

08-81-CD  
Capital One vs Robin Kiehlmeier

135057

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Capital One Bank  
(Plaintiff)

CIVIL ACTION

c/o 2417 Welsh Road Suite 21 #520

(Street Address)

Phila., PA 19114

(City, State ZIP)

No. 08-81-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

vs.

Filed on Behalf of:

ROBIN KIEHLMEIER Capital One Bank  
(Plaintiff/Defendant)

31 Kelly Ct

(Street Address)

DuBois PA 15801

(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

JAN 17 2008

William A. Shaw

Prothonotary/Clerk of Courts

CC Sheriff

CC Atty

Atty pd.

Q5.00

Our File No.: 135057

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.

ROBIN KIEHLMEIER

31 KELLY CT

DU BOIS, PA 15801-1222

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 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.

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## **APOTHAKER & ASSOCIATES, P.C.**

• BY: David J. Apotheker, 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 Apotheker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

Plaintiff,  
vs.

ROBIN KIEHLMEIER  
31 KELLY CT  
DU BOIS, PA 15801-1222  
Defendant.

) COURT OF COMMON PLEAS  
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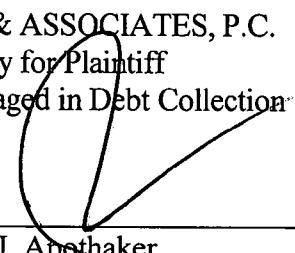
**CIVIL ACTION COMPLAINT  
FIRST COUNT**

1. Plaintiff, CAPITAL ONE BANK, is a company with its principal place of business located at c/o Apotheker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is ROBIN KIEHLMEIER, an adult individual residing at 31 KELLY CT DU BOIS, PA 15801-1222.
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 \$2,711.36.

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 \$2,711.36 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: 1/8/2008

Our File No.: 135057

**VERIFICATION**

Andy Falang, 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.

Andy Falang

DATE:

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

ROBIN KIEHLMEIER  
31 KELLY CT  
DU BOIS, PA 15801-1222

STATEMENT OF ACCOUNT

Debtor's Name: ROBIN KIEHLMEIER

Account Number: 4862362385370625

Balance Due: \$2,711.36

Our File No.: 135057

EXHIBIT "A"

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket # **103654**

CAPITAL ONE BANK

Case # 08-81-CD

vs.

ROBIN KIEHLMEIER

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW May 14, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO ROBIN KIEHLMEIER, DEFENDANT. NO SUCH ADDRESS AS 31 KELLY CT., DUBOIS, PA..

NOT ENOUGH TIME TO TRY 1007 BEERS ROAD, DUBOIS, PA.

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	71393	10.00
SHERIFF HAWKINS	APOTHAKER	71393	33.19

**FILED**  
0/2:40 cm  
MAY 14 2008  
(LM)

Sworn to Before me This

\_\_\_\_ Day of 2008

So Answers,

William A. Shaw  
Prothonotary/Clerk of Courts

  
Chester A. Hawkins  
Sheriff

135 J57

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

CAPITAL ONE BANK  
(Plaintiff)

CIVIL ACTION

c/o 2417 Welsh Road Suite 21 #520

(Street Address)

Phila., PA 19114

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No. 08-81-CD

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Filed on Behalf of:

ROBIN KIEHLMEIER (Plaintiff/Defendant)

31 Kelly Ct

(Street Address)

DuBois PA 15801

(City, State ZIP)

David J. Apotheker, Esquire

(Filed by)

2417. Welsh Road Suite 21 #520

(Address) Phila., PA 19114

215-634-8920

(Phone)

(Signature)

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

JAN 17 2008

Attest.

William J. ...  
Prothonotary/  
Clerk of Courts

Our File No.: 135057  
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 Apotheker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

**Plaintiff,**

VS.

ROBIN KIEHLMEIER  
31 KELLY CT  
DU BOIS, PA 15801-1222  
Defendant

) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
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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  
c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

Plaintiff,  
vs.

ROBIN KIEHLMEIER  
31 KELLY CT  
DU BOIS, PA 15801-1222  
Defendant.

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) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
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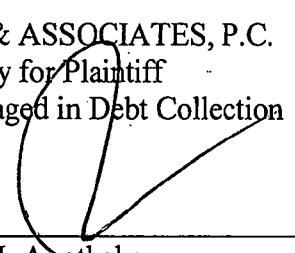
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4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. 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 \$2,711.36.

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

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

BY:   
David J. Apothaker

Dated: 1/8/2008

Our File No.: 135057

VERIFICATION

Johny Felling, 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.

Johny Felling

DATE:

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c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
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ROBIN KIEHLMEIER  
31 KELLY CT  
DU BOIS, PA 15801-1222

STATEMENT OF ACCOUNT

Debtor's Name: ROBIN KIEHLMEIER

Account Number: 4862362385370625

Balance Due: \$2,711.36

Our File No.: 135057

EXHIBIT "A"

Our File No.: 135057  
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
	) CLEARFIELD COUNTY
Plaintiff,	)
vs.	)
ROBIN KIEHLMEIER	) NO. 08-81-CD
	)
Defendant.	)
	)

---

**PRAECIPE TO DISMISS WITHOUT PREJUDICE**

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

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

By: \_\_\_\_\_  
David J. Apothaker, Esquire

Dated: 1/29/2010

FILED  
FEB 11 2010  
FEB 09 2010  
NO CC  
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William A. Shaw  
Prothonotary/Clerk of Courts