

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JONATHAN ALEJANDRO, ON BEHALF OF  
HIMSELF AND ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

Case No. 18 CV \_\_\_\_\_

-against-

ELTMAN LAW, P.C., NAVIENT  
SOLUTIONS, LLC and VL FUNDING, LLC,

Defendants.

**DEFENDANT NAVIENT SOLUTIONS, LLC'S NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. § 1446(a), defendant Navient Solutions, LLC, formerly known as Navient Solutions, Inc. (“Defendant”), by its attorneys, Vedder Price P.C., hereby files this Notice of Removal of the above-titled action (the “Action”) from the Supreme Court of the State of New York, County of Suffolk (the “State Court”), where the Action was filed, to the United States District Court for the Eastern District of New York. In support of this Notice, Defendant states as follows:

1. Defendant desires to exercise its statutory right under the provisions of Title 28 U.S.C. §§ 1441-1452 to remove this Action from the State Court, in which said case is now pending under the name and style “*Jonathan Alejandro v. Eltman Law, P.C., et al.*,” Index No. 604471/2018.

2. On or about March 7, 2018, plaintiff Jonathan Alejandro (“Plaintiff”) commenced this Action in the State Court by filing a Summons and Complaint with Notice (the “Summons and Complaint”). The Summons and Complaint are collectively attached as Exhibit A.

3. On or about March 8, 2018, the Summons and Complaint were served upon Defendant. The Affidavit of Service is attached as Exhibit B.

4. The date on or before which Defendant is required by the laws of the State of New York to answer or otherwise respond to Plaintiff's Summons and Complaint has not lapsed. The thirty-day period in which Defendant may remove the Action to this Court began on the date of service of the Summons and Complaint and has not lapsed.

5. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

6. Venue lies in the Eastern District of New York pursuant to 28 U.S.C. §§ 1441(a) and 1446(a).

7. This is a civil action that Defendant may remove to this Court pursuant to the provisions of 28 U.S.C. §§ 1331 and 1441(c) because this Action involves a claim arising under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA").

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be served on Plaintiff's counsel, and a copy of the Notice of Removal will be filed with the Clerk for the State Court.

### **CONCLUSION**

9. Based upon the foregoing, this Court has jurisdiction over the Action under the provisions of 28 U.S.C. § 1331, in that this Action involves a claim arising under the FDCPA. Accordingly, this Action is properly removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

Dated: March 29, 2018

Respectfully submitted,

VEDDER PRICE P.C.

By: /s/ Ashley B. Huddleston

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Attorneys for Defendant  
NAVIENT SOLUTIONS, LLC

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

JONATHAN ALEJANDRO,  
ON BEHALF OF HIMSELF AND ALL OTHERS  
SIMILIARLY SITUATED,

INDEX NO.

Plaintiff,

**SUMMONS**

-against-

ELTMAN LAW, P.C.,  
NAVIENT SOLUTIONS, LLC AND  
VL FUNDING, LLC

Plaintiff designates  
SUFFOLK County  
as the place of trial

Defendants.

The basis of the venue is  
Plaintiff's residence

To the above named 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 within 20 days after the service of this summons, exclusive of the day of service (or within 30 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 in the complaint.

Dated: March 7, 2018

  
By: Jared Louzon  
Law Office of Simon Goldenberg PLLC,  
*Attorney(s) For Plaintiff*  
818 East 16<sup>th</sup> Street, Brooklyn, NY, 11230  
Tel. (347) 640-4357

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK**  
-----X

**JONATHAN ALEJANDRO,  
ON BEHALF OF HIMSELF AND ALL OTHERS  
SIMILARLY SITUATED,**

**Index No.:**

**Plaintiff,**

**COMPLAINT-CLASS  
ACTION AND  
DEMAND FOR JURY  
TRIAL**

**-against-**

**ELTMAN LAW, P.C.,  
NAVIENT SOLUTIONS, LLC AND  
VL FUNDING, LLC,**

**Defendant(s).**

-----X  
Plaintiff, **JONATHAN ALEJANDRO** (hereinafter referred to as “Plaintiff”) on behalf of himself and all others similarly situated, by and through his attorneys, Law Office of Simon Goldenberg, PLLC, complaining of the Defendants, hereby alleges as follows:

1. This is a proposed class action under Article 9 of the New York CPLR alleging violations of 15 U.S.C. § 1692 et. seq. (“Fair Debt Collections Practices” or “FDCPA”) and the New York General Business Law § 349 (hereinafter referred to as “NYGBL”).
2. This Court has jurisdiction of this case pursuant to CPLR 301 and/or CPLR 302(1).
3. Venue is proper per CPLR 503 and 509.

**PARTIES**

4. Plaintiff, **JONATHAN ALEJANDRO**, is a natural person and at all relevant times resides in Suffolk County, New York.
5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3) of the FDCPA.
6. Defendant **ELTMAN LAW, P.C.** (hereinafter referred to as “ELTMAN”) is a professional corporation located at 101 Hudson Street, Suite 2702, Jersey City, NJ 07302.
7. Defendant **NAVIENT SOLUTIONS, LLC** is a foreign limited liability company with its principal place of business located at 2001 Edmund Halley Drive, Reston, VA 20190.

8. Defendant VL FUNDING, LLC (hereinafter referred to as “VL Funding”) is a foreign limited liability company with its principal place of business located at 2001 Edmund Halley Drive, Reston, VA 20190.

9. Defendants ELTMAN and VL Funding are “debt collectors” as defined by 15 U.S.C. § 1692a(6) of the FDCPA.

10. Defendant ELTMAN attempted to collect a student loan allegedly owed by Plaintiff to Defendant VL FUNDING, LLC, and, upon information and belief, serviced by and originally owned by Defendant NAVIENT SOLUTIONS, LLC (hereinafter collectively referred to as “Navient”), and falls within the definition of “debt” for purposes of 15 U.S.C. § 1692a(5). ELTMAN, VL FUNDING and NAVIENT are hereinafter collectively referred to as “Defendant,” unless otherwise stated.

### FACTS

11. In an attempt to collect the purported debt, ELTMAN sent Plaintiff a collection letter dated April 24, 2017. The same is attached to this complaint as “Exhibit A.”

12. The letter is a “communication” as defined by 15 U.S.C. § 1692a(2).

13. The letter was written on ELTMAN’s law firm letterhead.

14. Additionally, the body of the letter stated that “Eltman Law, P.C. has been retained for collection of this debt,” and was signed “Very truly yours, Christopher R. Meyer, Admitted to Practice in New York, New Jersey.”

15. Upon information and belief, Plaintiff’s account was not actually reviewed by any attorney.

16. Upon information and belief, there was no meaningful attorney involvement in Plaintiff’s account.

17. Upon information and belief, ELTMAN never intended to commence any legal action against Plaintiff.

18. Additionally, upon information and belief, Plaintiff presumed, as would the “least sophisticated consumer,” that the letters were in fact the work product of one or more licensed attorneys as it was written on firm letterhead.

19. Furthermore, upon information and belief, Plaintiff presumed, as would the “least sophisticated consumer,” that the letters were in fact the work product of one or more licensed attorneys as it was signed “Very truly yours, Christopher R. Meyer, Admitted to Practice in New York, New Jersey.”

20. After receiving the letters, upon information and belief, Plaintiff reasonably inferred, as would the “least sophisticated consumer,” that NAVIENT was proceeding

more aggressively against Plaintiff in collecting on the debt, as NAVIENT had incurred the expense of hiring a law firm.

21. Upon information and belief, Plaintiff understood the letters, as would the “least sophisticated consumer,” that the debt collection process has entered into a phase where NAVIENT, through its New York licensed attorneys, will begin to use procedures established by law and known to attorneys to collect on the debt.

22. Upon information and belief, Plaintiff understood the letters, as would the “least sophisticated consumer,” that his property and other financial interests were in potential jeopardy.

23. Upon information and belief, Plaintiff understood the letters and believed and expected, as would the “least sophisticated consumer,” that NAVIENT hired ELTMAN in order to take legal action.

24. Thus, ELTMAN falsely raised the specter of potential legal action, in violation of the FDCPA and NYGBL.

25. Furthermore, the letter lists the original creditor as “Navient Federal Loan Trust.”

26. Upon information and belief, “Navient Federal Loan Trust” is not the original creditor of the underlying loan.

27. Upon information and belief, the underlying loan is not a Federally-guaranteed loan, nor was the loan related to the Federal government in any way.

28. Upon information and belief, “Navient Federal Loan Trust” does not exist.

29. Upon information and belief, listing “Navient Federal Loan Trust” as the original creditor, was misleading and confusing to the Plaintiff, as it would be to the “least sophisticated consumer,” and furthermore misstates the character of the alleged debt, in violation of the FDCPA and NYGBL.

30. ELTMAN knew or should have known that its actions violated the FDCPA and NYGBL. Additionally, ELTMAN could have taken the steps necessary to bring its actions within compliance with the FDCPA and NYGBL, but neglected to do so, and failed to adequately review its actions to ensure compliance with said laws.

31. At all times pertinent hereto, ELTMAN was acting by and through its agents, servants and/or employees, who were acting within the scope and course of their employment, and under the direct supervision and control of ELTMAN herein.

32. Plaintiff is informed and believe, and on that basis alleged, that at all times relevant to the collection of the above-referenced obligations, there existed a principal-agent relationship between ELTMAN on the one-hand, and VL FUNDING and NAVIENT on the other hand.

33. Plaintiff is informed and believe, and on that basis allege, that at all times relevant to the collection of the above-referenced obligation, ELTMAN was also the agent for VL FUNDING and NAVIENT, acting within the course and scope of its employment at the time of the incidents complained of herein, and was at all times under the direct supervision, instruction, control, and approval of VL FUNDING and NAVIENT.

34. Plaintiff is informed and believe, and on that basis allege, that at all times relevant to the collection of the above-referenced obligation, VL FUNDING and NAVIENT directed and controlled the manner and means by which ELTMAN attempted to collect debts from Plaintiff and the class members.

35. As such, VL FUNDING and NAVIENT are vicariously liable for the actions of its agent ELTMAN.

36. Additionally, upon information and belief, VL FUNDING is not a registered entity with the State of New York, and as such, is not authorized to conduct business in the State of New York.

37. Furthermore, upon information and belief, NAVIENT and VL FUNDING failed to provide notice to Plaintiff that a debt belonging to him was assigned to VL FUNDING in violation of the FDCPA and NYGBL.

38. As a result of the Defendants' conduct, Plaintiff has sustained actual damages including, but not limited to: nervousness; fear; worry; fright; shock; humiliation and intimidation.

**AS AND FOR A FIRST CAUSE OF ACTION**  
(Fair Debt Collection Practices Act)

39. Plaintiff repeats and realleges the allegations contained in the foregoing paragraphs.

40. The above contacts between ELTMAN and Plaintiff were "communications" relating to a "debt" as defined by 15 U.S.C. §§ 1692a(2) and 1692a(5) of the FDCPA.

41. Defendants violated provisions of the FDCPA, including, but not limited to, the following:

42. The FDCPA § 1692e prohibits any false, deceptive, or misleading means to collect a debt. 1692e(3) prohibits the false representation that any communication is from an attorney. § 1692e(5) prohibits threatening to take any action that is not intended to be taken. § 1692e(10) prohibits any false representation or deceptive means to collect a debt. By using letterhead stating "Eltman Law, P.C." and by signing the letters "Very truly yours, Christopher R. Meyer, Admitted to Practice in New York, New Jersey," ELTMAN falsely implied meaningful attorney involvement, falsely represented that it was acting in its legal capacity, and falsely raised the specter of potential legal action, in violation of the FDCPA.



43. The FDCPA § 1692e prohibits any false, deceptive, or misleading means to collect a debt. § 1692e(2) prohibits the false representation of the character, amount or legal status of any debt. § 1692e(10) prohibits any false representation or deceptive means to collect a debt. By stating that the original creditor was “Navient Federal Loan Trust,” Eltman falsely represented the character of the debt, and misled the Plaintiff of the same, in violation of the FDCPA.

44. The FDCPA § 1692e prohibits any false, deceptive, or misleading means to collect a debt. By failing to provide notice to Plaintiff that a debt belonging to him was assigned to VL FUNDING, NAVIENT and VL FUNDING violated the FDCPA.

45. Additionally, NAVIENT and VL FUNDING are vicariously liable for the actions of ELTMAN.

**AS AND FOR A SECOND CAUSE OF ACTION**  
(New York General Business Law Section 349)

46. Plaintiff repeats, realleges and incorporates by reference the foregoing paragraphs.

47. NYGBL § 349 declares unlawful and deceptive acts or practices in the conduct of any business, trade, or commerce, or in the furnishing any service in the State of New York.

48. At all times material to this complaint, ELTMAN’s deceptive acts and practices that gave rise to the claims herein occurred while ELTMAN conducted its business of collecting consumer debts. Deceptive acts and practices in the context of consumer-debt collection is a recognizable cause of action.

49. Across New York State, NYGBL § 349 has been found broad enough to include debt collection and several courts have applied the statute to debt collection.

50. The conduct complained of in this complaint occurred during, and in furtherance of, ELTMAN’s for-profit business enterprise of pursuing consumers for alleged defaulted debt obligation.

51. ELTMAN’s acts and practices have been directed entirely at consumers. Defendant’s acts and practices have a broad impact on the New York consuming public and the courts of the State of New York.

52. ELTMAN’s collection acts are part of a recurring practice against large numbers of consumers in furtherance of its business model of increasing debt volume while decreasing the costs of each case, thus enhancing profitability.

53. ELTMAN’s offending collection practices have the capacity and tendency to deceive and mislead a significant percentage of consumers in a material way because they deprive consumers of state and federal rights and protections. These acts contribute to an increasing number of personal bankruptcies, and lead to marital instability and job loss, all of which are significant social concerns that applicable federal and state consumer protection laws were designed to prevent.

54. The acts and omissions complained of in this complaint under the preceding cause of action amount to “deceptive acts and practices” as defined under NYGBL § 349 and the case law interpreting it.

55. Some or all of the FDCPA violations alleged in this complaint amount to per se violations of NYGBL § 349.

56. Furthermore, Defendants VL FUNDING and NAVIENT are in violation of NYGBL § 349 as they are vicariously liable for the acts of ELTMAN in this action.

57. Additionally, upon information and belief, VL FUNDING is not authorized to conduct business in New York, in violation of the NYGBL.

58. As a result of these violations of NYGBL § 349, the plaintiff is entitled to an injunction barring the Defendants from engaging in deceptive acts and practices, and to recover actual damages set forth in this complaint, three times the actual damages up to \$1,000, costs and reasonable attorneys’ fees pursuant to NYGBL § 349(h).

59. As a result of the violations, Plaintiff suffered actual damages as set forth below.

#### PLAINTIFF’S ACTUAL DAMAGES

60. As a result of the violations, Plaintiff suffered actual damages, which include but are not limited to, nervousness; fear; worry; fright; shock; humiliation and intimidation.

#### CLASS ALLEGATIONS

61. Plaintiff brings this action on behalf of a class, pursuant to NY CPLR Article 9.

62. The class consists of all natural persons who, between April 24, 2016 and the present, received a letter from ELTMAN which: 1) failed to notify of the lack of attorney involvement; 2) falsely raised the specter of potential legal action; or 3) included “Navient Federal Loan Trust” as the original creditor or current creditor.

63. The class members are so numerous that joinder is impracticable. Upon information and belief, there are more than 50 members.

64. There are questions of law and fact common to the class members, which common questions predominate over any questions that affect only individual class members.

65. The predominate common question is whether ELTMAN and NAVIENT and VL FUNDING through ELTMAN violated the FDCPA and NYGBL through ELTMAN’s letters.

66. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases and class actions.

67. A class action is the superior means of adjudicating this dispute.

68. Individual cases are not economically feasible.

**WHEREFORE**, Plaintiff respectfully requests judgment as follows:

- a) Certify this action as a class action and appoint Plaintiff as a Class Representative of the Class, and his attorneys as Class Action;
- b) Find that the Defendants' actions violate the FDCPA;
- c) Find that the Defendants' actions violate NYGBL.
- d) Grant an award of statutory damages for Plaintiffs and the Class pursuant to 15 U.S.C. § 1692k(a)(2)(B);
- e) Grant actual damages resulting from emotional distress, stress, and confusion in an amount to be determined at trial;
- f) Grant Plaintiff's attorney's fees pursuant to 15 U.S.C. § 1692k;
- g) Grant Plaintiff's costs; together with
- h) Such other and further relief as may be just and proper.

Dated: Brooklyn, New York  
March 7, 2018

**Law Office of Simon Goldenberg, PLLC**  
*Attorneys for Plaintiff*



BY: **Jared Louzon, Esq.**  
818 East 16<sup>th</sup> St.  
Brooklyn, NY 11230  
P: (347) 640-4357  
F: (347) 472-0347

**To:**  
**ELTMAN LAW, P.C.**  
101 Hudson Street, Suite 2702  
Jersey City, NJ 07302

**NAVIENT SOLUTIONS, LLC**  
2001 Edmund Halley Drive  
Reston, VA 20190

**VL FUNDING, LLC**  
2001 Edmund Halley Drive  
Reston, VA 20190

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK**

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**JONATHAN ALEJANDRO,  
ON BEHALF OF HIMSELF AND ALL OTHERS  
SIMILARLY SITUATED,**

**Index No.: 608806/2017**

**Plaintiff(s),**

**-against-**

**ELTMAN LAW, P.C.,  
NAVIENT SOLUTIONS, LLC AND  
VL FUNDING, LLC,**

**Defendant(s).**

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**SUMMONS AND COMPLAINT-CLASS ACTION**

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Law Office of Simon Goldenberg PLLC

*Attorney(s) for*

**JONATHAN ALEJANDRO  
*Plaintiff(s)***

818 East 16<sup>th</sup> Street  
Brooklyn NY 11230  
347-640-4357

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

JONATHAN ALEJANDRO, ON BEHALF OF  
HIMSELF AND ALL OTHERS SIMILARLY  
SITUATED,

Plaintiff,

Index No. 604471/2018

Date Filed: 03/07/2018

-against-

AFFIDAVIT OF SERVICE

ELTMAN LAW, P.C., ET AL.,

Defendants.

State of New York)

SS.:

County of Albany)

Jeffrey Teitel, being duly sworn, deposes and says that deponent is over the age of eighteen years, is employed by the attorney service, TEITEL SERVICE BUREAU INC., and is not a party to this action.

That on the 16<sup>th</sup> day of March, 2018 at the office of the Secretary of State of New York in the City of Albany he served the annexed Summons, Complaint-Class Action and Demand for Jury Trial and Notice of Commencement of Action Subject to Mandatory Electronic Filing on NAVIENT SOLUTIONS, LLC by delivering and leaving with Sue Zouky, a clerk in the office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, Deponent paid said Secretary of State a fee of \$40.00 Dollars. That said service was pursuant to section 303 of the Limited Liability Company Law.

Deponent further states that he knew the person so served as foresaid to be a clerk in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age</u>	<u>Height</u>	<u>Weight</u>
<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White	<input type="checkbox"/> Light	<input type="checkbox"/> 20-30	<input checked="" type="checkbox"/> 5'-5'5"	<input checked="" type="checkbox"/> 100-150
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black	<input type="checkbox"/> Medium	<input type="checkbox"/> 31-40	<input type="checkbox"/> 5'6"-6'	<input type="checkbox"/> 151-200
	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Dark	<input type="checkbox"/> 41-50	<input type="checkbox"/> 6'1"-6'5"	<input type="checkbox"/> 200-250
			<input type="checkbox"/> 51-60	<input type="checkbox"/> 6'6"+	<input type="checkbox"/> 250+
			<input checked="" type="checkbox"/> 61-70		

Sworn to before me this 16<sup>th</sup> day of  
March, 2018

  
Jeffrey Teitel

  
Hilary Teitel

Notary Public, State of New York  
Qualified in Albany County  
No. 01TE5049179  
Commission Expires September 11, 2021

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

JONATHAN ALEJANDRO, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED,

(b) County of Residence of First Listed Plaintiff SUFFOLK (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) JARED LOUZON, ESQ. LAW OFFICES OF SIMON GOLDENBERG, PLLC 818 E. 16TH STREET, BROOKLYN, NY 11230 (347) 640-4357

DEFENDANTS

ELTMAN LAW, P.C. NAVIENT SOLUTIONS, LLC AND VL FUNDING, LLC.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) ASHLEY B. HUDDLESTON VEDDER PRICE P.C., 1633 BROADWAY, 31ST FLOOR, NEW YORK, NY 10019, (212) 407-7700

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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER 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 - Transfer, 8 Multidistrict Litigation - Direct File

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. § 1692, et. seq.; New York General Business Law § 349

Brief description of cause:

Defendants allegedly violated above referenced statutes in an attempt to collect a debt from Plaintiff.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE 03/29/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Ashley B. Huddleston, Esq.

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Ashley B. Huddleston, counsel for Navient Solutions, LLC, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Naivent Corporation

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County?  Yes  No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County?  Yes  No
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District?  Yes  No
  - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received: Suffolk County

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?  Yes  No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes  No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain)  No

I certify the accuracy of all information provided above.

Signature: \_\_\_\_\_

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Consumer Files Multi-Count Debt Collection Suit Against Eltman Law, Navient, VL Funding](#)

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