



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

PALUMBO'S MEATS OF DUBOIS, INC., :

Plaintiff :

vs. :

JOHN T. PALUMBO and GLORIA  
PALUMBO, t/d/b/a TOM PALUMBO &  
& SONS MEAT MARKET, :

Defendants :

No. 07 - 1861 - CD

COMPLAINT

Filed on Behalf of:  
Plaintiff

Counsel of Record for  
This Party:

Carl A. Belin, Jr., Esquire  
PA I.D. #06805

BELIN, KUBISTA & RYAN  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972 (PHONE)  
(814) 765-9893 (FAX)

FILED *Atty pd.*  
*01/23/07* *85.00*  
NOV 13 2007 *4CC Atty*  
*Belin*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

PALUMBO'S MEATS OF DUBOIS, INC., :  
Plaintiff :  
vs. : No. 07 - - CD  
JOHN T. PALUMBO and GLORIA :  
PALUMBO, t/d/b/a TOM PALUMBO & :  
& SONS MEAT MARKET, :  
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  
1 North Second Street  
Clearfield, PA 16830

(814) 765-2641 Ex 1300

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

PALUMBO'S MEATS OF DUBOIS, INC., :  
Plaintiff :  
vs. : No. 07 - - CD  
JOHN T. PALUMBO and GLORIA :  
PALUMBO, t/d/b/a TOM PALUMBO & :  
SONS MEAT MARKET, :  
Defendants :

COMPLAINT

AND NOW COMES Plaintiff, Palumbo's Meats of DuBois, Inc.,  
by and through its attorneys, Belin, Kubista & Ryan, and sets  
forth the following civil action and in support thereof avers  
as follows:

1. That Plaintiff Palumbo's Meats Of DuBois, Inc. is a  
Pennsylvania corporation with an office and place of business  
at 326 West Long Avenue, DuBois, Pennsylvania 15801 ("**PALUMBO'S  
MEATS**").

2. That Defendants, John T. Palumbo and Gloria Palumbo,  
are husband and wife, and conduct a business known as Tom  
Palumbo & Sons Meat Market at 715 Daisy Street, Clearfield,  
Pennsylvania 16830 ("**Palumbos**").

3. That Palumbos also own the building in which the meat  
market is operating.

4. That the Palumbos purchased from Palumbo's Meats meats and related products for use in the business of Palumbos from March 22, 2007 through October 31, 2007.

5. That Palumbo's Meats charged Palumbos its usual and customary charges for said meats and related products.

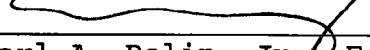
6. That during the time of Palumbos' purchases, Palumbo's Meats maintained books of account, keeping an accurate and running account of all debits and credits for the sale of meats and related products to Palumbos.

7. That Palumbo's Meats submitted to Palumbos written monthly accounts requesting payment for the outstanding balance on the account. A copy of said accounting is attached hereto and marked Exhibit "A."

8. That Palumbo's Meats has made a demand for the payment of said outstanding balance due on said account which Palumbos have failed and refused to pay.

WHEREFORE, Palumbo's Meats demands judgment against John T. Palumbo and Gloria Palumbo, t/d/b/a Tom Palumbo & Sons Meat Market for \$14,540.78, together with interest at the rate of 1-1/2 percent per month or 18 percent per year.

BELIN, KUBISTA & RYAN

By   
Carl A. Belin, Jr., Esquire

COMMONWEALTH OF PENNSYLVANIA

:

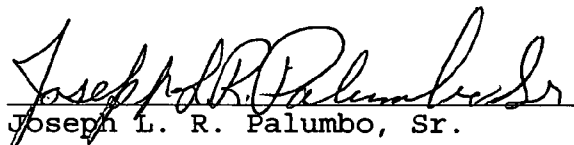
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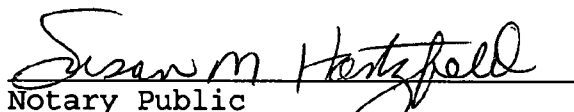
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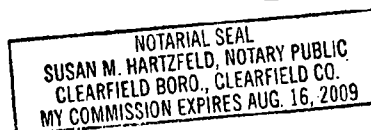
COUNTY OF CLEARFIELD

