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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABBY BEREKET, individually and on behalf  
of all others similarly situated,

Plaintiff(s),

v.

PORTFOLIO RECOVERY ASSOCIATES,  
LLC and JOHN DOES 1-25,

Defendant(s).

CASE NO. 2:17-cv-00812

COMPLAINT—CLASS ACTION

DEMAND FOR JURY TRIAL

Plaintiff ABBY BEREKET (hereinafter, “Plaintiff”), a Washington resident, brings this class action complaint by and through his undersigned counsel, against Defendant PORTFOLIO RECOVERY ASSOCIATES, LLC (hereinafter “Defendant” or “PRA”) and JOHN DOES 1-25, individually and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon information and belief of Plaintiff’s counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff’s personal knowledge.

**JURISDICTION AND VENUE**

- 1
- 2 1. The Court has jurisdiction over this class action under 28 U.S.C. § 1331, 15 U.S.C. § 1692
- 3 *et seq.* and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over
- 4 the state law claims in this action pursuant to 28 U.S.C. § 1367(a).
- 5
- 6 2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).
- 7

**NATURE OF THE ACTION**

- 8
- 9 3. Plaintiff brings this class action for damages for Defendant’s actions of using an unfair and
- 10 unconscionable means to collect a debt.
- 11
- 12 4. Defendant's actions violated § 1692 et seq. of Title 15 of the United States Code, commonly
- 13 referred to as the Fair Debt Collections Practices Act (“FDCPA”) which prohibits debt
- 14 collectors from engaging in abusive, deceptive and unfair practices.
- 15
- 16 5. Plaintiff is seeking damages, and declaratory and injunctive relief.
- 17

**PARTIES**

- 18
- 19 6. Plaintiff is a natural person and a resident of the State of Washington, and is a “Consumer”
- 20 as defined by 15 U.S.C. §1692(a)(3).
- 21
- 22 7. Defendant, Portfolio Recovery Associates, LLC (“PRA”) is a collection agency with its
- 23 principal place of business located Norfolk, Virginia.
- 24
- 25 8. Upon information and belief, PRA is a company that uses the mail, telephone, and facsimile
- 26 and regularly engages in business the principal purpose of which is to attempt to collect
- 27 debts alleged to be due another.
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**CLASS ALLEGATIONS**

1  
2 10. Plaintiffs bring this claim on behalf of the following classes, pursuant to Fed. R. Civ. P.

3 23(a) and 23(b)(3).

4 11. The Class consist of:

5 (a) all individuals with addresses in the state of Washington (b) to  
6 whom Defendant (c) sent a collection letter in an attempt to collect  
7 a debt (d) which offers a payment plan to pay in full a time barred  
8 debt (e) which fails to notify the consumer that by making partial  
9 payment they may be restarting the statute of limitations (f) which  
10 letter was sent on or after a date one year prior to the filing of this  
11 action and on or before a date 21 days after the filing of this action.  
12

13  
14 12. The identities of all class members are readily ascertainable from the records of Defendants  
15 and those companies and entities on whose behalf they attempt to collect and/or have  
16 purchased debts.  
17

18 13. Excluded from the Class are the Defendants and all officers, members, partners, managers,  
19 directors, and employees of the Defendants and their respective immediate families, and  
20 legal counsel for all parties to this action and all members of their immediate families.  
21

22 14. There are questions of law and fact common to the Class, which common issues  
23 predominate over any issues involving only individual class members. The principal issue  
24 is whether the Defendants' written communications to consumers, in the form attached  
25 hereto as *Exhibit A*, violate 15 U.S.C. §§ 1692e.  
26

27 15. The Plaintiffs' claims are typical of the class members, as all are based upon the same facts  
28 and legal theories.

1 16. The Plaintiffs will fairly and adequately protect the interests of the Class defined in this  
2 complaint. The Plaintiffs have retained counsel with experience in handling consumer  
3 lawsuits, complex legal issues, and class actions, and neither the Plaintiffs nor their  
4 attorneys have any interests, which might cause them not to vigorously pursue this action.

5  
6 17. This action has been brought, and may properly be maintained, as a class action pursuant  
7 to the provisions of Rule 23 of the Federal Rules of Civil Procedure because there is a well-  
8 defined community interest in the litigation:

9 (a) **Numerosity:** The Plaintiffs are informed and believe, and on that basis allege, that  
10 the Class defined above is so numerous that joinder of all members would be  
11 impractical.

