

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

JENNIFER AUTRY and DEREK VOLKMAN,
individually on behalf of all others similarly
situated,

Plaintiffs,

vs.

Case No.: 1:18-cv-001078

JEFFERSON CAPITAL SYSTEMS LLC,
RAUSCH, STURM, ISRAEL, ENERSON &
HORNIK, LLC, and JOHN DOES,

Defendants.

**CLASS ACTION COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT
COLLECTION PRACTICES ACT AND DEMAND FOR JURY TRIAL**

Plaintiffs, JENNIFER AUTRY and DEREK VOLKMAN, individually and on behalf of all others similarly situated, bring this action against Defendants, JEFFERSON CAPITAL SYSTEMS LLC, (“JEFFERSON”), RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC (“RAUSCH, STURM”), and JOHN DOES, by and through their attorneys, say:

I. PRELIMINARY STATEMENT

1. Plaintiffs, individually and on behalf of all others similarly situated, bring this action for Defendants’ illegal practices which include using false, deceptive, and misleading practices in connection with its attempts to collect alleged consumer debts from Plaintiffs and other similarly situated Wisconsin consumers.

2. Plaintiffs allege Defendants’ collection practices violate the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.* Such collection practices include, *inter alia*, sending consumers form letters which are false, deceptive, and misleading to an unsophisticated consumer, constitute an unfair or unconscionable means to attempt to collect a debt, and fail to disclose legally required information about the alleged debt.

3. The FDCPA regulates the behavior of “debt collectors” (including collection agencies, collection attorneys, debt buyers) when attempting to collect a consumer debt. Congress found “abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors” which “contribute to a number of personal bankruptcies, marital instability, loss of jobs, and invasions of individual privacy.” 15 U.S.C. § 1692(a). The FDCPA was expressly adopted “to eliminate abusive debt collection practices by debt collectors, to ensure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote uniform State action to protect consumers against debt collection abuses.” 15 U.S.C. § 1692(e).

4. A single violation is sufficient to establish liability. *Nielsen v. Dickerson*, 307 F.3d 623, 640 (7th Cir. 2002).

5. Although the FDCPA is not a strict-liability statute, “most infractions result in liability” without proof of *scienter* unless the specific infractions includes an element of intent or purpose or the debt collector can affirmatively prove a *bona fide* error under 15 U.S.C. § 1692k(c). *Oliva v. Blatt, Hasenmiller, Leibsker & Moore LLC*, 864 F.3d 492, 502 (7th Cir. 2017), *cert. denied*, 138 S. Ct. 1283 (2018).

6. Whether a debt collector’s conduct violates the FDCPA should be judged from the standpoint of the “unsophisticated debtor.” *Gammon v. GC Servs. Ltd. P’ship*, 27 F.3d 1254, 1257 (7th Cir. 1994). “The unsophisticated consumer is uninformed, naive, and trusting, but possesses rudimentary knowledge about the financial world, is wise enough to read collection notices with added care, possesses reasonable intelligence, and is capable of making basic logical deductions and inferences.” *Williams v. OSI Educ. Servs., Inc*, 505 F.3d 675, 678 (7th Cir. 2007) (internal editing notations and quotation marks omitted).

7. To prohibit deceptive practices, the FDCPA, at 15 U.S.C. § 1692e, outlaws a debt collector's use of a false, deceptive, and misleading representation or means when collecting debts and includes a non-exclusive list of specific conduct which constitutes *per se* violations of § 1692e.

8. Similar to § 1692e, 15 U.S.C. § 1692f, bars a debt collector from using any unfair or unconscionable means when collecting or attempting to collect a debt and includes a non-exclusive list of specific conduct which constitutes *per se* violations of § 1692f.

9. At 15 U.S.C. § 1692g(a), the FDCPA requires disclosure of certain information either in a debt collector's initial communication or within five days after the initial communication. At 15 U.S.C. § 1692g(b), the FDCPA restrains a debt collector from conduct and communications which would overshadow or be inconsistent with certain rights disclosed pursuant to § 1692g(a).

