

07-1740-CD

Teresa Shugerts vs Dennis Curry

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

TERESA A. SHUGERTS,

Plaintiff,

vs.

DENNIS D. CURRY, JR.,

Defendant.

No. 07 - 1740 - CD

Type of case: Civil

Type of pleading: Complaint

Filed on behalf of: Plaintiff,  
Teresa A. Shugerts

Counsel for Plaintiff:  
Frederick M. Neiswender, Esquire  
Supreme Court No. 74456

NEISWENDER & KUBISTA  
211½ North Second Street  
Clearfield, Pennsylvania 16830  
(814) 765-6500

**FILED**

07/31/2007  
OCT 26 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Atty Neiswender

Atty pd. 85.00

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

TERESA A. SHUGERTS,	:	
Plaintiff,	:	
	:	
vs.	:	No. 07 - - CD
	:	
DENNIS D. CURRY, JR.,	:	
Defendant.	:	

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint 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  
1 North Second Street  
Clearfield, Pennsylvania 16830  
(814) 765-2641

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

TERESA A. SHUGERTS,	:	
Plaintiff,	:	
	:	
vs.	:	No. 07 - - CD
	:	
DENNIS D. CURRY, JR.,	:	
Defendant.	:	

**COMPLAINT**

AND NOW, comes the Plaintiff, TERESA A. SHUGERTS, by and through her attorneys, NEISWENDER & KUBISTA, and files this Complaint against the Defendant, DENNIS D. CURRY, JR., on a cause of action upon which the following is a statement:

1. That Plaintiff, Teresa A. Shugerts, is an adult individual residing at 1102 Willow Drive, Clearfield, Clearfield County, Pennsylvania 16830.
2. That Defendant, Dennis D. Curry, Jr., is an adult individual residing at 301 Hill Street, Clearfield, Clearfield County, Pennsylvania 16830.
3. That on or about April of 2003, Plaintiff and Defendant entered into a partnership whereby they orally agreed to start a stock car racing team.
4. That per their agreement, Plaintiff and Defendant purchased a chassis, engine, trailer and various other tools and racing equipment over the next four years.
5. That in August of 2007, Defendant unilaterally decided to dissolve the partnership without prior notice to the Plaintiff.

### **COUNT I – BREACH OF CONTRACT**

6. Plaintiff restates and incorporates Paragraphs 1 through 5 above as if stated at length herein.

7. That when Defendant decided to unilaterally dissolve the partnership in August of 2007, he and Plaintiff orally agreed to divide the assets of the partnership.

8. That per the oral agreement, Plaintiff was to receive the trailer, numerous tools and racing equipment.

9. That this agreement was entered into because Plaintiff had contributed almost all of the funds used to finance the operation of the race team.

10. That Defendant was to deliver the above items to Plaintiff's residence.

11. That as of the filing of this Complaint, Defendant has not delivered the agreed upon items to Plaintiff.

12. That Defendant has begun liquidating the partnership assets.

13. That Defendant's actions are a direct breach of the oral agreement between the parties.

14. That Plaintiff is entitled to monetary damages because she upheld the oral agreement and as a result has suffered financial hardship and loss.

WHEREFORE, Plaintiff requests that your Honorable Court enter a judgment in favor of the Plaintiff and against the Defendant in an amount less than Twenty Thousand Dollars (\$20,000.00) plus interest and costs of the suit.

**COUNT II – UNJUST ENRICHMENT**

15. Plaintiff restates and incorporates Paragraphs 1 through 14 above as if stated at length herein.

16. That as a partner in the above-mentioned enterprise, Plaintiff is entitled to at least Fifty percent (50%) of the partnership assets.

17. That as stated above, Plaintiff had contributed almost all of the funds used to finance the operation of the race team.

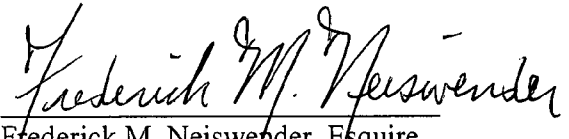
18. That through his breach of the above-mentioned oral agreement, Defendant has retained all of the partnership assets for his personal use.

19. That as stated above, Defendant has begun liquidating the partnership assets.

20. That Defendant has been unjustly enriched as a result of his breach of the oral agreement between the parties.

WHEREFORE, Plaintiff requests that your Honorable Court enter a judgment in favor of the Plaintiff and against the Defendant in an amount less than Twenty Thousand Dollars (\$20,000.00) plus interest and costs of the suit.

Respectfully submitted,

  
Frederick M. Neiswender, Esquire  
Counsel for Plaintiff

TERESA A. SHUGERTS hereby states that she is the Plaintiff in this action and that the statements of fact made in the foregoing Complaint are true and correct upon personal knowledge. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

DATE: Oct. 3, 2007

Teresa A. Shugerts  
TERESA A. SHUGERTS

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

TERESA A. SHUGERTS,

Plaintiff

vs.

DENNIS D. CURRY, JR.,

Defendant

No. 07-1740-CD

\* **Type of Case:** Civil

\* **Type of Pleading:** Praecipe for Entry of Appearance

\* **Filed on behalf of:** Defendant

\* **Counsel of Record for this Party:**

\* John Sughrue, Esquire  
\* Attorney I. D. No. 01037  
\* 23 North Second Street  
\* Clearfield, PA 16830  
\* Phone: (814) 765-1704  
\* Fax: (814) 765-6959

\* **Other Counsel of Record:**

\* Frederick M. Neiswender, Esquire  
\* Neiswender & Kubista  
\* 211 ½ North Second Street  
\* Clearfield, PA 16830  
\* Phone: (814) 765-6500  
\* Fax: (814) 765-7205

**FILED** 3cc Atty  
0/2:20am Sughrue  
NOV 29 2007  
(LW)

William A. Shaw  
Prothonotary/Clerk of Courts



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

TERESA A. SHUGERTS,

Plaintiff,

vs.

DENNIS D. CURRY, JR.,

Defendant.

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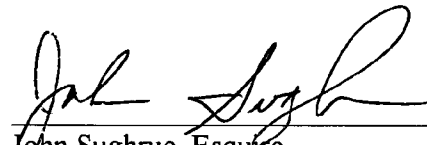
No. 07-1740-CD

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO: WILLIAM A. SHAW, PROTHONOTARY.

Kindly enter my appearance on behalf of DENNIS D. CURRY, JR., Defendant, in the above-captioned matter. Direct all notices, pleadings, and matters concerning the client or this case to the undersigned.

Date: November 29, 2007

  
\_\_\_\_\_  
John Sughrue, Esquire  
Attorney for Defendant

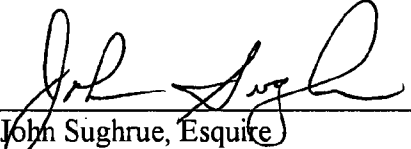
**CERTIFICATE OF SERVICE**

AND NOW, I do hereby certify that on November 29, 2007, I caused a true and correct copy of a PRAECIPE FOR ENTRY OF APPEARANCE to be served on the following and in the manner indicated below:

**By United States Mail, First Class, Postage Prepaid**  
**Addressed as Follows:**

Frederick M. Neiswender, Esquire  
Neiswender & Kubista  
211 ½ North Second Street  
Clearfield, PA 16830

Date: November 29, 2007

  
\_\_\_\_\_  
John Sughrue, Esquire  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103359  
NO: 07-1740-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: TERESA A. SHUGERTS  
vs.  
DEFENDANT: DENNIS D. CURRY, JR.

SHERIFF RETURN

NOW, October 31, 2007 AT 2:55 PM SERVED THE WITHIN COMPLAINT ON DENNIS D. CURRY, JR. DEFENDANT AT 301 HILL ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DENNIS CURRY JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED  
10/31/07  
6/23/04  
WILLIAM A. DEHAVEN  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NEISWENDER	1258	10.00
SHERIFF HAWKINS	NEISWENDER	1258	20.41

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008  
2007

So Answers,

  
Chester A. Hawkins  
Sheriff

CA

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

TERESA A. SHUGERTS  
Plaintiff

vs.

DENNIS D. CURRY, JR.  
Defendant

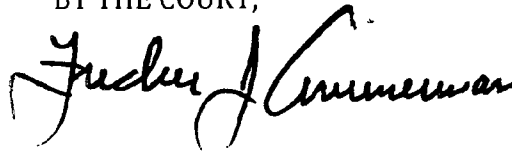
\* NO. 2007-1740-CD  
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**ORDER**

NOW, this 24<sup>th</sup> day of June, 2013, it is the ORDER of this Court that a **status conference** be and is hereby scheduled for the **29th day of August, 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  
01 8:30am  
JUN 25 2013  
William /  
Prothonotary

ICC Attys:  
Neiswender  
Shugrue  
6K

CA

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

TERESA A. SHUGERTS,  
Plaintiff,

vs.

DENNIS D. CURRY, JR.,  
Defendant.

No. 2007-1740-CD

Type of case: Civil

**PRAECIPE TO SETTLE  
AND DISCONTINUE**

Filed on behalf of: Plaintiff,  
Teresa A. Shugerts

Counsel of Record:  
Frederick M. Neiswender, Esquire  
Supreme Court No. 74456

NEISWENDER & KUBISTA  
211 ½ North Second Street  
Clearfield, Pennsylvania 16830  
(814) 765-6500

**FILED**

0/3:14cm  
JUL 16 2013

William A. Shaw  
Prothonotary/Clerk of Courts

3CC AH

GV

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

TERESA A. SHUGERTS,  
Plaintiff,

vs.

DENNIS D. CURRY, JR.,  
Defendant.

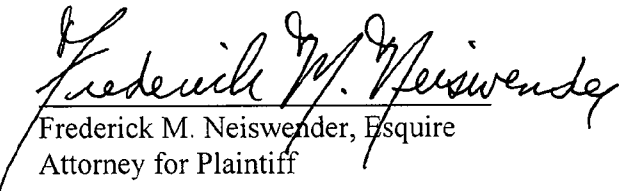
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: No. 2007-1740-CD  
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**PRAECIPE TO SETTLE AND DISCONTINUE**

To the Prothonotary:

Please mark the above captioned matter SETTLED and DISCONTINUED.

07/11/2013  
Date

  
Frederick M. Neiswender, Esquire  
Attorney for Plaintiff

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

TERESA A. SHUGERTS  
Plaintiff

vs.

DENNIS D. CURRY, JR.  
Defendant

NO. 2007-1740-CD

**FILED**

JUL 18 2013

William A. Shaw  
Prothonotary/Clerk of Courts

**ORDER**

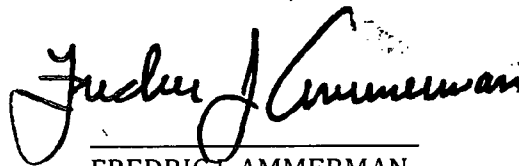
NOW, this 18<sup>th</sup> day of July, 2013, the Court notes that a Praeipe to Settle and

Discontinue the above-captioned case was filed on July 16, 2013 by Frederick M.

Neiswender, Esquire. Therefore, it is the ORDER of this Court that the **status conference**

in the above-captioned case scheduled for the 29th day of August, 2013 is **canceled**.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge