

08-2066-CD

Adam Gallan al vs Tim Iraca al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ADAM GALLAN, an individual

\*

\*

ANNA BURNOSKY, an individual

\*

\*

Plaintiffs

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

vs.

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

No. 08- 2060-C1

TYPE OF CASE:  
Civil Action - Law

5 FILED *pd \$95.00*  
*Atty*  
*0/12/11 Lm* *6CC Atty*  
*OCT 29 2009* *Thompson*

William A. Shaw  
Prothonotary/Clerk of Courts

TYPE OF PLEADING:  
Complaint

FILED ON BEHALF OF:  
Plaintiffs

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

ADAM GALLAN, an individual \*

ANNA BURNOSKY, an individual \*

Plaintiffs \*

vs. \*

TIM IRACA, an individual \*

IRACA LUMBER COMPANY,  
a corporation \*

RUSSELL BALL, an individual \*

Defendants \*

TYPE OF CASE:  
Civil Action - Law

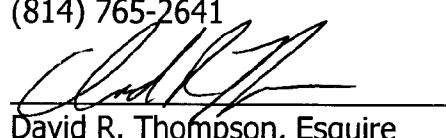
TYPE OF PLEADING:  
Complaint

**NOTICE**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering 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 against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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

Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

  
\_\_\_\_\_  
David R. Thompson, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION - LAW

ADAM GALLAN,  
an individual

Case No. 08-

ANNA BURNOSKY,  
an individual

Plaintiffs

vs.

TIM IRACA,  
an individual

IRACA LUMBER COMPANY,  
a corporation

RUSSELL BALL,  
an individual

Defendants

**COMPLAINT**

AND NOW come the Plaintiffs, Adam Gallan and Anna Burnosky, by and through their attorney David R. Thompson Esq. and aver the following:

1. The Plaintiff Adam Gallan, an individual, resides at 1313 North Stewart Street, Arlington, Virginia.
2. The Plaintiff Anna Burnosky (nee Gallan), an individual, resides at 12464 Kronos Court, Strongsville, Ohio.
3. The Defendant Tim Iraca, an individual, resides at 41 North Hill Street, Coalport, PA 16627.

4. The Defendant Iraca Lumber Company, is believed to be a Pennsylvania corporation, with its principal place of business in Coalport, Pennsylvania.

5. The Defendant Russell Ball, an individual, resides at RR 1 Box 500, Olanta, Pennsylvania.

6. It is believed that Defendant Tim Iraca is the owner of Iraca Lumber Company.

7. It is believed that at all relevant times herein Defendant Ball was working as a sub-contractor for timber removal. By way of further pleading, at all relevant times herein Russell Ball was acting under contract from: Defendant Tim Iraca or Defendant Iraca Lumber Company.

---

## **COUNT I**

### **ACTION FOR THE CONVERSION OF TIMBER**

---

Paragraphs 1 - 7 are incorporated by reference as though the same were set forth at length herein:

8. Plaintiffs Adam Gallan and Anna Burnosky are the joint owners of a 42.5 acre farm in Decatur Township, Clearfield County, Pennsylvania. (Hereinafter referred to as: The Gallan property).

9. On or about March 12, 2008, Adam Gallan received a telephone call from a property owner in Decatur Township, Clearfield County, Pennsylvania.

10. At that time, Adam Gallan was informed that property belonging to him and Anna Burnosky was being logged.

11. Neither Adam Gallan nor Anna Burnosky has authorized the taking of any timber from the Gallan property.

12. It is believed that around January of 2008, Defendant Russell Ball began the removal of timber from an adjoining property to the Gallan property. (Hereinafter referred to as: The Nevling property).

13. It is believed that on or about January of 2008, Defendant Ball began the removal of timber from the Gallan property.

14. It is believed that Defendant Ball removed or oversaw the removal of approximately one hundred fifty trees of 15" or greater diameter from the Gallan property. Photographs attached hereto as exhibit "A".

15. It is believed that Defendant Ball deliberately crossed from the Nevling Property and into the Gallan Property for the purpose of conversion of timber. In the alternative, it is believed that Defendant Ball negligently crossed from the Nevling Property and into the Gallan Property for the purpose of conversion of timber.