10. A debt collector who fails to comply with any provision of the FDCPA with respect to any person is liable to that person for actual damages (if any), statutory damages, costs, and reasonable counsel fees. 15 U.S.C. § 1692k(a). A plaintiff's award of statutory damages is limited to \$1,000 and a class's award is limited to the lesser of \$500,000 or 1% of the debt collector's net worth. *Id.* The award to the class is to be made "without regard to a minimum individual recovery." *Id.*

11. Plaintiffs, individually and on behalf of all others similarly situated, seek statutory damages, attorney fees, costs, and all other relief, equitable or legal in nature, as deemed appropriate by this Court, pursuant to the FDCPA.

II. PARTIES

12. AUTRY is a natural person.

13. At all times relevant to this lawsuit, AUTRY is a citizen of, and resides in, Appleton, Outagamie County, Wisconsin.

14. VOLKMAN is a natural person.

15. At all times relevant to this lawsuit, VOLKMAN is a citizen of, and resides in, Neenah, Winnebago County, Wisconsin.

16. On information and belief, JEFFERSON is a limited liability company existing pursuant to the laws of the State of Georgia.

17. JEFFERSON maintains its principal business address at, 16 McLeland Road, Saint Cloud, Minnesota.

18. On information and belief, RAUSCH STURM is a limited liability company formed under the laws of the State of Wisconsin.

19. On information and belief, RAUSCH STURM maintains its principal office at 250 N. Sunnyslope Road, Suite 300, Brookfield, Waukesha County, WI 53005.

20. Defendants, JOHN DOES, are sued under fictitious names as their true names and capacities are yet unknown to Plaintiffs. Plaintiffs will amend this complaint by inserting the true names and capacities of these Defendants once they are ascertained.

III. JURISDICTION AND VENUE

21. Jurisdiction of this Court arises under 28 U.S.C. §§ 1331 and 1337.

22. Venue is appropriate in this federal district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events giving rise to each PLAINTIFF's claims occurred within this federal judicial district, and because DEFENDANTS are subject to personal jurisdiction in the State of Wisconsin at the time this action is commenced.

IV. FACTS CONCERNING DEFENDANTS

23. JEFFERSON's principal purpose is the collection of debt by, *inter alia*, purchasing defaulted debts from creditors and other debt-buyers for pennies on the dollar of their face-value and then attempting to collect those purchased debts directly using the mails or through the use of agents engaged by JEFFERSON to act on JEFFERSON's behalf.

24. One such agent of JEFFERSON is RAUSCH STURM.

25. RAUSCH STURM operates ostensibly as a law firm, referring to itself on its website as "Attorneys in the Practice of Debt Collection."

26. RAUSCH STURM regularly attempts to collect debts owed by natural persons which arose from transactions which were primarily for personal, family, or household purposes.

27. Plaintiffs are informed and believe, and on that basis allege, JOHN DOES, are natural persons and/or business entities all of whom reside or are located within the United States who personally created, instituted and, with knowledge that such practices were contrary to law, acted consistent with and oversaw the violative policies and procedures used by the employees of JEFFERSON and/or RAUSCH STURM that are the subject of this Complaint. JOHN DOES personally control the illegal acts, policies, and practices utilized by JEFFERSON and/or RAUSCH STURM and, thus, are personally liable for all the wrongdoing alleged in this Complaint. JOHN DOES may include licensed attorneys who work for RAUSCH STURM.

28. Defendants regularly collect, and attempt to collect, defaulted debts incurred, or alleged to have been incurred, by consumers which were acquired by JEFFERSON after the original creditor charged-off the debt and sold it in-bulk with other similarly charged-off debts for pennies on the dollar.

29. In an attempt to collect debts, Defendants mailed a form collection letter to each Plaintiff which, except for specific information about each Plaintiff and each debt, are identical.

