

02-1563-CD
DISCOVER BANK vs. STEPHEN MATTHEW DUFFALO

Our File No. 157374
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.

BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57507
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
(610) 902-0530

FILED

OCT 07 2002

11/21/05 MA pd 8000

William A. Shaw
Prothonotary

COURT OF COMMON PLEAS
COUNTY OF CLEARFIELD

-----X
DISCOVER BANK
c/o ERIC M. BERMAN, P.C.
985 Old Eagle School Road, Suite 505
Wayne, PA 19087

TRIAL DIVISION

CIVIL ACTION

vs.

Term

STEPHEN MATTHEW DUFFALO

No. 02-1563-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 abagado 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 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 SUFICIENTE 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. 157374
ATTORNEYS FOR PLAINTIFF
ERIC M. BERMAN, P.C.
BY: Eric M. Berman, Esquire, I.D. 83698
BY: Ron Z. Opher, Esquire, I.D. 57505
985 Old Eagle School Road, Suite 505
Wayne, PA 19087
(610) 902-0530

-----X
DISCOVER BANK : COURT OF COMMON PLEAS
c/o ERIC M. BERMAN, P.C. : COUNTY OF CLEARFIELD
985 Old Eagle School Road, Suite 505 : CIVIL ACTION
Wayne, PA 19087 : _____ Term _____
vs. : No.
STEPHEN MATTHEW DUFFALO :
-----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), STEPHEN MATTHEW DUFFALO ,
resides at 545 W LONG AVE , DU BOIS, PA 15801-1709.

3. There is due from the Defendant(s) the sum of \$2,224.86 for
credit extended by Plaintiff to Defendant(s), acct. no. 6011002410657530,
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 \$2,224.86 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 \$2,224.86
plus interest, attorneys fees and costs which are justly due and
owing from the Defendant(s) to the Plaintiff.

Dated: MAY 07, 2002

SPACE-AQ

ERIC M. BERMAN, P.C.

BY: 
ERIC M. BERMAN, ESQUIRE

BY: 
RON Z. Opher, Esquire
Attorneys for Plaintiff


VERIFICATION

RON Z. OPPER, 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. OPPER, ESQUIRE

Dated: MAY 07, 2002

SPACE-AQ

ATTORNEY: BERMAN
ACCOUNT NUMBER: 6011002410657530
BALANCE: \$2224.86
CARDMEMBER (S): STEPHEN MATTHEW DUFFALO

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 6011002410657530 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.

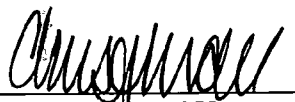
THAT the annexed statement of account is a true and correct statement of what is now due and owing Discover Bank on the account, and exhibit A is a copy of the Cardmember Agreement between Discover Bank and the above referenced Debtor(s). The Cardmember Agreement governs the terms and conditions of the 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 11, 2002.


NOTARY



CHRISTY BALL
Notary Public
In and for the State of Ohio
My Commission Expires
August 20, 2006

FILED

OCT 07 2002

*At Court
pl. 22 to Sheriff*

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13143

DISCOVER BANK

02-1563-CD

VS.

DUFFALO, STEPHEN MATTHEW

COMPLAINT

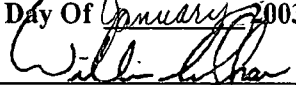
SHERIFF RETURNS

NOW OCTOBER 25, 2002 AT 1:14 PM DST SERVED THE WITHIN COMPLAINT ON
STEPHEN MATTHEW DUFFALO, DEFENDANT AT RESIDENCE, 116 1/2 SIMPSON
AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SHIRLEY
DUFFALO, MOTHER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT
AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: COUDRIET/RYEN



Return Costs

Cost	Description
42.70	SHFF. HAWKINS PD. BY: ATTY.
10.00	SURCHARGE PD. BY: ATTY.

Sworn to Before Me This

17 Day Of January 2003


So Answers,



Chester A. Hawkins
Sheriff

FILED

JAN 17 2003

William A. Shaw
Prothonotary

FILED

FEB 24 2003

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

William A. Shaw
Prothonotary

Discover Bank

Plaintiff

v.

STEPHEN MATTHEW DUFFALO
116 1/2 Simpson Ave.
DU BOIS, PA 15801

Defendant

IN THE COURT OF COMMON PLEAS
Clearfield COUNTY, PA

CIVIL ACTION - LAW

NO. 2002-1563-CD

PRAECIPE FOR JUDGMENT

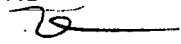
Enter Judgment in favor of Plaintiff, **Discover Bank**, against Defendant, **STEPHEN MATTHEW DUFFALO**, for want of an answer

Assess damages as follows:

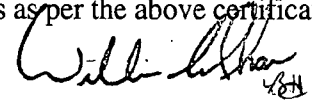
Debt	\$2224.86
TOTAL	\$2224.86 (plus costs)

I CERTIFY THAT THE FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED AMOUNTS ALLEGED TO BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM CERTAIN FROM THE COMPLAINT.

I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered after the default occurred and at least ten days prior to the date of the filing of this praecipe. Copies are attached. R.C.P. 237.1


Ron Z. Opher, Esquire ID #57507
Attorney for Plaintiff

AND NOW February 24, 2003, Judgment is entered in favor of **Discover Bank**, against Defendant, **STEPHEN MATTHEW DUFFALO**, by Default for want of an answer, and damages assessed at the sum of \$2224.86 plus costs as per the above certification.


Prothonotary

OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield COUNTY COURTHOUSE
P.O. Box 549
Clearfield, PA 16830

TO: **STEPHEN MATTHEW DUFFALO**
116 1/2 Simpson Ave.
DU BOIS, PA 15801

Discover Bank

Plaintiff

v.

STEPHEN MATTHEW DUFFALO
116 1/2 Simpson Ave.
DU BOIS, PA 15801

Defendant

: IN THE COURT OF COMMON PLEAS
: Clearfield COUNTY, PA
:

: CIVIL ACTION - LAW
:

: NO. 2002-1563-CD
:

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.

Prothonotary

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL
RON Z. OPPER, ESQUIRE, at 610-902-0530.

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

Discover Bank

C/O Eric M. Berman, PC
985 Old Eagle School Rd., Ste 505
Wayne, PA 19087

Plaintiff

v.

STEPHEN MATTHEW DUFFALO

116 1/2 Simpson Ave.
DU BOIS, PA 15801

Defendant

IN THE COURT OF COMMON PLEAS

CLEARFIELD COUNTY, PA

CIVIL ACTION - LAW

NO. 2002-1563-CD

TO: **STEPHEN MATTHEW DUFFALO**
116 1/2 Simpson Ave.
DU BOIS, PA 15801

DATED: January 31, 2003

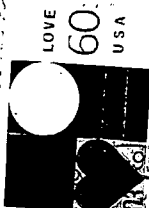
IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. 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 NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
Clearfield County Bar Association
215 E. Locust St.
Clearfield, PA 16830
(814) 765-1581

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Re	Ron Opher, Esq. — Eric M. Berman, P.C. — 985 Old Eagle School Rd. #505 Wayne, PA 19087		
One piece of ordinary mail addressed to: <u>Stephen Matthew Duffalo</u> <u>116 1/2 Simpson Ave.</u> <u>Du Bois, PA 15801</u>			

Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.



Discover Bank

Plaintiff

v.

STEPHEN MATTHEW DUFFALO

116 1/2 Simpson Ave.
DU BOIS, PA 15801

Defendant

IN THE COURT OF COMMON PLEAS
Clearfield COUNTY, PA

CIVIL ACTION - LAW

NO. 2002-1563-CD

CERTIFICATION OF ADDRESSES AND AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF **Clearfield**

:
:SS
:

I, Ron Z. Opher, Esquire, being duly sworn according to law, depose and say that I am the attorney for Plaintiff and I am authorized to make this affidavit on Plaintiff's behalf. I hereby certify that the address of the Plaintiff is c/o Eric M. Berman, P.C., 985 Old Eagle School Rd., Suite 505, Wayne, PA 19087. Defendant's address is 116 1/2 Simpson Ave., DU BOIS, PA 15801. In addition, Defendant is not in the Military Service of the United States, nor any State or Territory thereof or its allies as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 or the amendments thereto.

I verify that the statements made in the foregoing certification and affidavit are true and correct to the best of my knowledge, information and belief; and I understand that the statements in said certification and affidavit are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

DATED: February 19, 2003

BY: 

Ron Z. Opher, Esquire

FILED

Atty Ober

pd. 20.00

W/1006/2003

FEB 24 2003

Notice & Ice to Def.

William A. Shaw
Prothonotary

Set Statement to Atty

NOTICE OF JUDGMENT

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Discover Bank

Vs.

No. 2002-01563-CD

Stephen Matthew Duffalo

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$2,224.86 on February 24, 2003.

William A. Shaw
Prothonotary

William A. Shaw

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Discover Bank
Plaintiff(s)

No.: 2002-01563-CD

Real Debt: \$2,224.86

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Stephen Matthew Duffalo
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 24, 2003

Expires: February 24, 2008

Certified from the record this 24th day of February, 2003.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney