

07-1375-CD
Atlee Peters et al vs Waroquier Coal Co

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

ATLEE H. PETERS t/d/b/a ATLEE'S
HEAVY EQUIPMENT REBUILDING

Plaintiff

VS.

WAROQUIER COAL COMPANY,
WAROQUIER COAL, INC. and
TAMBURLIN BROTHERS COAL
CO., INC.

Defendants

: NO. 2007- 1375 -CD

: Type of Case: CIVIL

: Type of Pleading: COMPLAINT

FILED

AUG 27 2007

01130/wn

William A. Shaw

Prothonotary/Clerk of Courts

4 CENTS - TO ATTY

: Filed on Behalf of: Plaintiff

: Counsel of Record for this
Party:

: Ann B. Wood, Esquire

: Supreme Court No. 23364

: Bell, Silberblatt & Wood
318 East Locust Street
P.O. Box 670
Clearfield, PA 16830

: (814) 765-5537

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

ATLEE H. PETERS t/d/b/a ATLEE'S	:	
HEAVY EQUIPMENT REBUILDING	:	No. 2007-
Plaintiff	:	-CD
	:	
vs.	:	
	:	
WAROQUIER COAL COMPANY,	:	
WAROQUIER COAL, INC. and	:	
TAMBURLIN BROTHERS COAL	:	
CO., INC.	:	
Defendants	:	

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 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 FIND 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, Pennsylvania 16830
Telephone (814) 765-2641 Ex. 5988

BELL, SILBERBLATT & WOOD
By:

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiff

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

ATLEE H. PETERS t/d/b/a ATLEE'S	:	
HEAVY EQUIPMENT REBUILDING	:	No. 2007-
Plaintiff	:	-CD
vs.	:	JURY TRIAL DEMANDED
WAROQUIER COAL COMPANY,	:	
WAROQUIER COAL, INC. and	:	
TAMBURLIN BROTHERS COAL	:	
CO., INC.	:	
Defendants	:	

COMPLAINT

NOW COMES the Plaintiff, Atlee H. Peters t/d/b/a Atlee's Heavy Equipment Rebuilding, by his attorney, Ann B. Wood, Esquire, of Bell, Silberblatt & Wood, and sets forth this Complaint as follows:

1. The Plaintiff is Atlee H. Peters t/d/b/a Atlee's Heavy Equipment Rebuilding, a proprietorship, with business address of 11044 Curwensville-Tyrone Highway, Olanta, PA 16863.
2. The Defendant, Waroquier Coal Company, is a Pennsylvania business corporation, having a principal business office of 133 West Fifth Street, Clearfield, PA 16830, and a mailing address of P.O. Box 128, Clearfield, PA 16830.
3. The Defendant, Waroquier Coal, Inc., is a Pennsylvania business corporation, having a principal office of 133 West Fifth Avenue, Clearfield, PA 16830, and a mailing address of P.O. Box 128, Clearfield, PA 16830, hereinafter referred to as "Waroquier Inc."

4. The Defendant, Tamburlin Brothers Coal Co., Inc., is a Pennsylvania business corporation, having a place of business at 133 West Fifth Street, Clearfield, PA 16830, and a mailing address of P.O. Box 1419, Clearfield, PA 16830, hereinafter referred to as "Tamburlin" ..

5. Plaintiff is in the business of rebuilding, repairing and overhauling heavy equipment engines.

6. The Defendants are coal companies operating within the Clearfield County area who use heavy equipment in the ordinary course of their businesses.

7. The Defendants have, for a period of years, requested the Plaintiff to repair and overhaul certain equipment belonging to the Defendants.

8. The Plaintiff has maintained a master account under the name of Waroquier Coal Company under which all of the work done for the three Defendants were invoiced. A copy of the invoice of said account from January 1, 2006, to August 12, 2007, is attached as Exhibit "A".

9. Defendants Waroquier Inc. and Tamburlin have both made payments on the master account maintained by the Plaintiff.

10. The Defendants have not provided the Plaintiff with specific information upon requesting Plaintiff's repair services as to the particular company to whom the equipment belonged and/or by whom the equipment was being used at any particular time.

11. Prior to September 6, 2006, the Defendants requested the Plaintiff to repair and overhaul a 988B engine and torque which work was performed and completed by the Plaintiff.

12. Plaintiff installed parts, service and labor into rebuilding and overhauling said equipment which resulted in an Invoice #238 by the Plaintiff to the Defendants in the amount of \$31,908.79. A copy of said invoice is attached hereto as Exhibit "B".

