

07-2043-CD  
Palisades vs. Richard Reffner

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

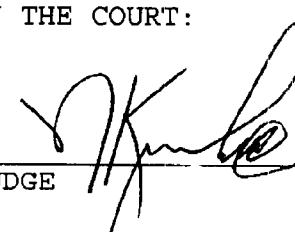
07-2043-CD

PALISADES ACQUISITION XVI, LLC, :  
Assignee of Colonial Credit Corp., : 2007 - 4586  
Assignee of American Debt Sales, :  
Assignee of Metris Bank, :  
Plaintiff :  
:  
vs. :  
:  
RICHARD REFFNER, :  
Defendant: W.W. 12:32

**ORDER**

AND NOW this 10 day of November 2007, upon  
consideration of the foregoing Petition, it is hereby Ordered and  
Decreed that the Venue of this case shall immediately be  
transferred to Clearfield County. The Prothonotary is instructed  
to transfer all of the documents in this case to William L. Shaw,  
Prothonotary of Clearfield County, Pennsylvania. The Venue has  
been stipulated to by attorneys for Plaintiff and Defendant.

BY THE COURT:

  
JUDGE

EXTRACT FROM THE RECORD  
CERTIFIED THIS 17 DAY OF  
NOVEMBER A.D. 2007  
TOMMY J. COLAVECCHI  
PROTHONOTARY

mta:2261 \$70.00  
DEC 14 2007 Billable  
A. Doyle

William A. Shaw  
Prothonotary/Clerk of Courts

2007-04586 PALISADES ACQUISITION (vs) RICHARD REFFNER

Reference No...: Filed.....: 10/09/2007  
 Case Type.....: COMPLAINT CIVIL ACTION Time.....: 2:12  
 Judgment.....: .00 Execution Date: 0/00/0000  
 Judge Assigned: Jury Trial...: Disposed Date: 0/00/0000  
 Disposed Desc.: Higher Crt 1.: Higher Crt 2.:  
 ----- Case Comments -----

\*\*\*\*\*  
General Index\*\*\*\*\*  
Attorney Info

PALISADES ACQUISITION XVI LLC ASSIGNEE 210 SYLVAN AVENUE ENGLEWOOD CLIFFS NJ 07632	PLAINTIFF	DOYLE AMY F
COLONIAL CREDIT CORP ASSIGNEE 210 SYLVAN AVE. ENGLEWOOD CLIFFS NJ 07632	PLAINTIFF	DOYLE AMY F
AMERICAN DEBT SALES ASSIGNEE 210 SYLVAN AVE. ENGLEWOOD CLIFFS NJ 07632	PLAINTIFF	DOYLE AMY F
METRIS BANK 210 SYLVAN AVE. ENGLEWOOD CLIFFS NJ 07632	PLAINTIFF	DOYLE AMY F
REFFNER RICHARD 377 GILL HOLLOW RD COALPORT PA 16627	DEFENDANT	COLAVECCHI JOSEPH

\*\*\*\*\*  
\* Date Entries  
\*\*\*\*\*

10/09/2007 - - - - - FIRST ENTRY - - - - -  
 COMPLAINT IN CIVIL ACTION AND NOTICE FILED.  
 AMOUNT OF DAMAGES CLAIMED: SEE PAPER.

10/22/2007 - - - - - SHERIFF RETURN RECEIVED.  
 10/12/07 @ 10:00HRS-SERVED THE COMPLAINT WITH NOTICE TO DEFEND UPON  
 RICHARD REFFNER, BY HANDING A TRUE & ATTESTED COPY THEREOF TO HIM  
 PERSONALLY, ETC (SEE PAPER)  
 SHERIFF KOLAR'S COSTS PAID BY PLFF'S ATTY: \$62.95

10/24/2007 - - - - - PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT FILED BY JOSEPH  
 COLAVECCHI, ESQ.

10/31/2007 - - - - - FIRST AMENDED PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT FILED  
 BY JOSEPH COLAVECCHI, ESQ.

11/02/2007 - - - - - ON ARGUMENT COURT LIST. (NOVEMBER 16, 2007)

11/07/2007 - - - - - DEFENDANT'S BRIEF, FILED BY JOSEPH COLAVECCHI, ESQ. (1 COPY)

11/16/2007 - - - - - ORDER DATED NOVEMBER 16, 2007 FILED, DEFENDANT'S PRELIMINARY  
 OBJECTIONS ARE OVERRULED, ETC. SEE PAPER. BY THE COURT: /S/  
 KRUMENACKER, J. (COPY ISSUED TO AMY F. DOYLE, ESQ. AND JOSEPH  
 COLAVECCHI, ESQ.)

