

08-1139-CD
Discover Bank vs Douglas Bell

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

DISCOVER BANK

(Plaintiff)

c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
 (Street Address)
Philadelphia, PA 19114
 (City, State, ZIP)

CIVIL ACTIONNo. 2008-1139-CDType of Case: CIVILType of Pleading: PLEADING

VS.

Filed on Behalf of:

DOUGLAS L BELL

(Defendant)

1496 MAPLE ST
 (Street Address)
MORRISDALE, PA 16858-9658
 (City, State, ZIP)

DISCOVER**BANK**

(Plaintiff)

David J. Apothaker, Esq.
Apothaker & Associates, P.C.

(Filed by)

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(Address)

215 634-8920

(Phone)

(Signature)

FILED

in 11:49 a.m. GE Atty PA1095.00
 JUN 23 2008 ICC Atty

William A. Shaw
 Prothonotary/Clerk of Courts

1 comp. to
 Sheriff

Our File No.: 165235
APOTHAKER & ASSOCIATES, P.C.
BY: David J. Apothaker, Esq.
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 Apothaker & Associates, P.C.) CLEARFIELD COUNTY
2417 Welsh Road, Suite 21 #520)
Philadelphia, PA 19114) NO.:
Plaintiff,)
vs.)
DOUGLAS L BELL)
1496 MAPLE ST)
MORRISDALE, PA 16858-9658)
Defendant.)
)

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 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.

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 comparecencia 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 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 INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE 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, Esq.
Attorney I.D.# 38423
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff

DISCOVER BANK
c/o Apotheker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

Plaintiff,
vs.

DOUGLAS L BELL
1496 MAPLE ST
MORRISDALE, PA 16858-9658
Defendant.

**CIVIL ACTION COMPLAINT
FIRST COUNT**

1. Plaintiff is DISCOVER BANK c/o Apotheker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are DOUGLAS L BELL, an adult individual residing at 1496 MAPLE ST MORRISDALE, PA 16858-9658.
3. At the special instance and request of Defendant, Plaintiff, DISCOVER BANK, issued to Defendant(s), Account #6011002236168548.
4. Defendant received, accepted and used the account to its benefit.
5. This account is in default and Defendant(s) has an unpaid balance of \$6,799.99. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".
6. All credits, if any, to which Defendant(s) is entitled, have been applied to the account and are included in Exhibit "A".
7. Although demand has been made, Defendant(s) has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$6,799.99 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

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

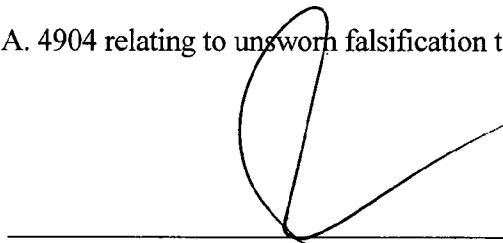
BY: _____
David L. Apothaker

Dated: 6/12/2008

Our File No.: 165235

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, appearing to read "David J. Apothaker", is written over a horizontal line. The signature is fluid and cursive, with a large, open loop on the left and a straight line extending to the right.

David J. Apothaker
Attorney for Plaintiff

DATE: 6/12/2008

DISCOVER BANK
c/o Apothaker & Associates, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114

DOUGLAS L BELL
1496 MAPLE ST
MORRISDALE, PA 16858-9658

STATEMENT OF ACCOUNT

Debtor's Name: DOUGLAS L BELL

Account Number: 6011002236158548

Balance Due: \$6,799.99

Our File No.: 165235

EXHIBIT "A"

FILED

JUN 23 1968

William A. Shaw
Prothonotary/Clerk of Court

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1139-CD

DISCOVER BANK
vs
DOUGLAS L. BELL

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 07/23/2008 HEARING: PAGE: 104318

DEFENDANT: DOUGLAS L. BELL
ADDRESS: 1496 MAPLE ST.
MORRISDALE, PA 16868

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS 6/30/08 1440h

FILED

03.10.08
JUL 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

7/10/08

def. is going to have Dave
Thompson accept paperwork **SHERIFF'S RETURN**

NOW THIS 10th DAY OF July 2008 AT 2:10 AM / PM SERVED THE WITHIN

COMPLAINT ON DOUGLAS L. BELL, DEFENDANT

BY HANDING TO Michelle Kephart, ASST CLK

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED WALTON St P. Barr

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR DOUGLAS L. BELL

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO DOUGLAS L. BELL

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Dep. George F. Doherty
Deputy Signature

Dep. George F. Doherty
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

DISCOVER BANK,

No. 08-1139-CD

Plaintiff

TYPE OF CASE:
Civil Action - Law

vs.

DOUGLAS L. BELL,

Defendant

TYPE OF PLEADING:
Answer To Complaint

FILED ON BEHALF OF:
Defendant

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
P.O. Box 587
308 Walton Street, Suite 4
Philipsburg PA 16866
(814) 342-4100

FILED
013-4951-3cc
JUL 29 2008 Atty Thompson

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

DISCOVER BANK,

No. 08-1139-CD

Plaintiff

TYPE OF CASE:
Civil Action - Law

VS.

DOUGLAS L. BELL,

Defendant

TYPE OF PLEADING:
Answer To Complaint

FILED ON BEHALF OF:
Defendant

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.

Attorney at Law

Supreme Court I.D. 73053

P.O. Box 587

308 Walton Street, Suite 4

Philipsburg PA 16866

(814) 342-4100

FILED
01/31/2008 3CC
JUL 29 2008 Atty Thompson
W.A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION - LAW

DISCOVER BANK,

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Plaintiff

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No.08-1139-CD

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vs.

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DOUGLAS L. BELL,

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Defendant

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**ANSWER TO COMPLAINT
IN CIVIL ACTION**

AND NOW, comes the Defendant, DOUGLAS L. BELL, by and through his attorney, David R. Thompson, Esquire and files the following Answer to Complaint in Civil Action:

1. After reasonable investigation, Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.
2. Admitted in part denied in part. It is admitted that the Defendant is Douglas L. Bell. By way of further pleading, Defendant has a residential and mailing address of P.O. Box 3, Lanse, Pennsylvania, 16849.
3. Admitted.
4. Admitted.
5. Denied. After reasonable investigation Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is

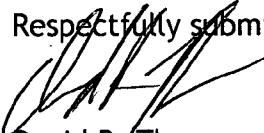
therefore denied, and strict proof is demanded at the time of trial. By way of further pleading, Defendant admits that he owes some money to the Plaintiff, but is unable to calculate whether the specific amount alleged to be owed is correct.

6. Denied. After reasonable investigation Defendant is without information sufficient to form a belief as to the truth or falsity of the averment. The same is therefore denied, and strict proof is demanded at the time of trial.

7. Admitted in part and denied in part. It is admitted that the Plaintiff has demanded that the Defendant make payment. As to the amount alleged to be owed, Defendant is unable to calculate whether the specific amount alleged to be owed is correct.

WHEREFORE, Defendant respectfully requests this Honorable Court to enter judgment in his favor and against Plaintiff, dismissing Plaintiff's Complaint with prejudice.

Respectfully submitted,

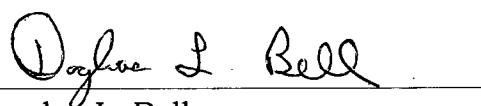


David R. Thompson, Esquire
Attorney for Defendant

VERIFICATION

I certify that the facts set forth in the foregoing ***Answer To Complaint*** are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Dated:


Douglas L. Bell

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

FILED

DISCOVER BANK,

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Plaintiff

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0/11/05/w 610
William A. Shaw

AUG 05 2008
Prothonotary/Clerk of Courts

2 Cents to MTC

No. 2008-1139-CD

vs.

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TYPE OF CASE:

Civil Action - Law

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FILED ON BEHALF OF:

Plaintiff

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COUNSEL OF RECORD FOR

THIS PARTY:

David R. Thompson, Esq.

Attorney at Law

Supreme Court I.D. 73053

P.O. Box 587

308 Walton Street, Suite 4

Philipsburg PA 16866

(814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION LAW

DISCOVER BANK,

*

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No. 2008-1139-CD

Plaintiff

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vs.

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DOUGLAS L. BELL,

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Defendant

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CERTIFICATE OF SERVICE

TO THE PROTHONOTARY:

I, **DAVID R. THOMPSON, ESQUIRE**, do hereby certify that I served a true and correct copy of the Answer to Complaint in the above captioned matter by depositing the same in the U.S. First Class Mail, postage prepaid, addressed as follows:

David J. Apotheker, Esq.
Apotheker & Associates, P.C.
2417 Welsh Road, Suite 21, #520
Philadelphia, PA 19114

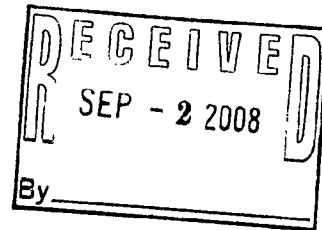
DATE: 7-30-08

BY: 

David R. Thompson, Esquire
Attorney for Defendant

Our file No.: 165235 -2
APOTHAKER & ASSOCIATES, P.C.
2417 Welsh Road, Suite 21 #520
Philadelphia, PA 19114
(215) 634-8920
Attorneys for Plaintiff
Attorney ID# 55140

FILED NO CC
M/10/4/2008
SEP 15 2008 (60)
William A. Shaw
Prothonotary/Clerk of Courts



DISCOVER BANK

Plaintiff,
vs.
DOUGLAS L BELL
Defendant.

) COURT OF COMMON PLEAS
) CLEARFIELD COUNTY
)
) DOCKET NO.: 2008-1139-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 August 18, 2008, STIPULATED by and between Plaintiff, DISCOVER BANK, and Defendant, DOUGLAS L BELL parties as follows:

1. Defendant agrees to pay the sum of \$6,994.99, which sum Plaintiff agrees to accept in full settlement of its claim herein, inclusive of counsel fees and court costs.

2. The sum aforesaid shall be paid by Defendant, DOUGLAS L BELL, to the attorneys for Plaintiff in the following manner:

- a. Payment of \$1,400.00 to be paid on or before August 25, 2008;
- b. Payments of \$160.00 to be paid on or before the 25th of every month, starting September 25, 2008 until balance in full is paid.

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

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

3. In the event Defendant fails to pay in accordance with the terms set forth in this Stipulation, then, and in that event, Plaintiff shall be entitled to obtain the entry of Judgment against Defendant *ex parte*, in the sum of \$6,994.99, giving Defendant credit for any sums actually paid pursuant to the terms of this Stipulation.

4. In the event of default as aforesaid, and default is not cured within ten (10) days, Plaintiff shall be entitled to obtain the entry of Judgment upon *ex parte* application, with supporting certification, and with notice to Defendant only in the form of a copy of the application addressed to DOUGLAS L BELL by first-class, postage prepaid.

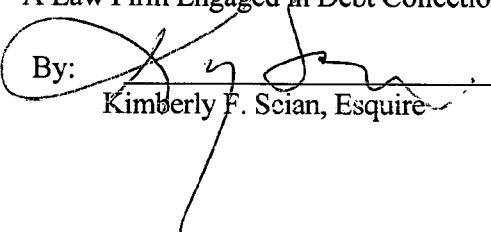
We hereby consent to the form and entry of the within Stipulation.

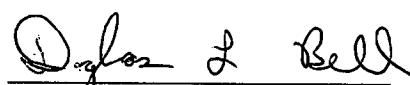
APOTHAKER & ASSOCIATES, P.C.

Attorneys for Plaintiff

A Law Firm Engaged in Debt Collection

By:


Kimberly F. Scian, Esquire


DOUGLAS L BELL

FILED

SEP 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104318
NO: 08-1139-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: DOUGLAS L. BELL

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	93907	10.00
SHERIFF HAWKINS	APOTHAKER	93907	49.85

FILED
01215701
OCT 06 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

Our File No.: 165235
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
Plaintiff,) CLEARFIELD COUNTY
vs.)
DOUGLAS L BELL) NO. 2008-1139-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: 4/13/2009

FILED 2CC
APR 20 2009
William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 20 2009

William A. Shaw
Prothonotary/Clerk of Courts