

Local Rule 205.2(b) - Cover Sheet for Initial Pleadings,
Petitions and Motions.

COVER SHEET

All papers constituting the initial pleadings shall have a cover sheet in substantially the following form:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CIVIL ACTION - (LAW) (EQUITY)

No. 07-2028-CD

Type of Case: Contract

Type of Pleading: Complaint

Filed on Behalf of:

(Plaintiff) Defendant

Counsel of Record for this Party:

Ron Z. Opher

(Name of Attorney)

Supreme Court No.: 57507

Blatt, Hasenmiller, Leibske & Moore LLC

(Firm name, if any)

P.O. BOX C3800

Southeastern PA 19398

(Address)

610-902-0644

(Phone)

Dated: 12/16/07

FILED Atty pd. \$5.00
M/11/07
DEC 13 2007
cm
2 CC Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

Blatt, Hasenmiller, Leibske & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box C3800
Southeastern, PA 19398
(610) 902-0644

CAPITAL ONE BANK:

c/o Blatt, Hasenmiller, Leibske & Moore LLC
P.O. Box C3800
Southeastern, PA 19398

Plaintiff
v.

MARK A CARUSO

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 07-2028-CD

1004 DAISY ST
CLEARFIELD PA 16830-2747

Defendant

COMPLAINT - CIVIL ACTION

NOTICE TO DEFEND

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 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 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 LEGAL HELP.

LAWYER REFERRAL SERVICE
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandadas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentarse una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Se agradece que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en su contra sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades y otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSIGUIR ASSISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL
PENNSYLVANIA COUNTY BAR ASSOCIATION
100 SOUTH ST.
P.O. BOX 1865
HARRISBURG, PA 17108
1-800-692-7375

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Plaintiff
v.

MARK A CARUSO

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA

NO. _____

1004 DAISY ST
CLEARFIELD PA 16830-2747

Defendant

COMPLAINT - CIVIL ACTION

COUNT ONE

1. The Plaintiff herein is **CAPITAL ONE BANK**.
2. The Defendant herein is **MARK A CARUSO**, an adult individual located at 1004 DAISY ST CLEARFIELD PA 16830-2747.
3. The Defendant at all times relevant hereunder, knowingly requested the funds at issue, and knowingly and voluntarily accepted the benefits bestowed and the terms and conditions linked thereto.
4. After applying all known charges and payments to said account, the balance is \$13196.32. A true and correct copy of an affidavit of account is attached hereto and marked as an Exhibit.
5. Plaintiff has in all respects fulfilled all conditions precedent to its obligations on the contract and for bringing this Complaint for damages.
6. Despite repeated demand by Plaintiff, Defendant has refused and continues in failure and refusal to pay Plaintiff.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13196.32, and costs of this action.

COUNT TWO

Plaintiff also claims alternatively on the basis of quantum meruit or Quasi Contract.

7. Paragraphs 1 through 6 above are incorporated herein by reference as though fully set forth.
8. Plaintiff was neither a volunteer nor an officious intermeddler.
9. Plaintiff is the owner of said credit account.
10. Plaintiff expected payment from the Defendant for said credit in the amount set forth above.

11. The amount claimed is the fair and reasonable market value for said credit.

WHEREFORE, Plaintiff demands judgment in its favor against Defendant, in the amount of \$13196.32, and costs of this action.

Dated: November 28, 2007

BY


Ron Z. Opher, Esquire
Attorney for Plaintiff

STATE OF VA
COUNTY OF CHESTERFIELD

AFFIDAVIT OF INDEBTEDNESS

The undersigned, being duly sworn, deposes and states that he/she is an employee/agent of:
CAPITAL ONE BANK
and has knowledge of the account balance, and is duly authorized to make this affidavit.

