

07-2102-CD
Discover Bank vs Deborah Gillen

126394

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Discover Bank

(Plaintiff)

c/o 2417 Welsh Road Suite 21 #520

(Street Address)

Phila., PA 19114

(City, State ZIP)

CIVIL ACTION

No. 07-2102-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Debrah Gillen

(Defendant)

508 PRISB, N

(Street Address)

Hootzdale PA 16651

(City, State ZIP)

Filed on Behalf of:

Discover Bank

(Plaintiff/Defendant)

David J. Apotheker, Esquire

(Filed by)

2417. Welsh Road Suite 21 #520

(Address) Phila., PA 19114

215-634-8920

(Phone)

(Signature)

FILED Atty pd. 85.00
M 10/17/01
DEC 26 2001 ICC Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty

Our File No.: 126394
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

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

二二六

DEBORAH GILLEN
500 BRISBIN
HOUTZDALE, PA 16651-1207
Defendant.

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

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

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

Plaintiff,
vs.

DEBORAH GILLEN
500 BRISBIN
HOUTZDALE, PA 16651-1207
Defendant

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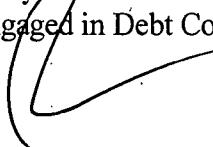
**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff, DISCOVER BANK, is a company with its principal place of business located at c/o Apotheker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is DEBORAH GILLEN, an adult individual residing at 500 BRISBIN HOUTZDALE, PA 16651-1207.
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 \$7,665.33.

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 \$7,665.33 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

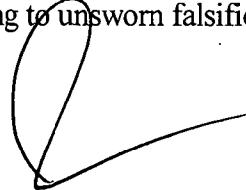
BY: 
David J. Apothaker

Dated: 12/20/2007

Our File No.: 126394

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

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

DEBORAH GILLEN
500 BRISBIN
HOUTZDALE, PA 16651-1207

STATEMENT OF ACCOUNT

Debtor's Name: DEBORAH GILLEN

Account Number: 6011002410626998

Balance Due: \$7,665.33

Our File No.: 126394

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103575
NO: 07-2102-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
VS.
DEFENDANT: DEBORAH GILLEN

SHERIFF RETURN

NOW, January 09, 2009 AT 10:59 AM SERVED THE WITHIN COMPLAINT ON DEBORAH GILLEN DEFENDANT AT 500 BRISBIN ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LUANNE OBERTEUFFER, CARETAKER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|-----------|---------|--------|
| SURCHARGE | APOTHAKER | 69210 | 10.00 |
| SHERIFF HAWKINS | APOTHAKER | 69210 | 36.18 |

FILED
03:00 PM
APR 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

*Chester A. Hawkins
by Marlyn H. Hanner*
Chester A. Hawkins
Sheriff

Our File No.: 126394
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

DISCOVER BANK Plaintiff,
vs.
DEBORAH GILLEN Defendant.) COURT OF COMMON PLEAS OF
) CLEARFIELD COUNTY
) NO.: 07-2102-CD
) Civil Action

PRAEICE FOR DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, DEBORAH GILLEN, in the default of an Answer, in the amount of \$7,796.51 computed as follows:

| | |
|--|-------------------|
| Amount claimed in complaint: | \$7,665.33 |
| Amount Paid: | <u>-\$(0.00)</u> |
| Interest from December 20, 2007 to 04/01/09 at the legal interest rate of 0.000 per annum | \$0.00 |
| Costs | \$131.18 |
| Attorney fees | <u>\$0.00</u> |
| TOTAL | \$7,796.51 |

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 Defendant, DEBORAH GILLEN, last know address is 500 BRISBIN HOUTZDALE, PA 16651-1207

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

Bv.

David J. Apotheker

Dated: 4/1/2009

FILED ICC Notice
M/A:deP
APR 08 2009 to Def.
ICC Atty
William A. Shaw
Notary/Clerk of Courts Attn: Ad. 20,000

Our File No.: 126394
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

| | | |
|----------------|---|--------------------------|
| DISCOVER BANK |) | COURT OF COMMON PLEAS OF |
| |) | CLEARFIELD COUNTY |
| |) | |
| Plaintiff, |) | |
| vs. |) | |
| |) | |
| |) | NO.: 07-2102-CD |
| DEBORAH GILLEN |) | |
| |) | |
| Defendant. |) | Civil Action |
| |) | |

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 500 BRISBIN HOUTZDALE, PA 16651-1207.

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.



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

| Last Name | First/Middle | Begin Date | Active Duty Status | Service/Agency |
|-----------|--------------|------------|--|----------------|
| GILLEN | DEBORAH | | 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

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 USC 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 by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: QDRATVHOYT

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
CLEARFIELD COUNTY

DISCOVER BANK

VS.

DEBORAH GILLEN

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)
) NO. 07-2102-CD
)

To: JEROME LAMET
ATTN: JEROME S LAMET
542 S DEARBORN ST
STE 1260
CHICAGO, IL 60605-1528

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

Date of Notice: May 09, 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

51

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

126394.2
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103575
NO: 07-2102-CD
SERVICE # 1 OF 1
COMPLAINT

COPY

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DEFENDANT: DEBORAH GILLEN

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SERVED BY: DAVIS / MORGILLO

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|-----------|---------|--------|
| SURCHARGE | APOTHAKER | 69210 | 10.00 |
| SHERIFF HAWKINS | APOTHAKER | 69210 | 36.18 |

Sworn to Before Me This

____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

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

copy

TO: JEROME LAMET
ATTN: JEROME S LAMET
542 S DEARBORN ST
STE 1260
CHICAGO, IL 60605-1528

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

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

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

W. L. L. 418109