

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS
ASSIGNEE OF CITI-SEARS
C/O WOLPOFF & ABRAMSON, L.L.P.
4660 TRINDLE ROAD, 3rd FLOOR
CAMP HILL, PA 17011
Plaintiff

No. 06-1792-CD

Type of Case: Contract

Type of Pleading:


VS.

Filed on Behalf of: Plaintiff

KENNETH GREGORY
215 QUEENS LN
COALPORT PA 16627

Defendant(s)

Date: 10/20/06



Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholc #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
Bruce H. Cherkis #18837 / Ronald S. Canter #94000
Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED
m/11:26 AM
NOV 01 2006
Any pd 85.00
ICC Sh ff

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS
ASSIGNEE OF CITI-SEARS

Plaintiff

VS

KENNETH GREGORY
Defendant(s)

:No.

:

:

:

:

:CIVIL ACTION - LAW

:

:

:

:

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 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 or any other claim or relief requested by the Plaintiff. You may lose money or property 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 HELP. 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.

Clearfield County Courthouse
David S. Meholick, Court Administrator 230 East Market Street
Clearfield, PA 16830-
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS
ASSIGNEE OF CITI-SEARS
Plaintiff

VS

KENNETH GREGORY
Defendant(s)

:No.
:
:
:
:
:
:CIVIL ACTION - LAW
:
:
:
:

NOTICIA

USTED HA SIDO DEMANDADO/A EN LA CORTE. Si usted desea defender contra la demanda puesta en las siguientes paginas, usted tienen que tomar acción dentro veinte (20) dias después que esta Demanda y Aviso es servido, con entrando por escrito una apariencia personalmente o por un abogado y archivando por escrito con la Corte sus defensas o objeciones a las demandas puestas en esta contra usted. Usted es advertido que si falla de hacerlo el caso puede proceder sin usted y un juzgamiento puede ser entrado contra usted por la Corte sin mas aviso por cualquier dinero reclamado en la Demanda o por cualquier otro reclamo o alivio solicitado por Demandante. Usted puede perder dinero o propiedad o otros derechos importante para usted.

USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELEFONO LA OFICINA FIJADA AQUI ABAJO. ESTA OFICINA PUEDE PROVEERE CON INFORMACION DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ESTA OFICINA PUEDE PROVEERE INFORMACION ACERCA AGENCIAS. QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE AQ UN HONORARIO REDUCIDO O GRATIS.

Clearfield County Courthouse
David S. Meholick, Court Administrator 230 East Market Street
Clearfield, PA 16830-
814-765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF SEARS
ASSIGNEE OF CITI-SEARS
Plaintiff

VS

KENNETH GREGORY
Defendant(s)

:
:No.
:
:
:
:
:
:CIVIL ACTION - LAW
:
:
:

COMPLAINT

AND NOW, comes the Plaintiff, by and through its attorneys and the law firm of Wolpoff & Abramson, LLP, and files this Complaint and in support avers as follows:

1. Plaintiff is LVNV FUNDING, LLC ASSIGNEE OF SHERMAN ACQUISITION ASSIGNEE OF SEARS ASSIGNEE OF CITI-SEARS, located at 15 South Main Street Greenville, SC 29601.
2. Defendant, KENNETH GREGORY, is an adult individual with a last known address of 215 Queens Ln Coalport, Clearfield County, PA 16627.
3. It is averred that Defendant was issued an open end credit account (hereinafter "Account").
4. At all relevant times material hereto, Defendant has been regular users of said Account for the purchase of products, goods and/or for obtaining services.
5. Defendant was provided with copies of the Statement of Accounts showing all debits and credits for transactions on the aforementioned credit card account to which there was no bona fide objection by Defendant. A true and correct copy of the Statement of Account is attached hereto, incorporated herein and marked as Exhibit "A".

6. Defendant did not object to the above-mentioned statement submitted by Plaintiff and/or its assignors to Defendant.

7. As of the date of this Complaint, the remaining balance due, owing and unpaid on Defendant's credit card account as a result of the charges made by said Defendant and/or any authorized users is the sum of \$11,386.62.

8. Interest has accrued from the charge off date at a rate of 18 %.

9. As of the date of the filing of this Complaint, the amount of interest which has accrued is the sum of \$4,439.43.

10. As of the filing of this Complaint, Plaintiff has incurred reasonable attorney's fees from the law office of Wolpoff & Abramson, LLP in the collection of the amounts due from Defendant incident to the within action based upon 20% of the principal amount due and owing, and Plaintiff shall continue to incur such attorney's fees through the conclusion of the proceedings.

11. The amount of attorney's fees which has accrued is the sum of \$2,277.32.

12. Despite reasonable and repeated demands for payment, Defendant has refused and continues to refuse to pay all sums due and owing on the aforementioned account balance, all to the damage and detriment of the Plaintiff.

13. Plaintiff performed any and all conditions precedent to the bringing of this action.

14. The amount in controversy is within the jurisdictional amount requiring compulsory arbitration.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter Judgment in favor of the Plaintiff and against Defendant in the amount of \$11,386.62, plus interest in the amount of \$4,439.43, plus attorney's fees in the amount of \$2,277.32, plus costs of this action and any other relief as this Court deems just and reasonable.

Respectfully Submitted,

Date: 10/20/06




Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
Bruce H. Cherkis #18837 / Ronald S. Canter #94000
Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

VERIFICATION

The undersigned hereby states that they are the attorney for the Plaintiff who is located outside of this jurisdiction and in order to file the within document in an expedient and timely manner, they are authorized to take this verification on behalf of said Plaintiff in the within action and verifies that the statements made in the foregoing Pleading are true and correct to the best of their knowledge, information, and belief, based upon information provided by the Plaintiff.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: 10/20/06



Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warhol #86341 / Andrew C. Spears #87737
David R. Galloway #87326 / Tonilyn M. Chippie #87852
Sarah E. Ehasz #86469 / Robert N. Polas, Jr. #201259
Bruce H. Cherkis #18837 / Ronald S. Canter #94000
Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

Exhibit "A"

ACCT#5121075004688128 BAL 11386.62 C/O DT 02/27/05 LPYMT DT 08/04/04
NAME KENNETH GREGORY
ADDR 215 QUEENS LN
CITY ST ZIP COALPORT PA 16627
HMPH 8146723630 WKPH SSN XXX-XX-2401
*SFG-ACCTID *SFG-PORTF-ID*SFG-BATCH-ID*SFG-POOL *SFG-CARD-TYPE
117273221 4857 73896 SMC
*SFG-MERCHANT *SFG-ACCT-NO
SEARS - CITI-SEARS 5121075004688128
*SFG-SSN *SFG-DOB *SFG-PREFIX*SFG-F-NAME
XXX-XX-2401 8/9/1948 KENNETH
*SFG-L-NAME *SFG-SUFFIX
GREGORY
*SFG-ADDR1
215 QUEENS LN
*SFG-ADDR2 *SFG-CITY *SFG-ST
COALPORT PA
*SFG-ZIP *SFG-HOME-PH *SFG-WORK-PH *SFG-WIRELESS-PH
16627 8146723630
*SFG-OTHER-PH *SFG-POE
*SFG-POE-ADDR *SFG-CO-DEB-SSN*SFG-CO-DEB-DOB
XXX-XX-0000
*SFG-CO-DEB-PREFIX*SFG-CO-DEB-FRST-NAME
*SFG-CO-DEB-LST-NAME *SFG-CO-DEB-SUFFIX
*SFG-CO-DEB-ADDR
*SFG-CO-DEB-ADDR2 *SFG-CO-DEB-CITY
*SFG-CO-DEB-ST*SFG-CO-DEB-ZIP*SFG-CO-DEB-HM-PH *SFG-CO-DEB-WK-PH
*SFG-CO-DEB-WIRELESS-PH*SFG-CO-DEB-OTH-PH
*SFG-CO-DEB-POE
*SFG-CO-DEB-POE-ADDR1 *SFG-ORG-DT*SFG-ORG-AMT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VNV FUNDING, LLC, Assignee
of Sherman Acquisition,
Assignee of Sears, Assignee
of Citi-Sears,
Plaintiff

vs.

KENNETH GREGORY,
Defendant

CIVIL DIVISION

No. 06 - 1792 - CD

**DEFENDANT'S PRELIMINARY
OBJECTIONS TO PLAINTIFF'S
COMPLAINT**

Filed on Behalf of:

Defendant, KENNETH GREGORY

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED
015-06301 300
NOV 22 2006
Atty J. Colavecchi
William A. Shaw
Prothonotary/Clerk of Courts

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

LVNV FUNDING, LLC, Assignee of :
Sherman Acquisition, Assignee of : No. 06 - 1792 - CD
Sears, Assignee of Citi-Sears, :
Plaintiff :
vs. :
KENNETH GREGORY, :
Defendant :

**DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT**

NOW COMES, Kenneth Gregory, who, through his attorney, Joseph Colavecchi, Esquire, files Preliminary Objections to the Complaint in the above-captioned matter and respectfully avers as follows:

1. Plaintiff filed a Complaint on or about November 1, 2006, which was served on Defendant on November 8, 2006, alleging an open-end credit account through a credit card.

2. Plaintiff alleges that there is an unpaid balance on the credit card in the amount of Eleven Thousand Three Hundred Eighty-six and Sixty-two Cents (\$11,386.62) to which there are attempting to add attorney's fees of Two Thousand Two Hundred Seventy-seven Dollars and Thirty-two Cents (\$2,277.32), plus costs.

3. Plaintiff failed to attach a copy of the alleged credit card agreement between Defendant and Plaintiff.

4. Plaintiff fails to state what, if any charges, were made for interest, late fees and other various items which may have been imposed by Plaintiff and the legal authority for such charges.

5. Plaintiff alleges an "Exhibit A" as a true and correct copy of the statement of account. Said "Exhibit A" gives very little detail and appears to be a printout of Defendant's name and address and information about him. There are no dates on said statement to identify it.

6. There is nothing attached to the Complaint that would indicate that there are any payments on this alleged account within the last four years in order to take it out of the Statute of Limitations.

7. Plaintiff's Complaint is insufficient on its face and should be dismissed because Plaintiff failed to produce an original copy of the agreement, a detailed monthly statement of the account setting out the purchases and costs incurred so that Defendant is able to calculate the details leading to the conclusions set forth by the Plaintiff so that the Defendant is in a position to enter into a proper defense of the claim.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint be stricken pursuant to Pennsylvania Rule of Civil Procedure 1028 on the grounds of legal sufficiency.

LA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC, Assignee
of Sherman Acquisition,
Assignee of Sears, Assignee
of Citi-Sears,
Plaintiff

vs.

KENNETH GREGORY,
Defendant

CIVIL DIVISION

No. 06 - 1792 - CD

RULE

Filed on Behalf of:

Defendant, KENNETH GREGORY

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED
07:54/01
NOV 28 2006

William A. Shaw
Prothonotary/Clerk of Courts
3 CC Atty J. Colavecchi

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

LVNV FUNDING, LLC, Assignee of :
Sherman Acquisition, Assignee of : No. 06 - 1792 - CD
Sears, Assignee of Citi-Sears, :
Plaintiff :
vs. :
KENNETH GREGORY, :
Defendant :

RULE

AND NOW, this 22nd day of November, 2006, upon consideration of the foregoing Preliminary Objections filed on behalf of the Defendant, a Rule is issued on the Plaintiff to appear and show cause why the relief requested therein should not be granted.

Rule made Returnable the 15th day of January, 2007, at 10:30 A.M., Clearfield County Courthouse, Courtroom No. 1.

A total of one-half (1/2) hour has been set aside for this hearing.

BY THE COURT:


JUDGE

FILED

NOV 28 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/28/06

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC, Assignee,
of Sherman Acquisition,
Assignee of Sears, Assignee
of Citi-Sears,

Plaintiff

vs.

KENNETH GREGORY,

Defendant

CIVIL DIVISION

No. 06 - 1792 - CD

MOTION FOR CONTINUANCE

Filed on Behalf of:

Defendant, KENNETH GREGORY

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 3cc Att'y J.
Colavecchi.
0/8:30 am
DEC 05 2006

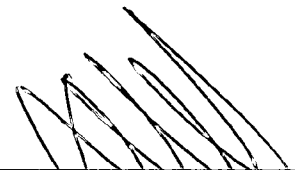
William A. Shaw
Prothonotary/Clerk of Courts

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

LVNV FUNDING, LLC, Assignee, :
of sherman Acquisition, :
Assignee of Sears, Assignee :
of Citi-Sears, :
Plaintiff :
vs. : No. 06 - 1792 - CD
KENNETH GREGORY, :
Defendant :

MOTION FOR CONTINUANCE

Joseph Colavecchi, Esquire, Attorney for Kenneth Gregory,
Defendant in the above-captioned case, hereby moves for a
continuance of the Rule presently Returnable on January 15, 2007
at 10:30 a.m. since he is going to be out of town.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant
221 East Market Street
Clearfield, PA 16830

December 4, 2006

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC, Assignee,
of Sherman Acquisition,
Assignee of Sears, Assignee
of Citi-Sears,

Plaintiff

vs.

