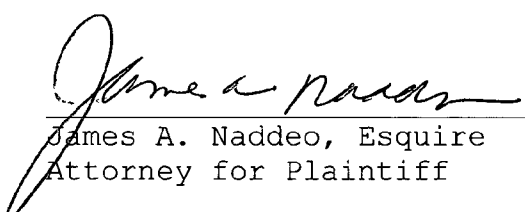
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No. 07 - - CD

PRAECIPE TO ISSUE WRIT OF SUMMONS

To the Prothonotary:

Please issue a Writ of Summons against Raymond P. Campeau, an individual, of 116 Plains Street, Rutland, VT 05701 and DONATO TRANSPORTATION, INC., a corporation of 307 Madson Road, Milford, NH 03055.


James A. Naddeo, Esquire
Attorney for Plaintiff

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

COPY

SUMMONS

Barnet's, Inc.

Vs.

NO.: 2007-00764-CD

**Raymond P. Campeau, an Individual,
and Donato Transportation, Inc., a corporation**

TO: RAYMOND P. CAMPEAU
DONATO TRANSPORTATION, INC.

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: 05/15/2007



William A. Shaw
Prothonotary

Issuing Attorney:
James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

RAWLE & HENDERSON LLP

By: Gary N. Stewart

Identification No.: 67353

By: Andrew D. Zeiter

Identification No.: 93601

Payne Shoemaker Building, 9th Flr.

240 North Third Street

Harrisburg, Pennsylvania 17101

(717) 234-7700

Attorneys for Defendant,
Donato Transportation, Inc.

BARNET'S, INC.

Plaintiff

v.

RAYMOND P. CAMPEAU, an Individual
and
DONATO TRANSPORTATION, INC.,
a corporation

Defendants

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA

:
: CIVIL ACTION NO: 2007-00764-CD

FILED ICC AH
m/10:45 am Zeiter
JUN 07 2007

ENTRY OF APPEARANCE

William A. Shaw
Prothonotary/Clerk of Courts

TO THE PROTHONOTARY:

Kindly enter our appearance on behalf of defendant, Donato Transportation, Inc.

in the above-referenced matter.

RAWLE & HENDERSON LLP

By: 

Gary N. Stewart, Esquire
Andrew D. Zeiter, Esquire
Attorneys for Defendant,
Donato Transportation, Inc.

Date: 6/1/07

CERTIFICATE OF SERVICE

I hereby certify that on today's date, a true and correct copy of the foregoing entry of appearance was served by first-class mail, postage prepaid, upon all attorneys of record, addressed as follows:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
Attorney for Plaintiff

RAWLE & HENDERSON LLP

By: 

Gary N. Stewart, Esquire
Andrew D. Zeiter, Esquire
Attorneys for Defendant,
Donato Transportation, Inc.

Dated:

6/11/07

FILED

JUN 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

RAWLE & HENDERSON LLP

By: Gary N. Stewart

Identification No.: 67353

By: Andrew D. Zeiter

Identification No.: 93601

Payne Shoemaker Building, 9th Flr.

240 North Third Street

Harrisburg, Pennsylvania 17101

(717) 234-7700

Attorneys for Defendant,
Donato Transportation, Inc.

BARNET'S, INC.

Plaintiff

v.

RAYMOND P. CAMPEAU, an Individual

and

DONATO TRANSPORTATION, INC.,

a corporation

Defendants

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PA

:
: CIVIL ACTION NO: 2007-00764-CD

FILED ICCd 1 Rule
issued to
m/10:45Lm Atty Zeiter
JUN 07 2007 (52)

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

William A. Shaw
Prothonotary/Clerk of Courts

Please enter a rule upon plaintiff to file a complaint within twenty (20) days of
service hereof upon penalty of non pros.

RAWLE & HENDERSON LLP

By: 

Gary N. Stewart, Esquire
Andrew D. Zeiter, Esquire
Attorneys for Defendant,
Donato Transportation, Inc.

Dated: 6/1/07

RULE TO FILE COMPLAINT

AND NOW this 7th day of June, 2007, a rule is entered upon
plaintiff to file a complaint within twenty (20) days from the date of service hereof.


PROTHONOTARY

CERTIFICATION OF SERVICE

I hereby certify that on today's date I served a true and correct copy of the foregoing praecipe for rule to file complaint by first-class mail, postage prepaid, upon all attorneys of record, addressed as follows:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
Attorney for Plaintiff

RAWLE & HENDERSON LLP

By: 

Gary N. Stewart, Esquire
Andrew D. Zeiter, Esquire
Attorneys for Defendant,
Donato Transportation, Inc.

Dated: 

FILED
JUN 07 2007
WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

FILED

JUN 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

BARNETS, INC.,
Plaintiff

v.

