

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

DISTRICT COURT DEPARTMENT
WAREHAM DIVISION
DOCKET NO.

2460CV0333

2024 SEP 16 P 8:47

DISTRICT COURT DEPT
WAREHAM DIVISION
CLERK MAGISTRATE'S OFF

DISCOVER BANK,)
Plaintiff)
v.)
JAMES J BENTING,)
Defendant(s))

COMPLAINT

1. Plaintiff is a FDIC-insured Delaware State Bank.
2. The Defendant(s), JAMES J BENTING, is/are a natural person(s) presently residing at 107 PRECINCT ST , in LAKEVILLE, MA 02347.


COUNT I
(BREACH OF CONTRACT)

3. Paragraphs 1 and 2 are incorporated herein by reference.
4. The Defendant(s) made a request for an extension of credit.
5. A credit account in the form of a CREDIT CARD was established in the name of the Defendant(s) pursuant to a written credit agreement ("Agreement").
6. The current account number ends with 0402.
7. Credit was extended to Defendant(s) on the account.
8. By the terms of the Agreement, and upon the extension of credit, a written contract was entered into. The terms of the Agreement provided, in essence, that the Defendant(s) would pay for all credit issued on the account plus fees and interest.
9. Plaintiff is the creditor and owner of the account.
10. Pursuant to the terms and conditions of the Agreement, and upon the breach, the Defendant(s) is/are responsible for the balance due and owing and Plaintiff's court costs.

11. The Defendant(s) breached the Agreement by failing to make the payment on the account pursuant to the terms of the Agreement.
12. The last payment, in the amount of \$ 400.00, posted to the account on 08/17/2023.
13. As of 06/27/24, the Defendant(s) owes/owe the Plaintiff damages on the account number ending in 0402.

Wherefore, Plaintiff demands judgment in the amount of \$17,384.37 against Defendant(s), and court costs to the extent permitted by applicable law.

DISCOVER BANK,
by its Attorneys,


[] JENNIFER A. KIRKWOOD, ESQ., BBO # 667265
[] FREDERICK B. SEITZ IV, ESQ., BBO # 684656
[] JUSTIN TOUHEY, ESQ., BBO # 685973
Zwicker & Associates, P.C.
A Law Firm Engaged in Debt Collection
225 FOXBOROUGH BLVD., STE 204
FOXBOROUGH, MA 02035
(508)543 5600
RHODEISLANDLITIGATION@ZWICKERPC.COM

Dated:

9/10/24 (SKP)