16. Pursuant to 42 Pa.C.S. § 8311 - Damages in Actions for Conversion of Timber, Plaintiff is entitled to three times the market value of the timber cut or removed by the Defendant's intentional acts. In the alternative, Plaintiff is entitled to two times the market value of the timber cut or removed by the Defendant's negligent acts.

17. The lumber removed had a market value of \$2,529.42.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$7,588.26, plus interest and costs of suit.

---

**COUNT II**

**ACTION FOR TRESPASS**

---

Paragraphs 1 - 17 are incorporated by reference as though the same were set forth at length herein:

18. Upon entering the Gallan property, Defendants caused vegetation to be removed, temporary roads to be made, and generally reduced the aesthetic appeal of the Gallan property.

19. While on the Gallan property, Defendants caused the destruction of a well housing and possibly contaminated or made otherwise useless the spring thereupon.

20. The removal of the trees from the Gallan property has irreparably altered the character and value of the Gallan property.

21. In actions which concern Trespass and Conversion of Timber, the Trial Court may determine that the damage suffered is irreparable and that the proper measure of damages is the diminution of value of the property plus any monies received by Defendant for the sale of such trees. *Christian v. Yanoviak*, 945 A.2d 220 (Pa. Super. 2008).

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$10,000, plus interest and costs of suit.

---

**COUNT III**  
**UNJUST ENRICHMENT**

---

Paragraphs 1 - 21 are hereby incorporated by reference as though the same were set forth at length herein:

22. The Plaintiffs have been unjustly deprived of the value of their timber, aesthetic value of their property, and the enjoyment thereof.

23. The Defendants have profited from this deprivation by selling said timber at a price of \$2,529.42.

24. If Plaintiffs are not compensated for this loss, the Defendants will have been unjustly enriched.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$2,529.42, plus interest and costs of suit.

---

**COUNT IV**  
**ATTORNEY FEES AND COSTS**

---

Paragraphs 1 - 24 are hereby incorporated by reference as though the same were set forth at length herein:

25. Plaintiffs have had to hire legal counsel to assist them in the prosecution of this action and are paying said counsel at a rate of \$125.00 per hour.

26. Plaintiffs have had to commission an expert estimate for the value of the timber removed totaling \$328.40, excluding costs of testimony.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against the Defendants for the payment of reasonable attorney fees and costs to be determined by hearing of the Court.

Respectfully submitted,



David R. Thompson, Esquire  
Attorney for Plaintiffs

**VERIFICATION**

I certify that the facts set forth in the foregoing **COMPLAINT** is 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. § 4904, relating to unsworn falsification to authorities.

Dated: October 13, 2008 Adam Gallan  
Adam Gallan

**VERIFICATION**

I certify that the facts set forth in the foregoing **COMPLAINT** is 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. § 4904, relating to unsworn falsification to authorities.

Dated:

*6/14/2008*

  
\_\_\_\_\_  
Anna Burnosky

Adam Annick  
FO RESTER  
127 Viaduct Rd.  
P. O. Box 138  
Lynne Pa 15849  
814-344-4924

October 6, 2008

**SUBJECT:** Stumpage Value of Timber Removed from the Adam Gallan Property Located in Decatur Twp., Clearfield County. Tax Map# M-13, Parcel# 19.

**EQUIPMENT USED:** 100 Tape, Calipers, Hypsometer, and GPS.

**PROCEDURE:** All stumps on the property were measured, and converted to diameter at breast height. Taking the heights of trees that were cut and left laying, and the tree still standing on the property I was able to determine the average height and volume of trees removed from the property.

Volume Tables used to determine Volumes and Values of Timber Logged from the Gallan Property.

U.S. Department of Agriculture  
Northeastern Forest Experiment Station  
Relation of Tree-Stump Diameter to Diameter Breast Height  
by Cunningham, Filip, And Feree

Tables for Estimating Board-Foot Volume of Timber  
Scribner Log Rule-Girard Form Class  
United States Department of Agriculture

Timber Market Report  
First Quarter 2008 January-March  
Penn State University-School of Forest Resources

October 6, 2008

## Species, Volumes, and Stumpage Values of Timber Logged From the Allen Gallan Property. All log volumes Scribner Log Scale.

## Pulpwood Trees:

#of Trees	Species	Tons	Value
7	Aspen	1.9	\$5.70
27	Red Maple	3.8	\$11.40
17	Birch	2.2	\$6.60
4	Ash	6	\$2.01

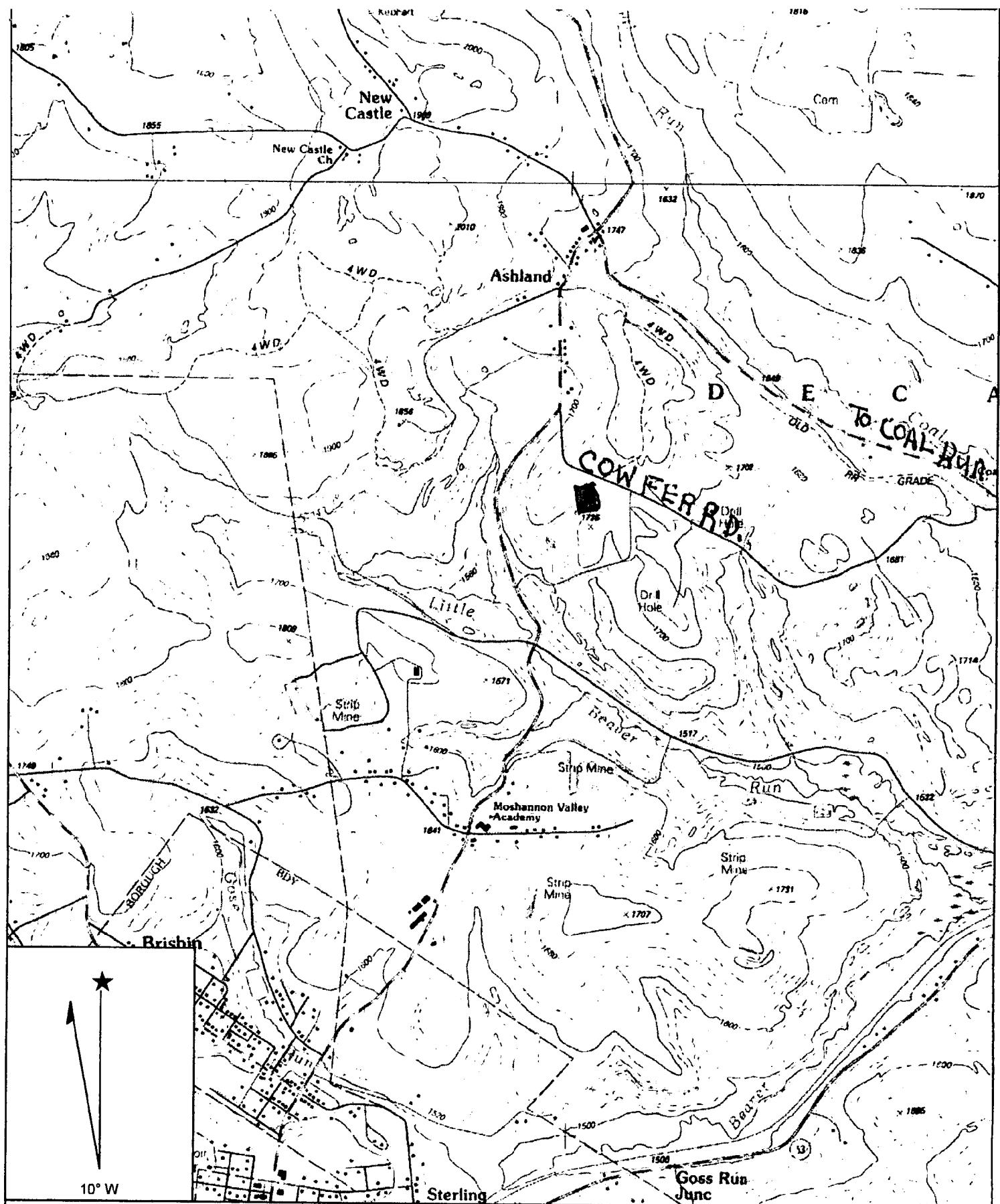
**Totals: 55 Trees      8.5 Tons      Value \$25.50**

### Log Trees:

#of Trees	Species	Bd. Ft. Volume	Value/M	Total Value
35	Aspen	5226	\$118	\$616.66
8	Red Maple	1320	\$251	\$331.32
9	Black Cherry	991	\$748	\$741.27
1	Birch	44	\$94	\$4.14
1	Red Oak	148	\$281	\$41.59
13	Ash	2961	\$190	\$562.59
2	White Oak	391	\$278	\$108.70
1	Tulip Poplar	450	\$217	\$97.65

Totals: 70 Trees 11,531 Bd. Ft. Value \$2503.92

TOTAL VALUE OF TIMBER TAKEN FROM GALLAN PROPERTY: \$2529.42



Name: HOUTZDALE  
 Date: 10/6/2008  
 Scale: 1 inch equals 2000 feet

TIMBER  
 TRESPASS  
 AREA

Location: 040° 51' 23.33" N 078° 20' 14.91" W  
 Caption: 3 Acres of Timber Removed From the Allen Gallan Property  
 Decatur Twp., Clearfield Co.

William Amick  
Forester  
127 Viaduct Rd  
P O Box 138  
Lanse Pa. 16849  
814 745-6924

David R. Thompson  
Attorney At Law  
308 Walton Street, Suite 4  
Philipsburg, Pa. 16866

Determine Volume of Timber Taken from the Adam Gallan Property:

September 26, 2008 2 Hours  
18 Miles

September 30, 2008 8 Hours  
53 Miles

TOTAL: 10 hours@\$30.00=\$300.00  
71Miles@.40= \$28.40

\$328.40

Send to: William Amick  
P.O. Box 138  
Lanse, Pa. 16849





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2066-CD

ADAM GALLAN, an individual & ANNA BURNOSKY, an individual  
vs  
TIM IRACA, an individual

SERVICE # 2 OF 3

COMPLAINT

SERVE BY: 11/28/2008 HEARING: PAGE: 104837

DEFENDANT: IRACA LUMBER COMPANY, a corporation  
ADDRESS: 41 NORTH HILL STREET  
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 11-17-08 AT 10:35 AM PM SERVED THE WITHIN

COMPLAINT ON IRACA LUMBER COMPANY, a corporation, DEFENDANT

BY HANDING TO Diane Iraca Wife

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM/ HER THE CONTENTS THEREOF.

ADDRESS SERVED 41 North Hill St, Coalport, Pa 16627

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR IRACA LUMBER COMPANY, a corporation

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO IRACA LUMBER COMPANY, a corporation

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
\_\_\_\_\_  
DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Dominic L. Morgillo  
Deputy Signature

Dominic L. Morgillo  
Print Deputy Name

Print Deputy Name

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2066-CD

ADAM GALLAN, an individual & ANNA BURNOSKY, an individual  
vs  
TIM IRACA, an individual

SERVICE # 1 OF 3

COMPLAINT

SERVE BY: 11/28/2008

HEARING:

PAGE: 104837

DEFENDANT: TIM IRACA, an individual  
ADDRESS: 41 NORTH HILL STREET  
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

*S*  
**FILED**

*0/8:30 LM*  
**DEC 15 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

ATTEMPTS

OCCUPIED

\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 11-17-08 AT 10:35 AM PM SERVED THE WITHIN

COMPLAINT ON TIM IRACA, an individual, DEFENDANT

BY HANDING TO Diane Iraca Wife

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 41 North Hill Street, Coalport, Pa. 16627

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR TIM IRACA, an individual

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO TIM IRACA, an individual

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*Dominic Morgillo*  
Deputy Signature

*Dominic L. Morgillo*  
Print Deputy Name

DAY OF 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2066-CD

ADAM GALLAN, an individual & ANNA BURNOSKY, an individual  
vs  
TIM IRACA, an individual

SERVICE # 3 OF 3

COMPLAINT

SERVE BY: 11/28/2008 HEARING: PAGE: 104837

DEFENDANT: RUSSELL BALL, an individual  
ADDRESS: RR 1, BOX 500  
OLANTA, PA 16863