RAYMOND P. CAMPEAU, an
Individual, and
DONATO TRANSPORTATION, INC.,
A corporation,
Defendants

No. 07-764-CD

Type of Pleading:

COMPLAINT

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

NADDEO & LEWIS, LLC
207 East Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: July 2, 2007

FILED

01/10/07
JUL 02 2007

W.A. Shaw
William A. Shaw
Prothonotary/Clerk of Courts

2cc
Atty Naddeo

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

BARNETS, INC.,	*	
Plaintiff	*	
	*	
v.	*	No. 07-764-CD
	*	
RAYMOND P. CAMPEAU, an	*	
Individual, and	*	
DONATO TRANSPORTATION, INC.,	*	
A corporation,	*	
Defendants	*	

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 defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

BARNETS, INC.,	*	
Plaintiff	*	
	*	
v.	*	No. 07-764-CD
	*	
RAYMOND P. CAMPEAU, an	*	
Individual, and	*	
DONATO TRANSPORTATION, INC.,	*	
A corporation,	*	
Defendants	*	

COMPLAINT

NOW COMES the Plaintiff, Barnets Incorporated, and by its attorney, James A. Naddeo, Esquire, sets forth the following:

1. That the Plaintiff is Barnets Incorporated, an Ohio corporation, having its principal place of business at 1619 Barnets Mill Road, Camden, Ohio 45311.

2. That Defendant, Raymond P. Campeau, is an adult individual whose last known address is 116 Plains Street, Rutland, Vermont 05701.

3. That the Defendnat, Donato Transportation, Inc, is believed to be a New Hampshire corporation, with its principal place of business at 307 Mason Road, Milford, New Hampshire 03055.

COUNT I - NEGLIGENCE

Plaintiff, Barnets, Inc. v. Raymond P. Campeau

4. That on or about May 18, 2005 at approximately 9:30 o'clock a.m., Steven McRill was the operator of a 2004 Freightliner tractor-trailer truck which was involved in the accident described herein. That said tractor-trailer truck was bearing Ohio registration number PUX4863.

5. That the vehicle Mr. McRill was operating is owned by the Plaintiff, Barnets Incorporated.

6. That on the aforesaid date at the aforesaid time, Mr. McRill's employer was Barnets Incorporated and that Mr. McRill was operating said vehicle on said date and at said time within the course and scope of his employment.

7. On the aforesaid date at the aforesaid time, Defendant, Raymond Campeau, was the operator of a 1997 Aeormax tractor-trailer truck which was involved in the accident described herein. That said vehicle was bearing Vermont registration number 3290AR.

8. On the aforesaid date at the aforesaid time, Mr. McRill was traveling west on Interstate 80.

9. That due to road construction, on said date at said time the westbound traffic was routed via the left eastbound lane of travel of Interstate 80.

10. That a concrete barrier separated the eastbound traffic (traveling in the right eastbound lane of Interstate 80) and the westbound traffic (traveling in the left eastbound lane of Interstate 80).

11. That on the aforesaid date at the aforesaid time, Defendant, Raymond Campeau, was traveling east on Interstate 80 and was therefore in the right eastbound lane of the Interstate.

12. That on the aforesaid date at the aforesaid time, the vehicles described herein were located on Interstate 80 just east of exit 120 on ramp. Mr. McGrill and Defendant were at or near this same location of the Interstate.

13. That at the time of the accident described herein, Mr. McGrill was lawfully traveling on Interstate 80 in the appropriate lane as designated for westerly travel.

14. That on the aforesaid date at the aforesaid time, there were no adverse weather conditions, the roadway was dry and level.

15. That on the aforesaid date at the aforesaid time, Defendant, Raymond Campeau, caused and allowed his tractor-trailer to impact the concrete barrier separating the two lanes of travel.

16. That once he had impacted the concrete barrier, Defendant, Raymond Campeau, continued traveling against the barrier and was unable to break free from said concrete barrier.

17. That the impact described in paragraph 15 by Defendant caused the concrete barrier to be displaced and caused large pieces of the concrete to be thrown into the left lane of travel which was the westbound lane of travel on said date and at said time.

18. That at the point and time when Defendant, Raymond Campeau, impacted the concrete barrier as described in paragraph 15, Mr. McRill was just approaching the Defendant's location of impact.

19. That the large pieces of concrete thrown into the left lane of travel as described in paragraph 17 were thrown directly in Mr. McRill's lane and course of travel.

20. That Mr. McRill attempted to avoid impacting the large piece of concrete as described in paragraph 19, but was unable to do so and did impact the large piece of concrete at and along the front center of the truck.

21. That the impact as described in paragraph 20 by Mr. McRill's tractor-trailer truck caused the truck to swerve on the roadway until it impacted the guide rail on the north side of the road way and thereafter swerved off the guide rail to the center of the roadway.

22. That the defendant was careless when he caused and allowed his tractor-trailer truck to impact the concrete barrier dividing the lanes of traffic on the Interstate.

23. That the accident was directly and proximately caused by the negligence and carelessness of defendant, which consisted, among other things, of the following:

- (a) operating a motor vehicle in a careless, reckless and negligent manner;
- (b) operating a motor vehicle without assuring a clear distance from objects on the roadway;
- (c) operating a motor vehicle with no warning of approach or intended direction;
- (d) operating a motor vehicle without due regard to the rights, safety, and position of objects and the vehicles traveling in the westerly lane of travel;
- (e) moving his vehicle in the lane for traffic in a manner whereby it was not safe to do so;
- (f) failing to keep his vehicle nearly as practicable and entirely within the designated lane for traffic;
- (g) failing to drive on the right side of the roadway;
- (h) failing to keep a proper lookout;
- (i) failing to use due care under the circumstances;

(j) failing to have his motor vehicle under proper control so as to prevent his vehicle from striking objects and barriers;

(k) failing to apply the brakes of the vehicle he operated in sufficient time to avoid striking an object;

(l) operating a motor vehicle in disregard of the rules of the road and the laws of the Commonwealth of Pennsylvania, including but not limited to Motor Vehicle Code 75 Pa.C.S. § 3309 and 3301.

