

07-797-CD  
Discover Bank vs K. Swatsworth

Discover Bank vs Kristal Swatsworth  
2007-797-CD

Our File No. 215476  
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  
(484) 690-3900

**FILED**

MAY 21 2007

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD  
William A. Shaw  
Prothonotary/Clerk of Courts

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

TRIAL DIVISION

CIVIL ACTION

vs.

Term

KRISTAL R SWATSWORTH  
603 HILL ST  
CURWENSVILLE, PA 16833 1514

2007-797-CD

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 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  
Add.: P.O. BOX 186, HARRISBURG, PA 17108 Tel.: 800-692-7375

Our File No. 215476  
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.  
KRISTAL R SWATSWORTH  
603 HILL ST  
CURWENSVILLE, PA 16833 1514  
-----X

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD  
CIVIL ACTION  
Term  
No.

### 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 6500 NEW ALBANY ROAD, NEW ALBANY, OH 43054.

2. The Defendant(s), KRISTAL R SWATSWORTH ,  
resides at 603 HILL ST , CURWENSVILLE, PA 16833-1514.

3. There is due from the Defendant(s) the sum of \$4,383.03 for  
credit extended by Plaintiff to Defendant(s), acct. no. \*\*\*\*\*2732,  
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 \$4,383.03 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 \$4,383.03  
plus interest, attorneys fees and costs which are justly due and  
owing from the Defendant(s) to the Plaintiff.

Dated: APRIL 11, 2007

ERIC M. BERMAN, P.C.

BY:   
ERIC M. BERMAN, ESQUIRE

BY:   
ROBERT M. KLINE ESQUIRE

SPACEBNW-ZN

Attorneys for Plaintiff

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.



ERIC M. BERMAN, ESQUIRE



ROBERT M. KLINE, ESQUIRE

Dated: APRIL 11, 2007

SPACEBNW-ZN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102827  
NO: 07-797-CD  
SERVICE # 1 OF 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: KRISTAL R. SWATSWORTH

**FILED**  
07:55 PM  
OCT 08 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, May 31, 2007 AT 2:14 PM SERVED THE WITHIN COMPLAINT ON KRISTAL R. SWATSWORTH DEFENDANT AT 603 HILL ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KRISTAL R. SWATSWORTH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	BERMAN	28572	10.00
SHERIFF HAWKINS	BERMAN	28572	29.64

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

Our File No. 215476  
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  
(484) 690-3900

-----X  
: COURT OF COMMON PLEAS  
: COUNTY OF CLEARFIELD

DISCOVER BANK

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

: TRIAL DIVISION  
: CIVIL ACTION  
:  
: No. 2007-797-CD  
:  
:

vs.

KRISTAL R SWATSWORTH

-----X  
PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

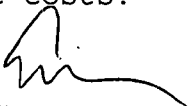
Please enter a default judgment in favor of Plaintiff,  
DISCOVER BANK,  
and against Defendant, KRISTAL R SWATSWORTH  
for failure to answer or otherwise respond to the Complaint - Civil  
Action.


The Complaint was served upon Defendant on 05/31/2007,  
by the Sheriff's Office of COUNTY OF CLEARFIELD County.

A copy of the Notice of Intention to Take Default served upon  
the Defendant by regular mail on  
is attached hereto as Exhibit B. *November 26, 2007*

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.

Assess damages in the principal amount of \$4,383.03, being  
the amount demanded in the Complaint, together with attorneys fees  
and court costs.

  
\_\_\_\_\_  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire

  
\_\_\_\_\_  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Robert M. Kline, Esquire

SPACEJUB-ZH

**FILED** *Atty pd.*  
*m/j: 02/01 20.00*  
**DEC 14 2007** *CC*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*Notice to Def.*  
*Statement to Atty*  
*(610)*

Our File No. 215476  
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  
(484) 690-3900

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

-----X  
DISCOVER BANK

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

: TRIAL DIVISION

: CIVIL ACTION

vs.

: No. 2007-797-CD

KRISTAL R SWATSWORTH  
-----X

NOTICE OF INTENTION TO TAKE DEFAULT JUDGMENT

TO: KRISTAL R SWATSWORTH  
603 HILL ST  
CURWENSVILLE, PA 16833-1514

DATE OF NOTICE: December 26, 2007

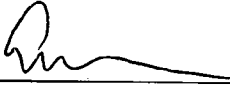
IMPORTANT NOTICE


YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. 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 YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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.

COUNTY OF CLEARFIELD BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG, PA 17108  
800-692-7375

  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire

  
ERIC M. BERMAN, P.C.  
Attorneys for Plaintiff  
By: Robert M. Kline, Esquire

SPACEJUD-ZH

Our File No. 215476  
ATTORNEYS FOR PLAINTIFF  
ERIC M. BERMAN, P.C.  
BY: Eric M. Berman, Esquire, I.D. 8369  
BY: Robert M. Kline, Esquire.I.D. 5647  
500 North Gulph Road, Suite 350  
King of Prussia, PA 19406  
(484) 690-3900

COURT OF COMMON PLEAS  
COUNTY OF CLEARFIELD

-----X  
DISCOVER BANK :

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

TRIAL DIVISION  
CIVIL ACTION

vs. :

No. 2007-797-CD

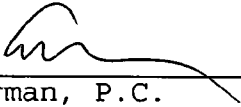
KRISTAL R SWATSWORTH  
-----X


CERTIFICATION OF ADDRESSES

TO THE PROTHONOTARY:

The address of the Plaintiff, Judgment Creditor, is c/o  
Eric M. Berman, P.C., 500 North Gulph Road, Suite 350, King of  
Prussia, PA 19406.

The last known address of the Defendant, Judgment Debtor, is  
603 HILL ST , CURWENSVILLE, PA 16833 1514.

  
\_\_\_\_\_  
Eric M. Berman, P.C.  
Attorneys for Plaintiff  
By: Eric M. Berman, Esquire  
SPACEJUB-ZH

  
\_\_\_\_\_  
Eric M. Berman, P.C.  
Attorneys for Plaintiff  
By: Robert M. Kline, Esquire



Our File No. 215476  
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

COPY

-----X  
DISCOVER BANK : COURT OF COMMON PLEAS  
c/o ERIC M. BERMAN, P.C. : COUNTY OF CLEARFIELD  
500 North Gulph Road, Suite 350 : TRIAL DIVISION  
King of Prussia, PA 19406 : CIVIL ACTION  
vs. : No. 2007-797-CD  
KRISTAL R SWATSWORTH :  
-----X

TO: KRISTAL R SWATSWORTH  
603 HILL ST  
CURWENSVILLE, PA 16833-1514

#### NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a JUDGMENT BY DEFAULT has been entered against you in the above proceeding and that enclosed herewith is a copy of all the (record) documents filed in support of the said JUDGMENT.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:  
ERIC M. BERMAN, P.C., Attorneys at Law.  
Attention: Eric M. Berman, Esquire, or Robert M. Kline, Esquire,  
at this telephone number. 1-610-265-7720.

  
PROTHONOTARY

12/14/07

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

COPY

Discover Bank  
Plaintiff(s)

No.: 2007-00797-CD

Real Debt: \$4,383.03

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Kristal R. Swatsworth  
Defendant(s)

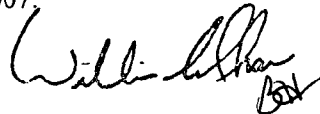
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: December 14, 2007

Expires: December 14, 2012

Certified from the record this 14th day of December, 2007.



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

THOMAS CHRISTOFF and  
FRANCINE CHRISTOFF,

Plaintiffs

vs.

No. 2008-797 CD

DOLORES A. GILBERT,

ANSWER AND NEW MATTER

Defendant

Counsel of record for this party:  
Dennis J. Stofko, Esquire  
P.O.Box 5500  
Johnstown, Pa. 15904  
814 262-0064  
ID 27638

TO THE PLAINTIFFS:

You are hereby notified to reply  
to the enclosed New Matter within  
20 days of service hereof or a default  
judgment may be entered against you.

FILED <sup>NO CC</sup>  
JUN 03 2008 10:58 AM  
(612)

William A. Shaw  
Prothonotary/Clerk of Courts

ANSWER AND NEW MATTER

NOW COMES the Defendant, Dolores A. Gilbert, by and through counsel, Dennis J. Stofko, and files the following Answer and New Matter to Plaintiffs' Complaint.

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Denied. Paragraph 7 contains a conclusion of law to which no responsive pleading is required.

8. Denied. Paragraph 8 contains conclusions of law to which no responsive pleading is required.

9. Denied. After reasonable investigation, the Defendant is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

WHEREFORE, Defendant requests Plaintiffs' Complaint be dismissed.

NEW MATTER

10. The Defendant believes and therefore avers that the Plaintiff failed to mitigate its damages by failing to keep heat in the house causing pipes to freeze and burst.

11. By way of further answer the Defendant avers that Plaintiff's failure to mitigate damages has caused additional unnecessary expense for which Defendant is not legally obligated to pay.

12. The Defendant also avers that Plaintiff's damages are excessive and do not reflect the true value of Plaintiff's loss.

WHEREFORE, Defendant requests judgment on her behalf.



\_\_\_\_\_  
DENNIS J. STOPKO, Attorney for  
Defendant

I, Dolores A. Gilbert, do hereby state that the statements made in the foregoing Answer and New Matter are true and correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.

A handwritten signature in cursive script, appearing to read "Dolores A. Gilbert", is written over a horizontal line.

Dolores A. Gilbert

Dated: 05-29-08