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT

ATTEMPTS

S FILED

08:30 AM

DEC 15 2008

William A. Shaw  
Prothonotary/Clerk of Courts

OCCUPIED

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM SERVED THE WITHIN

COMPLAINT ON RUSSELL BALL, an individual, DEFENDANT

BY HANDING TO \_\_\_\_\_ / \_\_\_\_\_

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR RUSSELL BALL, an individual

AT (ADDRESS) \_\_\_\_\_

NOW 11-14-08 AT 10:42 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO RUSSELL BALL, an individual

REASON UNABLE TO LOCATE Def. Not living at Above Address

Moved Almost  
10 yrs. Ago

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis  
Deputy Signature

James E. Davis  
Print Deputy Name

DAY OF \_\_\_\_\_ 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

ADAM GALLAN, an individual

\*

\*

ANNA BURNOSKY, an individual

\*

\*

Plaintiffs

\*

\*

\*

\*

\*

vs.

\*

\*

\*

\*

\*

No. 08-2066-CJ

TIM IRACA, an individual

\*

\*

IRACA LUMBER COMPANY,  
a corporation

\*

\*

RUSSELL BALL, an individual

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

TYPE OF CASE:  
Civil Action - Law

TYPE OF PLEADING:  
Complaint

FILED ON BEHALF OF:  
Plaintiffs

COUNSEL OF RECORD FOR  
THIS PARTY:  
David R. Thompson, Esq.  
Attorney at Law  
Supreme Court I.D. 73053  
P.O. Box 587  
308 Walton Street, Suite 4  
Philipsburg PA 16866  
(814) 342-4100



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION - LAW

ADAM GALLAN, an individual	Case No. 08-
ANNA BURNOSKY, an individual	
	Plaintiffs
	vs.
TIM IRACA, an individual	
IRACA LUMBER COMPANY, a corporation	
RUSSELL BALL, an individual	
	Defendants

**COMPLAINT**

AND NOW come the Plaintiffs, Adam Gallan and Anna Burnosky, by and through their attorney David R. Thompson Esq. and aver the following:

1. The Plaintiff Adam Gallan, an individual, resides at 1313 North Stewart Street, Arlington, Virginia.
2. The Plaintiff Anna Burnosky (nee Gallan), an individual, resides at 12464 Kronos Court, Strongsville, Ohio.
3. The Defendant Tim Iraca, an individual, resides at 41 North Hill Street, Coalport, PA 16627.

4. The Defendant Iraca Lumber Company, is believed to be a Pennsylvania corporation, with its principal place of business in Coalport, Pennsylvania.

5. The Defendant Russell Ball, an individual, resides at RR 1 Box 500, Olanta, Pennsylvania.

6. It is believed that Defendant Tim Iraca is the owner of Iraca Lumber Company.

7. It is believed that at all relevant times herein Defendant Ball was working as a sub-contractor for timber removal. By way of further pleading, at all relevant times herein Russell Ball was acting under contract from: Defendant Tim Iraca or Defendant Iraca Lumber Company.

---

## **COUNT I**

### **ACTION FOR THE CONVERSION OF TIMBER**

---

Paragraphs 1 - 7 are incorporated by reference as though the same were set forth at length herein:

8. Plaintiffs Adam Gallan and Anna Burnosky are the joint owners of a 42.5 acre farm in Decatur Township, Clearfield County, Pennsylvania. (Hereinafter referred to as: The Gallan property).

9. On or about March 12, 2008, Adam Gallan received a telephone call from a property owner in Decatur Township, Clearfield County, Pennsylvania.

10. At that time, Adam Gallan was informed that property belonging to him and Anna Burnosky was being logged.

11. Neither Adam Gallan nor Anna Burnosky has authorized the taking of any timber from the Gallan property.

12. It is believed that around January of 2008, Defendant Russell Ball began the removal of timber from an adjoining property to the Gallan property. (Hereinafter referred to as: The Nevling property).

13. It is believed that on or about January of 2008, Defendant Ball began the removal of timber from the Gallan property.

14. It is believed that Defendant Ball removed or oversaw the removal of approximately one hundred fifty trees of 15" or greater diameter from the Gallan property. Photographs attached hereto as exhibit "A".

15. It is believed that Defendant Ball deliberately crossed from the Nevling Property and into the Gallan Property for the purpose of conversion of timber. In the alternative, it is believed that Defendant Ball negligently crossed from the Nevling Property and into the Gallan Property for the purpose of conversion of timber.

