

08-1197-CD

Richard Fullington vs Merle Lonjin Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RICHARD FULLINGTON

Plaintiff

v.

MERLE JOHN LONJIN, JR.

Defendant

) 2008-1197-CD  
) CIVIL ACTION - Law  
)  
) DOCKET NO: LT-0000429-07  
)  
) Type of Pleading:  
) PRAECIPE TO ENTER JUDGMENT  
)  
) Filed on behalf of Plaintiff  
)  
) Counsel of Record for this  
) Party:  
)  
) John G. Achille, Esquire  
) Supreme Court I.D. # 28431  
)  
) ACHILLE & ELLERMEYER  
) Attorneys at Law  
) 379 Main Street  
) Brookville, PA 15825  
) (814) 849-6701

FILED *pd \$20.00 Atty*  
*m/la: 200m Notice to deft*  
JUN 30 2008 *ICC & Statement*  
*to Atty.*

William A. Shaw  
Prothonotary/Clerk of Courts

RICHARD FULLINGTON

Plaintiff

v.

MERLE JOHN LONJIN, JR.

Defendant

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

) DOCKET NO. LT-0000429-07

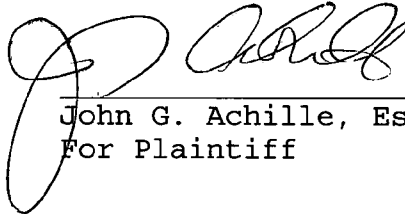
**PRAECIPE TO ENTER JUDGMENT**

**TO THE PROTHONOTARY:**

Please enter Judgment in the above-captioned matter per the  
Notice of Judgement attached as Exhibit A.

Respectfully submitted,

Date: June 23, 2008



John G. Achille, Esquire  
For Plaintiff

COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-02**

MDJ Name: Hon.

**RICHARD A. IRELAND**

Address:

**650 LEONARD ST****STE 113****CLEARFIELD, PA**Telephone: **(814) 765-5335****16830**

**RICHARD FULLINGTON**  
**6293 CLFD/WOODLND HY**  
**CLEARFIELD, PA 16830**

# NOTICE OF JUDGMENT/TRANSCRIPT RESIDENTIAL LEASE

PLAINTIFF:

NAME and ADDRESS

**FULLINGTON, RICHARD**  
**6293 CLFD/WOODLND HY**  
**CLEARFIELD, PA 16830**

VS.

DEFENDANT:

NAME and ADDRESS

**LONJIN, JR, MERLE JOHN**  
**320 EAST CHERRY ST**  
**CLEARFIELD, PA 16830**

Docket No.: **LT-0000429-07**Date Filed: **10/22/07**

## THIS IS TO NOTIFY YOU THAT:

Judgment:

**FOR PLAINTIFF**

Judgment was entered for:

(Name) **FULLINGTON, RICHARD**

Judgment was entered against

**LONJIN, JR, MERLE JOHN**

in a

Landlord/Tenant action in the amount of \$ **1,464.50** on **11/01/07** (Date of Judgment)The amount of rent per month, as established by the Magisterial District Judge, is \$ **450.00**.The total amount of the Security Deposit is \$ **.00**

	Total Amount	Established by MDJ	Less - Security Deposit Applied	=	Adjudicated Amount
Rent in Arrears	\$	<b>1,350.00</b>	-\$	<b>.00</b>	= \$ <b>1,350.00</b>
Physical Damages Leasehold Property	\$	<b>.00</b>	-\$	<b>.00</b>	= \$ <b>.00</b>
Damages/Unjust Detention	\$	<b>.00</b>	-\$	<b>.00</b>	= \$ <b>.00</b>
			Less Amt Due Defendant from Cross Complaint	-\$	<b>.00</b>
			Interest (if provided by lease)	\$	<b>.00</b>
			L/T Judgment Amount	\$	<b>1,350.00</b>
			Judgment Costs	\$	<b>114.50</b>
			Attorney Fees	\$	<b>.00</b>
			<b>Total Judgment</b>	\$	<b>1,464.50</b>
			Post Judgment Credits	\$	
			Post Judgment Costs	\$	
			<b>Certified Judgment Total</b>	\$	

Attachment Prohibited/  
42 Pa.C.S. § 8127

This case dismissed without prejudice.



Possession granted.



Possession granted if money judgment is not satisfied by time of eviction.



Possession not granted.



Defendants are jointly and severally liable.

IN AN ACTION INVOLVING A RESIDENTIAL LEASE, ANY PARTY HAS THE RIGHT TO APPEAL FROM A JUDGMENT FOR POSSESSION WITHIN TEN DAYS AFTER THE DATE OF ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. THIS APPEAL WILL INCLUDE AN APPEAL OF THE MONEY JUDGMENT, IF ANY. IN ORDER TO OBTAIN A SUPERSEDEAS, THE APPELLANT MUST DEPOSIT WITH THE PROTHONOTARY/CLERK OF COURTS THE LESSER OF THREE MONTHS RENT OR THE RENT ACTUALLY IN ARREARS ON THE DATE THE APPEAL IS FILED.

IF A PARTY WISHES TO APPEAL ONLY THE MONEY PORTION OF A JUDGMENT INVOLVING A RESIDENTIAL LEASE, THE PARTY HAS 30 DAYS AFTER THE DATE OF ENTRY OF JUDGMENT IN WHICH TO FILE A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF COURTS OF THE COURT OF COMMON PLEAS, CIVIL DIVISION.

THE PARTY FILING AN APPEAL MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THE NOTICE OF APPEAL. EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

NOV 01 2007

Date

*Richard A. Ireland*

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

6-19-08

Date

*Richard A. Ireland*

, Magisterial District Judge

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

COPY

Richard Fullington

Vs.