KENNETH GREGORY,

Defendant

CIVIL DIVISION

No. 06 - 1792 - CD

RULE

Filed on Behalf of:

Defendant, KENNETH GREGORY

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 3cc
DEC 08 2006
William A. Shaw
Prothonotary/Clerk of Courts

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

LVNV FUNDING, LLC, Assignee, :
of sherman Acquisition, :
Assignee of Sears, Assignee :
of Citi-Sears, :
Plaintiff :
vs. : No. 06 - 1792 - CD
KENNETH GREGORY, :
Defendant :

R U L E

In consideration of the Motion for Continuance as filed in the above-captioned matter, the Rule Returnable in this case formerly scheduled for January 15, 2007 at 10:30 a.m., is continued, and said Rule is Returnable the 29th day of January, 2007, at 10:30 o'clock A.M. at the Clearfield County Courthouse, Courtroom Number 1.

BY THE COURT:



12/7/06
PRESIDENT JUDGE

FILED

DEC 08 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/8/06

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

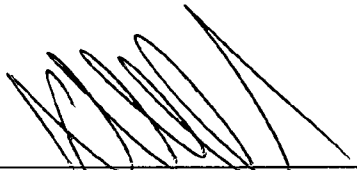
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LVNV FUNDING, LLC, Assignee of :
SHERMAN ACQUISITION, Assignee of : No. 06 - 1792 - CD
SEARS, Assignee of CITI-SEARS, :
Plaintiff :
:
vs. :
:
KENNETH GREGORY, :
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Preliminary Objections and Rule Returnable in the above-captioned action was mailed by First Class Mail, postage prepaid, the 11th day of December 2006, to the attorney of record:

Amy F. Doyle
Attorney at Law
4660 Trindle Road, Suite 300
Camp Hill, PA 17011



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant
221 East Market Street
P.O. Box 131
Clearfield, PA 16830
814/765-1566

Dated: 12/11/06

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED *no cc*
01/3/2007
DEC 13 2006 *(S)*

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC, Assignee of
Sherman Acquisition, Assignee
of sears, Assignee of Citi-
Sears,

Plaintiff

vs.

KENNETH GREGORY,

Defendant

CIVIL DIVISION

No. 06 - 1792 - CD

MOTION FOR CONTINUANCE

Filed on Behalf of:

Defendant, KENNETH GREGORY

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 3 cc
01/31/07
JAN 05 2007
Atty J. Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts

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

LVNV FUNDING, LLC, Assignee of :
SHERMAN ACQUISITION, Assignee of :
SEARS, Assignee of CITI-SEARS, :
Plaintiff :
vs. : No. 06 - 1792 - CD
KENNETH GREGORY, :
Defendant :

MOTION FOR CONTINUANCE

Joseph Colavecchi, Esquire, Attorney for Defendant in the above-captioned action, files this Motion for Continuance and respectfully avers as follows:

1. Wolpoff & Abramson, L.L.P., Attorneys for Plaintiff, filed a Complaint with the Court of Common Pleas of Clearfield County, on November 1, 2006, a copy of which is attached hereto marked Exhibit "A".

2. Defendant, Kenneth Gregory, through his attorney filed Preliminary Objections to the Complaint on November 22, 2006, a copy of which is attached hereto marked Exhibit "B".

3. The Court issued a Rule directed to the Plaintiff Returnable before this Court on January 29, 2007. A copy of the Rule is attached to this Motion marked Exhibit "C".

4. Joseph Colavecchi, Esquire, Attorney for Defendant, was contacted by Sarah E. Ehasg, Esquire, Attorney for Plaintiff, who asked for additional time to produce documents Defendant was requesting in his Preliminary Objections. A copy of letter dated December 27, 2006 from Attorney Ehasg is attached hereto marked Exhibit "D".

5. In order to allow Plaintiff sufficient time to obtain documents, Defendant is requesting the Rule Returnable presently scheduled to be held before the Court on January 29, 2007 be continued and a new Rule be issued to be Returned the end of April, 2007 or early May, 2007.

WHEREFORE, Defendant, through his Attorney, Joseph Colavecchi, Esquire, requests that said Motion for Continuance and rescheduling of Rule Returnable be granted.

Respectfully submitted:



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant
221 East Market Street
Clearfield, PA 16830

11

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC, Assignee of
Sherman Acquisition, Assignee
of sears, Assignee of Citi-
Sears,

Plaintiff

vs.

KENNETH GREGORY,

Defendant

CIVIL DIVISION

No. 06 - 1792 - CD

ORDER

Filed on Behalf of:

Defendant, KENNETH GREGORY

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 3cc
01:52 PM Amy
JAN 10 2007 J. Colavecchi
William A. Shaw
Prothonotary/Clerk of Courts

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

LVNV FUNDING, LLC, Assignee of :
SHERMAN ACQUISITION, Assignee of :
SEARS, Assignee of CITI-SEARS, :
Plaintiff :

vs. :

No. 06 - 1792 - CD

KENNETH GREGORY, :
Defendant :

O R D E R

AND NOW, this 9 day of January, 2007, upon
consideration of the foregoing Motion for Continuance, it is hereby
granted that the Rule Returnable for January 29, 2007 be continued
and rescheduled to be heard before this Court on the 10th day
of May, 2007, at 9:00 o'clock
A.M. at the Clearfield County Courthouse, Courtroom Number 1.