16. Pursuant to 42 Pa.C.S. § 8311 - Damages in Actions for Conversion of Timber, Plaintiff is entitled to three times the market value of the timber cut or removed by the Defendant's intentional acts. In the alternative, Plaintiff is entitled to two times the market value of the timber cut or removed by the Defendant's negligent acts.

17. The lumber removed had a market value of \$2,529.42.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$7,588.26, plus interest and costs of suit.

---

**COUNT II**

**ACTION FOR TRESPASS**

---

Paragraphs 1 - 17 are incorporated by reference as though the same were set forth at length herein:

18. Upon entering the Gallan property, Defendants caused vegetation to be removed, temporary roads to be made, and generally reduced the aesthetic appeal of the Gallan property.

19. While on the Gallan property, Defendants caused the destruction of a well housing and possibly contaminated or made otherwise useless the spring thereupon.

20. The removal of the trees from the Gallan property has irreparably altered the character and value of the Gallan property.

21. In actions which concern Trespass and Conversion of Timber, the Trial Court may determine that the damage suffered is irreparable and that the proper measure of damages is the diminution of value of the property plus any monies received by Defendant for the sale of such trees. *Christian v. Yanoviak*, 945 A.2d 220 (Pa. Super. 2008).

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$10,000, plus interest and costs of suit.

---

**COUNT III**  
**UNJUST ENRICHMENT**

---

Paragraphs 1 - 21 are hereby incorporated by reference as though the same were set forth at length herein:

22. The Plaintiffs have been unjustly deprived of the value of their timber, aesthetic value of their property, and the enjoyment thereof.

23. The Defendants have profited from this deprivation by selling said timber at a price of \$2,529.42.

24. If Plaintiffs are not compensated for this loss, the Defendants will have been unjustly enriched.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against Defendants in an amount in excess of \$2,529.42, plus interest and costs of suit.

---

**COUNT IV**  
**ATTORNEY FEES AND COSTS**

---

Paragraphs 1 - 24 are hereby incorporated by reference as though the same were set forth at length herein:

25. Plaintiffs have had to hire legal counsel to assist them in the prosecution of this action and are paying said counsel at a rate of \$125.00 per hour.

26. Plaintiffs have had to commission an expert estimate for the value of the timber removed totaling \$328.40, excluding costs of testimony.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter judgment in their favor and against the Defendants for the payment of reasonable attorney fees and costs to be determined by hearing of the Court.

Respectfully submitted,



David R. Thompson, Esquire  
Attorney for Plaintiffs

**VERIFICATION**

I certify that the facts set forth in the foregoing ***COMPLAINT*** is 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. § 4904, relating to unsworn falsification to authorities.

Dated: October 13, 2008 Adam Gallan  
Adam Gallan

**VERIFICATION**

I certify that the facts set forth in the foregoing ***COMPLAINT*** is 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. § 4904, relating to unsworn falsification to authorities.

Dated:

6/14/2008

Anna Burnosky

Anna Burnosky

William Antick  
FORESTER  
127 Viaduct Rd  
P. O. Box 138  
Lancaster Pa 17649  
717 345 6924

October 6, 2008

**SUBJECT:** Stumpage Value of Timber Removed from the Adam Gallan Property Located in Decatur  
Twp., Clearfield County. Tax Map# M-13, Parcel# 19.

**EQUIPMENT USED:** 100 Tape, Calipers, Hypsometer, and GPS.

**PROCEDURE:** All stumps on the property were measured, and converted to diameter at breast height.  
Taking the heights of trees that were cut and left laying, and the tree still standing on the  
property I was able to determine the average height and volume of trees removed from the  
property.

Volume Tables used to determine Volumes and Values of Timber Logged from the Gallan Property.

U.S. Department of Agriculture  
Northeastern Forest Experiment Station  
Relation of Tree-Stump Diameter to Diameter Breast Height  
by Cunningham, Filip, And Feree

Tables for Estimating Board-Foot Volume of Timber  
Scribner Log Rule-Girard Form Class  
United States Department of Agriculture

Timber Market Report  
First Quarter 2008 January-March  
Penn State University-School of Forest Resources

October 6, 2008

Species, Volumes, and Stumpage Values of Timber Logged From the Allen Gallan Property. All log volumes Scribner Log Scale.