11/29/2007 - - - - - PETITION TO TRANSFER VENUE TO CLEARFIELD COUNTY FILED BY JOSEPH  
 COLAVECCHI, ESQ.

12/10/2007 - - - - - ORDER DATED DECEMBER 10, 2007 FILED, VENUE OF THIS CASE SHALL BE  
 TRANSFERRED TO CLEARFIELD COUNTY, ETC. SEE PAPER. BY THE COURT:  
 /S/ KRUMENACKER, J. (COPY ISSUED TO JOSEPH COLAVECCHI, ESQ., SARAH  
 E. EHASZ, ESQ. AND A CERTIFIED COPY TO CLEARFIELD COUNTY)

12/12/2007 - - - - - RECORD MAILED BY CERTIFIED MAIL TO CLEARFIELD COUNTY AS PER ORDER  
 OF COURT DATED DECEMBER 10, 2007  
 - - - - - LAST ENTRY - - - - -

2007-04586 PALISADES ACQUISITION (vs) RICHARD REFFNER

Reference No.: Filed.....: 10/09/2007  
 Case Type.....: COMPLAINT CIVIL ACTION Time.....: 2:12  
 Judgment.....: .00 Execution Date: 0/00/0000  
 Judge Assigned: Jury Trial...:  
 Disposed Desc.: Disposed Date: 0/00/0000  
 ----- Case Comments ----- Higher Crt 1.:  
 Higher Crt 2.:

\*\*\*\*\*  
 \* Escrow Information \*  
 \* Fees & Debits Beg Bal Pymts/Adj End Bal \*  
 \*\*\*\*\*

TAX ON CMPLT	.50	.50	.00
JCS/ATJ FEE	10.00	10.00	.00
AUTOMATION FEE	5.00	5.00	.00
COMPLAINT-C.A.	50.00	50.00	.00
	-----	-----	-----
	65.50	65.50	.00

\*\*\*\*\*  
 \* End of Case Information \*  
 \*\*\*\*\*

EXTRACT FROM THE RECORD  
 CERTIFIED THIS 11/11 DAY OF  
NOVEMBER A.D. 2007  
THIRTY-THREE PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

PALISADES ACQUISITION XVI,LLC  
ASSIGNEE OF COLONIAL CREDIT CORP.  
ASSIGNEE OF AMERICAN DEBT SALES  
ASSIGNEE OF METRIS BANK  
210 SYLVAN AVENUE  
ENGLEWOOD CLIFFS NJ 07632  
Plaintiff

: No. 2007-  
: *10/8/07*  
: CIVIL ACTION - LAW  
: *2:12*

VS

RICHARD REFFNER  
377 GILL HOLLOW RD  
COALPORT PA 16627

Defendant(s)

Filed on behalf of:

Plaintiff, PALISADES ACQUISITION XVI,LLC

Counsel of record for this party:

Date: 10/8/07

*Amy Doyle*  
✓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 / Ronald S. Canter #94000  
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

*Dan*

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

PALISADES ACQUISITION XVI,LLC	:	
ASSIGNEE OF COLONIAL CREDIT CORP.	:	No.
ASSIGNEE OF AMERICAN DEBT SALES	:	
ASSIGNEE OF METRIS BANK	:	
Plaintiff	:	CIVIL ACTION - LAW
vs	:	
RICHARD REFFNER	:	
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 CAMBRIA COUNTY, PENNSYLVANIA

PALISADES ACQUISITION XVI,LLC	:	
ASSIGNEE OF COLONIAL CREDIT CORP.	:	No.
ASSIGNEE OF AMERICAN DEBT SALES	:	
ASSIGNEE OF METRIS BANK	:	
Plaintiff	:	CIVIL ACTION - LAW
vs	:	
RICHARD REFFNER	:	
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. Meholick, Court Administrator 230 East Market Street  
Clearfield, PA 16830  
814-765-2641

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

PALISADES ACQUISITION XVI,LLC	:	
ASSIGNEE OF COLONIAL CREDIT CORP.	:	No.
ASSIGNEE OF AMERICAN DEBT SALES	:	
ASSIGNEE OF METRIS BANK	:	
Plaintiff	:	CIVIL ACTION - LAW
vs	:	
RICHARD REFFNER	:	
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 PALISADES ACQUISITION XVI,LLC ASSIGNEE OF COLONIAL CREDIT CORP. ASSIGNEE OF AMERICAN DEBT SALES ASSIGNEE OF METRIS BANK , located at 210 Sylvan Avenue Englewood Cliffs, NJ 07632.
2. Defendant, RICHARD REFFNER, is an adult individual with a last known address of 377 Gill Hollow Rd Coalport, Cambria 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 a regular user 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 statements 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 \$2,929.12.

