

06-24-CD  
Discover Bank vs Garth Mitchell

Discover Bank vs Garth Mitchell  
2006-24-CD

Our File No. 222571  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(610) 265-7720

-----X

DISCOVER BANK

c/o ERIC M. BERMAN, P.C.  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406

vs.

GARTH MITCHELL  
1155 FIRE TOWER RD  
CLEARFIELD, PA 16830 3246

-----X

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

FILED

MT 10/09/06  
JAN 06 2006

William A. Shaw  
Prothonotary/Clerk of Courts

2 CC Shff

Atty pd. 85.00

TRIAL DIVISION

CIVIL ACTION

Term

No. D6-24-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 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  
Add.: P.O. BOX 186, HARRISBURG, PA 17108 Tel.: 800-692-7375

Our File No. 222571  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.

BY: Eric M. Berman, Esquire, I.D. 83698  
BY: Robert M. Kline, Esquire, I.D. 56479  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(610) 265-7720

----- X -----  
DISCOVER BANK : COURT OF COMMON PLEAS  
c/o ERIC M. BERMAN, P.C. : COUNTY OF CLEARFIELD  
500 North Gulph Road, Suite 350 : CIVIL ACTION  
King of Prussia, PA 19406 : Term \_\_\_\_\_  
vs. : No.  
: \_\_\_\_\_  
: \_\_\_\_\_  
GARTH MITCHELL  
1155 FIRE TOWER RD  
CLEARFIELD, PA 16830 3246  
----- X -----

COMPLAINT

1. Plaintiff, DISCOVER BANK, is a DELAWARE STATE BANK authorized to do business in the Commonwealth of Pennsylvania with its place of business at 3311 MILL MEADOW DRIVE, HILLIARD, OH 43026.

2. The Defendant(s), GARTH MITCHELL, resides at 1155 FIRE TOWER RD, CLEARFIELD, PA 16830-3246.

3. There is due from the Defendant(s) the sum of \$15,503.84 for credit extended by Plaintiff to Defendant(s), acct. no. 6011003820244869, 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 \$15,503.84 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.

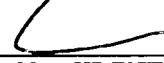
5. All applicable credits, if any, have been duly applied to Defendant(s) credit account.

WHEREFORE, Plaintiff claims of the Defendant(s) the sum of \$15,503.84 plus interest, attorneys fees and costs which are justly due and owing from the Defendant(s) to the Plaintiff.

ERIC M. BERMAN, P.C.

Dated: NOVEMBER 21, 2005

BY:   
ERIC M. BERMAN, ESQUIRE

BY:   
ROBERT M. KLINE ESQUIRE

VERIFICATION

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/or Robert M. Kline, Esquire, being duly sworn according to law, deposes and says that he is an associate attorney with said firm, and as said attorney, 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.



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ERIC M. BERMAN, ESQUIRE



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ROBERT M. KLINE, ESQUIRE

Dated: NOVEMBER 21, 2005

SPACEBNW-ZN

**FILED**

**JAN 06 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

Our File No. 222571  
ERIC M. BERMAN, P.C.  
By: Robert M. Kline, Esquire  
Identification No. 56479  
500 N. Gulph Road, Suite, 350  
King of Prussia, PA 19406

Attorneys for Plaintiff

DISCOVER BANK	:	COURT OF COMMON PLEAS
c/o Eric M. Berman, P.C.	:	CLEARFIELD COUNTY
500 N. Gulph Road, Suite 335	:	
King of Prussia, PA 19406	:	
	:	CIVIL ACTION
Vs.	:	
GARTH MITCHELL	:	CASE NO.: 06-24-CD

## **PRAECLP TO SETTLE, DISCONTINUE AND END**

## TO THE PROTHONOTARY:

Please mark this action Settled, Discontinued and Ended.

Dated: February 23, 2006

Robert M. Kline, Esquire  
Attorney for Plaintiff

**FILED** *(cc) (1) Cert of  
m/3:31 cm (un) disc to Atty  
FEB 27 2008 Kline & Cerby  
to C/A*

William A. Shaw  
Prothonotary

FILLED

FEB 27 2006

William A. Shaw  
Prothonotary

# **ERIC M. BERMAN, P.C.**

ATTORNEYS AT LAW

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1482 BARBARA STREET  
MT. PLEASANT, SC 29464

**PLEASE CONTACT OUR KING OF PRUSSIA OFFICE**

February 24, 2006

Clearfield County Courthouse  
Prothonotary  
230 E. Market Street  
Clearfield, PA 16830

RE: Discover Bank v. Mitchell – 06-24-CD

To Whom It May Concern:

Enclosed please find an original and one copy of the Praecipe to Settle, Discontinue and End in the above matter. Kindly return a time stamped copy to us in the enclosed return envelope.

Sincerely,

ERIC M. BERMAN, P.C.



By: Robert M. Kline, Esquire

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

**COPY**

**Discover Bank**

**Vs.**  
**Garth Mitchell**

**No. 2006-00024-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 February 27, 2006, marked:

Settled, Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Eric M. Berman P.C..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 27th day of February A.D. 2006.

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101137  
NO: 06-24-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: GARTH MITCHELL

**SHERIFF RETURN**

NOW, January 11, 2006 AT 2:12 PM SERVED THE WITHIN COMPLAINT ON GARTH MITCHELL DEFENDANT AT 1155 FIRE TOWER ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GARTH MITCHELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

FILED  
01/31/2006  
MAR 21 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BERMAN	24208	10.00
SHERIFF HAWKINS	BERMAN	24208	20.00

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins  
by Marly Hays*  
Chester A. Hawkins  
Sheriff