Affiant states that the amounts shown below are taken/calculated from the original books
and records of the above named plaintiff, and based on information and belief, affiant states
that the amount due to
CAPITAL ONE BANK
by
MARK A CARUSO

for funds advanced to defendant(s) or paid to another at defendant(s) request, or for
goods or services provided to defendant(s) or to another at defendant's request, is the following:
on the following account(s):

CREDITOR/ACCOUNT NUMBER	CURRENT BALANCE
CAPITAL ONE BANK 4305722341662982	\$13196.32

Affiant states that the amount shown above is true and correct and that there are no setoffs or
counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

9 day of Oct 2007

Notary Public

My Commission Expires: _____

Date of Service: 10/9/2007

Reference #: 1963483
Forwarder ID #: 186591921
Account #: 4305722341662982
Client Account #: C208397

ALTTKCOI(11/02)CF4
TA, INC.



VERIFICATION

I, Ron Z. Opher, Attorney for Plaintiff, hereby state:

1. I am the attorney for the plaintiff in this action, and I sign this Verification stating that Plaintiff is out of the jurisdiction of the Commonwealth;
2. I verify that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and
3. I understand that the statements in said complaint are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATED: 12/5/07

By: RZ
Ron Z. Opher
Attorney for Plaintiff

12/13/07
DEC 13 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103538
NO: 07-2028-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: MARK A. CARUSO

SHERIFF RETURN

NOW, January 02, 2008 AT 9:58 AM SERVED THE WITHIN COMPLAINT ON MARK A. CARUSO DEFENDANT AT 1004 DAISY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARK A. CARUSO, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BLATT	6726	10.00
SHERIFF HAWKINS	BLATT	6725	20.00

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

APR 25 2008
William A. Shaw
Prothonotary/Clerk of Courts

Chester A. Hawkins
Sheriff

*Ches A. Hawkins
by Marilyn Hause*

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Counsel of Record for this Party:

Ron Z. Opher

(Name of Attorney)

Supreme Court No.: 57507

Blatt, Hasenmiller, Leibske & Moore LLC

(Firm name, if any)

P.O. BOX C3800

Southeastern PA 19398

(Address)

610-902-0644

(Phone)

Dated: 12/16/07

I hereby certify this to be a true and attested copy of the original statement filed in this case.

DEC 13 2007

Attest.

William L. Hause
Prothonotary/
Clerk of Courts

Blatt, Hasenmiller, Leibske & Moore, LLC
Ron Z. Opher, Esquire
Attorney for Plaintiff
Attorney #57507
P.O. Box C3800
Southeastern, PA 19398
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Plaintiff
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MARK A CARUSO

1004 DAISY ST
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CIVIL ACTION - LAW

NO. _____

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CLEARFIELD COUNTY, PA

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Dated: November 28, 2007

BY 
Ron Z. Opher, Esquire
Attorney for Plaintiff

STATE OF VA
COUNTY OF CHESTERFIELD

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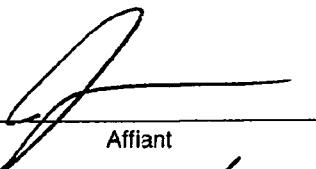
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9 day of Oct 2007.

Notary Public

My Commission Expires: _____


Affiant


Agent
Title

Date of Service: 10/9/2007

Reference #: 1963483
Forwarder ID #: 186591921
Account #: 4305722341662982
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ALTTKCOI(11/02)CF4
TA, INC.



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DATED: 12/5/07

By: RZ

Ron Z. Opher
Attorney for Plaintiff

APR 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

CAPITAL ONE BANK

Plaintiff

vs.

MARK A. CARUSO

Defendant

* NO. 2007-2028-CD

*

*

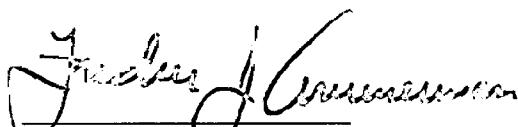
*

*

ORDER

NOW, this 25th day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over five years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

NOCC

019:docm

Z

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