8. Interest has accrued from the charge off date at a rate of 6 %.

9. As of the date of the filing of this Complaint, the amount of interest which has accrued is the sum of \$584.75.

10. 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.

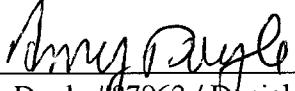
11. Plaintiff performed any and all conditions precedent to the bringing of this action.

12. 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 \$2,929.12, plus interest in the amount of \$584.75, plus costs of this action and any other relief as this Court deems just and reasonable.

Respectfully Submitted,

Date: 10/16/01

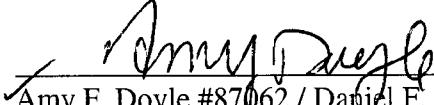
  
Amy F. Doyle #87062 / Daniel F. Wolfson #20617  
Philip C. Warholic #86341 / David R. Galloway #87326  
Tonilyn M. Chippie #87852 / Sarah E. Ehasz #86469  
Robert N. Polas, Jr. #201259 / Ronald S. Canter #94000  
Wolpoff & Abramson, L.L.P.  
Attorneys in the Practice of Debt Collection  
4660 Trindle 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: 10/8/07

  
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 / Ronald S. Canter #94000  
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"**

File Number 175461143 Media Number 07150000549 Account Number 5458001279262137  
PROVIDER PALISADES ACQUISITION XVI,LLC ASSIGNEE OF

ACCOUNT# 5458001279262137 CLIENT# 001873 ACCT BALANCE \$2,929.12

LPYMT DT 10/10/03

OPEN DT 10/16/01

CHRG OFF DT 05/31/04

PURCHASE DT 08/28/06

\*CC2-DEBT-NAME

REFFNER, RICHARD

\*CC2-DEBT-ADDR

\*CC2-DEBT-CITY-ST

COALPORT, PA

\*CC2-DEBT-ZIP\*CC2-DEBT-PHONE

377 GILL HOLLOW RD

16627

\*CC2-DEBT-NAME

\*CC2-DEBT-NR\*CC2-DEBT-DOB\*CC2-DEBT-DRIVERS-LIC

\*CC-REC-TYPE\*CC-FILENO \*CC-FORW-FILE

01 0200952590 5458001279262137

\*CC-FTRM-ID\*CC1-DATE-FORW\*CC1-LIST-FORW\*CC1-CONN\*CC1-SUIT-FEE\*CC1-ORIG-AMT-OUT

05/25/07

\$ .00

\*CC1-INT-AMT-OUT\*CC1-ORIG-INT-DATE\*CC1-CRED-NAME

\$ .00 10/10/03

Metris Bank

\*CC1-CRED-NAME2

\*CC1-CRED-ADDR

\*CC1-CRED-CITY-ST

\*CC1-CRED-ZIP\*CC1-BAL-AMT-OUT\*CC1-TYPE\*CC1-LPAY-DATE\*CC1-LPAY-AMT-OUT

0000000292912 10/10/03

\$49.00

58

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Dayle

2007-4584

CASE # PLAINTIFF  
04586-07 PALISADES ACQUISITION XVI LLC  
DATE 10/12/07 DEFENDANT  
REFFNER RICHARD

AT 10:00 HRS. SERVED THE COMPLAINT WITH NOTICE TO DEFEND UPON RICHARD REFFNER BY HANDING A TRUE AND ATTESTED COPY THEREOF TO HIM PERSONALLY AT 377 GILL HOLLOW RD. COALPORT, PA. 16627 AND MAKING CONTENTS THEREOF KNOWN TO HIM. MY COSTS PAID BY ATTORNEY FOR PLAINTIFF.

SHEIRFF'S COSTS 52.95  
SURCHARGE 10.00  
TOTAL COSTS 62.95

SO ANSWERS,  
*Bob Kolar*  
SHERIFF

10/12/07

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

PALISADES ACQUISITION XVI,  
LLC, Assignee of Colonial  
Credit Corp., Assignee of  
American Debt Sales, Assignee  
of Metris Bank,

Plaintiff

vs.

RICHARD REFFNER,

Defendant

CIVIL DIVISION

No. 2007 - 4586

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

Filed on Behalf of:

Defendant, RICHARD REFFNER

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



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

PALISADES ACQUISITION XVI, LLC, :  
Assignee of Colonial Credit Corp., : No. 2007 - 4586  
Assignee of American Debt Sales, :  
Assignee of Metris Bank, :  
Plaintiff :  
:  
vs. :  
:  
RICHARD REFFNER, :  
Defendant :

**PRELIMINARY OBJECTIONS  
TO PLAINTIFF'S COMPLAINT**

NOW COMES, Richard Reffner, who, through his attorney, Joseph Colavecchi, Esquire, files his Preliminary Objections to the Plaintiff's Complaint and respectfully avers as follows:

1. Plaintiff filed a Complaint in the Court of Common Pleas of Cambria County, Pennsylvania, on or about October 8, 2007, alleging that Defendant owes Plaintiff Two Thousand Nine Hundred Twenty-nine Dollars and Twelve Cents (\$2,929.12).

2. Plaintiff in their Complaint alleged they were attaching to the Complaint certain records designated as Exhibit "A". The document is just a printout showing an account number and balance due.

3. There is no explanation of the basis for this Complaint.

4. The Complaint amounts to an allegation that there is an account owed by Richard Reffner in the amount of Two Thousand Nine Hundred Twenty-nine Dollars and Twelve Cents (\$2,929.12).

5. Plaintiff has failed to attach a copy of any agreement between Plaintiff and Defendant.

6. Plaintiff has failed to produce detailed statements showing how they arrived at the amount alleged to be due.

7. Plaintiff has failed to set forth the basis for their charges and legal authority for such charges.

8. Plaintiff's Complaint is insufficient on its face and should be dismissed because Plaintiff failed to produce any written agreement between Plaintiff and Defendant and further failed to produce a detailed monthly statement of the account setting out a description of the goods and/or services for which they alleged Defendant agreed to pay.

9. There is not sufficient information for Defendant to even enter into a proper defense of the claims.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint be stricken pursuant to Pa. R.C.P. 1028 on the grounds of legal insufficiency.

Respectfully submitted,



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 CAMBRIA COUNTY, PENNSYLVANIA  
CIVIL ACTION

PALISADES ACQUISITION XVI, LLC, :  
Assignee of Colonial Credit Corp., : 2007 - 4586  
Assignee of American Debt Sales, :  
Assignee of Metris Bank, :  
Plaintiff :  
:  
vs. :  
:  
RICHARD REFFNER, :  
Defendant:

## RULE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 2007, a Rule  
is hereby issued and directed to Plaintiff to show cause why the  
Complaint should not be dismissed because of the failure of the  
Plaintiff to comply with Pa. R.C.P. 1028 and to set out a basis for  
the allegations set forth in Plaintiff's Complaint.

This Rule is Returnable before the Court on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2007, at \_\_\_\_\_ o'clock \_\_.M., at the  
Cambria County Courthouse, Courtroom No. \_\_\_\_\_.

BY THE COURT;

JUDGE

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

Law Offices

**COLAVECCHI & COLAVECCHI**

221 East Market Street

(across from courthouse)

FAX

Joseph Colavecchi  
Paul Colavecchi

P.O. Box 131

(814)765-4570

Clearfield, Pa. 16830

(814) 765-1566

October 23, 2007

Don Scotilla, Court Administrator  
Cambria County Courthouse  
200 South Center Street  
Ebensburg, PA 15931

In Re: Palisades Acquisition vs. Richard Reffner  
No. 2007-4586

Dear Mr. Scotilla:

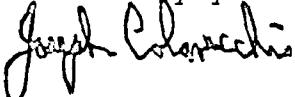
I am enclosing, herein, an original and three copies of Preliminary Objections to Plaintiff's Complaint, together with a Rule.

I would appreciate it if a date could be scheduled for a Rule Returnable.

I would ask that after a hearing has been scheduled, that your office or the Prothonotary's Office return the certified copies and the Rule to me in the enclosed, stamped self-addressed envelope at which time I will serve it on Amy Doyle, attorney for the plaintiff.

