



CITY COURT OF POUGHKEEPSIE  
COUNTY OF DUTCHESS, STATE OF NEW YORK

-----X  
CITIBANK (SOUTH DAKOTA), N.A.

PLAINTIFF,

-AGAINST-

INDEX NUMBER

FILE NO. P007823

**COMPLAINT**

 DEFENDANT(S).

-----X  
PLAINTIFF, BY ITS ATTORNEYS, COMPLAINING OF THE DEFENDANT(S), RESPECTFULLY ALLEGES THAT:

1. PLAINTIFF IS A NATIONAL BANKING ASSOCIATION ORGANIZED PURSUANT TO FEDERAL LAW.
2. UPON INFORMATION AND BELIEF, THE DEFENDANT(S) RESIDES OR HAS AN OFFICE IN THE COUNTY IN WHICH THIS ACTION IS BROUGHT, OR THE DEFENDANT(S) TRANSACTED BUSINESS WITHIN THE COUNTY IN WHICH THIS ACTION IS BROUGHT, EITHER IN PERSON OR THROUGH AN AGENT AND THE INSTANT CAUSE OF ACTION AROSE OUT OF SAID TRANSACTION.

**AS AND FOR A FIRST CAUSE OF ACTION**

3. PLAINTIFF REPEATS AND REALLEGES EACH AND EVERY ALLEGATION CONTAINED IN THE FOREGOING PARAGRAPHS AS IF MORE FULLY SET FORTH HEREIN.
4. PLAINTIFF OFFERED TO OPEN A CREDIT ACCOUNT, ACCOUNT NO. 5424180658206583 (HEREINAFTER THE "ACCOUNT"), IN DEFENDANT'S NAME.
5. DEFENDANT ACCEPTED THE OFFER BY USING THE ACCOUNT.
6. DEFENDANT DEFAULTED BY FAILING TO MAKE PAYMENTS WHEN DUE.
7. DEMAND FOR PAYMENT OF THE ACCOUNT WAS MADE ON DEFENDANT, BUT DEFENDANT FAILED TO MAKE ALL THE REQUESTED PAYMENTS.
8. AFTER CREDITING DEFENDANT FOR ALL PAYMENTS AND CREDITS, THERE IS NOW DUE AND OWING BY DEFENDANT TO PLAINTIFF THE SUM OF \$4,367.35, NO PART OF WHICH HAS BEEN PAID DESPITE DUE DEMAND THEREFOR.

**AS AND FOR A SECOND CAUSE OF ACTION**

9. PLAINTIFF REPEATS AND REALLEGES EACH AND EVERY ALLEGATION CONTAINED IN THE FOREGOING PARAGRAPHS AS IF MORE FULLY SET FORTH HEREIN.
10. THAT HERETOFORE, PLAINTIFF RENDERED TO DEFENDANT(S) A FULL AND TRUE ACCOUNT OF THE INDEBTEDNESS OWING BY THE DEFENDANT(S) AS A RESULT OF THE ABOVE AGREEMENT, IN AN AMOUNT AS HEREINABOVE SET FORTH WHICH ACCOUNT STATEMENT WAS DELIVERED TO AND ACCEPTED WITHOUT OBJECTION BY THE DEFENDANT(S) RESULTING IN AN ACCOUNT STATED IN THE SUM OF \$4,367.35, NO PART OF WHICH HAS BEEN PAID DESPITE DUE DEMAND THEREFOR.

**WHEREFORE**, PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANT(S) IN THE SUM OF \$4,367.35 TOGETHER WITH COSTS AND DISBURSEMENTS.

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 OF THE RULES OF THE CHIEF ADMINISTRATOR.

DATED: JUNE 9, 2009

YOURS, ETC.  
COHEN & SLAMOWITZ, LLP

BY: **S/** \_\_\_\_\_  
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Refer to C&S File No. P007823