

08-344-CD

LVNV Funding vs Debra Wisor

122345
COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

FILED

M 1:21 PM OK Atty paid
FEB 28 2008 95.00

William A. Shaw
Prothonotary/Clerk of Courts ICC Atty
ICC Sheriff

LVNV Funding LLC CIVIL ACTION
(Plaintiff)

c/o 2417 Welsh Road Suite 21 #520

(Street Address)

Phila., PA 19114

(City, State ZIP)

No. 2008-344-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Filed on Behalf of:

DeBRA Wison

(Defendant)

LVNV Funding LLC

(Plaintiff/Defendant)

2845 Deer Creek Rd.

(Street Address)

Morrisdale PA 16858

(City, State ZIP)

David J. Apothaker, Esquire

(Filed by)

2417 Welsh Road Suite 21 #520

(Address) Phila., PA 19114

215-634-8920

(Phone)

[Signature]
(Signature)

Our File No.: 122345
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.

DEBRA WISOR
2845 DEER CREEK RD
MORRISDALE, PA 16858
Defendant.

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

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 edemandante 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

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 DEBRA WISOR, an adult individual residing at 2845 DEER CREEK RD MORRISDALE, PA 16858.
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 \$4,370.85.

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

9. The original creditor is SEARS.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$4,370.85 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

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

BY: _____

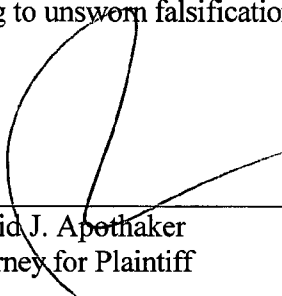
David J. Apothaker

Dated: 2/12/2008

Our File No.: 122345

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: 2/12/2008

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

DEBRA WISOR
2845 DEER CREEK RD
MORRISDALE, PA 16858

STATEMENT OF ACCOUNT

Debtor's Name:	DEBRA WISOR
Account Number:	5121079702259299
Original Creditor:	SEARS
Balance Due:	\$4,370.85

Our File No.: 122345

EXHIBIT "A"

CA

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

LVNV Funding LLC,
Plaintiff

vs.

Debra Wisor,
Defendant

*
*
* NO.: 08-344-CD
*
* Type of Case: Civil
*
* Type of Pleading: Preliminary
* Objections
*
* Filed on Behalf of: Debra Wisor
*
* 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 Atty
0/3/30 Foor
MAR 07 2008
(LC)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBRA WISOR,

Defendant

:
:
: Civil Action
:
: No. 08-344-CD
:
:
:
:

DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT

Pursuant to Pa. R.C.P. No. 1028(c), Defendant Debra Wisor, 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 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 \$ 4,370.85 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

3-7-08
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.

Debra Wisor,
Defendant

*
*
* NO.: 08-344-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 1CC
9/11:10 am ATTY Foor
MAR 12 2008
(LM)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBRA WISOR,

Defendant

:
:
: Civil Action
:
: No. 08-344-CD
:
:
:
:

CERTIFICATE OF SERVICE

I, Robin Jean Foor, Esquire, hereby certify that on the 7th day of March, 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.

Debra Wisor,
Defendant

*
*
* NO.: 08-344-CD
*
* Type of Case: Civil
*
* Type of Pleading: Petition to
Schedule Argument
*
* 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 Atty
0/3:254m Foor
MAR 31 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBRA WISOR,

Defendant

:
:
: Civil Action
:
: No. 08-344-CD
:
:
:
:

PETITION TO SCHEDULE ARGUMENT ON DEFENDANT'S PRELIMINARY
OBJECTIONS TO PLAINTIFF'S COMPLAINT

Defendant, Debra Wisor, 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 February 28, 2008.
2. Defendant filed preliminary objections to the complaint on March 7, 2008.
3. As of March 31, 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

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBRA WISOR,

Defendant

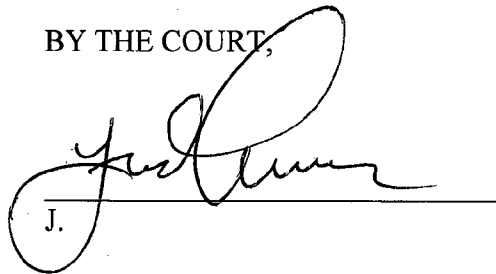
:
:
: Civil Action
: 08-344-CD
: No. 07-2100-CD
:
:
:
:

FILED
8:21:50 P.M. OR 3:44 A.M. FOR
APR 01 2008
William A. Shaw
Prothonotary/Clerk of Courts

ORDER

AND NOW, this 1ST day of April, 2008, upon consideration of Defendant Debra Wisor's Preliminary Objections filed in the above captioned matter, it is the Order of the Court that argument has been scheduled for the 2nd day of May, 2008 at 10:00 o'clock A.m. in Courtroom # 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


J.

FILED

APR 01 2008

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

DATE: 4-1-08

☒ 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-CIVIL DIVISION

LVNV FUNDING LLC,
Plaintiff

vs.

Debra Wisor,
Defendant

*
*
* NO.: 08-344-CD
*
* Type of Case: Civil
*
* Type of Pleading: Petition to Continue
* and Re-Schedule Argument
*
* 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

0/3:41/01
APR 09 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBRA WISOR,

Defendant

:
:
: Civil Action
:
: No. 08-344-CD
:
:
:
:

PETITION TO CONTINUE AND RE-SCHEDULE ARGUMENT ON DEFENDANT'S
PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT

Defendant, Debra Wisor, by and through her attorneys, Robin Jean Foor, Esq and
MidPenn Legal Services, requests the court to continue and re- schedule the argument on
defendant's objections and alleges as follows:

1. Defendant requested an argument be scheduled on her preliminary objections.
2. An argument was scheduled for May 2, 2008.
3. Counsel for the defendant is scheduled to be in Harrisburg on May 2, 2008.

WHEREFORE, defendant requests the Court to continue and re-schedule
argument on the Preliminary Objections.



Robin Jean Foor

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBRA WISOR,

Defendant

Civil Action

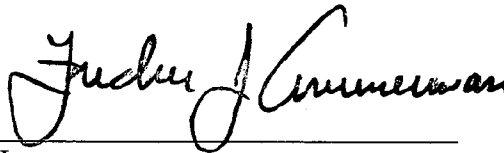
08-344

No. 07-2100-CD

ORDER

AND NOW, this 14th day of APRIL, 2008, upon consideration of Defendant Debra Wisor's Petition to Continue and Re-schedule Argument on Preliminary Objections filed in the above captioned matter, it is the Order of the Court that argument has been scheduled for the 9th day of May, 2008 at 10:15 o'clock A.m. in Courtroom # 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



J.

FILED

APR 14 2008

3cc

Atty For

OK

William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/14/08

☒ 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-CIVIL DIVISION

LVNV FUNDING LLC,
Plaintiff

vs.

Debra Wisor,
Defendant

*
*
* NO.: 08-344-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

0 11:38am GK

APR 16 2008 ICC Atty

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LVNV FUNDING, LLC,

Plaintiff

vs.

DEBRA WISOR,

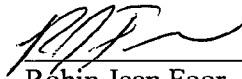
Defendant

:
:
: Civil Action
:
: No. 08-344-CD
:
:
:
:

CERTIFICATE OF SERVICE

I, Robin Jean Foor, Esquire, hereby certify that on the 15th day of April, 2008, I served a copy of the Petition and Order Re-scheduling Argument on 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, INC.,
Plaintiff

vs.

DEBRA WISOR,
Defendant

*
*
*
*
*

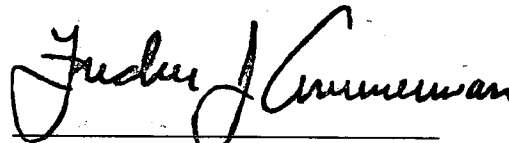
NO. 08-344-CD

ORDER

NOW, this 9th day of May, 2008, the date scheduled for argument on Defendant's Preliminary Objections, the Court notes the following:

1. Plaintiff's counsel received notification of said date for argument as indicated in the Certificate of Service filed by Defense counsel, Robin J. Foor, Esquire on April 16, 2008;
2. Plaintiff's counsel failed to appear for the argument scheduled for this date; and
3. Therefore, it is the ORDER of this Court that the Defendant's Preliminary Objections to the Plaintiff's Complaint are GRANTED and that the Plaintiff's Complaint be and is hereby DISMISSED.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
MAY 12 2008

ICC Atty:
Apotheker
Foor

William A. Shaw
Prothonotary/Clerk of Courts

64

FILED

MAY 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5/12/08

☐ 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:

Our File No.: 122345
APOTHAKER & ASSOCIATES, P.C.
BY: Kimberly F. Scian, Esquire
Attorney I.D. # 55140
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

LVNV FUNDING, LLC

Plaintiff,

vs.

DEBRA WISOR

Defendant.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

)

)

)

) NO. 2008-344-CO

)

)

)

)

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:

Kimberly F. Scian, Esquire

Dated: 5/6/2008

FILED *2 cc + a cont
of disc issued
m/12:05pm to Atty Scian*
MAY 19 2008
LM *Copy to C/A*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

LVNV Funding LLC

Vs.
Debra Wisor

No. 2008-00344-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on May 19, 2008, marked:

Dismissed without Prejudice

Record costs in the sum of \$95.00 have been paid in full by David J. Apothaker Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 19th day of May A.D. 2008.



LM

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103816
NO: 08-344-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LVNV FUNDING, LLC
vs.
DEFENDANT: DEBRA WISOR

SHERIFF RETURN

NOW, March 04, 2008 AT 9:31 AM SERVED THE WITHIN COMPLAINT ON DEBRA WISOR DEFENDANT AT 2845 DEER CREEK ROAD, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEBRA WISOR, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

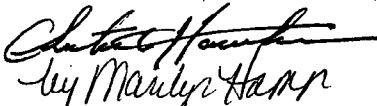
FILED
JUN 23 2008
0/2:45/12
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	76475	10.00
SHERIFF HAWKINS	APOTHAKE	76475	31.13

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff