

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

CRYSTAL BARTZ, Individually and on Behalf of)	Case No.: 18-cv-1420
All Others Similarly Situated,)
)
Plaintiff,)
)
v.)
)
FROST-ARNETT COMPANY,)
)
Defendant.)

INTRODUCTION

1. This class action seeks redress for collection practices that violate the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (the “FDCPA”).

JURISDICTION

2. The court has jurisdiction to grant the relief sought by the Plaintiff pursuant to 15 U.S.C. § 1692k and 28 U.S.C. §§ 1331 and 1337. Venue in this District is proper in that Defendant directed its collection efforts into the District.

PARTIES

3. Plaintiff Crystal Bartz is an individual who resides in the Eastern District of Wisconsin (Milwaukee County).

4. Plaintiff is a “consumer” as defined in the FDCPA, 15 U.S.C. § 1692a(3), in that Defendant sought to collect from Plaintiff a debt allegedly incurred for personal, family, or household purposes.

5. Defendant Frost-Arnett Company (“Frost-Arnett”) is a foreign limited liability company with its principal place of business located at 2105 Elm Hill Pike, Suite 200, Nashville, TN 37210.

6. Frost-Arnett does substantial business in Wisconsin and maintains a registered agent for service of process at C T Corporation System, 301 S. Bedford St. Suite 1, Madison, Wisconsin 53703.

7. Frost-Arnett is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others.

8. Frost-Arnett is engaged in the business of collecting debts owed to others and incurred for personal, family or household purposes.

9. Frost-Arnett is a debt collector as defined in 15 U.S.C. § 1692a.

FACTS

10. On or about April 16, 2018, Frost-Arnett mailed Plaintiff a debt collection letter regarding an alleged debt owed to “MADISON MEDICAL AFFILIATES.” A copy of this letter is attached to this Complaint as Exhibit A.

11. Upon information and belief, the alleged debt identified in Exhibit A was incurred as the result of a transaction for personal medical services in which payment was deferred by agreement. *See Tylke v. Advanced Pain Mgmt., S.C.*, Case No. 14cv5354 (Milwaukee Co. Cir. Ct., Dec. 11, 2014) (“Any time a merchant sends a bill for goods or services after a consumer transaction has taken place, there is an ‘agreement to defer payment’”).

12. Upon information and belief, Exhibit A is a form letter, generated by computer, and with the information specific to Plaintiff inserted by computer.

13. Upon information and belief, Exhibit A is a form debt collection letter, used by Defendant to attempt to collect alleged debts.

14. Upon information and belief, Exhibit A was the first letter Defendant sent to Plaintiff regarding this alleged debt.

15. Exhibit A contains the statutory validation notice that the FDCPA, 15 U.S.C. § 1692g, requires the debt collector mail alleged debtors along with, or within five days of, the initial communication:

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

16. Exhibit A also includes the following representations:

YOU OWE:	Creditor	Amount Owed	Turnover
	MADISON MEDICAL AFFILIATES	128.45	04/12/18
	TOTAL NEW ACCOUNTS: 128.45		

17. Exhibit A also includes the following representations:

Master Number:	QWT350
Zip Code:	53129
Total Balance:	\$128.45

18. Exhibit A thus lists an “Amount Owed” and a “Total Balance” of \$128.45 and indicates that the “Creditor” is “MADISON MEDICAL AFFILIATES,” but includes no additional information regarding the nature or origin of the alleged debt.

19. Instead, Exhibit A lists only a “Turnover” date of 04/12/18, though there is not additional information indicating to what the “Turnover” date refers.

20. Given the lack of context, the unsophisticated consumer would not understand to what the “Turnover” date listed in Exhibit A refers.

21. Upon information and belief and pursuant to the investigation of Plaintiff’s counsel, the “Turnover” date listed on Exhibit A simply refers to the date on which the alleged

debt was assigned to Frost-Arnett by the creditor and does not provide any information the consumer could use to identify the alleged debt.

22. On or about May 23, 2018, Frost-Arnett mailed Plaintiff another debt collection letter regarding alleged debts also owed to “MADISON MEDICAL AFFILIATES.” A copy of this letter is attached to this Complaint as Exhibit B.

23. Upon information and belief, the alleged debts identified in Exhibit B were also incurred as the result of a transaction for personal medical services in which payment was deferred by agreement.

24. Upon information and belief, Exhibit B is another form letter, generated by computer, and with the information specific to Plaintiff inserted by computer.

25. Upon information and belief, Exhibit B is another form debt collection letter, used by Defendant to attempt to collect alleged debts.

26. Upon information and belief, Exhibit B was the first letter Defendant sent to Plaintiff regarding this additional alleged debt referenced therein.

27. Exhibit B contains the statutory validation notice that the FDCPA, 15 U.S.C. § 1692g, requires the debt collector mail alleged debtors along with, or within five days of, the initial communication:

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

28. Exhibit B also includes the following representations:

YOU OWE:	Creditor	Amount Owed	Turnover
	MADISON MEDICAL AFFILLIATES	128.45	05/17/18
	TOTAL NEW ACCOUNTS: 128.45		

29. Exhibit B additionally includes the following representations:

Master Number:	QWT350
Zip Code:	53129
Total Balance:	\$256.90

30. Similar to Exhibit A, Exhibit B thus lists an “Amount Owed” of \$128.45 and indicates the “Creditor” is “MADISON MEDICAL AFFILIATES,” but unlike Exhibit A, Exhibit B lists a “Total Balance” of \$256.90.

31. Exhibit B also lists a “Turnover” date of 05/17/2018.

32. Aside from the ambiguous “Turnover” date, there is thus absolutely no distinction between the \$128.45 alleged debt sought by Exhibit B and the 128.45 alleged debt sought by Exhibit A.

33. Moreover, Exhibit B includes the following representations:

****For your added information, it is possible that you also have other existing accounts with us. Any such older accounts are listed on the back side of this letter. Please note that any accounts on the back side are not subject to the 30-day validation period for your new accounts detailed above.****

34. On the backside of the letter, Exhibit B includes the following representation:

PRIOR EXISTING ACCOUNTS

YOU OWE:	Creditor	Amount Owed	Turnover
	MADISON MEDICAL AFFILLIATES	128.45	04/12/18
	TOTAL PREVIOUS ACCOUNTS 128.45		
	TOTAL COMBINED NEW AND PREVIOUS ACCOUNTS 256.90		

35. The backside of Exhibit B thus lists “TOTAL PREVIOUS ACCOUNTS” in the amount of \$128.45 as well as a “TOTAL COMBINE NEW AND PREVIOUS ACCOUNTS” in the amount of \$256.90.

36. The statement “Please note that any accounts on the back side are not subject to the 30-day validation period for your new account detailed above” is therefore false, deceptive, misleading, and confusing.

37. Because both the “TOTAL PREVIOUS ACCOUNTS” as well as a “TOTAL COMBINE NEW AND PREVIOUS ACCOUNTS,” which includes the “new” account listed for the first time on Exhibit B, are listed on the backside of Exhibit B, the unsophisticated consumer would likely understand the statement “Please note that any accounts on the back side are not subject to the 30-day validation period for your new account detailed above” to mean that the validation period detailed above did not apply to either of the alleged debts referenced by Exhibit B.

38. The statement in Exhibit B to the consumer to “Please note that any accounts on the back side are not subject to the 30-day validation period for your new account detailed above” therefore overshadows the validation notice.

39. Indeed, the confusion is confounded by the fact that the two alleged debts sought by Exhibits A & B are effectively indistinguishable, both letters list an “Amount Owed” of \$128.45 and indicate that the “Creditor” is MADISON MEDICAL AFFILIATES,” without listing any additional information about the alleged debts such as a specific account or invoice number or a date of service.

40. A consumer receiving collection letters in the form of Exhibits A & B listing indistinguishable debts of the same amount would be discouraged from disputing the second

alleged debt after the validation period on the first alleged debt had expired because they would have no way to determine whether any documentation purporting to verify the debt applied to the former debt referenced in Exhibit A or the subsequent debt referenced in Exhibit B.

41. Such confusion is further confounded by the fact that the original creditor would seem to have billed Plaintiff for the alleged debts referenced in Exhibits A & B together in a single invoice.

42. For example, on or around January 11, 2018, several months before Frost-Arnett mailed Plaintiff its initial collection letter, the creditor, Madison Medical Affiliates, Inc., mailed Plaintiff a billing statement which sought to collect what appears to be the same alleged debts referenced in Exhibits A & B. A copy of this billing statement is attached to the complaint as Exhibit C.

43. Exhibit C lists a total “Payment Due” of \$256.90.

44. Furthermore, Exhibit C indicates that the billing statement is a “Final Notice,” and that “[the creditor] will need to hear from you to avoid having your account assigned within the next 30 days to a collection agency.”

45. Plaintiff was confused by Exhibits A & B.

46. The unsophisticated consumer would be confused by Exhibits A & B.

The FDCPA

47. The FDCPA creates substantive rights for consumers; violations cause injury to consumers, and such injuries are concrete and particularized. *Pogorzelski v. Patenaude & Felix APC*, No. 16-C-1330, 2017 U.S. Dist. LEXIS 89678 *9 (E.D. Wis. June 12, 2017) (“A plaintiff who receives misinformation from a debt collector has suffered the type of injury the FDCPA was intended to protect against.”); *Spuhler v. State Collection Servs.*, No. 16-CV-1149, 2017

U.S. Dist. LEXIS 177631 (E.D. Wis. Oct. 26, 2017) (“As in *Pogorzelski*, the Spuhlers’ allegations that the debt collection letters sent by State Collection contained false representations of the character, amount, or legal status of a debt in violation of their rights under the FDCPA sufficiently pleads a concrete injury-in-fact for purposes of standing.”); *Long v. Fenton & McGarvey Law Firm P.S.C.*, 223 F. Supp. 3d 773, 777 (S.D. Ind. Dec. 9, 2016) (“While courts have found that violations of other statutes . . . do not create concrete injuries in fact, violations of the FDCPA are distinguishable from these other statutes and have been repeatedly found to establish concrete injuries.”); *Bock v. Pressler & Pressler, LLP*, No. 11-7593, 2017 U.S. Dist. LEXIS 81058 *21 (D.N.J. May 25, 2017) (“through [s]ection 1692e of the FDCPA, Congress established ‘an enforceable right to truthful information concerning’ debt collection practices, a decision that ‘was undoubtedly influenced by congressional awareness that the intentional provision of misinformation’ related to such practices, ‘contribute[s] to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy,”); *Quinn v. Specialized Loan Servicing, LLC*, No. 16 C 2021, 2016 U.S. Dist. LEXIS 107299 *8-13 (N.D. Ill. Aug. 11, 2016) (rejecting challenge to Plaintiff’s standing based upon alleged FDCPA statutory violation); *Lane v. Bayview Loan Servicing, LLC*, No. 15 C 10446, 2016 U.S. Dist. LEXIS 89258 *9-10 (N.D. Ill. July 11, 2016) (“When a federal statute is violated, and especially when Congress has created a cause of action for its violation, by definition Congress has created a legally protected interest that it deems important enough for a lawsuit.”); *Church v. Accretive Health, Inc.*, No. 15-15708, 2016 U.S. App. LEXIS 12414 *7-11 (11th Cir. July 6, 2016) (same); *see also Mogg v. Jacobs*, No. 15-CV-1142-JPG-DGW, 2016 U.S. Dist. LEXIS 33229, 2016 WL 1029396, at *5 (S.D. Ill. Mar. 15, 2016) (“Congress does have the power to enact statutes creating legal rights, the invasion of which creates standing, even though no injury would exist

without the statute,” (quoting *Sterk v. Redbox Automated Retail, LLC*, 770 F.3d 618, 623 (7th Cir. 2014)). For this reason, and to encourage consumers to bring FDCPA actions, Congress authorized an award of statutory damages for violations. 15 U.S.C. § 1692k(a).

48. Moreover, Congress has explicitly described the FDCPA as regulating “abusive practices” in debt collection. 15 U.S.C. §§ 1692(a) – 1692(e). Any person who receives a debt collection letter containing a violation of the FDCPA is a victim of abusive practices. *See* 15 U.S.C. §§ 1692(e) (“It is the purpose of this subchapter to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses”). For this reason, and to encourage consumers to bring FDCPA actions, Congress authorized an award of statutory damages for violations. 15 U.S.C. § 1692k(a).

