

07-864-CD

Discover Bank vs Cathy Sacolic

2007-864-CD

Discover Bank vs Cathy Sacolic

FILED

JUN 04 2007

W 12:00 (W)
William A. Shaw
Prothonotary/Clerk of Courts

1 COPY TO

STFA

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

DISCOVER BANK

Plaintiff

vs.

CATHY R SACOLIC

Defendant

No: 2007-864-CD

COMPLAINT IN CIVIL ACTION

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
05877459 C A Pit WLG

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No

CATHY R SACOLIC

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 6500 NEW ALBANY ROAD
NEW ALBANY , OH 43054 .

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

CATHY R SACOLIC
60 WRIGLEY ST
CLEARFIELD, PA 16830

3. Defendant applied for and received a credit card issued by
Plaintiff bearing the account number 6011002660166844 . A copy of
Plaintiff's Statement of Account s 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 May 18, 2007 , in the amount of
\$5296.88 .


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 , CATHY R SACOLIC , INDIVIDUALLY , in the amount of \$5296.88 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$500.00 , and costs.



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05877459 C A Pit WLG

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.

15 SDSN6A01 0006200
CATHY SACOLIC
60 WRIGLEY ST
CLEARFIELD PA 16830-3170

Save time and a stamp this month by paying
your bill online. To find out about our free
and flexible online payment features, visit
Discovercard.com/payments

PO BOX 15251
WILMINGTON DE 19886-5251

Address, e-mail or telephone change? Print change in space
above, or go to Discovercard.com. Print your e-mail address to
receive important Account information and special offers.

000006011002660166844052968800000000529688

Discover Card Account Summary

Closing Date: February 15, 2007

page 1 of 1

Account Number	6011 0026 6016 6844	Previous Balance	\$5,296.88
Payment Due Date	March 14, 2007	Payments And Credits	- 0.00
Minimum Payment Due	\$5,296.88	Purchases	+ 0.00
Credit Limit	\$3,400.00	Cash Advances	+ 0.00
Credit Available	\$-1,896.00	Balance Transfers	+ 0.00
Cash Credit Limit	\$0.00	Finance Charges	+ 0.00
Cash Credit Available	\$0.00	New Balance	= \$5,296.88

EXHIBIT

Cashback Bonus®

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00

Cashback Bonus Balance Available to Redeem	\$ 0.00
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Cashback Bonus® Anniversary
Date: September 15

How Can We Help You?

Please have your Discover Card available.

Manage your account online at Discovercard.com

Customer Service: 1-800-DISCOVER (1-800-347-2683)

For Account Inquiries, write to us at:

Discover Card, PO Box 30943
Salt Lake City, UT 84130

TDD (Telecommunications Device for the Deaf):

For assistance, see reverse side.

Transactions

\$0 Fraud Liability Guarantee Use your Discover Card with confidence.

Information For You

While we are permitted under the Cardmember Agreement to increase the APRs on your Account because your payment was late, we have chosen not to do so at this time. We have terminated, however, any introductory or promotional rate on purchases and any special balance transfer rate, and applied the standard APR for purchases to your outstanding balance of purchases and balance transfers. However, we reserve the right to increase the APRs on your Account if you fail to pay the minimum payment due by the payment due date. See the Default Rate Plan section of the Cardmember Agreement for details.

Finance Charge Summary

	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
current billing period: 31 days						
Purchases	\$0	0.06847%	24.99% F	24.99%	\$0	none
Cash Advances	\$0	0.06847%	24.99% F	24.99%	\$0	\$0
previous billing period: 15 days						
Purchases	\$0	0.06847%	24.99% F	24.99%	\$0	none

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

VERIFICATION

The undersigned does hereby verify subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsifications to authorities, that he is Robert Adkins,

(Name)

Accounts Manager of Discover Financial Services, LLC., plaintiff herein, that
(Title) (Company)

he is duly authorized to make this Verification, and that the facts set forth in the foregoing Complaint in Civil Action are true and correct to the best of his/her knowledge, information and belief.


(Signature)

WWR # 5877459
CATHY R SACOLIC
6011002660166844

CASE # 2007-864-CD

VERBATIM 6500 NEW ALBANY RD NEW ALBANY OH 43054

RESPONSE TO COMPLAINT

VERBATIM

1. PLAINTIFF, IS A CORPORATION WITH OFFICES AT 6500 NEW ALBANY ROAD NEW ALBANY, OH 43054.

I CAN NOT CONFIRM OR DENY THAT THE PLAINTIFF IS A CORPORATION AT THIS ADDRESS.

2. DEFENDANT IS ADULT INDIVIDUAL RESIDING AT THE ADDRESS LISTED BELOW. CATHY R. SACOLIC 60 WRIGLEY ST. CLEARFIELD, PA 16830. THAT IS MY ADDRESS.

3. DEFENDANT APPLIED FOR AND RECEIVED A CREDIT CARD ISSUED BY PLAINTIFF BEARING THE ACCOUNT NUMBER 6011002660166844. A COPY OF PLAINTIFF'S STATEMENT OF ACCOUNT IS ATTACHED HERETO, MARKED AS EXHIBIT "A" AND MADE A PART HEROF.

I DID OPEN AN ACCOUNT WITH DISCOVER CARD.

4. DEFENDANT MADE USE OF SAID CREDIT CARD AND CURRENTLY HAS A BALANCE DUE AND OWING TO PLAINTIFF, AS OF MAY 18, 2007, IN THE AMOUNT OF \$5296.88.

I ADMIT TO USING CARD FOR GOODS AND SERVICES.

5. DEFENDANT IS IN DEFAULT BY FAILING TO MAKE PAYMENTS WHEN DUE.

I DENY BEING IN DEFAULT AND REQUEST A SIGN AND DATED COPY OF MY CONTRACT.

6. PLAINTIFF AVERS THAT THE AGREEMENT BETWEEN THE PARTIES PROVIDES THAT DEFENDANT WILL PAY PLAINTIFF'S ATTORNEY'S FEES.

I DENY THAT DEFENDANT WILL PAY ATTORNEY FEES AND REQUEST ORIGINAL TERMS OF CONTRACT.

7. PLAINTIFF AVERS THAT SUCH ATTORNEYS' FEES WILL AMOUNT TO \$500.00.

I CANNOT CONFIRM OR DENY THAT ATTORNEY FEES TO \$500.00 AND REQUEST ORIGINAL TERMS OF AGREEMENT.

8. ALTHOUGH REPEATEDLY REQUESTED TO DO SO BY PLAINTIFF, DEFENDANT HAS WILLFULLY FAILED AND/OR REFUSED TO PAY THE BALANCE DUE TO PLAINTIFF.

I DID MAKE PAYMENTS AND FELL APON FINANCIAL HARDSHIPS WHERE AT MY JOB BECAME KNOCKED DOWN IN HOURS AND COULDN'T KEEP UP WITH THE PAYMENTS.

WHEREFORE, I RECEIVED SOME STATEMENTS AND MADE PAYMENTS, AND THE REST WENT TO MY DEBT SERVICES PROGRAM, BUT I FELL APON FINANCIAL HARDSHIP. I ADMIT OWING MONEY BUT NOT THAT AMOUNT STATED IN THE TRANSACTION HISTORY WHICH INCLUDES ALL DEBITS, CREDITS, INTEREST FEES AND PAYMENTS WHEN ACCOUNT OPENED. BECAUSE I FELL APON FINANCIAL HARDSHIP I ENROLLED IN A DEBT SERVICES PROGRAM AND REQUEST A CONTINUANCE FOR 120 DAYS.

FILED

JUN 21 2007

4a - m/3:05/4ms (CR)
William A. Shaw
Prothonotary/Clerk of Courts
NO CERT COPY

Cathy R Sacolic
6.19.07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102866
NO: 07-864-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: CATHY R. SACOLIC

SHERIFF RETURN

NOW, June 07, 2007 AT 10:54 AM SERVED THE WITHIN COMPLAINT ON CATHY R. SACOLIC DEFENDANT AT 60 WRIGLEY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CATHY R. SACOLIC, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

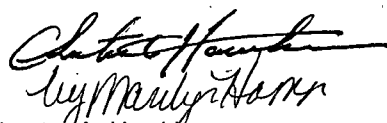
FILED
07/31/2007
OCT 17 2007
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8470391	10.00
SHERIFF HAWKINS	WELTMAN	8470391	20.00

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

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

DISCOVER BANK

Plaintiff

vs.

CATHY R SACOLIC

Defendant(s)

No. 2007-864-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITH PREJUDICE TO REFILE

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

WWR#5877459 DIS

FILED acc + 2 Cert
ml 11:17 am of disc issued
JAN 19 2010 to Atty Warmbrodt

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2007-864-CD

CATHY R SACOLIC

Defendant(s)

PRAECIPE TO SETTLE DISCONTINUE AND END WITH PREJUDICE TO REFILE

TO THE PROTHONOTARY OF COUNTY:

Settle, Discontinue and End With 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, Esquire

PA I.D. #42524

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

1400 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

(412) 434-7955

WWR#5877459

Sworn to and subscribed

Before me the _____

Day of Dec, 8, 2009

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Wendy L. Gault, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires July 15, 2010
Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Discover Bank

Vs.
Cathy R. Sacolic

No. 2007-00864-CD

COPY

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 January 19, 2010, marked:

Settled, discontinued and ended with prejudice to refile

Record costs in the sum of \$85.00 have been paid in full by Weltman Weinberg & Reis.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 19th day of January A.D. 2010.



William A. Shaw, Prothonotary