

07-2100-CD
LVNV Funding vs Debbie A. Kirsch

Clearfield County Court of Common Pleas

Date: 3/19/2008

Time: 09:02 AM

Page 1 of 1

ROA Report

Case: 2007-02100-CD

Current Judge: Paul E. Cherry

LVNV Funding, LLC vs. Debbie A. Kirsch

Civil Other-COUNT

Date		Judge
12/26/2007	New Case Filed.	No Judge
	✓ Filing: Civil Action Complaint Paid by: Apothaker, David J. (attorney for LVNV Funding, LLC) Receipt number: 1921968 Dated: 12/26/2007 Amount: \$85.00 (Check) 1CC shff and 1CC Atty.	No Judge
1/25/2008	✓ Preliminary Objections, filed by s/ Robin Jean Foor, Esquire. 3CC Atty. ✓ Foor	No Judge
1/30/2008	✓ Certificate of Service, filed. That on the 29th day of January 2008, served a copy of the Preliminary Objection filed in the above captioned matter by first class mail to David J. Apothaker Esq., filed by s/ Robin Jean Foor Esq. 1CC Atty Foor.	No Judge
2/25/2008	✓ Petition to Schedule Argument on Preliminary Objections, filed by s/ Robin Jean Foor, Esquire. 3CC Atty. Foor	No Judge
2/28/2008	✓ Order, this 28th day of Feb., 2008, upon consideration of Defendant's Preliminary Objections, it is Ordered that argument has been scheduled for the 28th day of March, 2008 at 1:30 p.m. in courtroom 2. by The Court, /s/ Paul E. Cherry, Judge. 3CC Atty. Foor	Paul E. Cherry

3-19-08 Certificate of Service
 3-28-08 Order, dated 3-28-08 (PO's)

**COURT OF COMMON PLEAS, CLEARFIELD COUNTY
PENNSYLVANIA**

CASE NO. CP-17-CR-1077-2007

Date of Jury Selection: February 28, 2008

Presiding Judge: Paul E. Cherry, Judge

Commonwealth of Pennsylvania

VS

Raimon Anthony Johnson

Court Reporter: _____

Date of Trial: March 19, 2008

Date Trial Ended: _____

Charges: Charges

MEMBERS OF THE JURY

**1. Joann McCracken
2. Gregory Norris
3. Geraldine Scott
4. Jeanne Kenawell
5. Nancy Geist
6. Kathy Yutzey
ALT #1 Terry Krach**

**7. Frederick Antes
8. Tracey Rowles
9. John Hryn
10. James Flanagan
11. Donald Foster
12. Kolene Parkes
ALT #2 Alton Dotts**

COMMONWEALTH WITNESSES:

**1. _____
2. _____
3. _____
4. _____
5. _____**

DEFENSE WITNESSES:

**1. _____
2. _____
3. _____
4. _____
5. _____**

**DIST. ATTY: William A. Shaw Jr. Esq.,
District Attorney**

DEF. ATTY: Daniel Bell Esq.

ADDRESS TO JURY: _____

ADDRESS TO JURY: _____

JUDGE'S ADDRESS TO JURY: _____

JURY OUT: _____ JURY IN: _____

VERDICT: _____

FOREPERSON: _____

128964

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LVNV Funding LLC
(Plaintiff)

CIVIL ACTION

c/o 2417 Welsh Road Suite 21 #520

(Street Address)

Phila., PA 19114

(City, State ZIP)

No. 07-2100-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Filed on Behalf of:

Debbie A. Kirsch
(Defendant)

LVNV Funding LLC
(Plaintiff/Defendant)

203 Nichols St.
(Street Address)

Clearfield PA 16830
(City, State ZIP)

David J. Apothaker, Esquire

(Filed by)

2417. Welsh Road Suite 21 #520

(Address) Phila., PA 19114

215-634-8920

(Phone)

(Signature)

FILED

DEC 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

Any pd. \$5.00
1cc Sheriff
1cc Atty

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

APOTHAKE & 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

LVNV FUNDING LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,

vs.

DEBBIE A KIRSCH
203 NICHOLS ST
CLEARFIELD, PA 16830

Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) NO.:

CIVIL ACTION COMPLAINT
FIRST COUNT

1. Plaintiff, LVNV FUNDING LLC, 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 DEBBIE A KIRSCH, an adult individual residing at 203 NICHOLS ST CLEARFIELD, PA 16830.
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 \$1,354.71.

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

9. The original creditor is CITI-SEARS.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$1,354.71 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: _____

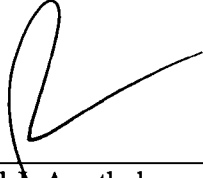
David J. Apothaker

Dated: 12/20/2007

Our File No.: 128964

VERIFICATION

David J. Apothaker, Esq. hereby states that I am counsel 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.



David J. Apothaker
Attorney for Plaintiff

DATE: 12/20/2007

LVNV FUNDING LLC
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

DEBBIE A KIRSCH
203 NICHOLS ST
CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

Debtor's Name:	DEBBIE A KIRSCH
Account Number:	1150103400968
Original Creditor:	CITI-SEARS
Balance Due:	\$1,354.71

Our File No.: 128964

EXHIBIT "A"

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

LVNV FUNDING LLC,
Plaintiff

vs.

Debbie A. Kirsch,
Defendant

*
*
* NO.: 07-2100-CD
*
* Type of Case: Civil
*
* Type of Pleading: Preliminary
* Objections
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED 3CC
01/19/08
JAN 25 2008
Atty Foor

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBBIE A. KIRSCH,

Defendant

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Civil Action

No. 07-2100-CD

DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT

Pursuant to Pa. R.C.P. No. 1028(c), Defendant Deborah A. Kirsch, by and through her attorneys, Robin Jean Foor, and MidPenn Legal Services preliminarily objects to Plaintiff's Complaint and moves for its dismissal as follows:

I. PRELIMINARY OBJECTIONS RAISING FAILURE OF A PLEADING TO CONFORM TO LAW OR RULE OF COURT Pa. R.C.P. 1028 (a)(2)

1. Pennsylvania Rule of Civil Procedure 1019(i) states that "when a claim is based on upon a writing, the pleader shall attach a copy of the writing or the material part thereof..."

2. Plaintiff lists the original creditor as Citi-Sears and therefore plaintiff must be an assignee of the original creditor.

3. Plaintiff has failed to attach any documentation of the assignment.

4. Plaintiff filed a Complaint demanding damages in the amount of \$ 1,354.17 plus attorney fees and costs.

5. Plaintiff has failed to attach to the Complaint a signed written contract between Plaintiff and Defendant. Such writing would form the very core of Plaintiff's case, but such

writing has not been appended to the Complaint, nor its absence explained, as required by Pa.R.C.P. No. 1019(h) and (i).

WHEREFORE, Defendant respectfully requests that the Court sustain Defendant's Preliminary Objections and dismiss Plaintiff's Complaint.

II. PRELIMINARY OBJECTION RAISING INSUFFICIENT SPECIFICITY IN A PLEADING Pa. R.C.P. 1028 (a)(3)

1. The Complaint contains alleged claims for money owed but fails to provide adequate documentation or accounting of charges allegedly made by Defendant, which would support Plaintiff's claim of damages, such as a breakdown of charges, payments, and interest, so that Defendant can properly formulate a response and assert any counterclaims.

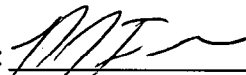
2. The Complaint is deficient in reciting factual averments and Defendant is without information upon which she can premise a meaningful response and formulate a defense.

WHEREFORE, Defendant respectfully requests that the Court sustain Defendant's Preliminary Objections and dismiss Plaintiff's Complaint.

Respectfully submitted,

MidPenn Legal Services
Attorneys for Defendant

1-25-08
Date

BY: 
Robin Jean Foor, Esquire
ID# 41520

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

LVNV FUNDING LLC,
Plaintiff

vs.

Debbie A. Kirsch,
Defendant

*
*
* NO.: 07-2100-CD
*
* Type of Case: Civil
*
* Type of Pleading: Certificate of
* Service
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED ^{ICC}
01/12/3851 Atty Foor
JAN 30 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBBIE A. KIRSCH,

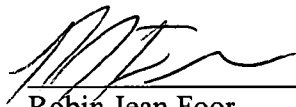
Defendant

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: Civil Action
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: No. 07-2100-CD
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CERTIFICATE OF SERVICE

I, Robin Jean Foor, Esquire, hereby certify that on the 29th day of January, 2008, I served a copy of the Preliminary Objections filed in that above captioned matter to the following individual by first class mail, postage prepaid:

David J. Apothaker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114



Robin Jean Foor
PA ID # 41520
MidPenn Legal Services Inc.
211 East Locust Street
Clearfield. PA 16803
(814)765-9646

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

LVNV FUNDING LLC,
Plaintiff

vs.

Debbie A. Kirsch,
Defendant

- *
- *
- * NO.: 07-2100-CD
- *
- * Type of Case: Civil
- *
- * Type of Pleading: Petition to Schedule
- * Argument on Preliminary Objections
- *
- * Filed on Behalf of: Defendant
- *
- * Counsel of Record for this Party:
- * Robin Jean Foor, Esquire
- *
- * Supreme Court No.: 41520
- *
- * MidPenn Legal Services
- * 211 East Locust Street
- * Clearfield, PA 16839
- * (814)765-9646

FILED 300
01:59 PM
FEB 25 2008
Amy Foor

William A. Shaw
Prothonotary/Clerk of Courts

(62)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBBIE A. KIRSCH,

Defendant

Civil Action

No. 07-2100-CD

ORDER

AND NOW, this 28th day of February, 2008, upon consideration of Defendant Deborah A. Kirsch's Preliminary Objections filed in the above captioned matter, it is the Order of the Court that argument has been scheduled for the 28th day of March, 2008 at 1:30 o'clock P.m. in Courtroom # 2, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

Paul E Cherry
J.

FILED
01/11/40/01
FEB 28 2008

3cc
Atty For

William A. Shaw
Prothonotary/Clerk of Courts

FILED

FEB 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/28/08

☒ 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,

Plaintiff

vs.

DEBBIE A. KIRSCH,

Defendant

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: Civil Action
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: No. 07-2100-CD
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PETITION TO SCHEDULE ARGUMENT ON DEFENDANT'S PRELIMINARY
OBJECTIONS TO PLAINTIFF'S COMPLAINT

Defendant, Deborah A. Kirsch, by and through her attorneys, Robin Jean Foor,
Esq and MidPenn Legal Services, requests the court to schedule the argument on
defendant's objections and alleges as follows:

1. Plaintiff filed a complaint on or about December 26, 2007.
2. Defendant filed preliminary objections to the complaint on January 25, 2008.
3. As of February 22, 2008, the plaintiff has not filed an amended complaint.

WHEREFORE, defendant requests the Court to schedule argument on the
Preliminary Objections.



Robin Jean Foor

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

LVNV FUNDING LLC,
Plaintiff

vs.

Debbie A. Kirsch,
Defendant

*
*
* NO.: 07-2100-CD
*
* Type of Case: Civil
*
* Type of Pleading: Certificate of Service
*
*
* Filed on Behalf of: Defendant
*
* Counsel of Record for this Party:
* Robin Jean Foor, Esquire
*
* Supreme Court No.: 41520
*
* MidPenn Legal Services
* 211 East Locust Street
* Clearfield, PA 16839
* (814)765-9646

FILED

01:30/31
MAR 19 2008

1cc
Amy Foor

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBBIE A. KIRSCH,

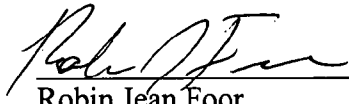
Defendant

:
:
: Civil Action
:
: No. 07-2100-CD
:
:
:

CERTIFICATE OF SERVICE

I, Robin Jean Foor, Esquire, hereby certify that on the 28th day of February, 2008,
I served a copy of the Petition and Order scheduling argument on Preliminary Objections
filed in that above captioned matter to the following individual by first class mail,
postage prepaid:

David J. Apothaker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114



Robin Jean Foor
PA ID # 41520
MidPenn Legal Services Inc.
211 East Locust Street
Clearfield, PA 16803
(814)765-9646

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

FILED

MAR 28 2008

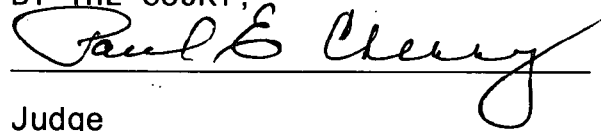
William A. Shaw
Prothonotary/Clerk of Courts

LVNV FUNDING, LLC :
VS : NO. 07-2100-CD
DEBBIE A. KIRSCH :

O R D E R

NOW, this 28th day of March, 2008, this being the date set for Argument on Preliminary Objections filed on behalf of the Defendant Debbie A. Kirsch, the Court noting that Plaintiff nor its counsel have appeared despite receiving due and proper notice, upon presentation of the issues before the Court and upon consideration of same, it is the ORDER of this Court that Defendant's Preliminary Objections shall be and are hereby SUSTAINED and Plaintiff's complaint shall be and is hereby DISMISSED with prejudice.

BY THE COURT,



Judge

FILED

MAR 28 2000

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3-28-00
You are responsible for serving all appropriate parties.
The Prothonotary's office has provided service to the following parties:
Plaintiff(s) X Plaintiff(s) Attorney Other
Defendant(s) X Defendant(s) Attorney
Special Instructions:

DAVID J. AGOSTINAKIS
2417 WILSON ROAD
PHILADELPHIA PA. 19114
1123 STE. 211

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103577
NO: 07-2100-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LVNV FUNDING LLC
vs.
DEFENDANT: DEBBIE A. KIRSCH

FILED

01/31/2008
MAY 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, January 14, 2008 AT 11:30 AM SERVED THE WITHIN COMPLAINT ON DEBBIE A. KIRSCH DEFENDANT AT 203 NICHOLS ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBBIE A KIRSCH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	69214	10.00
SHERIFF HAWKINS	APOTHAKE	69214	20.00

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins
by *Marilyn Hamer*
Chester A. Hawkins
Sheriff