V. FACTS CONCERNING AUTRY

30. Defendants mailed a letter (“Autry Letter”) to AUTRY dated July 13, 2017.

31. A true copy of the Autry Letter is attached as *Exhibit A* except that Plaintiff’s counsel has partially redacted the Autry Letter.

32. Based on the terms of the Autry Letter, AUTRY is alleged to have defaulted on a financial obligation (“Autry Debt”) originally owed to Webbank and currently owed to JEFFERSON.

33. According to the Autry Letter, the “Account Balance” was \$1,311.18.

34. According to the Autry Letter, it enclosed a notice “indicating what portion of your account balance is currently due.”

35. The Autry Letter enclosed a “Notice of Right to Cure Default.”

36. The enclosed “Notice of Right to Cure Default” included “You are in default... . You may cure the default on or before [a specified date], by paying the sum of [specified amount] to” RAUSCH STURM.

37. The statements made in the Autry Letter were false, deceptive, and misleading to an unsophisticated consumer. Among other reasons, even if AUTRY paid the specified amount by the specified date, the account giving rise to the Autry Debt would not have been reinstated, and the Autry Debt would have remained in default and not cured.

38. Defendants mailed the Autry Letter in an attempt to collect the Autry Debt.

39. On information and belief, no licensed attorney had direct personal involvement in the drafting and mailing of the Autry Letter.

40. On information and belief, no licensed attorney considered the particular circumstances of the Autry Debt or AUTRY’s case prior to mailing the Autry Letter.

41. The Autry Letter gives the false impression to an unsophisticated consumer that it was from an attorney when, in fact, the Autry Letter was not from an attorney in any meaningful sense of the word.

42. Had a licensed attorney been meaningfully involved as an attorney in reviewing information about the Autry Debt, the Autry Letter would not have stated that payment of the amount specified in the Notice of Right to Cure Default by the specified date would have cured any default.

43. By mailing the Autry Letter, Defendants deprived AUTRY of the right to truthful, non-misleading information (as viewed from the perspective of an unsophisticated consumer) concerning the effect of payment on the Autry Debt.

VI. FACTS CONCERNING VOLKMAN

44. Defendants mailed a letter (“Volkman Letter”) to VOLKMAN dated July 13, 2017.

45. A true copy of the Volkman Letter is attached as *Exhibit B* except that Plaintiff’s counsel has partially redacted the Volkman Letter.

46. The Volkman Letter is materially the same as the Autry Letter except for information concerning Volkman and the debt Defendants sought to collect.

47. According to the Volkman Letter, the “Account Balance” was \$559.26.

48. According to the Volkman Letter, it enclosed a notice “indicating what portion of your account balance is currently due.”

49. The Volkman Letter enclosed a “Notice of Right to Cure Default.”

50. The enclosed “Notice of Right to Cure Default” included “You are in default... . You may cure the default on or before [a specified date], by paying the sum of [specified amount] to” RAUSCH STURM.

51. The statements made in the Volkman Letter were false, deceptive, and misleading to an unsophisticated consumer. Among other reasons, even if VOLKMAN paid the specified amount by the specified date, the account giving rise to the Volkman Debt would not have been reinstated, and the Volkman Debt would have remained in default and not cured.

52. Defendants mailed the Volkman Letter in an attempt to collect the Volkman Debt.

53. On information and belief, no licensed attorney had direct personal involvement in the drafting and mailing of the Volkman Letter.

54. On information and belief, no licensed attorney considered the particular circumstances of the Volkman Debt or AUTRY's case prior to mailing the Volkman Letter.

55. The Volkman Letter gives the false impression to an unsophisticated consumer that it was from an attorney when, in fact, the Volkman Letter was not from an attorney in any meaningful sense of the word.

56. Had a licensed attorney been meaningfully involved as an attorney in reviewing information about the Volkman Debt, the Volkman Letter would not have stated that payment of the amount specified in the Notice of Right to Cure Default by the specified date would have cured any default.

57. By mailing the Volkman Letter, Defendants deprived VOLKMAN of the right to truthful, non-misleading information (as viewed from the perspective of an unsophisticated consumer) concerning the effect of payment on the Volkman Debt.

VII. POLICIES AND PRACTICES COMPLAINED OF

58. It is Defendants' policy and practice to engage in practices which violate 15 U.S.C. §§ 1692e and 1692g by sending letters, such as *Exhibits A and B*, in their attempt to collect debts.

VIII. CLASS ALLEGATIONS

59. This action is brought as a class action. Plaintiffs bring this action individually and on behalf of all other persons similarly situated pursuant to Rule 23 of the Federal Rules of Civil Procedure.

60. Plaintiffs seeks to certify a class pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3).

61. ***Class Definition.*** This case is brought on behalf of a Class consisting of all natural persons to whom RAUSCH STURM mailed a written communication during the period beginning on July 13, 2017 and ending on July August 3, 2018 which including a Notice of Right to Cure Default similar in form to the Notices attached as ***Exhibit A and B*** in an attempt to collect a charged-off open-ended credit account. Plaintiffs also seek to certify a sub-class consisting of Class members to whom the letter was sent in an attempt to collect a debt acquired by JEFFERSON.

62. The identities of the Class and Sub-Class members, including their names and last known addresses, are readily ascertainable from Defendants' business records.

63. ***Class Claims.*** The Class claims include all claims Class members may have for a violation of the FDCPA based the form letter mailed by Defendants substantially in form of ***Exhibits A and B.***

64. This action has been brought, and may properly be maintained, as a class action pursuant to the provisions of Rule 23 of the Federal Rules of Civil Procedure because there is a well-defined community interest in the litigation:

- (a) ***Numerosity.*** On information and belief the Class is so numerous that joinder of all members would be impractical and includes at least 40 members.
- (b) ***Common Questions Predominate.*** Common questions of law and fact exist as to all members of the Class and those questions predominate over any

questions or issues involving only individual class members. The principal class issue is whether Defendants violated the FDCPA when mailing letters created using the same or substantially similar form letter as was used to create *Exhibits A and B*.

- (c) **Typicality.** Plaintiffs' claims are typical of Class Claims. Plaintiffs and all Class members have claims arising from Defendants' common course of conduct in using and mailing the same form letter.
- (d) **Adequacy.** Plaintiffs will fairly and adequately protect the interests of the Class members insofar as Plaintiffs have no interest that is averse to, or conflict with, Class members. Plaintiffs are committed to vigorously litigating this matter. Plaintiffs have also retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions. Neither Plaintiffs nor Plaintiffs' counsel have any interests which might cause them not to vigorously pursue the instant class action lawsuit.

65. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is appropriate in that the questions of law and fact common to members of the Class predominate over any questions affecting an individual member, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

66. Based on discovery and further investigation (including, but not limited to, Defendants' disclosure of class size and net worth), Plaintiffs may, in addition to moving for class certification using modified definitions of the class, class claims, and the class period, seek class certification only as to particular issues as permitted under Fed. R. Civ. P. 23(c)(4).

**IX. CAUSE OF ACTION:
VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

67. Plaintiffs realleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint.

68. JEFFERSON is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

69. RAUSCH STURM is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

70. JOHN DOES are each a “debt collector” as defined by 15 U.S.C. § 1692a(6).

71. The Autry Letter is a “communication” as defined by 15 U.S.C. § 1692a(2).

72. The Autry Debt is a “debt” as defined by 15 U.S.C. §1692a(5).

73. AUTRY is a “consumer” as defined by 15 U.S.C. § 1692a(3).

74. The Volkman Letter is a “communication” as defined by 15 U.S.C. § 1692a(2).

75. The Volkman Debt is a “debt” as defined by 15 U.S.C. §1692a(5).

76. VOLKMAN is a “consumer” as defined by 15 U.S.C. § 1692a(3).

77. Defendants’ use and mailing of the Autry Letter and the Volkman Letter violated the FDCPA in one or more following ways:

- (a) Using false, deceptive, and misleading representations or means in connection with the collection of any debt in violation of 15 U.S.C. § 1692e including, but not limited to, violations of §§ 1692e(2), (3), (5), and (9); and
- (b) Using unfair or unconscionable means to attempt to collect a debt in violation of 15 U.S.C. § 1692f.

VIII. PRAYER FOR RELIEF

78. WHEREFORE, Plaintiffs respectfully requests the Court enter judgment against Defendants as follows:

- (i) An order certifying that the Cause of Action may be maintained as a class pursuant to Rule 23 of the Federal Rules of Civil Procedure including, but

not limited to, defining the Class, the class claims, appointing Plaintiffs as the class representatives, and the undersigned counsel to represent the Class;

- (ii) An award of actual damages for Plaintiffs and the Class pursuant to 15 U.S.C. § 1692k(a)(2)(B), which includes damages to the extent the recovery of attorneys' fees and costs causes Plaintiffs or the Class a negative tax consequence;
- (iii) An award of statutory damages for Plaintiffs and the Class pursuant to 15 U.S.C. § 1692k(a)(2)(B);
- (iv) An incentive award for Plaintiffs, to be determined by the Court, for Plaintiffs' services on behalf of the Class;
- (v) Attorney's fees, litigation expenses, and costs pursuant to 15 U.S.C. § 1692k(a)(3); and
- (vi) For such other and further relief as may be just and proper.

IX. JURY DEMAND

Plaintiffs hereby demand that this case be tried before a Jury.

Dated: July 13, 2018

s/ Andrew T. Thomasson

Philip D. Stern (NJ Bar # 045921984)
Francis R. Greene (IL Bar #00712094)
Andrew T. Thomasson (NJ Bar # 048362011)
STERN•THOMASSON LLP
150 Morris Avenue, 2nd Floor
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E-Mail: francis@sternthomasson.com
E-Mail: philip@sternthomasson.com

*Attorneys for Plaintiffs, Jennifer Autry and
Derek Volkman*

Exhibit A

RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC

ATTORNEYS AT LAW

250 N. SUNNYSLOPE ROAD, SUITE 300
BROOKFIELD WI 53005

TOLL FREE: (888) 302-4011
FAX: (877) 396-4464
LAWFIRM@RSIEH.COM
WWW.RSIEH.COM

July 13, 2017

JENNIFER AUTREY

REDACTED

APPLETON WI 54915-4303

Re: JENNIFER AUTREY

Creditor to Whom the Debt is Owed: JEFFERSON CAPITAL SYSTEMS, LLC

Our File Number: REDACTED 6787

Account #: *****4225

Account Balance: \$1,311.18

Dear JENNIFER AUTREY:

The above referenced account has been referred to this office. The original creditor of the account was WEBBANK.


A notice indicating what portion of your account balance is currently due is also enclosed. Any further payments you make on the account should be made to our office at: **250 North Sunnyslope Road, Suite 300, Brookfield WI 53005**. Checks or money orders should be made payable to: JEFFERSON CAPITAL SYSTEMS, LLC. Payments can be mailed, made by telephone or at our website. You can also review information regarding your account at our website. Our website address is: <https://www.rsieh.com>.

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. 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 30 days after receipt of this letter that you dispute the validity of the debt or any portion thereof, we will obtain verification of the debt or a copy of a judgment, if any, and mail you a copy of such verification or judgment. Upon your written request within 30 days after receipt of this letter we will provide the name and address of the original creditor, if different from the current creditor.

If you have any questions, please contact us by writing to the address listed above or by calling us at the telephone number listed above.

RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC



 - DARPP1 D051517

July 13, 2017

NOTICE OF RIGHT TO CURE DEFAULT

Re: R051517
Creditor to Whom the Debt is Owed: JEFFERSON CAPITAL SYSTEMS, LLC
JENNIFER AUTREY
[REDACTED]
APPLETON WI 54915-4303
Our File Number: [REDACTED] 6787
Account #: *****4225

Our records indicate that you are in default on the consumer credit transaction briefly described as follows: Account number *****4225 of JEFFERSON CAPITAL SYSTEMS, LLC, 16 MCLELAND ROAD, ST CLOUD MN 56303, 320/229-8653, in the current amount of \$1,311.18. You are in default for failure to make the minimum monthly payment on the account, with no payment since March 24, 2016. You may cure the default on or before August 17, 2017, by paying the sum of \$196.00 to RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC, 250 North Sunnyslope Road, Suite 300, Brookfield WI 53005. Checks or money orders should be made payable to: JEFFERSON CAPITAL SYSTEMS, LLC. Payments can be mailed, made by telephone or at our website. You can also review information regarding your account at our website. Our website address is: <https://www.rsieh.com>.

**ALL TELEPHONE INQUIRIES AND PAYMENTS SHOULD BE TO
RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC:
(YOUR CHECK OR MONEY ORDER SHOULD BE MADE PAYABLE TO JEFFERSON CAPITAL
SYSTEMS, LLC)**

RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC
250 N. Sunnyslope Rd., Suite 300
Brookfield WI 53005
Toll Free: (877) 667-8010

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.

Exhibit B

RAUSCH, STURM, ISRAEL, ENERSON & HORNIK LLP
ATTORNEYS AT LAW

250 N. SUNNYSLOPE ROAD, SUITE 300
BROOKFIELD WI 53005

TOLL FREE: (877) 215-2552
FAX: (877) 396-4464
LAWFIRM@RSIEH.COM
WWW.RSIEH.COM

October 4, 2017

DEREK VOLKMAN

REDACTED REDACTED REDACTED

NEENAH WI 54956

Re: DEREK VOLKMAN
Creditor to Whom the Debt is Owed: JEFFERSON CAPITAL SYSTEMS, LLC
Our File Number: REDACTED 7511
Account #: *****4265
Account Balance: \$559.26

Dear DEREK VOLKMAN:

The above referenced account has been referred to this office. The original creditor of the account was WEBBANK.

A notice indicating what portion of your account balance is currently due is also enclosed. Any further payments you make on the account should be made to our office at: **250 North Sunnyslope Road, Suite 300, Brookfield, WI 53005**. Checks or money orders should be made payable to: JEFFERSON CAPITAL SYSTEMS, LLC. Payments can be mailed, made by telephone or at our website. You can also review information regarding your account at our website. Our website address is: <https://www.rsieh.com>.

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. 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 30 days after receipt of this letter that you dispute the validity of the debt or any portion thereof, we will obtain verification of the debt or a copy of a judgment, if any, and mail you a copy of such verification or judgment. Upon your written request within 30 days after receipt of this letter we will provide the name and address of the original creditor, if different from the current creditor.

If you have any questions, please contact us by writing to the address listed above or by calling us at the telephone number listed above.

RAUSCH, STURM, ISRAEL, ENERSON & HORNIK LLP



- DARCO1 D081517

October 4, 2017

NOTICE OF RIGHT TO CURE DEFAULT

Re: R081517
Creditor to Whom the Debt is Owed: JEFFERSON CAPITAL SYSTEMS, L.L.C.
DEREK VOLKMAN
REDACTEDREDACTED
NEENAH WI 54956
Our File Number: REDACTED 7511
Account #: *****4265