24. At all times material hereto, Mr. McRill acted with due care and was not contributory negligent.

25. That as a result of the accident described herein, Mr. McRill suffered injuries which resulted in the need for medical treatment, an inability for him to perform his job and it being required that he be off work as prescribed by his treating physician.

26. That as the employer of Mr. McRill, Plaintiff, Barnets Incorporated, was obligated to pay for medical expenses as a result of injuries incurred by Mr. McRill during the course of his employment and was obligated to pay him compensation for loss of wages due to the same injuries.

27. That Plaintiff did pay Mr. McRill's medical expenses as is its obligation.

28. That Plaintiff did pay Mr. McRill's lost wages as is its obligation.

29. As a result of Defendant's negligence, Plaintiff incurred the following losses:

(a) the Freightliner tractor of the tractor-trailer truck operated by Mr. McRill and owned by Plaintiff was damaged beyond repair, which had a reasonable value of \$94,380.00;

(b) Plaintiff lost the use of the tractor-trailer truck as described in paragraph 4 and 29(a) above for its business purposes and that said loss is in the amount of \$63,380.75;

(c) Plaintiff was required to and did make payment of Mr. McRill's medical bills as a result of the accident described herein in the amount of \$4,716.00; and

(d) Plaintiff was required to and did make payment of Mr. McRill's lost wages as a result of the accident described herein in the amount of \$29,091.50.

30. Plaintiff has made a demand for compensation of the aforesaid damages and losses, which defendant has failed and refused and still refuses to pay.

WHEREFORE, Plaintiff, Barnets, Inc., demands judgment against defendant for \$191,568.25, plus costs and interests,

along with such other and further relief as the Court deems just and proper. Jury trial demanded.

COUNT II

Plaintiff, Barnets, Inc. v. Donato Transportation, Inc.

31. That Plaintiff incorporates Paragraphs 1 through 30 of its Complaint by reference as if set forth in full herein.

32. That Defendant, Raymond P. Campeau, was at all times set forth in this Complaint an employee of the Defendant, Donato Transportation, Inc., acting within the scope of his employment for said Defendant.

WHEREFORE, Plaintiff demands judgment in its favor and against Defendant, Donato Transportation, Inc., for \$162,476.75, plus costs and interests, along with such other and further relief as the Court deems just and proper. Jury trial demanded.

NADDEO & LEWIS, LLC

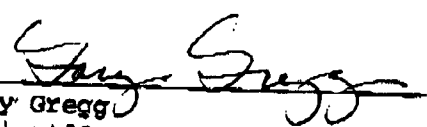
By James A. Naddeo
James A. Naddeo, Esquire
Attorney for Plaintiff

VERIFICATION

I, Gary Gregg, verify that I am the President of Barnets, Inc. and that I am authorized to execute this verification and further that the statements made in the foregoing Complaint are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Barnets, Inc.

By:


Gary Gregg
Plaintiff

Dated: 6/28/07

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

BARNETS, INC.,

Plaintiff

v.

RAYMOND P. CAMPEAU, an
Individual, and
DONATO TRANSPORTATION, INC.,
A corporation,

Defendants

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No. 07-764-CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Complaint was served on the following and in the
following manner on the 2nd day of July, 2007:

First-Class Mail, Postage Prepaid

Gary N. Stewart, Esquire
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street, 9th Floor
Harrisburg, PA 17101

James A. Naddeo

James A. Naddeo
Attorney for Plaintiff

RAWLE & HENDERSON LLP

By: Gary N. Stewart

Identification No.: 67353

By: Andrew D. Zeiter

Identification No.: 93601

Payne Shoemaker Building, 9th Flr.

240 North Third Street

Harrisburg, Pennsylvania 17101

(717) 234-7700

FILED *NO cc*
m1110101
JUL 19 2007 *ER*

William A. Shaw
Prothonotary/Clerk of Courts

Attorneys for Defendant,
Donato Transportation, Inc.

BARNET'S, INC. :

Plaintiff :

v. :

RAYMOND P. CAMPEAU, an Individual :

and :

DONATO TRANSPORTATION, INC., :

a corporation :

Defendants :

: COURT OF COMMON PLEAS

: CLEARFIELD COUNTY, PA

:

: CIVIL ACTION NO: 2007-00764-CD

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NOTICE OF REMOVAL
TO FEDERAL COURT PURSUANT TO 28 U.S.C. § 1446(d)

TO THE CLERK OF THE COURT:

Pursuant to 28 U.S.C. §1446(d), defendant, Donato Transportation, Inc., files herewith a copy of the Notice of Removal which was filed in the United States District Court for the Western District of Pennsylvania on July 17, 2007 and assigned Case No. 07-CV-182.

RAWLE & HENDERSON LLP

By: 

John M. Giunta, Esquire

Pa.I.D. 44754

Attorneys for Defendant,
Donato Transportation, Inc.

