

08-1464-CD
Gortech Global Fab vs GOE *Lima* al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GORTECH GLOBAL FABRICATION, LLC CIVIL DIVISION

Plaintiff,

No. 2008-1464-CD

v.

PRAECIPE FOR WRIT OF SUMMONS

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES, LLC;
JAMES F. BLAIR; GREGORY A. KRUGER;
ROGER S. GIPPS

Filed on Behalf of Plaintiff
Gortech Global Fabrication, LLC

Counsel of Record for Plaintiff:

Defendants.

Gregory H. Teufel, Esq.
PA I.D. No. 73062
Eckert Seamans Cherin & Mellott, LLC
Firm No. 075
44th Floor, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219
412-566-5977
412-566-6099 (facsimile)
gteufel@eckertseamans.com

Christopher E. Mohney, Esq.
PA I.D. No. 63494
25 East Park Avenue, Suite 6
DuBois, PA 15801
814-375-1044
814-375-1088 (facsimile)

FILED pd \$95.00 Atty
0/2:10Lm 10 cc & 8 writs
AUG 08 2008 issued to Atty
Mohney

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GORTECH GLOBAL FABRICATION, LLC CIVIL DIVISION

Plaintiff,

No. _____

v.

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES, LLC;
JAMES F. BLAIR; GREGORY A. KRUGER;
ROGER S. GIPPS

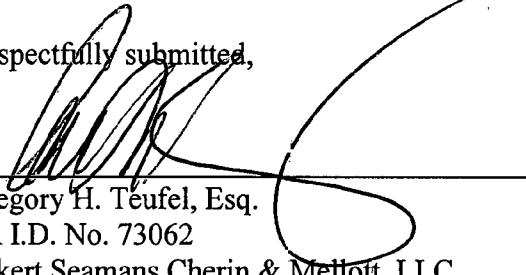
Defendants.

PRAECIPE FOR WRIT OF SUMMONS

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons against the within named Defendants, GOE Lima, LLC;
Greater Ohio Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger; and
Roger S. Gipps.

Respectfully submitted,



Gregory H. Teufel, Esq.
PA I.D. No. 73062
Eckert Seamans Cherin & Mellott, LLC
44th Floor, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Christopher E. Mohnhey, Esq.
PA I.D. No. 63494
25 East Park Avenue, Suite 6
DuBois, PA 15801

Counsel for Plaintiff

Date: August __, 2008

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

COPY

SUMMONS

Gortech Global Fabrication, LLC

Vs.

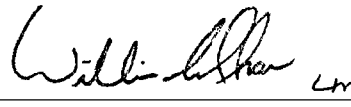
NO.: 2008-01464-CD

**Goe Lima, LLC; Greater Ohio Ethanol, LLC
KBK Properties, LLC; James F. Blair
Gregory A. Kruger; Roger S. Gipps**

TO: GOE LIMA, LLC
GREATER OHIO ETHANOL, LLC
KBK PROPERTIES, LLC
JAMES F. BLAIR
GREGORY A. KRUGER
ROGER S. GIPPS

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: 8/8/2008



William A. Shaw
Prothonotary

Issuing Attorney:

Christopher E. Mohnhey
25 East Park Ave.
DuBois, PA 15801
(814)-375-1044

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

GORTECH GLOBAL FABRICATION,
LLC

PLAINTIFF

VS.

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES,
LLC; JAMES F. BLAIR; GREGORY A.
KRUGER; and ROGER S. GIPPS

DEFENDANTS

NO. 2008-01464- C.D.

TYPE OF CASE: CIVIL

TYPE OF PLEADING:
AFFIDAVIT OF SERVICE

FILED ON BEHALF OF:
PLAINTIFF

COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY,
ESQUIRE
SUPREME COURT NO.: 63494

25 EAST PARK AVENUE,
SUITE 6
DUBOIS, PA 15801
(814) 375-1044

GREGORY H. TEUFEL, ESQUIRE
SUPREME COURT NO. 73062

ECKERT SEAMANS CHERIN &
MELLOT, LLC
U. S. STEEL TOWER
600 GRANT STREET, 44TH FLOOR
PITTSBURGH, PA 15219
(412) 566-6000

FILED
m/10/2008
SEP 10 2008

Prothonotary Clerk of Courts

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

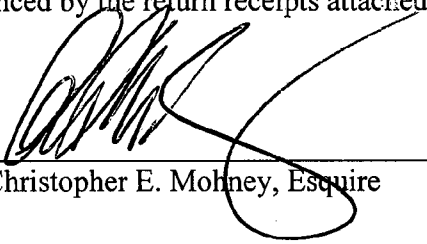
GORTECH GLOBAL FABRICATION, LLC	:	NO. 2008 - 01464 - C.D.
	:	
	:	TYPE OF CASE: CIVIL
PLAINTIFF	:	
	:	
VS.	:	
	:	
	:	
GOE LIMA, LLC; GREATER OHIO ETHANOL, LLC; KBK PROPERTIES, LLC; JAMES F. BLAIR; GREGORY A. KRUGER; and ROGER S. GIPPS	:	
	:	
DEFENDANTS	:	

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :


I, **CHRISTOPHER E. MOHNEY, ESQUIRE**, being duly sworn according to law, deposes and says that as an attorney for Plaintiff **GORTECH GLOBAL FABRICATION, LLC**, in the above captioned action, he did serve a true and correct copies of Praecipe for Writ of Summons and Summons in the above-captioned case on Defendants **GOE LIMA, LLC; GREATER OHIO ETHANOL, LLC; KBK PROPERTIES, LLC; JAMES F. BLAIR; GREGORY A. KRUGER; and ROGER S. GIPPS**, by certified mail, return receipt requested, all mailings with the return address of Plaintiff's counsel appearing thereon, on August 25, 2008, August 30, 2008 and September 4, 2008 as to GOE Lima, LLC; on August 25, 2008 and September 3, 2008 as to Greater Ohio Ethanol, LLC; on August 13, 2008 as to KBK Properties,

LLC; on August 15, 2008 as to James F. Blair; on August 25, 2008 as to Gregory A. Kruger; and
on August 16, 2008 as to Roger S. Gipps, all as evidenced by the return receipts attached hereto.



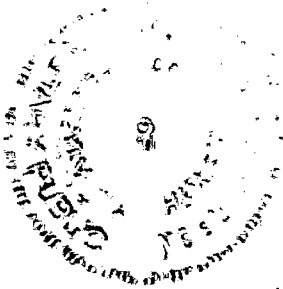
Christopher E. Mohnhey, Esquire

SWORN TO and SUBSCRIBED
before me this 04 day of
September, 2008



Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Nicole A. Fulkerson - Notary Public
CITY OF DUBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES FEB. 25, 2011



CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW

25 EAST PARK AVENUE

SUITE 6

DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1088

August 13, 2008

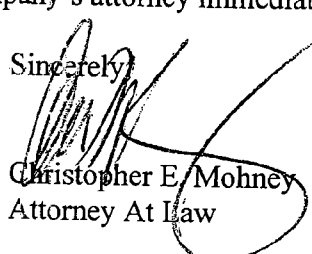
Goe Lima, LLC
Attention: Gregory A. Kruger
2650 N. Napoleon Rd.
Harrod, OH 45850

RE: Gortech Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2008-01464-CD

Dear Mr. Kruger:

Enclosed I hereby serve you with certified true and correct copies of a Praecipe for Writ of Summons filed on August 8, 2008 in the Court of Common Pleas of Clearfield County, Pennsylvania and the Summons issued by the Prothonotary of that court. You should deliver these papers to your company's attorney immediately.

