

05-1843-CD  
Discover Bank vs Adam C. Gallagher

05-1843-CD  
Discover Bank vs Adam Gallagher et al

# FILED

NOV 28 2005 *MCC*  
m/10:58 am *ICC Shff*  
*pd \$85.00 A44*

William A. Shaw  
Prothonotary

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

DISCOVER BANK

Plaintiff

No: 05-1843-C

vs.

COMPLAINT IN CIVIL ACTION

ADAM C GALLAHER  
AKA ADAM GALLAHER

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 2718  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
04641468 C A Pit WLG

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

DISCOVER BANK

Plaintiff  
vs. Civil Action No

ADAM C GALLAHER  
AKA ADAM GALLAHER

Defendant

COMPLAINT AND 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.

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.

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.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET ST., SUITE 228  
CLEARFIELD, PA 16830  
(814) 765-2641, ext 1300-1301

COMPLAINT

1. Plaintiff, is a corporation with offices at 3311 MILL MEADOW DR.  
HILLIARD , OH 43026 .

2. Defendant is adult individual(s) residing at the address listed  
below:

ADAM C GALLAHER  
1680 STATE ST  
OSCEOLA MILLS, PA 16666

3. Defendant applied for and received a credit card issued by  
Plaintiff bearing the account number 6011002650391394 . A copy of  
Plaintiff's Statement of Account is attached hereto, marked as Exhibit  
"A" and made a part hereof.

4. Defendant made use of said credit card and currently has a balance  
due and owing to Plaintiff, as of November 08, 2005 , in the amount of  
\$4810.69 .

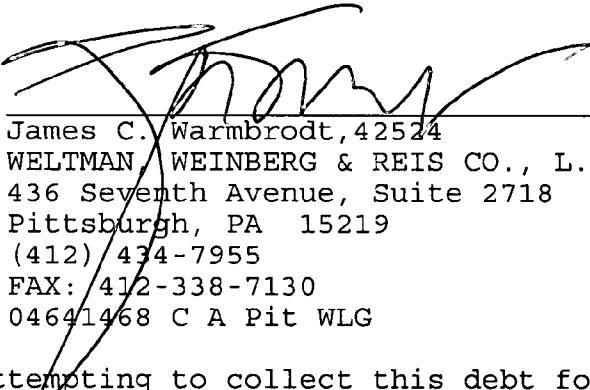
5. Defendant is in default by failing to make payments when due.

6. Plaintiff avers that the Agreement between the parties provides  
that Defendant will pay Plaintiff's attorneys' fees.

7. Plaintiff avers that such attorneys' fees will amount to \$500.00 .

8. Although repeatedly requested to do so by Plaintiff, Defendant has willfully failed and/or refused to pay the balance due to Plaintiff.

Wherefore, the Plaintiff prays for Judgment in its favor and against Defendant , ADAM C GALLAHER , INDIVIDUALLY , in the amount of \$4810.69 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$500.00 , and costs.

  
James C. Warmbrodt, 42524  
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This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

DISCOVER  
CARD

\$4,810.69

\$615.00

enter amount enclosed below

payment due date  
October 26, 2005Please make check payable to Discover Gold Card.  
Minimum payment due includes a past due amount of  
\$518.00.

04641468

27 SDSN6A01 0007606

ADAM GALLAHER  
1680 STATE ST  
OSCEOLA MILLS PA 16666-1648Consolidate bills quickly and securely  
with a Balance Transfer to your Discover  
Card - Call 1-877-353-0986 TODAY!PO BOX 15251   
WILMINGTON DE 19886-5251Address or telephone change? Please print change in the space above,  
or go to Discovercard.com.

000006011002650391394048106900000000061500

## Discover Gold Card Account Summary

account number	6011 0026 5039 1394
payment due date	October 26, 2005
minimum payment due	\$615.00
credit limit	\$4,000.00
credit available	\$-810.00
cash credit limit	\$2,000.00
cash credit available	\$0.00

Closing Date: September 27, 2005 page 1 of 1

previous balance	\$4,665.72
payments and credits	- 0.00
purchases	+ 74.00
cash advances	+ 0.00
balance transfers	+ 0.00
FINANCE CHARGES	+ 70.97
new balance	= \$4,810.69

You may be able to avoid Periodic Finance Charges, see  
the reverse side for details.

## EXHIBIT

ADiscover®  
Gold  
Rewards

## Transactions

	trans. date	post date	this period	to date
Other/Miscellaneous	Sep 26	Sep 26	LATE FEE	\$0.00 \$270.47
	Sep 27	Sep 27	OVERLIMIT FEE	\$35.00

Gold Rewards	this period	to date
Qualified Purchases	\$0.00	\$270.47
Gold Rewards Earned		\$0.00
Gold Rewards anniversary date:	February 27	

\*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\* ATTENTION \*\*\*\*\*  
 Your account is seriously past due. Payment of the amount due and arrangements for future payments should be  
 made immediately.

current billing period: 31 days	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
Purchases	\$3771.99	0.04723%	17.24% V	17.24%	\$55.21	none
Cash Advances	\$927.97	0.05477%	19.99% F	19.99%	\$15.76	\$0

The rates that apply to your Account are either fixed (F) or they may vary (V) as noted above.

Questions? Call 1-800-DISCOVER (1-800-347-2683) or log on to Discovercard.com. For TDD (Telecommunication Device for the Deaf) assistance, see reverse side. Send billing error notice to: Discover Gold, P.O. Box 15192; Wilmington, DE 19850-5192.

Verification

The undersigned does hereby verify subject to the penalties of 18 P.A.C.S. §4904 relating  
To unsworn falsifications to authorities, that he/she is Robert Adkins  
Accounts Manger of Discover Bank, Plaintiff herein, that he/she is duly authorized to make  
this verification, and that the facts set forth in the foregoing Complaint are true and correct to  
the best of his/her knowledge, information and belief.

Robert Adkins  
Signature

WWR# 04041468

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket # **101040**

DISCOVER BANK

Case # **05-1843-CD**

vs.

ADAM C. GALLAHER aka ADAM GALLAHER

TYPE OF SERVICE COMPLAINT

**SHERIFF RETURNS**

NOW March 01, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO ADAM C. GALLAHER AKA ADAM GALLAHER, DEFENDANT. NO STATE ST. POSSIBLY CENTRE CO..

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	2354452	10.00
SHERIFF HAWKINS	WELTMAN	2354452	33.40

Sworn to Before me This

So Answers,

\_\_\_\_ Day of 2006  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Chester Hawkins*  
*by Marilyn Harry*  
Chester A. Hawkins  
Sheriff

**FILED**  
03/23/06  
MAR 01 2006  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

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

NOV 28 2005

Attest.

*William A. Ober*  
Prothonotary/  
Clerk of Courts

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

DISCOVER BANK

Plaintiff

No: 05-1843-CD

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Rewards

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Accounts Manger of Discover Bank, Plaintiff herein, that he/she is duly authorized to make  
this verification, and that the facts set forth in the foregoing Complaint are true and correct to  
the best of his/her knowledge, information and belief.

Robert Adkins  
Signature

WWR# D41041048

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

DISCOVER BANK

Plaintiff

No. 05-1843-CD

vs.

PRAECIPE TO SETTLE, DISCONTINUE  
AND END WITHOUT PREJUDICE TO REFILE

ADAM C GALLAHER  
AKA ADAM GALLAHER

Defendant

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

James C. Warmbrodt  
PA I.D #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#04641468

**FILED**  
M 12:00 pm *ICC & Cert  
of disc to*  
APR - 3 2006 *Atty  
Warmbrodt*  
William A. Shaw *Copy to C/A*  
Prothonotary

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 05-1843-CD

ADAM C GALLAHER  
AKA ADAM GALLAHER

Defendant

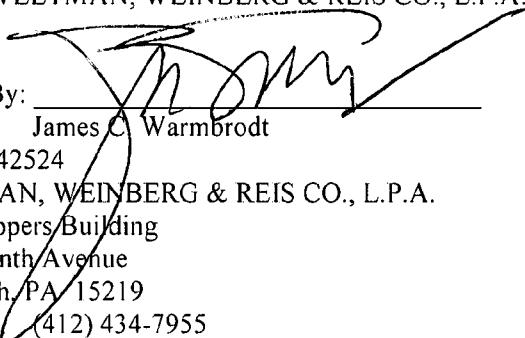
PRAECIPE TO SETTLE, DISCONTINUE  
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

SIR:

Kindly settle, discontinue and end without prejudice to refile the above-captioned matter upon the records of the Court and mark the costs paid.

WELTMAN, WEINBERG & REIS CO., L.P.A.

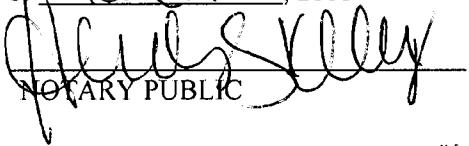
By:   
James C. Warmbrodt

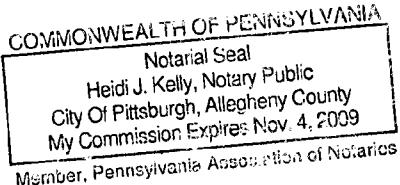
PA I.D #42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
2718 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

SWORN TO AND SUBSCRIBED

before me this 28 day

of March, 2006

  
NOTARY PUBLIC



FILED

APR - 3 2006

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

*©COPY*

Discover Bank

Vs.  
Adam C. Gallaher

No. 2005-01843-CD

**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 April 3, 2006, marked:

Settled, discontinued and ended without prejudice to refile

Record costs in the sum of \$85.00 have been paid in full by James C. Warmbrodt Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of April A.D. 2006.

*William A. Shaw*  
\_\_\_\_\_  
William A. Shaw, Prothonotary