

04-1212-CD
DISCOVER BANK VA DAVID E. OLSON

Discover Bank vs David Olson
2004-1212-CD

STOCK & GRIMES, LLP
BY: Edward Stock, Esquire
I.D.# 13657
804 West Avenue
Jenkintown, PA 19046
(215) 576-1900

Attorney for Plaintiff

DISCOVER BANK, ISSUER OF DISCOVER CARD BY
ITS AGENT DISCOVER FINANCIAL SERVICES, INC.
P.O. Box 6011
Dover, DE 19903-6011

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
CIVIL ACTION-LAW

Plaintiff

vs.

DAVID E. OLSON
641 Tree Farm Road
Curwensville, PA 16833-6927

NO. 04-1212-ED

Defendant(s)

FILED ^{ice}
m/2:25/6/ ^{shff}
AUG 09 2004 ^{Any pd}
85.00

CIVIL ACTION

William A. Shaw
Prothonotary/Clerk of Courts
"AVISO"

"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 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.

"Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. 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 tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla 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 INMEDIATAMENTE. SI NO TIENE ABOGADO O SI 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.

LAWYERS REFERENCE SERVICE
Office of the Court Administrator
Clearfield County Courthouse
1 N. Second Street
Clearfield, PA 16830
(814) 765-2641 ext. 32

STOCK & GRIMES, LLP
BY: EDWARD STOCK, ESQUIRE
I.D. #13657
804 West Avenue
Jenkintown, PA 19046
(215) 576-1900

Attorney for Plaintiff

DISCOVER BANK, ISSUER OF
DISCOVER CARD, BY ITS AGENT
DISCOVER FINANCIAL SERVICES,
INC.
P.O. Box 6011
Dover, DE 19903-6011
Plaintiff

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
CIVIL ACTION-LAW

vs.

NO.

DAVID E. OLSON
641 Tree Farm Road
Curwensville, PA 16833-6927

Defendant(s)

CIVIL ACTION

COMPLAINT IN ASSUMPSIT

1. Plaintiff, Discover Bank, issuer of Discover Card, by its agent Discover Financial Services, Inc., is a duly organized banking institution under the laws of the State of Delaware and has a principal place of business at the address contained in the above caption.

2. Defendant(s), David E. Olson, is an adult individual and resides at the address contained in the above caption.

3. After application by the Defendant(s) to the Plaintiff for a credit card account, which application

was approved by the Plaintiff, the Plaintiff issued a credit card to the Defendant(s) so that the Defendant(s) could make purchases from merchants, on credit, who had established a business relationship with the Plaintiff in regard to the same.

4. Thereafter, the Defendant(s) utilized the said credit card on various and sundry occasions.

5. Plaintiff attaches hereto as Exhibit "A" to this Complaint, a true and correct copy of the last monthly statement in regard to the activities in connection with the Defendant's account and also attaches hereto as Exhibit "B" to this Complaint, an Affidavit from the Plaintiff attesting to the present balance due the Plaintiff from the Defendant(s) in regard to the said account.

6. Notwithstanding repeated requests and demands of the Plaintiff upon the Defendant(s) to satisfy the outstanding indebtedness in the sum of \$12,065.03 the Defendant(s) has/have and still refuse(s) to pay the same.

7. As a result thereof, Plaintiff has been forced to incur reasonable attorney collection fees in the sum of \$3,016.25 in an attempt to legally enforce collection of the debt due it from the Defendant(s), which reasonable attorney fees are the responsibility

of the Defendant(s) to pay in accordance with the Cardmember Agreement.

8. Plaintiff's investigation has determined that the Defendant is not in the military service.

9. THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

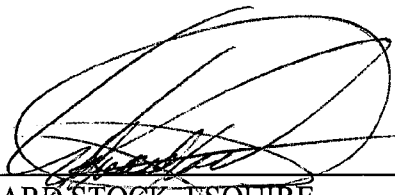
WHEREFORE, Plaintiff, Discover Bank, issuer of Discover Card, by its agent Discover Financial Services, Inc., demands Judgment against the Defendant(s), David E. Olson, in the sum of \$15,081.28, with interest and costs.

DATE: 8/6/04


EDWARD STOCK, ESQUIRE

VERIFICATION

EDWARD STOCK, ESQUIRE, Attorney for Plaintiff herein, verifies that the statements made in this Pleading are true and correct and that he is authorized to make them on behalf of the Plaintiff. He understands that the statements herein are made subject to the penalties of 18 Pa. C.S.A. Sec. 4904, relating to unsworn falsification to authorities.



EDWARD STOCK, ESQUIRE

Department of Defense Manpower Data Center

AUG-06-2004 07:34:37



Military Status Report
Pursuant to the Servicemen's Civil Relief Act of 2003

◀Last Name	First	Middle	Begin Date	Active Duty Status	Service/Agency
OLSON	DAVID	E.			
Currently not on Active Military Duty, based on the Social Security Number and last name provided.					

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the Defendant(s), per the Information provided, as to all branches of the Military.

