



COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

Discover Bank  
(Plaintiff)  
C/O David Apothaker, Esq.  
(Street Address)

CIVIL ACTION

No. 07-488-CD

Type of Case: Civil

Apothaker & Associates, P.C.  
(City, State) 2417 Welsh Road  
Suite 21 #520  
Philadelphia, PA 19114

Type of Pleading: Complaint

VS.

Filed on Behalf of:

Jason L. Witherite  
(Defendant)

Discover Bank  
(Plaintiff/Defendant)

36 Bud Farm Ln.  
(Street Address)

Curwensville, PA 16833  
(City, State ZIP)

David J. Apothaker, Esq.  
(Filed by)

Apothaker & Associates, P.C.  
2417 Welsh Road  
Suite 21 #520  
Philadelphia, PA 19114

(Address)

215-634-8920  
(Phone)

(Signature)

**FILED**

MAR 28 2007  
12:36 PM  
100 Sheriff

William A. Shaw  
Prothonotary/Clerk of Courts

APOTHAKE & ASSOCIATES, P.C.

BY: David J. Apothaker

Attorney I.D.#38423

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

DISCOVER BANK

c/o David J Apothaker, Esquire

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

Plaintiff,

vs.

JASON L WITHERITE

36 BUD FARM LN

CURWENSVILLE, PA 16833

Defendant.

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

)

) NO.:

)

)

)

)

)

)

)

)

)

### 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 with 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 ONE. 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.

#### CLEARFIELD COUNTY BAR ASSOCIATION

Lawyer Referral and Information Service

814-765-2641

### **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 plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o con un abogado y entregar a la corte en forma escrita 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. Ademas, la corte puede decidir a favor del edemandante 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 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.

#### CLEARFIELD COUNTY BAR ASSOCIATION

Lawyer Referral and Information Service

814-765-2641

APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.#38423  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

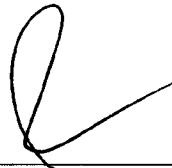
DISCOVER BANK	)	COURT OF COMMON PLEAS
c/o David J Apothaker, Esquire	)	CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520	)	
Philadelphia, PA 19114	)	NO.:
Plaintiff,	)	
vs.	)	
	)	
JASON L WITHERITE	)	
36 BUD FARM LN	)	
CURWENSVILLE, PA 16833	)	
Defendant.	)	
	)	

CIVIL ACTION COMPLAINT  
FIRST COUNT

1. Plaintiff, DISCOVER BANK, is a company with its principal place of business located at c/o David J Apothaker, Esq. 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant is JASON L WITHERITE, an adult individual residing at 36 BUD FARM LN CURWENSVILLE, PA 16833.
3. At the special instance and request of Defendant, Plaintiff sold and delivered to Defendant goods and/or services at the times, of the kinds, in the quantities, and for the prices set forth in Plaintiff's records. A true and correct copy of which is attached hereto, incorporated herein by reference and designated Exhibit "A".
4. Defendant received and accepted the goods and/or services described in Exhibit "A".
5. The prices set forth in Exhibit "A" are the fair, reasonable and market prices for said goods and/or services, and the prices which Defendant agreed to pay.
6. All credits, if any, to which Defendant is entitled, are set forth in Exhibit "A".
7. In addition, Plaintiff avers that Defendant has failed and continues to fail to make any payments, leaving a balance due and owing of \$8,029.04 from March 08, 2006.

VERIFICATION

David J. Apothaker, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a horizontal stroke and a diagonal line.

---

David J. Apothaker, Esq.  
Attorney for Plaintiff

DATE: 3/19/2007

DISCOVER.BANK  
c/o David J Apothaker, Esquire  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

JASON L WITHERITE  
36 BUD FARM LN  
CURWENSVILLE, PA 16833

STATEMENT OF ACCOUNT

Debtor's Name:	JASON L WITHERITE
Account Number:	6011002470682337
Date of Debt:	March 08, 2006
Balance Due:	\$8,029.04

Our File No.: 91415

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102622  
NO: 07-488-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: JASON L. WITHERITE

FILED

012:59/01  
AUG 14 2007

William A. Shaw  
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, April 18, 2007 AT 4:30 PM SERVED THE WITHIN COMPLAINT ON JASON L. WITHERITE DEFENDANT AT 36 BUD FARM LN, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JASON WITHERITE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: SNYDER /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	44258G	10.00
SHERIFF HAWKINS	APOTHAKE	44258G	29.64

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2007

So Answers,

*Chester A. Hawkins*  
*by Mandy Hamr*

Chester A. Hawkins  
Sheriff

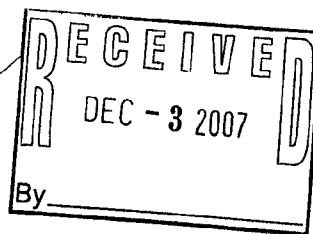
914

Our file No.: 91415  
APOTHAKER & ASSOCIATES, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

FILED

DEC 17 2007

William A. Shaw  
Prothonotary/Clerk of Courts  
1 cent. to Att



DISCOVER BANK

Plaintiff,

vs.

JASON L WITHERITE

Defendant.

) COURT OF COMMON PLEAS  
) CLEARFIELD COUNTY  
)  
) DOCKET NO.: 07-488-CD  
)  
) Civil Action  
)  
) STIPULATION IN LIEU OF JUDGMENT  
)  
)

The matters and things in controversy having been discussed by and between the parties, and a settlement having been agreed upon:

It is on November 15, 2007, STIPULATED by and between Plaintiff, DISCOVER BANK, and Defendant, JASON L WITHERITE parties as follows:

1. Defendant agrees to pay the sum of \$6,668.68 , which sum Plaintiff agrees to accept in full settlement of its claim herein, inclusive of interest, counsel fees and court costs.
2. The sum aforesaid shall be paid by Defendant, JASON L WITHERITE, to the attorneys for Plaintiff in the following manner:
  - a. Payment of \$165.00 to be paid on or before November 28, 2007 and
  - b. Payment of \$165.00 to be paid on or before December 28, 2007 and due the 28<sup>th</sup> of each month until paid in full.

All checks are to made payable to DISCOVER BANK, and sent to:

Apothaker & Associates, P.C.  
520 Fellowship Road C306  
Mount Laurel, NJ 08054



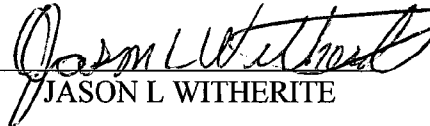
4. If the default is not cured within 15 days after written notice to the Defendant's attorneys, then Plaintiff has the right to obtain the entry of Judgment against Defendant, JASON L WITHERITE, ex parte, in the sum of \$6,668.68, giving Defendant, JASON L WITHERITE credit for any sums actually paid pursuant to the terms of this Stipulation.

We hereby consent to the form and entry of the within Stipulation.

APOTHAKE & ASSOCIATES  
Attorneys for Plaintiff  
A Law Firm Engaged in Debt Collection

By: 

Kimberly F. Scian, Esquire

  
JASON L WITHERITE

William A. Shaw  
Prothonotary/Clerk of Courts

DEC 17 2007

FILED

Our File No.: 91415  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esquire  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

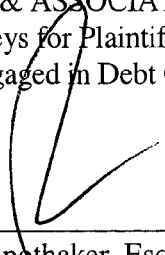
DISCOVER BANK	)	COURT OF COMMON PLEAS
	)	CLEARFIELD COUNTY
Plaintiff,	)	
vs.	)	
	)	
JASON L WITHERITE	)	NO. 07-488-CD
	)	
Defendant.	)	
	)	

**PRAECIPE TO DISMISS WITHOUT PREJUDICE**

TO THE PROTHONOTARY:

Kindly dismiss this action without prejudice.

APOTHAKER & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
A Law Firm Engaged in Debt Collection

By:   
David J. Apothaker, Esquire

Dated: 3/17/2010

5 **FILED** *no cc*  
*3/17/10*  
**MAR 25 2010** *6d*  
William A. Shaw  
Prothonotary/Clerk of Courts