

08-1174-CD

American Credit Coll vs James Ginter

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

PLAINTIFF

AMERICAN CREDIT COLLECTIONS, LLC
P.O. Box 264
Taylor, PA 18517

VS.

COMPLAINT IN CIVIL ACTION
DOCKET NO.: 08-CV-

08-1174-CD

DEFENDANT

JAMES GINTER
656 Beauleah
PO Box 122
Ramey, PA 16671

FILED ON BEHALF OF PLAINTIFF

ATTORNEY OF RECORD OF
THIS PARTY:

Todd O'Malley, Esquire
8 Reynolds Street
Factoryville, PA 18419
(570) 780-2954
PA ID 78741

FILED

JUN 26 2008

William A. Shaw

Prothonotary/Clerk of Courts

icc Sheriff

icc Atty

Atty pd. 95.00

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

CIVIL DIVISION

PLAINTIFF

AMERICAN CREDIT COLLECTIONS, LLC

P.O. Box 264

Taylor, PA 18517

NO.: 08-CV-

vs.

DEFENDANT

JAMES GINTER

656 Beauleah

PO Box 122

Ramey, PA 16671

COMPLAINT AND NOTICE TO DEFEND

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 an attorney and filing in writing with the court your defenses or obligations 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.

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.

MIDPENN LEGAL SERVICES
213 A North Front Street
Harrisburg, PA 17101
(717) 234-0492

PENNSYLVANIA REFERRAL SERVICE
Pennsylvania Bar Association LRS
Harrisburg, PA
717-238-6715
800-692-7375 (In State)

AMERICAN CREDIT COLLECTIONS, LLC
P.O. BOX 264
TAYLOR, PA 18517

PLAINTIFF

VS.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY

CIVIL DIVISION
DOCKET NO. 08-CV

JAMES GINTER
656 Beauleah
PO Box 122
Ramey, PA 16671

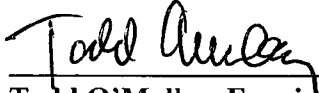
DEFENDANT

COMPLAINT

NOW COMES, the plaintiff by and through its Attorney, Todd OMalley, and hereby complains as follows:

1. The Plaintiff is AMERICAN CREDIT COLLCTIONS, LLC, a Pennsylvania Corporation with offices located at P.O. Box 264, Taylor, Lackawanna County, Pennsylvania.
2. The defendant is JAMES GINTER competent individual, who is a citizen of the United States and who currently, resides at 656 Beauleah, Ramey, in Clearfield County, Pennsylvania.
3. Defendant received a credit card with CITI BANK bearing the account number (5424180141640687).
4. Defendant made use of said credit card and has a current balance due of Thirty-Two Thousand and Eighty-Five Dollars and Sixty-Three Cents (\$32,085.63) as of June 11, 2008.
5. Defendant is in default by failing to make monthly payments when due. As such, the entire balance is immediately due and payable to Plaintiff.
6. Plaintiff is entitled to the addition of interest at the rate of 25.740% per annum on the unpaid balance from June 11, 2008. (A copy of Plaintiff's STATEMENT is attached hereto, marked as Exhibit "1" and made a part hereof).
7. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff, AMERICAN CREDIT COLLECTIONS, LLC, prays for judgment in its favor and against Defendant, JAMES GINTER, individually, in the amount of Thirty-Two Thousand and Eighty-Five Dollars and Sixty-Three Cents (\$32,085.63) with continuing interest thereon at the rate of 25.740% per annum from June 11, 2008 plus costs.

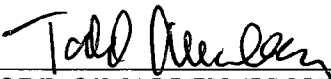


Todd O'Malley, Esquire
8 Reynolds Street
Factoryville, PA 18419
(570) 780-2954
PA ID 78741

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA. C.S. 4904 relating to unsworn falsifications to authorities, that he is TODD O'MALLEY, ESQUIRE authorized agent of AMERICAN CREDIT COLLECTIONS, LLC, Plaintiff herein that she is duly authorized to make this verification, and that the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.



TODD O'MALLEY, ESQUIRE
ATTORNEY FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1174-CD

AMERICAN CREDIT COLLECTIONS, LLC

vs

JAMES GINTER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 07/26/2008

HEARING:

PAGE: 104343

DEFENDANT:

JAMES GINTER

ADDRESS:

656 BEAULEAH, PO BOX 122

RAMEY, PA 16671

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 7-7-08 AT 2:25 AM PM SERVED THE WITHIN

COMPLAINT ON JAMES GINTER, DEFENDANT

BY HANDING TO

James Ginter Sr.

FATHER

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

ADDRESS SERVED

656 Bealeah St.

Ramey, Pa. 16671

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR JAMES GINTER

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JAMES GINTER

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature

James E. Davis
Print Deputy Name

FILED

07/31/33804
JUL 07 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AMERICAN CREDIT COLLECTIONS,
LLC,

Plaintiff

CIVIL DIVISION

No. 08 - 1174 - CD

vs.

JAMES GINTER,

Defendant

**DEFENDANT'S PRELIMINARY
OBJECTIONS TO PLAINTIFF'S
COMPLAINT**

Filed on Behalf of:

Plaintiff,

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 3CC
01:49:30
JUL 21 2008
Att'y J. Colavecchi
(610)
William A. Shaw
Prothonotary/Clerk of Courts

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

AMERICAN CREDIT COLLECTIONS, LLC, :
Plaintiff : No. 08 - 1174 - CD
:
vs. :
:
JAMES GINTER, :
Defendant :

**DEFENDANT'S PRELIMINARY OBJECTIONS
TO PLAINTIFF'S COMPLAINT**

Defendant, James Ginter, through his attorney, Joseph Colavecchi, Esquire, files Preliminary Objections to the Plaintiff's Complaint and respectfully avers as follows:

1. Plaintiff filed a Complaint in the Court of Common Pleas of Clearfield County, Pennsylvania, on or about June 26, 2008, alleging a credit card account between Defendant and CitiBank.

2. Plaintiff alleges there is an unpaid balance on the credit card account of Thirty-two Thousand Eighty-five Dollars and Sixty-three Cents (\$32,085.63).


3. Plaintiff failed to attach a copy of the alleged credit card agreement between Defendant and CitiBank.

4. Plaintiff has failed to produce detailed statements of the account showing all purchases and/or charges made on said account and how Plaintiff calculates the amount claimed to be due.

5. Plaintiff fails to state what, if any charges were made for interest, late fees and other various items which may have been imposed by Plaintiff and the legal authority for such charges.

6. Plaintiff's Complaint is insufficient on its face and should be dismissed because Plaintiff failed to produce an original copy of the agreement, a detailed monthly statement of the account setting out purchases and costs incurred so that Defendant is able to calculate the details leading to the conclusion of the Plaintiff in order to enter into a proper defense of the claims.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint be stricken pursuant to Pennsylvania Rule of Civil Procedure 1028 on the grounds of legal insufficiency.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AMERICAN CREDIT COLLECTIONS,
LLC,

Plaintiff

CIVIL DIVISION

No. 08 - 1174 - CD

vs.

RULE

JAMES GINTER,

Defendant

Filed on Behalf of:

Plaintiff,

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED

02:56 pm GK JCC Atty
JUL 22 2008 J. Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts (60)

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

AMERICAN CREDIT COLLECTIONS, :
LLC, : No. 08 - 1174 - CD
Plaintiff :
vs. :
JAMES GINTER, :
Defendant :

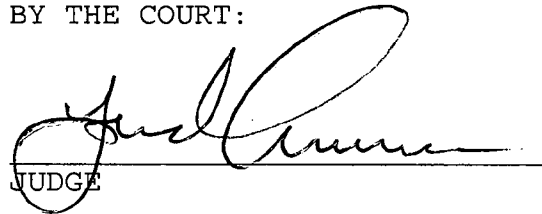
RULE

AND NOW, this 22 day of July, 2008, upon
consideration of the foregoing Defendant's Preliminary Objections
to Plaintiff's Complaint filed on behalf of the Defendant, a Rule
is issued on the Plaintiff to appear and show cause why the relief
requested therein should not be granted.

Rule made Returnable the 3rd day of September,
2008, at 9:00 A.M., Clearfield County Courthouse, Courtroom No.
1.

A total of one-half (1/2) hour has been set aside for this
hearing.