13. To said invoice, Plaintiff has credited payment from the Defendants in the amount of \$3,121.78 leaving an outstanding balance of \$28,787.01.

14. Prior to October 4, 2006, the Defendants requested Plaintiff to repair, rebuild and overhaul a D10N engine requiring the tearing down of a 992C for the block which work was performed and completed by the Plaintiff by October 4, 2006.

15. Plaintiff installed parts, service and labor into the rebuilding and overhaul of said engine resulting in an invoice #241 by the Plaintiff to the Defendants in the amount of \$39,275.35. A copy of said invoice is attached hereto as Exhibit "C".

16. There has been no payment by any of the Defendants on the invoice #241 dated October 4, 2006.

17. Prior to February 7, 2007, the Defendants requested the Plaintiff to rebuild and overhaul a 988B engine and torque which work was performed and completed by the Plaintiff by February 7, 2007.

18. Plaintiff installed parts, service and labor into the rebuilding and overhaul of said equipment resulting in an invoice #245 by the Plaintiff to the Defendants dated February 7, 2007, in the amount of \$30,477.09. A copy of said invoice is attached hereto as Exhibit "D".

19. There has been no payment by any of the Defendants on the invoice #245 dated February 7, 2007.

20. The prices charged by the Plaintiff to the Defendants are fair and reasonable and, the Defendants have agreed to pay for the same.

21. The Defendants have refused and continue to refuse to pay the amount of the outstanding invoices.

22. The Defendants have received the equipment following the repair and overhaul by the Plaintiff and have retained full use of said equipment.

23. The outstanding balance on the Defendants' account due Plaintiff is \$98,539.45.

WHEREFORE, Plaintiff requests a judgment in his favor against the Defendants with interest and court costs and such other relief as the Court may deem appropriate.

BELL, SILBERBLATT & WOOD
BY:

Ann B. Wood
Ann B. Wood, Attorney for Plaintiff

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: Aug 24, 2007

Atlee H. Peters
Atlee H. Peters t/d/b/a Atlee's Heavy
Equipment Rebuilding

Atlee's Heavy Equipment Rebuilding
11044 Curwensville Tyrone Hwy
Olanta, PA 16863

Statement

BILL TO	DATE
Waroquier Coal Co PO Box 128 Clearfield, PA 16830	8/12/2007

DATE	TRANSACTION	AMOUNT DUE	AMOUNT ENC.
		AMOUNT	BALANCE
1/1/2006	Opening Balance	44,003.84	44,003.84
1/3/2006	INVC 217	36,007.66	80,011.50
1/3/2006	INVC 216	50,763.19	130,774.69
1/6/2006	PMT 11825	-250.00	130,524.69
1/6/2006	PMT 11823	-31,149.69	99,375.00
1/11/2006	INVC 218	2,000.00	101,375.00
1/30/2006	PMT 7987	-2,000.00	99,375.00
1/30/2006	PMT 12658	-4,200.00	95,175.00
2/2/2006	INVC 219	22,623.04	117,798.04
2/6/2006	INVC 221	1,200.00	118,998.04
2/6/2006	INVC 220	1,200.00	120,198.04
2/10/2006	PMT 7985	-50,763.19	69,434.85
2/15/2006	INVC 222	38,156.28	107,591.13
2/15/2006	INVC 223	5,537.56	113,128.69
3/8/2006	INVC 224	3,981.56	117,110.25
3/17/2006	PMT 7986	-36,007.66	81,102.59
3/24/2006	INVC 225	57,648.15	138,750.74
3/29/2006	INVC 227	6,551.54	145,302.28
3/29/2006	INVC 228	44,436.87	189,739.15
3/29/2006	INVC 226	1,275.00	191,014.15
4/2/2006	INVC 229	19,500.00	210,514.15
4/24/2006	PMT 13186	-1,200.00	209,314.15
4/24/2006	PMT 13187	-38,156.28	171,157.87
4/24/2006	PMT 13188	-5,537.56	165,620.31
4/24/2006	PMT 13185	-22,623.04	142,997.27
4/25/2006	INVC 230	54,616.37	197,613.64
4/27/2006	PMT 8389	-1,200.00	196,413.64
4/27/2006	PMT 12866	-8,404.15	188,009.49
5/17/2006	INVC 231	19,500.00	207,509.49
6/7/2006	PMT 8622	-57,648.15	149,861.34
6/15/2006	INVC 233	235.00	150,096.34
6/15/2006	INVC 232	32,000.00	182,096.34
6/24/2006	INVC 234	28,086.10	210,182.44
7/3/2006	PMT 13454	-61,629.71	148,552.73
7/12/2006	INVC 235	9,500.00	158,052.73

EXHIBIT

"A"

Statement

Atlee's Heavy Equipment Rebuilding
 11044 Curwensville Tyrone Hwy
 Olanta, PA 16863

BILL TO	DATE
Waroquier Coal Co PO Box 128 Clearfield, PA 16830	8/12/2007

DATE	TRANSACTION	AMOUNT DUE	AMOUNT ENC.		
		AMOUNT	BALANCE		
8/23/2006	PMT 14054	-71,763.41	86,289.32		
9/3/2006	INVC 237	11.00	86,399.32		
9/3/2006	INVC 236	836.00	87,235.32		
9/6/2006	INVC 239	11,312.27	98,547.59		
9/6/2006	INVC 238	31,908.79	130,456.38		
9/19/2006	INVC 240	7,595.00	138,051.38		
10/4/2006	INVC 241	39,275.35	177,326.73		
10/10/2006	INVC 242	542.70	177,869.43		
11/3/2006	PMT 14307	-32,325.00	145,544.43		
11/6/2006	INVC 243	4,000.00	149,544.43		
11/16/2006	PMT	-13,083.70	136,460.73		
12/15/2006	PMT 14126	-19,500.00	116,960.73		
12/27/2006	INVC 244	1,200.00	118,180.73		
2/7/2007	INVC 245	30,477.09	148,637.82		
3/3/2007	PMT 1372	-20,812.27	127,825.55		
3/12/2007	INVC 246	350.00	128,175.55		
3/18/2007	PMT	-1,200.00	126,975.55		
4/23/2007	PMT 1371	-28,086.10	98,889.45		
6/18/2007	PMT	-350.00	98,539.45		
CURRENT	1-30 DAYS	31-60 DAYS	61-90 DAYS	OVER 90 DAYS	AMOUNT DUE
0.00	0.00	0.00	0.00	98,539.45	98,539.45

-Alice's Heavy Equipment Rebuilding

11044 Curwensville Tyrone Hwy ~ Olanta, PA 16863
Phone 814-236-4370 ~ Fax 814-236-4371 ~ Home Phone 814-236-3608

Waroquier Coal Co
P.O. Box 128
Clearfield, PA 16830

BILLING DATE: 9-6-06
ACCOUNT ID:
PREVIOUS BALANCE:

When sending payment, include the invoice number on the check. Thank you.

Terms: 30 days

\$31,908.79

\$31,908.79

EXHIBIT

rabbles.

"B"

Alice's Heavy Equipment Rebuilding

11044 Curwensville Tyrone Hwy ~ Olanta, PA 16863
Phone 814-236-4370 ~ Fax 814-236-4371 ~ Home Phone 814-236-3608

Waroquier Coal Co
P.O. Box 128
Clearfield, PA 16830

BILLING DATE: 10-4-06
ACCOUNT ID:
PREVIOUS BALANCE:

When sending payment, include the invoice number on the check. Thank you.

EXHIBIT

二〇〇

Ailee's Heavy Equipment Rebuilding

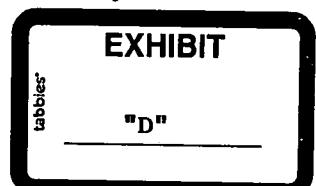
11044 Curwensville Tyrone Hwy
Olanta, PA 16863

Phone 814-236-4370
Fax 814-236-437

Waroquier Coal Co
P.O. Box 128
Clearfield, PA 16830

			BILLING DATE:	2-7-07
DATE	INVOICE NO.	DESCRIPTION	ACCOUNT ID:	
2-7-07	245	REBUILT 988B ENGINE. STD BLOCK, STD CRANK. ALL NEW CYL KITS, OIL PUMP WATER PUMP. REBUILT TURBO AND ONE HEAD. OTHER HEAD WAS REMAN FROM BECKWITH. REBUILT FUEL ASSEMBLY AND RUN. REBUILT TORQUE. ALL BEARINGS AND SEALS HUB WORN A LITTLE WHERE THE SNAP RING GOES. REBUILT TRAN PUMP. NEEDED SHAFT. SHAFT ON STEERING PUMP WORN BAD. DID NOT REPLACE. RUN ENGINE. INSTALLED TORQUE AND PUMPS.	PREVIOUS BALANCE: CHARGES	\$118,160.73 PAYMENTS
		PARTS AND LABOR		\$30,477.09
		Totals:	\$30,477.09	\$0.00
		Please pay this amount:		\$148,637.82

When sending payment, include the invoice number on the check. Thank you.



WAT IS DE FONKELGROEN STIJL?

1920-21

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¹⁰ See, for example, the discussion of the 'right to be forgotten' in the European Union's General Data Protection Regulation (GDPR), Article 17(1).

William A. Shaw
Prothonotary/Clerk of Courts

AUG 27 2007

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103132
NO: 07-1375-CD
SERVICE # 1 OF 3
COMPLAINT

PLAINTIFF: ATLEE H. PETERS t/d/b/a ATLEE'S HEAVY EQUIPMENT REBUILDING
VS.
DEFENDANT: WAROQUIER COAL COMPANY, WAROQUIER COAL, INC. and TAMBURLIN BROTHERS COAL CO.
INC.

SHERIFF RETURN

NOW, August 31, 2007 AT 10:12 AM SERVED THE WITHIN COMPLAINT ON WAROQUIER COAL COMPANY
DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY,
PENNSYLVANIA, BY HANDING TO JOSEPH WAROQUIER SR., FATHER OF OWNERS A TRUE AND ATTESTED
COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED

01/40 cm

JAN 21 2008

WMA
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103132
NO: 07-1375-CD
SERVICE # 2 OF 3
COMPLAINT

PLAINTIFF: ATLEE H. PETERS t/d/b/a ATLEE'S HEAVY EQUIPMENT REBUILDING

VS.

DEFENDANT: WAROQUIER COAL COMPANY, WAROQUIER COAL, INC. and TAMBURLIN BROTHERS COAL CO. INC.

SHERIFF RETURN

NOW, August 31, 2007 AT 10:15 AM SERVED THE WITHIN COMPLAINT ON WAROQUIER COAL, INC. DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOSEPH WAROQUIER SR, FATHER OF OWNERS A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103132
NO. 07-1375-CD
SERVICE # 3 OF 3
COMPLAINT

PLAINTIFF: ATLEE H. PETERS t/d/b/a ATLEE'S HEAVY EQUIPMENT REBUILDING

VS.

DEFENDANT: WAROQUIER COAL COMPANY, WAROQUIER COAL, INC. and TAMBURLIN BROTHERS COAL CO. INC.

SHERIFF RETURN

NOW, August 31, 2007 AT 10:14 AM SERVED THE WITHIN COMPLAINT ON TAMBURLIN BROTHERS CO. INC. DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOSEPH WAROQUIER SR., FATHER OF OWNERS A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103132
NO: 07-1375-CD
SERVICES 3
COMPLAINT

PLAINTIFF: ATLEE H. PETERS t/d/b/a ATLEE'S HEAVY EQUIPMENT REBUILDING
vs.
DEFENDANT: WAROQUIER COAL COMPANY, WAROQUIER COAL, INC. and TAMBURLIN BROTHERS COAL
CO. INC.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BELL	8965	30.00
SHERIFF HAWKINS	BELL	8965	31.41

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Chester A. Hawkins
by Manly H. Ham

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

ATLEE H. PETERS t/d/b/a ATLEE'S
HEAVY EQUIPMENT REBUILDING

Plaintiff

VS.

WAROQUIER COAL COMPANY,
WAROQUIER COAL, INC. and
TAMBURLIN BROTHERS COAL
CO., INC.

Defendants

: NO. 2007-1375 -CD
: Type of Case: CIVIL
: Type of Pleading: PRAECIPE TO *no 4/c*
: SETTLE & DISCONTINUE
: Filed on Behalf of: Plaintiff

: Counsel of Record for this
: Party:

: Ann B. Wood, Esquire

: Supreme Court No. 23364

: Bell, Silberblatt & Wood
: 318 East Locust Street
: P.O. Box 670
: Clearfield, PA 16830

: (814) 765-5537

FILED

FEB 15 2008

072:45(1)
William A. Shaw
Prothonotary/Clerk of Courts

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

ATLEE H. PETERS t/d/b/a ATLEE'S :
HEAVY EQUIPMENT REBUILDING : No. 2007-1375-CD
Plaintiff :
: vs.
: WAROQUIER COAL COMPANY,
: WAROQUIER COAL, INC. and
: TAMBURLIN BROTHERS COAL
: CO., INC.
Defendants :
:

PRAECIPE TO SETTLE AND DISCONTINUE

TO: William A. Shaw, Prothonotary,

Please mark the above captioned matter settled and discontinued
upon payment of record costs.

BELL, SILBERBLATT & WOOD
By:

Ann B. Wood
Ann B. Wood, Esquire
Attorney for Plaintiff

William A. Shaw
Prothonotary/Clerk of Courts

FEB 15 2008

FILED