BY THE COURT:


JUDGE

FILED

JAN 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/10/07

X You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

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

LVNV FUNDING, LLC, Assignee of:
Sherman Acquisition, Assignee :
of Sears, Assignee of Citi- :
Sears, :
Plaintiff :
vs. : No. 06 - 1792 - CD
KENNETH GREGORY, :
Defendant :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 11, 2007 a certified copy of a Motion for Continuance and Order of Court dated January 9, 2007 in the above matter was served on the following by depositing said copy in the United States Mail, first class, postage prepaid and addressed as follows:

Sarah E. Ehasz
Attorney at Law
4660 Trindle Road, Suite 300
Camp Hill, PA 17011

COLAVECCHI & COLAVECCHI

DATE: 1-11-07

BY: Paul Colavecchi
PAUL COLAVECCHI, ESQUIRE
221 East Market Street
P.O. Box 131
Clearfield, PA 16830
814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED ^{NO CC}
01/10/2007
JAN 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102088
NO: 06-1792-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LVNV FUNDING, LLC
vs.
DEFENDANT: KENNETH GREGORY

SHERIFF RETURN

NOW, November 06, 2006 AT 10:20 AM SERVED THE WITHIN COMPLAINT ON KENNETH GREGORY DEFENDANT AT 215 QUEENS LN, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY JO GREGORY, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WOLPOFF	94715	10.00
SHERIFF HAWKINS	WOLPOFF	94715	43.31

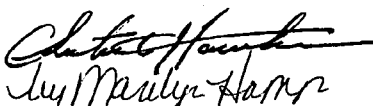
FILED
9/2:20cm
FEB 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF CITI-SEARS
Plaintiff

No. 06-1792-CD

CIVIL ACTION - LAW

VS

KENNETH GREGORY
Defendant(s)

PRAECIPE TO DISCONTINUE

To the Prothonotary:

Please mark the above-entitled case as discontinued without prejudice.

Respectfully Submitted,

Date:

5/1/07



Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholc #86341 / David R. Galloway #87326
Tonilyn M. Chippie #87852 / Sarah E. Ehasz #86469
Robert N. Polas, Jr. #201259 / Bruce H. Cherkis #18837
Ronald S. Canter #94000 / Ronald M. Abramson #94266
Wolpoff & Abramson, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

FILED 2cc + 1 cert
m/12.20 um 06 disc issued
MAY 03 2007 to Atty
William A. Shaw
Prothonotary/Clerk of Courts
Copy to C/A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LVNV FUNDING, LLC
ASSIGNEE OF SHERMAN ACQUISITION
ASSIGNEE OF CITI-SEARS
Plaintiff

No. 06-1792-CD

CIVIL ACTION - LAW

vs.

KENNETH GREGORY
Defendant(s)

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing praecipe was
served this date by Regular Mail, Postage Pre-Paid on this 2nd day of
May, 2007.

Joseph Colavecchi
221 East Market Street P.O. Box 131
Clearfield, PA 16830



Amy F. Doyle #87062 / Daniel F. Wolfson #20617
Philip C. Warholic #86341 / David R. Galloway #87326
Tonilyn M. Chippie #87852 / Sarah E. Ehasz #86469
Robert N. Polas, Jr. #201259 / Bruce H. Cherkis #18837
Ronald S. Canter #94000 / Ronald M. Abramson #94266
WOLPOFF & ABRAMSON, L.L.P.
Attorneys in the Practice of Debt Collection
4660 Trindle Road, Suite 300
Camp Hill, PA 17011
Telephone: (717) 303-6700
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

LVNV Funding, LLC
Sherman Acquisition
Sears
Citi-Sears

Vs.
Kenneth Gregory

No. 2006-01792-CD

CERTIFICATE OF DISCONTINUATION

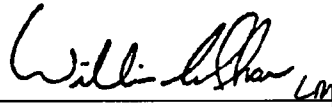
Commonwealth of PA
County of Clearfield

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 May 3, 2007, marked:

Discontinued without prejudice.

Record costs in the sum of \$85.00 have been paid in full by Philip Warholic Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of May A.D. 2007.



William A. Shaw, Prothonotary