On this the 13<sup>th</sup> day of November, 2007, before me, a notary public, the undersigned officer, personally appeared Joseph L. R. Palumbo, Sr., who acknowledged himself to be President of Palumbo's Meats of DuBois, Inc., and as such President is authorized to do so, and acknowledged that he executed the foregoing instrument for the purposes therein contained by signing the name of Palumbo's Meats of DuBois, Inc. by himself as President.

  
Joseph L. R. Palumbo, Sr.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
Notary Public



11/08/07

**Palumbo's Meats of DuBois**  
**Customer Open Balance**  
**All Transactions**

Type	Date	Num	Memo	Due Date	Open Balance	Amount
<b>Tom Palumbo &amp; Sons Meat Market</b>						
Invoice	3/22/2007	49105		3/22/2007	1,935.14	2,371.56
Invoice	3/27/2007	49180		3/27/2007	558.55	558.55
Invoice	3/27/2007	49187		3/27/2007	28.66	28.66
Invoice	3/28/2007	49199		3/28/2007	253.08	253.08
Invoice	3/29/2007	48177		3/29/2007	3,055.65	3,055.65
Invoice	3/31/2007	48140		3/31/2007	261.01	261.01
Invoice	4/1/2007	48146		4/1/2007	31.18	31.18
Invoice	4/3/2007	49204		4/3/2007	198.00	198.00
Invoice	4/5/2007	49281		4/5/2007	1,346.41	1,346.41
Invoice	4/10/2007	48275		4/10/2007	229.00	229.00
Invoice	4/11/2007	48325		4/11/2007	534.48	534.48
Invoice	4/12/2007	48332		4/12/2007	886.27	886.27
Invoice	4/18/2007	49361		4/18/2007	361.98	361.98
Invoice	4/19/2007	48427		4/19/2007	2,049.94	2,049.94
Invoice	4/24/2007	49435		4/24/2007	413.00	413.00
Invoice	4/26/2007	48446		4/26/2007	1,376.36	1,376.36
Invoice	5/31/2007	FC 250	Finance Char...	5/31/2007	361.10	361.10
Invoice	6/30/2007	FC 251	Finance Char...	6/30/2007	204.90	204.90
Credit Memo	7/17/2007	70537		7/17/2007	-416.00	-416.00
Invoice	8/1/2007	FC 252	Finance Char...	8/1/2007	221.78	221.78
Invoice	8/31/2007	FC 253	Finance Char...	8/31/2007	211.21	211.21
Invoice	9/30/2007	FC 254	Finance Char...	9/30/2007	214.33	214.33
Invoice	10/31/2007	FC 255	Finance Char...	10/31/2007	224.75	224.75
Total Tom Palumbo & Sons Meat Market					14,540.78	14,977.20
<b>TOTAL</b>					<b>14,540.78</b>	<b>14,977.20</b>

(708) 371-2150  
**PALUMBO'S MEATS OF DUBOIS, INC.**  
 Wholesale - Retail

*Italian Made Sausage*

326 W. LONG AVE. - DU BOIS, PA. 15801 382-0720

SOLD TO	100m 1210000000	ADDRESS	BKONE
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**PHONE NO.**

219

SALESMAN	TERMS
	1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM

CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	RECEIVED ON ACCT
QUAN.	DESCRIPTION	PRICE	AMOUNT		
1200.1	Bulls Bull meat	1.65	198.00		
632	ON 1 NR R short + long	4.79	301.77		
1239#	Pelumbo 13010.	1.59	35.57		
1670	Pelumbo 13010. cooler 54.14m.	1.39	232.1		
5					
6	PC CK Solame		558.55		
7			10 PC		
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL.	SIGNATURE	TOTAL	558 SS
	RECEIVED BY		

**PHONE: 371-2150**

*Italian Made Sausage*

326 W. LONG AVE. - DUBOIS, PA. 15801

SOLD TO	ADDRESS

**PHONE NO.**

417

[illegible]

CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	RECEIVED ON ACCT
	QUAN.	DESCRIPTION	PRICE	AMOUNT	
	17884	Cooked Salami	139	248.59	
	20423#	Bologna	159	324.73	
	1529#	Dried Cane	186	338.33	
	376-3#	Cooked ham	145	545.65	
	377-3#	CO provalone	180	67.93	
	2°	18" green paper	32.00	64.00	
	1°	12x 10x 25 green paper	31.00	31.00	
	100°	Reg trees	16.00	16.00	
	62-7#	100 top Sulaim Butt	304	190.61	
	145-2	200 top Round	215	312.18	
	120#	200 Green Bred	165	198.00	
	1 <sup>12</sup>	140 Rose	2350	23.50	
	1 <sup>13</sup>	-2.5 Rose	1700	17.00	
	14	11.00 - 1.10 rge		400	
	15	Polypropylene 1000		2371.56	
	16	10 x 130 22			
	17				
	18	Balance			
	19	\$1735.14			
		TOTAL			
		RECEIVED BY			
		ALL CLAIMS RETURNED G MUST BE ACCOMPANIED BY THIS BILL.			

ALL CLAIMS  
RETURNED G  
MUST BE ACCOMPANIED  
BY THIS BILL



PHONE: 371-2150 PALUMBO'S MEATS OF DUBOIS, INC. 491.87

Italian Made Sausage

326 W. LONG AVE. - DU BOIS, PA. 15801 March 28 2007

SOLD TO: Tom Palumbo ADDRESS: CITY: PHONE NO.: ZIP:

SALESMAN		TERMS		1 1/2% PER MONTH ON PAST DUE ACCOUNTS		18% PER ANNUM	
CASH		CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	RECEIVED ON ACCT	
QUAN.	DESCRIPTION	PRICE	AMOUNT				
14#	Beef Flat	2.22	253.08				
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL. SIGNATURE: Gary D. Kries RECEIVED BY: TOTAL: 253.08

PHONE: 371-2150 PALUMBO'S MEATS OF DUBOIS, INC. 491.87

Italian Made Sausage

326 W. LONG AVE. - DU BOIS, PA. 15801 3 27 20 07

SOLD TO: Tom Palumbo ADDRESS: CITY: PHONE NO.: ZIP:

SALESMAN		TERMS		1 1/2% PER MONTH ON PAST DUE ACCOUNTS		18% PER ANNUM	
CASH		CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	RECEIVED ON ACCT	
QUAN.	DESCRIPTION	PRICE	AMOUNT				
56.3	dry tendallion	509	2866				
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL. SIGNATURE: Tom Palumbo RECEIVED BY: TOTAL: 2866

PHONE: 371-2150

PALUMBO'S MEATS OF DUBOIS, INC.

Wholesale - Retail

Italian Made Sausage

326 W. LONG AVE. - DU BOIS, PA. 15801

SOLD TO ADDRESS

Tom Palumbo

PHONE NO.

CITY

ZIP

SALESMAN		TERMS		1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM		PAID OUT		RETD. MDSE.		RECEIVED ON ACCT	
CASH		CHARGE		C.O.D.		PAID OUT		RETD. MDSE.		RECEIVED ON ACCT	
QUAN.		DESCRIPTION		PRICE		AMOUNT					
164	No	305 10% backham		159		261 01					
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
		SIGNATURE		RECEIVED BY		TOTAL					
		All claims and returned goods must be accompanied by this bill.									

