

08-2369-CD
Cowboy Trucking vs Kephart Trucking

ROBERT D. KODAK, ESQUIRE
KODAK & IMBLUM, P.C.
407 N FRONT STREET, PO BOX 11848
HARRISBURG, PA 17108-1848
(717) 238-7159

Attorney for Plaintiff

COWBOY TRUCKING, LLC

Plaintiff

IN THE COURT OF COMMON PLEAS
Clearfield COUNTY, PENNSYLVANIA

v

NO. 08-2369-CD

KEPHART TRUCKING CO.

Defendant(s)

CIVIL ACTION - LAW

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim 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 an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD PA 16830
814-765-2641, EXT. 32

5
FILED

DEC 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

ICC Sheriff
m/10:57/24
Atty pd 95.00
LM

AVISO

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted falla de tomar accion como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

3 **SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CUALIFICAN.**

**DAVID S. MEHOLICK, COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
1 NORTH SECOND STREET
CLEARFIELD PA 16830
814-765-2641, EXT. 32**

COWBOY TRUCKING LLC

Plaintiff

IN THE COURT OF COMMON PLEAS
Clearfield COUNTY, PENNSYLVANIA

v

NO.

KEPHART TRUCKING CO.

Defendant(s)

CIVIL ACTION - LAW

COMPLAINT

The Plaintiff, COWBOY TRUCKING LLC, by its attorneys, **KODAK & IMBLUM, P.C.**, brings this action of Assumpsit against the Defendant to recover the sum of FIVE THOUSAND SEVEN HUNDRED FORTY-SIX DOLLARS AND EIGHTY-THREE CENTS (\$5,746.83), along with interest thereon at the statutory rate from February 8, 2008, upon a cause of action of which the following is a statement:

1. The Plaintiff, COWBOY TRUCKING LLC, is a limited liability company organized and existing under the laws of the State of New Jersey, having its principal office and place of business at 511 Crows Mill Road, Forge, NJ 08863.
2. The Defendant, KEPHART TRUCKING CO, is a corporation having its principal office and place of business at **983 Woodland-Bigler Highway, Bigler, Clearfield County, Pennsylvania 16825.**

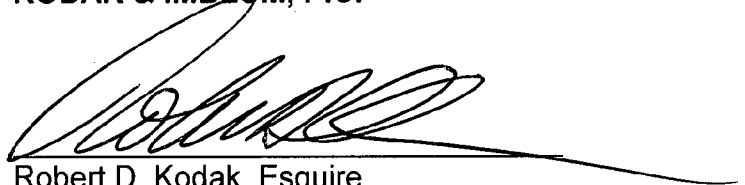
3. Defendant, Kephart Trucking Co., is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania as more fully shown on the Pennsylvania Department of State Corporation Bureau print out attached hereto, marked **Exhibit "A"** and made a part hereof.
4. On or about the week ending February 1, 2008, Plaintiff did work for Defendant to the total amount of Three Thousand Six Hundred Ninety-Nine Dollars and Sixty-Five Cents (\$3,699.65) as shown on page 2 of the Owner Operator Paid Settlement Summary dated February 15, 2008, a true and correct copy of which is attached hereto, marked **Exhibit "B"** and made a part hereof.
5. On or about the week ending January 24, 2008, Plaintiff did work for Defendant to the total amount of Two Thousand Forty-Seven Dollars and Eighteen Cents (\$2,047.18) as shown on page 2 of the Owner Operator Settlement Summary dated February 8, 2008, a true and correct copy of which is attached hereto, marked **Exhibit "C"** and made a part hereof.
6. The prices charged for said labor performed and services provided were just and reasonable, were the legal and market prices therefor and were the prices which the Defendant promised and agreed to pay to Plaintiff.
7. Defendant paid to Plaintiff the sum of Two Thousand Forty-Seven Dollars and

Eighteen Cents (\$2,047.18) as shown on Defendant's Check No. 1416, dated February 8, 2008, however, said check was returned to Plaintiff marked "NON SUFFICIENT FUNDS" as more particularly shown on **Exhibit "D"**, attached hereto, and made a part hereof.

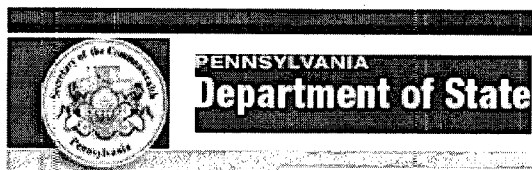
8. The balance due and owing by Defendant to Plaintiff is the sum of Five Thousand Seven Hundred Forty-Six Dollars and Eighty-Three Cents (\$5,746.83).
9. Plaintiff frequently demanded payment from Defendant of said amount due and owing as aforesaid, but Defendant refused and neglected and still refuses and neglects to pay said amount or any part thereof.

WHEREFORE, Plaintiff brings this suit to recover from Defendant the sum of FIVE THOUSAND SEVEN HUNDRED FORTY-SIX DOLLARS AND EIGHTY-THREE CENTS (\$5,746.83), together with interest as set forth herein.

Respectfully submitted,
KODAK & IMBLUM, P.C.



Robert D. Kodak, Esquire
407 North Front Street
Post Office Box #11848
Harrisburg, PA 17108-1848
(717) 238-7159
Attorney ID No. 18041
Attorney for Plaintiff

**Corporations**[Online Services](#) | [Corporations](#) | [Forms](#) | [Contact Corporations](#) | [Business Services](#)

Search
By Business Name
By Business Entity ID
Verify
Verify Certification
Online Orders
Register for Online
Orders
Order Good Standing
Order Certified Documents
Order Business List
My Images
Search for Images

**Business Entity Filing
History**

Date: 12/1/2008 (Select the link above to view
the Business Entity's Filing
History)

Business Name History

Name	Name Type
KEPHART TRUCKING CO.	Current Name

Business Corporation - Domestic - Information

Entity Number: 187683
Status: Active
Entity Creation Date: 1/5/1970
State of Business.: PA
Registered Office Address: P O BOX 386
983 WOODLAND BIGLER HWY
BIGLER PA 6825 -0
Mailing Address: No Address

Officers

Name: TIMOTHY KEP
Title: President
Address: BOX 386
BIGLER PA 16825-17

Name: DAVID J DEPHA
Title: Secretary
Address: BOX 386
BIGLER PA 16825-17

Name: DAVID J KEPHART
Title: Treasurer
Address: BOX 386
BIGLER PA 16825-17

Name: DAVID J KEPHART
Title: Vice President
Address: BOX 386
BIGLER PA 16825-17

08/28/2008 15:55

8147680302

KEPHART TRUCKING

08/28/2008 1550

Owner Operator Paid Settlement Summary
KEPHART TRUCKING CO

Page 1

Order #	L/E	Origin	Destination	Miles	Tractor	Ship Date	
1173421	L	LONG ISLAND CITY NY	CAIRNBROOK PA	314.0	1121T0	01/28/2008	
		Pay Gross: \$0.00	Pay Rate: 841.0000	flat	Order Pay:		841.00
		----- Order Earnings -----					
		FUEL SURCHARGES 10%		FSC	E	01/28/2008	105.56
1173693	L	LONG ISLAND CITY NY	CAIRNBROOK PA	314.0	1121T0	01/29/2008	
		Pay Gross: \$0.00	Pay Rate: 841.0000	flat	Order Pay:		841.00
		----- Order Earnings -----					
		FUEL SURCHARGES 10%		FSC	E	01/29/2008	105.84
1173944	L	LONG ISLAND CITY NY	CAIRNBROOK PA	314.0	1121T0	01/31/2008	
		Pay Gross: \$0.00	Pay Rate: 841.0000	flat	Order Pay:		841.00
		----- Order Earnings -----					
		FUEL SURCHARGES 10%		FSC	E	01/31/2008	104.54
1174547	L	LONG ISLAND CITY NY	VINTONDALE PA	320.0	1121T0	02/01/2008	
		Pay Gross: \$0.00	Pay Rate: 844.0000	flat	Order Pay:		844.00
		----- Order Earnings -----					
		FUEL SURCHARGES 10%		FSC	E	02/01/2008	105.75
SUBTOTAL FOR DRIVER 1121D0							\$3,788.69

Aug 28 08 04:03p

Cowboy Trucking LLC

732 738 0834

p.3

08/28/2008 15:55

8147680302

KEPHART TRUCKING

PAGE 02/02

08/28/2008 1550

Owner Operator Paid Settlement Summary
KEPHART TRUCKING CO

Page 2

For S1121	COWBOY TRUCKING, LLC	Check date: 02/15/2008			
Order#	L/E Origin	Destination	Miles	Tractor	Ship Date

Deductions						
FUEL TAX 10/07-12/07			TM	D	12/29/2007	-39.04
OCAC WEEKLY INS PREMIUM	1121D0		UI	D	02/02/2008	-40.00
LIABILITY INS SUPPLEMENT	1121T0		UG	D	02/02/2008	-10.00

TOTAL ORDERS: 4
TOTAL MOVES: 4
TOTAL MILES: 1262.0

TOTAL ORDER PAY \$3,387.00
TOTAL OTHER EARNINGS \$421.69

TOTAL GROSS EARNINGS \$3,788.69
TOTAL DEDUCTIONS -\$89.04

TOTAL NET PAY \$3,699.65

Owner Operator Settlement Summary
KEPHART TRUCKING CO

For S1121 COWBOY TRUCKING, LLC

Check date: 02/08/2008

Order #	L/E	Origin	Destination	Miles	Tractor	Ship Date	
1171851	L	LONG ISLAND CITY NY	CAIRNBROOK PA	314.0	1121T0	01/22/2008	
		Pay Gross: \$0.00	Pay Rate: 841.0000	flat	Order Pay:	841.00	
		----- Order Earnings-----					
		FUEL SURCHARGES 10%		FSC	E	01/22/2008	105.56
1172481	L	BROOKLYN NY	CAIRNBROOK PA	305.0	1121T0	01/23/2008	
		Pay Gross: \$0.00	Pay Rate: 841.0000	flat	Order Pay:	841.00	
		----- Order Earnings-----					
		FUEL SURCHARGES 10%		FSC	E	01/23/2008	104.68
1172767	L	BROOKLYN NY	CAIRNBROOK PA	305.0	1121T0	01/24/2008	
		Pay Gross: \$0.00	Pay Rate: 841.0000	flat	Order Pay:	841.00	
		----- Order Earnings-----					
		FUEL SURCHARGES 10%		FSC	E	01/24/2008	105.10
		SUBTOTAL FOR DRIVER 1121D0					\$2,838.34

EXHIBIT C

Owner Operator Settlement Summary
KEPHART TRUCKING CO

For S1121 COWBOY TRUCKING, LLC

Check date: 02/08/2008

Order #	L/E	Origin	Destination	Miles	Tractor	Ship Date
---------	-----	--------	-------------	-------	---------	-----------

----- Deductions -----

Fuel: 1121T0 CARLISLE PA	10100090	CDP	D	02/01/2008	-362.71
Fees: 1121T0 CARLISLE PA	10100090	CDP	D	02/01/2008	-0.50
Fuel: 1121T0 CARLISLE PA	13126073	CDP	D	01/31/2008	-377.45
LIABILITY INS SUPPLEMENT	1121T0	UG	D	01/26/2008	-10.00
OCAC WEEKLY INS PREMIUM	1121D0	UI	D	01/26/2008	-40.00
Fees: 1121T0 CARLISLE PA	13126073	CDP	D	01/31/2008	-0.50

TOTAL ORDERS: 3
 TOTAL MOVES: 3
 TOTAL MILES: 924.0

TOTAL ORDER PAY \$2,523.00

TOTAL OTHER EARNINGS \$315.34

TOTAL GROSS EARNINGS \$2,838.34

TOTAL DEDUCTIONS -\$791.16

TOTAL NET PAY \$2,047.18

----- Direct Deposit Distribution -----

Acct type	Bank ABA #	Acct number	Acct distribution	
Checking	021200025	*****9292	100.00%	2047.18

----- YTD Summary -----

YTD EARNINGS \$22,151.27

9211 0000990196

Dec 04 08 06:28p Cowboy Trucking LLC

732 738 0834

p.1

Dec 04 2008 1:18PM WOLIANSKYDOYLE

7326348249

p.9

DEC-03-2008 18:26

KODAK AND INELUM P.C.

717 238 7158

P.07/07

VERIFICATION

I, HARRY FAIRMAN OWNER
(Name) (Title)

of COWBOY TRUCKING LLC, verify that the statements made in the foregoing document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. 54904, relating to unsworn falsification to authorities.

COWBOY TRUCKING LLC

By: Harry FairmanTitle: OWNERDated: 12-05-08

34814

Kaphan

TOTAL P.07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2369-CD

COWBOY TRUCKING, LLC
vs
KEPHART TRUCKING CO.

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/09/2009 HEARING: PAGE: 105042

DEFENDANT: KEPHART TRUCKING CO.
ADDRESS: 983 WOODLAND BIGLER HIGHWAY
BIGLER, PA 16825

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 12-12-08 AT 1049 AM/PM SERVED THE WITHIN

COMPLAINT ON KEPHART TRUCKING CO., DEFENDANT

BY HANDING TO Tim Kephart, owner

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

ADDRESS SERVED 983 Woodland Bigler Hwy Bigler Pa

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT FOR KEPHART TRUCKING CO.

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO KEPHART TRUCKING CO.

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

[Signature]
Deputy Signature

S. Hunter
Print Deputy Name

FILED
013:3634
DEC 17 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105042
NO: 08-2359-CD
SERVICES: 1
COMPLAINT

PLAINTIFF: COWBOY TRUCKING, LLC
VS.
DEFENDANT: KEPHART TRUCKING CO.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	KODAK	6402	10.00
SHERIFF HAWKINS	KODAK	6402	27.78

FILED
013:35 am
MAR 25 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins

Chester A. Hawkins
Sheriff

COWBOY TRUCKING LLC

Plaintiff

IN THE COURT OF COMMON PLEAS
Clearfield COUNTY, PENNSYLVANIA

v

NO. 2008-2369-CD

KEPHART TRUCKING CO

Defendant

CIVIL ACTION - LAW

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above-captioned matter as settled and discontinued with prejudice.

S FILED *ICC & I Cert*
my 12:10pm Of disc issued
APR 27 2009 *to Atty Kodak*

William A. Shaw
Prothonotary/Clerk of Courts

TO: Clearfield County
Prothonotary

Dated: April 24, 2009



Robert D. Kodak, Esquire
Attorney I.D. No. 18041

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Cowboy Trucking, LLC

Vs.

No. 2008-02369-CD

Kephart Trucking Co.

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on April 27, 2009, marked:

Settled and discontinued with prejudice

Record costs in the sum of \$95.00 have been paid in full by Robert D. Kodak Esq .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 27th day of April A.D. 2009.



William A. Shaw, Prothonotary

LM