Sincerely,


Christopher E. Mohney
Attorney At Law

CEM: naf
Enclosures

Copy to: Gregory H. Teufel, Esquire

#505

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: Goe Lima, LLC Attention: Gregory A. Kruger 2650 N. Napoleon Road Harrod, OH 45850</p>	<p>A. Signature X. Kruger <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery 8-25-08</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>2. Article Number (Transfer from service label) 7006 0810 0001 0127 3312</p>	<p>3. Service Type <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>PS Form 3800, February 2004</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p> <p>Domestic Return Receipt</p> <p>102596-02-M-1540</p>

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	4.30
Total Postage & Fees	\$ 9.62

7006 0810 0001 0127 3312

Sent To
Gregory A. Kruger, Goe Lima, LLC
 Street, Apt. No.,
 or PO Box No. **2650 N. Napoleon Road**
 City, State, ZIP+4
Harrod, OH 45850

PS Form 3800, June 2002 See Reverse for Instructions

FALLS CREEK PA
 AUG 25 2008
 15840-9960

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW

25 EAST PARK AVENUE

SUITE 6

DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1088

August 27, 2008

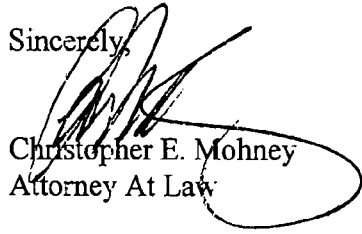
GOE Lima, LLC
1451 East Hanthorn Road
Lima, OH 45804

RE: Gortech Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2008-01464-CD

Dear Sir or Madam:

Enclosed I hereby serve you with certified true and correct copies of a Praeipce for Writ of Summons and Summons filed on behalf of Plaintiff Gortech Global Fabrication, LLC in the Court of Common Pleas of Clearfield County, Pennsylvania. The Praeipce for Writ of Summons was filed on August 8, 2008.

Sincerely,


Christopher E. Mohney
Attorney At Law

CEM: naf
Enclosure

Copy to: Gregory H. Teufel, Esquire

505

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>GOE Lima, LLC 1451 E. Hanthorn Road Lima, OH 45804</p>	<p>A. Signature X <i>David E. Byrle</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>David Boyer</i></p> <p>C. Date of Delivery <i>8-30-08</i></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>2. Article Number (Transfer from service label)</p> <p>7006 0810 0001 0127 3497</p>	<p>3. Service Type <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>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540


505

U.S. Postal Service™
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ <i>2.42</i>
Certified Fee	<i>2.70</i>
Return Receipt Fee (Endorsement Required)	<i>2.20</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>5.32</i>



Sent To
GOE Lima, LLC
Street, Apt. No.,
or PO Box No. 1451 E. Hanthorn Road
City, State, ZIP+4
Lima, OH 45804

PS Form 3800, June 2002 See Reverse for Instructions

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW

25 EAST PARK AVENUE

SUITE 6

DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1088

August 27, 2008

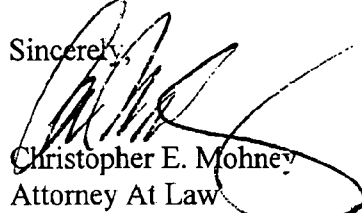
GOE Lima, LLC
212 North Elizabeth Street, Suite 203
Lima, OH 45801

RE: Gortech Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2008-01464-CD

Dear Sir or Madam:

Enclosed I hereby serve you with certified true and correct copies of a Praeceptum for Writ of Summons and Summons filed on behalf of Plaintiff Gortech Global Fabrication, LLC in the Court of Common Pleas of Clearfield County, Pennsylvania. The Praeceptum for Writ of Summons was filed on August 8, 2008.

Sincerely,


Christopher E. Mohney
Attorney At Law

CEM: naf
Enclosure

Copy to: Gregory H. Teufel, Esquire

505

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<p>2. Article Number <i>7006 0810 0001 0127 3480</i></p> <p><i>Transfer from service label</i></p>	

PS Form 3811, February 2004 Domestic Return Receipt 102505-02-11-1840

7006 0810 0001 0127 3480

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com ®	
OFFICIAL USE	
Postage	\$ <i>.42</i>
Certified Fee	<i>2.70</i>
Return Receipt Fee (Endorsement Required)	<i>2.20</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>5.32</i>
<p>Sent To <i>GOE Lima, LLC</i> Street, Apt. No., or PO Box No. <i>212 N. Elizabeth St., Ste 203</i> City, State, ZIP+4 <i>Lima, OH 45801</i> </p>	

PS Form 3800, June 2002 See Reverse for Instructions

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW
25 EAST PARK AVENUE
SUITE 6
DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1088

-- August 13, 2008

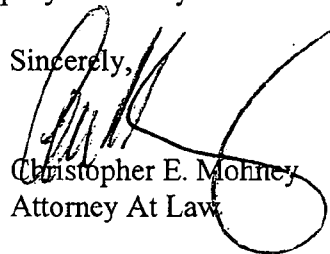
Greater Ohio Ethanol, LLC
Attention: Gregory A. Kruger
2650 N. Napoleon Rd.
Harrod, OH 45850

RE: Gortech Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2008-01464-CD

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Sincerely,


Christopher E. Mohney
Attorney At Law

CEM: naf
Enclosures

Copy to: Gregory H. Teufel, Esquire

#505

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<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type <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>PS Form 3811, February 2004</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>

7006 0810 0001 0127 3329

Domestic Return Receipt

102595-02-M-1540

7006 0810 0001 0127 3329

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	4.30
Total Postage & Fees	\$ 9.62

Postmark Here
 FALLS CREEK PA
 AUG 13 2008
 15840-96

Sent To Gregory A. Kruger
 Greater Ohio Ethanol, LLC
 Street, Apt. No.,
 or PO Box No. 2650 N. Napoleon Road
 City, State, ZIP+4
 Harrod, OH 45850

PS Form 3800, June 2002 See Reverse for Instructions

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW

25 EAST PARK AVENUE

SUITE 6

DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1088

August 27, 2008

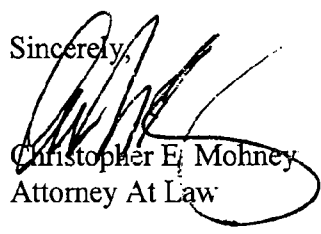
Greater Ohio Ethanol, LLC
212 North Elizabeth Street
Lima, OH 45801

RE: Gortech Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2008-01464-CD

Dear Sir or Madam:

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Sincerely,


Christopher E. Mohney
Attorney At Law

CEM: naf
Enclosure

Copy to: Gregory H. Teufel, Esquire

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<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or use front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Addressed to: Greater Ohio Ethanol, LLC 212 N. Elizabeth Street Lima, OH 45801</p>		<p>B. Received by (Printed Name) Richard L. Loh</p>	
		<p>C. Date of Delivery 9.3.08</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 <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 0127 3503</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7006 0810 0001 0127 3503

