

08-543-CD  
JJ Powell vs Raymond Graham al

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

J.J. POWELL, INC.,

Plaintiff

: No. 2008- 543-CD

vs.

RAYMOND D. GRAHAM, d/b/a  
R-D TRUCKING,

Defendant

: Type of Case:  
**CIVIL**

: Type of Pleading:

**COMPLAINT**

: Filed on Behalf of:  
**PLAINTIFF**

: Counsel for This Party:  
**Peter F. Smith, Esquire**  
Supreme Court ID #34291  
P. O. Box 130  
30 South Second Street  
Clearfield, PA 16830  
(814) 765-5595

FILED PHF pd. 95.00  
01/01/98  
1/2/98  
ICC Atty  
William A. Shaw  
Attala County/Court of Common Pleas  
ICC Sheriff

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

J. J. POWELL , INC.,	:	
Plaintiff	:	No. 2008-
vs.	:	
RAYMOND D. GRAHAM, d/b/a	:	
R-D TRUCKING,	:	
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 other rights important to you.

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

Clearfield County Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830  
(814) 765-2641, ext. 5982

***AMERICANS WITH DISABILITIES ACT OF 1990***

The Court of Common Pleas of Clearfield County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

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

J. J. POWELL, INC.,	:	
Plaintiff	:	No. 2008-
	:	
vs.	:	
	:	
RAYMOND D. GRAHAM, d/b/a	:	
R-D Trucking,	:	
Defendant	:	

**COMPLAINT**

COMES NOW, J. J. Powell, Inc., by its attorney Peter F. Smith, who states in support of this complaint:

1. The Plaintiff, **J. J. POWELL, INC.**, is a Pennsylvania business corporation with principal office in Philipsburg (Chester Hill), Clearfield County, Pennsylvania and with mailing address of P.O. Box 30, Philipsburg, Pennsylvania 16866.
2. The name of the Defendant is **RAYMOND D. GRAHAM d/b/a R-D TRUCKING** with mailing address of 515 Atlantic Avenue, Houtzdale, Clearfield County, Pennsylvania 16651.
3. Plaintiff sells gasoline, diesel fuel and petroleum products at the wholesale and retail levels.
4. Plaintiff sold deliveries of petroleum products to Defendant on an open account basis.
5. A written agreement was entered by the parties' dated June 27, 2007. A true and

correct copy is attached as Plaintiff's Exhibit 1.

6. Plaintiff sent Defendant monthly invoices which were to be paid by Defendant in 30 days. In the event that all or part of any invoice was unpaid in 30 days, Plaintiff charged, and Defendant agreed to pay at "late charge" or interest on the outstanding balance at 18% per annum.

7. A statement of the Defendant's account with the Plaintiff commencing on June 27, 2007 and continuing until February 29, 2008 is attached hereto and incorporated herein by reference as Plaintiff's Exhibit 2.

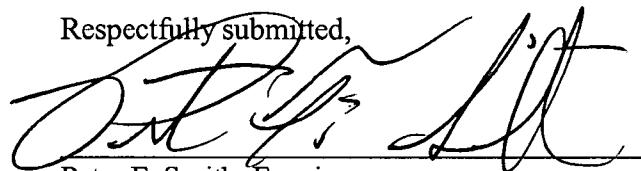
8. Written and oral demand has been made on the Defendant to pay the total due, but he has failed to do so.

9. As of February 29, 2008, the amounts owed to Plaintiff by the Defendant for purchases of diesel fuel and gasoline follows:

A)	Balance including interest to 2/29/08	\$18,836.28
B)	Finance Charge accrued to 2/29/08	520.39
C)	Finance Charges accruing at \$9.29 per day from 2/29/08 (to be added)	\$ _____
D)	Court costs (to be added)	\$ _____
	PRELIMINARY TOTAL	\$ _____
	FINAL TOTAL	\$ _____

WHEREFORE, Plaintiff prays this Honorable Court to enter judgment in its favor and against the Defendant Raymond D. Graham d/b/a R-D Trucking in the amount of \$19,356.67 together with interest accruing after February 29, 2007, reasonable attorney fees and court costs.

Date: 3/24/08

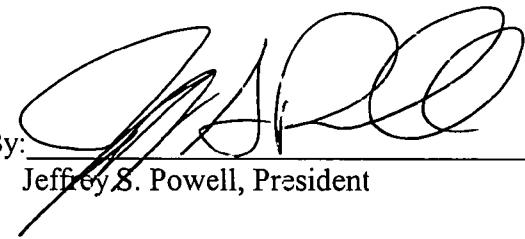
Respectfully submitted,  
  
Peter F. Smith, Esquire  
Attorney for Plaintiff

## 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.

J. J. POWELL, INC.

Dated: 3/20/08

By:   
Jeffrey S. Powell, President

1-800-432-0866  
814-342-6483 (fax)  
pacificpride@jpowell.com  
www.jpowell.com

Approved  
6-27-01

JJ Powell, Inc.  
PO Box 30  
Philipsburg, PA 16866

1508

SM

Date 6-27-07

FIRM ADDRESS

Company Name	R-D Trucking	Telephone Number	Fax Number
Mailing Address	515 Atlantic Ave.	City	State
Street Address		Haztdale	PA
Home Address		City	State
Are you presently a Pacific Pride or Amerinet Cardholder? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, when did you last use your card?			

LEGAL STRUCTURE

CHECK APPROPRIATE BOX AND PROVIDE INFORMATION REQUESTED			
<input type="checkbox"/> Single Entity - Not a subsidiary	<input type="checkbox"/> Corporation	State _____	How Long in Business? Just starting
<input type="checkbox"/> Partnership	<input type="checkbox"/> Other		What Type of Business? Trucking
Federal ID # 20-2225642			

PERSONAL

List names of partners or corporate officers			
If in business less than 1 year please give name, address & length of time of employment for previous employment: McQuown Business Services Ramsey PA 4 yrs.			
Owner or Officer	Title	Spouse's Name	
Raymond D. Graham	OWNER	Hazel A. Graham	
Home Address	City	State	Zip
515 Atlantic Ave.	Haztdale	PA	16651
Previous Address	City	State	Zip

REFERENCES

Name of nearest relative not living with you	Relationship	Telephone Number	
Tyler Graham	Son	(814) 404-7634	
Home Phone (814) 378-6693	Driver License Number 21 281 257	Social Security Number 182-60-4348	Date of Birth 3-10-65
Have you ever filed Bankruptcy? When? No		Where?	
Bank Name & Branch FIRST COMMONWEALTH	City Haztdale	State PA	Zip 16651
Bank Officer	Account Number 00061234	Telephone Number (814) 378-7612	
Trade Reference	Account Number	Telephone Number	
Estimated Monthly Usage in Gallons 3000	Person to Contact Regarding Cards Hazel Graham	Telephone Number (814) 378-6693	Extension

UPON COMPLETION, TEAR AT PERFORATION, FOLD, TAPE AND RETURN THIS HALF TO J.J. POWELL, INC.

I have made the above statements for the purpose of obtaining credit. I certify they are true and authorize you to make a credit investigation. Billings shall be issued twice each month and payment will be due in full within 10 days of invoice date. I agree to pay a late charge of 1 1/2 % per month (18% annually) or 50 cents minimum on any delinquent balances. THIS AGREEMENT INCLUDES THE TERMS AND CONDITIONS BELOW.

Not withstanding that this account is established in the name of a company, I personally guarantee payment of the account.

All purchases made on this account will be for commercial use.

ADDITIONAL TERMS CARDLOCK USE

Signed

Printed Name

Date

Raymond D. Graham

Raymond D. Graham

6-27-07

Option:

Doc #	Document	Original Date	Original Amount	Gallons Purchased	Reference	Running Balance	Extended Amounts	Extended Amounts	Extended Amounts	
<u>Original Document</u>										
Type	Doc#	Date	Amount	Quantity	Reference	Future & 02/29/08	02/15/08	01/31/08	01/15/08	
11588	R-D TRUCKING	378-6693	RAYMOND D. GRAHAM		2,000.00/Last payment					
						/Credit limit (B SM )			Salesperson 99	
Inv	7212	07/25/07	313.69	105.2		313.69				
Inv	7227	08/15/07	1,994.23	679.3		2,307.92				
Dis	12033	08/23/07	27.18-	500		2,280.74				
Pmt	75577	08/23/07	2,280.74-	500						
Inv	7243	08/31/07	2,391.38	823.2		2,391.38				
Dis	12170	09/12/07	32.93-	896		2,358.45				
Pmt	76002	09/12/07	2,358.45-	896						
Inv	7258	09/14/07	1,650.52	550.2		1,650.52				
Inv	7273	09/28/07	2,864.40	915.1		4,514.92				
Inv	7288	10/12/07	3,331.08	1,045.3		7,846.00				
F/C	7288	10/15/07	12.38		Finance Charge	7,858.38				
Inv	7304	10/31/07	420.34	127.0		8,278.72				
F/C	7304	10/31/07	33.86		Finance Charge	8,312.58				
Pmt	77284	11/07/07	500.00-	537		7,812.58				
Inv	7319	11/15/07	3,998.28	1,161.6		11,810.86				
F/C	7319	11/15/07	55.10		Finance Charge	11,865.96				
Pmt	77723	11/28/07	2,000.00-	555		9,865.96				
Inv	7334	11/29/07	2,446.58	689.2		12,312.54			2,312.54	
F/C	7334	11/30/07	43.25		Finance Charge	12,355.79			43.25	
Inv	7349	12/14/07	2,300.49	657.5		14,656.28			2,300.49	
F/C	7349	12/15/07	73.23		Finance Charge	14,729.51			73.23	
Pmt	78183	12/17/07	2,000.00-	561		12,729.51				
Inv	7365	12/31/07	2,196.54	636.5		14,926.05			2,196.54	
F/C	7365	12/31/07	76.58		Finance Charge	15,002.63			76.58	
Pmt	78576	01/08/08	2,000.00-	582		13,002.63				
Inv	8015	01/15/08	3,407.09	963.4		16,409.72			3,407.09	
F/C	8015	01/15/08	78.84		Finance Charge	16,488.56			78.84	
Pmt	78925	01/23/08	2,000.00-	601		14,488.56				
Inv	8031	01/31/08	3,358.69	978.2		17,847.25			3,358.69	
F/C	8031	01/31/08	80.66		Finance Charge	17,927.91			80.66	
Pmt	79125	02/05/08	2,000.00-	606		15,927.91				
Inv	8046	02/15/08	2,439.64	713.1		13,367.55			2,439.64	
F/C	8046	02/15/08	91.21		Finance Charge	13,458.76			91.21	
Pmt	79509	02/21/08	2,000.00-	1031		16,458.76				
Inv	8060	02/29/08	2,821.29	766.2		19,280.05			2,821.29	
F/C	8060	02/29/08	76.62		Finance Charge	19,356.67			76.62	
11588 Total.....						15,356.67	2,897.91	2,530.85	3,439.35	10,488.56

Exhibit 2

Option:

Doc #	Document	Original	Gallons	Reference	Extended	Extended	Extended
Date		Amount	Purchased		Amounts	Amounts	Amounts

Type	Doc#	Date	Amount	Quantity	Reference	Balance	02/29/08	02/15/08	01/31/08	01/15/08
11588	R-D TRUCKING	378-6693	RAYMOND D. GRAHAM			2,000.00/Last payment				/Credit limit (B SM ) Salesperson 99

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NOTE: Customer credit codes are printed in this order: Terms, Statement cycle, and Credit flag. Example: (A MO 3)

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Active Accounts	19,356.67	2,530.85	10,488.56
	2,897.91	3,439.35	

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* Total All Accounts *	19,356.67	2,530.85	10,488.56
	2,897.91	3,439.35	

* Total Uninvoiced *	0.00	0.00	0.00
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* Total Unpaid F/C *	520.39	91.21	271.90
	76.62	80.66	

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103957  
NO: 08-543-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: J.J. POWELL, INC.  
vs.  
DEFENDANT: RAYMOND D. GRAHAM d/b/a R-D TRUCKING

**SHERIFF RETURN**

NOW, April 03, 2008 AT 10:51 AM SERVED THE WITHIN COMPLAINT ON RAYMOND D. GRAHAM d/b/a R-D TRUCKING DEFENDANT AT 515 ATLANTIC AVE., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO HAZEL GRAHAM, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: MORGILLO /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	J.J. POWELL INC	29717	10.00
SHERIFF HAWKINS	J.J. PCWELL INC	29717	72.54

FILED  
02:40 pm  
JUL 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins  
by Marilyn Hawn*  
Chester A. Hawkins  
Sheriff

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

J.J. POWELL, INC., :  
Plaintiff : No. 2008-543-CD  
:  
vs. :  
:  
RAYMOND D. GRAHAM, d/b/a :  
R-D TRUCKING, :  
Defendant :  
:

**FILED** No CC

3:00pm  
JUL 02 2013

William A. Shaw  
Prothonotary/Clerk of Courts

66

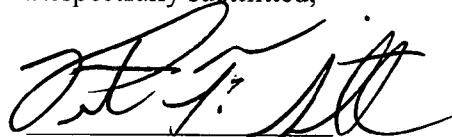
**PRAECIPE TO DISCONTINUE**

To: William A. Shaw, Prothonotary

Dear Sir:

I am counsel for the Plaintiff in the above-captioned matter. I request this action be discontinued due to the Defendant's discharge in Bankruptcy.

Respectfully submitted,



Peter F. Smith, Esquire  
Attorney for Plaintiff  
P. O. Box 130, 30 South Second St.  
Clearfield, PA 16830  
(814) 765-5595

Date: July 1, 2013

cc: J. J. Powell, Inc.