PHONE: 371-2150

PALUMBO'S MEATS OF DUBOIS, INC.

Wholesale - Retail

Italian Made Sausage

326 W. LONG AVE. - DU BOIS, PA. 15801

SOLD TO ADDRESS

Tom Palumbo

PHONE NO.

CITY

ZIP

SALESMAN		TERMS		1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM		PAID OUT		RETD. MDSE.		RECEIVED ON ACCT	
CASH		CHARGE		C.O.D.		PAID OUT		RETD. MDSE.		RECEIVED ON ACCT	
QUAN.		DESCRIPTION		PRICE		AMOUNT					
166	#	Cooker Sausage		139		231.57					
174	#	Bologna		159		277.90					
161	#	Coke 35%		145		234.41					
120	#	Coke 35%		190		228.00					
48	#	Honey Cheddar		245		118.34					
74	#	2000 Ham		180		133.63					
24	#	4000 Ham		159		38.16					
20	#	Coke 35%		190		38.60					
19	#	Coke 35%		235		45.54					
42	#	Coke 35%		469		19.74					
10	#	Coke 35%		349		34.90					
20	#	Coke 35%		345		69.00					
1		Coke 35%		185		185.00					
56	#	Coke 35%		316		177.28					
180	#	Coke 35%		165		297.00					
163	#	Coke 35%		199		324.37					
72	#	Coke 35%		205		102.36					
13	#	Coke 35%		593		400					
13	#	Coke 35%		593		436.45					
		SIGNATURE		RECEIVED BY		TOTAL					
		All claims and returned goods must be accompanied by this bill.									

**PHONE: 371-2150**

**PALUMBO'S MEATS of DUBOIS, INC.**

**Wholesale - Retail**

*Italian Made Sausage*

326 W. LONG AVE. - DU BOIS, PA. 15801 243/2007

SOLD TO Tom Palmer ADDRESS 11 PHONE 11

CITY Ypsilanti ZIP 48197

SALESMAN				TERMS 1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM.		
CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	PRICE	RECEIVED ON ACCT
QUAN.	DESCRIPTION				PRICE	AMOUNT
120 <sup>th</sup>	Bulls Bull meat				465	198.00
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL.				SIGNATURE  RECEIVED BY		TOTAL 198.00

**PHONE: 371-2150** **PALUMBO'S MEATS OF DUBOIS, INC.** **Wholesale - Retail**

*Italian Made Sausage*

326 W. LONG AVE. - DU BOIS, PA. 15801.

SOLD TO	ADDRESS	PHONE
	Tom Alenbers	

CITY \_\_\_\_\_ ZIP \_\_\_\_\_

SALESMAN		TERMS 1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM			
CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	RECEIVED ON ACCT
QUAN.	DESCRIPTION			PRICE	AMOUNT
25	bag Tenderloin			509	31 81
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
				TOTAL	31 81

ALL CLAIMS AND  
RETURNED GOODS  
MUST BE ACCOMPANIED  
BY THIS BILL.

SIGNATURE  
*J. Palumbo*

RECEIVED BY



PHONE: 371-2150  
PALUMBO'S MEATS of DUBOIS, INC.  
Wholesale - Retail

Italian Made Sausage

326 W. LONG AVE. - DU BOIS, PA. 15801

SOLD TO: DM Palumbo

PHONE NO.

CITY

ZIP

SALESMAN		TERMS		1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM		RECEIVED ON ACCT	
CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.			
QUAN.	DESCRIPTION				PRICE	AMOUNT	
24#	4lb x 00 hot chop				159	3816	
18#	3lb frozen Brnd				163	2934	
54.6#	1lb Beef Plate				187	10210	
12.4#	1lb top Butta				310	22444	
2	18" pepper paper				3200	6400	
10#	Pepper pepper				349	3490	
54.57#	1lb 10% Chopped Ham				159	8677	
1-	White Tramp					1925	
	Good Chicago					400	
1	White Tramp					1925	
						88627	
12							
13							
14							
15							
16							
17							
18							
19							

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL.

SIGNATURE

DM Palumbo

RECEIVED BY

TOTAL

88627

PHONE: 371-2150  
PALUMBO'S MEATS of DUBOIS, INC.  
Wholesale - Retail

Italian Made Sausage

326 W. LONG AVE. - DU BOIS, PA. 15801

SOLD TO: DM Palumbo

PHONE NO.

CITY

ZIP

SALESMAN		TERMS		1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM		RECEIVED ON ACCT	
CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.			
QUAN.	DESCRIPTION				PRICE	AMOUNT	
82.1	1lb Chuck Roll				193	15845	
60.3	1lb Meat Loin				469	28234	
50.16	1lb Beef Plate				187	9369	
						53448	
5							
6							
7							
8							
9							
10							
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18							
19							

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL.

SIGNATURE

DM Palumbo

RECEIVED BY

TOTAL

53448

PHONE: 371-2150 **PALUMBO'S MEATS of DUBOIS, INC.** 48427  
Wholesale - Retail

Italian Made Sausage  
326 W. LONG AVE. - DU BOIS, PA. 15801 4-19 207

SOLD TO: Tom Palumbo  
ADDRESS: PHONE NO. ZIP

CITY

SALESMAN		TERMS 1 1/4% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM		RECEIVED ON ACCT	
CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	
QUAN.	DESCRIPTION			PRICE	AMOUNT
180#	300 frozen Buns			165	297 00
61.6#	1000 frozen			554	341 21
118.1#	200 Beef Ham			198	233 54
135.3#	200 top round			205	277 37
60.3#	100 top loin			479	288 84
67#	100 top butt			339	207 13
48.3#	100 Swiss Cheddar			254	123 81
20#	100 white meat			195	39 00
1	4'0 Case			3350	35 50
1	26x wosso			3550	35 50
1/2	Reg fries			16 00	16 00
10	0.1 frozen			36 75	36 75
10	Pravalone Ham			30 00	30 00
24	Hot deep			159	38 16
5.16	195 Corn Suet			519	26 78
16	fuel charge				400
17					2049 94
18					
19					

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL. SIGNATURE: *[Signature]* RECEIVED BY: *[Signature]* TOTAL: 2049 94

PHONE: 371-2150 **PALUMBO'S MEATS of DUBOIS, INC.** 49361  
Wholesale - Retail

Italian Made Sausage  
326 W. LONG AVE. - DU BOIS, PA. 15801 4-18 207

SOLD TO: Tom Palumbo  
ADDRESS: PHONE NO. ZIP

CITY

SALESMAN		TERMS 1 1/4% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM		RECEIVED ON ACCT	
CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	
QUAN.	DESCRIPTION			PRICE	AMOUNT
82.40	100 Chicken Roll			199	163 98
120#	200 frozen meat			165	198 00
4					361 98
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL. SIGNATURE: *[Signature]* RECEIVED BY: *[Signature]* TOTAL: 361 98

PHONE: 371-2150 **PALUMBO'S MEATS OF DUBOIS, INC.** Wholesale - Retail 43448

*Italian Made Sausage*  
326 W. LONG AVE. - DU BOIS, PA. 15801 4-26 207

SOLD TO: *Tom Palumbo*  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
PHONE NO.: \_\_\_\_\_  
ZIP: \_\_\_\_\_

SALESMAN		TERMS 1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM.		RECEIVED ON ACCT	
CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	RECEIVED ON ACCT
QUAN.	DESCRIPTION				AMOUNT
10.84	200	Buy	Plato	192	193.54
120.42	200	Spice	Balls	165	198.00
132.43	100	Spice	Ser	575	420.90
137.43	100	Spice	Low	463	294.93
138.43	100	Chuck	Roll	185	140.23
1	15"	Spice	Spice	300	30.00
18.41	100	Spice	Spice	235	43.26
1	100	Card on Blue		5150	51.50
		Full Charge			4.08
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
SIGNATURE <i>Joe Kling</i>					1376.36
RECEIVED BY					TOTAL
ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL.					1376.36

