

08-1854-CD  
Capital One vs Nicole Donahue

FILED

SEP 29 2008

Mr. / / 1901  
William A. Shaw  
Prothonotary/Clerk of Courts  
Court of Superior

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (USA), N.A. )  
Plaintiff ) NO. 2008-1854-CD  
v. )  
NICOLE DONAHUE )  
Defendant(s) )

**COMPLAINT IN CIVIL  
ACTION**

Filed on behalf of:  
CAPITAL ONE BANK (USA), N.A.

**Counsel of Record for This Party:**

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (USA), N.A. )  
Plaintiff ) NO.  
v. )  
NICOLE DONAHUE )  
Defendant(s) )

**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 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.

Usted ha sido demandado en corte. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted fall de tomar accion como se describe anteriormente, el caso pude proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinerc o propiedad au otros derechos importantes para usted.

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

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO

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CLEARFIELD COUNTY COURTHOUSE  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
814-765-2641

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
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CAPITAL ONE BANK (USA), N.A. )  
Plaintiff ) NO.  
v. )  
NICOLE DONAHUE )  
Defendant(s) )

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes Plaintiff, CAPITAL ONE BANK (USA), N.A. , by and through its attorney, GREGG MORRIS, ESQUIRE and the law offices of PATENAUME & FELIX, A.P.C. and files the following **Complaint in Civil Action**, and in support thereof aver as follows:

1. Plaintiff, CAPITAL ONE BANK (USA), N.A. , is a corporation and for the purpose of this litigation, maintaining a place of business c/o PATENAUE AND FELIX, A.P.C., 213 East Main St Carnegie, Pennsylvania 15106.
2. Defendant is NICOLE DONAHUE, an adult individual, believed to currently reside at 2142 CLEAR RUN RD DU BOIS, PA 15801-6248.
3. Heretofore, the Defendant(s) opened a account with Plaintiff being Account No. 4862367173373509, for the purchase of good and services.
4. The Defendant(s) has/have made or authorized a number of purchases and as of December 06, 2007, Defendant(s) owes \$1,471.75 on said account plus interest at 0.00 %.
5. Plaintiff maintains accurate books of account recording all credits and debits for this account.

6. The Defendant(s) have/has received monthly billing statements from Plaintiff setting forth the nature and amount of all charges made by Defendant(s), and the transactions between Plaintiff and Defendant(s) give rise to an account stated, upon which Plaintiff has relied.

7. The Defendant(s) made payments, but have/has refused to pay, and now refuses to pay the balance due and owing on the aforesaid account in the sum of \$1,471.75, plus interest and costs.

8. By failing to object or dispute the statements, Defendant(s) have/has assented to and agreed to the correctness of the balance due on the credit card account so as to constitute and account stated.

9. Despite repeated demands, Defendant(s) have/has failed to make the required installment payments when due and therefore the full amount of the account is now due and payable.

**WHEREFORE**, Plaintiff demands Judgment in its favor, and against Defendant(s), in the amount of \$1,471.75, plus interest as set forth herein from the date of breach, with continuing interest at the legal rate thereon from the date of Judgment plus costs. The damages requested are less than the maximum amount for compulsory arbitration as set by the Court.

Respectfully submitted:  
Paterno & Felix, A.P.C.

Date: July 16, 2008

\_\_\_\_\_  
Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

**VERIFICATION**

The undersigned, Gregg L. Morris, hereby states that he is the attorney for Plaintiff in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief. Counsel has signed the verification at the request of Plaintiff as a matter of time and convenience. Plaintiff has represented to counsel that there is a debt due and owing from Defendant to Plaintiff in the amount as set forth within the foregoing pleading. Plaintiff has provided counsel with all relevant information in order to allow counsel to sign this verification. Plaintiff agrees to provide a verification signed by Plaintiff upon request by Defendant. The statements are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Date: July 16, 2008

\_\_\_\_\_  
Gregg L. Morris, Esquire  
Paterno & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1854-CD

CAPITAL ONE BANK (USA), N.A.

vs  
NICOLE DONAHUE

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 10/29/2008 HEARING: PAGE: 104727

DEFENDANT: NICOLE DONAHUE  
ADDRESS: 2142 CLEAR RUN RD  
DUBOIS, PA 15801

FILED  
08:51 AM  
NOV 20 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 10/29/08 - 1:48 PM BLP:ASD    
N/M left Notice    

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM SERVED THE WITHIN

COMPLAINT ON NICOLE DONAHUE, DEFENDANT

BY HANDING TO \_\_\_\_\_ / \_\_\_\_\_

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

ADDRESS SERVED \_\_\_\_\_

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

COMPLAINT FOR NICOLE DONAHUE

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

NOW 11/20/08 AT 8:30 AM PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO NICOLE DONAHUE

REASON UNABLE TO LOCATE Attempted - Time Expired

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome Nerville  
Deputy Signature

Jerome Nerville  
Print Deputy Name

SWORN TO BEFORE ME THIS

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

I hereby certify this to be true and  
attested copy of the original  
statement filed in this case.

SEP 29 2008

Attest:

*William J. Schubert*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (USA), N.A.

Plaintiff

) NO. 2008-1854-CV

v.

NICOLE DONAHUE

Defendant(s)

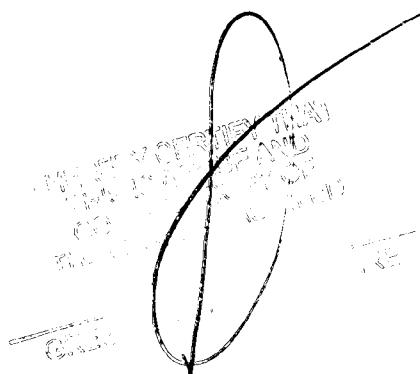
**COMPLAINT IN CIVIL  
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Filed on behalf of:  
CAPITAL ONE BANK (USA), N.A.

Counsel of Record for This Party:

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v.	)	
	)	
NICOLE DONAHUE	)	
	)	
Defendant(s)	)	
	)	

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Respectfully submitted:  
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Date: July 16, 2008

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Carnegie, PA 15106  
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Date: July 16, 2008

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Gregg L. Morris, Esquire  
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Carnegie, PA 15106  
(412) 429-7675

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104727  
NO: 08-1854-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: CAPITAL ONE BANK (USA), N.A.  
vs.  
DEFENDANT: NICOLE DONAHUE

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PATENAUME	26643	10.00
SHERIFF HAWKINS	PATENAUME	26643	36.23

5  
**FILED**  
010:50pm  
JAN 20 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

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

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

VS.

NICOLE DONAHUE  
Defendant

\* NO. 2008-1854-CD

\*

\*

\*

\*

**ORDER**

NOW, this 26<sup>th</sup> day of June, 2013, upon the Court's review of the docket and noting no activity for a period of over four years, it is the ORDER of this Court that the case be moved to inactive status. The Prothonotary shall code the case in Full Court as Z-INACTA.

BY THE COURT,

  
FREDERICK J. AMMERMAN  
President Judge

**FILED** No. C

09:17 am  
Z JUN 28 2013

4 William A. Shaw  
Prothonotary/Clerk of Courts

64

**FILED**

**JUN 28 2013**

William A. Shaw  
Prothonotary/Clerk of Courts

11/18/08 (BS) NOVE  
Atty. Morris

2-TFWOA

CA

5 FILED

2016 JUN 13 P 12:50

IN THE COURT OF COMMON PLEAS OF CLEARFIELD, BRIAN K. SPENCER  
PENNSYLVANIA PROTHONOTARY &  
CLERK OF COURTS

CAPITAL ONE BANK (USA), N.A.

)

Plaintiff

)

NO. 2008-1854

v.

)

NICOLE DONAHUE

)

Defendant(s)

)

)

**PRAECLYPE TO  
DISCONTINUE WITHOUT  
PREJUDICE**

Filed on behalf of:  
CAPITAL ONE BANK (USA), N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire  
Pa I.D. #69006

Patenaude & Felix, A.P.C.  
213 E. Main Street  
Carnegie, PA 15106  
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CAPITAL ONE BANK (USA), N.A. )  
Plaintiff ) NO. 2008-1854  
v. )  
NICOLE DONAHUE )  
Defendant(s) )

## **PRAEICE TO DISCONTINUE WITHOUT PREJUDICE**

TO: Prothonotary

Please discontinue the matter captioned above without prejudice upon payment of costs only. Thank you.

Respectfully submitted:  
Paterno & Felix, A.P.C.

Date: June 10, 2016

Gregg L. Morris, Esquire  
213 E. Main Street  
Carnegie, PA 15106 -  
(412) 429-7675