

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

~~12TH DIVISION~~

FILED 01/17/12 16:09:01
Larry Crane Pulaski Circuit Clerk
AR

WELSCO, INC.

VS.

CV 2012 310

PLAINTIFF
FILED 01/17/12 16:09:06
Larry Crane Pulaski Circuit Clerk
AR

LITTLE ROCK FAMILY PLANNING SERVICES, PLLC

DEFENDANT

COMPLAINT

The Plaintiff, Welsco, Inc. ("Welsco") for its Complaint against the Defendant, Little Rock Family Planning Services, PLLC states:

I. INTRODUCTION

1. This is a replevin action pursuant to Ark. Code Ann. § 16-60-801, et. seq. in which Welsco seeks the return of certain personal property, gas cylinders, in the possession of Defendant.

II. PARTIES

2. Welsco is an Arkansas corporation supplying welding supplies and industrial gas with its principal place of business located in North Little Rock, Pulaski County, Arkansas.

3. The Defendant is an Arkansas professional limited liability company providing medical services with its principal place of business located in Little Rock, Pulaski County, Arkansas.

III. JURISDICTION AND VENUE

4. This Court has jurisdiction over the persons and subject matter.

5. Venue is proper in this Court pursuant to Ark. Cod Ann. § 16-60-116 as the Defendant resides in Pulaski County, Arkansas.



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WELSO, INC V LITTLE ROCK FAMI 5 Pages
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CIRCUIT COURT CC05\$

IV. FACTS

6. Welsco leased to Defendant thirteen (13) gas cylinders which contained nitrous oxide and medical grade oxygen gas as evidenced by the Cylinder Rental Invoice attached hereto and incorporated herein with Exhibit "A".

7. For some period of time, Welsco supplied the Defendant with nitrous oxide and medical grade oxygen.

8. Welsco ceased supplying Defendant with gas and requested the return of its cylinders.

9. The Defendant refused to allow Welsco to pick up the cylinders.

10. The cylinders are the property of Welsco.

11. The Defendant is in possession of the cylinders and such possession is wrongful.

Welsco is entitled to immediate possession of the cylinders.

V. COUNT I – REPLEVIN

12. Welsco incorporates by reference the allegations set forth in paragraphs 1-11 above.

13. The Defendant wrongfully possesses the cylinders which are the property of Welsco.

14. Welsco is entitled to immediate possession of the cylinders.

15. The Defendant has refused to allow Welsco to pick up the cylinders.

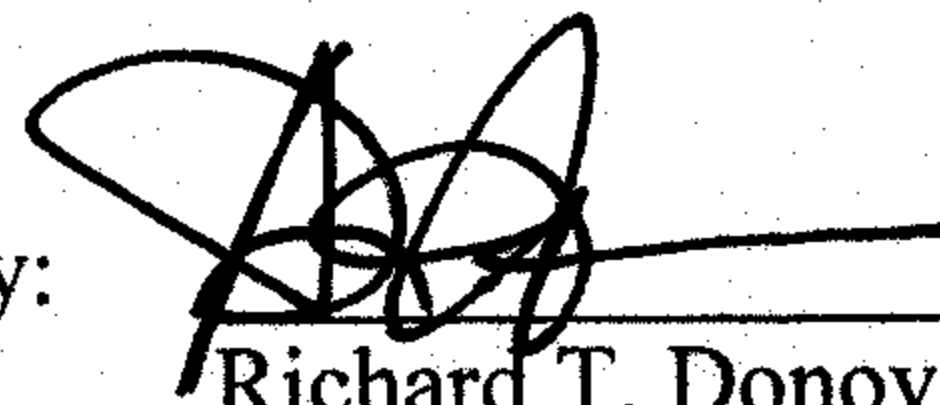
16. Welsco is entitled to an Order of Delivery instructing the Pulaski County Sheriff to seize the cylinders and restore possession to Welsco.

17. This Court should enter an order requiring the Defendant to appear and show cause why an Order of Delivery should not be issued.

WHEREFORE, the Plaintiff, Welsco, Inc. respectfully requests that this Court issue an Order of Delivery requiring Defendant to restore possession of the cylinders to Welsco, Inc., that this Court issue an order requiring the Defendant to appear and show cause why an Order of Delivery should not be entered, and for all other just and proper relief.

Rose Law Firm,
a Professional Association
120 East Fourth Street
Little Rock, Arkansas 72201-2893
(501) 375-9131

By:



Richard T. Donovan #83054
Attorneys for Plaintiff

CYLINDER RENTAL INVOICE



CORPORATE HEADQUARTERS
 9006 Crystal Hill Road
 North Little Rock, Arkansas 72113
 Visit our website at: www.welsco.com

PLEASE MAKE CHECKS PAYABLE TO
AND MAIL TO

WELSCO, INC.
 P.O. BOX 52163
 LAFAYETTE LA 70505-2163
 [501] 771-1204
 FAX: [501] 771-0513

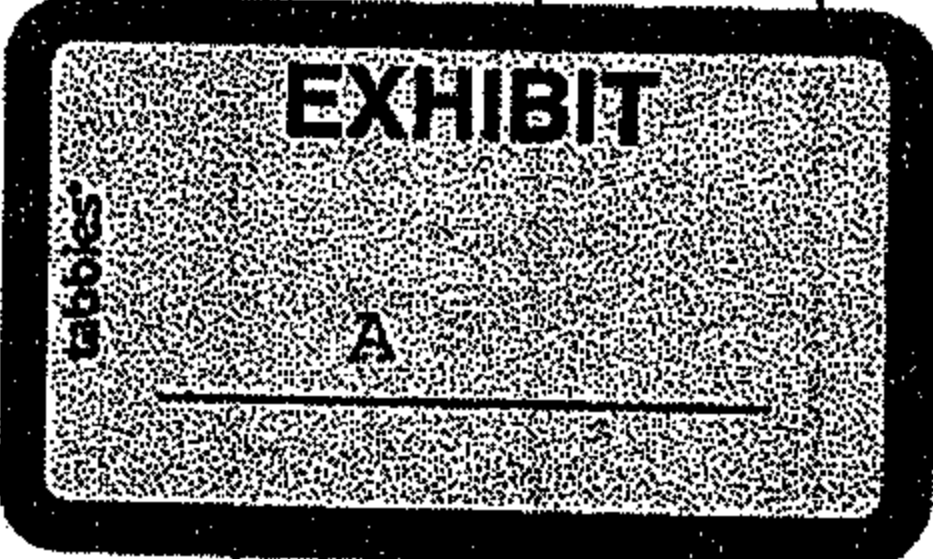
INVOICE
B 00022082
PAGE NUMBER
1
INVOICE DATE
12/31/11
CUSTOMER
81712

BRN:001

B
LITTLE ROCK FAMILY PLANNING SERVICE
 L #4 OFFICE PARK DRIVE
 L LITTLE ROCK AR 72211
 T
O

S
LITTLE ROCK FAMILY PLANNING SERVICE
 I #4 OFFICE PARK DRIVE
 P LITTLE ROCK AR 72211
 T
O

ITEM	INVOICE DATE	INVOICE	INVOICE BALANCE	EMPTY	RETURNED	INVOICE BALANCE	LEASED CYLINDERS	BALANCE	PER DAY RATE	EXTENDED MONTH
MG MENO		BALANCE FORWARD					2			
MG MEOX		BALANCE FORWARD					3			
MG MGNO		BALANCE FORWARD					7			
MG MGNO	12/09/11	00832414		1	1		7			
MG MGNO	12/16/11	00835380		1	1		7			
OX OXH282		BALANCE FORWARD					6			
OX OXH282	12/09/11	00832414		1	1		6			
OX OXH282	12/16/11	00835380		1	1		6			
OX OXH282	12/29/11	00840053		1	1		6			
R HP		HI PRESS RENT								
		----- TOTALS ----->	18	5	5	18	5	403	.190	76.57
R USG		C.F.R. 49/CYL MAINT								
		----- TOTALS ----->	0	0	0	0	0	0	4.00	4.00
TAX:										6.04
CCD PAYMENT:										86.61
TOTAL										.00



INVOICE TYPE: R-RENTAL, D-DEMURRAGE

RENTAL AT THE CURRENT RATE PER CYLINDER (PLUS TAX) WILL BE CHARGED ON ALL CYLINDERS. BUYER AGREES TO PAY RENTAL MONTHLY. BUYER AGREES TO RETURN EACH CYLINDER WHEN EMPTY TO THE SELLER OR IF RETAINED AS LONG AS 90 DAYS, BUYER AGREES TO PAY FULL VALUE OF CYLINDER. BUYER ALSO AGREES TO PAY FOR ANY LOST CYLINDERS OR FOR ANY DAMAGE TO CYLINDER WHILE IN HIS POSSESSION. BUYER ALSO AGREES TO PAY ANY COST OF REPOSSESSION OF CYLINDERS.

Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

COVER SHEET
STATE OF ARKANSAS
CIRCUIT COURT: CIVIL

To Save a copy of this form to your computer, please click the disk icon on the toolbar above.

The civil reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

FILING INFORMATION
County: Pulaski
District: 6
Docket Number: CV-12-260
Judge: Gray
Division: 15th
Filing Date: 1-17-12
Plaintiff: Welsco, Inc.
Defendant: Little Rock Family Planning Services, PLLC

Attorney Providing Information: Richard T. Donovan
120 East Fourth Street, Little Rock, AR 72201
Plaintiff Defendant Intervenor Address

Litigant, if Pro Se:
Address Case Number(s)

Related Case(s): Judge
Case Number(s)

Type of Case:

- Torts: (NM) Negligence: Motor Vehicle, (NO) Negligence: Other, (BF) Bad Faith, (FR) Fraud, (MP) Malpractice, (PL) Product Liability, (OD) Other
Equity: (FC) Foreclosure, (QT) Quiet Title, (IJ) Injunction, (PT) Partition, (OT) Other
Miscellaneous: (CD) Condemnation, (RE) Replevin, (DJ) Declaratory Judgment, (UD) Unlawful Detainer, (IN) Incorporation, (EL) Election, (FJ) Foreign Judgment, (WT) Writs, (AA) Administrative Appeal, (CF) Property Forfeiture, (RD) Remove Disabilities, (NC) Name Change, (OM) Other

Jury Trial Requested: Yes No
Manner of Filing: Original Re-open Transfer Return from Federal/Bankruptcy Court

DISPOSITION INFORMATION

Disposition Date: Bench Trial Non-Trial Jury Trial

- Judgment Type: (DJ) Default Judgment, (SJ) Summary Judgment, (CJ) Consent Judgment, (TJ) Trial Judgment, (OJ) Other Judgment, (PG) Petition Granted, (PD) Petition Denied, (DF) Decree of Foreclosure
Dismissal Type: (DW) Dismissed with Prejudice, (DN) Dismissed without Prejudice
Other: (TR) Transferred to Another Jurisdiction, (RB) Removed to Bankruptcy Court, (RF) Removed to Federal Court, (AR) Arbitration

Judgment For: Plaintiff Defendant Both
Judgment Amount: \$

Clerk's Signature
AOC 23 10-01
625 Marshall Street
Little Rock, AR 72201

Date

Send 1 paper or electronic copy to AOC upon filing.
Send 1 paper or electronic copy to AOC upon disposition.
Keep original in court file.

Effective 1-1-2002

Box 29