

08-2373-CD  
Discover Bank vs Emily Suzza Smith

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

DISCOVER BANK

Plaintiff

vs.

EMILY SUZZA SMITH

Defendant

No: 08-2373-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 1400  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
07078080 C A Pit ABR

5  
FILED 100  
DEC 10 2008  
MTT:32624 Sheriff  
(LW) Atty pd.  
William A. Shaw  
Prothonotary/Clerk of Courts 95.00

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No

EMILY SUZZA SMITH

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 Rd, New Albany, OH 43054.

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

EMILY SUZZA SMITH  
208 HUMMINGBIRD RD  
MORRISDALE, PA 16858

3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXX7981 . 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 November 21, 2008 , in the amount of \$4990.50 .


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 , EMILY SUZZA SMITH , INDIVIDUALLY , in the amount of \$4990.50 with interest at the legal rate of 6.000% per annum from date of judgment plus attorneys' fees of \$500.00 , and costs.



---

James C. Warmbrodt, 42524  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
07078080 C A Pit ABR

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.

CARD

\$4,990.50

\$4,990.50

Enter Amount Enclosed Below

Payment Due Date  
October 21, 2008

\$ 7078080

Please make check payable to Discover Card.  
Minimum payment due includes a past due  
amount of \$1,484.00.Will your payment get to us on time? Pay  
your bill online and your payment can be  
made to your account on the same day. Visit  
**Discover.com/payments** today.22 SDSN6A01 0015186  
EMILY SMITH  
208 HUMMINGBIRD RD  
MORRISDALE PA 16858-9331Address, 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.PO BOX 15251  
WILMINGTON DE 19886-5251

000001986458388176808049905000000000499050

## Discover More Card Account Summary

Account number ending in	7981	Closing Date: September 22, 2008	page 1 of 1
Payment Due Date	October 21, 2008	Previous Balance	\$4,990.50
Minimum Payment Due	\$4,990.50	Payments And Credits	
Credit Limit	\$3,800.00	Purchases	0.00
Credit Available	\$0.00	Cash Advances	0.00
Cash Credit Limit	\$0.00	Balance Transfers	0.00
Cash Credit Available	\$0.00	Finance Charges	0.00
		New Balance	\$4,990.50

EXHIBIT

## Cashback Bonus®

Cashback Bonus® Anniversary  
Date: September 22

Opening Cashback Bonus Balance	\$ 0.00
New Cashback Bonus Earned	+ 0.00
Cashback Bonus Balance Available to Redeem	\$ 0.00

How Can We Help You?  
It's your choice - 3 ways to helpPlease have your Discover Card available.  
For TDD (assistance for hearing impaired) see reverse side

1. Visit **Discover.com** to pay your bill for no cost, view your latest Account information, earn and redeem rewards and more
2. Call 1-800-DISCOVER (347-2683) for fast, easy self-service options or to speak with a Customer Service Account Manager
3. Write us at Discover Card, PO Box 30943, Salt Lake City, UT 84130

## 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	0.07942%	28.99% F	28.99%	\$0	none
Cash Advances	\$0	0.07942%	28.99% F	28.99%	\$0	\$0
previous billing period: 31 days						
Purchases	\$0	0.07942%	28.99% F	28.99%	\$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 DFS 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 knowledge, information and belief.

  
(Signature)

WWR# 7078080  
Emily S. Smith  
'6011002273087981

**FILED**

**DEC 10 2008**

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2373-CD

DISCOVER BANK  
vs  
EMILY SUZZA SMITH

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/09/2009 HEARING: PAGE: 105044

DEFENDANT: EMILY SUZZA SMITH  
ADDRESS: 208 HUMMINGBIRD RD  
MORRISDALE, PA 16858

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

12-15-08 In  
MOVED TO PIERCE

SHERIFF'S RETURN

FILED  
013:5061  
DEC 17 2008

William A. Shaw  
Prothonotary/Clerk of Courts

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **SERVED** THE WITHIN

COMPLAINT ON EMILY SUZZA SMITH, DEFENDANT

BY HANDING TO \_\_\_\_\_ / \_\_\_\_\_

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

ADDRESS SERVED \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **POSTED** THE WITHIN

COMPLAINT FOR EMILY SUZZA SMITH

AT (ADDRESS) \_\_\_\_\_

NOW 12-17-08 AT 330 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO EMILY SUZZA SMITH

REASON UNABLE TO LOCATE NOT FOUND

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Deputy S. Hunter  
Deputy Signature

S. Hunter  
Print Deputy Name

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

DISCOVER BANK

Plaintiff

vs.

EMILY SUZZA SMITH

Defendant

No: 08-2373-CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF  
Plaintiff

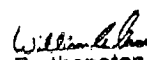
COUNSEL OF RECORD OF  
THIS PARTY:

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WELTMAN, WEINBERG & REIS CO., L.P.A.  
436 Seventh Avenue, Suite 1400  
Pittsburgh, PA 15219  
(412) 434-7955  
FAX: 412-338-7130  
07078080 C A Pit ABR

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

DEC 10 2008

Attest.

  
Prothonotary/  
Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No

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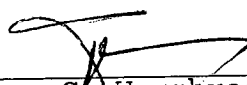
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Minimum payment due includes a past due  
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your bill online and your payment can be  
made to your account on the same day. Visit  
**Discover.com/payments** today.

22 SDSN6A01 0015186

EMILY SMITH  
208 HUMMINGBIRD RD  
MORRISDALE PA 16858-9331PO BOX 15251  
WILMINGTON DE 19886-5251Address, 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.

000001986458388176808049905000000000499050

## Discover More Card Account Summary

Closing Date: September 22, 2008

page 1 of 1

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Minimum Payment Due	\$4,990.50
Credit Limit	\$3,800.00
Credit Available	\$0.00
Cash Credit Limit	\$0.00
Cash Credit Available	\$0.00

Previous Balance	\$4,990.50
Payments And Credits	- 0.00
Purchases	+ 0.00
Cash Advances	+ 0.00
Balance Transfers	+ 0.00
Finance Charges	+ 0.00
New Balance	= \$4,990.50

EXHIBIT

A

## Cashback Bonus®

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

Cashback Bonus® Anniversary  
Date: September 22

Cashback Bonus Balance	\$ 0.00
Available to Redeem	\$ 0.00

How Can We Help You?  
It's your choice - 3 ways to helpPlease have your Discover Card available.  
For TDD (assistance for hearing impaired) see reverse side

1. Visit **Discover.com** to pay your bill for no cost, view your latest Account information, earn and redeem rewards and more
2. Call 1-800-DISCOVER (347-2683) for fast, easy self-service options or to speak with a Customer Service Account Manager
3. Write us at Discover Card, PO Box 30943, Salt Lake City, UT 84130

## Transactions

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## Finance Charge Summary

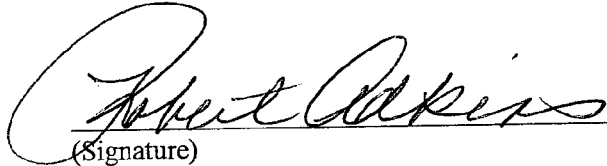
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The rates that apply to your Account are either fixed (F) or they may vary (V) as noted above.

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 DFS 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 knowledge, information and belief.

  
(Signature)

WWR# 7078080  
Emily S. Smith  
'6011002273087981

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105044  
NO: 08-2373-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: DISCOVER BANK  
vs.  
DEFENDANT: EMILY SUZZA SMITH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8796725	10.00
SHERIFF HAWKINS	WELTMAN	8796725	29.21

<sup>S</sup>  
**FILED**  
013:00LM  
MAR 23 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2009

So Answers,



Chester A. Hawkins  
Sheriff



FILED<sup>®</sup>

APR 12 2010

4  
m/12:05/W  
William A. Shaw  
Prothonotary/Clerk of Courts  
2 sent to A+2

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

DISCOVER BANK

Plaintiff

vs.

EMILY SUZZA SMITH

Defendant(s)

No. 08-2373-CD

PRAECIPE TO SETTLE, DISCONTINUE  
AND END WITHOUT PREJUDICE TO REFILE

FILED ON BEHALF OF  
Plaintiff

COUNSEL OF RECORD OF  
THIS PARTY:

Lyndsay E Rowland, Esquire  
PA I.D. #205520  
WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

WWR#7078080 DIS

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 08-2373-CD

EMILY SUZZA SMITH

Defendant(s)

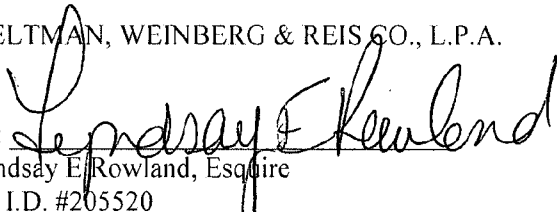
PRAECIPE TO SETTLE, DISCONTINUE  
AND END WITHOUT PREJUDICE TO REFILE

TO THE PROTHONOTARY OF Clearfield COUNTY:

SIR:

Kindly settle, discontinue and end without 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:   
Lyndsay E. Rowland, Esquire  
PA I.D. #205520

WELTMAN, WEINBERG & REIS CO., L.P.A.  
1400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 434-7955

SWORN TO AND SUBSCRIBED

before me this 30 day

of March 2010

  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Sheila G. Bevan, Notary Public  
City Of Pittsburgh, Allegheny County  
My Comm. Expires 12/31/2010  
Member, Pennsylvania Association of Notaries