

08-2373-CD

Discover Bank vs Emily Suzza Smith

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

DISCOVER BANK

Plaintiff

No: 08-2373-CD

vs.

COMPLAINT IN CIVIL ACTION

EMILY SUZZA SMITH

Defendant

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

S
FILED ^{1CC}
MT 32/34 Sheriff
DEC 10 2008
(10) 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.
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 is 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 .

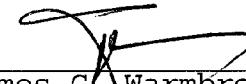
5. Defendant is in default by failing to make payments when due.

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/cr 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
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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

\$ 7078080

22 SDSN6A01 0015186
EMILY SMITH
 208 HUMMINGBIRD RD
 MORRISDALE PA 16858-9331

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.

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.

PO BOX 15251
 WILMINGTON DE 19886-5251

000001986458388176808049905000000000499050

Discover More Card Account Summary

Account number ending in	7981
Payment Due Date	October 21, 2008
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

Closing Date: September 22, 2008

page 1 of 1

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®

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
	\$ 0.00

How Can We Help You?
It's your choice - 3 ways to help
 Please 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 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

current billing period: 31 days	Average Daily Balances	Daily Periodic Rates	Nominal ANNUAL PERCENTAGE RATES	ANNUAL PERCENTAGE RATES	Periodic FINANCE CHARGES	Transaction Fee FINANCE CHARGES
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 P.A.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 lh
MOVED TO PITTSBURGH

FILED
0135981

DEC 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

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 3:30 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

No: 08-2373-CD

vs.

COMPLAINT IN CIVIL ACTION

EMILY SUZZA SMITH

Defendant

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

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

DEC 10 2008

Attest.

William L. Lohr
Prothonotary/
Clerk of Courts

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

DISCOVER BANK

Plaintiff Civil Action No
vs.

EMILY SUZZA SMITH

Defendant

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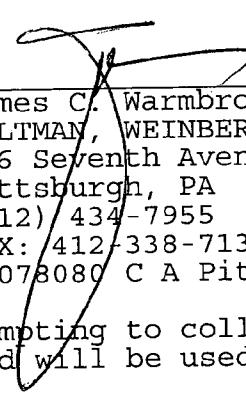
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CARD

\$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 \$1,484.00.22 SDSN6A01 0015186
EMILY SMITH
208 HUMMINGBIRD RD
MORRISDALE PA 16858-9331Will 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.PO 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.

0000019864583881768080499050000000000499050

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Finance Charges	+ 0.00
New Balance	= \$ 4,990.50

EXHIBIT

Cashback Bonus®

Cashback Bonus® Anniversary
Date: September 22

How Can We Help You?
It's your choice - 3 ways to help
 Please 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

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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.



Robert Adkins
(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

S
FILED
03:00pm
MAR 23 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

Day of 2009



Chester A. Hawkins
Sheriff

FILED[®]

APR 12 2010

4/12/05/w
William A. Shaw

Prothonotary/Clerk of Courts

2 went to Ator

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

DISCOVER BANK

Plaintiff No. 08-2373-CD

vs. PRAECEIPE TO SETTLE, DISCONTINUE
EMILY SUZZA SMITH AND END WITHOUT PREJUDICE TO REFILE

Defendant(s) 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*
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

Sheila G. Bevan
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Sheila G. Bevan, Notary Public
City Of Pittsburgh, Allegheny County

May 10, 2010

Member, Pennsylvania Association of Notaries