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Sent To
 Greater Ohio Ethanol, LLC
 Street, Apt. No.;
 or PO Box No. 212 N. Elizabeth Street
 City, State, ZIP+4
 Lima, OH 45801

PS Form 3800, June 2002 See Reverse for Instructions

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW

25 EAST PARK AVENUE

SUITE 6

DUBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1088

August 13, 2008

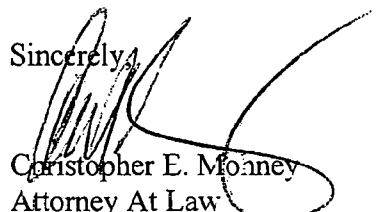
KBK Properties, LLC
Attention: James C. King
212 N. Elizabeth Street
Lima, OH 45801

RE: Gortech Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2008-01464-CD

Dear Mr. King:

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Sincerely,


Christopher E. Mohney
Attorney At Law

CEM: na
Enclosures

Copy to: Gregory H. Teufel, Esquire

#505

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 <i>Shelly Golden</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: KBK Properties, LLC Attention: James C. King 212 N. Elizabeth Street Lima, OH 45801</p>		<p>B. Received by (Printed Name) <i>Shelly Golden</i></p> <p>C. Date of Delivery <i>8/18</i></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 <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 checked="" type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7006 0810 0001 0127 3336</p>	

PS Form 3811, February 2004 Domestic Return Receipt 32595-02-M-1540

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Sent To **James C. King**
KBK Properties, LLC
Street, Apt. No. **212 N. Elizabeth Street**
or PO Box No. **Lima, OH 45801**
City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW

25 EAST PARK AVENUE

SUITE 6

DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1068

August 13, 2008

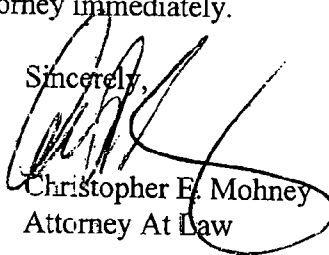
James F. Blair
7227 Harding Hwy.
Lima, OH 45801

RE: Gortech Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2008-01464-CD

Dear Mr. Blair:

Enclosed I hereby serve you with certified true and correct copies of a Praecipe for Writ of Summons filed on August 8, 2008 in the Court of Common Pleas of Clearfield County, Pennsylvania and the Summons issued by the Prothonotary of that court. You should deliver these papers to your attorney immediately.

Sincerely,


Christopher E. Mohny
Attorney At Law

CEM: naf
Enclosure

Copy to: Gregory H. Teufel, Esquire

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>Lena Blair</i></p> <p>B. Received by (Printed Name) <i>Lena Blair</i></p> <p>C. Date of Delivery <i>8-15-08</i></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>1. Article addressed to:</p> <p>James Blair 7227 Harding Hwy. Lima, OH 45801</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	

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Restricted Delivery Fee (Endorsement Required)	4.30
Total Postage & Fees	\$ 9.62

Sent To
James F. Blair
Street, Apt. No.,
or PO Box No. **7227 Harding Hwy.**
City, State, ZIP+4
Lima, OH 45801

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7006 0810 0001 0127 3374

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW

25 EAST PARK AVENUE

SUITE 6

DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1088

August 13, 2008

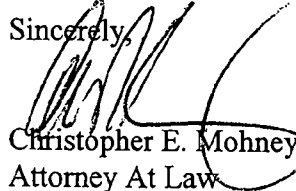
Gregory A. Kruger
2650 N. Napoleon Road
Harrod, OH 45850

RE: Gortech Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2008-01464-CD

Dear Mr. Kruger:

Enclosed I hereby serve you with certified true and correct copies of a Praecipe for Writ of Summons filed on August 8, 2008 in the Court of Common Pleas of Clearfield County, Pennsylvania and the Summons issued by the Prothonotary of that court. You should deliver these papers to your attorney immediately.

Sincerely,


Christopher E. Mohney
Attorney At Law

CEM: naf
Enclosure

Copy to: Gregory H. Teufel, Esquire

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:
Gregory A. Kruger
2650 N. Napoleon Road
Harrod, OH 45850

2. Article Number
 (Transfer from service label) **7006 0810 0001 0127 3367**

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A. Signature ☒ Agent ☐ Addressee
X [Signature]

B. Received by (Printed Name) C. Date of Delivery
8-25-08

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

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

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Restricted Delivery Fee (Endorsement Required)	4.30
Total Postage & Fees	\$ 9.62

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Sent To
Gregory A. Kruger
 Street, Apt. No.,
 or PO Box No. **2650 N. Napoleon Road**
 City, State, ZIP+4 **Harrod, OH 45850**

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 Postmark Here 2008

CHRISTOPHER E. MOHNEY

ATTORNEY AT LAW
25 EAST PARK AVENUE
SUITE 6
DuBOIS, PA 15801

TELEPHONE: (814) 375-1044

FACSIMILE: (814) 375-1088

August 13, 2008

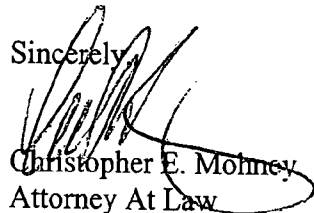
Roger S. Gipps
417 Clairemont Avenue, Unit 312
Decatur, GA 30030

RE: Gorteca Global Fabrication, LLC vs. Goe Lima, LLC; Greater Ohio
Ethanol, LLC; KBK Properties, LLC; James F. Blair; Gregory A. Kruger;
Roger S. Gipps
No. 2003-01464-CD

Dear Mr. Gipps:

Enclosed I hereby serve you with certified true and correct copies of a Praecipe for Writ of Summons filed on August 8, 2008 in the Court of Common Pleas of Clearfield County, Pennsylvania and the Summons issued by the Prothonotary of that court. You should deliver these papers to your attorney immediately.

Sincerely,


Christopher E. Mohney
Attorney At Law

CEM:naf
Enclosure

Copy to: Gregory H. Teufel, Esquire

SENDER: COMPLETE THIS SECTION

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- 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:

Roger S. Gipps
417 Clairemont Avenue
Unit 312
Decatur, GA 30030

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

MONICA CHIAN

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

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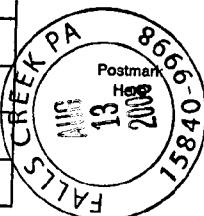
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Total Postage & Fees	\$ 9.62



Sent To

Roger S. Gipps

Street, Apt. No.,

or PO Box No. 417 Clairemont Ave, Unit 312

City, State, ZIP+4

Decatur, GA 30030

PS Form 3800, June 2002

See Reverse for Instructions

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

GORTECH GLOBAL FABRICATION,
LLC

Plaintiff,

v.

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES,
LLC; JAMES F. BLAIR; GREGORY A.
KRUGER; ROGER S. GIPPS

Defendants.

CIVIL DIVISION

No. 2008-1464-^{CD}~~CV~~

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff
Gortech Global Fabrication, LLC

Counsel of Record for Plaintiff:

Gregory H. Teufel, Esq.
PA I.D. No. 73062
Cornelius J. O'Brien, Esq.
Pa. I.D. No. 81203
Matthew J. Whipple, Esq.
Pa. I.D. No. 206865

Eckert Seamans Cherin & Mellott, LLC
Firm No. 075
44th Floor, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219
412-566-5977
412-566-6099 (facsimile)
gteufel@eckertseamans.com

Christopher E. Mohnhey, Esq.
PA I.D. No. 63494
25 East Park Avenue, Suite 6
DuBois, PA 15801
814-375-1044
814-375-1088 (facsimile)

FILED ^{Nec}
m18:30
OCT 13 2008 (610)

William A. Shaw
Prothonotary/Clerk of Courts

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

GORTECH GLOBAL FABRICATION, LLC CIVIL DIVISION

Plaintiff,

No. 2008-1464-CV

v.

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES, LLC;
JAMES F. BLAIR; GREGORY A. KRUGER;
ROGER S. GIPPS

Defendants.

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 claim or relief requested by the plaintiff. You may lose money or property other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51

COMPLAINT IN CIVIL ACTION

Plaintiff, Gortech Global Fabrication, LLC (“Gortech”), by its undersigned attorneys, hereby files the following Complaint in Civil Action against Defendants GOE Lima, LLC (“GOE Lima”), Greater Ohio Ethanol, LLC (“GOE”), KBK Properties, LLC (“KBK”), James F. Blair, Gregory A. Kruger, and Roger S. Gipps, the grounds of which the following are statements:

Introduction

1. This action seeks to recover damages from Defendants for the torts of fraudulent inducement, defamation, and tortious interference with contractual relations.

Parties

2. Plaintiff Gortech is a Limited Liability Company organized and existing under the laws of the Commonwealth of Pennsylvania with its principal place of business at 215 Beaver Dr. DuBois, PA 15801.

3. Upon information and belief, Defendant GOE Lima is a Limited Liability Company organized and existing under the laws of the State of Ohio with its principal place of business at 1451 E. Hanthorn Road Lima, OH 45804. GOE Lima is a subsidiary of GOE.

4. Upon information and belief, Defendant GOE is a Limited Liability Company organized and existing under the laws of the state of Ohio with its principal place of business at 212 N. Elizabeth St. Lima, Ohio 45801. GOE is the parent entity of GOE Lima.

5. Upon information and belief, Defendant KBK is a Limited Liability Company organized and existing under the laws of the state of Ohio with its principal place of business at 212 N. Elizabeth St. Lima, OH 45801.

6. Upon information and belief, Gregory A. Kruger is an individual residing at 2650 N. Napoleon Rd. Harrod, OH 45850. Mr. Kruger is the President and a Managing Director of GOE, a principal and the registered agent of GOE Lima, and a principal and/or employee of KBK.

7. Upon information and belief, James F. Blair is an individual residing at 7227 Harding Hwy. Lima OH 45801. Mr. Blair is the Secretary and a Managing Director of GOE, a principal and authorized representative of GOE Lima, and a principal and/or employee of KBK.

8. Upon information and belief, Roger S. Gipps is an individual residing at 417 Clairemont Ave. Unit 312 Decatur, GA 30030. Roger Gipps is an employee of GOE, GOE Lima, and KBK.

Jurisdiction and Venue

9. This Court has original jurisdiction over this action pursuant to 42 Pa. C.S. § 931.

10. Venue is proper in this Court under Pa.R.Civ.P. 1006 because transactions and occurrences out of which the causes of action set forth herein arose took place in Clearfield County.

Factual Background

11. Beginning on or about January 10, 2007, Gortech entered into a series of Purchase Orders (the "Purchase Orders") with Defendant GOE Lima related to the

construction of a 54-million gallon per year undenatured Ethanol Plant located at 1451 E. Hanthorn Road, Lima, Ohio (the "GOE Ethanol Plant"). Upon information and belief, the GOE Ethanol Plant is owned, in whole or in part, by GOE, GOE Lima, and/or KBK Properties.

12. The Purchase Orders were executed at various times during January, 2007. Specifically, PO-003 was executed January 10, 2007, PO-0011 was executed Jan. 18, 2007, PO-0014 was executed January 19, 2007, and PO-0015 was executed January 21, 2007. True and correct copies of Purchase Orders PO-003, PO-0011, PO-0014, and PO-0015 are attached as Exhibit A.

13. Pursuant to the terms of the Purchase Orders, Gortech was required to furnish and deliver and/or furnish, deliver, and erect steel tanks, vessels, distillation towers, scrubbers, trays and other related products for the GOE Ethanol Plant.

14. In consideration for Gortech's products and services, GOE Lima was to pay Gortech a base price for each of the Purchase Orders, to wit: \$5,805,846.00 for PO-003, \$1,092,412.00 for PO-0011, \$209,925.00 for PO-0014, and \$1,295,627.00 for PO-0015.

15. In addition to the base amounts for the four Purchase Orders, Gortech submitted requests for additional payment in accordance with extra work performed pursuant to change orders during the course of contractual performance. The amount due and owing to Gortech under the terms of the Purchase Orders and for additional work performed is in excess of \$2,748,617.66.

16. The amounts of the Purchase Orders were negotiated by representatives for Gortech, including Dennis Raybuck, Gortech's president, and Mr. Kruger and Mr.

Gipps as representatives for the Defendant. Negotiations for the Purchase Orders took place at Gortech's offices in DuBois, Pennsylvania and in Lima, Ohio.

17. At or about the same time as it entered into the Purchase Orders for the furnishing, delivering and/or erecting of devices for use in the GOE Ethanol Plant, Gortech also entered into contracts with various subcontractors and material suppliers to assist Gortech's construction duties.

18. Gortech has achieved substantial completion of all construction obligations in accordance with the terms of the Purchase Orders and as modified by various change orders agreed to by the parties.

Count I – Fraud
(vs. GOE Lima, GOE, KBK, Gregory Kruger, and Roger Gipps)

19. Plaintiff hereby incorporates the averments contained in paragraphs 1 through 18 by reference as if fully set forth herein.

20. During the course of its negotiations for the Purchase Orders concerning the GOE Ethanol Plant, Gortech submitted an original bid of \$6,005,846 for PO-0003, the first Purchase Order for the Project.

21. In response to Gortech's original bid, Mr. Kruger and Mr. Gipps, as representatives of GOE, GOE Lima, and KBK, acting within the scope of their employment, stated to Mr. Raybuck and other Gortech representatives that GOE Lima had received a bid for the PO-0003 from a third party that was lower than the bid Gortech submitted.

22. The information provided by Mr. Kruger and Mr. Gipps, acting within their scope of employment, induced Gortech to submit a second bid of \$5,805,846 for PO-0003, \$200,000 less than its original bid.

23. Upon information and belief, Mr. Kruger and Mr. Gipps' representation about the third party bid was false. Gortech's original bid was at least \$2,000,000 lower than that of the next lowest bidder.

24. Mr. Kruger and Mr. Gipps' false representation materially induced Gortech to submit a bid \$200,000 lower than its original bid. Gortech would not have submitted the lower bid absent this representation.

25. Mr. Kruger and Mr. Gipps intended Gortech to rely on its representation, having deceived Gortech in order to induce a lower bid.

26. Because of the contract bidding arrangement, the deceptive statements about the third-party bid could not be investigated or verified by Gortech. Gortech was thus justified in relying on Mr. Kruger and Mr. Blair's affirmative misrepresentations concerning the bid process.

27. Gortech's reliance on Mr. Kruger and Mr. Blair's statement proximately caused at least \$200,000 in damages to Gortech, specifically, the difference between Gortech's first bid and its second bid.

WHEREFORE, Gortech respectfully requests that this Court enter judgment in its favor against Defendants GOE Lima, GOE, KBK, Gregory Kruger and Roger Gipps in an amount of \$200,0000, plus interest, costs, punitive damages, attorneys' fees, and such other and further relief as this Court deems just and proper.

Count II – Defamation
(vs. All Parties)

28. Plaintiff hereby incorporates the averments contained in paragraphs 1 through 27 by reference as if fully set forth herein.

29. During the course of performance of the terms of the Purchase Orders, disputes concerning payment and change orders have arisen between the Plaintiff and Defendants. These disputes are currently being settled via alternative dispute resolution proceedings, per the terms of the Purchase Orders.

30. Because of amounts due and owing to Gortech under the terms of the Purchase Orders, Gortech has been unable to fully tender payment to all of its subcontractors and material suppliers.

31. Upon information and belief, James Blair, Greg Kruger, and/or Roger Gipps, acting within their scope of employment for GOE Lima, GOE, and KBK, have been communicating to the subcontractors and material suppliers utilized by Gortech for the Project that Gortech has been fully paid under the terms of the Purchase Orders and that, as a consequence, Gortech should have paid their subcontractors in full under the terms of their subcontracts.

32. Gortech has not received its final payment under the terms of the Purchase Orders, in the amount of \$94,935.26. Further, Gortech is owed additional payment in excess of \$2,653,682.40. It is, thus, demonstrably false that Gortech has been paid in full under the terms of its Purchase Orders with GOE Lima.

33. As principals and employees of GOE, GOE Lima and KBK, Messrs. Blair, Kruger, and Gipps have personal knowledge that Gortech has not been paid in full under the terms of its Purchase Orders with GOE Lima and, in fact, is owed significant additional money. Messrs. Blair, Kruger, and Gipps had this knowledge during all times they made false representations, in the course of their employment with GOE, GOE Lima, and KBK, to Gortech's subcontractors and material suppliers.

34. By willfully, maliciously, recklessly, and/or negligently publishing false statements to Gortech's subcontractors and material suppliers that Gortech has been paid in full and/or that Gortech has misrepresented the status of its payment from the Defendants, and by publishing these statements with knowledge of their falsity, Defendants have harmed Gortech's business reputation and have jeopardized Gortech's relationship with its subcontractors. Gortech has suffered substantial damages to good will fostered in its business community.

WHEREFORE, Gortech respectfully requests that this Court enter judgment in its favor against Defendants GOE Lima, GOE, KBK, Gregory Kruger, James Blair, and Roger Gipps in an amount in excess of \$20,000, plus interest, penalty interest, costs, punitive damages, attorneys' fees, and such other and further relief as this Court deems just and proper.

**Count III – Tortious Interference with Existing
and/or Prospective Contractual Relations**
(vs. All Parties)

35. Plaintiff hereby incorporates the averments contained in paragraphs 1 through 34 by reference as if fully set forth herein.

36. In addition to the defamatory effects of Defendant's false statements concerning Gortech's alleged non-payment of its subcontractors described in Count II, Defendants' false statements have willfully, maliciously, recklessly, and/or negligently interfered with Gortech's contracts with its subcontractors.

37. As a result of Defendants' deleterious statements, Gortech's contractual relationships with its subcontractors and material suppliers have been irreparably harmed. Because of Defendants' interference, Gortech has been unable to effectuate final payment

to its subcontractors for the GOE Ethanol Plant Project, tying up Gortech's resources and crippling its ability to carry out its business. Gortech is no longer able to conduct its business relationships with its subcontractors and material suppliers as it normally would. Further, GOE's statements have jeopardized any future projects with Gortech's subcontractors and material suppliers. Because of Defendants' misrepresentations, Gortech's subcontractors for the GOE Ethanol Plant Project have been unwilling to continue working with Gortech on additional projects and/or to work with Gortech on similar terms as in the past. Gortech's future ability to competitively bid for construction projects has been compromised because its subcontractors are now unwilling to grant favorable subcontract terms. Defendants have undermined Gortech's relationship with its subcontractors, resulting in the loss of contractual opportunities and damage to Gortech's ability to operate in the construction industry.

38. Defendants have no privilege or any other right to publish such false information about Gortech. Defendants' conduct exceeds the bounds of normal business competition. Defendants have intentionally, maliciously, recklessly and/or negligently acted to damage Gortech's existing contractual relationships with third-party subcontractors and material suppliers and have interfered with its ability to continue to form contracts with these parties that would allow Gortech's business to continue.

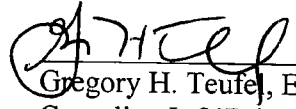
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A JURY TRIAL IS DEMANDED

Plaintiff demands trial by jury on all issues so triable.

October 9, 2008

Respectfully submitted,



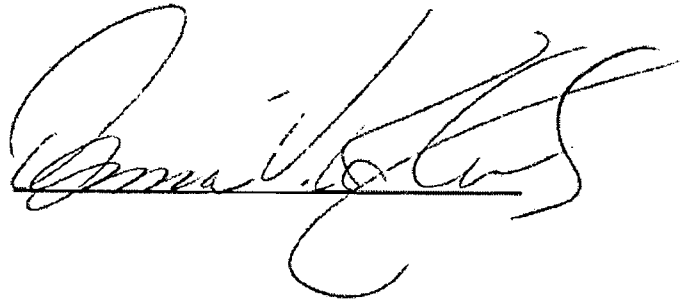
Gregory H. Teufel, Esq.
Cornelius J. O'Brien, Esq.
Matthew J. Whipple, Esquire
Christopher E. Mohny, Esq.

Attorneys for Plaintiff

VERIFICATION

Dennis V. Raybuck, the undersigned individual, as President of Gortech Global Fabrication, LLC, deposes and says that he is authorized to execute this Verification on behalf of Gortech Global Fabrication, LLC, that the averments in the foregoing Complaint in Civil Action are true and correct to the best of his knowledge, information and belief; and further that these averments are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Dated: October 9, 2008

A handwritten signature in black ink, appearing to read "Dennis V. Raybuck", written over a horizontal line.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 9th day of October 2008, a true copy of the foregoing Complaint in Civil Action was mailed to the below listed individuals by placing same in a properly-addressed envelope with first-class postage prepaid and depositing said envelope in a receptacle for the United States Mail:

GOE Lima, LLC
1451 E. Hanthorn Road
Lima, OH 45804

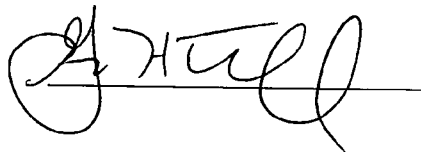
Greater Ohio Ethanol, LLC
212 N. Elizabeth St.
Lima, Ohio 45801

KBK Properties, LLC
c/o James C. King
212 N. Elizabeth St.
Lima, OH 45801

Gregory A. Kruger
2650 N. Napoleon Rd.
Harrod, OH 45850

James F. Blair
7227 Harding Hwy.
Lima OH 45801

Roger S. Gipps
417 Clairemont Ave. Unit 312
Decatur, GA 30030

A handwritten signature in black ink, appearing to read "R. S. Gipps", written over a horizontal line.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GORTECH GLOBAL
FABRICATION, LLC,

Plaintiff,

v.

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES,
LLC; JAMES F. BLAIR; GREGORY A.
KRUGER; ROGER S. GIPPS,

Defendants.

: CIVIL DIVISION

:
: No. 2008-1464-CV

:
: NOTICE OF REMOVAL

:
: Filed on Behalf of:

: GOE LIMA, LLC; GREATER OHIO
: ETHANOL, LLC; KBK PROPERTIES,
: LLC; JAMES F. BLAIR; GREGORY A.
: KRUGER; and ROGER S. GIPPS,
: Defendants

:
: Counsel of Record for These Parties:

:
: Leonard Fornella, Esquire
: PA I.D. No. 27921

:
: Christopher M. Buell, Esquire
: PA I.D. No. 204068

:
: BABST, CALLAND,
: CLEMENTS & ZOMNIR, P.C.
: 8th Floor
: Two Gateway Center
: Pittsburgh, Pennsylvania 15222

:
: (412) 394-5400

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S
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GORTECH GLOBAL
FABRICATION, LLC,

Plaintiff,

v.

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES,
LLC; JAMES F. BLAIR; GREGORY A.
KRUGER; ROGER S. GIPPS,

Defendants.

Civil Action No. 2008-1464-CV

NOTICE OF REMOVAL

TO: WILLIAM A. SHAW, PROTHONOTARY

PLEASE TAKE NOTICE that this civil action has been removed to the United States District Court for the Western District of Pennsylvania, as indicated in the attached Exhibit "A," which is a copy of the Notice of Removal filed in the United States District Court for the Western District of Pennsylvania on November 10, 2008 at Civil Action No. 3:08-cv-254.

BABST, CALLAND,
CLEMENTS & ZOMNIR, P.C.

By



Leonard Fornella
PA I.D. No. 27921

8TH Floor
Two Gateway Center
Pittsburgh, PA 15222
(412) 394-5400

Attorneys for Defendants

EXHIBIT A

JD544 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>(a) PLAINTIFFS <u>Gortech Global Fabrication, LLC</u></p> <p>(b) County of Residence of First Listed <u>Clearfield County</u></p> <p>(EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>Gregory H. Teufel, Esq. Cornelius J. O'Brien, Esq. (c) Attorneys <u>Matthew J. Whipple, Esq.</u> <u>Eckert Seamans Cherin & Mellott, LLC</u> <u>44th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219</u></p> <p>(Firm Name, Address, and Telephone Number)</p>	<p>DEFENDANTS <u>GOE Lima, LLC, et al.</u></p> <p>County of Residence of First Listed Defendant <u>Allen County, Ohio</u></p> <p>(IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p><u>Leonard Fornella, Esq.</u> Attorneys <u>Christopher M. Buell, Esq.</u> <u>Babst, Calland, Clements & Zomnir, P.C.</u> <u>Two Gateway Center, 8th Floor, Pittsburgh, PA 15222</u></p> <p>Attorneys (If Known)</p>
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<p>I. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input checked="" type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

V. NATURE OF SUIT (Place an "X" in One Box Only)					
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PERSONAL INJURY</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input checked="" type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> <p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus-Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIW C/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. Sec. 1332

Brief description of cause: _____

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

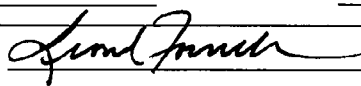
DEMAND \$ \$200,000.00

CHECK YES only if demanded in complaint: **JURY DEMAND:** ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): _____

JUDGE _____ DOCKET NUMBER _____

DATE November 10, 2008

SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44AREVISED OCTOBER, 1993

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the ☐ Erie ☒ Johnstown ☐ Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.

2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.

3. Complete if on ERIE CALENDAR: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.

4. Complete if on JOHNSTOWN CALENDAR: I certify that the cause of action arose in Clearfield County and that the Plaintiff resides in Clearfield County.

PART B (You are to check ONE of the following)

1. ☐ This case is related to Number _____ Judge _____
2. ☒ This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

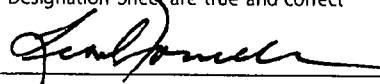
1. CIVIL CATEGORY (Place x in only applicable category).

1. ☐ Antitrust and Securities Act Cases
2. ☐ Labor-Management Relations
3. ☐ Habeas Corpus
4. ☐ Civil Rights
5. ☐ Patent, Copyright, and Trademark
6. ☐ Eminent Domain
7. ☐ All other federal question cases
8. ☒ All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. ☐ Insurance indemnity, contract and other diversity cases.
10. ☐ Government Collection Cases (shall include HEW Student Loans (Education), VA Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.B.A. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

DATE November 10, 2008

ATTORNEY ATTORNEY AT LAW



NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

Defendants.

Civil Action No.

NOTICE OF REMOVAL

AND NOW come defendants, GOE Lima, LLC, Greater Ohio Ethanol, LLC, KBK Properties, LLC, James F. Blair, Gregory A. Kruger and Roger S. Gipps (collectively “Defendants”), by and through their undersigned counsel, and hereby file this Notice of Removal pursuant to 28 U.S.C. § 1441 *et seq.*, and aver as follows:

1. On or about October 9, 2008, plaintiff, Gortech Global Fabrication, LLC ("Gortech"), filed a Complaint against Defendants in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 2008-1464-CV. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of that Complaint is attached hereto and incorporated herein as Exhibit "A."

2. This is a civil action in which this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. § 1332, as the claims set forth by Gortech against Defendants arise between citizens of different states and exceeds the amount of \$75,000.00 exclusive of interest and costs. In that regard, Gortech asserts certain

claims against Defendants, each of which is a citizen or limited liability company of a state other than Pennsylvania. See Exhibit "A," ¶¶ 2-8.

3. Defendants therefore aver that this action is removable to this Court pursuant to the removal provisions of 28 U.S.C. § 1441 *et seq.*

4. Pursuant to 28 U.S.C. § 1446(d), Defendants will serve counsel for Gortech with a copy of this Notice of Removal. Additionally, pursuant to 28 U.S.C. § 1446(d), Defendants will promptly file a copy of this Notice of Removal with the Clerk of the Court of Common Pleas of Clearfield County, Pennsylvania.

WHEREFORE, Defendants respectfully request that the action now pending in the Court of Common Pleas of Clearfield County, Pennsylvania, at No. 2008-1464-CV, be removed to this Honorable Court.

Respectfully submitted,

BABST, CALLAND,
CLEMENTS & ZOMNIR, P.C.

By 

Leonard Fornella
PA ID No. 27921
lfornella@bccz.com

Christopher M. Buell
PA ID No. 204068
cbuell@bccz.com

Two Gateway Center – 8th Floor
Pittsburgh, PA 15222
(412) 394-5400

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the within Notice of Removal were, this 10th day of November, 2008, sent via electronic mail and/or U.S. Mail, postage prepaid, to:

Gregory H. Teufel, Esq.
Cornelius J. O'Brien, Esq.
Matthew J. Whipple, Esq.
Eckert Seamans Cherin & Mellott, LLC
44th Floor, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Christopher E. Mohney, Esq.
25 East Park Avenue, Suite 6
DuBois, PA 15801


Leonard Fornella

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GORTECH GLOBAL FABRICATION,
LLC

Plaintiff,

v.

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES,
LLC; JAMES F. BLAIR; GREGORY A.
KRUGER; ROGER S. GIPPS

Defendants.