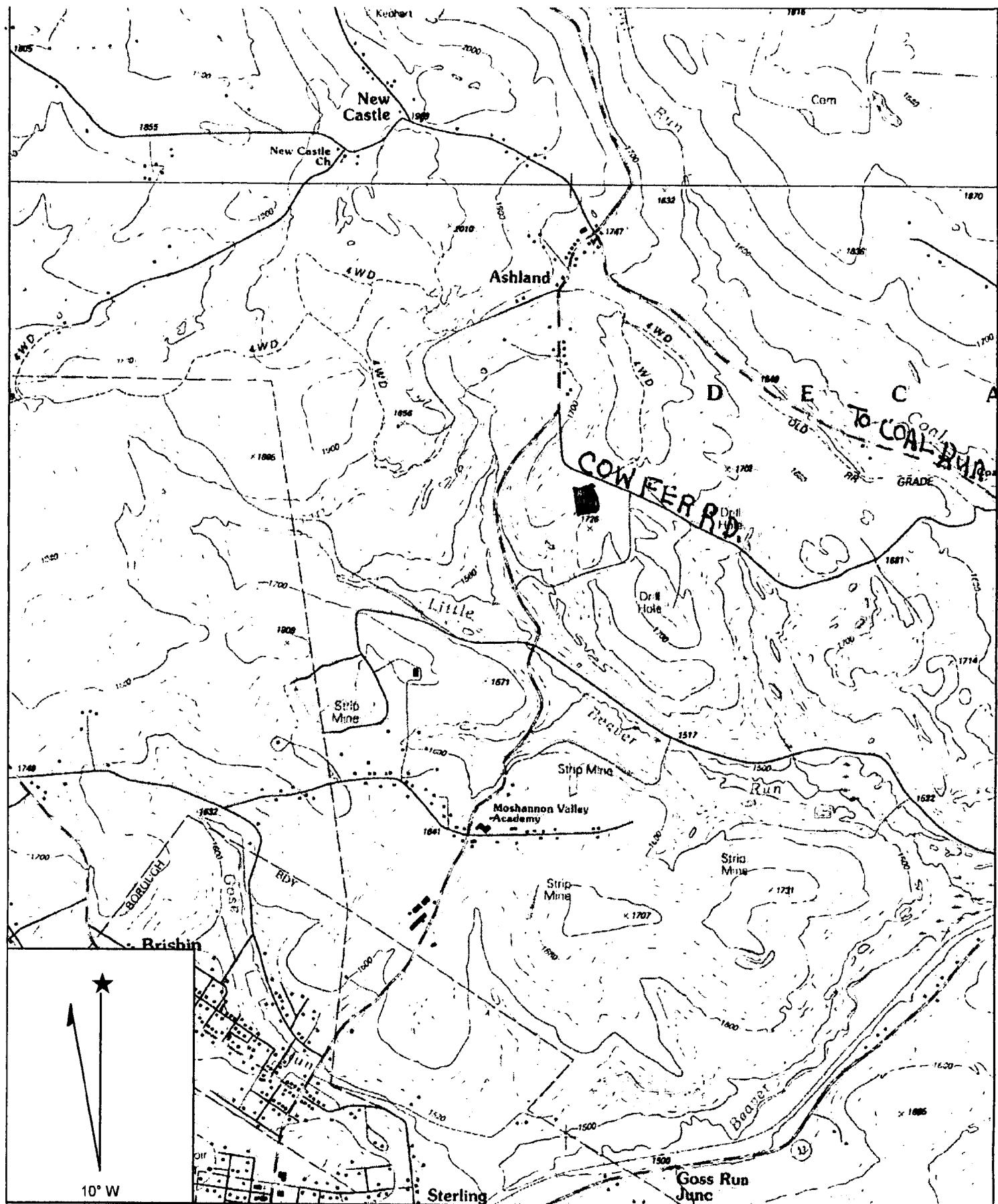
Pulpwood Trees:

