

04-1673-CD
CACV OF COLORADO, LLC vs. JONATHAN GOULD

Merriman Invest vs Jonathan Gould
2004-1673-CD

Don't
Send up until
attorney requests it -
See letter.

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

CACV OF COLORADO, LLC,

Petitioner,

No. 04-1673-CJ

vs.

JONATHAN D GOULD,

Respondent.

ORDER OF COURT

AND NOW, to-wit, this ____ day of _____, 2004, upon consideration of Petitioner's Petition to Confirm Arbitration Award and Enter Judgment thereon, any response thereto and good cause appearing therefore, it is hereby ORDERED, ADJUDGED and DECREED that the award entered by the arbitrator in the above captioned matter is hereby confirmed in all respects.

Judgment is entered in favor of Petitioner and against Respondent in the amount of \$3,921.87, with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award, being April 12, 2004, plus costs.

BY THE COURT:

J.

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

BANK ONE DELAWARE, N.A.,

Petitioner,

No. *04-1673-C*

vs.

JONATHAN D GOULD,

Respondent.

RULE

AND NOW, this ____ day of _____, 200_, upon consideration of the foregoing petition, it is hereby ordered that

(1) a Rule is issued upon the Respondent to Show Cause, in the form of written response, Why the arbitration award in the amount of **\$3,921.87** entered on **April 12, 2004**, should not be confirmed and judgment entered for the full amount of the award with continuing interest thereon at the statutory interest rate of 6% per annum from the date of the award;

(2) the Respondent shall file an Answer to the Petition within _____ days of service upon the Respondent;

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) depositions shall be completed within forty five days of the service upon Petitioner of the Answer to the Petition;

(5) notice of the entry of this order shall be provided to all parties by the Petitioner.

BY THE COURT:

J.

WELTMAN, WEINBERG & REIS Co., L.P.A.

ATTORNEYS AT LAW
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
412.434.7955
www.weltman.com

BURLINGTON, NJ
609.914.0437
CINCINNATI, OH
513.723.2200
CLEVELAND, OH
216.685.1000
COLUMBUS, OH
614.228.7272
DETROIT, MI
248.362.6100
PHILADELPHIA, PA
215.599.1500

October 22, 2004

Office of the Prothonotary
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Re: CACV of Colorado, LLC vs. Jonathan D. Gould
Petition to Confirm Arbitration Award and Enter Judgment thereon
Our file no. 03889861

Dear Sir or Madam:

Enclosed please find Petitioner's Petition to Confirm Arbitration Award and Enter Judgment thereon, which we wish to file with the Prothonotary of your county. In this regard, enclosed please find a check in the amount of \$85.00, which we understand is your filing fee.

Pursuant to 42 Pa.C.S.A. §§ 7317, 7342(a) and Pa.R.Civ.P. No. 400 the above-mentioned Petition should be served by sheriff. Accordingly, enclosed please find: (1) a letter of instructions for the Sheriff; and (2) a check for the Sheriff in the amount of \$75.00, which represents the fee for serving the Petition upon Respondent.

Please forward the aforementioned items to the Sheriff's office, along with the enclosed copies of the Petition filed in the above-referenced matter. Please also provide this office with time-stamped copies of the face-sheets in the self-addressed envelope, postage pre-paid, which is also enclosed for your convenience.

PLEASE DO NOT FORWARD THE PETITION TO A JUDGE FOR DISPOSITION.
WHEN SERVICE IS COMPLETED WE WILL REQUEST THE PETITION TO BE
FORWARDED AT THAT TIME.

Thank you for your anticipated cooperation. If you have any questions, please contact the undersigned at (412) 434-7955.

Very truly yours,

Kimberly Coyne

Enclosures

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

CACV OF COLORADO, LLC,

Petitioner,

vs.

JONATHAN D GOULD,

Respondent.

No. 04-1673-CD

PETITION TO CONFIRM ARBITRATION
AWARD AND ENTER JUDGMENT
THEREON

FILED ON BEHALF OF:
Petitioner

COUNSEL OF RECORD OF
THIS PARTY:

WILLIAM T. MOLCZAN, ESQUIRE
PA I.D. #47437
Weltman, Weinberg & Reis Co., L.P.A.
2718 Koppers Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR #03889861

FILED *cc*
m12:33pm to Sheriff
OCT 25 2004 *Atty pd .85.00*

William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC,

No.

Petitioner,

vs.

JONATHAN D GOULD,

Respondent.

