

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF GENESEE

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

Plaintiff

-against-

ELIZABETH SPENCER

Defendant(s)

Index No.

Date Filed: _____



SUMMONS (ORIGINAL)

The basis of venue is:
Defendant's Residence

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

CONSUMER CREDIT TRANSACTION

To the above names 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

Patrick Wilczak

Dated: August 03, 2026

Rubin & Rothman, LLC
Attorneys for Plaintiff
1787 Veterans Highway, Suite 32
Islandia, NY 11749
(800) 298-6058

DEFENDANT(S) ADDRESS:

ELIZABETH SPENCER, 8225 N PEMBROKE RD, BATAVIA NY 14020-9445

WE ARE ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE
USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR.
NYC DCWP LIC. 2110651

Our File No. 1851871 78949 V 4
Complaint Code: SZM CREDIT CARD/NO ASSIG/NO INT - NYSS SC01
SC12NYCC CRC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF GENESEE

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

Plaintiff

-against-

COMPLAINT
Index #

ELIZABETH SPENCER

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 Department of Consumer and Worker Protection 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) maintained a revolving credit account with Plaintiff and agreed to make payments for good 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 July 30, 2025 in the amount of \$179.00.
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 9416.
7. The account balance printed on the most recent monthly statement recording a purchase transaction, last payment or balance transfer is \$5,825.00.
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 to the credit account and \$6,230.18 is now due and owing to Plaintiff from Defendant(s). This amount includes a charge-off balance of \$6,230.18, post charge-off interest of \$0.00, post charge-off non-interest charges or fees and/or other balance adjustments of \$0.00, less post charge-off payments, balance adjustments and/or credits made on the debt of \$0.00.
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 \$6,230.18 and the costs and disbursements of this action. Plaintiff waives any contractual attorney's fee that may be due from Defendant(s).

August 03, 2026

RUBIN & ROTHMAN, LLC
Attorneys for Plaintiff
1787 Veterans Highway, Suite 32
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: August 03, 2026



PATRICK WILCZAK

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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF GENESEE

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

Plaintiff/Petitioner,

- against -

ELIZABETH SPENCER

Index No.

Defendant/Respondent.

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**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule §202.5-bb)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system (, and
- 2) You are a Defendant/Respondent (a party) in this case.

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• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

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• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to 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 knowledge to operate such equipment. [Section 202.5-bb(e)]

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: nyscef@nycourts.gov).

Dated: August 03, 2026

PATRICK WILCZAK
Name

1787 Veterans Highway, Suite 32 Islandia, NY 11749
Address

(800) 298-6058
Phone

Rubin & Rothman, LLC
Firm Name

nydocs@rubinrothman.com
E-Mail

To: ELIZABETH SPENCER, 8225 N PEMBROKE RD, BATAVIA NY 14020-9445

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