No. 2008-01197-CD

Merle John Lonjin Jr.

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$1,464.50 on June 30, 2008.

William A. Shaw  
Prothonotary

A handwritten signature in black ink, appearing to read 'William A. Shaw', with a small 'cm' or similar mark at the end.

William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

COPY

Richard Fullington  
Plaintiff(s)

No.: 2008-01197-CD

Real Debt: \$1,464.50

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Merle John Lonjin Jr.  
Defendant(s)


Entry: \$20.00

Instrument: District Justice Judgment

Date of Entry: June 30, 2008

Expires: June 30, 2013

Certified from the record this June 30, 2008

 cm

William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

Received on \_\_\_\_\_, \_\_\_\_\_, of defendant full satisfaction of this Judgment,  
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

\_\_\_\_\_  
Plaintiff/Attorney

JOHN FULLINGTON, ) COURT OF COMMON PLEAS OF  
 ) CLEARFIELD COUNTY,  
Plaintiff, ) PENNSYLVANIA  
 )  
v. ) No.: 2008-01197-CD  
 )  
MERLE JOHN LONJIN, JR., )  
 )  
Defendant. )

FILED<sup>icc</sup>  
m/10:52m Achille  
JUL 15 2008

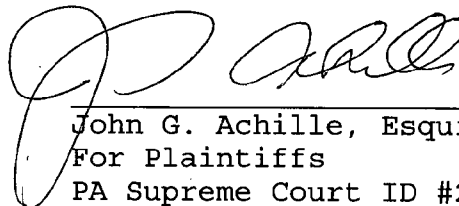
William A. Shaw  
Prothonotary/Clerk of Courts

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANT FOR  
THE PURPOSE OF DISCOVERY OF ASSETS OF THE DEFENDANT  
PURSUANT TO RULE 3117 OF THE PENNSYLVANIA  
RULES OF CIVIL PROCEDURE**

I certify on the date set forth below a true and correct  
copy of Interrogatories and Request for Production of Documents  
Propounded to Defendant for the Purpose of Discovery of Assets  
was served on the following via First Class U.S. Mail:

Merle John Lonjin, Jr.  
320 East Cherry Street  
Clearfield, PA 16830

Date: 7/14/08

  
John G. Achille, Esquire  
For Plaintiffs  
PA Supreme Court ID #28431

ACHILLE & ELLERMEYER  
Attorneys at Law  
379 Main Street  
Brookville, PA 15825-1221  
(814) 849-6701

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

JOHN FULLINGTON,

Plaintiff,

v.

MERLE JOHN LONJIN, JR.,

Defendant.

) CIVIL ACTION - LAW

)

) No. :2008-01197-CD

)

) MOTION TO COMPEL ANSWERS TO

) PLAINTIFF'S INTERROGATORIES

) AND REQUEST FOR PRODUCTION OF

) DOCUMENTS

)

) Filed on behalf of Plaintiffs

)

) Counsel of Record for this

) Party:

)

) John G. Achille, Esquire

) PA Supreme Court ID# 28431

)

) ACHILLE, ELLERMEYER & WALLISCH

) Attorneys at Law

) 379 Main Street

) Brookville, PA 15825-1221

) (814) 849-6701

)

)

)

)

FILED <sup>NO CC</sup>  
NOV 14 2008 <sup>12:40 PM</sup> (CIV)

5  
William A. Shaw  
Prothonotary/Clerk of Courts



JOHN FULLINGTON,	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY,
Plaintiff,	)	PENNSYLVANIA
v.	)	
	)	No. :2008-01197-CD
MERLE JOHN LONJIN, JR.,	)	
	)	
Defendant.	)	
	)	
	)	
	)	
	)	
	)	

**PLAINTIFF'S MOTION TO COMPEL DEFENDANT TO ANSWER  
PLAINTIFF'S INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS**

The Motion of the Plaintiff, by his counsel, John G. Achille, Esquire, respectfully represent as follows:

1. The Movant is the Plaintiff in the above-captioned matter.
2. The Respondent is the Defendant in the above-captioned matter upon which Interrogatories and Request for Production of Documents were served on July 14, 2008. (Exhibit 'A')
3. The Respondent was required in this matter to serve written response upon the Petitioner on August 14, 2008, of Movant's Interrogatories and Request for Productions of Documents.
4. Movant has requested that the Respondent answer the Interrogatories and Request for Production of Documents via letter dated September 2, 2008, directed to the Defendant. (Exhibit 'B')

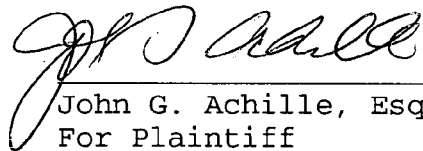
5. Respondent has failed to timely file an appropriate response to the Movant's Interrogatories and Request for Production of Documents.

6. Pa.R.C.P. No. 4019 provides at (a)(1)(vii) that the Court may on a motion make an appropriate order for sanctions when a party fails to respond and further provides in subsection (c) what those sanctions are.

WHEREFORE, Movant requests that the Court enter an Order requiring the Respondent to provide the requested information or to suffer sanctions without written notice or further hearing by this Court with attorneys fees and costs assessed against the Respondent.

Date:

11-13-08



John G. Achille, Esquire  
For Plaintiff

File copy  
Exhibit 'A'

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD FULLINGTON,

Plaintiff,

v.

MERLE JOHN LONJIN, JR.,

Defendant.

) CIVIL ACTION - LAW  
)  
) No.: 2008-01197-CD  
)  
) INTERROGATORIES AND REQUEST  
) FOR PRODUCTION OF DOCUMENTS  
) PROPOUNDED TO DEFENDANT FOR  
) THE PURPOSE OF DISCOVERY OF  
) ASSETS OF THE DEFENDANT  
) PURSUANT TO RULE 3117 OF THE  
) PENNSYLVANIA RULES OF CIVIL  
) PROCEDURE  
)  
) Filed on behalf of Plaintiffs  
)  
) Counsel of Record for this  
) Party:  
)  
) John G. Achille, Esquire  
) PA Supreme Court ID# 28431  
)  
) ACHILLE & ELLERMEYER  
) Attorneys at Law  
) 379 Main Street  
) Brookville, PA 15825-1221  
) (814) 849-6701

RICHARD FULLINGTON,	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY,
Plaintiff,	)	PENNSYLVANIA
v.	)	
	)	No.: 2008-01197-CD
MERLE JOHN LONJIN, JR.,	)	
	)	
Defendant.	)	
	)	
	)	
	)	
	)	

**INTERROGATORIES AND REQUEST FOR PRODUCTION OF  
DOCUMENTS PROPOUNDED TO DEFENDANT FOR  
THE PURPOSE OF DISCOVERY OF ASSETS OF THE DEFENDANT  
PURSUANT TO RULE 3117 OF THE PENNSYLVANIA RULES OF  
CIVIL PROCEDURE**

Plaintiff's counsel, John G. Achille, Esquire, hereby demands the above-named Defendant answer the following Interrogatories and Request for Production of Documents under oath, pursuant to Pennsylvania Rule of Civil Procedure Nos. 3117, 4005, 4006, and 4009 within thirty (30) days from service hereof. Failure to comply with this discovery may result in the imposition of sanctions against you pursuant to Pa. R.C.P. 4019. **These Interrogatories shall be deemed continuing so as to require answers if affiant, or anyone on his, her or their behalf obtains further information between the time the answers are served and the matter is settled.**

1. List all real property in which you own an interest. Set forth a brief description thereof, include the house and lot size and type of construction, the location, including the state, county, and municipality, the volume and page number of the official record with any other individual or individuals and give their full names and addresses. If any of the above properties are mortgaged, supply the names and addresses of lenders, the date and amount of the mortgage, where it is recorded, the monthly payments and the balance now due. This should include ownership by deed, lease, option to purchase or any other form of ownership or an interest in real property.

2. Furnish any documents, deeds, leases, agreements or other documents signifying ownership of the real property list in paragraph 1.

a) If any such ownership in real property mentioned in paragraph 1 was not recorded, list such unrecorded property, and furnish copies of the appropriate evidence of ownership.

b) List all conveyances of real property in which you owned or acquired any interest, whether personally or through any legal entity since December 6, 2007. List the real property, its location, the titled owners(s), to whom conveyed, the dated conveyed, and the consideration paid or received by Defendant.

c) Furnish a copy of all such conveyances.

3. State whether you have any agreement involving the purchase of any real estate. If so, state with whom this agreement is made, and state whether or not any parties are joined with you in the agreement. Supply full names and addresses of all parties concerned. If the said agreement is recorded, identify the state and county in which it was recorded, volume number and page.

4. State whether you own any mortgages against any real estate owned by any other person. If so, state whether or not you own this mortgage with any other individual, and supply their full name and address. State further the names and addresses of all the borrowers and the state and county where said mortgage is recorded together with the number of the volume and the page number.

5. State the names and addresses of any and all people who you believe owe you money and set forth in detail the amount of money owed, the terms of payment and whether or not you have written evidence of this indebtedness, and if so the location thereof.

6. State whether or not you have any insurance contracts. If so, state the serial or policy number or numbers of said contract, the coverage, the exact name and address of the insurance company, the named beneficiary or beneficiaries and their present address.

7. State whether or not you own individually or jointly any government bonds. If so, include the face amount, serial numbers and maturity dates and names and addresses of co-owners, if any, and state the present location thereof.

8. State whether or not you have any corporate stocks, shares or interest in any unincorporated association or partnership interest, limited or general and state the location thereof. Include the names and addresses of the organizations

and the serial numbers of the shares of stocks.

9. State whether or not you maintain any checking account. If so, state the name and location of the banks and the branch or branches thereof, the identification numbers of those accounts, and the amount or amounts you have in each account. State further whether or not you maintain any savings account and include the name of the bank or banks or branches or amount of amounts; or with any savings and loan association or building and loan association or credit union. If you maintain any of these jointly with another person, give their names and addresses, including corporate, partnership or other legal entities indicating any transfers and the consideration for the transfer.

a) List all checking and savings accounts you maintained a year ago if different from the ones listed above. State the date the account was closed, the balance of the account on the date it was closed and what you did with the balance of the account.

10. State whether or not you maintain any safety deposit box or boxes. If so, include the name of the bank or banks, branch or branches, and the identification number or other designation of the box or boxes, include a full description of the contents and also the amount of cash among those contents. If you maintain any of these jointly with another person, give their full names and addresses, including corporate, partnership or other legal entities indicating any transfers and the consideration for the transfer.

11. State whether or not you are involved in any lawsuits; include any and all actions now in Court, in the process of preparation for Court or in the negotiation stage and supply the names and addresses of all parties, corporations, association, etc., involved or to be involved, the facts and issues involved or to be involved; the amount or amounts claimed and the legal representative of all parties.

12. State whether or not you are now or will be beneficiary of or will inherit any money from any decedent and state the place and date of death, the legal representative of the estate, and the location of the Court where the said estate is administered or to be administered.

13. State whether you are a beneficiary of any trust fund and or a retirement account, and if so, state the names and the addresses of the trustees and the amount of payment or account and where it is received.

14. State whether or not you own any personal property. Include a full description of all equipment, furnishings and any other items of personal property (including jewelry) with full description, value and present location. State also whether or not there are any encumbrances on that property and if so, the names and addresses of the encumbrance holder, the date of the encumbrance, the original amount of that encumbrance, the present balance of that encumbrance and the transaction which gave rise the existence of the encumbrance.



a) List the same for any such assets which have been sold, transferred or otherwise disposed of since January 1, 2005, indicating the consideration given to you.

15. List all property, real personal or mixed, owned in part by you either as tenant in common, joint tenant, or in any other form of partial ownership. Indicate whether this ownership has changed since January 1, 2005, either by conveyance by title or deed, by gift, or by any legal conveyance whatsoever indicating what consideration was given to you in the exchange.

a) Furnish all documents with reference to the property indicated in the above paragraph.

16. List the names, addresses, and business purposes of any and all business organizations, corporations, partnerships, or other legal entities in which you owned or acquired an interest since January 1, 2005.

17. List the names, real fictitious, or personal, used by you to conduct business of any kind since January 1, 2005.

18. List all property, whether real, personal or mixed in

which you owned any legal interest whatsoever, on January 1, 2005, and the location of such property.

19. List all vehicles titled in your name. Include a full description of such automobiles, including color, model, serial and registration plate numbers. Also show the exact name in which the automobiles are registered, the present value of those automobiles and their present location and place of regular storage, garaging or parking. State also whether or not there are any encumbrances on those automobiles and the encumbrance, the original amount of that encumbrance, the present balance of that encumbrance and the transaction which gave rise to the existence of the encumbrance.

20. State whether you are the recipient of any payments and if so, state specifically the source of payment, the amount and the date when the payments are received.

21. Set forth any other information concerning any property you own or in the future have or will have an interest.

22. Indicate all payments received or made outside the ordinary course of your daily business expenses which have been made within the last six months or involved transactions involving more than \$400.

23. Please state whether you are presently in business? If so, give the name and address of your employees and job title, your customers, and businesses adjacent to your business.

24. If the answer to No. 23 is in the negative, the reason.

25. If the answer to No. 23 is in the affirmative, please state your average weekly payroll and on what day of the week you issue pay checks.

26. Who participated in the answering of these Interrogatories and Request for Production of Documents? Please state the name, address and telephone number of each individual and explain to what extent each person participated and the relationship to you.

27. Furnish your state and federal income tax returns for the last three taxable years and future years as they are prepared. This return is to include his corporate returns or the returns for any partnership, corporation or other entity in which you owned an interest or from which you received a profit or income.

28. List all trailers, trucks, earth moving equipment, drilling machines, cars, or equipment, owned or titled in your name or any partnership, corporation, or other entity in which you owned or controlled any interest whatsoever since January 1, 2005.

a) List the location for each item identified in No. 28.

29. Furnish all documents, e.g. titles, sales agreements, insurance cards, license plates, bill of sale or any other proof of ownership of such trailers, trucks, cars, or equipment from the period of January 1, 2005, through the present.

30. List all conveyances of motor vehicles, cars, trucks, trailers, or equipment used with such vehicles made by you whether individually, or through a corporation, partnership, or other entity in which you owned or held an interest either directly or through a representative since January 1, 2005.

31. Furnish all documents related to the conveyances mentioned in No. 30, including but not limited to titles, sales agreements, bill of sales, insurance documents, ICC reports, personal notes or records, partnership or corporate records, or any other documents or records.

32. State whether any conveyance since January 1, 2005, has been made with an agreement to return the motor vehicles, trailers, equipment, real estate, or any thing of value to you, at some future time, either by written or oral agreement. Furnish such agreement or furnish the names, addresses or present location of any such person or persons with whom such agreement was made.

33. List the states in which you have licensed trucks, cars, trailers or other motor vehicles or own real estate since January 1, 2005 and identify the item and any relevant insurance company.

34. State what your income has been for the last 3 years.

35. Have you ever applied for credit with anyone? If so, please identify with whom, specify names, addresses, telephone numbers, the purpose and what if any credit was extended.

36. Please state your current and permanent address and telephone number. If you use more than one address and/or telephone number, list all you currently use.

37. Specify what projects you are currently working on, the address where they are located, the work being done, when payment is to be received and how much you will receive.

38. State what your job schedule is for the remainder of the year specifying details as requested in No. 37.

39. State who currently has possession of or control over your property.

40. Identify all businesses and locations that you have operated a business at since 2003.

41. Identify all accounts receivable and balances due and from whom the money is due, indicating the person's name, address, telephone number and the basis of the debt. Attach all documents available concerning this question.

42. Identify who is handling the transfer of the money. Attach all documents available concerning this question.

43. Identify what items were sold at the garage sale in the last few months and who the owner was. Attach all documents available concerning this question.

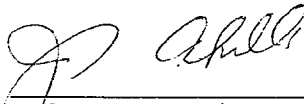
44. Identify what, if any, effort has been made to pay on the subject matter of this suit in the last nine months.

45. Identify any assets that you are voluntarily willing to transfer to avoid additional costs being incurred in collecting this debt.

46. Identify any people that are handling the bookkeeping or financial transactions for the accounts from the store and the period of time for which they have done so since 2003 through the present and into the future. Attach all documents available concerning this question.

Date:

7-14-08



John G. Achille, Esquire  
For Plaintiffs

Date:

\_\_\_\_\_, Esquire  
For Defendant



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,

PENNSYLVANIA

JOHN FULLINGTON,

Plaintiff,

v.

MERLE JOHN LONJIN, JR.

Defendant.

