

07-2078-CD  
Capital One vs Richard Lewis

120044  
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

CAPITAL ONE BANK CIVIL ACTION  
(Plaintiff)

c/o 2417 Welsh Road Suite 21 #520  
(Street Address)

No. 07-2078-C

Phila., PA 19114  
(City, State ZIP)

Type of Case: civil  
Type of Pleading: complaint

vs.

Richard H. Lewis LLC (Plaintiff/Defendant)  
(Defendant)

2125. MAIN ST.  
(Street Address)  
DUBOIS PA 15801  
(City, State ZIP)

David J. Apotheker, Esquire  
(Filed by)

2417 Welsh Road Suite 21 #520 Phila., PA 19114  
(Address)

215-634-8920

(Phone)

(Signature)

FILED  
M/30/07  
DEC 20 2007  
CC Sheriff  
CC Atty  
(JM)

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

Our File No.: 120044  
APOTAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esq.  
Attorney I.D.#38423  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

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CAPITAL ONE BANK ) COURT OF COMMON PLEAS  
c/o Apothaker & Associates, P.C. ) CLEARFIELD COUNTY  
2417 Welsh Road, Suite 21 #520 )  
Philadelphia, PA 19114 ) NO.:  
Plaintiff, )  
vs. )  
RICHARD H LEWIS LL )  
212 S MAIN ST )  
DU BOIS, PA 15801 )  
Defendant. )  
)

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### 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 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 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 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.

CLEARFIELD COUNTY BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

### **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u 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 CONSEGUIR ASISTENCIA LEGAL.

CLEARFIELD COUNTY BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esq.  
Attorney I.D.#38423  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

---

CAPITAL ONE BANK  
c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

Plaintiff,

vs.

RICHARD H LEWIS LL  
212 S MAIN ST  
DU BOIS, PA 15801

Defendant.

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) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
)  
) NO.:  
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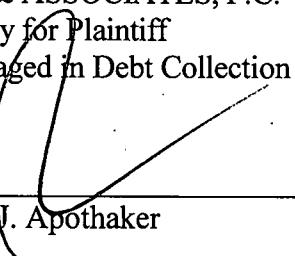
**CIVIL ACTION COMPLAINT  
FIRST COUNT**

1. Plaintiff, CAPITAL ONE BANK, is a company with its principal place of business located at c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is RICHARD H LEWIS LL, an adult individual residing at 212 S MAIN ST DU BOIS, PA 15801.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$1,624.10.

8. Although demand has been made, Defendant has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$1,624.10 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKER & ASSOCIATES, P.C.  
Attorney for Plaintiff  
A Law Firm Engaged in Debt Collection

BY:   
David J. Apothaker

Dated: 12/6/2007

Our File No.: 120044

VERIFICATION

Janey Fabij, hereby states that I am Agent for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Janey Fabij

DATE:

CAPITAL ONE BANK  
c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

RICHARD H LEWIS LL  
212 S MAIN ST  
DU BOIS, PA 15801

STATEMENT OF ACCOUNT

Debtor's Name: RICHARD H LEWIS LL

Account Number: 5178052495293975

Balance Due: \$1,624.10

Our File No.: 120044

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103620  
NO: 07-2078-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK  
vs.  
DEFENDANT: RICHARD H. LEWIS LL

**SHERIFF RETURN**

NOW, January 11, 2008 AT 9:40 AM SERVED THE WITHIN COMPLAINT ON RICHARD H. LEWIS LL DEFENDANT AT 212 S. MAIN ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO HYLAND LEWIS, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

**FILED**  
07/15/08  
MAY 07 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	68349	10.00
SHERIFF HAWKINS	APOTHAKER	68349	37.60

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,

*Chester A. Hawkins  
by Marley Hamps*

Chester A. Hawkins  
Sheriff

FILED

OCT 22 2008

5 *1:25/*  
William A. Shaw  
Prothonotary/Clerk of Courts

1 cent to Atte

Our File No.: 120044  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

---

CAPITAL ONE BANK	)	COURT OF COMMON PLEAS OF
C/O David J. Apothaker, Esq.	)	CLEARFIELD COUNTY
520 Fellowship Road C306	)	
Mount Laurel, NJ 08054	)	
Plaintiff,	)	NO.: 07-2078-CD
vs.	)	Civil Action
RICHARD H LEWIS LL	)	
212 S MAIN ST	)	
DU BOIS, PA 15801	)	
Defendant.	)	
	)	

---

**PRAECIPE TO SUBSTITUTE PARTY PLAINTIFF AS PER Pa RULE 2352 (a)**

TO THE PROTHONOTARY:

Kindly substitute as Party Plaintiff, Capital One Bank (USA), N.A., in this action.

The right to substitution is based upon the following facts: Capital One Bank (USA), N.A., is the successor, who by operation of law, has succeeded to the interest of, CAPITAL ONE BANK. Defendant's rights will not be prejudiced by this change.

APOTHAKER & ASSOCIATES, P.C.  
Attorneys for Plaintiff

By:

*David J. Apothaker, Esquire*

Dated: October 13, 2008

Our File No.: 120044  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215

Attorney for Plaintiff

FILED *cc to*  
m 2:40 PM Notice  
MAR 02 2009 to Def.

S William A. Shaw Atty pd  
Prothonotary/Clerk of Courts 20.00  
RIO

CAPITAL ONE BANK  
Plaintiff,  
vs.  
RICHARD H LEWIS LL  
Defendant.

) COURT OF COMMON PLEAS OF  
 ) CLEARFIELD COUNTY  
 )  
 ) NO.: 07-2078-CD  
 )  
 ) Civil Action  
 )

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, RICHARD H LEWIS LL, in the default of an Answer, in the amount of \$1,911.12 computed as follows:

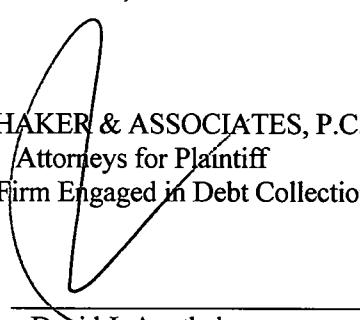
Amount claimed in complaint:	\$1,624.10
Amount Paid:	\$(0.00)
Interest from December 06, 2007 to 2/16/2009 at the legal interest rate of 6.000 per annum	\$74.57
Costs	\$212.45
Attorney fees	\$0.00
 TOTAL	 \$1,911.12

I hereby certify that the appropriate Notices of Default, as attached have been mailed in accordance with Pa.R.Civ.P. 237.1 on the dates indicated on the Notices.

I certify that Plaintiff's address as CAPITAL ONE BANK c/o Apothaker & Associates, P.C. 520 Fellowship Road C 306, Mount Laurel, NJ 08054 and that Defendant, RICHARD H LEWIS LL, last know address is 212 S MAIN ST DU BOIS, PA 15801.

APOTHAKER & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
A Law Firm Engaged in Debt Collection

By:

  
David J. Apothaker

Dated: 2/16/2009

**OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS**

Copy

TO: RICHARD H LEWIS LL  
212 S MAIN ST  
DU BOIS, PA 15801

CAPITAL ONE BANK ) COURT OF COMMON PLEAS OF  
vs. Plaintiff, ) CLEARFIELD COUNTY  
RICHARD H LEWIS LL )  
Defendant. ) NO.: 07-2078-CD  
 ) Civil Action

## NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

## XX JUDGMENT BY DEFAULT

## JUDGMENT IN REPLEVIN

## JUDGMENT BY CONFESSION

## JUDGMENT FOR POSSESSION

## JUDGMENT ON AWARD OF ARBITRATORS

## JUDGMENT ON VERDICT

## JUDGMENT ON COURT FINDINGS

## JUDGMENT ON WRIT OF REVIVAL

— THE UNIVERSITY OF TORONTO —

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apotheker, Esq. at this telephone number: 215-634-8920

Our File No.: 120044  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

---

CAPITAL ONE BANK	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
Plaintiff,	)	
vs.	)	
	)	NO.: 07-2078-CD
RICHARD H LEWIS LL	)	
	)	Civil Action
Defendant.	)	
	)	

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**AFFIDAVIT OF NON-MILITARY SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 212 S MAIN ST DU BOIS, PA 15801.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavely-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.

\_\_\_\_\_  
David J. Apothaker  
Attorney for Plaintiff

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

Department of Defense Manpower Data Center

FEB-16-2009 09:36:36



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
LEWIS LL	RICHARD H		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

CAPITAL ONE BANK

vs.

RICHARD H LEWIS LL

) COURT OF COMMON PLEAS  
 ) CLEARFIELD COUNTY  
 )  
 )  
 ) NO. 07-2078-CD  
 )

To: RICHARD H LEWIS LL  
212 S MAIN ST  
DU BOIS, PA 15801

**NOTICE, RULE 237.5**  
**NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

Date of Notice: May 22, 2008

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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 BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

/s/ David J. Apothaker  
DAVID J. APOTHAKER, ESQUIRE  
APOTHAKER & ASSOCIATES, PC  
A Law Firm Engaged in Debt Collection  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorney for Plaintiff  
Attorney ID #38423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103620  
NO: 07-2078-CD  
SERVICE # 1 OF 1  
COMPLAINT

COPY

PLAINTIFF: CAPITAL ONE BANK  
vs.  
DEFENDANT: RICHARD H. LEWIS LL

SHERIFF RETURN

NOW, January 11, 2008 AT 9:40 AM SERVED THE WITHIN COMPLAINT ON RICHARD H. LEWIS LL DEFENDANT AT 212 S. MAIN ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO HYLAND LEWIS, SON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	68349	10.00
SHERIFF HAWKINS	APOTHAKER	68349	37.60

Sworn to Before Me This

Day of 2008

So Answers,



Chester A. Hawkins  
Sheriff