

02-1387-CD  
DISCOVER BANK -vs- ROBERT L. SMITH

Our File No. 150177  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Ron Z. Opher, Esquire, I.D. 57507  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
(610) 265-7720

**FILED**

SEP 06 2002

COURT OF ~~William Penn~~  
COUNTY OF ~~Pitt~~  
~~CLEARFIELD~~

DISCOVER BANK : TRIAL DIVISION  
c/o ERIC M. BERMAN, P.C. :  
198 Allendale Road, Suite 306 :  
King of Prussia, PA 19406 : CIVIL ACTION  
vs. : \_\_\_\_\_ Term \_\_\_\_\_  
ROBERT L SMITH :  
-----X No. 02-1387-CD

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 this complaint or for any other claim or relief required 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 OR FIND OUT WHERE YOU CAN GET LEGAL HELP.

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 plaza al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o 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. A demas la corte puede decidir a favor del demandante 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 INMEDIATEMENTE. SI NO TIENE ABOGA O SO NO TIENE EL DINERO SUFFICIENTE 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.

LAWYER REFERRAL SERVICE, COUNTY OF CLEARFIELD BAR ASSOCIATION  
Address: CLEARFIELD COUNTY COURTHOUSE, CLEARFIELD, PA 16830 Tel.: 800-692-73

Our File No. 150177  
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-----X  
DISCOVER BANK : COURT OF COMMON PLEAS  
: COUNTY OF CLEARFIELD  
c/o ERIC M. BERMAN, P.C. : CIVIL ACTION  
198 Allendale Road, Suite 306 : \_\_\_\_\_ Term \_\_\_\_\_  
King of Prussia, PA 19406 :  
: No.  
vs. :  
: ROBERT L SMITH :  
-----X

COMPLAINT

1. Plaintiff, DISCOVER BANK ,  
is a DELAWARE BANK  
licensed to do business in the Commonwealth of Pennsylvania with its  
place of business at P.O. BOX 8003, HILLIARD, OH 43026.

2. The Defendant(s), ROBERT L SMITH ,  
resides at 12 DIXON AVE , DU BOIS, PA 15801-1213.

3. There is due from the Defendant(s) the sum of \$3,394.98 for  
credit extended by Plaintiff to Defendant(s), acct. no. 6011002530563592,  
and which such credit was drawn and used by the Defendant(s).  
Defendant(s) is in default for failure to make payments for such use.

4. The Plaintiff has made demand upon the Defendant(s) for payment  
of monies in the sum of \$3,394.98 advanced to Defendant(s) through  
Defendant(s) use of the above-referenced credit account, but Defendant(s)  
has failed and refused to pay the said sum or any part thereof.

5. All applicable credits, if any, have been duly applied to  
Defendant(s) credit account.

WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$3,394.98  
plus interest, attorneys fees and costs which are justly due and  
owing from the Defendant(s) to the Plaintiff.

Dated: MARCH 05, 2002

ERIC M. BERMAN, P.C.

BY: 

ERIC M. BERMAN, ESQUIRE

SPACE-AQ



BY: 

RON Z. OPHER, Esquire  
Attorneys for Plaintiff

VERIFICATION

RON Z. OPHER, ESQUIRE, being duly sworn according to law, deposes and says that he is of Counsel to the Law Firm of Eric M. Berman, P.C., and/or ERIC M. BERMAN, ESQUIRE, being duly sworn according to law, deposes and says that he is the Principal attorney of Eric M. Berman, P.C., attorneys for the Plaintiff, and as said attorney, he is authorized to take this verification on its behalf, and that the facts in the Complaint as set forth therein are true and correct to the best of his knowledge, information and belief.

I verify that the statements made in the within instrument are true and correct. I understand that false statements are subject to the penalties of 18 Pa C.S.A. Section 4904 relating to unsworn falsifications to authorities.



---

ERIC M. BERMAN, ESQUIRE



---

RON Z. OPHER, ESQUIRE

Dated: MARCH 05, 2002

SPACE-AQ

**ATTORNEY:** **BERMAN**  
**ACCOUNT NUMBER:** 6011002530563592  
**BALANCE:** \$3394.98  
**CARDMEMBER(S):** ROBERT L SMITH

STATE OF OHIO  
COUNTY OF FRANKLIN

K LANNING, personally appeared before me, this day and after being duly sworn, according to law, upon his/her oath and says:

I am a Legal Placement Account Manager for **DISCOVER FINANCIAL SERVICES INC.**, the servicing agent of **DISCOVER BANK**, an FDIC insured Delaware State Bank.

THAT this affidavit is made on the basis of my personal knowledge and in support of Plaintiff's suit on account against the Debtor(s)

THAT, in my capacity as Legal Placement Account Manager, I have control over and access to records regarding Discover Card Account Berman of the above referenced Debtor(s), further, that I have personally inspected said Account and statements regarding the balance due on said account. **DISCOVER FINANCIAL SERVICES, INC.** maintains these records in the ordinary course of business.

THAT the annexed statement of account is a true and correct statement of what is now due and owing Discover Bank on the account, and exhibit A is a copy of the Cardmember Agreement between Discover Bank and the above referenced Debtor(s). The Cardmember Agreement governs the terms and conditions of the relationship between Discover Bank and the Debtor(s) in connection with the account.

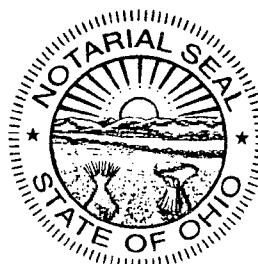
Based on my review of the account records, to the best of my knowledge and belief the above referenced Debtor(s) is not engaged in the military service of the United States and is a resident of the State and of the Country in which this action has been filed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Affiant

Sworn and Subscribed before me,  
This day of Monday, February 18, 2002.

  
NOTARY



KAREN RENEE LIVENGOOD  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
Apr. 05, 2006

**FILED**

Att'y pd.

3 11:02 AM

SEP 06 2002

80.00

2 cc shff

*WAS*  
William A. Shaw  
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13019

DISCOVER BANK

02-1387-CD

VS.

SMITH, ROBERT L.

COMPLAINT

**SHERIFF RETURNS**

---

NOW OCTOBER 3, 2002 AFTER DILIGENT SEARCH IN MY BAILIWICK I  
RETURN THE WITHIN COMPLAINT "NOT FOUND" AS TO ROBERT L. SMITH,  
DEFENDANT. DEFENDANT IS DECEASED.

---

Return Costs

Cost	Description
31.35	SHFF. HAWKINS PAID BY: ATTY
10.00	SURCHARGE PAID BY; ATTY.

Sworn to Before Me This

4th Day Of Oct 2002  
K. E. Sargent

Deputy Prothonotary  
My Commission Expires  
1st Monday in Jan. 2006  
Clearfield Co., Clearfield, PA

So Answers,

  
Chester A. Hawkins  
Sheriff

**FILED**

OCT 04 2002

William A. Shaw  
Prothonotary

Our File No. 150177  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.

BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Ron Z. Opher, Esquire, I.D. 57507  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406  
(610) 265-7720

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

SEP 06 2002

Attest.

COURT OF COMMON PLEAS  
PROTHONOTARY  
COUNTY OF CLEARFIELD  
CLERK OF COURTS

DISCOVER BANK

c/o ERIC M. BERMAN, P.C.  
198 Allendale Road, Suite 306  
King of Prussia, PA 19406

TRIAL DIVISION

vs.

CIVIL ACTION

ROBERT L SMITH

Term \_\_\_\_\_  
No. 02-1387-cd

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Dated: MARCH 05, 2002

ERIC M. BERMAN, P.C.

BY:   
ERIC M. BERMAN, ESQUIRE

SPACE-AQ

BY:   
RON Z. OPHER, Esquire

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ERIC M. BERMAN, ESQUIRE



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RON Z. OPHER, ESQUIRE

Dated: MARCH 05, 2002

SPACE-AQ

ERIC M. BERMAN, P.C.  
BY: Ron Z. Opher, Esquire  
Attorney for Plaintiff  
Attorney #57507  
985 Old Eagle School Rd., Suite 505  
Wayne, PA 19087  
(610) 902-0530

Discover Bank

Robert L. Smith  
12 Dixon Ave.  
Du Bois, PA 15801-1213

Plaintiff

v.

Defendant

IN THE COURT OF COMMON PLEAS  
Clearfield COUNTY, PA

CIVIL ACTION - LAW

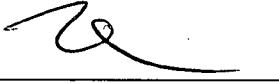
NO. 02-1387-CD

PRAECIPE TO WITHDRAW COMPLAINT WITHOUT PREJUDICE

TO THE PROTHONOTARY:

Kindly mark the Complaint in the above-captioned matter WITHDRAWN WITHOUT  
PREJUDICE.

BY:

  
Ron Z. Opher, Esquire  
Attorney for Plaintiff

DATED: October 17, 2002

**FILED**

OCT 30 2002

William A. Shaw  
Prothonotary