) CIVIL ACTION - LAW

)

) No.: 2008-01197-CD

)

) NOTICE OF SERVICE OF

) INTERROGATORIES AND REQUEST

) FOR PRODUCTION OF DOCUMENTS

) PROPOUNDED TO DEFENDANT FOR

) THE PURPOSE OF DISCOVERY OF

) ASSETS OF THE DEFENDANT

) PURSUANT TO RULE 3117 OF THE

) PENNSYLVANIA RULES OF CIVIL

) PROCEDURE

)

) Filed on behalf of Plaintiffs

)

) Counsel of Record for this

) Party:

)

) John G. Achille, Esquire

) PA Supreme Court ID# 28431

) ACHILLE & ELLERMEYER

) Attorneys at Law

) 379 Main Street

) Brookville, PA 15825-1221

) (814) 849-6701

JOHN FULLINGTON

Plaintiff,

v.

MERLE JOHN LONJIN JR.

Defendant.

) COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY,  
) PENNSYLVANIA

)  
) No.: 2008-01197-CD  
)  
)  
)  
)  
)  
)  
)  
)  
)

VERIFICATION

I, Merle John Lonjin Jr., hereby depose and state that I am the Defendant herein and that the averments set forth in the foregoing Interrogatories and Request for Production of Documents Directed to Defendant(First Set) are true and correct to the best of my knowledge, information and belief. This Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to intentional falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Merle John Lonjin, Jr.

JOHN FULLINGTON, ) COURT OF COMMON PLEAS OF  
 ) CLEARFIELD COUNTY,  
Plaintiff, ) PENNSYLVANIA  
 )  
v. ) No.: 2008-01197-CD  
 )  
MERLE JOHN LONJIN, JR., )  
 )  
Defendant. )

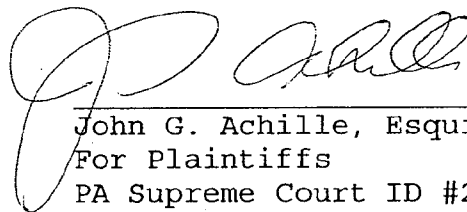
NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANT FOR  
THE PURPOSE OF DISCOVERY OF ASSETS OF THE DEFENDANT  
PURSUANT TO RULE 3117 OF THE PENNSYLVANIA  
RULES OF CIVIL PROCEDURE

I certify on the date set forth below a true and correct  
copy of Interrogatories and Request for Production of Documents  
Propounded to Defendant for the Purpose of Discovery of Assets  
was served on the following via First Class U.S. Mail:

Merle John Lonjin, Jr.  
320 East Cherry Street  
Clearfield, PA 16830

Date:

7/14/08



John G. Achille, Esquire  
For Plaintiffs  
PA Supreme Court ID #28431

ACHILLE & ELLERMEYER  
Attorneys at Law  
379 Main Street  
Brookville, PA 15825-1221  
(814) 849-6701

file copy

JOHN FULLINGTON, ) COURT OF COMMON PLEAS OF  
Plaintiff, ) CLEARFIELD COUNTY,  
 ) PENNSYLVANIA  
v. )  
 ) No.: 2008-01197-CD  
MERLE JOHN LONJIN, JR., )  
 )  
Defendant. )

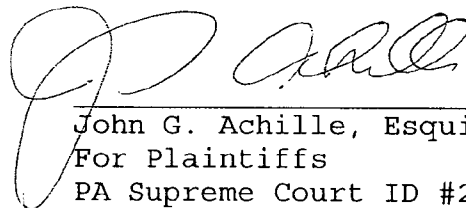
NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS PROPOUNDED TO DEFENDANT FOR  
THE PURPOSE OF DISCOVERY OF ASSETS OF THE DEFENDANT  
PURSUANT TO RULE 3117 OF THE PENNSYLVANIA  
RULES OF CIVIL PROCEDURE

I certify on the date set forth below a true and correct  
copy of Interrogatories and Request for Production of Documents  
Propounded to Defendant for the Purpose of Discovery of Assets  
was served on the following via First Class U.S. Mail:

Merle John Lonjin, Jr.  
320 East Cherry Street  
Clearfiled, PA 16830

Date:

7-14-08

  
John G. Achille, Esquire  
For Plaintiffs  
PA Supreme Court ID #28431

ACHILLE & ELLERMEYER  
Attorneys at Law  
379 Main Street  
Brookville, PA 15825-1221  
(814) 849-6701

ACHILLE & ELLERMEYER  
Attorneys At Law

Exhibit 'B'

John G. Achille\*  
Joseph H. Ellermeyer

Tel: (814)849-6701  
Fax: (814)849-2889  
Email: achille@palaw.org

\*Also NJ Bar

September 2, 2008



379 Main Street  
Brookville, PA 15825-1221

Merle John Lonjin, Jr.  
322 E. Cherry Street  
Clearfield, PA 16830

RE: John Fullington v. Merle John Lonjin Jr.  
Civil Action No. 2008-01197-CD

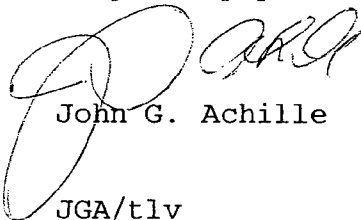
Dear Mr. Lonjin:

Per my letter to you dated July 14, 2008, I had requested your response by August 14, 2008, to interrogatories that were sent to you. To date I have had no response to this request.

This letter is to inform you that I will be proceeding with a motion to compel your response to the interrogatories. To avoid further action please complete the interrogatories and return to my office by September 12, 2008.

If you have any questions or would be interested in settling this matter, please feel free to give me a call. We have enclosed a copy of the Notice of Service we filed with the courthouse by mail today.

Very truly yours,

  
John G. Achille

JGA/tlv

Enc: Interrogatories 1 copy  
Notice of Service

cc: John Fullington w/o enc.

This letter is an attempt to collect a debt. Any information obtained will be used for those purposes. Unless you, within 30 days after the receipt of this notice, dispute the validity of the debt, or any portion thereof, the debt will be assumed to be valid.