PETITION TO CONFIRM ARBITRATION AWARD
AND ENTER JUDGMENT THEREON

AND NOW, comes Petitioner, CACV of Colorado, LLC, by and through its counsel, William T. Molczan, Esquire and Weltman, Weinberg & Reis, CO., L.P.A., and files the within Petition for confirmation of an Arbitration Award, National Arbitration Forum number of FA0402000234382 and entry of judgment thereon pursuant to the Pennsylvania Uniform Arbitration Act 42 Pa. C.S.A. §§ 7301 et seq. In support thereof, Petitioner avers the following:

1. Petitioner, CACV of Colorado, LLC, is a corporation with offices at 1999 Broadway, Suite 2150, Denver, CO 80202.

2. Respondent is an adult individual with a last known address of 408 Knarr Street, DuBois, PA 15801.

3. Petitioner and Respondent entered into a Cardmember Agreement for a credit card bearing the account number 4313 0279 9950 1569. Said Agreement contains a provision to settle by arbitration any claim, dispute or controversy arising from or relating in any way to the Agreement.

4. On or around February 2, 2004, Petitioner and Respondent submitted their dispute to arbitration as provided in the arbitration clause of the Agreement.

5. After notice was properly given to all the parties to the arbitration, the matter proceeded in accord with the applicable National Arbitration Forum Code of Procedure before John Adam Kerns, Jr., as arbitrator.

6. On or about April 12, 2004, in the state of Pennsylvania, the arbitrator made his award determining all issues submitted to him , and awarded Petitioner the sum of \$3,921.87. A signed copy of the award, duly acknowledged, was served on the parties on or about April 12, 2004. A true and correct copy of the award is attached as Exhibit "A" and made a part of this Petition.

7. Pursuant to 42 Pa.C.S.A. §7319(2), Petitioner shows venue for this Petition is proper because Respondent resides in this county with a post office address of 408 Knarr Street, DuBois, PA 15801.

8. More than thirty days have passed since entry of the arbitrator's award, and Respondent has taken no action to contest its validity under 42 Pa.C.S.A. §7314.

9. Pursuant to 42 Pa.C.S.A. §7313, Petitioner is entitled to an order of this Court confirming the arbitration award.

WHEREFORE, Petitioner, respectfully requests that this Court enter an Order confirming the arbitration award, and that judgment be entered against Respondent for the full amount of the award, plus interest at the statutory rate of 6% per annum from the date of the award, costs and such other relief as the Court deems appropriate.

Respectfully Submitted:

WELTMAN, WEINBERG & REIS, CO., L.P.A.

By: 

WILLIAM T. MOLCZAN, ESQUIRE
PA I.D. #47437
Weltman, Weinberg & Reis Co., L.P.A.
2718 Koppers Bldg.
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR #03889861



NATIONAL

ARBITRATION

FORUM®

CACV of Colorado, LLC
370 17th Street
Suite 5000
Denver, CO 80202

CLAIMANT(s),

AWARD

RE: CACV of Colorado, LLC v Jonathan D Gould
File Number: FA0402000234382
Claimant File Number: 12485041020400521

Jonathan D Gould
408 Knarr St
Du Bois, PA 15801

RESPONDENT(s).

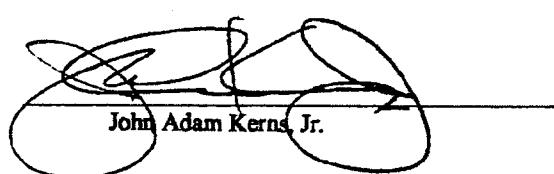
The undersigned Arbitrator in this case FINDS:

1. That no known conflict of interest exists.
2. That on or before 02/02/2004 the Parties entered into an agreement providing that this matter shall be resolved through binding arbitration in accordance with the Forum Code of Procedure.
3. That the Claimant has filed a claim with the Forum and served it on the Respondent in accordance with Rule 6.
4. That the matter has proceeded in accord with the applicable Forum Code of Procedure.
5. The Parties have had the opportunity to present all evidence and information to the Arbitrator.
6. That the Arbitrator has reviewed all evidence and information submitted in this case.
7. That the information and evidence submitted supports the issuance of an Award as stated.

Therefore, the Arbitrator ISSUES:

An Award in favor of the Claimant, for a total amount of \$3,921.87.

Entered in the State of Pennsylvania



John Adam Kerns, Jr.

Date: 04/12/2004

**ACKNOWLEDGEMENT AND CERTIFICATE
OF SERVICE**

This Award was duly entered and the Forum hereby certifies that a copy of this Award was sent by first class mail postage prepaid to the parties at the above referenced addresses on this date.



