

Prog

Index No: \_\_\_\_\_  
Date Filed: \_\_\_\_\_

\*\*\*\*CONSUMER CREDIT TRANSACTION\*\*\*\*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF CHEMUNG

0808M 416622  
Clk Acct: XXXXXXXXXXXXXXX2667

-----X  
CAPITAL ONE, N.A.

SUMMONS

Plaintiff  
against

The basis of the venue designated is: County in which defendant(s) resides  
The defendant resides in the county of CHEMUNG  
The transaction took place out of state.

CHRISTINA RODRIGUEZ

Defendant(s)  
-----X

To the above named Defendant(s)

You are hereby summoned and required to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgement will be taken against you by default for the relief demanded in the complaint.

Sep 25, 2023

Defendant's address:  
CHRISTINA RODRIGUEZ  
331 ROE AVE  
ELMIRA NY 14901-1328

Attorney(s) for Plaintiff  
Malen & Associates, p.c.  
123 Frost Street, Suite 203  
Westbury, NY 11590  
(516) 334-3500 Ext: 5926  
New York City Department of Consumer Affairs License: 2046078-DCA

*DA*  
Adam Hughes, Nicholas Templeton, Dana Arrick

Upon your failure to appear, judgment will be taken against you by default for the sum of \$ 3363.50 with statutory costs and disbursements of this action.

This is an attempt to collect a debt, any information obtained will be used for that purpose.  
We are a Debt Collector.



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF CHEMUNG

INDEX #:

-----X  
CAPITAL ONE, N.A.

OUR FILE #: 0808M -416622

Plaintiff,  
-against-  
CHRISTINA RODRIGUEZ

COMPLAINT

Defendant(s)  
-----X

Plaintiff's Address:  
15000 Capital One Drive  
Richmond, VA 23238

PLAINTIFF BY ITS ATTORNEYS, MALEN & ASSOCIATES, P.C. COMPLAINING OF the Defendant(s),  
allege(s) upon information and belief:

- 1. Plaintiff is a National Banking Association and is the Original Creditor.  
Capital One, N.A. is the successor by merger to Capital One Bank (USA), N.A.

Upon information and belief Plaintiff is not required to be licensed by the New York City Department of Consumer Affairs.

- 2. Defendant CHRISTINA RODRIGUEZ resides or has its principal place of business at: 331 ROE AVE ELMIRA NY 14901-1328

- 3. Upon Information and belief the transaction of business occurred within CHEMUNG County.

4 CAUSE OF ACTION NUMBER ONE:

Defendant(s) executed an agreement wherein Plaintiff agreed to extend credit or cash advance on a revolving basis which credit or advance was to be paid in monthly installments. There remains due and owing the sum of \$3363.50.

Account number ending in: XXXXXXXXXXXXX2667 Card Type: QUICKSILVER

- 5. That no portion of the aforementioned sum has been paid, although duly demanded.

Plaintiff expressly disclaims any right to attorney fees that it may have.

Total amount due of debt at Charge-Off: \$ 3363.50  
 Total amount of Interest accrued since Charge-Off: None  
 Total amount of Non-Interest charges or fees accrued since Charge-Off: None  
 Total amount credited since Charge-Off: \$ .00

Date of last payment: 02/01/23 Amount of last payment: \$ 100.00

The Account Balance printed on the most recent monthly statement recording a purchase last payment or balance transfer: \$ 3300.58

WHEREFORE Plaintiff demands judgment against Defendant(s) in the sum of \$ 3363.50 on the first cause of action; together with statutory costs and disbursements.

DATED: Sep 25, 2023  
Westbury, New York

  
 Adam Hughes, Nicholas Templeton, Dana Arrick

MALEN & ASSOCIATES, p.c.  
 Attorneys for Plaintiff  
 123 Frost Street, Suite 203  
 Westbury, N.Y. 11590  
 (516) 334-3500 Extension: 5926

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF CHEMUNG

-----  
CAPITAL ONE, N.A.

File No. 0808M 416622

Plaintiff  
-against-

CHRISTINA RODRIGUEZ

Index#: \_\_\_\_\_

-----  
Defendant(s)


**NOTICE OF COMMENCEMENT OF ACTION  
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk, is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System ("NYSCEF") is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment and (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center at 646-386-3033 or [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us).

Dated: Sep 25, 2023

  
Adam Hughes, Esq., Nicholas Templeton, Esq., Dana Arrick, Esq.  
MALEN & ASSOCIATES, P.C.  
123 Frost Street  
Westbury, NY 11590  
516.334.3500

To: CHRISTINA RODRIGUEZ  
331 ROE AVE  
ELMIRA NY 14901-1328

This is an attempt to collect a debt, any information obtained shall be used for that purpose. We are Debt Collectors.

New York City Department of Consumer Affairs License: 2046078-DCA

-----X  
CAPITAL ONE, N.A.

Plaintiff,

-against-

CHRISTINA RODRIGUEZ

Defendant(s).

FILE NO: 0808M 416622  
AFFIDAVIT OF  
INVESTIGATOR  
NON-MILITARY STATUS

-----X  
STATE OF NEW YORK, COUNTY OF NASSAU

The undersigned being duly sworn, deposes and says: That your deponent is not a party to this action, is over the age of eighteen of years, and is employed by Malen & Associates, P.C., 123 Frost Street, Westbury, NY 11590.

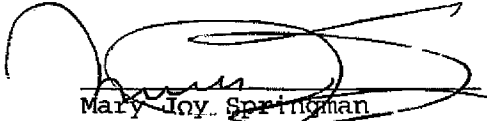
Plaintiff has attempted to confirm if the following defendant(s), hereinafter known as "the Defendant(s)", are in the military service:

CHRISTINA RODRIGUEZ

I have been requested by Malen & Associates, P.C., attorneys for Plaintiff to swear as to my own personal knowledge whether or not the Defendant(s) are in military service pursuant to United States Soldiers and Sailor's Relief Act of 1940, as amended, 50 U.S.C.A. App. Secs. 501 et seq and the New York State Military Law, Article XIII, Soldiers and Sailors Civil Relief Act, Sections 300 to 327.

I communicated with the Department of Defense, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209 wherein I provided them with the Defendant(s) name(s), date(s) of birth or social security number(s) which we know is accurate because the information is contained in Plaintiff's file. In response to my inquiry it was confirmed on 09/25/23 that the Defendant(s) were not in any branch of the military service.

From the facts above set forth, I am convinced that the Defendant(s) are not in any branch of the military service at the present time.

  
Mary Joy Springman

Sworn to before me on  
Sep 25, 2023



Notary Public



affinonmil maryjoy

09/25/23

STEPHANIE PERRE  
Notary Public State of New York  
No. 011120000  
Qualified in Nassau County

NOTARY

## Department of Defense Manpower Data Center

Results as of : Sep-25-2023 06:08:15 AM

SCRA 5.18



## Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-6650  
 Birth Date:  
 Last Name: RODRIGUEZ  
 First Name: CHRISTINA  
 Middle Name:  
 Status As Of: Sep-25-2023  
 Certificate ID: KRVMD35LQKPN7GY

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, Space Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

*Sam Yousefzadeh*

Sam Yousefzadeh, Director  
 Department of Defense - Manpower Data Center  
 4800 Mark Center Drive, Suite 04E25  
 Alexandria, VA 22350

File #: 416622

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