

08-961-CD  
Capital One vs David Stanley

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

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

(Plaintiff)

c/o Apothaker & Associates, P.C.

2417 Welsh Road, Suite 21 #520

(Street Address)

Philadelphia, PA 19114

(City, State, ZIP)

**CIVIL ACTION**

No. 08-9601-CD

Type of Case: CIVIL

Type of Pleading: PLEADING

VS.

Filed on Behalf of:

**DAVID STALEY**

(Defendant)

26 CIRCLE RD

(Street Address)

DU BOIS, PA 15801-6808

(City, State, ZIP)

**CAPITAL ONE BANK (USA),**

N.A.

(Plaintiff)

David J. Apothaker, Esq.

Apothaker & Associates, P.C.

(Filed by)

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(Address)

215 624-8920

(Phone)

(Signature)

**FILED** Atty ad. \$95.00

*MAY 23 2008* ICC Atty

William A. Shaw  
Prothonotary/Clerk of Courts

Our File No.: 158251  
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 (USA), N.A.  
c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

Plaintiff,  
vs.

DAVID STALEY  
26 CIRCLE RD  
DU BOIS, PA 15801-6808  
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 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. Se avisa 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 TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

CLEARFIELD COUNTY BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

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 (USA), N.A.  
c/o Apothaker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

Plaintiff,

vs.

DAVID STALEY  
26 CIRCLE RD  
DU BOIS, PA 15801-6808

Defendant.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

)

) NO.:

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**CIVIL ACTION COMPLAINT  
FIRST COUNT**

1. Plaintiff is CAPITAL ONE BANK (USA), N.A. c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.

2. Defendant(s) is/are DAVID STALEY, an adult individual residing at 26 CIRCLE RD DU BOIS, PA 15801-6808.

3. At the special instance and request of Defendant, Plaintiff, CAPITAL ONE BANK (USA), N.A., issued to Defendant(s), Account #5291492396547396.

4. Defendant received, accepted and used the account to its benefit.

5. This account is in default and Defendant(s) has an unpaid balance of \$14,529.63. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".

6. All credits, if any, to which Defendant(s) is entitled, have been applied to the account and are included in Exhibit "A".

7. Although demand has been made, Defendant(s) 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 \$14,529.63 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: 5/13/2008

Our File No.: 158251

VERIFICATION

Karly Fadig, hereby states that I am Age, 1 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.

Karly Fadig

DATE:

Special  
Capital One  
Cardholders  
Offer!

Now with  
**FREE Accelerator**  
for the first 12 months—a \$60 value

\$497\*

a month for  
first 3 months;  
\$9.95/mo. thereafter

**SIGN UP TODAY!**  
**1-888-587-9669**

Mention Offer Code: PEARL  
Or visit [www.peoplepc.com/go/pearl](http://www.peoplepc.com/go/pearl)

**UNLIMITED INTERNET ACCESS**

**CapitalOne®**

**Account Summary**

Previous Balance	\$7,705.14
Payments, Credits and Adjustments	\$0.00
Transactions	\$41.00
Finance Charges	\$173.59
 New Balance	 \$7,919.73
Minimum Amount Due	\$7,919.73
Payment Due Date	March 21, 2005
 Total Credit Line	 \$6,500
Total Available Credit	\$0.00
Credit Line for Cash	\$1,300
Available Credit for Cash	\$0.00

**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](http://www.capitalone.com)

Send payments to: Send inquiries to:  
Attn: Remittance Processing Capital One Services  
Capital One Services P.O. Box 85015  
P.O. Box 85147 Richmond, VA 23276 Richmond, VA 23285-5015

7310

▼ PLEASE RETURN PORTION BELOW WITH PAYMENT ▼

**CapitalOne®**

0000000 0 5291492396547396 21 7919730200007919732

New Balance	\$7,919.73
Minimum Amount Due	\$7,919.73
Payment Due Date	March 21, 2005
Total enclosed	\$ <input type="text"/>
Account Number:	5291-4923-9654-7396

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		

#9005332698732487# MAIL ID NUMBER

DAVID STALEY  
PO BOX 211  
FRENCHVILLE PA 16836-0211



007310

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-961-CD

CAPITAL ONE BANK (USA) N.A.  
VS  
DAVID STALEY

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/22/2008 HEARING: PAGE: 104208

DEFENDANT: DAVID STALEY  
ADDRESS: 26 CIRCLE RD  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS \_\_\_\_\_

FILED

0/8:30am  
JUN 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, THIS 3<sup>RD</sup> DAY OF JUNE 2008 AT 1:32 AM / PM SERVED THE WITHIN  
COMPLAINT ON DAVID STALEY, DEFENDANT

BY HANDING TO Justin Bailey I LIVE IN FRIEND

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS  
THEREOF.

