

06-1792-CD  
LNV Funding vs Kenneth Gregory

2006-1792-CD  
LNV Funding et al vs Kenneth Gregory

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, 3<sup>rd</sup> FLOOR  
CAMP HILL, PA 17011

No. 06-1792-CD

Plaintiff

Type of Case: Contract

VS.

Type of Pleading:

Filed on Behalf of: Plaintiff

KENNETH GREGORY  
215 QUEENS LN  
COALPORT PA 16627

Defendant(s)

Date: 10/20/06

Philip C. Warholic  
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

FILED Atty pd 85.00  
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FILED Atty pd 85.00  
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William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC	:No.
ASSIGNEE OF SHERMAN ACQUISITION	:
ASSIGNEE OF SEARS	:
ASSIGNEE OF CITI-SEARS	:
Plaintiff	CIVIL ACTION - LAW
VS	:
KENNETH GREGORY	:
Defendant(s)	:

**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	:No.
ASSIGNEE OF SHERMAN ACQUISITION	:
ASSIGNEE OF SEARS	:
ASSIGNEE OF CITI-SEARS	:
Plaintiff	:
VS	:CIVIL ACTION - LAW
KENNETH GREGORY	:
Defendant(s)	:

NOTICIA

USTED HA SIDO DEMANDADO/A EN LA CORTE. Si usted desea defender conta la demanda puestas 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 conta 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. Meholic, 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	:	:No.
ASSIGNEE OF SEARS	:	
ASSIGNEE OF CITI-SEARS	:	
Plaintiff	:	
VS	:	:CIVIL ACTION - LAW
KENNETH GREGORY	:	
Defendant(s)	:	

**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.

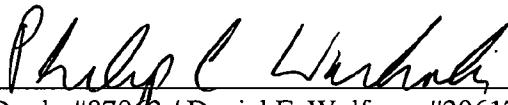
13. Plaintiff performed any and all conditions precedent to the bringing of this action.

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

  
Philip C. Warholic  
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: 10/20/04

  
Amy F. Doyle #87062 / Daniel F. Wolfson #20617  
Philip C. Warholic #86341 / Andrew C. Spears #87737  
David R. Galloway #87326 / Tonilyn M. Chippie #87852  
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4660 Trindle Road, Suite 300  
Camp Hill, PA 17011  
Telephone: (717) 303-6700  
Counsel for Plaintiff

# **Exhibit "A"**



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  
015.06.30/300  
NOV 22 2006 Atty J. Colavecchi  
William A. Shaw  
Prothonotary/Clerk of Courts  
GW

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.

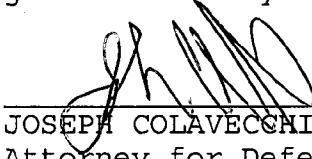
4. Plaintiff fails to state what, if any charges, were made for interest, late fees and other various items which may have been imposed by Plaintiff and the legal authority for such charges.

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.

  
JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Defendant

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

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

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

**FILED**

0725464  
NOV 28 2006

William A. Shaw  
Prothonotary/Clerk of Courts  
3 CCA/HJ.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 :  
:

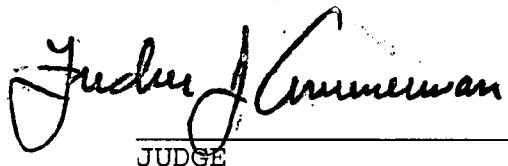
***RULE***

AND NOW, this 22<sup>nd</sup> 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 15<sup>th</sup> 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

FILED 3CC Atty J. Colavecchi  
0/8/30 LM  
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

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

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

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& COLAVECCHI  
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P. O. BOX 131  
CLEARFIELD, PA

FILED 3CC  
09/07/06 Atty  
DEC 08 2006 Colavecchi  
GK

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

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

**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 11<sup>th</sup> 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**  
01/13/2007  
DEC 13 2006  
NO CC  
*[Handwritten signature]*

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  
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221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P.O. BOX 131  
CLEARFIELD, PA

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

W.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

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

FILED 3cc  
01/15/2007 Atty  
JAN 10 2007  
J. Colavecchi  
William A. Shaw  
Prothonotary/Clerk of Courts  
OK

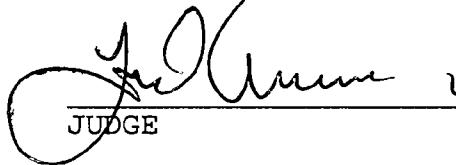
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION

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 10<sup>th</sup> day  
of May, 2007, at 9:00 o'clock  
A.M. at the Clearfield County Courthouse, Courtroom Number 1.

BY THE COURT:

  
\_\_\_\_\_  
JUDGE

Prothonotary/Clerk of Courts  
William A. Shaw

**FILED**  
JAN 10 2007

DATE: 1/10/07

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

DATE: 1-11-07

COLAVECCHI & COLAVECCHI

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  
01/12/2007 NO CC  
JAN 12 2007 S

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**  
92:20cm  
FEB 06 2007  
*(Handwritten signature)*

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2007

So Answers,

*Chester A. Hawkins*  
*Guy Marilyn Hause*  
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: 5/11/07

  
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

FILED *2cc + 1cert*  
*m/12.2007* *oc disc issued*  
*MAY 03 2007* *to Atty*  
*WMAS* *Copy to C/A*  
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 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



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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  
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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