

08-512-CD
Capital One vs Steven H Brown

151894

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Capital One Bank
(Plaintiff)

c/o 2417 Welsh Road Suite 21 #520
(Street Address)
Phila., PA 19114
(City, State ZIP)

CIVIL ACTION

No. 08-512-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

vs.

Steven H Brown
(Defendant)

931 Maple Ave
(Street Address)
DuBois PA 15801
(City, State ZIP)

Filed on Behalf of:

Capital One 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. \$5.00
MAR 20 2008
1CC Atty
1CC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

Our File No.: 151894
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 |) 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. |) |
| |) |

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 páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia 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 tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla 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.

CLEARFIELD COUNTY BAR ASSOCIATION
Lawyer Referral and Information Service
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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.:

)

)

)

**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.

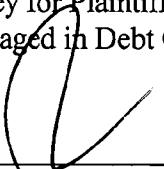
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".

7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$1,835.84.

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 \$1,835.84 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: 2/29/2008

Our File No.: 151894

VERIFICATION

_____Franky Peltig_____, hereby states that I am Att'l 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.

_____Franky Peltig_____,

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.

048-0-04

PLATINUM VISA ACCOUNT
4115-0721-8336-6528

FEB 20 - MAR 19, 2005

Page 1 of 1

Account Summary

| | |
|-----------------------------------|----------------|
| Previous Balance | \$1,070.76 |
| Payments, Credits and Adjustments | \$0.00 |
| Transactions | \$35.00 |
| Finance Charges | \$15.41 |
| New Balance | \$1,121.17 |
| Minimum Amount Due | \$1,121.17 |
| Payment Due Date | April 19, 2005 |
| Total Credit Line | \$800 |
| Total Available Credit | \$0.00 |
| Credit Line for Cash | \$800 |
| Available Credit for Cash | \$0.00 |

At your service

To call Capital One Relations or to report a lost or stolen card:
1-800-867-0904

Visit www.capitalone.com today to manage your account online and receive valuable offers.

Send payments to: Send inquiries to:
Attn: Remittance Processing Capital One Services
Capital One, F.S.B. P.O. Box 790217 P.O. Box 85015
P.O. Box 790217 Richmond, VA 23285-5015
St. Louis, MO 63179-0217

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 |
|---|--------|--------------|---------|

Your account has recently been past due, overlimit, or has had a returned payment. While we reserve the right to increase your Annual Percentage Rate and Annual Membership Fee if you fail to maintain the terms of your account, we have chosen not to do so at this time as we value you as our customer and appreciate your business. Please keep your account in good standing in the future to enable us to provide you with the best possible rates and level of service.

We will be changing how we allocate payments and credits to your account no sooner than your June 2005 billing period. As stated in your Customer Agreement, this may include allocation to balances with lower annual percentage rates (A.P.R.s) before balances with higher A.P.R.s. Please call the number on the back of your credit card if you have questions about the specific changes to your account.

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 | FINANCING CHARGE |
|-----------|-------------------------|---------------|-------------------|------------------|
| PURCHASES | \$1,078.17 | .05104% F | 18.63% | \$15.41 |
| CASH | \$4.00 | .05104% F | 18.63% | \$0.00 |

ANNUAL PERCENTAGE RATE applied this period

18.63%

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

Capital One

0000000 7 4115072183366528 19 1121170025001121177

| | |
|--------------------|-------------------------|
| New Balance | \$1,121.17 |
| Minimum Amount Due | \$1,121.17 |
| Payment Due Date | April 19, 2005 |
| Total enclosed | \$ <input type="text"/> |
| Account Number: | 4115-0721-8336-6528 |

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: <input type="text"/> | | |

#9007922558339031# MAIL ID NUMBER
MALAMAR IMAGING SYSTEMS
STEVEN H BROWN
PO BOX 296
EU BOIS PA 15801-0296

Capital One, F.S.B.
P.O. Box 790217
St. Louis, MO 63179-0217

051788

Please write your account number on your check or money order made payable to Capital One, F.S.B. and mail in the enclosed envelope.

FILED

APR 18 2008

0/10/08 (w)

William A. Shaw
Prothonotary/Clerk of Courts

610
2 cent to DEF.

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

CAPITAL ONE BANK, :
Plaintiff, : CIVIL ACTION
vs. : No. 512 CD 2008
STEVEN H. BROWN, : Type of Pleading:
Defendant. : 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. 512 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.

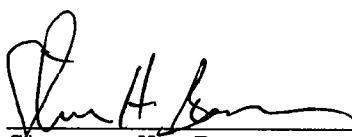
6. Denied. The Defendant denies that credits for his account are accurately set forth in the Plaintiffs Exhibit A. Strict proof demanded at time of Trial. The Defendant avers that he is entitled to more credit than what would request in the net amount as stated in Plaintiffs Exhibit A.

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.

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,



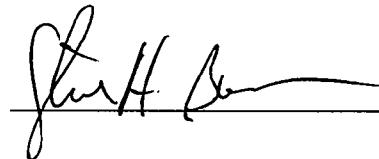
Steven H. Brown
Pro Se

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:

8-18-08



COURT OF COMMON PLEAS OF ELK COUNTY
PENNSYLVANIA

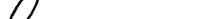
CAPITAL ONE BANK, :
Plaintiff, : CIVIL ACTION
vs. : No. 512 CD 2008
STEVEN H. BROWN, :
Defendant. :
:

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. Apotheker, Esquire
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Date: 4-18-08



Steven H. Brown
Pro Se

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103927
NO: 08-512-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
04/03/08
JUL 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|-----------|---------|--------|
| SURCHARGE | APOTHAKER | 79472 | 10.00 |
| SHERIFF HAWKINS | APOTHAKER | 79472 | 38.19 |

Sworn to Before Me This

____ Day of _____ 2008

So Answers,

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

FILED

OCT 08 2009
S u (10:40a
William A. Shaw
Prothonotary/Clerk of Courts
I sent to Atc

Our File No.: 151894
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

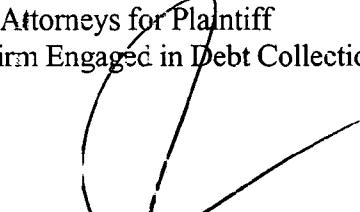
CAPITAL ONE BANK) COURT OF COMMON PLEAS
vs. Plaintiff,) CLEARFIELD COUNTY
STEVEN H BROWN)
Defendant.) NO. 08-512-CD

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: October 1, 2009

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

ASHLEY NOELLE MAUTHE

: NO.

2008-519-CD *Child Questionnaire*

v.

:

S

FILED

to Atts:

Ferraiacio

ALAN MICHAEL MARTIN

:

91:44cm

MAR - 2 2011

Ryan

William A. Shaw
Clearfield County Courts

ORDER FOR MEDIATION CONFERENCE and PAYMENT OF COSTS

NOW, this 2nd day of March, 2011, it is ORDERED that a Custody Mediation Conference be held before Allen H. Ryan, Ph.D., Licensed Child Psychologist.

It is further ORDERED that **EACH PARTY** to this action shall forthwith complete a Child Custody Mediation Questionnaire and forward the same to Dr. Ryan (416 Knarr Street, DuBois, Pennsylvania 15801) within Ten (10) days of receipt of this ORDER.

It is also ORDERED that the cost of said Mediation Conference shall be borne equally by the Plaintiff(s) and Defendant(s) named in this action.

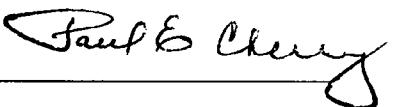
Each party named in this action (or counsel for the parties) shall deposit Two Hundred Fifty (\$250.00) Dollars (**money orders only**) made payable to the Clearfield County Treasurer and mailed to D. Rowles, Judge's Chambers, 230 East Market Street, Clearfield, Pennsylvania 16830 within Twenty-Five (25) days of the date of this Order, to proceed with the Mediation Conference "OR" submit a Custody Consent Order to the Court within Twenty-Five (25) days of the date of this Order foregoing the Mediation Conference.

This Court shall issue a further ORDER scheduling the Mediation Conference when the required deposit has been received from all parties participating in this action.

If a Custody Consent Order is received by the Court after the Twenty-Fifth day following this Order and no later than ***SEVEN (7)*** days before scheduled Mediation Conference, then each party or counsel for the parties shall include Twenty (\$20.00) Dollars (money order only) in order to defray administrative/processing expense. In this event the amount of Two Hundred Fifty (\$250.00) Dollars previously deposited by each party shall be returned.

FAILURE OF A PARTY TO DEPOSIT THE REQUIRED FEE OF 'TWO HUNDRED FIFTY (\$250.00) DOLLARS' SHALL RESULT IN THE OFFENDING PARTY BEING SUBJECT TO CONTEMPT PROCEEDINGS BEFORE THE COURT.

BY THE COURT,


PAUL E. CHERRY,
JUDGE

Attorney for Plaintiff: Blaise J. Ferraraccio
Attorney for Defendant: John R. Ryan

FILED

MAR - 2 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3-2-11

____ You are hereby advised to file a copy of this document.

The Clerk of Courts, Prothonotary, or Clerk of the following Court(s)

Probate Court, Lancaster, Other

Lancaster County, Other

Other