

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 22 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

----- X
JENNIFER BABCOCK, on behalf of herself
and a class of similarly situated individuals,

Plaintiff,

CV - 18 3626

vs.

BIANCO, J.

MIDDLE COUNTRY COLLECTION
SERVICES, INC., a New York corporation
and THE LEVINBOOK LAW FIRM, P.C., a
New York professional corporation; NEIL S.
LEVINBOOK, an individual,

TOMLINSON, M.J.

Defendants.
----- X

COMPLAINT – CLASS ACTION

INTRODUCTION

1. Plaintiff Jennifer Babcock brings this action to secure redress from the unlawful credit and collection practices engaged in by Defendants Middle Country Collection Services, Inc., The Levinbook Law Firm, P.C., and Neil S. Levinbook.

2. Plaintiff alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”).

3. The FDCPA broadly prohibits unfair or unconscionable collection methods, conduct which harasses or abuses any debtor, and the use of any false or deceptive statements in connection with debt collection attempts. It also prohibits the use of any business, company, or organization name other than the true name of the debt collector’s business, company, or organization. *See*, 15 U.S.C. § 1692e.

4. The FDCPA is a strict liability statute which provides for actual or statutory damages upon the showing of a single violation. *See Bentley v Great Lakes Collection Bureau*, 6 F.3d 60, 62-63 (2d Cir. 1993).

5. In enacting the FDCPA, Congress found that: “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692(a).

6. Because of this, courts have held that “the FDCPA's legislative intent emphasizes the need to construe the statute broadly, so that we may protect consumers against debt collectors' harassing conduct.” and that “[t]his intent cannot be underestimated.” *Ramirez v. Apex Financial Management LLC*, 567 F.Supp.2d 1035, 1042 (N.D. Ill. 2008).

7. The FDCPA encourages consumers to act as “private attorneys general” to enforce the public policies and protect the civil rights expressed therein. *Crabill v. Trans Union, LLC*, 259 F.3d 662, 666 (7th Cir. 2001).

8. Plaintiff seeks to enforce those policies and civil rights which are expressed through the FDCPA, 15 U.S.C. § 1692 et seq.

9. The use of any false, deceptive, or misleading representation or means in connection with the collection of any debt establishes a concrete injury for purposes of Article III standing. *See Bautz v. ARS Nat. Services, Inc.*, 226 F. Supp. 3d 131, 145 (E.D.N.Y. 2016).

VENUE AND JURISDICTION

10. This Court has subject matter jurisdiction under 15 U.S.C. § 1692k, 28 U.S.C. § 1331, and 28 U.S.C. § 1337.

11. Venue and personal jurisdiction in the Eastern District of New York are proper because Defendants reside in this judicial district, and a substantial part of the events or omissions giving rise to the claims alleged herein occurred in this district.

PARTIES

12. Plaintiff Jennifer Babcock is a natural person and a resident of Floral Park, New York.

13. Jennifer Babcock is a consumer as defined by 15 U.S.C. § 1692a(3).

14. Defendant Middle Country Collection Services, Inc. is a New York corporation whose address is 77 Arkay Drive, Suite C1, Hauppauge, New York 11788.

15. Middle Country Collection Services, Inc. regularly attempts to collect “debt” as that term is defined by 15 U.S.C. § 1692a(5). Many of the alleged debts are health care debts.

16. Middle Country Collection Services, Inc. is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

17. Defendant Levinbook Law Firm, P.C. is a New York professional corporation whose address of record is 77 Arkay Drive, Suite C1, Hauppauge, New York 11788.

18. Levinbook Law Firm, P.C. regularly attempts to collect “debt” as that term is defined by 15 U.S.C. § 1692a(5), almost exclusively by filing state-law collection actions in New York courts.

19. Levinbook Law Firm, P.C. is a "debt collector" as defined by 15 U.S.C. § 1692a(6). *See Heintz v. Jenkins*, 514 U.S. 291, 115 S. Ct. 1489, 131 L. Ed. 2d 395 (1995).

20. Defendant Neil S. Levinbook is a natural person who resides in Nassau County, New York and may be found at 77 Arkay Drive, Suite C1, Hauppauge, New York 11788. He owns The Levinbook Law Firm, P.C., as well as Middle Country Collection Services, Inc.¹

21. Neil S. Levinbook is a debt collector as defined by 15 U.S.C. § 1692a(6). *See Heintz v. Jenkins*, 514 U.S. 291, 115 S. Ct. 1489, 131 L. Ed. 2d 395 (1995).

FACTUAL ALLEGATIONS

22. On or about November 29, 2017, the form debt collection letter (the "Letter") attached as **Exhibit A**, bearing the header "**The Levinbook Law Firm, P.C.**," was mailed to Plaintiff for the purpose of collecting an alleged health care debt, purportedly owed to ENT & Allergy Associates (L).

23. In addition to identifying the letter as having originated from The Levinbook Law Firm, P.C., the Letter identifies the only two attorneys affiliated with The Levinbook Law Firm, P.C., Neil S. Levinbook and Randi Seidner. On information and belief, Defendants' business records will show that Neil S. Levinbook and Randi Seidner are the only individuals employed by Levinbook Law Firm, P.C. Unlike Neil S. Levinbook, Randi Seidner is believed to be a real estate attorney and licensed realtor whose practice is limited to real estate transactions.

¹ Neil S. Levinbook also owns Nationwide Health Solutions, Inc., which, upon information and belief is a medical billing company.

24. The Letter also states, “At this time, no attorney associated with The Levinbook Law Firm, P.C. has reviewed the particular circumstances relevant to your medical account.”

25. In fact, *no one* from The Levinbook Law Firm, P.C. has reviewed the particular circumstances relevant to the account (if no attorney from the firm reviewed the file, there is no one else to do so).

26. On December 7, 2017, Plaintiff sent **Exhibit B** to what she believed to be the fax number of The Levinbook Law Firm, P.C., disputing the alleged debt and requesting validation pursuant to 15 U.S.C. § 1692g(b). To date, Plaintiff has not mailed verification of the disputed debt to Plaintiff.

27. On information and belief, Defendants’ business records will show that the Letter was actually generated and mailed by employees of Defendant Middle Country Collection Services, Inc., which, like The Levinbook Law Firm, P.C., is owned by Neil S. Levinbook.

28. On further information and belief, Defendants’ business records will show that the alleged debt was in fact assigned to Middle Country Collection Services, Inc. for collection and not to The Levinbook Law Firm, P.C.

29. At the instruction of Neil S. Levinbook, Middle Country Collection Services, Inc., rather than sending collection letters in its own name, uses the letterhead of The Levinbook Law Firm, P.C., because it is a well-known fact that “[a]n unsophisticated consumer, getting a letter from an ‘attorney,’ knows the price of poker has just gone up.” *Miller v. Upton, Cohen & Slamowitz*, 687 F. Supp. 2d 86 (E.D.N.Y. 2009).

30. Therefore, on information and belief, **Exhibit A** was actually sent without any involvement of The Levinbook Law Firm, P.C., Neil S. Levinbook, or any other attorney whatsoever. Instead, it was Middle Country Collection Services, Inc. which was involved in the decision to send and the sending of letters purporting to come from The Levinbook Law Firm, P.C.

31. On information and belief, it is Neil S. Levinbook's policy and procedure that Middle Country Collection Services, Inc. employees send debt collection letters under the letterhead of The Levinbook Law Firm, P.C.

32. An attorney cannot simply "lend" his name, letterhead, or form letters to a collection agency without being meaningfully involved in the collection process. *Avila v. Rubin*, 95 F.3d 222, 228 (7th Cir. 1996).

33. It is only when Neil S. Levinbook's Middle Country Collection Services, Inc. employees fail to collect, despite use of the deceptive law firm letterhead, that Neil S. Levinbook actually involves himself in the collection process.²

34. The Letter also informs Plaintiff that if she chooses to contact The Levinbook Law Firm, P.C. by facsimile that such "transmissions may be viewed by persons other than the intended recipient." The reason persons other than the intended recipient (i.e., The Levinbook Law Firm, P.C.) will view facsimile transmissions is because those transmissions are in fact directed to employees of Middle Country Collection Services, Inc.

35. This practice is not only false, deceptive and misleading, but negligently exposes consumers' protected health information to undisclosed third parties who may not be

² During the time frame relevant to this complaint, Levinbook has filed no less than 35 debt collection actions in Nassau and Suffolk counties alone.

legally entitled to view such information.

COUNT I – FDCPA – CLASS CLAIM

36. Plaintiff incorporates the foregoing paragraphs as if fully set forth herein.

37. The sending of letters such as **Exhibit A** violates 15 U.S.C. §§1692e and (with respect to The Levinbook Law Firm, P.C. and Neil S. Levinbook) 1692j.

38. Section 1692e provides prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

- **§ 1692e(2)(A)**: The false representation of the character, amount, or legal status of any debt;
- **§ 1692e(3)**: The false representation or implication that any individual is an attorney or that any communication is from an attorney;
- **§ 1692e(10)**: The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

39. Section 1692j renders it unlawful to design, compile, and furnish any form knowing that such form would be used to create the false belief in a consumer that a person other than the creditor of such consumer is participating in the collection of or in an attempt to collect a debt such consumer allegedly owes such creditor, when in fact such person is not so participating.

CLASS ALLEGATIONS

40. Plaintiff brings this claim on behalf of a class, pursuant to Fed. R. Civ.P. 23(a)

and (b)(3).

41. The class consists of (a) all natural persons (b) who were sent a letter in the form represented by Exhibit A (c) to collect an alleged debt (d) which letter was sent on or after a date one year prior to the filing of this action, and on or before a date 21 days after the filing of this action.

42. On information and belief, based on the volume of Defendants' operations and the use of form documents, the class exceeds 40, and is so numerous that joinder of all members is impracticable.

43. 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.

The predominant common question is whether Exhibit A violates the FDCPA by:

44. The false representation of the character, amount, or legal status of any debt;

45. The false representation or implication that any individual is an attorney or that any communication is from an attorney;

46. The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

47. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

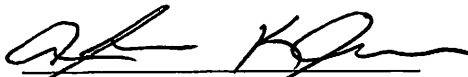
48. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff have retained counsel experienced in consumer credit and debt collection abuse cases.

49. A class action is superior to other alternative methods of adjudicating this dispute, because: (a) individual cases are not economically feasible; (b) consumers may not

realize that their rights are violated, and; (c) Congress intended class actions as a principal means of enforcing the FDCPA.

WHEREFORE, plaintiff request that the Court enter judgment in favor of plaintiff and the class members and against defendants for:

- a. declaration that defendants' communication violates the FDCPA;
- b. Statutory damages;
- c. Attorney's fees, litigation expenses and costs of suit;
- d. Such other or further relief as the Court deems proper.



Abraham Kleinman
KLEINMAN LLC
626 RXR Plaza
Uniondale, NY 11556-0626
(516) 522-2621
(888) 522-1692 (fax)
akleinman@akleinmanllc.com

EXHIBIT A

THE LEVINBOOK LAW FIRM, P.C.

77 ARKAY DRIVE, SUITE C1
HAUPPAUGE, NEW YORK 11788

Randi Seldner
*Admitted in NY

Neil S. Levinbook
*Admitted in NY & NJ

TELEPHONE : (631) 612-2732
TOLL FREE: (855) 699-1818
All inbound and outbound telephone
calls may be monitored and/or recorded

FAX: (631) 291-9570
Facsimile transmissions may be viewed
by persons other than the intended
recipient

November 29, 2017

Creditor: ENT & ALLERGY ASSOCIATES (L)
Patient Name: JENNIFER BABCOCK

Account Number: ~~6261287~~
Date(s) of Service: 04/02/15 - 04/02/15
Amount Due: \$40.00

Dear JENNIFER BABCOCK:

The above-referenced medical debt has been referred to our office. At this time no attorney associated with The Levinbook Law Firm, P.C. has reviewed the particular circumstances relevant to your medical account.

Unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume that this debt is valid. If you notify this office in writing within thirty (30) days from receiving this notice, we will obtain verification of the debt or a copy of any judgment and a copy of such verification or judgment will be mailed to you. Upon your written request sent within (30) days after receiving this notice we will provide you with the name and address of the original creditor if different from the current creditor.

If you wish to pay this debt, or any portion thereof, you may make payment by check made payable to "The Levinbook Law Firm, P.C." and mail your check to the address set forth at the top of this letter. Please place your account number (as is set forth) on your check. You may also pay by money order or credit card.

You may also make payment online by going to: <https://www.paydatacenter.com>
Your information for payment is as follows:
Access Code: LLFPAY Account Number: 00177680 PIN: 32736

THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

New York City Department of Consumer Affairs License Number 2046652

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION

THE LEVINBOOK LAW FIRM P C
77 ARKAY DRIVE SUITE C1
HAUPPAUGE NY 11788

ADDRESS SERVICE REQUESTED



JENNIFER BABCOCK

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~



THE LEVINBOOK LAW FIRM, P.C.
77 ARKAY DRIVE SUITE C1
HAUPPAUGE NY 11788

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:

- A) THE USE OF THREAT OF VIOLENCE;
- B) THE USE OF OBSCENE OR PROFANE LANGUAGE; AND
- C) 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);
- 2. SOCIAL SECURITY;
- 3. PUBLIC ASSISTANCE (WELFARE);
- 4. SPOUSAL SUPPORT, MAINTENANCE (ALIMONY) OR CHILD SUPPORT;
- 5. UNEMPLOYMENT BENEFITS;
- 6. DISABILITY BENEFITS;
- 7. WORKERS' COMPENSATION BENEFITS;
- 8. PUBLIC OR PRIVATE PENSIONS;
- 9. VETERANS' BENEFITS;
- 10. FEDERAL STUDENT LOANS, FEDERAL STUDENT GRANTS, AND FEDERAL WORK STUDY FUNDS; AND
- 11. NINETY PERCENT OF YOUR WAGES OR SALARY EARNED IN THE LAST SIXTY DAYS.

We are required by New York state law to set forth the foregoing language. Please be advised that said language should not be interpreted as a threat to commence any legal action against you for the debt referenced herein.

EXHIBIT B

JENNIFER BABCOCK
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

December 12, 2017

BY FAX TO (631) 291-9570
Neil Levinbrook, Esq.
77 Arkay Drive, Suite C1
Hauppauge, NY 11788

Re: Creditor: ENT & ALLERGY ASSOCIATES (L)
Patient Name: JENNIFER BABCOCK

Account Number: ~~XXXXXXXXXXXX~~
Date of Service: April 2, 2015

DISPUTED AMOUNT DUE: \$40.00

Dear Mr. Levinbrook:

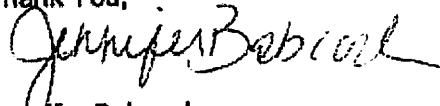
I received your November 29, 2017 letter. I attach a copy.

I dispute the validity of the ENT & Allergy Associates \$40 debt.

Please send me verification of this disputed debt.

Please have an attorney review the circumstances of this medical account.

Thank You,



Jennifer Babcock

JS 44 (Rev. 01/29/2018)

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

JENNIFER BABCOCK,
 on behalf of herself and a class of similarly situated individuals

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

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

KLEINMAN LLC
 626 RXR PLAZA
 UNIONDALE, NY 11556-0626 (516) 522-2621

DEFENDANTS

MOBILE COUNTRY COLLECTION SERVICES, INC., a New York corporation and THE LEVINBOOK LAW FIRM, P.C. a New York professional corporation and NEIL S. LEVINBOOK

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.

BIANCO, J.

Attorneys (If Known)

TOMLINSON, M.J.

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)

Click here for: [Nature of Suit Code Descriptions.](#)

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	<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	<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"/> 835 Patent - Abbreviated New Drug Application <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 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g))	<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	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	FEDERAL TAX SUITS
<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	<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	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	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

FILED
 IN CLERK'S OFFICE
 U.S. DISTRICT COURT E.D.N.Y.
 ★ JUN 22 2018 ★

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

LONG ISLAND OFFICE

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.
 Brief description of cause:
Violation of Federal collection law.

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 _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY
 RECEIPT # 25546 AMOUNT \$ 400.00 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, Abraham Kleinman, counsel for Plaintiff, 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:

Not Applicable.

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: Queens 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: [Levinbook Law Firm, Debt Collector Facing Lawsuit Over Alleged Attorney Involvement in Account Review](#)