CIVIL DIVISION

No. 2008-1464-CV

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff
Gortech Global Fabrication, LLC

Counsel of Record for Plaintiff:

Gregory H. Teufel, Esq.
PA I.D. No. 73062
Cornelius J. O'Brien, Esq.
Pa. I.D. No. 81203
Matthew J. Whipple, Esq.
Pa. I.D. No. 206865

Eckert Seamans Cherin & Mellott, LLC
Firm No. 075
44th Floor, U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219
412-566-5977
412-566-6099 (facsimile)
gteufel@eckertseamans.com

Christopher E. Mohny, Esq.
PA I.D. No. 63494
25 East Park Avenue, Suite 6
DuBois, PA 15801
814-375-1044
814-375-1088 (facsimile)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

GORTECH GLOBAL FABRICATION, LLC CIVIL DIVISION

Plaintiff,

No. 2008-1464-CV

v.

GOE LIMA, LLC; GREATER OHIO
ETHANOL, LLC; KBK PROPERTIES, LLC;
JAMES F. BLAIR; GREGORY A. KRUGER;
ROGER S. GIPPS

Defendants.

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 claim or relief requested by the plaintiff. You may lose money or property other rights important to you.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51

COMPLAINT IN CIVIL ACTION

Plaintiff, Gortech Global Fabrication, LLC ("Gortech"), by its undersigned attorneys, hereby files the following Complaint in Civil Action against Defendants GOE Lima, LLC ("GOE Lima"), Greater Ohio Ethanol, LLC ("GOE"), KBK Properties, LLC ("KBK"), James F. Blair, Gregory A. Kruger, and Roger S. Gipps, the grounds of which the following are statements:

Introduction

1. This action seeks to recover damages from Defendants for the torts of fraudulent inducement, defamation, and tortious interference with contractual relations.

Parties

2. Plaintiff Gortech is a Limited Liability Company organized and existing under the laws of the Commonwealth of Pennsylvania with its principal place of business at 215 Beaver Dr. DuBois, PA 15801.

3. Upon information and belief, Defendant GOE Lima is a Limited Liability Company organized and existing under the laws of the State of Ohio with its principal place of business at 1451 E. Hanthorn Road Lima, OH 45804. GOE Lima is a subsidiary of GOE.

4. Upon information and belief, Defendant GOE is a Limited Liability Company organized and existing under the laws of the state of Ohio with its principal place of business at 212 N. Elizabeth St. Lima, Ohio 45801. GOE is the parent entity of GOE Lima.

5. Upon information and belief, Defendant KBK is a Limited Liability Company organized and existing under the laws of the state of Ohio with its principal place of business at 212 N. Elizabeth St. Lima, OH 45801.

6. Upon information and belief, Gregory A. Kruger is an individual residing at 2650 N. Napoleon Rd. Harrod, OH 45850. Mr. Kruger is the President and a Managing Director of GOE, a principal and the registered agent of GOE Lima, and a principal and/or employee of KBK.

7. Upon information and belief, James F. Blair is an individual residing at 7227 Harding Hwy. Lima OH 45801. Mr. Blair is the Secretary and a Managing Director of GOE, a principal and authorized representative of GOE Lima, and a principal and/or employee of KBK.

8. Upon information and belief, Roger S. Gipps is an individual residing at 417 Clairemont Ave. Unit 312 Decatur, GA 30030. Roger Gipps is an employee of GOE, GOE Lima, and KBK.

Jurisdiction and Venue

9. This Court has original jurisdiction over this action pursuant to 42 Pa. C.S. § 931.

10. Venue is proper in this Court under Pa.R.Civ.P. 1006 because transactions and occurrences out of which the causes of action set forth herein arose took place in Clearfield County.

Factual Background

11. Beginning on or about January 10, 2007, Gortech entered into a series of Purchase Orders (the "Purchase Orders") with Defendant GOE Lima related to the

construction of a 54-million gallon per year undenatured Ethanol Plant located at 1451 E. Hanthorn Road, Lima, Ohio (the "GOE Ethanol Plant"). Upon information and belief, the GOE Ethanol Plant is owned, in whole or in part, by GOE, GOE Lima, and/or KBK Properties.

12. The Purchase Orders were executed at various times during January, 2007. Specifically, PO-003 was executed January 10, 2007, PO-0011 was executed Jan. 18, 2007, PO-0014 was executed January 19, 2007, and PO-0015 was executed January 21, 2007. True and correct copies of Purchase Orders PO-003, PO-0011, PO-0014, and PO-0015 are attached as Exhibit A.

13. Pursuant to the terms of the Purchase Orders, Gortech was required to furnish and deliver and/or furnish, deliver, and erect steel tanks, vessels, distillation towers, scrubbers, trays and other related products for the GOE Ethanol Plant.

14. In consideration for Gortech's products and services, GOE Lima was to pay Gortech a base price for each of the Purchase Orders, to wit: \$5,805,846.00 for PO-003, \$1,092,412.00 for PO-0011, \$209,925.00 for PO-0014, and \$1,295,627.00 for PO-0015.

15. In addition to the base amounts for the four Purchase Orders, Gortech submitted requests for additional payment in accordance with extra work performed pursuant to change orders during the course of contractual performance. The amount due and owing to Gortech under the terms of the Purchase Orders and for additional work performed is in excess of \$2,748,617.66.

16. The amounts of the Purchase Orders were negotiated by representatives for Gortech, including Dennis Raybuck, Gortech's president, and Mr. Kruger and Mr.

Gipps as representatives for the Defendant. Negotiations for the Purchase Orders took place at Gortech's offices in DuBois, Pennsylvania and in Lima, Ohio.

17. At or about the same time as it entered into the Purchase Orders for the furnishing, delivering and/or erecting of devices for use in the GOE Ethanol Plant, Gortech also entered into contracts with various subcontractors and material suppliers to assist Gortech's construction duties.

18. Gortech has achieved substantial completion of all construction obligations in accordance with the terms of the Purchase Orders and as modified by various change orders agreed to by the parties.

Count I – Fraud
(vs. GOE Lima, GOE, KBK, Gregory Kruger, and Roger Gipps)

19. Plaintiff hereby incorporates the averments contained in paragraphs 1 through 18 by reference as if fully set forth herein.

20. During the course of its negotiations for the Purchase Orders concerning the GOE Ethanol Plant, Gortech submitted an original bid of \$6,005,846 for PO-0003, the first Purchase Order for the Project.

21. In response to Gortech's original bid, Mr. Kruger and Mr. Gipps, as representatives of GOE, GOE Lima, and KBK, acting within the scope of their employment, stated to Mr. Raybuck and other Gortech representatives that GOE Lima had received a bid for the PO-0003 from a third party that was lower than the bid Gortech submitted.

22. The information provided by Mr. Kruger and Mr. Gipps, acting within their scope of employment, induced Gortech to submit a second bid of \$5,805,846 for PO-0003, \$200,000 less than its original bid.

23. Upon information and belief, Mr. Kruger and Mr. Gipps' representation about the third party bid was false. Gortech's original bid was at least \$2,000,000 lower than that of the next lowest bidder.

24. Mr. Kruger and Mr. Gipps' false representation materially induced Gortech to submit a bid \$200,000 lower than its original bid. Gortech would not have submitted the lower bid absent this representation.

25. Mr. Kruger and Mr. Gipps intended Gortech to rely on its representation, having deceived Gortech in order to induce a lower bid.

26. Because of the contract bidding arrangement, the deceptive statements about the third-party bid could not be investigated or verified by Gortech. Gortech was thus justified in relying on Mr. Kruger and Mr. Blair's affirmative misrepresentations concerning the bid process.

27. Gortech's reliance on Mr. Kruger and Mr. Blair's statement proximately caused at least \$200,000 in damages to Gortech, specifically, the difference between Gortech's first bid and its second bid.

WHEREFORE, Gortech respectfully requests that this Court enter judgment in its favor against Defendants GOE Lima, GOE, KBK, Gregory Kruger and Roger Gipps in an amount of \$200,0000, plus interest, costs, punitive damages, attorneys' fees, and such other and further relief as this Court deems just and proper.

Count II – Defamation
(vs. All Parties)

28. Plaintiff hereby incorporates the averments contained in paragraphs 1 through 27 by reference as if fully set forth herein.

29. During the course of performance of the terms of the Purchase Orders, disputes concerning payment and change orders have arisen between the Plaintiff and Defendants. These disputes are currently being settled via alternative dispute resolution proceedings, per the terms of the Purchase Orders.

30. Because of amounts due and owing to Gortech under the terms of the Purchase Orders, Gortech has been unable to fully tender payment to all of its subcontractors and material suppliers.

31. Upon information and belief, James Blair, Greg Kruger, and/or Roger Gipps, acting within their scope of employment for GOE Lima, GOE, and KBK, have been communicating to the subcontractors and material suppliers utilized by Gortech for the Project that Gortech has been fully paid under the terms of the Purchase Orders and that, as a consequence, Gortech should have paid their subcontractors in full under the terms of their subcontracts.

32. Gortech has not received its final payment under the terms of the Purchase Orders, in the amount of \$94,935.26. Further, Gortech is owed additional payment in excess of \$2,653,682.40. It is, thus, demonstrably false that Gortech has been paid in full under the terms of its Purchase Orders with GOE Lima.

33. As principals and employees of GOE, GOE Lima and KBK, Messrs. Blair, Kruger, and Gipps have personal knowledge that Gortech has not been paid in full under the terms of its Purchase Orders with GOE Lima and, in fact, is owed significant additional money. Messrs. Blair, Kruger, and Gipps had this knowledge during all times they made false representations, in the course of their employment with GOE, GOE Lima, and KBK, to Gortech's subcontractors and material suppliers.

34. By willfully, maliciously, recklessly, and/or negligently publishing false statements to Gortech's subcontractors and material suppliers that Gortech has been paid in full and/or that Gortech has misrepresented the status of its payment from the Defendants, and by publishing these statements with knowledge of their falsity, Defendants have harmed Gortech's business reputation and have jeopardized Gortech's relationship with its subcontractors. Gortech has suffered substantial damages to good will fostered in its business community.

WHEREFORE, Gortech respectfully requests that this Court enter judgment in its favor against Defendants GOE Lima, GOE, KBK, Gregory Kruger, James Blair, and Roger Gipps in an amount in excess of \$20,000, plus interest, penalty interest, costs, punitive damages, attorneys' fees, and such other and further relief as this Court deems just and proper.

**Count III – Tortious Interference with Existing
and/or Prospective Contractual Relations**
(vs. All Parties)

35. Plaintiff hereby incorporates the averments contained in paragraphs 1 through 34 by reference as if fully set forth herein.

36. In addition to the defamatory effects of Defendant's false statements concerning Gortech's alleged non-payment of its subcontractors described in Count II, Defendants' false statements have willfully, maliciously, recklessly, and/or negligently interfered with Gortech's contracts with its subcontractors.

37. As a result of Defendants' deleterious statements, Gortech's contractual relationships with its subcontractors and material suppliers have been irreparably harmed. Because of Defendants' interference, Gortech has been unable to effectuate final payment

to its subcontractors for the GOE Ethanol Plant Project, tying up Gortech's resources and crippling its ability to carry out its business. Gortech is no longer able to conduct its business relationships with its subcontractors and material suppliers as it normally would. Further, GOE's statements have jeopardized any future projects with Gortech's subcontractors and material suppliers. Because of Defendants' misrepresentations, Gortech's subcontractors for the GOE Ethanol Plant Project have been unwilling to continue working with Gortech on additional projects and/or to work with Gortech on similar terms as in the past. Gortech's future ability to competitively bid for construction projects has been compromised because its subcontractors are now unwilling to grant favorable subcontract terms. Defendants have undermined Gortech's relationship with its subcontractors, resulting in the loss of contractual opportunities and damage to Gortech's ability to operate in the construction industry.

38. Defendants have no privilege or any other right to publish such false information about Gortech. Defendants' conduct exceeds the bounds of normal business competition. Defendants have intentionally, maliciously, recklessly and/or negligently acted to damage Gortech's existing contractual relationships with third-party subcontractors and material suppliers and have interfered with its ability to continue to form contracts with these parties that would allow Gortech's business to continue.

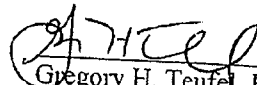
WHEREFORE, Gortech respectfully requests that this Court enter judgment in its favor against Defendants GOE Lima, GOE, KBK, Gregory Kruger, James Blair, and Roger Gipps in an amount in excess of \$20,000, plus interest, penalty interest, costs, punitive damages, attorneys' fees, and such other and further relief as this Court deems just and proper.

A JURY TRIAL IS DEMANDED

Plaintiff demands trial by jury on all issues so triable.

October 9, 2008

Respectfully submitted,



Gregory H. Teufel, Esq.
Cornelius J. O'Brien, Esq.
Matthew J. Whipple, Esquire
Christopher E. Mohny, Esq.

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this 9th day of October 2008, a true copy of the foregoing Complaint in Civil Action was mailed to the below listed individuals by placing same in a properly-addressed envelope with first-class postage prepaid and depositing said envelope in a receptacle for the United States Mail:

GOE Lima, LLC
1451 E. Hanthorn Road
Lima, OH 45804

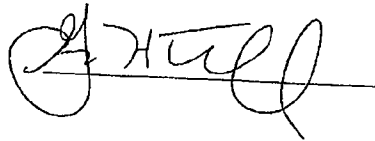
Greater Ohio Ethanol, LLC
212 N. Elizabeth St.
Lima, Ohio 45801

KBK Properties, LLC
c/o James C. King
212 N. Elizabeth St.
Lima, OH 45801

Gregory A. Kruger
2650 N. Napoleon Rd.
Harrod, OH 45850

James F. Blair
7227 Harding Hwy.
Lima OH 45801

Roger S. Gipps
417 Clairemont Ave. Unit 312
Decatur, GA 30030



CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the within Notice of Removal were,
this 12th day of November, 2008, sent via U.S. Mail, postage prepaid, to:

Gregory H. Teufel, Esquire
Cornelius J. O'Brien, Esquire
Matthew J. Whipple, Esquire
Eckert Seamans Cherin & Mellott, LLC
44th Floor, U.S. Steel Tower
600 Grant Street
Pittsburgh, Pennsylvania 15219

Christopher E. Mohny, Esquire
25 East Park Avenue
Suite 6
DuBois, Pennsylvania 15801


Leonard Fornella