Date: July 17, 2007

John Giunta

From: ecf_intake_pawd@pawd.uscourts.gov
Sent: Tuesday, July 17, 2007 1:21 PM
To: pawd_ecf@pawd.uscourts.gov
Subject: Activity in Case 3:07-cv-00182-KRG BARNET'S INC. v. CAMPEAU et al Notice of Removal

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.
*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 7/17/2007 at 1:21 PM EDT and filed on 7/17/2007

Case Name: BARNET'S INC. v. CAMPEAU et al
Case Number: 3:07-cv-182
Filer: DONATO TRANSPORTATION, INC.
Document Number: 1

Docket Text:

NOTICE OF REMOVAL from the Court of Common Pleas of Clearfield County, case number 07-764-CD. (Filing fee \$ 350; receipt number 07000398), filed by DONATO TRANSPORTATION, INC. (Attachments: # (1) Exhibit - Original Complaint # (2) Civil Cover Sheet # (3) Receipt)(cen)

3:07-cv-182 Notice has been electronically mailed to:

James A. Naddeo naddeolaw@atlanticbbn.net, lclewis@penn.com
John M. Giunta jgiunta@rawle.com

3:07-cv-182 Filer will deliver notice by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=7/17/2007] [FileNumber=1001318-0]
] [8b792027396c8ed9fd7bdfcbfedec68221243fea3eb6b8ed773524c6e95df7ed383
e402829f0b2edd1c4cb38c082b80d6c965f8825daf3f6f4e8082e9f8c603f]]

Document description:Exhibit - Original Complaint

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=7/17/2007] [FileNumber=1001318-1]

7/17/2007

] [8cf43de5c1f46340ccfe258c79c9be48f901b56d799353e171ded67c92bfecbad6e
d1fed6777ce195b0753f207bf609553a5f78a3fa3b362a5191eb4a05c513e]]

Document description:Civil Cover Sheet

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=7/17/2007] [FileNumber=1001318-2
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Document description:Receipt

Original filename:n/a

Electronic document Stamp:

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16b4b18f2220842c814210046ef0d808a5cfb044ea9889629a5391922d2cb]]

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I.(a) PLAINTIFFS

Barnet's Inc.

DEFENDANTS

Raymond Campeau and Donato Transportation, Inc.,

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Independence, KY
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

James A. Naddeo, Esquire
Dissinger & Dissinger
28 North 32nd Street
Camp Hill, PA 17011
717-975-2840

ATTORNEYS (IF KNOWN) John M. Giunta, Esquire
Rawle & Henderson, LLP
Henry W. Oliver Bldg, Ste. 1000
535 Smithfield St
Pittsburgh, PA 15222
(412) 444-0300

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1. U.S. Government Plaintiff
☐ 2. U.S. Government Defendant
☐ 3. Federal Question (U.S. Government Not a Party)
☒ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

For diversity cases only

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated or Principal Place of Business in Another State	<input checked="" type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/ PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Exc. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employer's Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury--Med Malpractice <input type="checkbox"/> 365 Personal Injury--Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21, USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> Occupational Safety/Health LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 167 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395FF) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DRWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RIS (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 610 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 630 General <input type="checkbox"/> 635 Death Penalty <input type="checkbox"/> 640 Mandamus & Other <input type="checkbox"/> 650 Civil Rights			

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. 1332 & 1446(d) - pending removal

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE: July 17, 2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT \$ APPLYING IFP JUDGE MAG. JUDGE

CONFIDENTIAL - SECURITY INFORMATION
DO NOT DISSEMINATE OUTSIDE
OF THE FBI
EXCLUDED FROM AUTOMATIC DOWNGRADING
AND DECLASSIFICATION

4-87200433 - CN
July 17, 2007

Year	Class	Age	Amount
1940	1st	10	100.00
1941	2nd	11	100.00
1942	3rd	12	100.00
1943	4th	13	100.00
1944	5th	14	100.00
1945	6th	15	100.00
1946	7th	16	100.00
1947	8th	17	100.00
1948	9th	18	100.00
1949	10th	19	100.00
1950	11th	20	100.00
1951	12th	21	100.00
1952	13th	22	100.00
1953	14th	23	100.00
1954	15th	24	100.00
1955	16th	25	100.00
1956	17th	26	100.00
1957	18th	27	100.00
1958	19th	28	100.00
1959	20th	29	100.00
1960	21st	30	100.00
1961	22nd	31	100.00
1962	23rd	32	100.00
1963	24th	33	100.00
1964	25th	34	100.00
1965	26th	35	100.00
1966	27th	36	100.00
1967	28th	37	100.00
1968	29th	38	100.00
1969	30th	39	100.00
1970	31st	40	100.00
1971	32nd	41	100.00
1972	33rd	42	100.00
1973	34th	43	100.00
1974	35th	44	100.00
1975	36th	45	100.00
1976	37th	46	100.00
1977	38th	47	100.00
1978	39th	48	100.00
1979	40th	49	100.00
1980	41st	50	100.00
1981	42nd	51	100.00
1982	43rd	52	100.00
1983	44th	53	100.00
1984	45th	54	100.00
1985	46th	55	100.00
1986	47th	56	100.00
1987	48th	57	100.00
1988	49th	58	100.00
1989	50th	59	100.00
1990	51st	60	100.00
1991	52nd	61	100.00
1992	53rd	62	100.00
1993	54th	63	100.00
1994	55th	64	100.00
1995	56th	65	100.00
1996	57th	66	100.00
1997	58th	67	100.00
1998	59th	68	100.00
1999	60th	69	100.00
2000	61st	70	100.00
2001	62nd	71	100.00
2002	63rd	72	100.00
2003	64th	73	100.00
2004	65th	74	100.00
2005	66th	75	100.00
2006	67th	76	100.00
2007	68th	77	100.00
2008	69th	78	100.00
2009	70th	79	100.00
2010	71st	80	100.00
2011	72nd	81	100.00
2012	73rd	82	100.00
2013	74th	83	100.00
2014	75th	84	100.00
2015	76th	85	100.00
2016	77th	86	100.00
2017	78th	87	100.00
2018	79th	88	100.00
2019	80th	89	100.00
2020	81st	90	100.00
2021	82nd	91	100.00
2022	83rd	92	100.00
2023	84th	93	100.00
2024	85th	94	100.00
2025	86th	95	100.00
2026	87th	96	100.00
2027	88th	97	100.00
2			