Harold Kalina

Honorable Harold Kalina, Ret.
Director of Arbitration

04/12/2004

EXHIBIT
A

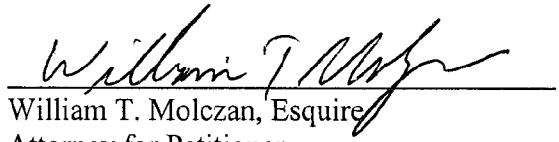
CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Sheriff of Clearfield County is currently attempting service of the within Petition to Confirm Arbitration Award and Enter Judgment Thereon at the below address.

Jonathan D. Gould
408 Knarr Street
DuBois, PA 15801

WELTMAN, WEINBERG & REIS CO., L.P.A.

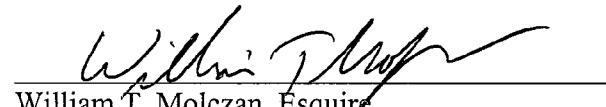
By:


William T. Molczan, Esquire
Attorney for Petitioner
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

(412) 434-7955

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, he is an attorney for the Petitioner herein; makes this Verification based upon the facts as supplied to him by the Petitioner and/or its agents and because the Petitioner is outside the jurisdiction of the court and the Petitioner's Verification cannot be obtained within the time allowed for filing of this petition, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.



William T. Molczan, Esquire
Attorney for Petitioner

In The Court of Common Pleas of Clearfield County, Pennsylvania

CACV OF COLORADO, LLC

VS.

GOULD, JONATHAN D.

Sheriff Docket # 16532

04-1673-CD

PETITION TO CONFIRM ARBITRATION AWARD & ENTER JUDGM

SHERIFF RETURNS

NOW NOVEMBER 12, 2004 AT 11:00 AM SERVED THE WITHIN PETITION TO CONFIRM ARBITRATION AWARD & ENTER JUDGMENT THEREON ON JONATHAN D. GOULD, DEFENDANT AT RESIDENCE, 408 KNARR ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JON D. GOULD A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION etc. AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: COUDRIET

Return Costs

Cost	Description
32.62	SHERIFF HAWKINS PAID BY: ATTY CK# 8166502
10.00	SURCHARGE PAID BY: ATTY CK# 8167129

Sworn to Before Me This

30th Day Of Nov. 2004

11-11-04
WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins
by Marilyn Harr
Chester A. Hawkins
Sheriff

EGK
FILED
09-30-04
NOV 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

CACV OF COLORADO, LLC.,

Plaintiff No. 04-1673-CD

vs. PRAECEIPE TO SETTLE, DISCONTINUE
& END

JONATHAN D. GOULD,

Defendant

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

Benjamin R. Bibler, Esquire
PA I.D. #93598
WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#03889861

FILED

DEC 09 2004
m/3:10a
William A. Shaw
Prothonotary/Clerk of Courts

court to Attn

court to C/A

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

CACV OF COLORADO, LLC.,

Plaintiff

vs.

Civil Action No. 04-1673-CD

JONATHAN D. GOULD,

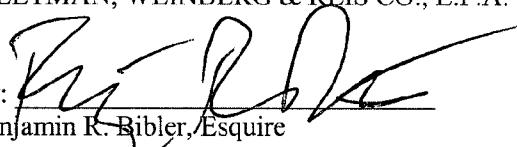
Defendant

PRAECIPE TO SETTLE DISCONTINUE AND END

TO THE PROTHONOTARY OF COUNTY:

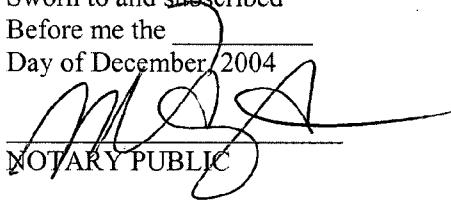
**Please kindly Settle Discontinue and End the above captioned matter upon the records of the Court and
mark the cost paid.**

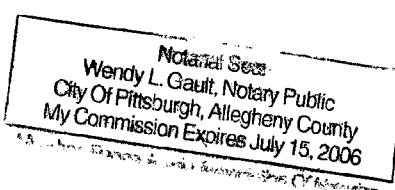
WELTMAN, WEINBERG & REIS CO., L.P.A.

By: 
Benjamin R. Bibler, Esquire
PA I.D. #93598

WELTMAN, WEINBERG & REIS CO., L.P.A.
2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955
WWR#03889861

Sworn to and subscribed
Before me the
Day of December, 2004


NOTARY PUBLIC



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

CIVIL DIVISION

CACV of Colorado, LLC

Vs. **No. 2004-01673-CD**
Jonathan D. Gould

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 December 9, 2004, marked:

Settle, Discontinue and End

Record costs in the sum of \$127.67 have been paid in full by Attorney for Plaintiff.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of December A.D. 2004.

William A. Shaw, Prothonotary