#of Trees	Species	Tons	Value	
7	Aspen	1.9	\$5.70	
27	Red Maple	3.8	\$11.40	
17	Birch	2.2	\$6.60	
4	Ash	.6	\$2.01	
\$3.00/ton		Totals: 55 Trees	8.5 Tons	Value \$25.50

Log Trees:

#of Trees	Species	Bd. Ft. Volume	Value/M	Total Value
35	Aspen	5226	\$118	\$616.66
8	Red Maple	1320	\$251	\$331.32
9	Black Cherry	991	\$748	\$741.27
1	Birch	44	\$94	\$4.14
1	Red Oak	148	\$281	\$41.59
13	Ash	2961	\$190	\$562.59
2	White Oak	391	\$278	\$108.70
1	Tulip Poplar	450	\$217	\$97.65
Totals: 70 Trees		11,531 Bd. Ft.	Value \$2503.92	

TOTAL VALUE OF TIMBER TAKEN FROM GALLAN PROPERTY: \$2529.42



Name: HOUTZDALE  
 Date: 10/6/2008  
 Scale: 1 inch equals 2000 feet

**TIMBER  
TRESPASS  
AREA**

Location: 040° 51' 23.33" N 078° 20' 14.91" W  
 Caption: 3 Acres of Timber Removed From the Allen Gallan Property  
 Decatur Twp., Clearfield Co.

William Amick  
102310F  
127 Viaduct Rd  
P O Box 138  
Lanse Pa. 16849  
814 345-5924

David R. Thompson  
Attorney At Law  
308 Walton Street, Suite 4  
Philpsburg, Pa. 16866

Determine Volume of Timber Taken from the Adam Gallan Property:

September 26, 2008 2 Hours  
18 Miles

September 30, 2008 8 Hours  
53 Miles

TOTAL: 10 hours@\$30.00=\$300.00  
71 Miles@.40= \$28.40

\$328.40

Send to: William Amick  
P.O. Box 138  
Lanse, Pa. 16849





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104837  
NO: 08-2066-CD  
SERVICES 3  
COMPLAINT

PLAINTIFF: ADAM GALLAN, an individual & ANNA BURNOSKY, an individual

vs.

DEFENDANT: TIM IRACA, an individual, IRACA LUMBER CO., a corporation, RUSSELL BALL, an individual

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	THOMPSON	18015	30.00
SHERIFF HAWKINS	THOMPSON	18015	70.00

FILED  
013:45 AM  
FEB 11 2009  
cm

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2009



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.

CIVIL DIVISION - LAW

Adam Gallan, an individual

\* No. 08-2066-CD

Anna Burnosky, an individual

\*

\*

\*

\*

Plaintiffs

\*

vs.

\*

\*

TIM IRACA,

\* TYPE OF CASE:

an individual

Civil Action - Law

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

Defendants

5 FILED SCC  
01236cm ATT  
AUG 24 2009 Thompson

William A. Shaw  
Prothonotary/Clerk of Courts

\* TYPE OF PLEADING:

\* Praeclipe to Settle and Discontinue

\*

\* FILED ON BEHALF OF:

\* Plaintiffs

\*

\* COUNSEL OF RECORD FOR

\* THIS PARTY:

\* David R. Thompson, Esquire

\* Supreme Court I.D. No. 73053

\* Attorney at Law

\* P.O. Box 587

\* 308 Walton Street, Suite 4

\* Philipsburg PA 16866

\* (814) 342-4100

\*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL DIVISION - LAW

ADAM GALLAN, :  
an individual : Case No. 08-2066-CD  
ANNA BURNOSKY, :  
an individual :  
Plaintiffs :  
vs. :  
TIM IRACA, :  
an individual :  
IRACA LUMBER COMPANY, :  
a corporation :  
RUSSELL BALL, :  
an individual :  
Defendants :

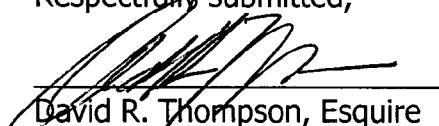
**PRAECIPE TO SETTLE AND DISCONTINUE**

TO THE PROTHONOTARY:

Kindly mark the above captioned matter as settled and discontinue the same.

DATE: 08-24-09

Respectfully submitted,

  
\_\_\_\_\_  
David R. Thompson, Esquire