

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY  
PENNSYLVANIA

COVER SHEET

Plaintiff:  LVNV FUNDING, LLC	Case No.:
	Type of Pleading: Complaint
	Code & Classification
	Filed on Behalf of : LVNV FUNDING, LLC
Vs.	
Defendant:  KATHI BERRY	X Counsel of Record Individual, If Pro Se
	Name, Address & Telephone Number:  Apothaker & Associates, P.C. 520 Fellowship Road C306 Mount Laurel, NJ 08054 800-672-0215
	Attorney State ID: 38423

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION-ARBITRATION DOCKET

LVNV FUNDING, LLC  
15 SOUTH MAIN STREET STE 700  
GREENVILLE, SC 29601

Plaintiff,

vs.

KATHI BERRY  
3233 THAYER ST  
PITTSBURGH, PA 15204-2119  
Defendant.

ARBITRATION DOCKET

NO.:

**HEARING DATE:** \_\_\_\_\_  
Room 523 5th Floor Courthouse  
9:00 a.m.

**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 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. 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.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association,  
11th Floor Koppers Building, 436 Seventh Ave  
Pittsburgh, Pennsylvania 15219  
Telephone: (412) 261-5555

**HEARING NOTICE**

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania on \_\_\_\_\_ at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

**DUTY TO APPEAR AT ARBITRATION HEARING**

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. *THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.*

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you *before the hearing*.

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is *no right to a trial de novo on appeal from a decision entered by a judge*.

Our File No.: 329908  
 APOTHAKER & ASSOCIATES, P.C.  
 BY: David J. Apothaker, Esquire  
 Attorney I.D.# 38423  
 520 Fellowship Road C306  
 Mount Laurel, NJ 08054  
 (800) 672-0215  
 Attorneys for Plaintiff

LVNV FUNDING, LLC  
15 SOUTH MAIN STREET STE 700  
GREENVILLE, SC 29601

Plaintiff,

VS.

KATHI BERRY  
3233 THAYER ST  
PITTSBURGH, PA 15204-2119  
Defendant.

COURT OF COMMON PLEAS  
ALLEGHENY COUNTY

NO.:

CIVIL ACTION COMPLAINT  
FIRST COUNT

1. Plaintiff is LVNV FUNDING, LLC, 15 SOUTH MAIN STREET STE 700, GREENVILLE, SC 29601.
2. Defendant(s) is/are KATHI BERRY, an adult individual residing at 3233 THAYER ST PITTSBURGH, PA 15204-2119.
3. Plaintiff, LVNV FUNDING, LLC, is the Assignee and Successor in Interest of Account # ending in 5456; and said account was issued to Defendant(s) by CREDIT ONE BANK, NA, the Original creditor.
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 \$708.46. 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 \$708.46 and requests this Court award costs to the extent permitted by applicable law.

APOTHAKE & ASSOCIATES, P.C.  
Attorney for Plaintiff  
A Law Firm Engaged in Debt Collection

BY: /s/ David J. Apothaker  
David J. Apothaker

Dated: 1/19/2012

**VERIFICATION**

I, David J. Apothaker, Esquire, hereby verify subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities that I am counsel for Plaintiff in this action, that I make this Verification based upon the facts as supplied to me by the Plaintiff and/or its agents and because the Plaintiff is outside the jurisdiction of the court, and that the facts set forth in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief.

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

A handwritten signature in black ink, appearing to be 'DJA' with a stylized flourish.

BY: \_\_\_\_\_  
David J. Apothaker, Esquire

DATE: 1/10/2012

Statement Closing Date 11/06/09	Total Credit Line \$200.00	Available For Purchases \$0.00	Available For Cash \$0.00	New Balance \$708.46
Payment Due Date 12/01/09	Amount Over Credit Line (OCL) \$508.46	Amount Past Due \$145.00	Amount Due This Period \$595.46	<b>Minimum Payment Due \$708.46</b>

**To avoid OCL fees, pay the greater of the "Amount OCL" or the "Minimum Payment Due" by the due date.**

Trans Date	Post Date	Reference Number	Activity Since Last Statement	Amount
11/06	11/06	SERVICE CHARGE	CLOSED ACCT. MAINT FEE *FINANCE CHARGE*	3.00
11/06	11/06		LATE FEE	32.00
		*FINANCE CHARGE*	PURCHASES \$12.08 CASH ADVANCE \$0.00	12.08

YOUR ACCOUNT IS SCHEDULED TO BE CHARGED OFF.  
THE BALANCE WILL BE DUE IN FULL. CALL (888)  
729-6274.

YOUR ACCOUNT IS CURRENTLY CLOSED.

Account Summary	Previous Balance	(+) Purchases, Fees, Charges & Advances	(-) Payments & Credits	(+) FINANCE CHARGE included in APR	(=) New Balance
	\$661.38	\$32.00	\$0.00	\$15.08	\$708.46

Days This Billing Period: 31

Rate Summary	Average Daily Balance	Monthly Periodic Rate	Corresponding APR	ANNUAL PERCENTAGE RATE (APR)
PURCHASES	\$606.56	1.992%	23.90%	<b>29.83%</b>
CASH ADVANCES	\$0.00	1.992%	23.90%	<b>23.90%</b>

SEND PAYMENTS TO: P.O. BOX 60500 CITY OF INDUSTRY, CA 91716-0500

Make check or money order payable in U.S. dollars on a U.S. bank to Credit One Bank. Include account number on check or money order. No cash please.

0002

Your Account Number

5456

Payment Due Date

12/01/09

Your New Balance

\$708.46

Minimum Payment Due

\$708.46

Please Enter Amount Of Payment Enclosed

\$

☐ For address and telephone changes, please check the box and complete reverse side.

To ensure proper credit, please return this portion with your payment. Please write your account number on your check, made payable to CREDIT ONE BANK. We may process your payment electronically. See payments paragraph on back.

CREDIT ONE BANK  
PO BOX 60500  
CITY OF INDUSTRY CA 91716-0500

KATHI BERRY  
3235 THAYER ST  
PITTSBURGH PA 15204-2119

26759