BY THE COURT:


JUDGE

DATE: 7-22-08

X 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:

FILED

JUL 22 2008

____ William A. Shaw
Prothonotary/Clerk of Courts

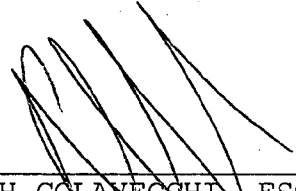
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

AMERICAN CREDIT COLLECTIONS, INC., :
Plaintiff : No. 08 - 1174 - CD
:
vs. :
:
JAMES GINTER, :
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Preliminary Objections and Rule Returnable in the above-captioned action was mailed by First Class Mail, postage prepaid, the 24th day of July 2008, to the attorney of record:

Todd O'Malley
Attorney at Law
8 Reynolds Street
Factoryville, PA 18419



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant
221 East Market Street
P.O. Box 131
Clearfield, PA 16830
814/765-1566

Dated: _____

7/24/08

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED NO CC.
JUL 28 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

AMERICAN CREDIT COLLECTIONS, LLC,
Plaintiff

vs.

JAMES GINTER,
Defendant

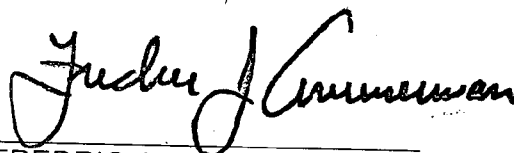
*
*
*
*
*

NO. 08-1174-CD

ORDER

NOW, this 3rd day of September, 2008, it is the ORDER of this Court that the Defendant's Preliminary Objections to the Plaintiff's Complaint be granted. The Plaintiff shall have no more than 30 days from this date to file an Amended Complaint which shall contain a copy of the assignment document as well as a detailed statement of the account showing purchases made, the name the account was in and calculation of all interest charges, late fees, attorney's fees and any other costs or charges which are part of the demand for payment.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

013:03/01
SEP 04 2008

100 Atty's

01 malley
J. Colavito

William A. Shaw
Prothonotary/Clerk of Courts

CS10

FILED

SEP 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/4/08

☐ You are responsible for serving all appropriate parties.
☒ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☒

☐ Defendant(s) ☒ Plaintiff(s) Attorney ☐ Other

☐ Special Instructions: ☒ Defendant(s) Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104343
NO: 08-1174-CD
SERVICES 1
COMPLAINT

PLAINTIFF: AMERICAN CREDIT COLLECTIONS, LLC
vs.
DEFENDANT: JAMES GINTER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	AMERICAN CREDIT	6086	10.00
SHERIFF HAWKINS	AMERICAN CREDIT	6086	42.57

⁵
FILED
9/30/08
OCT 10 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

FILED

NOV 14 2008

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AMERICAN CREDIT COLLECTIONS,
LLC,

Plaintiff

CIVIL DIVISION

No. 08 - 1174 - CD

vs.

JAMES GINTER,

Defendant

**MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

Filed on Behalf of:

Plaintiff,

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

AMERICAN CREDIT COLLECTIONS, LLC, :
Plaintiff : No. 08 - 1174 - CD
:
vs. :
:
JAMES GINTER, :
Defendant :

MOTION TO DISMISS PLAINTIFF'S COMPLAINT

NOW COMES, Joseph Colavecchi, Esquire, attorney for the Defendant, James Ginter, and files this Motion to Dismiss Plaintiff's Complaint and respectfully avers as follows:

1. A Complaint was filed by Plaintiff, American Credit Collections, LLC, against the James Ginter, Defendant, on or about June 26, 2008.

2. Defendant filed Preliminary Objections to Plaintiff's Complaint on or about July 21, 2008.

3. A Hearing was held on the Preliminary Objections on September 3, 2008.

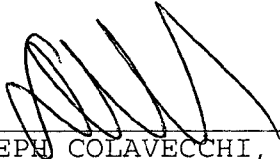
4. On September 3, 2008, an Order was issued by the Honorable Fredric J. Ammerman setting forth that the Plaintiff shall have no more 30 days from that date to file an Amended Complaint which shall contain a true and correct copy of the Agreement entered into by the Defendant at the time the credit card was issued as well as a detailed statement of the account showing purchases made, the

name the account was in and calculation of all interest charges, late fees, attorney's fee and any other costs or charges which are part of the demand for payment. A copy of said Order is attached hereto and marked Exhibit "A".

5. As of this date, November 14, 2008, more than 60 days past the Order of Court dated September 3, 2008, Plaintiff has not filed an Amended Complaint setting forth the additional information as directed by the September 3, 2008, Order of Court. A copy of the Docket Entries are attached hereto and marked Exhibit "B".

6. Defendant files this Motion to Dismiss requesting the Court to enter an Order dismissing Plaintiff's Complaint, with prejudice, for their failure to comply with the September 3, 2008, Order of Court.