Our records indicate that you are in default on the consumer credit transaction briefly described as follows: Account number *****4265 of JEFFERSON CAPITAL SYSTEMS, LLC, 16 MCLELAND ROAD, ST CLOUD MN 56303, 320/229-8653, in the current amount of \$559.26. You are in default for failure to make the minimum monthly payment on the account. You may cure the default on or before November 08, 2017, by paying the sum of \$89.00 to RAUSCH, STURM, ISRAEL, ENERSON & HORNIK LLP, 250 North Sunnyslope Road, Suite 300, Brookfield, WI 53005. Checks or money orders should be made payable to: JEFFERSON CAPITAL SYSTEMS, LLC. Payments can be mailed, made by telephone or at our website. You can also review information regarding your account at our website. Our website address is: <https://www.rsich.com>.

**ALL TELEPHONE INQUIRIES AND PAYMENTS SHOULD BE TO
RAUSCH, STURM, ISRAEL, ENERSON & HORNIK LLP:
(YOUR CHECK OR MONEY ORDER SHOULD BE MADE PAYABLE TO JEFFERSON CAPITAL
SYSTEMS, LLC)**

RAUSCH, STURM, ISRAEL, ENERSON & HORNIK LLP
250 N. Sunnyslope Rd., Suite 300
Brookfield WI 53005
Toll Free: (877) 215-2552

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.

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.)

Place an "X" in the appropriate box (required): Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS

JENNIFER AUTRY and DEREK VOLKMAN, individually on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Stern Thomasson LLP
150 Morris Avenue, 2nd Floor
Springfield, NJ 07081-1315
(973) 379-7500

DEFENDANTS

JEFFERSON CAPITAL SYSTEMS LLC, RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC, and JOHN DOES

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)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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 | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 USC § 1692, et seq.

Brief description of cause:
Claims under Fair Debt Collection Practices Act and Wisconsin Consumer Act

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$ 1,000,000.00

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/13/2018

SIGNATURE OF ATTORNEY OF RECORD

s/ Andrew T. Thomasson

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

JENNIFER AUTRY and DEREK VOLKMAN, et al.

Plaintiff(s)

v.

JEFFERSON CAPITAL SYSTEMS LLC, RAUSCH,
STURM, ISRAEL, ENERSON & HORNIK, LLC, et al.

Defendant(s)

Civil Action No. 1:18-cv-001078

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)
JEFFERSON CAPITAL SYSTEMS LLC
c/o Its Registered Agent, Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, Wisconsin 53717

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you receive it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or the plaintiff's attorney, whose name and address are:

Stern Thomasson LLP
150 Morris Avenue, 2nd Floor
Springfield, NJ 07081-1315

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

STEPHEN C. DRIES, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))

This summons and the attached complaint for *(name of individual and title, if any)*:

_____ were received by me on *(date)* _____.

I personally served the summons and the attached complaint on the individual at *(place)*:

_____ on *(date)* _____ ; or

I left the summons and the attached complaint at the individual's residence or usual place of abode with *(name)*

_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons and the attached complaint on *(name of individual)* _____

who is designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

JENNIFER AUTRY and DEREK VOLKMAN, et al.

Plaintiff(s)

v.

JEFFERSON CAPITAL SYSTEMS LLC, RAUSCH,
STURM, ISRAEL, ENERSON & HORNIK, LLC, et al.

Defendant(s)

Civil Action No. 1:18-cv-001078

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) RAUSCH, STURM, ISRAEL, ENERSON & HORNIK, LLC
250 North Sunnyslope Road, Suite 300
Brookfield, Wisconsin 53005

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you receive it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or the plaintiff's attorney, whose name and address are:

Stern Thomasson LLP
150 Morris Avenue, 2nd Floor
Springfield, NJ 07081-1315

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

STEPHEN C. DRIES, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))

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_____ on *(date)* _____ ; or

I left the summons and the attached complaint at the individual's residence or usual place of abode with *(name)*

_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons and the attached complaint on *(name of individual)* _____

who is designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [FDCPA Suit Filed in Wisconsin Against Two Debt Collectors](#)