A handwritten signature in black ink that reads "Robert J. Brandewie".

Robert J. Brandewie, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

If you have information that makes you feel that the DMDC response is not correct, please send an e-mail to sscra.helpdesk@osd.pentagon.mil. For personal privacy reasons, SSNs are not available on this printed results page. Requesters submitting a SSN only receive verification that the SSN they submitted is a match or non-match.

EXHIBIT "A"

ATTORNEY: STOCK
ACCOUNT NUMBER: 6011002590522025
BALANCE: \$12265.03
CARDMEMBER (S): DAVID E OLSON

STATE OF OHIO
COUNTY OF FRANKLIN

T. Spencer, 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.

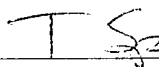
THAT this affidavit is made on the basis of my personal knowledge and in support of Plaintiff's suit on account against the Debtor(s)

THAT, in my capacity as Legal Placement Account Manager, I have control over and access to records regarding the Discover Card Account 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.



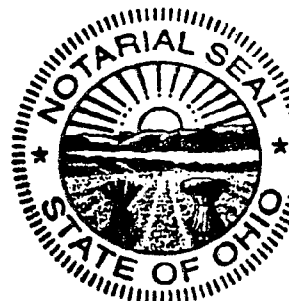
Affiant

Sworn and Subscribed before me,
This day of Monday, October 13, 2003.



NOTARY

EXHIBIT "B"



FILED

AUG 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

DISCOVER BANK

VS.

OLSON, DAVID E.

COMPLAINT

Sheriff Docket # 16091

04-1212-CD

SHERIFF RETURNS

NOW SEPTEMBER 1, 2004 AT 9:04 AM SERVED THE WITHIN COMPLAINT ON DAVID E. OLSON, DEFENDANT AT RESIDENCE, 641 TREE FARM ROAD, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DAVID E. OLSON A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.

SERVED BY: DAVIS/MORGILLO

Return Costs

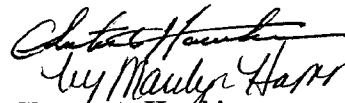
Cost	Description
22.87	SHERIFF HAWKINS PAID BY: ATTY CK#8792
10.00	SURCHARGE PAID BY: ATTY CK# 8823

Sworn to Before Me This


7th Day Of Sept. 2004

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,


Chester A. Hawkins
Sheriff

FILED

 SEP 07 2004
3:00
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK, ISSUER OF DISCOVER
CARD BY ITS AGENT DISCOVER
FINANCIAL SERVICES, INC.

Plaintiff

v.

DAVID E. OLSON,
Defendant

No. 04-1212-CD

**PRAECIPE FOR ENTRY OF
APPEARANCE**

Filed on behalf of

Defendant

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084

BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854

(814) 349-5666

FILED *no*
m/2:146 *ce*
SEP 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK, ISSUER OF DISCOVER
CARD BY ITS AGENT DISCOVER
FINANCIAL SERVICES, INC.

Plaintiff

v.

DAVID E. OLSON,

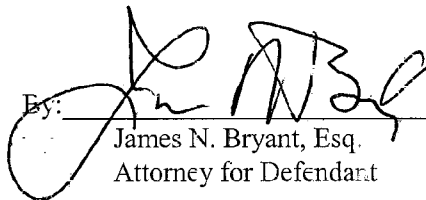
Defendant

No. 04-1212-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR ENTRY OF
APPEARANCE was served by depositing the same with the United States Postal Service, postage
prepaid, addressed to the following:

Edward Stock, Esq.
Stock & Grimes, LLP
804 West Avenue
Jenkintown, PA 19046

By: 
James N. Bryant, Esq.
Attorney for Defendant

DATED: September 8, 2004

FILED

SEP 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK, ISSUER OF DISCOVER
CARD BY ITS AGENT DISCOVER
FINANCIAL SERVICES, INC.

Plaintiff

v.

DAVID E. OLSON,

Defendant

No. 04-1212-CD

ANSWER

Filed on behalf of

Defendant

Counsel of Record for this Party:

James N. Bryant, Esq.
Attorney-At-Law
PA I.D. 14084

BRYANT & CANTORNA, P.C.
107 East Main Street
Millheim, PA 16854

(814) 349-5666

FILED
m11:48/611
SEP 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK, ISSUER OF DISCOVER
CARD BY ITS AGENT DISCOVER
FINANCIAL SERVICES, INC.
Plaintiff

v.

DAVID E. OLSON,
Defendant

No. 04-1212-CD

ANSWER

AND NOW, comes the Defendant, David E. Olson, by and through his attorney, James N. Bryant, Esq., of Bryant & Cantorna, P.C., and files this Answer, and avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. After a reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the allegations contained in this paragraph and therefore denies same and demands strict proof at the time of trial.
6. Denied as stated. On the contrary, the Defendant has attempted to satisfy some of the obligations, but is unable to secure financing to pay this and also is not certain that the amount stated is accurate and therefore demands strict proof at the time of trial.
7. After a reasonable investigation, the Defendant is without knowledge or information sufficient to form a belief as to the allegations contained in this paragraph and therefore denies same and demands strict proof at the time of trial.
8. Admitted.

9. It is unclear why this allegation is included, therefore this is denied.

WHEREFORE, Defendant requests the Complaint be dismissed.

BRYANT & CANTORNA, P.C.

By: 

James N. Bryant, Esq., ID No. 14084
Attorney for Defendant
107 East Main Street
Millheim, PA 16854
(814) 349-5666

I verify that the statements made in the foregoing are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "David E. Olson", written over a horizontal line.

David E. Olson

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

DISCOVER BANK, ISSUER OF DISCOVER
CARD BY ITS AGENT DISCOVER
FINANCIAL SERVICES, INC.
Plaintiff

No. 04-1212-CD

v.

DAVID E. OLSON,
Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ANSWER was served by depositing
the same with the United States Postal Service, postage prepaid, addressed to the following:

Edward Stock, Esq.
Stock & Grimes, LLP
804 West Avenue
Jerkintown, PA 19046

By 

James N. Bryant, Esq.
Attorney for Defendant

DATED: September 15, 2004

FILED

SEP 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

CA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY

DATE PRESENTED January 19, 2006

CASE NUMBER
04-1212-CD

TYPE TRIAL REQUESTED ESTIMATED TRIAL TIME

Date Complaint () Jury () Non-Jury

Filed: 08-17-2004 (x) Arbitration

1/2 days/hours

PLAINTIFF(S)

DISCOVER BANK, ISSUER OF DISCOVER CARD
BY ITS AGENT DISCOVER FINANCIAL

SERVICES, LLC

DEFENDANT(S)

()

Check block if a Minor
is a Party to the Case

DAVID E. OLSON

()

ADDITIONAL DEFENDANT(S)

()

FILED

m/2:16pm

JAN 26 2006

2cc Amy
Stock

PO \$20.00
Amy

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED

William A. Shaw
Prothonotary

AMOUNT AT ISSUE CONSOLIDATION DATE CONSOLIDATION ORDERED

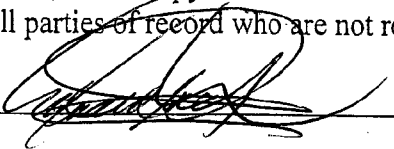
\$15,081.28, with interest and costs
More than

&

() yes () no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:



FOR THE PLAINTIFF
EDWARD STOCK, ESQUIRE

804 West Avenue, Jenkintown, PA 19046

TELEPHONE NUMBER
(215) 576-1900

FOR THE DEFENDANT

JAMES N. BRYANT, ESQUIRE

107 E. Main Street, Milheim, PA 16854

TELEPHONE NUMBER

(814) 349-5666

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

Law Offices
Stock & Grimes, LLP
804 West Avenue
Jenkintown, Pennsylvania 19046

(215) 576-1900

Edward Stock
*Francis N. Grimes **

**Also Admitted in N.J.*

January 19, 2006

Office of the Prothonotary
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16380

Re: Discover Bank vs. David E. Olson
No. 04-1212-CD

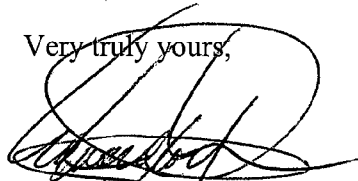
Gentlemen:

Enclosed please find an original and two (2) copies of a Certificate of Readiness in regard to the above matter which I would appreciate your docketing and filing for me. I am also enclosing herewith our check in the amount of \$20.00 to cover the cost of the same, and I would appreciate your notifying the Court Administrator to list this case for Compulsory Arbitration after the matter has been properly docketed.

I would also appreciate your returning one of the copies to me properly time-stamped in the enclosed envelope evidencing your receipt of the same.

Thank you for your courtesy.

Very truly yours,



EDWARD STOCK

ES:pms
Enclosure

cc: James N. Bryant, Esquire

STOCK & GRIMES, LLP
BY: Edward Stock, Esquire
I.D. #13657
804 West Avenue
Jenkintown, PA 19046
(215) 657-1900

Attorney for Plaintiff

DISCOVER BANK, ISSUER OF
DISCOVER CARD, BY ITS AGENT
DISCOVER FINANCIAL SERVICES, INC.
Plaintiff

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

CIVIL ACTION - LAW

vs

NO. 04-1212-CD

DAVID E. OLSON
Defendant

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned case discontinued.

DATE:

2/8/06



EDWARD STOCK, ESQUIRE
Attorney for Plaintiff

FILED NO
MAR 02 2006 13:39
MAR 02 2006 1 Cert. of Disc.
to Ang
William A. Shaw
Prothonotary/Clerk of Court
copy to
CLA

FILED

MAR 02 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CCPY

Discover Bank

Vs.

No. 2004-01212-CD

David Eric Olson

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 2, 2006, marked:

Discontinued

Record costs in the sum of \$105.00 have been paid in full by Edward Stock, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of March A.D. 2006.



William A. Shaw, Prothonotary