

08-514-CD
Capital One vs Michael J. Cordriet

151697

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. 08-514-CD

Type of Case: CIVIL

Type of Pleading: COMPLAINT

VS.

Filed on Behalf of:

Michael J. Coudriet CAPITAL ONE Bank
(Defendant) (~~Plaintiff~~) (Defendant)

479 FLEGAL Rd.
(Street Address)

Clearfield PA 16830
(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

M/11/11

LM

Att'y pd. \$95.00

ICC Att'y

ICC Sheriff

Our File No.: 151697
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.

MICHAEL J COUDRIET
479 FLEGAL RD
CLEARFIELD, PA 16830

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

Attorneys for Plaintiff

Defendant.

)

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 MICHAEL J COUDRIET, an adult individual residing at 479 FLEGAL RD CLEARFIELD, PA 16830.
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 \$9,112.57.

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 \$9,112.57 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.: 151697

VERIFICATION

Amby Peltz, 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.

Amby Peltz

DATE:

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

MICHAEL J COUDRIET
479 FLEGAL RD
CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

Debtor's Name:	MICHAEL J COUDRIET
Account Number:	5291152045527732
Balance Due:	\$9,112.57

Our File No.: 151697

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103929
NO: 08-514-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK
vs.
DEFENDANT: MICHAEL J. COUDRIET

SHERIFF RETURN

NOW, April 02, 2008 AT 5:33 PM SERVED THE WITHIN COMPLAINT ON MICHAEL J. COUDRIET DEFENDANT AT 479 FLEGAL RD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TRISH COUDRIET, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: SNYDER /

FILED
07/31/09
JUL 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	79376	10.00
SHERIFF HAWKINS	APOTHAKE	79376	20.00

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

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

MR. & MRS. COUDRIET

479 Flegal Road
Clearfield, PA 16830

FILED NO
013:24/BL CC
AUG 04 2008 @

July 30, 2008

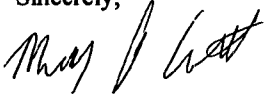
William A. Shaw
Prothonotary/Clerk of Courts

David J. Apothaker, Esquire
Apothaker & Associates, PC
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
via certified mail

RE: CAPITAL ONE BANK vs. MICHAEL J COUDRIET
NO: 08-514-CD

My defense to the above court case is my wife attempted to work directly with Capital One Bank due to a near fatal diagnosis which required me to be hospitalized. I was unable to work steady for a significant period of time. Capital One Bank would not work with my wife to resolve the balance or offer a conceivable agreement. Due to this, I was required to work with an alleged credit management company, which failed to make the required payments. When I began to work directly with Capital One Bank again, I offered a payment agreement that would meet my budget and this was rejected by Capital One Bank. At this time, I do not have the letters mailed to Capital One Bank due to computer failure, which erased my hard drive, and a backup was not saved. However, Capital One Bank should have the agreement letters on file. I feel I have made every possible effort to resolve this problem and received no assistance from the Plaintiff. Therefore, I believe this lawsuit should be dismissed.

Sincerely,



Michael J. Coudriet

Court Administrator
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830

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

CAPITAL ONE BANK

vs.

MICHAEL J COUDRIET

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
)
) NO. 08-514-CD
)

To: MICHAEL J COUDRIET
479 FLEGAL RD
CLEARFIELD, PA 16830

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

Date of Notice: July 25, 2008

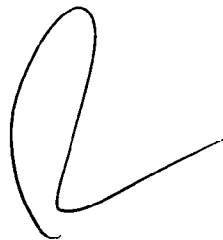
IMPORTANT NOTICE

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.

COURT ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
SECOND & MARKET STREETS
CLEARFIELD, PA 16830
814-765-2641



DAVID J. APOTHAKE, ESQUIRE
APOTHAKE & 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

Our File No.: 151697
BY: David J. Apothaker, Esquire, Esq.
APOTHAKE & ASSOCIATES, P C.
Attorney I.D.# 38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorney for Plaintiff

CAPITAL ONE BANK)	COURT OF COMMON PLEAS OF
C/O David J. Apothaker, Esq.)	CLEARFIELD CCUNTY
2417 Welsh Rd., Ste. 520 #21)	
Philadelphia, PA 19114)	NO.: 08-514-CD
Plaintiff,)	
vs.)	Civil Action
MICHAEL J COUDRIET)	
479 FLEGAL RD)	
CLEARFIELD, PA 16830)	
Defendant.)	

PRAECIPE TO SUBSTITUTE PARTY PLAINTIFF AS PER Pa RULE 2352 (a)

TO THE PROTHONOTARY:

Kindly substitute as Party Plaintiff, Capital One Bank (USA), N.A., in this action.

The right to substitution is based upon the following facts: Capital One Bank (USA), N.A, is the successor, who by operation of law, has succeeded to the interest of CAPITAL ONE BANK. Defendant's rights will not be prejudiced by this change.

APOTHAKE & ASSOCIATES, P.C.
Attorneys for Plaintiff

By:

David J. Apothaker

Dated: August 11, 2008

FILED ICC Atty
m/jl.2008 Apothaker
AUG 18 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

CAPITAL ONE BANK (USA), N.A.

Plaintiff

vs.

MICHAEL J COUDRIET
479 FLEGAL RD
CLEARFIELD, PA 16830

Defendant

) CIVIL ACTION

) No. 08-514-CD

) Type of Case: Breach of Contract

) Type of Pleading: Certificate of Readiness

) Filed on Behalf of: Plaintiff

Filed by: APOTHAKE & ASSOCIATES, P.C.
Attorneys for Plaintiff

Address: 520 Fellowship Road C306
Mount Laurel, NJ 08054

Phone: 800-672-0215

Signature: _____

Benjamin J. Cavallaro, Esquire

FILED
NOV 29 2010
William A. Shaw
Prothonotary/Clerk of Court
200
Att
Fifty pd.
20.00
(64

Our File No.: 151697

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

Civil Trial Listing / Certificate of Readiness

Plaintiff(s): CAPITAL ONE BANK (USA), Case Number: 08-514-CD
N.A.
Defendant(s): MICHAEL J COUDRIET

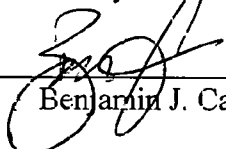
To the Prothonotary:

Arbitration Limit:

Type Trial Requested: _____ Jury _____ Non-Jury _____ X Arbitration
Estimated Trial Time: 15 minutes.

Jury Demand Filed By: N/A
Date Jury Demand Filed: N/A

Please place the above-captioned case on the trial list. I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.



Benjamin J. Cavallaro, Esquire

Dated: November 19, 2010

For the Plaintiff: Benjamin J. Cavallaro, Esquire

800-672-0215

For the Defendant: MICHAEL J COUDRIET, Pro Se

Certification of Current Address for all parties or counsel of record:

Name: CAPITAL ONE BANK (USA), N.A.
Address: c/o Apotheker & Associates, P.C.

520 Fellowship Rd. C306
Mt. Laurel, NJ 08054

Name: MICHAEL J COUDRIET, Pro Se
Address: 479 FLEGAL RD CLEARFIELD, PA 16830

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

CAPITAL ONE BANK (USA), N.A.
Plaintiff,

vs.

NO. 2008-0514-C.D.

MICHAEL J. COUDRIET
Defendant,

ORDER

NOW, this 30th day of January, 2011, it is the ORDER of the Court that the above-captioned matter is scheduled for Arbitration on **Thursday, March 3, 2011 at 1:00 P.M.** in the Conference/Hearing Room No. 3, 2nd Floor, Clearfield County Courthouse, Clearfield, PA. The following have been appointed as Arbitrators:

William C. Kriner, Esquire, Chairman

Toni M. Cherry, Esquire

Girard Kasubick, Esquire

Pursuant to Local Rule 1306A, you must submit your Pre-Trial Statement seven (7) days prior to the scheduled Arbitration. **The original should be forwarded to the Court Administrator's Office and copies to opposing counsel and each member of the Board of Arbitrators.** For your convenience, a Pre-Trial (Arbitration) Memorandum Instruction Form is enclosed as well as a copy of said Local Rule of Court.

FILED 502
S 01243/301 C/A
JAN 20 2011

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT

Fredric J. Ammerman
FREDRIC J. AMMERMAN
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Capital One Bank (USA) N.A.

vs.

Michael J. Coudriet

No. 2008-00514-CD

OATH OR AFFIRMATION OF ARBITRATORS

Now, this 3rd day of March, 2011, we the undersigned, having been appointed arbitrators in the above case do hereby swear, or affirm, that we will hear the evidence and allegations of the parties and justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty (20) days of the date of hearing of the same.

William C. Kriner, Esq.

Toni M. Cherry, Esq.
Girard Kasubick, Esq.

Chairman

Sworn to and subscribed before me this
March 3, 2011

Prothonotary

AWARD OF ARBITRATORS

Now, this 3rd day of March, 2011, we the undersigned arbitrators appointed in this case, after being duly sworn, and having heard the evidence and allegations of the parties, do award and find as follows:

Award for Plaintiff on Complaint
in the amount of \$5217.76.

Chairman

(Continue if needed on reverse.)

ENTRY OF AWARD

Now, this 3rd day of March, 2011, I hereby certify that the above award was entered of record this date in the proper dockets and notice by mail of the return and entry of said award duly given to the parties or their attorneys.

WITNESS MY HAND AND THE SEAL OF THE COURT

Prothonotary

By

FILED Notice to
3/3/11
MAR 03 2011
Amy Cavallaro
and Def- 479 Flegal Rd.
Clearfield, PA 16830

William A. Shaw
Prothonotary/Clerk of Courts

COPY

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

Capital One Bank (USA) N.A. :
Vs. : No. 2008-00514-CD
Michael J. Coudriet :

NOTICE OF AWARD

TO: Benjamin J. Cavallaro, Esq.

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on March 3, 2011, and have awarded:

Award for Plaintiff on Complaint in the amount of \$5,217.76.



William A. Shaw, Prothonotary

March 3, 2011
Date

This notice of award was placed on the docket and given by mail to the parties or their attorneys on March 3, 2011, at 1:33 p.m.

An Appeal from Award of Arbitration must be filed within thirty (30) days of date of award. Filing fee is fifty percent (50%) of the total award or the amount of compensation paid to the arbitrators, whichever is the least. Arbitrators' compensation to be paid upon appeal: \$600.00.

COPY

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

Capital One Bank (USA) N.A.

:

Vs.

: No. 2008-00514-CD

:

Michael J. Coudriet

NOTICE OF AWARD

TO: Michael J. Coudriet

You are herewith notified that the Arbitrators appointed in the above case have filed their award in this office on March 3, 2011, and have awarded:

Award for Plaintiff on Complaint in the amount of \$5,217.76.



William A. Shaw, Prothonotary

March 3, 2011

Date

This notice of award was placed on the docket and given by mail to the parties or their attorneys on March 3, 2011, at 1:33 p.m.

An Appeal from Award of Arbitration must be filed within thirty (30) days of date of award. Filing fee is fifty percent (50%) of the total award or the amount of compensation paid to the arbitrators, whichever is the least. Arbitrators' compensation to be paid upon appeal: \$600.00.