49. 15 U.S.C. § 1692e generally prohibits “any false, deceptive, or misleading representation or means in connection with the collection of any debt.”

50. 15 U.S.C. § 1692e(2)(a) specifically prohibits the “false representation of the character, amount, or legal status” of an alleged debt.

51. 15 U.S.C. § 1692e(10) specifically prohibits the “use of any false representation or deceptive means to collect or attempt to collect any debt.”

52. 15 U.S.C. § 1692f generally prohibits “unfair or unconscionable means to collect or attempt to collect any debt.”

53. 15 U.S.C. § 1692g states:

a) Notice of debt; contents

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless

the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing—

(1) the amount of the debt;

(2) the name of the creditor to whom the debt is owed;

(3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;

(4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and

(5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

54. 15 U.S.C. § 1692g(b) states, in part, that “collection activities and communication during the 30-day period may not overshadow or be inconsistent with the disclosure of the consumer’s right to dispute the debt or request the name and address of the original creditor.”

55. The Seventh Circuit has held that a debt collector must state the correct amount of the debt on the date a letter is sent to a consumer. *Miller v. McCalla, Raymer, Padrick, Cobb, Nichols, & Clark, L.L.C.*, 214 F.3d 872, 875 (7th Cir. 2000):

It is no excuse that it was “impossible” for the defendants to comply when as in this case the amount of the debt changes daily. What would or might be impossible for the defendants to do would be to determine what the amount of the debt might be at some future date if for example the interest rate in the loan agreement was variable. What they certainly could do was to state the total amount due--interest and other charges as well as principal--on the date the dunning letter was sent. We think the statute required this.

56. While *Miller* addressed a debt collector’s obligation to provide the amount of the debt under 15 U.S.C. § 1692g(a)(1), the Seventh Circuit has held that the standards for claims

under § 1692e and § 1692g are the same. *McMillan v. Collection Professionals, Inc.*, 455 F.3d 754, 759 (7th Cir. 2006).

We cannot accept the district court's view that claims brought under § 1692e or § 1692f are different from claims brought under § 1692g for purposes of Rule 12(b)(6) analysis. Whether or not a letter is 'false, deceptive, or misleading' (in violation of § 1692e) or 'unfair or unconscionable' (in violation of § 1692f) are inquiries similar to whether a letter is confusing in violation of § 1692g. After all, as our cases reflect, the inquiry under §§ 1692e, 1692g and 1692f is basically the same: it requires a fact-bound determination of how an unsophisticated consumer would perceive the letter.")

COUNT I – FDCA

57. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

58. By stating "Please note that any accounts on the back side are not subject to the 30-day validation period for your new account detailed above" while listing both the "TOTAL PREVIOUS ACCOUNTS" as well as a "TOTAL COMBINE NEW AND PREVIOUS ACCOUNTS" on the backside of the letter, Exhibit B overshadows the validation notice.

59. By stating "Please note that any accounts on the back side are not subject to the 30-day validation period for your new account detailed above" while listing both the "TOTAL PREVIOUS ACCOUNTS" as well as a "TOTAL COMBINE NEW AND PREVIOUS ACCOUNTS" on the backside of the letter, Exhibit B includes representations which are false, deceptive, and misleading as to a consumers rights under the FDCA

60. Defendant violated 15 U.S.C. § 1692e, 1692e(2)(A), 1692e(10), 1692f, and 1692g(b).

COUNT II - FDCPA

61. Plaintiff incorporates by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

62. By seeking to collect an alleged debt in which the “Amount Owed” is the same as the amount listed under the “TOTAL PREVIOUS ACCOUNTS,” for which the validation period had purportedly expired, and which is otherwise indistinguishable from the prior alleged debt, Exhibit B overshadows the validation notice.

