

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHEMUNG

DISCOVER BANK

Plaintiff designates CHEMUNG County as the place of trial; the defendant resides in CHEMUNG County

PLAINTIFF,

-AGAINST-

INDEX NUMBER:
PURCHASE DATE:
S&S FILE NO. D172691

DONALD L ROSE

DEFENDANT.

SUMMONS
Plaintiff's address: C/O DISCOVER PRODUCTS INC.
6500 NEW ALBANY ROAD EAST, NEW ALBANY, OH 43054

The Basis of the Venue is Defendant's Residence

CONSUMER CREDIT TRANSACTION

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after 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, judgment will be taken against you by default for the relief demanded in the complaint, together with the costs of this action.

Dated: October 04, 2023

Selip & Stylianou, LLP
Attorneys for plaintiff
P.O. Box 9004, 199 Crossways Park Dr., Woodbury, NY 11797-9004
(516) 364-6006 ext. 8991; (866) 848-8975 ext. 8991; TTY/TRS: (516) 422-8500
Refer to S&S File No. D172691

Defendant to be served: DONALD L ROSE, 130 THOMAS RD, HORSEHEADS, NY 14845

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.



By: _____
MITCHELL SELIP ESQ.



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COMPLAINT

Plaintiff, by its attorneys, complaining of the Defendant(s), respectfully alleges that:

1. Plaintiff is a state chartered bank insured by the FDIC.
2. Upon information and belief, the Defendant(s) resides or has an office in the venue in which this action is brought, or the Defendant(s) transacted business within the venue in which this action is brought, either in person or through an agent, and the instant cause of action arose out of said transaction.
3. Plaintiff is authorized to bring the lawsuit pursuant to New York State Banking Law §200(4).
4. Based upon a reasonable inquiry, the Statute of Limitations for the causes of action asserted herein has not expired.

FACTS

5. A revolving credit account (hereafter the "Account") was opened in Defendant's name, subject to the terms and conditions provided, or made available in electronic format, to the Defendant (the "Agreement"). A copy of the charge-off statement is attached hereto. Plaintiff is the original creditor (as defined in NY CPLR § 105(q-1)) and owner of the Account.

6. Defendant used the Account and incurred a balance. The last four digits of the Account number on the most recent monthly statement recording a purchase transaction, last payment, or balance transfer (the "Last Activity Statement") are 0241, and the balance owed as set forth in the Last Activity Statement was \$2,414.02.

7. Defendant breached the terms of the Agreement by failing to make the agreed-upon payments when due.

8. Demand for payment of the Account was made on Defendant, but Defendant failed to make all the required payments. The Defendant's last payment was made on or about January 03, 2021 in the amount of \$70.00.

9. As a result of Defendant's default, the Plaintiff closed the Account and subsequently charged it off on August 31, 2021 in the amount of \$2,978.89, as reflected in the attached statement, which was

mailed or otherwise made available to the Defendant on or about August 31, 2021.

10. The balance currently due and owing is **\$2,978.89**, itemized as follows:

Balance due at time of charge-off:	\$2,978.89
Plus total amount of interest accrued since charge-off:	\$0.00
Plus total amount of non-interest charges or fees since charge-off:	\$0.00
Plus total amount of dishonored payments:	\$0.00
Less total amount of payments and/or credits since charge-off:	\$0.00

AS AND FOR A FIRST CAUSE OF ACTION

11. Plaintiff repeats and realleges each and every allegation contained in the foregoing paragraphs as if more fully set for herein.


12. As a result of Defendant's breach of the Agreement, and after crediting Defendant for all payments and credits, there is now due and owing by Defendant to Plaintiff the sum of **\$2,978.89**, no part of which has been paid despite due demand therefor.

WHEREFORE, Plaintiff demands judgment against Defendant(s) in the amount of **\$2,978.89** together with disbursements, with post-judgment interest to accrue thereon as authorized by law.

The undersigned attorney hereby certifies that, to the best of his/her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the presentation of the within complaint and the contentions therein are not frivolous as defined in part 130-1.1(c) of the rules of the Chief Administrator.

Dated: OCTOBER 04, 2023

YOURS, ETC.



By: _____
MITCHELL SELIP ESQ.
Selip & Stylianou, LLP, Attorneys for Plaintiff
199 Crossways Park Drive, Woodbury, NY 11797-9004
(516) 686-8991; (866) 848-8975 ext. 8991;
S&S File No. D172691

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NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by the filing of the accompanying documents with the County Clerk via the New York State Courts Electronic Filing System ("NYSCEF"), 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.

Counsel and/or parties must either: 1) immediately record their representation within the e-filed matter on the Consent/Represent page in NYSCEF; or 2) file the Notice of Opt-Out form to claim one of the limited exemptions from mandatory e-filing (see below). Failure to record representation may result in an inability to receive electronic notice of any document filings. Claiming an exemption will require the exempt party to serve and be served with hard copy documents.

Counsel and unrepresented parties who intend to participate in e-filing must first create a NYSCEF account and obtain a userID and password. For additional information about electronic filing, and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov; mailing address: 60 Centre Street, New York, New York 10007).

Exemptions from mandatory e-filing (Section 202.5-bb(e)) are limited to:

1) attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements; and

2) parties who expect to represent themselves and who choose not to participate in e-filing. (Such parties are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action is pending.)

Dated: October 04, 2023

Selip & Stylianou, LLP

By: MITCHELL SELIP ESQ., Attorney for Plaintiff

P.O. Box 9004, 199 Crossways Park Drive, Woodbury, NY 11797-9004
(516) 686-8991; (800) 293-6006 ext. 8991;

To: DONALD L ROSE, 130 THOMAS RD, HORSEHEADS, NY 14845