1075...	354.00
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1990年 1月 31日 12月 31日
 1991年 1月 31日 12月 31日
 1992年 1月 31日 12月 31日
 1993年 1月 31日 12月 31日

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BARNET'S, INC.	: CIVIL ACTION NO:
	:
Plaintiff	:
	:
v.	:
	: JURY TRIAL DEMANDED
RAYMOND P. CAMPEAU,	:
an Individual	:
and	:
DONATO	: NOTICE OF REMOVAL FILED
TRANSPORTATION, INC.,	:
a corporation	:
	: ELECTRONICALLY FILED
Defendants	:

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA:**

Defendant, Donato Transportation Inc., by and through its attorneys, Rawle
& Henderson LLP, respectfully aver as follows:

1. Plaintiff commenced a civil action against defendants in the Court of
Common Pleas of Clearfield County, Pennsylvania, with the filing of a Complaint

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BARNET'S, INC.

Plaintiff

v.

**RAYMOND P. CAMPEAU,
an Individual
and
DONATO
TRANSPORTATION, INC.,
a corporation**

Defendants

: CIVIL ACTION NO:

:

:

:

:

: JURY TRIAL DEMANDED

:

:

:

: NOTICE OF REMOVAL FILED

:

:

: ELECTRONICALLY FILED

:

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA:**

Defendant, Donato Transportation Inc., by and through its attorneys, Rawle
& Henderson LLP, respectfully aver as follows:

1. Plaintiff commenced a civil action against defendants in the Court of
Common Pleas of Clearfield County, Pennsylvania, with the filing of a Complaint

on or about July 2, 2007, as a result of a May 18, 2005 motor vehicle accident. *See* Exhibit "A" – Plaintiffs' Complaint.

2. Upon information and belief, the defendant, Donato Transportation, Inc. was served on or about July 2, 2007 with Plaintiffs' Complaint.

3. In Plaintiff's Complaint, Barnet's Inc. alleges that it sustained:

- 29. (a). The Freightliner tractor of the tractor-trailer truck operated by Mr. McRill and owned by plaintiff was damaged beyond repair, which had a reasonable value of \$94,380.00;
- (b). Plaintiff lost the use of the tractor-trailer truck as described in paragraph 4 and 29(a) above for its business purposes and that said loss is in the amount of \$63,380.75;
- (c) Plaintiff was required to and did make payment of Mr. McRill's medical bills as a result of the accident described herein in the amount of \$4,716.00; and
- (d) Plaintiff was required to and did make payment of Mr. McRill's lost wages as a result of the accident described herein in the amount of \$29,091.50.

See Plaintiff's Complaint ¶¶ 29(a), (b), (c) and (d) attached hereto as Exhibit "A."

4. As a result, plaintiff is claiming compensatory damages against defendant, Raymond Campeau, in the amount of \$191,568.25. Plaintiff also claims compensatory damages against defendant Donato Transportation, Inc. in the amount of \$162,476.75.

5. Based upon a fair reading of the Complaint, plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, may be at stake. *See* Wherefore clauses contained in Plaintiff's Complaint attached hereto as Exhibit "A."

6. At all times material hereto, defendant, Donato Transportation, Inc., is and was a New Hampshire corporation with its principal place of business located in New Hampshire.

7. At all times material hereto, defendant, Raymond Campeau, was a citizen of the State of Vermont and upon information and belief resides at 1348 Carver St., Brandon, Vermont 05733-9803. *See* Plaintiff's Complaint attached hereto as Exhibit "A."

8. Undersigned counsel will enter an appearance on behalf of defendant, Raymond Campeau, when he is properly served by the plaintiff.

9. Plaintiff Barnet's Inc. is a business corporation with its principal place of business located in the state of Ohio and is therefore a citizen of the state of Ohio. *See* Plaintiff's Complaint attached hereto as Exhibit "A."

10. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiff and defendants since:

- (a) Plaintiff is a citizen and resident of the state of Ohio and
- (b) Defendants are not citizens of the Commonwealth of Pennsylvania.

11. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of

this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441, as amended, and 28 U.S.C. §1446.

WHEREFORE, defendant, Donato Transportation, Inc. prays that the above-captioned action now pending in the Court of Common Pleas of Clearfield County, Pennsylvania, be removed to this Honorable Court.

RAWLE & HENDERSON LLP

By: s/John M. Giunta
John M. Giunta, Esquire
Identification No.: 44754
Attorney for Defendants,
Donato Transportation, Inc.

