

FILED
05-26-2026
CIRCUIT COURT
DANE COUNTY, WI
2026CV001657
Honorable Benjamin
Jones
Branch 1

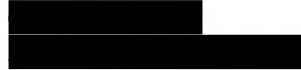
STATE OF WISCONSIN, CIRCUIT COURT, DANE COUNTY

Capital One, N.A., successor by merger to Discover Bank
c/o Blitt and Gaines, P.C.
731 N. Jackson Street, Suite 660
Milwaukee, WI 53202
Plaintiff

V.

Case Number:
Case Code: 30301

Francesca Hong



Defendant(s)

SUMMONS

THE STATE OF WISCONSIN, To said defendant(s)

YOU ARE HEREBY NOTIFIED that the above named plaintiff has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer which does not follow the requirements of the Statutes. Your answer must be sent or delivered to the Court whose address is: Dane Courthouse, 215 S Hamilton St, Madison, WI 53703, and to Blitt and Gaines, P.C., attorneys for plaintiff, whose address is 731 N. Jackson Street, Suite 660, Milwaukee, WI 53202. You may have an attorney help or represent you.

If you do not provide a proper Answer within twenty (20) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you now own or may own in the future, and may also be enforced by garnishment or seizure of property.

Dated this 21 day of May, 20 26

This is an attempt to collect a debt by a debt collector and any information obtained will be used for that purpose.

Blitt and Gaines, P.C.
731 N. Jackson Street, Suite 660
Milwaukee, WI 53202
(844) 762-8212 TTY: 711
312-920-0625
FILENO: 26040442
TYPE: SUMMONS

Blitt and Gaines, P.C.
Attorneys for Plaintiff

- Christopher Low, Bar # 1099648
- David Olefsky, Bar #1088471
- Elizabeth Schweiger, Bar # 1065978
- Mike Starzec, Bar # 1081145
- Gabrielle Lattery, Bar # 1122682

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STATE OF WISCONSIN

CIRCUIT COURT

COMPLAINT

Plaintiff: (Name [first, middle, last], Address, City, State, Zip)
Capital One, N.A., successor by merger to Discover Bank
C/O: Blitt and Gaines P.C.
731 N. Jackson Street, Suite 660
Milwaukee, WI 53202

v

To: Defendant(s): (Name [first, middle, last], Address, City, State, Zip)
Francesca Hong



Additional: Statement of dates and facts: (Continued from page 1)

Now Comes the Plaintiff, by and through its attorneys, Blitt and Gaines, P.C. and complaining of the Defendant(s), states as follows:

Count I: BREACH OF CONTRACT

1. The Defendant(s) opened a charge account and/or line of credit with Discover Bank or its predecessor in interest on September 9, 2011, whereby Defendant(s) could charge goods and/or services to the account and/or receive cash advances.
2. Defendant(s) defaulted by failing to make the minimum payment(s).
3. The Defendant(s) used the account, thereby agreeing to all of the terms and conditions in place at the time of such use. **See attached Terms and Conditions.**
4. As of the date of filing, after receiving all pre and post charge off payments, debits, credits and set offs, there is now due and owing from Defendant(s) to Plaintiff the sum of \$29,344.48.
5. Due demand has been made on the Defendant(s) to pay this amount and the Defendant(s) have failed to do so.
6. By reason of the foregoing, Plaintiff is entitled to judgment against Defendant(s) for breach of contract in the sum of \$29,344.48, plus court costs.

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TYPE: COMPLAINT


Count II: ACCOUNT STATED

7. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 6 of this complaint as though fully set forth at length herein.
8. Periodic statements were sent to Defendant(s) by regular or electronic mail which set forth in detail, all debits and credits, the total balance due, the interest rate and the minimum payment.
9. Attached hereto and incorporated herein as Exhibit "A" is a copy of the last periodic statement provided to Defendant prior to charge-off.
10. Defendant(s) did not object to the statement, indicate that the statement contains an error, nor indicate that it was erroneous in any respect within a reasonable period of time.
11. As of the date of filing, after receiving all pre and post charge off payments, debits, credits and set offs, there is now due and owing from Defendant(s) to Plaintiff the sum of \$29,344.48.
12. Due demand has been made on the Defendant(s) to pay this amount and the Defendant(s) have failed to do so.
13. By reason of the foregoing, Plaintiff is entitled to judgment against Defendant(s) for account stated in the sum of \$29,344.48, plus court costs.
14. On May 18, 2025, Discover Bank ("Discover") merged into and became part of Capital One, N.A. ("CONA"). As a result of this merger, Discover no longer exists and CONA continues to operate as the sole surviving entity. The National Bank Act provides that the surviving entity in a merger of a state into a national bank is "deemed to be the same corporation as each bank or banking association participating in the merger," and that all "rights, franchises, and interests of the individual merging banks or banking associations in and to every type of property (real, personal, and mixed) and choses in action shall be transferred to and vested in" the surviving entity. 12 U.S.C. § 215a(e).
15. Thus, in accordance with the National Bank Act, CONA holds all of the same property rights and interests that Discover Bank had prior to the merger, including but not limited to the rights in existing Discover Bank accounts and receivables, and is Discover Banks's successor-in-interest in any pending litigation and matters before any Federal or state court.

WHEREFORE, the Plaintiff, requests judgment against Defendant(s) as follows:

- (i) On Count I, Plaintiff requests judgment for breach of contract in the sum of \$29,344.48, plus statutory post judgment interest plus costs; or
- (ii) On Count II, Plaintiff requests judgment for account stated in the sum of \$29,344.48, plus statutory post judgment interest plus costs; and
- (iii) for such other and further relief as this Court deems just and reasonable.

Blitt and Gaines, P.C.
Attorney for Plaintiff
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