63. Defendant violated 15 U.S.C. § 1692g(b).

CLASS ALLEGATIONS

64. Plaintiff brings this action on behalf of a two proposed classes.

65. Class I consists of (a) all natural persons in the State of Wisconsin, (b) who were sent an initial collection letter in the form represented by Exhibit B to the complaint in this action, (c) which was seeking to collect an alleged debt which was incurred for personal, family, or household purposes (d) between September 11, 2017 and September 11, 2018, inclusive, (e) that was not returned by the postal service.

66. Class II consists of (a) all natural persons in the State of Wisconsin, (b) who were sent an initial collection letter in the form represented by Exhibit B to the complaint in this action, (c) for which the “Amount Owed” is the same as the amount listed under the “TOTAL PREVIOUS ACCOUNTS,” (d) where such letter seeking to collect an alleged debt which was incurred for personal, family, or household purposes (e) between September 11, 2017 and September 11, 2018, inclusive, (f) that was not returned by the postal service.

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

68. There are questions of law and fact common to the members of each class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether Defendant violated the FDCPA.

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

70. 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.

71. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

JURY DEMAND

72. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court enter judgment in favor of Plaintiff and the Class and against Defendant for:

- (a) actual damages;
- (b) statutory damages;
- (c) attorneys' fees, litigation expenses and costs of suit; and
- (d) such other or further relief as the Court deems proper.

Dated: September 11, 2018

ADEMI & O'REILLY, LLP

By: /s/ Mark A. Eldridge
John D. Blythin (SBN 1046105)
Mark A. Eldridge (SBN 1089944)
Jesse Fruchter (SBN 1097673)
Ben J. Slatky (SBN 1106892)
3620 East Layton Avenue

Cudahy, WI 53110
(414) 482-8000
(414) 482-8001 (fax)
jblythin@ademilaw.com
meldridge@ademilaw.com
jfruchter@ademilaw.com
bslatky@ademilaw.com

EXHIBIT A



PO Box 198988
 Nashville TN 37219-8988
 PH: (615)255-3469 / (855) 287-7043

Convenient Payment Options

- Secure Online:** www.facpayments.com
- By Phone:** (888) 536-2680 or IVR at (615) 647-9129
- By Mail:** Detach lower portion and return with payment

Master Number:	QWT350
Zip Code:	53129
Total Balance:	\$128.45

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

IMPORTANT COLLECTION NOTICE

Dear Crystal Bartz

Your account has been placed with this agency for collection.

Please mail your remittance to our office so this matter may be resolved. If you are unable to pay in full at this time, you should contact this office to request payment arrangements.

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

YOU OWE:	Creditor	Amount Owed	Turnover
	MADISON MEDICAL AFFILLIATES	128.45	04/12/18
	TOTAL NEW ACCOUNTS: 128.45		

NOTICE

29SDNAFA110A1_703264632

When you pay your bill by check, you authorize us to electronically process your payment. If your check is processed electronically, your checking account may be debited on the same day we receive the check and it will not be returned with your checking account statement. If someone other than you or a bill paying service pays your bill, you must give a copy of this notice to them before the payment is sent to us. Any check returned for insufficient funds or account closed will be assessed a processing fee pursuant to state laws unless otherwise prohibited by state or federal law.

SD11
 PO Box 1280
 Oaks PA 19456-1280
 ADDRESS SERVICE REQUESTED

Total Owed: \$128.45
Master Number: QWT350

Please include above master number on your check or money order.

Payment Amount: \$ _____

April 16, 2018

The below address is for payment and correspondence only.

Crystal Bartz
 5316 Mead Rd
 Greendale WI 53129-1232

FROST-ARNETT COMPANY
 PO Box 198988
 Nashville TN 37219-8988



007582
1 of 1

Please update your contact information.

Address: _____
STREET APT.

CITY STATE ZIP

Phone #: _____ Home Mobile
AREA CODE

Email: _____

Convenient Payment Option Instructions




-  **Secure Online:** www.facpayments.com
Master Number: QWT350
Zip Code: 53129
-  **By Phone:** We accept credit, debit, and check by phone.
Toll-free: (888) 536-2680
IVR: (615) 647-9129
-  **By Mail:** Check or money order to:
Frost-Arnett Company
P.O. Box 198988
Nashville, TN 37219-8988

Exhibit B



PO Box 198988
 Nashville TN 37219-8988
 PH: (615)255-3469 / (855) 287-7043

Convenient Payment Options

- Secure Online: www.facpayments.com
- By Phone: (888) 536-2680 or IVR at (615) 647-9129
- By Mail: Detach lower portion and return with payment

Master Number:	QWT350
Zip Code:	53129
Total Balance:	\$256.90

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

IMPORTANT COLLECTION NOTICE

Dear Crystal Bartz

Your account has been placed with this agency for collection.

