

08-1091-CD

Larry Smyers vs Exco Resources Inc. al

FILED

JUN 16 2008

m/9.10/wm
William A. Shaw
Prothonotary/Clerk of Courts

2 Writs of Summons
to Att

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LARRY F. SMYERS,
Plaintiff

vs.

EXCO RESOURCES, INC., and
PINE STONE RESOURCES, LLC,
Defendants

CIVIL ACTION - AT LAW

No. 2008-1091 - CD

Type of Pleading:

PRAECIPE FOR
WRIT OF SUMMONS

Filed on Behalf of:

PLAINTIFF

Counsel of Record for This
Party:

Matthew B. Taladay
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Dated: June 13, 2008

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

LARRY F. SMYERS,
Plaintiff

vs.

EXCO RESOURCES, INC. and
PINE STONE RESOURCES, LLC,
Defendants

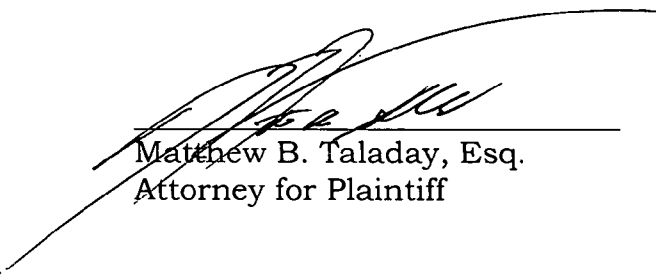
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No. _____ - CD

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue two Writs of Summons requested by Larry F.
Smyers, Plaintiff, and index this writ against Defendants, EXCO
Resources, Inc. and Pine Stone Resources, LLC, in the above matter.



Matthew B. Taladay, Esq.
Attorney for Plaintiff

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

SUMMONS

Larry F. Smyers

Vs.

NO.: 2008-01091-CD

**Exco Resources, Inc., and
Pine Stone Resources, LLC**

**TO: EXCO RESOURCES, INC., and
PINE STONE RESOURCES, LLC**

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: 6/16/2008

William A. Shaw
Prothonotary

Issuing Attorney:

Matthew B. Taladay
P. O. Box 487
DuBois, PA 15801

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED
AUG 22 2008
w/10:05/c
William A. Shaw
Prothonotary/Clerk of Courts
No 9/c (GR)

LARRY F. SMYERS,
Plaintiff

vs.

EXCO RESOURCES, INC., and
PINE STONE RESOURCES, LLC,
Defendants

CIVIL ACTION - AT LAW

No. 2008-01091-CD

Type of Pleading:

AFFIDAVIT OF
SERVICE

Filed on Behalf of:

PLAINTIFF

Counsel of Record for This
Party:

Matthew B. Taladay
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Dated: August 21, 2008

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

LARRY F. SMYERS,
Plaintiff

vs.

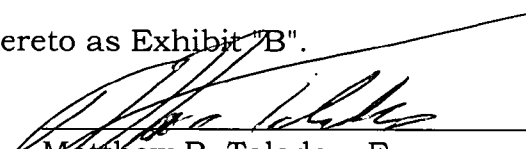
No. 2008-01091-CD

EXCO RESOURCES, INC. and
PINE STONE RESOURCES, LLC,
Defendants

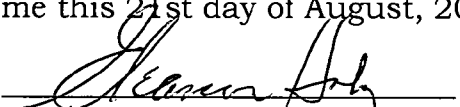
AFFIDAVIT OF SERVICE

I hereby certify that on June 25, 2008, I served by Certified Mail No. 7006 0810 0001 0122 7285, Return Receipt Requested, a Summons upon T.W. Eubank, Exco Resources, Inc., 12377 Merit Drive, Suite 1700, Dallas, TX 75751. Return Receipt Card is attached hereto as Exhibit "A".

I further hereby certify that on August 18, 2008, I served by Certified Mail No. 7006 0810 0001 0122 7308, Return Receipt Requested, a Summons upon Michael D. Phillips, Esq., Calfee, Halter & Griswold, LLP, 1400 McDonald Investment Center, 800 Superior Avenue, Cleveland, OH 44114-2688, as counsel for Pine Stone Resources, LLC. Return Receipt Card is attached hereto as Exhibit "B".


Matthew B. Taladay, Esq.
Attorney for Plaintiff

Sworn to and subscribed before
me this 21st day of August, 2008.


COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Eleanor Haky, Notary Public
City of Dubois, Clearfield County
My Commission Expires March 24, 2012
Member, Pennsylvania Association of Notaries

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:

T.W. EUBANK
EXCO RESOURCES INC
12377 MERIT DRIVE SUITE 1700
DALLAS TX 75251

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
if YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 0810 0001 0122 7285


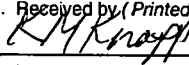
PS Form 3811, August 2001

Smyers

Domestic Return Receipt

2ACPRI-03-P-4081

Exhibit "A"

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 		<p>A. Signature X </p> <p style="text-align: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </p>	
<p>1. Article Addressed to:</p> <p>Michael D. Phillips, Esq. Calfee, Halter & Griswold, LLP 1400 McDonald Investment Ctr. 800 Superior Avenue Cleveland OH 44114-2688</p>		<p>B. Received by (Printed Name) </p>	<p>C. Date of Delivery AUG 18 2008</p>
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p> <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. </p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7006 0810 0001 0122 7308</p>	
<p>PS Form 3811, August 2001</p>		<p>Domestic Return Receipt</p>	
		<p>2ACPRI-03-P-4081</p>	

Re: Smyers

Exhibit "B"

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LARRY F. SMYERS,
Plaintiff

vs.

EXCO RESOURCES, INC., and
PINE STONE RESOURCES, LLC,
Defendants

CIVIL ACTION - AT LAW

No. 2008-01091-CD

Type of Pleading:

Praecipe for
Discontinuance

Filed on Behalf of:

Plaintiff

Counsel of Record for This
Party:

Matthew B. Taladay
Supreme Court No. 49663
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Dated: 01/08/2009

^SFILED No CC.
m/11:30 am
JAN 09 2009
William A. Shaw
Prothonotary/Clerk of Courts
1 Cert of disc
issued to Atty
Taladay

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

LARRY F. SMYERS,

Plaintiff

vs.

No. 2008-01091-CD

EXCO RESOURCES, INC. and
PINE STONE RESOURCES, LLC,
Defendants

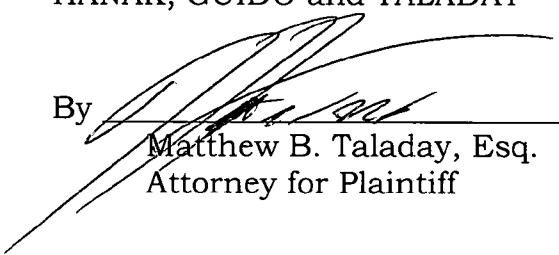
PRAECIPE FOR DISCONTINUANCE

TO THE PROTHONOTARY:

Kindly mark the above referenced matter settled,
discontinued and terminated.

HANAK, GUIDO and TALADAY

By


Matthew B. Taladay, Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPIES

Larry F. Smyers

Vs.

No. 2008-01091-CD

Exco Resources, Inc.
Pine Stone Resources, LLC

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 January 9, 2009, marked:

Settled, discontinued and terminated

Record costs in the sum of \$95.00 have been paid in full by Hanak, Guido & Taladay.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of January A.D. 2009.



William A. Shaw, Prothonotary

LM