12  
13 (b) **Common Questions Predominate:** Common questions of law and fact exist as to  
14 all members of the Class and those questions predominate over any questions or  
15 issues involving only individual class members. The principal issue is whether the  
16 Defendants' written communications to consumers, in the form attached hereto as  
17 *Exhibit A*, violate 15 U.S.C. §§ 1692e.

18  
19 (c) **Typicality:** The Plaintiffs' claims are typical of the claims of the class members.  
20 The Plaintiffs and all members of the Plaintiff Class have claims arising out of the  
21 Defendants' common uniform course of conduct complained of herein.

22  
23 (d) **Adequacy:** The Plaintiffs will fairly and adequately protect the interests of the class  
24 members insofar as Plaintiffs have no interests that are averse to the absent class  
25 members. The Plaintiffs are committed to vigorously litigating this matter.  
26 Plaintiffs have also retained counsel experienced in handling consumer lawsuits,  
27 complex legal issues, and class actions. Neither the Plaintiffs nor their counsel have  
28

any interests which might cause them not to vigorously pursue the instant class action lawsuit.

(e) **Superiority:** A class action is superior to the other available means for the fair and efficient adjudication of this controversy because individual joinder of all members would be impracticable. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum efficiently and without unnecessary duplication of effort and expense that individual actions would engender.

18. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure is also 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.

19. Depending on the outcome of further investigation and discovery, Plaintiffs may, at the time of class certification motion, seek to certify a class(es) only as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).

**ALLEGATIONS OF FACT**

20. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

21. Some time prior to August 23, 2016 an obligation was allegedly incurred to Bank of America.

1 22. The Bank of America obligation arose out of a transaction in which money, property,  
2 insurance or services, which are the subject of the transaction, are primarily for personal,  
3 family or household purposes.

4 23. The alleged Bank of America obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).

5 24. Bank of America is a "creditor" as defined by 15 U.S.C. § 1692a(4).

6 25. On or about August 23, 2016 Defendant caused to be delivered to Plaintiff a collection  
7 letter in an attempt to collect the alleged debt. See **Exhibit A**.

8 26. The letter was sent or caused to be sent by persons employed by Defendant.

9 27. The letter is a "communication" as defined by 15 U.S.C. § 1692a(2).

10 28. The August 23, 2016 letter offered the Plaintiff a number of payment options, one of which  
11 offered to an 'Installment Option' for the Plaintiff to pay off his entire alleged debt over  
12 the course of a number of months:  
13  
14

**Account Offers**

	 <b>Single Payment*</b>	 <b>12 Month*</b>	 <b>33 Month*</b>
	<b>Savings Plan</b> Pay \$4,730.23 for and <b>SAVE \$3,870.19</b>	<b>Savings Plan</b> Pay \$430.02 for 12 consecutive months and <b>SAVE \$3,440.18</b>	<b>Installment Option</b> Pay \$260.61 for 33 consecutive months
	The savings will be applied to the balance and your account will be considered 'Settled in Full' after your final payment is successfully posted.		Your account will be considered "Paid in Full" after your final payment is successfully posted.

15  
16  
17  
18  
19  
20  
21 **Your first payment must be received NO LATER than: 09/30/2016**

22 **\*We are not obligated to renew this offer.**

23  
24 The law limits how long you can be sued on a debt. Because of the age of your debt, we will not sue you for it.

25  
26 29. As of August 23, 2016, more than six (6) years had elapsed since the last payment or  
27 activity on the Bank of America debt subject to the letter.  
28

1 30. Pursuant to RCW 4.16.040, the statute of limitations is six (6) years for filing suit to collect  
2 on a debt.

3 31. The August 23, 2016 letter states, “The law limits how long you can be sued on a debt.  
4 Because of the age of your debt, we will not sue you for it.”

5 32. The Defendant fails to inform the Plaintiff that should he choose one of the payment plans  
6 offered it may re-start the statute of limitations, which may expose the Plaintiff to future  
7 litigation for this debt.  
8

9 33. The Defendant does not inform Plaintiff that should the statute of limitations reset, the  
10 Defendant may have the right to commence legal action, which otherwise would have been  
11 barred.  
12

13 34. The Defendant regularly sends collection letters on time-barred debts, offering small  
14 monthly installment plans in payment of the entire debt, but does not inform the consumer  
15 that the statute of limitations may reset upon making the **first** monthly payment.

16 35. The Defendant regularly sends letters seeking to collect debts, which are time-barred, that  
17 offer small monthly installment plans in payment of the entire debt, informing the  
18 consumer that he or she will not be sued due to the age of the debt; but not informing the  
19 consumer that the statute of limitations may reset if a partial payment is made on the debt,  
20 therefore allowing the Defendant the option of commencing legal action, which otherwise  
21 would be barred by the statute of limitations.  
22

23 36. The Federal Trade Commission has determined that “Most consumers do not know their  
24 legal rights with respect to collection of old debts past the statute of limitations.... When a  
25 collector tells a consumer that he owes money and demands payment, it may create the  
26  
27  
28

1 misleading impression that the collector can sue the consumer in court to collect that debt.”  
2 (See <http://www.ftc.gov/opa/2012/01/asset.shtm>).

3 37. In early 2012, the FTC entered into a consent decree with Asset Acceptance, one of the  
4 largest debt buyers in the United States, requiring it disclose to consumers when it is  
5 attempting to collect debts that are barred by the statute of limitations. *United States of*  
6 *America (For the Federal Trade Commission) v. Asset Acceptance, LLC*, Case No. 8:12-  
7 cv-182-T-27EAJ (M.D.Fla.).

8  
9 38. On October 1, 2012, the Consumer Financial Protection Bureau, which has taken over  
10 much of the FTC’s enforcement responsibility and has been granted rule-making authority  
11 with respect to debt collection, the Federal Deposit Insurance Corporation, the Federal  
12 Reserve Board, and the Office of the Comptroller of the Currency entered into consent  
13 orders with three American Express-related entities requiring disclosure that debts they  
14 attempt to collect were time-barred. The October 1, 2012 orders further require disclosure  
15 of “all material conditions, benefits and restrictions concerning any offer of settlement . . .”  
16 (2012-CFPB-0002, p. 7 of 35, 2012-CFPB-0003, p. 6 of 28). Thus, they recognize that  
17 “settlement offers” that fail to disclose material information may be misleading.  
18

19  
20 39. The Seventh Circuit recently found as to the defendant that “First, the letter does not even  
21 hint, let alone make clear to the recipient, that if he makes a partial payment or even just a  
22 promise to make a partial payment, he risks loss of the otherwise ironclad protection of the  
23 statute of limitations. Second, the letter did not make clear to the recipient that the law  
24 prohibits the collector from suing to collect this old debt. **Either is sufficient reason to**  
25 **affirm summary judgment for the plaintiff.”** *Pantoja v. Portfolio Recovery Associates,*  
26 Case No. 15-1567 (7<sup>th</sup> Cir. March 29, 2017) (*emphasis added*).  
27  
28



1 40. Defendant could have taken the steps necessary to bring its actions within compliance with  
2 the FDCPA, but neglected to do so and failed to adequately review its actions to ensure  
3 compliance with the law.  
4

5 **COUNT I**

6 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**  
7 **15 U.S.C. §1692e et seq.**

8 41. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above  
9 herein with the same force and effect as if the same were set forth at length herein.

10 42. Defendants' debt collection efforts attempted and/or directed towards Plaintiff violated  
11 section 15 U.S.C. § 1692e of the FDCPA.

12 43. Section 15 U.S.C. §1692e states that a debt collector may not use any false, deceptive, or  
13 misleading representation or means in connection with the collection of any debt.  
14

15 44. The Defendants violated said provision by:

- 16 a. Falsely representing the legal status of the debt in violation of 15 U.S.C.
- 17 §1692e(2)(A);
- 18 b. Using false representations and/or deceptive means to collect or attempt to collect
- 19 any debt in violation of 15 U.S.C. §1692e(10).
- 20

21 45. By reason thereof, Defendants are liable to Plaintiff for judgment that Defendant's conduct  
22 violated Section 1692e et seq. of the FDCPA, actual damages, statutory damages, costs and  
23 attorneys' fees.  
24

25 **PRAYER FOR RELIEF**

26 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:  
27  
28

- 1 (a) Declaring that this action is properly maintainable as a Class Action and  
2 certifying Plaintiff as Class representative and Ryan M. Pesicka as Class  
3 Counsel;  
4 (b) Awarding Plaintiff and the Class statutory damages;  
5 (c) Awarding Plaintiff and the Class actual damages;  
6 (d) Awarding Plaintiff costs of this Action, including reasonable attorneys'  
7 fees and expenses;  
8 (e) Awarding pre-judgment interest and post-judgment interest; and  
9 (f) Awarding Plaintiff and the Class such other and further relief as this Court  
10 may deem just and proper.  
11  
12