WHEREFORE, Defendant requests your Honorable Court enter an Order dismissing Plaintiff's Complaint, with prejudice.


JOSEPH COLAVECCHI, ESQUIRE
Attorney for Defendant

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

AMERICAN CREDIT COLLECTIONS, LLC,
Plaintiff

vs.

JAMES GINTER,
Defendant

NO. 08-1174-CD

ORDER

NOW, this 3rd day of September, 2008, it is the ORDER of this Court that the Defendant's Preliminary Objections to the Plaintiff's Complaint be granted. The Plaintiff shall have no more than 30 days from this date to file an Amended Complaint which shall contain a copy of the assignment document as well as a detailed statement of the account showing purchases made, the name the account was in and calculation of all interest charges, late fees, attorney's fees and any other costs or charges which are part of the demand for payment.

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

Defendant's Exhibit

"A"

Date: 11/13/2008

Clearfield County Court of Common Pleas

User: BHUDSON

Time: 03:29 PM

ROA Report

Page 1 of 1

Case: 2008-01174-CD

Current Judge: Fredric Joseph Ammerman

American Credit Collections, LLCvs.James Ginter

Civil Other-COUNT

Date		Judge
6/26/2008	New Case Filed.	No Judge
	Filing: Civil Complaint Paid by: O'Malley, Todd (attorney for American Cred Collections, LLC) Receipt number: 1924683 Dated: 6/26/2008 Amount: \$95.00 (Check) 1CC shff and 1CC Atty.	No Judge
7/7/2008	Sheriff Return, NOW, 7/7/08 at 2:25 pm Served the within Complaint on James Ginter by handing to James Ginter Sr. So Answers, Chester A. Hawkins, Sheriff by s/James E. Davis, deputy.	No Judge
7/21/2008	Defendant's Preliminary Objections to Plaintiff's Complaint, filed by s/ Josep Colavecchi, Esquire. 3CC Atty. J. Colavecchi	No Judge
7/22/2008	Rule, this 22nd day of July, 2008, upon consideration of the Defendant's Preliminary Objections to Plaintiff's Complaint filed on behalf of the Defendant, a Rule is issued on the Plaintiff. Rule made Returnable the 3rd day of Sept., 2008, at 9:00 a.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. J. Colavecchi	Fredric Joseph Ammerman
7/28/2008	Certificate of Service, filed. That a true and correct copy of the Defendant's Preliminary Objections and Rule Returnable in the above-captioned action was mailed by first class mail the 24th day of July 208 to Todd O'Malley Esq., filed by s/ Joseph Colavecchi Esq. No CC.	Fredric Joseph Ammerman
9/4/2008	Order, this 3rd day of Sept., 2008, it is Ordered that the Defendant's Preliminary Objections to the Plaintiff's Complaint be granted. The Plaintiff shall have no more than 30 days from this date to file an Amended Complaint. by The Court, /s/ Fredric J. Ammerman, Pres. judge. 1CC Attys: O'Malley, J. Colavecchi	Fredric Joseph Ammerman
10/10/2008	Sheriff Return, RETURN COSTS So Answers, Chester A. Hawkins, Sherif by s/Marilyn Hamm Shff Hawkins costs pd by American Credit \$52.57	Fredric Joseph Ammerman

Defendant's Exhibit

"B"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

AMERICAN CREDIT COLLECTIONS,
LLC,

Plaintiff

vs.

JAMES GINTER,

Defendant

CIVIL DIVISION

No. 08 - 1174 - CD

ORDER

Filed on Behalf of:

Plaintiff,

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED 3cc

019:03:00 AM
NOV 20 2008

J. Colavecchi

William A. Shaw
Prothonotary/Clerk of Courts

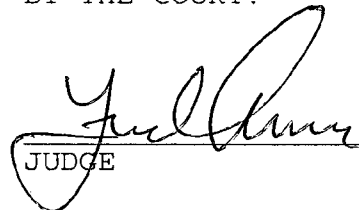
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

AMERICAN CREDIT COLLECTIONS, LLC, :
Plaintiff : No. 08 - 1174 - CD
:
vs. :
:
JAMES GINTER, :
Defendant :

ORDER

AND NOW, this 19th day of November, 2008, upon
consideration of the foregoing Motion to Dismiss Complaint, it is
hereby Ordered and Decreed that the Complaint filed in this action
be and is hereby dismissed, with prejudice.

BY THE COURT:


JUDGE

FILED

NOV 20 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/20/08

☒ 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: