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13 Attorneys for Plaintiff:
14 **ZOHAL ABDURAHMAN**

15 **UNITED STATES DISTRICT COURT**
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 **ZOHAL ABDURAHMAN, individually**
18 **and on behalf of others similarly**
19 **situated,**

20 **Plaintiff,**

21 **vs.**

22 **ALLTRAN FINANCIAL, LP**

23 **Defendant.**

24 **Case No.: '17CV1080 AJB BLM**
25 **CLASS ACTION**
26 **COMPLAINT FOR VIOLATION OF:**
27 **1. THE FAIR DEBT COLLECTION**
28 **PRACTICES ACT; AND**
2. THE ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT
DEMAND FOR JURY TRIAL

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1 Plaintiff ZOHAL ABDURAHMAN alleges as follows:

2 **INTRODUCTION**

3 1. Plaintiff ZOHAL ABDURAHMAN (hereinafter referred to as
4 “Plaintiff”), brings this lawsuit against ALLTRAN FINANCIAL, LP (hereinafter
5 “Defendant”) for violations of the Federal Fair Debt Collection Practices Act
6 (“FDCPA”), and Rosenthal Fair Debt Collections Practices Act (“Rosenthal
7 FDCPA”).

8 2. Plaintiff brings this action to seek actual damages, statutory damages,
9 injunctive relief, attorneys’ fees and costs, and other relief the Court deems
10 appropriate.

11 3. Plaintiff alleges as follows, upon personal knowledge as to himself and
12 his own acts and experiences, and, as to all other matters, upon information and
13 belief, including investigation conducted by his attorneys.

14 4. Plaintiff makes these allegations on information and belief, with the
15 exception of those allegations that pertain to Plaintiff, or to a Plaintiff’s counsel,
16 which Plaintiff alleges on personal knowledge.

17 5. While many violations are described below with specificity, this
18 Complaint alleges violations of the statutes cited in their entirety.

19 6. Unless otherwise stated, Plaintiff alleges that any violations by
20 Defendant were knowing and intentional, and that Defendant did not maintain
21 procedures reasonably adapted to avoid any such violations.

22 7. Unless otherwise indicated, the use of Defendant in this Complaint
23 includes all agents, employees, officers, members, directors, heirs, successors,
24 assigns, principals, trustees, sureties, subrogees, representatives, and insurers of
25 Defendant.

26 **PARTIES**

27 8. Plaintiff is, and at all times mentioned herein was, an individual, residing
28 in the County of San Diego, State of California.

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1 9. Plaintiff is a “consumer” as the term is defined by 15 U.S.C. section
2 1692a(3) and a “debtor” as the term is defined by California Civil Code section
3 1788.2(h).

4 10. Plaintiff is informed and believes, and thereupon alleges, that Defendant
5 is, and at all times mentioned herein was, a limited partnership who was conducting
6 and engaging in business in the County of San Diego, State of California.

7 11. Plaintiff is informed and believes, and thereupon alleges, that Defendant
8 uses an instrumentality of interstate commerce or the mails in a business the principal
9 purpose of which is the collection of debts, or who regularly collects or attempts to
10 collect, directly or indirectly, debts owed or due or asserted to be owed or due to
11 another and is therefore a “debt collector” as the term is defined by 15 U.S.C. section
12 1692a(6).

13 12. Plaintiff is informed and believes, and thereupon alleges that Defendant
14 is a “debt collector” as the term is defined by Civil Code section 1788.2(c).

15 13. Defendant attempted to collect a “consumer debt” as the term is defined
16 by the FDCPA and Rosenthal FDCPA.

17 14. Plaintiff is informed and believes and thereupon alleges that at all times
18 herein mentioned each of the Defendants was the agent, servant, employee, or partner
19 of each of the remaining defendants and, in committing the acts and omissions
20 hereinafter alleged, was acting within the course and scope of such agency,
21 employment, partnership, or other business relationship, and were each responsible for the
22 acts and omissions alleged in this complaint.

23 **JURISDICTION AND VENUE**

24 15. This Court has jurisdiction under 15 U.S.C. section 1692k(d), 28 U.S.C.
25 section 1331, and 28 U.S.C. section 1367 for supplemental state claims.

26 16. This action arises out of violations of the FDCPA and Rosenthal
27 FDCPA. Because Defendant does business within the State of California, County of
28 San Diego, personal jurisdiction is established.

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1 17. Venue is proper pursuant to 28 U.S.C. section 1391.

2 **RELEVANT FACTS**

3 18. Sometime after November 9, 2016, Plaintiff received her first collection
4 notice dated November 9, 2016 (hereinafter referred to as “Validation Notice”) from
5 Defendant, attempting to collect a debt in the amount of \$10,024.42. The debt was
6 allegedly owed to American Express Co. A copy of the Validation Notice is attached
7 hereto as **Exhibit 1**, and is incorporated herein by reference.

8 19. Defendant’s Validation Notice does not state that the \$10,024.42 debt is
9 increasing due to accruing interest, late charges, or other fees. In fact, Defendant’s
10 Validation Notice is completely devoid of any language that would either confirm or
11 deny the existence of acquiring interest, late charges, or other fees.

12 20. Sometime after December 14, 2016, Plaintiff received a second
13 collection notice, dated December 14, 2016, from Defendant attempting to collect a
14 debt in the amount of \$10,218.43. The debt increased from \$10,024.42 to
15 \$10,218.43.

16 21. Upon information and belief, Defendant was either charging daily
17 accruing interest, late charges, or other fees, which increased the total amount owed.

18 22. Upon information and belief, Defendant’s debt collection practice is
19 largely automated and utilizes standardized form letters or templates.

20 **CLASS ALLEGATIONS**

21 23. Plaintiff brings this action on his own behalf, and on behalf of all others
22 similarly situated.

23 **FDCPA CLASS**

24 24. Plaintiff defines the FDCPA CLASS as follows:

25 All persons located in the State of California to whom
26 Defendant sent, within one year before the date of this
27 complaint and in connection with the collection of a consumer
28 debt, an initial written communication that is substantially
similar or materially identical to Defendant’s November 9,
2016 Validation Notice which was not returned undelivered by

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1 the United States Postal Service, in which Defendant did not
2 include language that the amount of the debt was subject to
3 increase due to accruing interest, late charges, or other fees.

4 **ROSENTHAL FDCPA CLASS**

5 25. Plaintiff defines the ROSENTHAL FDCPA CLASS as follows:

6 All persons located in the State of California to whom
7 Defendant sent, within one year before the date of this
8 complaint and in connection with the collection of a consumer
9 debt, an initial written communication that is substantially
10 similar or materially identical to Defendant’s November 9,
11 2016 Validation Notice which was not returned undelivered by
12 the United States Postal Service, in which Defendant did not
13 include language that the amount of the debt was subject to
14 increase due to accruing interest, late charges, or other fees.

15 26. The FDCPA Class and the Rosenthal FDCPA Class shall be referred to
16 jointly as “The Classes.”

17 27. Defendant and its employees or agents are excluded from the Classes.

18 28. Plaintiff does not know the exact number of persons in the Classes, but
19 believes them to be in the several hundreds, if not thousands, making joinder of all
20 these actions impracticable.

21 29. The identity of the individual members is ascertainable through
22 Defendant’s and/or Defendant’s agents’ records or by public notice.

23 30. There is a well-defined community of interest in the questions of law and
24 fact involved affecting the members of the Classes. The questions of law and fact
25 common to the Classes predominate over questions affecting only individual class
26 members, and include, but are not limited to, the following:

- 27 a) Whether Defendant violated the FDCPA by sending a written
28 communication substantially in the form of Exhibit 1 to the members of
the Classes;
- b) Whether Defendant violated the Rosenthal FDCPA by sending using a
written communication substantially in the form of Exhibit 1 to the

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- 1 members of the Classes;
- 2 c) Whether members of the Classes are entitled to the remedies under the
- 3 FDCPA;
- 4 d) Whether members of the Classes are entitled to the remedies under the
- 5 Rosenthal FDCPA;
- 6 e) Whether members of the Classes are entitled to declaratory relief;
- 7
- 8 f) Whether members of the Classes are entitled to an award of reasonable
- 9 attorneys' fees and costs of suit pursuant to the FDCPA;
- 10
- 11 g) Whether members of the Classes are entitled to an award of reasonable
- 12 attorneys' fees and costs of suit pursuant to the Rosenthal FDCPA.
- 13
- 14 31. Plaintiff will fairly and adequately protect the interest of the Classes.
- 15
- 16 32. Plaintiff has retained counsel experienced in consumer class action
- 17 litigation and in handling claims involving unlawful debt collection practices.
- 18
- 19 33. Plaintiff's claims are typical of the claims of the Classes, which all arise
- 20 from the same operative facts involving unlawful collection practices.
- 21
- 22 34. A class action is a superior method for the fair and efficient adjudication
- 23 of this controversy.
- 24
- 25 35. Class-wide damages are essential to induce Defendant to comply with
- 26 the Federal and State laws alleged in the Complaint.
- 27
- 28 36. The interests of class members in individually controlling the
- prosecution of separate claims against Defendant is small because the maximum
- statutory damages in an individual action under the FDCPA or Rosenthal FDCPA is
- \$1,000. Management of these claims is likely to present significantly fewer
- difficulties than those presented in many class claims, *e.g.* securities fraud.
- 37. Defendant has acted on grounds generally applicable to the Classes,
- thereby making appropriate final declaratory relief with respect to the class as a
- whole.

1 38. Plaintiff contemplates providing notice to the putative class members by
2 direct mail in the form of a postcard and via Internet website.

3 39. Plaintiff requests certification of a hybrid class combining the elements
4 of Fed. R. Civ. P. 23(b)(3) for monetary damages and Fed. R. Civ. P. 23(b)(2) for
5 equitable relief.

6 **FIRST CAUSE OF ACTION**
7 **(Violation of the FDCPA)**

8 40. Plaintiff re-alleges all paragraphs above, as if fully set forth herein.

9 **COUNT 1**

10 41. Defendant violated 15 U.S.C. section 1692g(a)(1) because its Validation
11 Notice failed to clearly state the amount of the debt. Defendant failed to clearly state
12 the amount of the debt because it failed to disclose that the debt was subject to daily
13 accruing interest, late charges, or other fees. It is well established that a debt
14 collector, who attempts to collect accruing interest, late charges, or other fees on a
15 debt, must use some type of safe harbor language informing the debtor that the debt
16 increases due to daily accruing interest, late charges, or other fees. *See Akram v.*
17 *California Business Bureau Inc.*, 2016 WL 7029262 (S.D. Cal. Oct. 3, 2016); *Chuway*
18 *v. National Action Financial Services, Inc.*, 362 F.3d 944, 949 (7th Cir. 2004); *Miller*
19 *v. McCalla, Raymer, Padrick, Cobb, Nichols, & Clark, L.L.C.*, 214 F.3d 872, 876 (7th
20 Cir. 2000); *Dragon v. I.C. System, Inc.*, 483 F.Supp.3d 198, 203 (D. Conn. 2007).

21 **COUNT 2**

22 42. Defendant violated 15 U.S.C. sections 1692e, 1692e(2)(A), and
23 1692e(10) because its Validation Notice failed to disclose that the debt is subject to
24 daily accrual of interest, late charges, or other charges, which makes the Validation
25 Notice deceptive, confusing, and misleading. *See Avila v. Riexinger & Assocs., LLC*,
26 817 F.3d 72 (2d Cir. 2016). In *Avila*, the Second Circuit stated the following:

27 “A reasonable consumer could read the notice and be misled into believing that
28 she could pay her debt in full by paying the amount listed on the notice. In fact,
however, if interest is accruing daily, or if there are undisclosed late fees, a

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1 consumer who pays the “current balance” stated on the notice will not know
 2 whether the debt has been paid in full. The debt collector could still seek the
 3 interest and fees that accumulated after the notice was sent but before the
 4 balance was paid, or sell the consumer's debt to a third party, which itself could
 seek the interest and fees from the consumer.

5 Because the statement of an amount due, without notice that the amount is
 6 already increasing due to accruing interest or other charges, can mislead the
 7 least sophisticated consumer into believing that payment of the amount stated
 8 will clear her account, we hold that the FDCPA requires debt collectors, when
 they notify consumers of their account balance, to disclose that the balance may
 increase due to interest and fees

9 *See Avila*, 817 F.3d at p. 76; also see the reasoning of *Dragon*, 483 F.Supp.3d 198,
 10 201-203; *Marucci v. Cawley & Bergmann LLP.*, 2014 WL 7140496 (D. N.J. 2014);
 11 *Michalek v. ARS Nat. Sys., Inc.* 2011 WL 6180498 at *3-5 (M.D. Pa. 2011); *Smith v.*
 12 *Lyons, Doughty & Veldhuius, P.C.* 2008 WL2885887 at *7 (D. N.J. 2008), which
 13 Plaintiff incorporates in this complaint.

14 43. As a result of each and every violation of the FDCPA, as alleged in
 15 Counts 1 and 2, Plaintiff has suffered actual damages and harm resulting from
 16 Defendant’s actions as heretofore alleged, including but not limited to worry,
 17 emotional distress, anxiety, and humiliation, the exact amount of which is to be
 18 proven at trial.

19 44. As a result of each and every violation of the FDCPA, as alleged in
 20 Counts 1 and 2, Plaintiff incurred additional actual damages including, but not limited
 21 to, transportation and gasoline costs to the law firm, telephone call charges, copies,
 22 postage, and other damages.

23 45. As a result of each and every violation of the FDCPA, as alleged in
 24 Counts 1 and 2, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. section
 25 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C.
 26 section 1692k(a)(2)(A); and reasonably attorneys’ fees and costs pursuant to 15
 27 U.S.C. section 1692k(a)(3).
 28

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SECOND CAUSE OF ACTION
(Violation of the Rosenthal FDCPA)

1
2 46. Plaintiff re-alleges all paragraphs above, as if fully set forth herein.

3 47. Any violation of the FDCPA is a violation of California Civil Code
4 section 1788.17, also known as the Rosenthal FDCPA, because section 1788.17
5 incorporates the FDCPA.

6 48. Defendant violated Civil Code section 1788.17 because it violated 15
7 U.S.C. sections 1692e, 1692e(2)(A) and 1692e(10), and 1692g(a)(1), as discussed
8 above.

9 49. The Ninth Circuit has ruled that the Rosenthal FDCPA incorporates the
10 FDCPA's class action damages provision in 15 U.S.C. section 1692k(a)(2)(B) via
11 California Civil Code section 1788.17. *See Gonzales v. Arrow Fin. Servs., LLC*, 660
12 F.3d 1055, 1066 (9th Cir. 2011)

13 50. As a result of each and every violation of the Rosenthal FDCPA,
14 Plaintiff has suffered actual damages and harm resulting from Defendant's actions as
15 heretofore alleged, including but not limited to worry, emotional distress, anxiety, and
16 humiliation, the exact amount of which is to be proven at trial.

17 51. As a result of each and every violation of the Rosenthal FDCPA,
18 Plaintiff incurred additional actual damages including, but not limited to,
19 transportation and gasoline costs to the law firm, telephone call charges, copies,
20 postage, and other damages.

21 52. As a result of each and every violation of the Rosenthal FDCPA,
22 Plaintiff is entitled to actual damages pursuant to California Civil Code section
23 1788.30(a); statutory damages under 1692k(a)(2)(A) which is incorporated by
24 California Civil Code section 1788.17; statutory damages for a knowing or willful
25 violation in the amount of up to \$1,000.00 pursuant to California Civil Code section
26 1788.30(b); and reasonable attorney's fees and costs pursuant to California Civil
27 Code section 1788.30(c).
28

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REQUEST FOR PRESERVATION OF EVIDENCE

1. Preserve all forms of electronic data, regardless of where the data exists, without modification to or deletion of any potentially discoverable data;
2. Suspend all procedures that may alter or delete computer data;
3. Prevent deleting, overwriting, defragmenting, or compressing the data;
4. Preserve all archived back-up tapes and ensure that (a) if archive tapes are rotated, the relevant tapes are removed from the rotation; (b) if backups are made to hard drives, preserve the hard drive as well;
5. Preserve the contents of all hard drives, network drives, tape drives, optical drives, floppy disks, CD and DVD drives, and all other types of drives or storage media that are within the possession, custody or control of all people who have knowledge of relevant facts and those who work with them, such as assistants;
6. Preserve the contents of all information on portable computers—such as laptops and palmtops—used by those people as well as home computers, if these are used for work purposed;
7. Preserve the contents of all data on computers that were used since the limitations period on the lawsuit began (for example; one year prior to filing) but that are no longer in use.

REQUEST FOR JURY TRIAL

As declared by the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

PRAYER FOR DAMAGES AND OTHER REMEDIES

1. An order certifying the Class as requested herein;
2. An order appointing the Plaintiff as the representative of the Class;
3. An order certifying Plaintiff’s counsel as Class Counsel;
4. An order requiring Defendant, at its own cost, to notify all members of the Classes of the unlawful acts discussed herein;
5. Injunctive relief requiring Defendant to clearly state the accurate amount

1 of the debt in its Validation Notice in compliance with 15 U.S.C. section 1692g(a)(1);

2 6. Injunctive relief requiring Defendant to disclose, in its Validation Notice,
3 that the debt is subject to daily accrual of interest, late charges, or other charges;

4 7. An award of statutory damages in the amount of \$1,000.00, pursuant to
5 15 U.S.C. section 1692k(a)(2)(A), for each plaintiff and putative class member;

6 8. An award of statutory damages in the amount of \$1,000.00, pursuant to
7 California Civil Code section 1788.17, for each plaintiff and putative class member;

8 9. An award of statutory damages in the amount of \$1,000.00, pursuant to
9 California Civil Code section 1788.30(b), for each plaintiff and putative class
10 member;

11 10. An award of costs of litigation and reasonable attorney’s fees, pursuant
12 to 15 U.S.C. section 1692k(a)(3);

13 11. An award of costs of litigation and reasonable attorney’s fees, pursuant
14 to California Civil Code section 1788.30(c); and

15 12. Any and all other relief that this Court deems just and proper.

16 Respectfully Submitted,

17 DATED: May 25, 2017

MASHIRI LAW FIRM
A Professional Corporation

By: /s/ Alex Asil Mashiri
Alex Asil Mashiri
Attorney for Plaintiff
Zohal Abdulrahman

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
ZOHAL ABDURAHMAN
(b) County of Residence of First Listed Plaintiff San Diego, California
(c) Attorneys (Firm Name, Address, and Telephone Number)
MASHIRI LAW FIRM, A Professional Corporation
11251 Rancho Carmel Dr. # 500694, San Diego, CA 92150
Tel: 858 348-4938

DEFENDANTS
ALLTRAN FINANCIAL, LP
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
'17CV1080 AJB BLM

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excludes Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise.
REAL PROPERTY: 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property.
TORTS: PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Medical Malpractice.
PRISONER PETITIONS: Habeas Corpus: 463 Alien Detainee, 510 Motions to Vacate Sentence, 530 General, 535 Death Penalty. Other: 540 Mandamus & Other, 550 Civil Rights, 555 Prison Condition, 560 Civil Detainee - Conditions of Confinement.
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC 881, 690 Other.
LABOR: 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act.
IMMIGRATION: 462 Naturalization Application, 465 Other Immigration Actions.
BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157.
PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 840 Trademark.
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g)).
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS—Third Party 26 USC 7609.
OTHER STATUTES: 375 False Claims Act, 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations, 480 Consumer Credit, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State Statutes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. section 1692 et. seq.,
Brief description of cause:
Violation of the Federal and State Debt Collection Laws

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 500,000.00
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 05/25/2017 SIGNATURE OF ATTORNEY OF RECORD s/ Alex Asil Mashiri

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. **(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

- V. **Origin.** Place an "X" in one of the six boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT 1

November 9, 2016

ADDRESS SERVICE REQUESTED

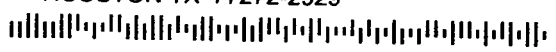
Creditor: American Express Co.
Account: XXXXXXXXXXXX24002
Alltran ID: 38390350
Amount Due as of November 9, 2016: \$10,024.42
Partial Account Number for Your Security



Zohal Abdurahman
16016 BABCOCK ST APT 190
SAN DIEGO CA 92127-4178



Alltran Financial, LP
PO BOX 722929
HOUSTON TX 77272-2929



Please detach at perforation and return with your payment.

Dear Zohal Abdurahman

Your account referenced above has been referred to this office for collection. Please remit payment in full of any undisputed amount, payable to American Express, in the enclosed envelope.

We want to help you resolve this account. If you wish to discuss your account, please call DONNY D NGUYEN at 866-740-3108, extension 3383, so we may assist you.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within the thirty day period that the debt, or any portion thereof, is disputed, this office will: obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days from receiving this notice, this office will provide you the name and address of the original creditor, if different from the current creditor.

Please see the reverse side of this letter for important notices concerning your rights.

Sincerely,

DONNY D NGUYEN
Alltran Financial, LP
P.O. Box 722929
HOUSTON TX 77272-2929

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

Office Hours (all times Central)
Monday-Thursday: 8 AM to 9 PM • Friday: 8 AM to 4 PM • Saturday: 7 AM to 11 AM

If you write to us and ask us to stop communicating with you about this debt, we will, but if you owe this debt, you will still owe it and the debt may still be collected from you. If you have a complaint about the way we are collecting this debt, you may write to our Contact Center, 5800 North Course Drive, Houston, TX 77072 or call our toll-free Complaint Hotline at (800) 326-8040 between 7 AM and 4 PM (Central Time) Monday-Friday.

California

The State Rosenthal Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 A.M. or after 9 P.M. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have a reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877- FTC-HELP or WWW.FTC.GOV.

Colorado

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt. FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTIONS PRACTICES ACT, SEE WWW.COAG.GOV/CAR.

Colorado Manager, Inc., BUILDING B, 80 Garden Center STE 3, Broomfield, CO 80020 - (303) 920-4763

Massachusetts

If you notify this office within 30 days after receiving this notice that the debt or any portion thereof is disputed, this office will obtain verification of the debt and provide to you or your attorney, additional information described in 940 CMR 7.08(2).

Minnesota

THIS COLLECTION AGENCY IS LICENSED BY THE MINNESOTA DEPARTMENT OF COMMERCE.

New York

Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to:

- (i) the use or threat of violence;
- (ii) the use of obscene or profane language; and
- (iii) repeated phone calls made with the intent to annoy, abuse, or harass.

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt:

- | | |
|---|--|
| 1. Supplemental security income, (SSI); | 7. Workers' compensation benefits; |
| 2. Social security; | 8. Public or private pensions; |
| 3. Public assistance (welfare); | 9. Veterans' benefits; |
| 4. Spousal support, maintenance (alimony) or child support; | 10. Federal student loans, federal student grants, and federal work study funds; and |
| 5. Unemployment benefits; | 11. Ninety percent of your wages or salary earned in the last sixty days. |
| 6. Disability benefits; | |

New York City

NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS LICENSE NUMBER 1304511, 1304544, 1304538.

North Carolina

Alltran Financial, LP holds North Carolina Department of Insurance Permit Numbers 103199, 103166, 103195.

Tennessee

THIS COLLECTION AGENCY IS LICENSED BY THE COLLECTION SERVICE BOARD OF THE DEPARTMENT OF COMMERCE AND INSURANCE.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [CA Consumer Claims Alltran Collects Hidden Fees](#)