Thank you for your kind cooperation.

Sincerely yours,



Joseph Colavecchi

JC:llh

Enclosures

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

PALISADES ACQUISITION XVI,  
LLC, Assignee of Colonial  
Credit Corp., Assignee of  
American Debt Sales, Assignee  
of Metris Bank,

Plaintiff

vs.

RICHARD REFFNER,

Defendant

CIVIL DIVISION

No. 2007 - 4586

**FIRST AMENDED PRELIMINARY  
OBJECTIONS TO PLAINTIFF'S  
COMPLAINT**

Filed on Behalf of:

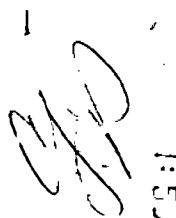
Defendant, RICHARD REFFNER

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



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

PALISADES ACQUISITION XVI, LLC, :  
Assignee of Colonial Credit Corp., : No. 2007 - 4586  
Assignee of American Debt Sales, :  
Assignee of Metris Bank, :  
Plaintiff :  
:  
VS. :  
:  
RICHARD REFFNER, :  
Defendant :

**FIRST AMENDED PRELIMINARY OBJECTIONS  
TO PLAINTIFF'S COMPLAINT**

NOW COMES, Richard Reffner, who, through his attorney, Joseph Colavecchi, Esquire, files his First Amended Preliminary Objections to the Plaintiff's Complaint and respectfully avers as follows:

1. This action has been instituted in Cambria County, Pennsylvania.

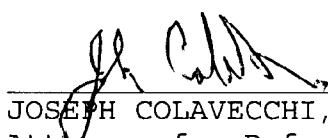
2. The residence of Richard Reffner is 377 Gill Hollow Road, Coalport, Pennsylvania 16627, which is in Clearfield County, Pennsylvania.

3. The venue of this action is improper in Cambria County under the Fair Debt Collection Practices Act which provides that a suit can be filed only in the county in which the debtor then resides. 15 U.S.C. Section 1692i.

4. Venue in this county is improper as set out above.

WHEREFORE, Defendant requests that Plaintiff's Complaint be dismissed for improper venue, or in the alternative that it be transferred to Clearfield County.

Respectfully submitted,

  
JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Defendant

10/30/07

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 CAMBRIA COUNTY, PENNSYLVANIA  
CIVIL ACTION

PALISADES ACQUISITION XVI, LLC, :  
Assignee of Colonial Credit Corp., : 2007 - 4586  
Assignee of American Debt Sales, :  
Assignee of Metris Bank, :  
Plaintiff :  
:  
VS. :  
:  
RICHARD REFFNER, :  
Defendant:

## RULE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 2007, a Rule  
is hereby issued and directed to Plaintiff to show cause why the  
Complaint should not be dismissed or transferred to Clearfield  
County.

This Rule is Returnable before the Court on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2007, at \_\_\_\_\_ o'clock \_\_\_.M., at the  
Cambria County Courthouse, Courtroom No. \_\_\_\_\_.

BY THE COURT:

JUDGE

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

*Law Offices*  
**COLAVECCHI & COLAVECCHI**  
221 East Market Street  
(across from Courthouse)  
P.O. Box 131  
Clearfield, Pennsylvania 16830  
(814) 765-1566  
(800) 953-1566

FAX  
(814) 765-4570

Joseph Colavecchi  
Paul Colavecchi

October 30, 2007

Don Scotilla, Court Administrator  
Cambria County Courthouse  
200 South Center Street  
Ebensburg, PA 15931

In Re: Palisades Acquisition vs. Richard Reffner  
No. 2007-4586

Dear Mr. Scotilla:

I am enclosing, herein, an original and three copies of the First Amended Preliminary Objections to Plaintiff's Complaint, together with a Rule.

It is my understanding that the original Preliminary Objections will be heard before the Argument Court on November 16, 2007. I assume that this First Amended Preliminary Objections will also be heard on November 16, 2007.

I would appreciate it if you would advise me of that fact.

I am enclosing, herein, a stamped self-addressed envelope in which I would ask that three certified copies of the enclosed First Amended Preliminary Objections be returned to me so that I may serve it on Amy Doyle, attorney for the plaintiff.

Thank you for your kind cooperation.

Sincerely yours,

Joseph Colavecchi

JC:llh  
Enclosures

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

ALISADES ACQUISITION XVI,  
LLC, Assignee of Colonial  
Credit Corp., Assignee of  
American Debt Sales, Assignee  
of Metris Bank

Plaintiff

Vs.

RICHARD REFFNER,

Defendant

CIVIL DIVISION

No. 2007 - 4586

DEFENDANT'S BRIEF

Filed on Behalf of:

Defendant, RICHARD REFFNER

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

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

PALISADES ACQUISITION XVI, :  
LLC, Assignee of Colonial :  
Credit Corp., Assignee of :  
American Debt Sales, Assignee :  
of Metris Bank, :  
                                  Plaintiff :  
                                  :  
                                  vs.                  : No. 2007 - 4586  
                                  :  
RICHARD REFFNER, :  
                                  Defendant :

**DEFENDANT'S BRIEF**

NOW COMES, Richard Reffner, who, through his Attorney, Joseph Colavecchi, Esquire, files his Brief concerning Preliminary Objections and Amended Preliminary Objections filed in this case, and respectfully avers as follows:

**FACTS:**

Plaintiff filed a Complaint against Defendant essentially alleging that Defendant opened an account and then failed to pay for the use of said account. Despite demands made upon Defendant, the account is still unpaid. The amount due on said account is Two Thousand Nine Hundred Twenty-nine Dollars and Twelve Cents (\$2929.12).

No written agreement was attached to the Complaint nor were there any statements of account attached to the Complaint.

ISSUES:

1. Is Cambria County the proper venue for this Complaint?

Proposed Answer: No

2. Is Plaintiff's Complaint sufficient to put Defendant on notice of Plaintiff's claim?

Proposed Answer: No

LAW:

The Fair Debt Collection Practices Act provides that a suit can be filed only in the County in which the debtor then resides. 15 U.S.C. §1692i

Richard Reffner is a permanent resident of Coalport, Clearfield County, Pennsylvania. Said Complaint should have been filed in Clearfield County, Pennsylvania.

Pennsylvania Rule of Civil Procedure 1019(f) sets forth that averments of time, place and items of special damages shall be specifically stated.

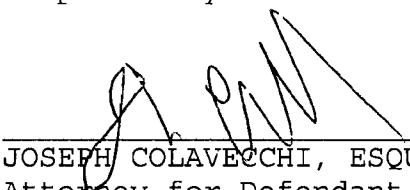
Pennsylvania Rule of Civil Procedure 1019(h) sets forth that a pleading shall state specifically whether any claim or defense set forth therein is based upon a writing. If so, the pleader shall attach a copy of the writing, or the material part thereof.

No copies of any writing signed by Defendant is attached to the Complaint.

RELIEF REQUESTED:

Defendant is asking that the venue be transferred to Clearfield County, Pennsylvania and/or the Complaint be dismissed.

Respectfully submitted:



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

LAW OFFICES  
**COLAVECCHI & COLAVECCHI**

JOSEPH COLAVECCHI  
PAUL COLAVECCHI

221 EAST MARKET STREET  
(Across from Courthouse)  
P. O. BOX 131  
CLEARFIELD, PENNSYLVANIA 16830  
(814) 765-1566 or (800) 953-1566

FAX  
(814) 765-4570

November 5, 2007

Don Scotilla  
Court Administrator  
Cambria County Courthouse  
200 South Center Street  
Ebensburg, PA 15931

In Re: Palisades Acquisition XVI, LLC, Assignee  
of Colonial Credit Corp., Assignee of  
American Debt Sales, Assignee of Metris Bank,  
vs. Richard Reffner; Docket No. 2007-4586

Dear Mr. Scotilla:

This is in reference to the above-captioned case which is  
scheduled for Argument before Hon. Norman A. Krumenacker, III on  
Friday, November 16, 2007 at 9:00 a.m.

An original and one copy of the Brief concerning the  
Preliminary Objections and Amended Preliminary Objections filed  
on behalf of Defendant, Richard Reffner, is enclosed herein.

Sincerely yours,  
Joseph Colavecchi

JC:lz  
Enclosure

cc: Amy F. Doyle, Esquire

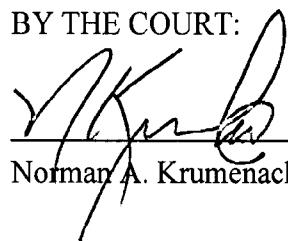
IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA  
CIVIL DIVISION

PALISADES ACQUISITION XVI, LLC, \*  
Assignee of Colonial Credit Corp., Assignee \*  
of American Debt Sales, Assignee of Metris \*  
Bank, \*  
\* No. 2007-4586  
Plaintiff, \*  
\* ARGUMENT COURT  
vs. \* NOVEMBER 16, 2007  
\*  
RICHARD REFFNER, \* Defendant's Preliminary Objections to  
\* the Plaintiff's Complaint  
\*  
Defendant.

**ORDER**

AND NOW, this 16<sup>th</sup> day of November 2007, upon consideration of the Defendant's Preliminary Objections, it is hereby **ORDERED, DIRECTED, AND DECREED** that the Defendant's Preliminary Objections are **OVERRULED** as counsel failed to appear and substantiate his argument that venue is improper when a review of county maps and United States Postal Service records indicates the Defendant's residence, 377 Gill Hollow Road, Coalport Pa. 16627-7805, is located in Cambria County not Clearfield County.

BY THE COURT:

  
\_\_\_\_\_  
Norman A. Krumenacker, III, Judge

50

Copy to G. J. Mayle,  
of Pala Meath

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

PALISADES ACQUISITION XVI,  
LLC, Assignee of Colonial  
Credit Corp., Assignee of  
American Debt Sales, Assignee  
of Metris Bank,

Plaintiff

vs.

RICHARD REFFNER,

Defendant

CIVIL DIVISION

No. 2007 - 4586

**PETITION TO TRANSFER VENUE  
TO CLEARFIELD COUNTY**

Filed on Behalf of:

Defendant, RICHARD REFFNER

Counsel of Record for This  
Party:

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

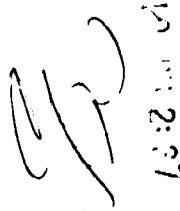
COLAVECCHI & COLAVECCHI  
221 East Market Street  
P.O. Box 131  
Clearfield, PA 16830

814/765-1566

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

NOV 5 2007

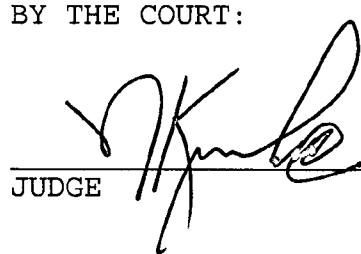
IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA  
CIVIL ACTION

PALISADES ACQUISITION XVI, LLC, :  
Assignee of Colonial Credit Corp., : 2007 - 4586  
Assignee of American Debt Sales, :  
Assignee of Metris Bank, :  
Plaintiff :  
:  
vs. :  
:  
RICHARD REFFNER, :  
Defendant:   


**ORDER**

AND NOW this 10 day of December 2007, upon  
consideration of the foregoing Petition, it is hereby Ordered and  
Decreed that the Venue of this case shall immediately be  
transferred to Clearfield County. The Prothonotary is instructed  
to transfer all of the documents in this case to William L. Shaw,  
Prothonotary of Clearfield County, Pennsylvania. The Venue has  
been stipulated to by attorneys for Plaintiff and Defendant.

BY THE COURT:

  
\_\_\_\_\_  
JUDGE

Copy to ~~Chawodai~~  
" " ~~Chawodai~~  
Ludwig " ~~Chawodai~~ ~~Chawodai~~

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

PALISADES ACQUISITION XVI, LLC, :  
Assignee of Colonial Credit Corp., : No. 2007 - 4586  
Assignee of American Debt Sales, :  
Assignee of Metris Bank, :  
Plaintiff :  
:  
vs. :  
:  
RICHARD REFFNER, :  
Defendant :

**PETITION TO TRANSFER  
VENUE TO CLEARFIELD COUNTY**

Joseph Colavecchi, attorney for Defendant, and Sarah E. Ehasz, attorney for Plaintiff, file this joint Petition and respectfully aver as follows:

1. Joseph Colavecchi is an attorney having his principal place of business at 221 East Market Street, Clearfield, Pennsylvania, and represents Richard Reffner, Defendant in the above-captioned case and is co-petitioner.

2. Sarah E. Ehasz is an attorney having her office at One Oxford Centre, 301 Grant Street, Suite 4300, Pittsburgh, Pennsylvania 15219, and is attorney for Palisades Acquisition XVI, LLC, Plaintiff in this case.

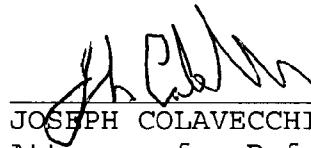
3. Plaintiff and Defendant are agreeing that the Venue of this case may be transferred immediately to Clearfield County which is the residence of Defendant.

4. Petitioners are requesting that the Court issue an Order transferring the entire case to the jurisdiction and Venue of the Clearfield County Courts.

Respectfully submitted,

11/26/07

DATE

  
JOSEPH COLAVECCHI, ESQUIRE  
Attorney for Defendant

11/21/07

DATE

  
SARAH E. EHASZ, ESQUIRE  
Attorney for Plaintiff

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

Joseph Colavecchi  
Paul Colavecchi

Law Offices  
**COLAVECCHI & COLAVECCHI**

221 East Market Street  
(across from Courthouse)  
P.O. Box 131  
Clearfield, Pennsylvania 16830  
(814) 765-1566  
(800) 953-1566

FAX  
(814) 765-4570

November 26, 2007

Prothonotary for Cambria County  
Cambria County Courthouse  
200 South Center Street  
Ebensburg, PA 15931

Attention: Sue

In Re: Palisades Acquisition vs. Richard Reffner  
No. 2007-4586

Dear Sir:

I am enclosing, herein, an original and two copies of the Petition directed to the Court as signed by the attorneys for both plaintiff and defendant stipulating that the jurisdiction and venue of this case should be transferred to Clearfield County, Pennsylvania.

Assuming this Petition is in order, after the Court has signed the Order, I would appreciate it if you would return a signed copy to me in the enclosed, stamped self-addressed envelope.

Thank you for your kind cooperation and consideration.

Sincerely yours,

Joseph Colavecchi

JC:llh  
Enclosures

cc: Sarah E. Ehasz, Attorney at Law

12/14/07

DEC 14 2007

William A. Shaw  
Prothonotary/Clerk of Courts

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

2007.2043- CQ

William A. Shaw  
Prothonotary/Clerk of Courts

Sarah E. Ehasz, Esq.

~~301 Grand St., Ste 4300~~

Pittsburgh, PA

MXIE 165 SC 1 00 05/21/10

NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 16830054949 \*1173-07246-13-38

*Relayer*

152134950549

# Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

111 Prix 549, Clearfield, PA 16830 ■ phone: (814) 765-2641 ext. 1330 ■ fax: (814) 765-7669 ■ [www.clearfieldcc.org](http://www.clearfieldcc.org)

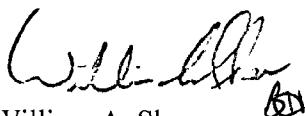
Sarah E. Ehasz, Esq.  
301 Grant St., Ste. 4300  
Pittsburgh, PA 15219

Re: 2010 Inactive List

Dear Sarah E. Ehasz, Esq:

Attached, please find a docket sheet representing one of your active cases that may qualify for inactivity. My office is in the preliminary stage of preparing a review of our inactive civil cases. This review will cover several years of inactive cases and be large in scope. Would you please review the attached case and discontinue if it should no longer be active? My goal is to prevent a considerable amount of unnecessary paperwork and postage expense by eliminating as many inactive cases as possible prior to the running of the list. Thank you for your time and consideration. If you have any questions, please contact me or Bonnie at the Prothonotary's Office at (814) 765-2641, ext. 1330.

Sincerely,



William A. Shaw  
Prothonotary

Date: 5/13/2010

Time: 10:01 AM

Page 1 of 1

**Clearfield County Court of Common Pleas**

User: BHUDSON

ROA Report

Case: 2007-02043-CD

Current Judge: No Judge

Palisades Acquisition XVI, LLC, et alvs. Richard Reffner

Civil Other-COUNT

Date		Judge
12/14/2007	New Case Filed. Case transferred from Cambria County, Cambria Co. #2007-4586. BILLABLE-\$70.00.	No Judge No Judge No Judge
12/20/2007	Filing: Civil Complaint - Transfer from Another County Paid by: Ehasz, Sarah E. (attorney for Palisades Acquisition XVI, LLC) Receipt number: 1921923 Dated: 12/20/2007 Amount: \$70.00 (Check)	No Judge

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

PALISADES ACQUISITION XVI, LLC, et al \* NO. 2007-2043-CD  
PlaintiffS \*  
vs. \*  
RICHARD REFFNER \*  
Defendant \*

**ORDER**

NOW, this 25<sup>th</sup> day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over three 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

NOCL

019:06am

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