Henry W. Oliver Building
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222
jgiunta@rawle.com
412-261-5700
Our File No.: 250313

Dated: July 17, 2007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within-captioned Notice of Removal was filed electronically with the Clerk of the District Court using its CM/ECF system, and sent via U.S. Mail, postage prepaid this 17th day of July, 2007 to the following:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
Attorney for Plaintiff

RAWLE & HENDERSON LLP

By: s/John M. Giunta
John M. Giunta, Esquire
Attorney for Defendant,
Donato Transportation, Inc.

250313

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

BARNETS, INC.,
Plaintiff

v.

RAYMOND P. CAMPEAU, an
Individual, and
DONATO TRANSPORTATION, INC.,
A corporation,
Defendants

No. 07-764-CD

Type of Pleading:

COMPLAINT

Filed on behalf of:
Plaintiff

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

NADDEO & LEWIS, LLC
207 East Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: July 2, 2007

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

JUL 02 2007

Attest.

William A. Khan
Prothonotary/
Clerk of Courts

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

BARNETS, INC.,	*	
Plaintiff	*	
	*	
v.	*	No. 07-764-CD
	*	
RAYMOND P. CAMPEAU, an	*	
Individual, and	*	
DONATO TRANSPORTATION, INC.,	*	
A corporation,	*	
Defendants,	*	

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 defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator
Clearfield County Courthouse
Market and Second Streets
Clearfield, PA 16830

(814) 765-2641, ext. 5982

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

BARNETS, INC.,
Plaintiff

v.

RAYMOND P. CAMPEAU, an
Individual, and
DONATO TRANSPORTATION, INC.,
A corporation,
Defendants

No. 07-764-CD

COMPLAINT

NOW COMES the Plaintiff, Barnets Incorporated, and by
its attorney, James A. Naddeo, Esquire, sets forth the
following:

1. That the Plaintiff is Barnets Incorporated, an Ohio
corporation, having its principal place of business at 1619
Barnets Mill Road, Camden, Ohio 45311.

2. That Defendant, Raymond P. Campeau, is an adult
individual whose last known address is 116 Plains Street,
Rutland, Vermont 05701.

3. That the Defendant, Donato Transportation, Inc, is
believed to be a New Hampshire corporation, with its principal
place of business at 307 Mason Road, Milford, New Hampshire
03055.

COUNT I - NEGLIGENCE

Plaintiff, Barnets, Inc. v. Raymond P. Campeau

4. That on or about May 18, 2005 at approximately 9:30 o'clock a.m., Steven McRill was the operator of a 2004 Freightliner tractor-trailer truck which was involved in the accident described herein. That said tractor-trailer truck was bearing Ohio registration number PUX4863.

5. That the vehicle Mr. McRill was operating is owned by the Plaintiff, Barnets Incorporated.

6. That on the aforesaid date at the aforesaid time, Mr. McRill's employer was Barnets Incorporated and that Mr. McRill was operating said vehicle on said date and at said time within the course and scope of his employment.

7. On the aforesaid date at the aforesaid time, Defendant, Raymond Campeau, was the operator of a 1997 Aeormax tractor-trailer truck which was involved in the accident described herein. That said vehicle was bearing Vermont registration number 329OAR.

8. On the aforesaid date at the aforesaid time, Mr. McRill was traveling west on Interstate 80.

9. That due to road construction, on said date at said time the westbound traffic was routed via the left eastbound lane of travel of Interstate 80.

10. That a concrete barrier separated the eastbound traffic (traveling in the right eastbound lane of Interstate 80) and the westbound traffic (traveling in the left eastbound lane of Interstate 80).

11. That on the aforesaid date at the aforesaid time, Defendant, Raymond Campeau, was traveling east on Interstate 80 and was therefore in the right eastbound lane of the Interstate.

12. That on the aforesaid date at the aforesaid time, the vehicles described herein were located on Interstate 80 just east of exit 120 on ramp. Mr. McGrill and Defendant were at or near this same location of the Interstate.

13. That at the time of the accident described herein, Mr. McGrill was lawfully traveling on Interstate 80 in the appropriate lane as designated for westerly travel.

14. That on the aforesaid date at the aforesaid time, there were no adverse weather conditions, the roadway was dry and level.

15. That on the aforesaid date at the aforesaid time, Defendant, Raymond Campeau, caused and allowed his tractor-trailer to impact the concrete barrier separating the two lanes of travel.

16. That once he had impacted the concrete barrier, Defendant, Raymond Campeau, continued traveling against the barrier and was unable to break free from said concrete barrier.

17. That the impact described in paragraph 15 by Defendant caused the concrete barrier to be displaced and caused large pieces of the concrete to be thrown into the left lane of travel which was the westbound lane of travel on said date and at said time.

18. That at the point and time when Defendant, Raymond Campeau, impacted the concrete barrier as described in paragraph 15, Mr. McRill was just approaching the Defendant's location of impact.

19. That the large pieces of concrete thrown into the left lane of travel as described in paragraph 17 were thrown directly in Mr. McRill's lane and course of travel.

20. That Mr. McRill attempted to avoid impacting the large piece of concrete as described in paragraph 19, but was unable to do so and did impact the large piece of concrete at and along the front center of the truck.

