

08-510-CD
Capital One vs Steven H. Brown

450004
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. 08-510-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Steven H Brown
(Defendant)

Filed on Behalf of:

CAPITAL ONE Bank
(Plaintiff/Defendant)

931 MAPLE AVE
(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

MAR 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

Att'y pd. 95.00

1 CC Att'y

1 CC Sheriff

Our File No.: 150006
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.

STEVEN H BROWN
931 MAPLE AVE
DU BOIS, PA 15801

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 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

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

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.)	
)	
STEVEN H BROWN)	
931 MAPLE AVE)	
DU BOIS, PA 15801)	
Defendant.)	
)	

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 STEVEN H BROWN, an adult individual residing at 931 MAPLE AVE 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 \$3,781.84.

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

9. The original creditor is .

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$3,781.84 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 L. Apothaker

Dated: 2/29/2008

Our File No.: 150006

VERIFICATION

Andy Kelly, 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 Kelly

DATE:

Your account is about to charge off as a bad debt.

- We report an R9 rating to credit bureaus when an account charges off.
- Lenders and employers nationwide can access credit bureau reports.
- An R9 will limit our ability to offer you financial solutions.
- You will still be responsible for repaying the debt.

Good news – it's not too late.

- Call 1-800-955-6600 for payment options.
- Pay with our free Check by Phone service.
- If you have online account access, log on to your account and pay now at www.capitalone.com.
- If you prefer, simply use the remittance coupon below.

The purpose of this letter is to collect a debt. Any information obtained will be used for that purpose.
 © 2004 Capital One Services, Inc. Capital One is a federally registered service mark. All rights reserved.

045-0404



GOLD VISA ACCOUNT

FEB 20 - MAR 19, 2005

4388-6417-4327-0782

Page 1 of 1

Account Summary

Previous Balance	\$2,064.23
Payments, Credits and Adjustments	\$4.00
Transactions	\$35.00
Finance Charges	\$40.74
New Balance	\$2,079.97
Minimum Amount Due	\$2,079.97
Payment Due Date	April 19, 2005
Total Credit Line	\$1,500
Total Available Credit	\$30
Credit Line for Cash	\$1,500
Available Credit for Cash	\$30

At your service

To call Customer Relations or to report a lost or stolen card:
1-800-903-3637

For free online account service and special customer offers, log on to:
www.capitalone.com

Send payments to:
 Attn: Remittance Processing
 Capital One Bank
 P.O. Box 790216
 St. Louis, MO 63179-0216

Send inquiries to:
 Capital One Services
 P.O. Box 85015
 Richmond, VA 23285-5015

Important Account Information

Please review the important information enclosed with your statement and keep a copy for your records.

Payments, Credits and Adjustments

Transactions

1 19 MAR PAST DUE FEE \$35.00

Capital One is proud to support The Heart of America® Foundation, helping children learn to read, succeed, and make a difference in the world. In 2003, we gathered nearly \$1 million worth of books for children in need. To learn more about how you can help a child make reading a lifelong passion, visit www.heartofamerica.org.

You were assessed a past due fee of \$35.00 on 03/19/2005 because your minimum payment was not received by the due date of 03/19/2005. To avoid this fee in the future, we recommend that you allow at least 7 business days for your payment to reach Capital One.

Finance Charges

Please see reverse side for important information

	Balance rate applied to	Periodic rate	Corresponding APR	FINANCE CHARGE
PURCHASES	\$1,811.19	.07189% P	26.24%	\$36.46
CASH	\$212.60	.07189% P	26.24%	\$4.28

ANNUAL PERCENTAGE RATE applied this period

25.24%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼



0000000 0 4388641743270782 19 2079970047002079977

New Balance \$2,079.97
 Minimum Amount Due \$2,079.97
 Payment Due Date April 19, 2005

Total enclosed \$
 Account Number: 4388-6417-4327-0782

Please print mailing address and/or e-mail changes below using blue or black ink.

Street Apt. #
 City State ZIP
 Home Phone Alternate Phone
 Email Address

Capital One Bank
 P.O. Box 790216
 St. Louis, MO 63179-0216

004692

#9007912535985667# MAIL ID NUMBER
 STEVEN H BROWN
 PO BOX 296
 DU BOIS PA 15801-0296

FILED

APR 18 2008

0110:40/W

William A. Shaw
Prothonotary/Clerk of Courts

2 Cmt to DEPT-

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK,

Plaintiff,

vs.

STEVEN H. BROWN,

Defendant.

:

:

: CIVIL ACTION

:

: No. 510 CD 2008

:

: Type of Pleading:

: ANSWER TO COMPLAINT

:

: Filed on behalf of: Defendant

:

: Counsel of Record for this

: Party: None/Pro Se

:

: STEVEN H. BROWN

: P.O. Box 296

: DuBois, PA 15801

: 814-590-0631

:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

CAPITAL ONE BANK,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
vs.	:	No. 510 CD 2008
	:	
	:	
STEVEN H. BROWN,	:	
	:	
Defendant.	:	

ANSWER

AND NOW, comes the Defendant and files the following Answer to the Plaintiffs Complaint:

1. Denied. The Defendant specifically denies that the Plaintiff has ever done business nor is its principle place of business at the Offices of the Law Firm which has filed the Complaint in this action. Strict proof demanded at time of Trial.

2. Admitted.

3. Denied. The Defendant denies that he ever requested, received and/or accepted any goods or services as set forth on Plaintiffs Exhibit A as said Exhibit contains no information as to the alleged goods or services.

4. Denied. The Defendant denies that he accepted any goods and/or services as set forth in Exhibit A as no goods or services are set forth therein.

5. Denied. The Defendant denies that any prices are set forth for alleged goods and services in the Plaintiffs Exhibit A.

6. Denied. The Defendant denies that credits for his account are accurately set forth in the Plaintiffs Exhibit A. Strict proof demanded at time of Trial. The Defendant avers that he is entitled to more credit than what would request in the net amount as stated in Plaintiffs Exhibit A.

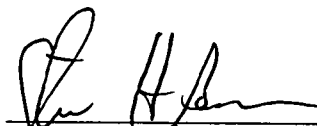
7. Denied. The Defendant denies that he owes the Plaintiff any money for any alleged goods or services allegedly supplied to the Defendant per his request. Strict proof of the same demanded at time of Trial.

8. Denied. The Defendant admits that the Plaintiff has demanded payment; however, the Defendant denies that any amount is due and owing any alleged goods or services allegedly supplied to the Defendant per his request. Strict proof of the same demanded at time of Trial.

9. Denied. As no complete allegation is contained in this paragraph in the Plaintiffs Complaint, the Defendant avers that no response is necessary. To the extent that a response is required, the Defendant denies the Plaintiffs allegation.

WHEREFORE, the Defendant requests that the Plaintiffs Complaint be dismissed and Judgment be entered in his favor along with such other relief as this Court may deem appropriate.

Respectfully submitted,

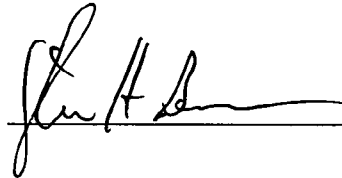


Steven H. Brown
Pro Se

VERIFICATION

I, Steven H. Brown, hereby state that I am the Defendant in this action and verify that the statements made in the foregoing Answer are true and correct to the best of my knowledge, information, and belief. I understand that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: X-18-08



COURT OF COMMON PLEAS OF ELK COUNTY
PENNSYLVANIA

CAPITAL ONE BANK,

Plaintiff,

vs.

STEVEN H. BROWN,

Defendant.

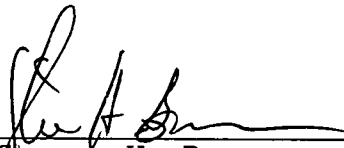
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: CIVIL ACTION
:
: No. 512 CD 2008
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CERTIFICATE OF SERVICE

I, Steven H. Brown, do hereby certify that a true and correct copy of the within Answer was served upon the following by U. S. First Class Mail, Postage Prepaid:

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

Date: 7-18-08



Steven H. Brown
Pro Se

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103925
NO: 08-510-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: STEVEN H. BROWN

SHERIFF RETURN

NOW, April 03, 2008 AT 8:55 AM SERVED THE WITHIN COMPLAINT ON STEVEN H. BROWN DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO STEVEN BROWN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED
03:09 AM
JUL 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	79456	10.00
SHERIFF HAWKINS	APOTHAKE	79456	38.19

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

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

Our file No.: 150006
APOTHAKER & ASSOCIATES, P.C.
BY: Jordan W. Felzer, Esquire
Attorney I.D.# 38670
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
215-634-8920
Attorneys for Plaintiff

FILED

AUG 22 2008
m/ll:uc
William A. Shaw
Prothonotary/Clerk of Court
1 West T H L
610

_____		)	COURT OF COMMON PLEAS OF
CAPITAL ONE BANK		)	CLEARFIELD COUNTY
)	
	Plaintiff,	)	DOCKET NO.: 08-510-CD
vs.)	
STEVEN H BROWN		)	Civil Action
)	
)	
	Defendant.)	
_____)	

ANSWER TO NEW MATTER

Plaintiff, CAPITAL ONE BANK, by and through their attorney, answers the following
New Matter:

8. No responsive pleading is required.
9. Denied. Plaintiffs claim is neither barred by the applicable statute of limitations
nor is it barred by the Doctrine of Laches.

WHEREFORE, Plaintiff demands that Defendant's New Matter be dismissed.

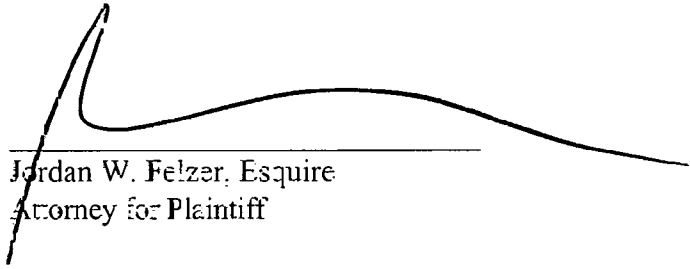
APOTHAKER & ASSOCIATES, P.C.
Attorneys for Plaintiff
A Law Firm Engaged in Debt Collection

BY: _____
Jordan W. Felzer, Esquire

DATED: August 18, 2008

VERIFICATION

Jordan W. Felzer, Esquire 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 Answer to New Matter 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 13 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.



Jordan W. Felzer, Esquire
Attorney for Plaintiff

DATE: August 18, 2008

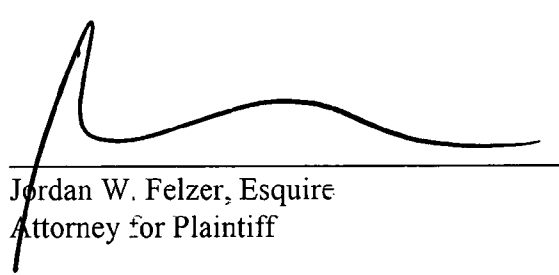
Our file No.: 150006
APOTHAKER & ASSOCIATES, P.C.
BY: Jordan W. Felzer, Esquire
Attorney I.D.# 38670
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

CAPITAL ONE BANK	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
)	
)	
Plaintiff,)	
vs.	)	NO.: 08-510-CD
)	
STEVEN H BROWN)	
)	
)	
Defendant.)	

CERTIFICATION OF SERVICE

I, Jordan W. Felzer, Esquire, attorney for Plaintiff, certify that on August 18, 2008, I mailed a copy of the Answer to New Matter by Regular mail to

JOSEPH H ELLERMEYER ESQ
379 MAIN STREET
BROOKVILLE, PA 15825



Jordan W. Felzer, Esquire
Attorney for Plaintiff

Date: August 18, 2008

Our File No.: 150006
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker
Attorney I.D.# 38670
520 Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

CAPITAL ONE BANK

Plaintiff

vs.

STEVEN H BROWN

Defendant

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)

) NO.: 08-510-CD
)
)
)
)

FILED 1 CC Att.
m/ 11:45 am
SEP 26 2008

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATION OF SERVICE

I, Jordan W. Felzer, Esquire, attorney for Plaintiff, certify that on September 23, 2008, I mailed a copy of the Answer to New Matter by Regular mail to

STEVEN H BROWN
931 MAPLE AVE
DU BOIS, PA 15801

Jordan W. Felzer, Esquire
Attorney for Plaintiff

Date: September 23, 2008

Our File No.: 150006
APOTHAKE & ASSOCIATES, P.C.
BY: David J. Apothaker, Esquire
Attorney I.D.# 38423
52C Fellowship Road C306
Mount Laurel, NJ 08054
(800) 672-0215
Attorney for Plaintiff

FILED

MAR 08 2010

William A. Shaw
Prothonotary/Clerk of Courts

CAPITAL ONE BANK	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
Plaintiff,)	
vs.)	
)	
STEVEN H BROWN	)	NO. 08-510-CD
)	
)	
Defendant.)	
)	

PRAECIPE TO DISMISS WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

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

By: _____
David J. Apothaker, Esquire

Dated: 3/3/2010