PHONE: 371-2150 **PALUMBO'S MEATS OF DUBOIS, INC.** Wholesale - Retail 997038

*Italian Made Sausage*  
326 W. LONG AVE. - DU BOIS, PA. 15801 4-24-67 20

SOLD TO: *Tom Palumbo*  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_  
PHONE NO.: \_\_\_\_\_  
ZIP: \_\_\_\_\_

SALESMAN		TERMS 1 1/2% PER MONTH ON PAST DUE ACCOUNTS 18% PER ANNUM.		RECEIVED ON ACCT	
CASH	CHARGE	C.O.D.	PAID OUT	RETD. MDSE.	RECEIVED ON ACCT
QUAN.	DESCRIPTION				AMOUNT
180.4	200	Buy	Plato	165	297.00
62.4	200	Chuck	Roll	185	116.00
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
SIGNATURE <i>Darryl Ramsey</i>					413.00
RECEIVED BY					TOTAL
ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL.					413.00

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

PALUMBO'S MEATS OF DUBOIS,  
INC.,

Plaintiff

vs.

JOHN T. PALUMBO and  
GLORIA PALUMBO, t/d/b/a  
TOM PALUMBO & SONS MEAT  
MARKET,

Defendants

NO. 07-1861-C.D.

Type of Case: Civil

Type of Pleading: Answer with New  
Matter

Filed on behalf of: Defendants

Counsel of Record for this Party:

David P. King, Esquire  
23 Beaver Drive  
P. O. Box 1016  
DuBois, PA 15801  
(814) 371-3760

Supreme Court No. 22980

FILED

DEC 05 2011

2/11/30/11

William A. Shaw

Prothonotary/Clerk of Courts

2 CENS TO ATT



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

PALUMBO'S MEATS OF DUBOIS, INC., :  
Plaintiff :  
vs. : NO. 07-1861-C.D.  
JOHN T. PALUMBO and GLORIA :  
PALUMBO, t/d/b/a TOM PALUMBO & :  
SONS MEAT MARKET, :  
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 Answer and New Matter 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 Answer and New Matter or for any other claim or relief requested by the Defendants. You may lose money or property or other rights important to you.

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

Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830  
(814) 765-2641

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

PALUMBO'S MEATS OF DUBOIS, INC., :  
Plaintiff :  
vs. : NO. 07-1861-C.D.  
JOHN T. PALUMBO and GLORIA :  
PALUMBO, t/d/b/a TOM PALUMBO & :  
SONS MEAT MARKET, :  
Defendants :

ANSWER

AND NOW, come the Defendants, JOHN T. PALUMBO and GLORIA PALUMBO, t/d/b/a TOM PALUMBO & SONS MEAT MARKET, through their Attorney, David P. King, and responds to Plaintiff's Complaint as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted, but by way of further answer, Defendants aver that in the past two preceding calendar years, they have purchased from the Plaintiff in excess of \$200,000.00 of meats and other products.
5. The Defendants deny that the charges were usual and customary, as other vendors and suppliers charge and have charged for less than those charges of the Plaintiff.
6. The averments in Plaintiff's Paragraph 6 are admitted in part, but denied in that the same may infer that they are indebted to the Plaintiff or are otherwise required to make immediate payment to the Plaintiff in any amount.

7. Admitted.

8. The Plaintiff has not made any written or formal demand other than the filing of the Complaint herein. However, various discussions and agreements were had between the Plaintiff and the Defendants as are set forth in Defendants' New Matter hereafter.

WHEREFORE, Defendants pray your Honorable Court to deny judgment against them in the amount and under the terms as stated in Plaintiff's Complaint.

NEW MATTER

The Defendants state as New Matter the following:

9. The averments in Defendants' Answer as set forth in Paragraphs 1 through 8 above are hereby incorporated in full by reference.

10. Defendants believe that the charges made by the Plaintiff are not the usual and customary charges for such meats and related products.

11. Further, although stated on Plaintiff's Invoices, the Defendants never agreed to an interest rate of 18% per annum, and the mere statement of such on such Invoices does not form the basis of a contract and entitle the Plaintiff to such interest rate.

12. As stated in Defendants' Answer, but more particularly related herein, in the past two calendar years, the Defendants

have purchased in excess of \$200,000.00 for meats and meat products from the Plaintiff.

13. The Defendants aver that they did fall behind on their payments for the meats and meat products supplied to them by the Plaintiff for various reasons.

14. Notwithstanding, following a hospital stay by the Defendant, JOHN T. PALUMBO, the Plaintiff contacted the Defendant and asked to meet regarding their outstanding bill to him.

15. The Plaintiff and the Defendant, JOHN T. PALUMBO, did in fact meet at the Plaintiff's request.

16. Discussions were had about the financial problems of the Defendant, and Plaintiff expressed a concern that he did not want to be an unsecured creditor and the Defendants' debt discharged should the Defendants file for bankruptcy.

17. Further, discussions were had about a payment plan being arrived at under reasonable terms and conditions.

18. The Defendant, JOHN T. PALUMBO, agreed to take whatever steps Plaintiff would propose to protect the debt owed to him in the event of bankruptcy, and also was agreeable to enter into a payment plan providing for a reasonable amount of time to pay back what was due to the Plaintiff.

19. The Defendant, JOHN T. PALUMBO, was told by the Plaintiff that he would get back to the Defendant with some papers for both Defendants to sign.


20. However, when the Defendants heard nothing, JOHN T.

PALUMBO called the Plaintiff but was unable to reach him at his establishment, but did leave a message that he was inquiring about the paper work that Plaintiff had referred to.

21. The Plaintiff never returned such phone call and message left, nor did he provide the Defendants with any paper work as was referred to.

22. The Defendants believe that they are entitled to the benefits as well as responsible for the obligations agreed to when the Defendant, JOHN T. PALUMBO, met with the Plaintiff as stated above.

23. On the basis of such agreement as reached, the Defendants' pray your Honorable Court to deny Plaintiff's prayer for relief, and further pray that the Court establish and enforce reasonable terms and conditions for a payment plan, with reasonable and legal interest, and they will so ever pray.




David P. King  
Attorney for Defendants -

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

Date: December 3, 2007

  
John T. Palumbo

  
Gloria Palumbo

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

PALUMBO'S MEATS OF DUBOIS, INC.,  
Plaintiff

vs.

JOHN T. PALUMBO and GLORIA  
PALUMBO, t/d/b/a TOM PALUMBO &  
& SONS MEAT MARKET,  
Defendants

No. 07 - 1861 - CD

PRAECIPE DISCONTINUE

**FILED**

FEB 05 2008

0/3:00/

William A. Shaw

Prothonotary/Clerk of Courts

Filed on Behalf of: *1 case to Att'y*  
Plaintiff

Counsel of Record for  
This Party:

Carl A. Belin, Jr., Esquire  
PA I.D. #06805

BELIN, KUBISTA & RYAN LLP  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972 (PHONE)  
(814) 765-9893 (FAX)

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

PALUMBO'S MEATS OF DUBOIS, INC., :  
Plaintiff :  
vs. : No. 07 - 1861 - CD  
JOHN T. PALUMBO and GLORIA :  
PALUMBO, t/d/b/a TOM PALUMBO & :  
& SONS MEAT MARKET, :  
Defendants :

**PRAECIPE**

TO THE PROTHONOTARY:

Please mark the above matter settled, discontinued and  
ended, without prejudice.