21. That the impact as described in paragraph 20 by Mr. McRill's tractor-trailer truck caused the truck to swerve on the roadway until it impacted the guide rail on the north side of the road way and thereafter swerved off the guide rail to the center of the roadway.

22. That the defendant was careless when he caused and allowed his tractor-trailer truck to impact the concrete barrier dividing the lanes of traffic on the Interstate.

23. That the accident was directly and proximately caused by the negligence and carelessness of defendant, which consisted, among other things, of the following:

- (a) operating a motor vehicle in a careless, reckless and negligent manner;
- (b) operating a motor vehicle without assuring a clear distance from objects on the roadway;
- (c) operating a motor vehicle with no warning of approach or intended direction;
- (d) operating a motor vehicle without due regard to the rights, safety, and position of objects and the vehicles traveling in the westerly lane of travel;
- (e) moving his vehicle in the lane for traffic in a manner whereby it was not safe to do so;
- (f) failing to keep his vehicle nearly as practicable and entirely within the designated lane for traffic;
- (g) failing to drive on the right side of the roadway;
- (h) failing to keep a proper lookout;
- (i) failing to use due care under the circumstances;

(j) failing to have his motor vehicle under proper control so as to prevent his vehicle from striking objects and barriers;

(k) failing to apply the brakes of the vehicle he operated in sufficient time to avoid striking an object;

(l) operating a motor vehicle in disregard of the rules of the road and the laws of the Commonwealth of Pennsylvania, including but not limited to Motor Vehicle Code 75 Pa.C.S. § 3309 and 3301.

24. At all times material hereto, Mr. McRill acted with due care and was not contributory negligent.

25. That as a result of the accident described herein, Mr. McRill suffered injuries which resulted in the need for medical treatment, an inability for him to perform his job and it being required that he be off work as prescribed by his treating physician.

26. That as the employer of Mr. McRill, Plaintiff, Barnets Incorporated, was obligated to pay for medical expenses as a result of injuries incurred by Mr. McRill during the course of his employment and was obligated to pay him compensation for loss of wages due to the same injuries.

27. That Plaintiff did pay Mr. McRill's medical expenses as is its obligation.

28. That Plaintiff did pay Mr. McRill's lost wages as is its obligation.

29. As a result of Defendant's negligence, Plaintiff incurred the following losses:

(a) the Freightliner tractor of the tractor-trailer truck operated by Mr. McRill and owned by Plaintiff was damaged beyond repair, which had a reasonable value of \$94,380.00;

(b) Plaintiff lost the use of the tractor-trailer truck as described in paragraph 4 and 29(a) above for its business purposes and that said loss is in the amount of \$63,380.75;

(c) Plaintiff was required to and did make payment of Mr. McRill's medical bills as a result of the accident described herein in the amount of \$4,716.00; and

(d) Plaintiff was required to and did make payment of Mr. McRill's lost wages as a result of the accident described herein in the amount of \$29,091.50.

30. Plaintiff has made a demand for compensation of the aforesaid damages and losses, which defendant has failed and refused and still refuses to pay.

WHEREFORE, Plaintiff, Barnets, Inc., demands judgment against defendant for \$191,568.25, plus costs and interests,

along with such other and further relief as the Court deems just and proper. Jury trial demanded.

COUNT II

Plaintiff, Barnets, Inc. v. Donato Transportation, Inc.

31. That Plaintiff incorporates Paragraphs 1 through 30 of its Complaint by reference as if set forth in full herein.

32. That Defendant, Raymond P. Campeau, was at all times set forth in this Complaint an employee of the Defendant, Donato Transportation, Inc., acting within the scope of his employment for said Defendant.

WHEREFORE, Plaintiff demands judgment in its favor and against Defendant, Donato Transportation, Inc., for \$162,476.75, plus costs and interests, along with such other and further relief as the Court deems just and proper. Jury trial demanded.

NADDEO & LEWIS, LLC

By James A. Naddeo
James A. Naddeo, Esquire
Attorney for Plaintiff

05/28/2007 14:02 9374521219
JUN-28-2007 THU 01:18 PM LAW OFFICES

BARNETS INC
FAX NO. 814 /65 8142

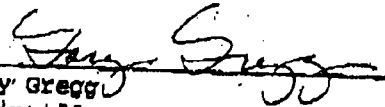
PAGE 04
P. 02

VERIFICATION

I, Gary Gregg, verify that I am the President of Barnets, Inc. and that I am authorized to execute this verification and further that the statements made in the foregoing Complaint are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Barnets, Inc.

By:


Gary Gregg
Plaintiff

Dated: 6/28/07

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

BARNETS, INC.,
Plaintiff

v.

RAYMOND P. CAMPEAU, an
Individual, and
DONATO TRANSPORTATION, INC.,
A corporation,
Defendants

No. 07-764-CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a
certified copy of Complaint was served on the following and in the
following manner on the 2nd day of July, 2007:

First-Class Mail, Postage Prepaid

Gary N. Stewart, Esquire
Rawle & Henderson, LLP
Payne Shoemaker Building
240 N. Third Street, 9th Floor
Harrisburg, PA 17101

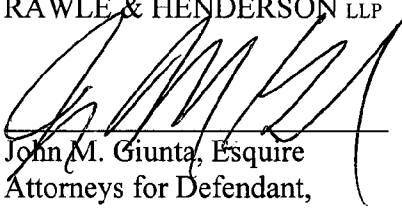
James A. Naddeo
James A. Naddeo
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on today's date, a true and correct copy of the **NOTICE OF REMOVAL TO FEDERAL COURT PURSUANT TO 28 U.S.C. § 1446(d)** was served by first-class mail, postage prepaid, upon all attorneys of record, addressed as follows:

James A. Naddeo, Esquire
P.O. Box 552
Clearfield, PA 16830
Attorney for Plaintiff

RAWLE & HENDERSON LLP



John M. Giunta, Esquire
Attorneys for Defendant,
Donato Transportation, Inc.