ADDRESS SERVED 26 CIRCLE ROAD, DUBOIS, PA 15801

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR DAVID STALEY

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO DAVID STALEY

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2008

BY: Jerome M. Nevin

Deputy Signature

Jerome M. Nevin

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104208  
NO: 08-961-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA) N.A.

vs.

DEFENDANT: DAVID STALEY

**SHERIFF RETURN**

---

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	90327	10.00
SHERIFF HAWKINS	APOTHAKER	90327	37.19

**FILED**  
013:15 cm  
SEP 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008



Chester A. Hawkins  
Sheriff

Our File No.: 158251  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215

Attorney for Plaintiff

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

DAVID STALEY  
Defendant.

) COURT OF COMMON PLEAS OF  
) CLEARFIELD COUNTY  
)  
) NO.: 08-961-CD  
)  
) Civil Action  
)

**PRAECIPE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, DAVID STALEY, in the default of an Answer, in the amount of \$15,092.33 computed as follows:

Amount claimed in complaint:	\$14,529.63
Amount Paid:	\$(0.00)
Interest from May 13, 2008 to 04/01/09 at the legal interest rate of 6.000 per annum	\$420.51
Costs	\$142.19
Attorney fees	<u>\$0.00</u>
 TOTAL	 \$15,092.33

I hereby certify that the appropriate Notices of Default, as attached have been mailed in accordance with Pa.R.Civ.P. 237.1 on the dates indicated on the Notices.

I certify Defendant, DAVID STALEY, last know address is 26 CIRCLE RD DU BOIS, PA 15801-6808.

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

By:

David J. Apothaker

Dated: 4/1/2009

FILED Atty pd.  
M 12 27 2009 20.00  
APR 8 8 2009  
S William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Notice to Def.  
ICC Atty  
(60)

Our File No.: 158251

APOTHAKER & ASSOCIATES, P.C.

BY: David J. Apothaker

Attorney I.D.# 38423

520 Fellowship Road C306

Mount Laurel, NJ 08054

(800) 672-0215

Attorney for Plaintiff

CAPITAL ONE BANK (USA), N.A.	)	COURT OF COMMON PLEAS OF
	)	CLEARFIELD COUNTY
Plaintiff,	)	
vs.	)	
DAVID STALEY	)	NO.: 08-961-CD
	)	
Defendant.	)	Civil Action
	)	

**AFFIDAVIT OF NON-MILITARY SERVICE**

COMMONWEALTH OF PENNSYLVANIA

:

: SS.

COUNTY OF CLEARFIELD

:

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 26 CIRCLE RD DU BOIS, PA 15801-6808.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavely-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.

\_\_\_\_\_  
David J. Apothaker  
Attorney for Plaintiff

The above signed understands that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
STALEY	DAVID		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

*Report ID: BZR1DH1SHMX*

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

CAPITAL ONE BANK (USA), N.A.

vs.

DAVID STALEY

To: DAVID STALEY  
26 CIRCLE RD  
DU BOIS, PA 15801-6808

) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
)  
)  
)  
)  
NO. 08-961-CD  
)

**NOTICE, RULE 237.5**

**NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

Date of Notice: October 20, 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

151  
\_\_\_\_\_  
DAVID J. APOTHAKER, ESQUIRE  
APOTHAKER & ASSOCIATES, PC  
A Law Firm Engaged in Debt Collection  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff  
Attorney ID #38423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-907-CD

CAPITAL ONE BANK (USA) N.A.

VS  
ROSEMARY M. STALEY & DAVID STALEY  
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 06/14/2008

HEARING:

PAGE: 104177

DEFENDANT: DAVID STALEY

ADDRESS: 26 CIRCLE RD  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

COPY

**SHERIFF'S RETURN**

NOW This 3rd day of June 2008 at 1:30 AM/PM SERVED THE WITHIN

COMPLAINT ON DAVID STALEY, DEFENDANT

BY HANDING TO Justin Bailey, lives in Friend

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 26 CIRCLE ROAD, DUBOIS, PA 15801

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR DAVID STALEY

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO DAVID STALEY

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Newlin  
Deputy Signature

Jerome M. Newlin  
Print Deputy Name

**FILED**

**APR 08 2009**

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

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS

TO: DAVID STALEY  
26 CIRCLE RD  
DU BOIS, PA 15801-6808

CAPITAL ONE BANK (USA), N.A. ) COURT OF COMMON PLEAS OF  
 ) CLEARFIELD COUNTY  
 Plaintiff, )  
 vs. )  
 ) NO.: 08-961-CD  
 DAVID STALEY )  
 ) Civil Action  
 Defendant. )

---

**NOTICE**

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

JUDGMENT BY DEFAULT

JUDGMENT IN REPLEVIN

JUDGMENT BY CONFESSION

JUDGMENT FOR POSSESSION

JUDGMENT ON AWARD OF ARBITRATORS

JUDGMENT ON VERDICT

JUDGMENT ON COURT FINDINGS

JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apotheker, Esq. at this telephone number: 215-634-8920