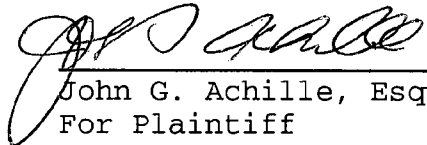
JOHN FULLINGTON, ) COURT OF COMMON PLEAS OF  
 ) CLEARFIELD COUNTY,  
Plaintiff, ) PENNSYLVANIA  
 )  
v. ) No. :2008-01197-CD  
 )  
MERLE JOHN LONJIN, JR., )  
 )  
Defendant. )

**CERTIFICATE OF SERVICE**

I certify on the date set forth below a true and correct copy of MOTION TO COMPEL ANSWERS TO PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS was served on Defendant on the date set forth below via First Class U.S. Mail at the following address:

MERLE JOHN LONJIN, JR.  
322 E. Cherry Street  
Clearfield, PA 16830

Date: 11-13-08

  
John G. Achille, Esquire  
For Plaintiff  
PA Supreme Court ID #28431

ACHILLE, ELLERMEYER & WALLISCH  
Attorneys at Law  
379 Main Street  
Brookville, PA 15825-1221  
(814) 849-6701

JOHN FULLINGTON,	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY,
Plaintiff,	)	PENNSYLVANIA
v.	)	
	)	No. :2008-01197-CD
MERLE JOHN LONJIN, JR.,	)	
	)	Type of pleading:
Defendant.	)	
	)	<b>MOTION TO COMPEL ANSWERS TO</b>
	)	<b>PLAINTIFF'S INTERROGATORIES</b>
	)	<b>AND REQUEST FOR PRODUCTION OF</b>
	)	<b>DOCUMENTS</b>
	)	

**MOTION TO COMPEL ANSWERS TO PLAINTIFF'S INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS**

**ORDER**

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon  
consideration of the foregoing Motion to Compel,

IT IS HEREBY ORDERED, DIRECTED AND DECREED that the  
Defendant MERLE JOHN LONJIN, JR., shall have ten (10) days from  
the date of this order to answer Plaintiff's Interrogatories and  
Request for Production of Documents or to suffer such sanctions  
as the Court shall impose.

BY THE COURT

---

John G. Achille, Esquire  
379 Main Street  
Brookville, PA 15825  
814-849-6701  
I.D. # 28431

Attorney for Plaintiff/Petitioner

JOHN FULLINGTON,  
Plaintiff,

)  
) IN THE COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY, PENNSYLVANIA  
)  
) CIVIL ACTION - Law  
)  
) No. 2008-01197 C.D.

vs.

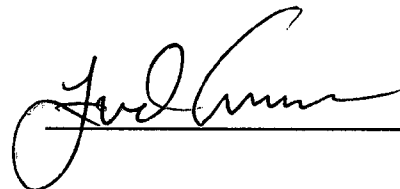
MERLE JOHN LONJIN, JR.  
Defendant.

**RULE TO SHOW CAUSE**

AND NOW, this 17 day of November, 2008, upon consideration of the foregoing Motion, it is hereby ORDERED that a Rule shall be issued upon the Defendant, Merle John Lonjin, Jr., to show cause, if any which he may have, why Plaintiff's Interrogatories and Request for Production of Documents in Aid of Execution should not be granted with cost assessed against the Defendant.

Said Rule returnable on the 5<sup>th</sup> day of December 2008; a Hearing in this matter is to be held on the 19<sup>th</sup> day of December 2008, at 1:30 P m., in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania, if necessary.

BY THE COURT:



**FILED**

NOV 17 2008

*Atty Achille*

William A. Shaw  
Prothonotary/Clerk of Courts



FILED

NOV 17 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/17/08

☒ You are responsible for serving all appropriate parties.  
\_\_\_\_ The Prothonotary's office has provided service to the following parties:  
\_\_\_\_ Plaintiff(s) \_\_\_\_ Plaintiff(s) Attorney \_\_\_\_ Other  
\_\_\_\_ Defendant(s) \_\_\_\_ Defendant(s) Attorney  
\_\_\_\_ Special Instructions:

John G. Achille, Esquire  
379 Main Street  
Brookville, PA 15825  
814-849-6701  
I.D. # 28431

Attorney for Plaintiff

---

JOHN FULLINGTON,	)	IN THE COURT OF COMMON PLEAS OF
Plaintiff,	)	CLEARFIELD COUNTY, PENNSYLVANIA
	)	
vs.	)	No. 2008 - 01197 CD
	)	
MERLE LONJIN, JR.,	)	
Defendant.	)	

### ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, the Respondent having failed to answer and/or show cause why he should not answer the Petitioner's Interrogatories and Request for Production of Documents in Aid of Execution,

IT IS HEREBY ORDERED that the Defendant/Respondent, Merle Lonjin, Jr, answer the Plaintiff/Petitioner's Interrogatories and Request for Production of Documents in Aid of Execution on or before the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, or suffer sanctions by this Court.

IT IS FURTHER ORDERED that the Defendant/Respondent, Merle Lonjin, Jr, is to pay costs associated with the Plaintiff/ Petitioner's Motion to Compel in the amount of \$\_\_\_\_\_.

BY THE COURT,

---

P.J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN FULLINGTON,

Plaintiff,

v.

MERLE LONJIN, JR.,

Defendant.

CIVIL ACTION - LAW

CASE NO.: 2008 - 001197 CD

MOTION TO MAKE RULE ABSOLUTE

Filed on Behalf of :  
PLAINTIFF

Counsel of Record for  
this party:

**JOHN G. ACHILLE, ESQUIRE**

379 Main Street  
Brookville, PA 15825  
(814) 849-6701  
I.D. No.: 28431

**FILED** <sup>1cc</sup>  
m/12:56/2008 *Atty Achille*  
DEC 17 2008 *SK*

5  
William A. Shaw  
Prothonotary/Clerk of Courts

John G. Achille, Esquire  
379 Main Street  
Brookville, PA 15825  
814-849-6701  
I.D. # 28431

Attorney for Plaintiff

---

JOHN FULLINGTON,	)	IN THE COURT OF COMMON PLEAS OF
Plaintiff,	)	CLEARFIELD COUNTY, PENNSYLVANIA
	)	
vs.	)	No. 2008 - 01197 CD
	)	
MERLE LONJIN, JR.,	)	
Defendant.	)	

### **PETITION TO MAKE THE COURT'S RULE ABSOLUTE**

AND NOW comes the Petitioner, by and through his attorney, and files the following Petition to Make the Court's Rule Absolute for the Respondent to answer the Petitioner's Interrogatories and Request for Production of Documents In Aid of Execution with costs assessed against the Respondent.

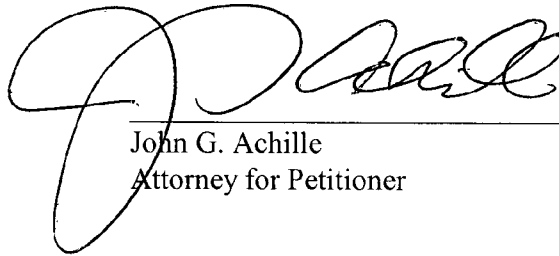
1. The Petitioner is John Fullington a/k/a Richard Fullington, the Plaintiff in the above-captioned action.
2. The Respondent is Merle Lonjin, Jr. the Defendant in the above-captioned action.
3. On or about November 13, 2008, the Petitioner filed a Motion to Compel the Respondent to answer the aforesaid discovery requests.
4. On November 17, 2008, This Honorable Court issued a Rule on the Respondent to show cause why the Respondent should not answer the aforesaid discovery requests. This rule was returnable on December 5, 2008. Service was effected upon all interested parties on November 24, 2008, via first class mail as shown on attached correspondence marked Exhibit "A".
5. There has been no reply to this Rule.

6. The time set for response to the Rule has expired and no Answer has been made.

7. The Petitioner has requests that costs involved with this issue be assessed against the Respondent. Attached hereto is a true and correct statement for such services.

WHEREFORE, Petitioner moves to make the foregoing Rule Absolute and Order the Respondent to Answer the Petitioner's Interrogatories and Request for Production of Documents in Aid of Execution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Achille', is written over a horizontal line. The signature is stylized with large loops and a cursive 'e' at the end.

---

John G. Achille  
Attorney for Petitioner

# ACHILLE, ELLERMEYER & WALLISCH

Attorneys At Law

John G. Achille\*  
Joseph H. Ellermeyer  
Mark A. Wallisch  
\*Also NJ Bar

Tel: (814)849-6701  
Fax: (814)849-2889  
Email: achille@palaw.org



November 24, 2008

379 Main Street  
Brookville, PA 15825-1221

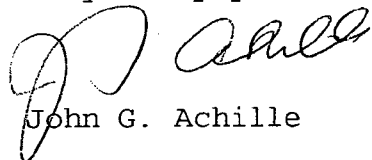
Merle John Lonjin, Jr  
474 Main Street  
Woodland, PA 16881

RE: John Fullington v Merle John Lonjin, Jr.  
No. 2008-01197 C.D.  
Discovery Request

Dear Mr. Lonjin:

Please find enclosed a copy of a Motion to Compel filed relative to the above-captioned action along with the Rule to Show Cause dated November 17, 2008 which has been issued by the Judge.

Very truly yours,



John G. Achille

JGA/klb

Enc: Rule to Show Cause  
Motion to Compel  
Certificate of Service

Exhibit "A"

# Achille, Ellermeyer & Wallisch

Attorneys At Law

John G. Achille\*  
Joseph H. Ellermeyer  
Mark A. Wallisch

379 Main Street  
Brookville, PA 15825

(814)849-6701 voice  
(814)849-2889 fax

\*Also NJ Bar

December 15, 2008

## STATEMENT FOR SERVICES RENDERED

Fullington v Merle Lonjin, Jr.

Status of Case: Discovery pending

07/14/2008	Preparation and service of Discovery	1.0
08/14/2008	Review of file - failure to answer Discovery	0.2
09/02/2008	Letter to Lonjin	0.3
11/13/2008	Preparation of Motion to Compel	0.7
11/19/2008	Letter to client/letter to Lonjin	0.5
11/24/2008	Resend Motion due to address change w/Order	0.2
12/15/2008	Telephone call to Court and Preparation of Petition	0.5
	Hours this billing	3.4

Prior hrs. expended 0  
Billing Rate \$200.00 per hr.  
Total Prior Billings \$ 0.00

Total hours this Billing  
From 7-14-08 to 12-15-08 3.4  
Billing Rate \$200.00 per hr.  
Amount owed this Billing period \$ 680.00

Total Legal Services to date \$ 680.00  
Prior payments - 0.00  
Advanced fees, costs, expenses + 0.00

**TOTAL AMOUNT DUE TO DATE \$ 680.00**

**THANK YOU**

JHE/ch

UA

JOHN FULLINGTON }  
VS } NO. 08-1197-CD  
MERLE LONJIN, JR. }

O R D E R

NOW, this 19th day of December, 2008, this being the date set for Argument on the Motion to Compel filed on behalf of the Plaintiff with the Court noting that the Defendant has cooperated with counsel for the Plaintiff in filling out the appropriate paperwork as requested, it is the ORDER of this Court as follows:

1. The Court believes that the Plaintiff is entitled to reasonable attorney's fees and hereby awards the amount of One Hundred Fifty Dollars (\$150.00).