13 Dated: May 24, 2017

By: s/Ryan Pesicka

Ryan Pesicka, WSBA 48182  
CONCORD LAW, PC.  
144 Railroad Avenue, Suite 236  
Edmonds, Washington 98020  
(206) 512-8029 telephone  
(206) 512-8914 facsimile  
ryan@condordlawseattle.com  
*Attorney for Plaintiff Abby Bereket*

21 **DEMAND FOR TRIAL BY JURY**

22 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a  
23 trial by jury on all issues so trial.  
24

25 Dated: May 24, 2017

By: s/Ryan Pesicka

Ryan Pesicka, WSBA 48182

Case 2:17-cv-00812 Document 1-1 Filed 05/24/17 Portfolio Recovery Associates, LLC

August 23, 2016

Dear ABBY BERKET,

Portfolio Recovery Associates, LLC ("PRA, LLC") is contacting you to collect the balance owed on your account.

Life happens and at times customers may fall behind on financial commitments. We understand. We are committed to working with you to design a plan that fits your budget.

Our account representatives are waiting. Call us today.




Sincerely,  
PRA, LLC

Account Details

NAME: ABBY BERKET  
ACCOUNT NUMBER: [REDACTED] 0154  
SELLER: FIA CARD SERVICES N.A.  
MERCHANT: Bank of America  
ORIGINAL CREDITOR: FIA CARD SERVICES N.A. / BANK OF AMERICA N.A.  
CREDITOR TO WHOM DEBT IS OWED: Portfolio Recovery Associates, LLC  
CURRENT BALANCE DUE: \$8,600.42

Customer Service

Paying your bill is easy with any of these options:

-  **Pay by phone**  
Call 1-800-772-1413 to make payment arrangements.
-  **Pay online** - anytime by visiting:  
[www.portfoliorecovery.com](http://www.portfoliorecovery.com)
-  **Pay by mail** - checks and payments to:  
Portfolio Recovery Associates, LLC, P.O. Box 12914,  
Norfolk, VA 23541

Account Offers



**Savings Plan**  
Pay \$4,730.23 for  
and **SAVE \$3,870.19**



**Savings Plan**  
Pay \$430.02 for  
12 consecutive months and  
**SAVE \$3,440.18**



**Installment Option**  
Pay \$260.61 for  
33 consecutive months

The savings will be applied to the balance and your account will be considered 'Settled in Full' after your final payment is successfully posted.

Your account will be considered "Paid in Full" after your final payment is successfully posted.

Your first payment must be received **NO LATER** than: **09/30/2016**

\*We are not obligated to renew this offer.

The law limits how long you can be sued on a debt. Because of the age of your debt, we will not sue you for it.

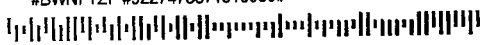
**This communication is from a debt collector and is an attempt to collect a debt.  
Any information obtained will be used for that purpose.  
NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

DEPT 922 7473371516086  
PO BOX 4115  
CONCORD CA 94524



ADDRESS SERVICE REQUESTED

#BWNFTZF #9227473371516086#



ABBY BERKET



Account Number: [REDACTED] 0154

Payment Amount: \_\_\_\_\_

47M2  
PORTFOLIO RECOVERY ASSOCIATES LLC  
P.O. Box 12914  
Norfolk VA 23541

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

ABBY BERKET, individually and on behalf of all others similarly situated,

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Concord Law, P.C. 144 Railroad Ave., Ste. 236, Edmonds, WA 98020 (206) 512-8029

DEFENDANTS

PORTFOLIO RECOVERY ASSOCIATES, LLC and JOHN DOES 1 25,

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, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

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, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. § 1692 - Fair Debt Collections Practices Act. Brief description of cause: Violations of 15 U.S.C. §1692e

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 05/24/2017 SIGNATURE OF ATTORNEY OF RECORD s/Ryan Pesicka

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

ABBY BERKET, individually and on behalf of all
others similarly situated,

Plaintiff(s)

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC and
JOHN DOES 1 25,

Defendant(s)

Civil Action No. 2:17-cv-00812

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PORTFOLIO RECOVERY ASSOCIATES, LLC
c/o CORPORATION SERVICE COMPANY
300 DESCHUTES WAY SW STE 304
TUMWATER, WA 98501

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received 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 plaintiff's attorney,
whose name and address are:

Ryan M. Pesicka
Concord Law, P.C.
Waterfront Park Building
144 Railroad Ave., Ste. 236
Edmonds, WA 98020

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.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 2:17-cv-00812

**PROOF OF SERVICE**

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

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons 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 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:

**Print**

**Save As...**

**Reset**

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims Debt Collector Attempts to Trick Consumers into Court](#)

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