

NYSCEF SUPREME COURT OF THE STATE OF NEW YORK
DOC. NO. 1
COUNTY OF WYOMING

Index No.

RECEIVED NYSCEF: 10/03/2023

Date Filed: _____

CAPITAL ONE, N.A. SUCCESSOR BY
MERGER TO CAPITAL ONE BANK (USA),
N.A.

SUMMONS (ORIGINAL)

Plaintiff

-against-

DAVID WOOLLEY

The basis of venue is:

DEFENDANT'S RESIDENCE

Defendant(s)

Plaintiff's Residence:
1680 CAPITAL ONE DRIVE
MCLEAN, VA 22102
County of FAIRFAX

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(s) within TWENTY days after the service of this summons, exclusive of the day of service (or within THIRTY 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 herein.

Dated: Islandia, New York
OCTOBER 3, 2023

RUBIN & ROTHMAN, LLC
Attorneys for Plaintiff
1787 Veterans Highway
Islandia, N.Y. 11749
(631) 234-1500

DEFENDANT(S) ADDRESS:

DAVID WOOLLEY
4713 POPLAR TREE RD GAINESVILLE, NY 14066-9720

WE ARE ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

COUNTY OF WYOMING

Index No.

CAPITAL ONE, N.A. SUCCESSOR BY
MERGER TO CAPITAL ONE BANK (USA),
N.A.

Plaintiff

-against-

COMPLAINT (ORIGINAL)

DAVID WOOLLEY

Defendant(s)

Plaintiff, by its attorneys, complaining of the defendant(s), alleges:

AS AND FOR A FIRST CAUSE OF ACTION

1. Defendant(s) resides in the county in which this action is brought; or transacted business in the county in which this action is brought in person or through an agent, or this cause of action arose out of said transaction. Plaintiff is not required to be licensed by the NYC Dept of Consumer Affairs because it is not a Debt Collection Agency as defined by NYC Adm. Code Section 20-489(a).
2. Plaintiff is a national banking association.
3. Defendant(s) used a revolving credit account with Plaintiff and agreed to make payments for goods and services charged, balance transfers, and/or cash advances made upon such card.
4. Defendant(s) later defaulted on the terms of the agreement.
5. The last payment in good and collectable funds was received on or about 6/28/22 in the amount of \$ 1,632.00.
6. The last four digits of the account number printed on the most recent monthly statement recording a purchase transaction, last payment or balance transfer are 6732
7. The account balance printed on the most recent monthly statement recording a purchase transaction, last payment or balance transfer is \$ 6,347.36.
8. The plaintiff is the entity that owned the consumer credit account at the date of default giving rise to the cause of action and is the original creditor as defined by CPLR 105(q-1).

9. Defendant(s) failed to make the payments due pursuant to the credit account and \$ 7,512.13 is now due and owing to plaintiff from defendant. This amount includes a charge-off balance of \$ 7,512.13, post charge-off interest of \$.00, post charge-off non-interest charges or fees and/or other balance adjustments of \$.00, less post charge-off payments, balance adjustments and/or credits made on the debt of \$.00 .

10. A copy of the charge-off statement issued for the account at issue is attached hereto.

WHEREFORE, plaintiff requests judgment against defendant(s) in the sum of \$ 7,512.13 and the costs and disbursements of this action. Plaintiff waives any contractual attorney's fees that may be due from Defendant(s).

OCTOBER 3, 2023

RUBIN & ROTHMAN, LLC
Attorneys for Plaintiff
1787 Veterans Highway
Islandia, NY 11749
(631) 234-1500

Deponent is an attorney associated with Rubin & Rothman, LLC. To the best of deponent's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the summons and complaint or the contentions therein are not frivolous as defined in section 130-1.1(c) of the Rules of the Chief Adm. and the matter was not obtained through illegal conduct or in violation of 22 NYCRR 1200, Rule 4.5.

Dated: OCTOBER 3, 2023



SUBY MATHEW

WE ARE ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

CAPITAL ONE, N.A. SUCCESSOR BY
MERGER TO CAPITAL ONE BANK (USA),
N.A.

NON MILITARY
AFFIRMATION

Plaintiff

-against-

DAVID WOOLLEY

Defendant(s)

The undersigned, an attorney admitted to practice in the State of New York, associated with the attorneys for plaintiff, affirms the following to be true under penalties of perjury:

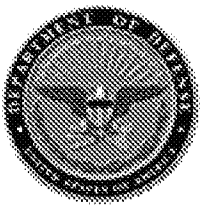
NON - MILITARY

1. This affirmation is made to determine the defendant's military status before bringing suit.
2. On 10/03/2023, an electronic request was made by this firm to a website maintained by the Department of Defense Manpower Data Center requesting the defendant's military status. The request included the said defendant's social security number or date of birth. This information was provided to plaintiff's attorney by the plaintiff.
3. The attached military status report was printed from the website on the said date and indicates that the said defendant is not currently on active duty.

Dated: OCTOBER 3, 2023



SUBY MATHEW



Status Report
Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-XXXX
 Birth Date: XXX-XX-XXXX
 Last Name: WOOLLEY
 First Name: DAVID
 Middle Name:
 Status As Of: Oct-03-2023
 Certificate ID: 9BBBM9FYGBN0384

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

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