2. The correct caption in the case is Richard Fullington, Plaintiff, vs. Merle Lonjin, Jr. All further pleadings filed by any party shall reflect the correct caption.

BY THE COURT,

Frederick J. Cummings

President Judge

**FILED**

DEC 23 2008

William A. Shaw  
Prothonotary/Clerk of Courts

2CC Atty Achille

2cc Def. -

322 E. Cherry St.  
Clearfield, PA 16830

610



FILED

DEC 23 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 12/23/08

       You are responsible for serving all appropriate parties.  
       The Prothonotary's office has provided service to the following parties:

       Plaintiff(s)

              Plaintiff(s) Attorney        Other

       Defendant(s)

       Defendant(s) Attorney        Other

       Special Instructions:

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

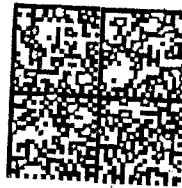
<sup>S</sup> FILED  
m/2:20Lm  
JAN 02 2009

William A. Shaw (LM)  
Prothonotary/Clerk of Courts

remailed to 474 Main St  
Woodland PA  
16881-  
7804

Merle Lonjin, Jr.  
322 E. Cherry Street  
Clearfield, PA 16830

1683060549

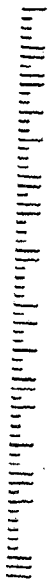


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12/24/2008  
Mailed From 16830  
US POSTAGE

FORWARD TIME EXP 1 B07C 00 12/30/08  
LONJIN SR ST  
474 MAIN ST  
WOODLAND PA 16881-7804

RETURN TO SENDER



JOHN FULLINGTON }  
VS } NO. 08-1197-CD  
MERLE LONJIN, JR. }

NOW, this 19th day of December, 2008, this being the date set for Argument on the Motion to Compel filed on behalf of the Plaintiff with the Court noting that the Defendant has cooperated with counsel for the Plaintiff in filling out the appropriate paperwork as requested, it is the ORDER of this Court as follows:

2. The correct caption in the case is Richard Fullington, Plaintiff, vs. Merle Lonjin, Jr. All further pleadings filed by any party shall reflect the correct caption.

/S/ Fredric J Ammerman

I hereby certify this to be a true and correct copy of the original statement filed in this case.

DEC 23 2008

Ates

William H. Prothro, Jr.  
Prothonotary/  
Clerk of Courts

## CIVIL DIVISION

JOHN FULLINGTON }  
VS } NO. 08-1197-CD  
MERLE LONJIN, JR. }

NOW, this 19th day of December, 2008, this being the date set for Argument on the Motion to Compel filed on behalf of the Plaintiff with the Court noting that the Defendant has cooperated with counsel for the Plaintiff in filling out the appropriate paperwork as requested, it is the ORDER of this Court as follows:

1. The Court believes that the Plaintiff is entitled to reasonable attorney's fees and hereby awards the amount of One Hundred Fifty Dollars (\$150.00).

2. The correct caption in the case is Richard Fullington, Plaintiff, vs. Merle Lonjin, Jr. All further pleadings filed by any party shall reflect the correct caption.

I hereby certify this to be a true and attested copy of the original statement filed in this case.

BY THE COURT,

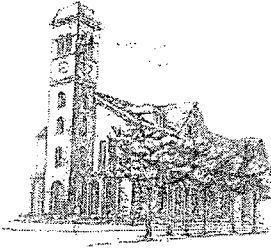
/S/ Fredric J Ammerman

## President Judge

DEC 23 2008

Attest.

William H. Brown  
Prothonotary/  
Clerk of Courts



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ [www.clearfieldco.org](http://www.clearfieldco.org)

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 12/23/08

\_\_\_\_\_ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

\_\_\_\_\_ Plaintiff(s) X Plaintiff(s) Attorney \_\_\_\_\_ Other

X Defendant(s) \_\_\_\_\_ Defendant(s) Attorney

\_\_\_\_\_ Special Instructions:

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

RICHARD FULLINGTON,

Plaintiff,

v.

MERLE JOHN LONJIN, JR.,

Defendant.

) CIVIL ACTION - LAW

) No. :2008-01197-CD

) CERTIFICATE OF SERVICE OF  
) ORDER

) Filed on behalf of Plaintiffs

) Counsel of Record for this  
) Party:

) John G. Achille, Esquire  
) PA Supreme Court ID# 28431

) ACHILLE, ELLERMEYER & WALLISCH  
) Attorneys at Law  
) 379 Main Street  
) Brookville, PA 15825-1221  
) (814) 849-6701

5  
**FILED** *no cc*  
JAN 14 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

RICHARD FULLINGTON,

Plaintiff,

v.

MERLE JOHN LONJIN, JR.,

Defendant.

) COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY,  
) PENNSYLVANIA

) No. :2008-01197-CD

) Type of pleading:

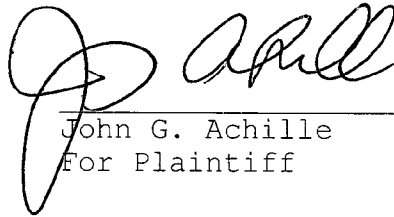
) **CERTIFICATE OF SERVICE OF**  
) **ORDER**

**NOTICE OF SERVICE OF ORDER TO AMEND JUDGMENT**

I certify on the date set forth below a true and correct  
copy of the Order was served on the following via First Class  
U.S. Mail on the date specified below:

Merle John Lonjin, Jr.  
322 E. Cherry Street  
Clearfield, PA 16830

DATE



John G. Achille  
For Plaintiff