Please mail your remittance to our office so this matter may be resolved. If you are unable to pay in full at this time, you should contact this office to request payment arrangements.

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

YOU OWE:	Creditor	Amount Owed	Turnover
	MADISON MEDICAL AFFILIATES	128.45	05/17/18
	TOTAL NEW ACCOUNTS: 128.45		

****For your added information, it is possible that you also have other existing accounts with us. Any such older accounts are listed on the back side of this letter. Please note that any accounts on the back side are not subject to the 30-day validation period for your new accounts detailed above.****

NOTICE

29SDNAFA110A1_731528540

When you pay your bill by check, you authorize us to electronically process your payment. If your check is processed electronically, your checking account may be debited on the same day we receive the check and it will not be returned with your checking account statement. If someone other than you or a bill paying service pays your bill, you must give a copy of this notice to them before the payment is sent to us. Any check returned for insufficient funds or account closed will be assessed a processing fee pursuant to state laws unless otherwise prohibited by state or federal law.

SD11
 PO Box 1280
 Oaks PA 19456-1280
 ADDRESS SERVICE REQUESTED

Total Owed: \$256.90
 Master Number: QWT350

Please include above master number on your check or money order.

Payment Amount: \$ _____

May 21, 2018

The below address is for payment and correspondence only.

Crystal Bartz
 5316 Mead Rd
 Greendale WI 53129-1232

FROST-ARNETT COMPANY
 PO Box 198988
 Nashville TN 37219-8988



020594
 1 of 1

PRIOR EXISTING ACCOUNTS

YOU OWE:

Creditor	Amount Owed	Turnover
MADISON MEDICAL AFFILIATES	128.45	04/12/18
TOTAL PREVIOUS ACCOUNTS 128.45		
TOTAL COMBINED NEW AND PREVIOUS ACCOUNTS 256.90		

Please update your contact information.


Address: _____
STREET APT.


CITY STATE ZIP

Phone #: _____ Home Mobile
AREA CODE


Email: _____

Convenient Payment Option Instructions

 **Secure Online:** www.facpayments.com
Master Number: QWT350
Zip Code: 53129

 **By Phone:** We accept credit, debit, and check by phone.

Toll-free: (888) 536-2680
IVR: (615) 647-9129

 **By Mail:** Check or money order to:
Frost-Arnett Company
P.O. Box 198988
Nashville, TN 37219-8988

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 THE REVERSE OF THE FORM.)

Place an X in the appropriate Box: Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS

CRYSTAL BARTZ

(b) County of Residence of First Listed Plaintiff Milwaukee

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Ademi & O'Reilly, LLP, 3620 E. Layton Ave., Cudahy, WI 53110
(414) 482-8000-Telephone (414) 482-8001-Facsimile

DEFENDANTS

FROST-ARNETT COMPANY

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE 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 <i>or</i> 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 <i>and</i> 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 (Excl. 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	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 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"/> 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"/> 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"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <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"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

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
- 7 Appeal to District Judge from Magistrate Judgment

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 Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **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 _____

September 11, 2018 /s/ Mark A. Eldridge

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFF _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

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

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

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

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

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

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

CRYSTAL BARTZ

Plaintiff(s)

v.

FROST-ARNETT COMPANY

Defendant(s)

Civil Action No. 18-cv-

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) FROST-ARNETT COMPANY
c/o C T Corporation System
301 S. Bedford St Suite 1
Madison, Wisconsin 53703

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:

John D. Blythin
Ademi & O'Reilly, LLP
3620 East Layton Avenue
Cudahy, WI 53110

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

Civil Action No. 18-cv-

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.:

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action: Frost-Arnett Company Misled Consumer Regarding Debt Dispute Rights](#)