Dated: July 17, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102801
NO: 07-764-CD
SERVICE # 1 OF 2
SUMMONS

PLAINTIFF: BARNET'S, INC.

vs.

DEFENDANT: RAYMOND P. CAMPEAU, An Indiv. and DONATO TRANSPORTATION, INC. A Corp.

SHERIFF RETURN

NOW, May 17, 2007 MAILED THE WITHIN SUMMONS TO RAYMOND P. CAMPEAU, An Ind. DEFENDANT AT 116 PLAINS STREET, RUTLAND, VT., 05701 BY CERTIFIED MAIL # 7006 0810 0001 4507 2582. THE MAILING IS HERETO ATTACHED MARKED FORWARDING TIME EXPIRED.

FILED
OCT 08 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102801
NO: 07-764-CD
SERVICE # 2 OF 2
SUMMONS

PLAINTIFF: BARNET'S, INC.

vs.

DEFENDANT: RAYMOND P. CAMPEAU, An Indiv. and DONATO TRANSPORTATION, INC. A Corp.

SHERIFF RETURN

NOW, May 19, 2007 SERVED THE WITHIN SUMMONS ON DONATO TRANSPORTATION, INC. A Corp. DEFENDANT AT 307 MADSON ROAD, MILFORD, NH, 03055 BY CERTIFIED MAIL # 7006 0810 0001 4507 2568. THE RETURN RECEIPT IS HERETO ATTACHED ENDORSED BY UNREADABLE SIGNATURE.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102801
NO: 07-764-CD
SERVICES 2
SUMMONS

PLAINTIFF: BARNET'S, INC.

vs.

DEFENDANT: RAYMOND P. CAMPEAU, An Indiv. and DONATO TRANSPORTATION, INC. A Corp.

SHERIFF RETURN

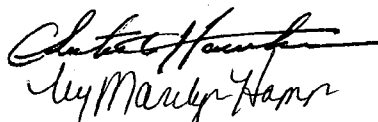
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NADDEO	399	20.00
SHERIFF HAWKINS	NADDEO	399	34.24

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff



[Track & Confirm](#)

[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7006 0810 0001 4507 2568

Status: **Delivered**

Your item was delivered at 1:09 PM on May 19, 2007 in MILFORD, NH 03055.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



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7006 0810 0001 4507 2582

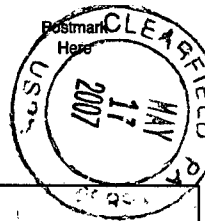
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21



Sent To

RAYMOND P. CAMPEAU

Street, Apt. No.,
or PO Box No.

116 Plains Street

City, State, ZIP+4

Rutland, VT 05701

Certified Mail Provides:

PS Form 3800, June 2002 (Reverse)

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

102801

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

SUMMONS

Barnet's, Inc.

Vs.

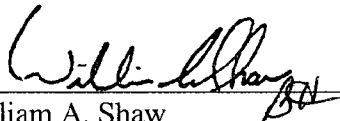
NO.: 2007-00764-CD

**Raymond P. Campeau, an Individual,
and Donato Transportation, Inc., a corporation**

TO: RAYMOND P. CAMPEAU
DONATO TRANSPORTATION, INC.

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: 05/15/2007



William A. Shaw
Prothonotary

Issuing Attorney:
James A. Naddeo
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601



CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

16830



7006 0810 0001 4507 2582

PLEASE STICKER ANY TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



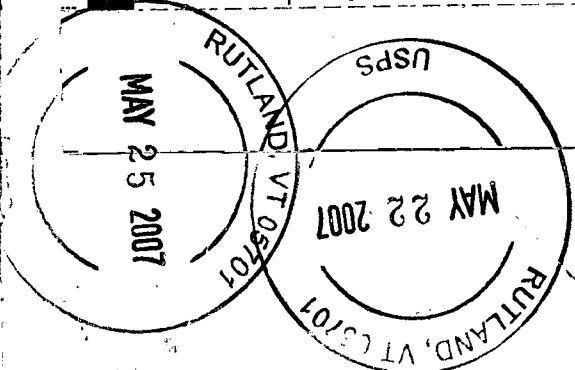
Hasler

016H16505405
\$05.21
05/17/2007
Mailed From 16830
US POSTAGE

RAYMOND P. CAMPEAU
116 Plains Street



FORWARDING
AND NOTICE
RETURN DATE
FWD



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

RAYMOND P. CAMPEAU
116 Plains Street
Rutland, VT 05701

2. Article Number

7006 0810 0001 4507 2582

Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature		<input type="checkbox"/> Agent
<input checked="" type="checkbox"/>		<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes		<input type="checkbox"/> No
If YES, enter delivery address below:		

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.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