BELIN, KUBISTA & RYAN LLP

By 

Carl A. Belin, Jr., Esquire



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

**CIVIL DIVISION**

**Palumbo's Meats of Dubois, Inc.**

**Vs.**

**No. 2007-01861-CD**

**John T. Palumbo**

**Gloria Palumbo**

**Tom Palumbo & Sons Meat Market**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on February 5, 2008, marked:

Settled, Discontinued and Ended, without prejudice

Record costs in the sum of \$85.00 have been paid in full by Belin, Kubista & Ryan LLP.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of February A.D. 2008.

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William A. Shaw, Prothonotary

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

DOCKET # 103442  
NO: 07-1861-CD  
SERVICE # 1 OF 4  
COMPLAINT

PLAINTIFF: PALUMBO'S MEATS OF DUBOIS, INC.

vs.

DEFENDANT: JOHN T. PALUMBO and GLORIA PALUMBO t/d/b/a TOM PALUMBO & SONS MEAT MARKET

**SHERIFF RETURN**

NOW, November 20, 2007 AT 10:55 AM SERVED THE WITHIN COMPLAINT ON JOHN T. PALUMBO DEFENDANT AT 715 DAISY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN T. PALUMBO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

**FILED**  
013:49294  
FEB 20 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 103442  
NO: 07-1861-CD  
SERVICE # 2 OF 4  
COMPLAINT

PLAINTIFF: PALUMBO'S MEATS OF DUBOIS, INC.

vs.

DEFENDANT: JOHN T. PALUMBO and GLORIA PALUMBO t/d/b/a TOM PALUMBO & SONS MEAT MARKET

**SHERIFF RETURN**

NOW, November 20, 2007 AT 10:55 AM SERVED THE WITHIN COMPLAINT ON JOHN T. PALUMBO t/d/b/a TOM PALUMBO & SONS MEAT MARKET DEFENDANT AT 715 DAISY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN T. PALUMBO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

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

DOCKET # 103442  
NO: 07-1861-CD  
SERVICE # 3 OF 4  
COMPLAINT

PLAINTIFF: PALUMBO'S MEATS OF DUBOIS, INC.

vs.

DEFENDANT: JOHN T. PALUMBO and GLORIA PALUMBO t/d/b/a TOM PALUMBO & SONS MEAT MARKET

**SHERIFF RETURN**

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NOW, November 20, 2007 AT 10:55 AM SERVED THE WITHIN COMPLAINT ON GLORIA PALUMBO DEFENDANT AT 715 DAISY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN PALUMBO, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

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

DOCKET # 103442  
NO: 07-1861-CD  
SERVICE # 4 OF 4  
COMPLAINT

PLAINTIFF: PALUMBO'S MEATS OF DUBOIS, INC.

vs.

DEFENDANT: JOHN T. PALUMBO and GLORIA PALUMBO t/d/b/a TOM PALUMBO & SONS MEAT MARKET

**SHERIFF RETURN**

NOW, November 20, 2007 AT 10:55 AM SERVED THE WITHIN COMPLAINT ON GLORIA PALUMBO t/d/b/a TOM PALUMBO & SONS MEAT MARKET DEFENDANT AT 715 DAISY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN PALUMBO, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103442  
NO: 07-1861-CD  
SERVICES 4  
COMPLAINT

PLAINTIFF: PALUMBO'S MEATS OF DUBOIS, INC.

vs.

DEFENDANT: JOHN T. PALUMBO and GLORIA PALUMBO t/d/b/a TOM PALUMBO & SONS MEAT MARKET

SHERIFF RETURN

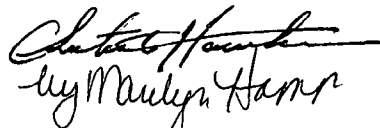
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	BELIN	24058	40.00
SHERIFF HAWKINS	BELIN	24058	38.41

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff