

08-2423-CD
Discover Bank vs Brian Swatworth

^S
FILED pd \$95.00 Atty
m/12:10Lm
DEC 19 2008
ICE SHFF
William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

BRIAN D SWATSWORTH

Defendant

No: 2008-2423-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
06919669 C A Pit ABR

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No

BRIAN D SWATSWORTH

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:

BRIAN D SWATSWORTH
443 1ST STREET
GRAMPIAN, PA 16838

3. Defendant applied for and received a credit card issued by Plaintiff bearing the account number XXXXXXXXXXXX4890 . 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 December 04, 2008 , in the amount of \$4454.75 .

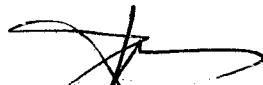
5. Defendant is in default by failing to make payments when due.

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 , BRIAN D SWATSWORTH , INDIVIDUALLY , in the amount of \$4454.75 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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06919669 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

34,454.75

\$4,454.75

Account Number ending in 4890
Enter Amount Enclosed BelowPayment Due Date
July 21, 2008

\$ 6919.669 3100

Please make check payable to Discover Card.
Minimum payment due includes a past due
amount of \$811.00.22 SDSN6A01 0002840
BRIAN SWATSWORTH
PO BOX 31
GRAMPIAN PA 16838-0031Will 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
Discovercard.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

000001986458824888339044547500000000445475

Discover More Card Account Summary

Account number ending in 4890
Payment Due Date July 21, 2008
Minimum Payment Due \$4,454.75
Credit Limit \$3,000.00
Credit Available \$0.00
Cash Credit Limit \$0.00
Cash Credit Available \$0.00

Closing Date: June 22, 2008

page 1 of 1

Previous Balance		\$4,454.75
Payments And Credits		
Purchases	-	0.00
Cash Advances	+	0.00
Balance Transfers	+	0.00
Finance Charges	+	0.00
New Balance	+	0.00
	=	\$4,454.75

Cashback Bonus®

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

Cashback Bonus® Anniversary
Date: December 22How 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

EXHIBIT

A

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: 22 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: 5 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.					\$0	none

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 # 6919669
BRIAN D SWATSWORTH
6011002730364890

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2423-CD

DISCOVER BANK

vs

BRIAN D. SWATSWORTH

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 01/18/2009

HEARING:

PAGE: 105079

DEFENDANT: BRIAN D. SWATSWORTH

ADDRESS: 443 1ST STREET
GRAMPIAN, PA 16838

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT ON BRIAN D. SWATSWORTH, 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 BRIAN D. SWATSWORTH

AT (ADDRESS) _____

NOW 1-2-09 AT 2:16 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO BRIAN D. SWATSWORTH

REASON UNABLE TO LOCATE Det. NOT Living AT Above Address

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature

JAMES E. DAVIS

Print Deputy Name

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

DEC 19 2008

Attest.

William A. Brown
Prothonotary/
Clerk of Courts

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

DISCOVER BANK
Plaintiff

vs.

BRIAN D SWATSWORTH
Defendant

No: 2008-2423- CD

COMPLAINT IN CIVIL ACTION

FILED ON BEHALF OF
Plaintiff

COUNSEL OF RECORD OF
THIS PARTY:

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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DISCOVER BANK

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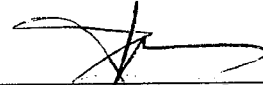
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(412) 434-7955
FAX: 412-338-7130
06919669 C A Pit ABR

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.

Payment Due Date
July 21, 2008

\$ 6919669 3100

Please make check payable to Discover Card.
Minimum payment due includes a past due
amount of \$811.00.

22 SDSN6A01 0002840

BRIAN SWATSWORTH
PO BOX 31
GRAMPIAN PA 16838-0031Will 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
Discovercard.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

000001786458824888339044547500000000445475

Discover More Card Account Summary

Account number ending in 4890
Payment Due Date July 21, 2008
Minimum Payment Due \$4,454.75
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Credit Available \$0.00
Cash Credit Limit \$0.00
Cash Credit Available \$0.00

Closing Date: June 22, 2008

page 1 of 1

Previous Balance	\$4,454.75
Payments And Credits	-
Purchases	0.00
Cash Advances	+
Balance Transfers	+
Finance Charges	+
New Balance	= \$4,454.75

Cashback Bonus®

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

Cashback Bonus® Anniversary
Date: December 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.

EXHIBIT

A


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: 22 days						
Purchases	\$0	0.06847%	24.99% F	24.99%		
Cash Advances	\$0	0.06847%	24.99% F	24.99%	\$0	none
Previous billing period: 5 days						
Purchases	\$0	0.06847%	24.99% F	24.99%	\$0	\$0
					\$0	none

Interest 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 # 6919669
BRIAN D SWATSWORTH
6011002730364890

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105079
NO: 08-2423-CD
SERVICES 1
COMPLAINT

PLAINTIFF: DISCOVER BANK
vs.
DEFENDANT: BRIAN D. SWATSWORTH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	WELTMAN	8797862	10.00
SHERIFF HAWKINS	WELTMAN	879862	27.20

FILED
013:3608H
MAR 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

FILED 1 cc + 1 Cert of
m/ 11:15 am disc issued to
FEB - 2 2010 Atty Warmbrodt

William A. Shaw
Prothonotary/Clerk of Courts

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

DISCOVER BANK

Plaintiff

vs.

BRIAN D SWATSWORTH

Defendant(s)

No. 2008-2423-CD

PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT 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#6919669 DIS

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

DISCOVER BANK

Plaintiff

vs.

Civil Action No. 2008-2423-CD

BRIAN D SWATSWORTH

Defendant(s)

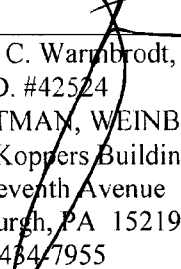
PRAECIPE TO SETTLE, DISCONTINUE
AND END WITHOUT PREJUDICE TO REFILE

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.

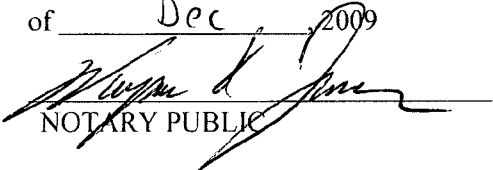
WELTMAN, WEINBERG & REIS CO., L.P.A.

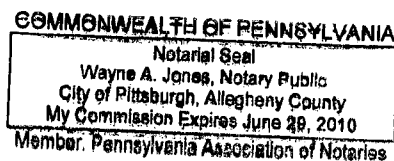
By: 
James C. Warmbrodt, Esquire
PA I.D. #42524
WELTMAN, WEINBERG & REIS CO., L.P.A.
1400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 484-7955

SWORN TO AND SUBSCRIBED

before me this 31 day

of Dec, 2009


NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Discover Bank

Vs.

No. 2008-02423-CD

Brian D. Swatsworth

CERTIFICATE OF DISCONTINUATION

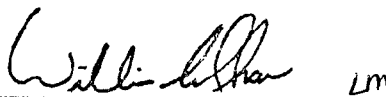
Commonwealth of PA
County of Clearfield

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 February 2, 2010, marked:

Settled, discontinued and ended without prejudice too refile.

Record costs in the sum of \$95.00 have been paid in full by James C. Warmbrodt Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of February A.D. 2010.



William A. Shaw, Prothonctary