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 17 **Attorneys for Plaintiff**
 18 ***Pro Hac Vice Motion To Be Filed***

19 **IN THE UNITED STATES DISTRICT COURT**
 20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN JOSE DIVISION**

22 **ALICIA BLACK**, individually and on
 23 behalf of all others similarly situated,

24 Plaintiff

25 -against-

26 **USCB, INC., d/b/a USCB AMERICA,**

27 Defendant

Civil Case No.:

CIVIL ACTION

CLASS ACTION COMPLAINT
and
JURY TRIAL DEMAND

1 Plaintiff ALICIA BLACK (hereinafter, “Plaintiff”), a California resident,
2 brings this class action complaint by and through the undersigned attorneys,
3 against Defendant USCB, INC. d/b/a USCB AMERICA (hereinafter “Defendant”
4 or “USCB”), for its violations of the Fair Debt Collection Practices Act 15 U.S.C.
5 §1692 (hereinafter “FDCPA”), and the Rosenthal Fair Debt Collection Practices
6 Act, California Civil Code §§ 1788 et seq. (hereinafter “RFDCPA”), individually
7 and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the
8 Federal Rules of Civil Procedure, based upon information and belief of Plaintiff’s
9 counsel, except for allegations specifically pertaining to Plaintiff, which are based
10 upon Plaintiff’s personal knowledge.
11

12 **INTRODUCTION/PRELIMINARY STATEMENT**

- 13
- 14
- 15 1. Congress enacted the FDCPA in 1977 in response to the “abundant evidence
16 of the use of abusive, deceptive, and unfair debt collection practices by many
17 debt collectors.” 15 U.S.C. § 1692(a). At that time, Congress was concerned
18 that “abusive debt collection practices contribute to the number of personal
19 bankruptcies, to material instability, to the loss of jobs, and to invasions of
20 individual privacy.” *Id.* Congress concluded that “existing laws . . . [we]re
21 inadequate to protect consumers,” and that “the effective collection of debts”
22 does not require “misrepresentation or other abusive debt collection
23 practices.” 15 U.S.C. §§ 1692(b) & (c).
24
- 25 2. Congress explained that the purpose of the Act was not only to eliminate
26 abusive debt collection practices, but also to “insure that those debt
27 collectors who refrain from using abusive debt collection practices are not
28 competitively disadvantaged.” *Id.* § 1692(e). After determining that the

1 existing consumer protection laws were inadequate, *id.* § 1692(b), Congress
2 gave consumers a private cause of action against debt collectors who fail to
3 comply with the Act. *Id.* § 1692k.

- 4
- 5 3. One of the purposes of the Rosenthal Fair Debt Collection Practices Act,
6 California Civil Code § 1788 is to similarly prohibit debt collectors from
7 engaging in unfair or deceptive acts or practices in the collection of
8 consumer debts.

9

10 **JURISDICTION AND VENUE**

- 11
- 12
- 13 4. The Court has jurisdiction over this class action under 28 U.S.C. § 1331, 15
14 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 2201. If applicable, the Court also has
15 pendent jurisdiction over the state law claims in this action pursuant to 28
16 U.S.C. § 1367(a).
- 17 5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

18

19 **NATURE OF THE ACTION**

- 20
- 21 6. Plaintiff brings this class action on behalf of a class of California
22 consumers seeking redress for Defendant's actions of using false, deceptive
23 and misleading representation or means in connection with the collection of
24 an alleged debt.
- 25 7. Defendant's actions violated § 1692 *et seq.* of Title 15 of the United States
26 Code, commonly referred to as the Fair Debt Collections Practices Act
27 ("FDCPA"), which prohibits debt collectors from engaging in false,
28 deceptive or misleading practices.

- 1 8. Defendant’s actions violated California Civil Code § 1788 et seq. of the
2 Rosenthal Fair Debt Collection Practices Act (“RFDCPA”), which
3 prohibits debt collectors from engaging in unfair or deceptive acts or
4 practices in the collection of consumer debts.
5 9. Plaintiff is seeking damages, and declaratory and injunctive relief.
6

7 **PARTIES**
8

- 9 10. Plaintiff is a natural person and a resident of Santa Clara County in the State
10 of California, and is a “Consumer” as defined by 15 U.S.C. §1692(a)(3).
11 11. Defendant USCB is a collection agency with its registered office located at
12 355 South Grand Avenue, Suite 3200, Los Angeles, California 90071.
13 12. Upon information and belief, Defendant is a company that uses the mail,
14 telephone, or facsimile in a business the principal purpose of which is the
15 collection of debts, or that regularly collects or attempts to collect debts
16 alleged to be due another.
17 13. Defendant is a “debt collector,” as defined under the FDCPA under 15
18 U.S.C. § 1692a(6).
19

20 **ALLEGATIONS OF FACT**
21

- 22 14. Plaintiff repeats, reiterates and incorporates the allegations contained in
23 paragraphs above herein with the same force and effect as if the same were
24 set forth at length herein.
25 15. Some time prior to March 15, 2017, an obligation was allegedly incurred to
26 UCLA HEALTH SYSTEM (“UCLA”).
27 16. The UCLA obligation arose out of a transaction in which money, property,
28 insurance or services, which are the subject of the transaction, are primarily

1 for personal, family or household purposes.

2 17.The alleged UCLA obligation is a "debt" as defined by 15 U.S.C.§ 1692a(5).

3 18.UCLA is a "creditor" as defined by 15 U.S.C.§ 1692a(4).

4 19.Defendant contends that the UCLA debt is past due.

5 20.Defendant is a company that uses mail, telephone or facsimile in a business
6 the principal purpose of which is the collection of debts, or that regularly
7 collects or attempts to collect debts incurred or alleged to have been incurred
8 for personal, family or household purposes on behalf of creditors.

9 21.UCLA directly or through an intermediary contracted the Defendant to
10 collect the alleged debt.

11 22.On or about March 15, 2017, the Defendant caused to be delivered to the
12 Plaintiff a collection letter in an attempt to collect the alleged UCLA debt.

13 *See Exhibit A.*

14 23.The March 15, 2017 letter was sent or caused to be sent by persons employed
15 by Defendant as a “debt collector” as defined by 15 U.S.C. §1692a(6).

16 24.The March 15, 2017 letter is a “communication” as defined by 15 U.S.C.
17 §1692a(2).

18 25.Upon information and belief, the March 15, 2017 was the first
19 communication from USCB to the Plaintiff with regards to the UCLA debt.

20 26.The Plaintiff received and read the Letter sometime after March 15, 2017.

21 27.The Letter stated in part:

22 “ORIGINAL CREDITOR NAME: UCLA HEALTH SYSTEM”

23 28.Although the Letter identifies the original creditor to whom the alleged debt
24 incurred, the Letter fails to explicitly or implicitly identify Plaintiff’s current
25 creditor.
26

27 29.The Plaintiff, as would any least sophisticated consumer, was left unsure as
28 to what creditor UCLA was attempting to collect for.

1 30.Pursuant to 15 U.S.C. §1692g, a debt collector is required in the initial
2 communication with a consumer, to identify the name of the current creditor
3 to whom the debt is owed.

4 31.The obligation is not only to identify the name of the current creditor, but to
5 convey the name of the current creditor clearly and explicitly.

6 32.“Thus, in order to comply with the requirements of section 1692g, more is
7 required than the mere inclusion of the statutory debt validation notice in the
8 debt collection letter, the required notice must also be conveyed effectively
9 to the debtor” See [Graziano v. Harrison, 950 F.2d 107, 111 \(3d Cir .1991\)](#).
10 Moreover, the validation notice required by the Act “is to be interpreted from
11 the perspective of the ‘least sophisticated debtor.’” [Graziano, 950 F.2d at](#)
12 [111](#)

13 33.Merely naming the original creditor does not clearly convey to the consumer
14 who the current creditor is.

15 34.Congress adopted the debt validation provisions of section 1692g to
16 guarantee that consumers would receive adequate notice of their rights under
17 the FDCPA. *Wilson*, 225 F.3d at 354, citing *Miller v. Payco–General Am.*
18 *Credits, Inc.*, 943 F.2d 482, 484 (4th Cir.1991).

19 35.Congress further desired to “eliminate the recurring problem of debt
20 collectors dunning the wrong person or attempting to collect debts which the
21 consumer has already paid.” S.Rep. No. 95–382, at 4 (1977), reprinted in
22 1977 U.S.C.C.A.N. 1695, 1699.

23 36.The rights afforded to consumers under Section 1692g(a) are amongst the
24 most powerful protections provided by the FDCPA.

25 37.As a result of the Defendant’s violations of the FDCPA, the Plaintiff was
26 harmed.

27 38.Defendant’s actions as described herein are part of a pattern and practice used
28

1 to collect consumer debts.

2 39. Defendant could have taken the steps necessary to bring its actions within
3 compliance with the FDCPA, but neglected to do so and failed to
4 adequately review its actions to ensure compliance with the law.
5

6 **CLASS ALLEGATIONS**
7

8 40. Plaintiff brings claims, pursuant to the Federal Rules of Civil Procedure
9 (hereinafter “FRCP”) Rule 23, individually and on behalf of the following
10 consumer class (the “Class”) consisting of: a) All consumers who have an
11 address in Santa Clara County in the state of California b) who were sent a
12 collection letter from the Defendant c) attempting to collect a consumer debt d)
13 which fails to adequately name the current creditor to whom the debt is owed (e)
14 which letter was sent on or after a date one year prior to the filing of this action
15 and on or before a date 21 days after the filing of this action.
16

17 41. The identities of all class members are readily ascertainable from the
18 records of Defendants and those companies and entities on whose behalf they
19 attempt to collect and/or have purchased debts.

20 42. Excluded from the Plaintiff Classes are the Defendants and all officers,
21 members, partners, managers, directors, and employees of the Defendants and
22 their respective immediate families, and legal counsel for all parties to this
23 action and all members of their immediate families.

24 43. There are questions of law and fact common to the Plaintiff Classes, which
25 common issues predominate over any issues involving only individual class
26 members. The principal issue is whether the Defendants’ written
27 communications to consumers, in the forms attached as *Exhibit A*, violate 15
28 U.S.C. § 1692e and § 1692g.

1 44. The Plaintiffs' claims are typical of the class members, as all are based
2 upon the same facts and legal theories.

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

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

- 11 (a) **Numerosity:** The Plaintiffs are informed and believe, and on that
12 basis allege, that the Plaintiff Classes defined above are so numerous
13 that joinder of all members would be impractical.
- 14 (b) **Common Questions Predominate:** Common questions of law and
15 fact exist as to all members of the Plaintiff Classes and those questions
16 predominate over any questions or issues involving only individual
17 class members. The principal issue is whether the Defendants' written
18 communications to consumers, in the forms attached as *Exhibit A*,
19 violate 15 U.S.C. § 1692e and § 1692g.
- 20 (c) **Typicality:** The Plaintiffs' claims are typical of the claims of the class
21 members. The Plaintiffs and all members of the Plaintiff Classes have
22 claims arising out of the Defendants' common uniform course of
23 conduct complained of herein.
- 24 (d) **Adequacy:** The Plaintiffs will fairly and adequately protect the
25 interests of the class members insofar as Plaintiffs have no interests
26 that are averse to the absent class members. The Plaintiffs are
27 committed to vigorously litigating this matter. Plaintiffs have also
28

1 retained counsel experienced in handling consumer lawsuits, complex
2 legal issues, and class actions. Neither the Plaintiffs nor their counsel
3 have any interests which might cause them not to vigorously pursue
4 the instant class action lawsuit.

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

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

17 48. Depending on the outcome of further investigation and discovery, Plaintiffs
18 may, at the time of class certification motion, seek to certify a class(es) only as
19 to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).
20

21
22 **COUNT I**

23 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

24 **15 U.S.C. §1692e et seq.**

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

28 50. Defendants' debt collection efforts attempted and/or directed towards the

1 Plaintiff violated various provisions of the FDCPA, including but not
2 limited to 15 U.S.C. § 1692e.

3 51. Pursuant to 15 U.S.C. § 1692e, a debt collector may not use any false,
4 misleading and/or deceptive means to collect or attempt to collect any
5 debt or to obtain information concerning a consumer.

6 52. The Defendants violated said section in its letter to the Plaintiff by:

- 7 a. Using a false, deceptive, and misleading representations or
8 means in connection with the collection of a debt;
9 b. Making a false representation or using deceptive means to collect
10 a debt in violation of 1692e(10).

11 53. By reason thereof, Defendant is liable to Plaintiff for judgment that
12 Defendant's conduct violated Section 1692e *et seq.* of the FDCPA, actual
13 damages, statutory damages, costs and attorneys' fees.
14

15 **COUNT II**

16 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

17 **15 U.S.C. §1692g *et seq.***

18
19 54. Plaintiff repeats, reiterates and incorporates the allegations contained in
20 paragraphs above herein with the same force and effect as if the same were
21 set forth at length herein.

22 55. Defendant's debt collection efforts attempted and/or directed towards the
23 Plaintiff violated various provisions of the FDCPA, including but not limited
24 to 15 U.S.C. § 1692g.

25 56. Pursuant to 15 USC §1692g, a debt collector:

- 26 (a) Within five days after the initial communication with a consumer
27 in connection with the collection of any debt, a debt collector shall,
28

1 unless the following information is contained in the initial
2 communication or the consumer has paid the debt, send the
3 consumer a written notice containing –

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

5 57. The Defendant violated 1692g(a)(2) by failing to name the creditor to whom
6 the debt is owed.

7 58. By reason thereof, Defendant is liable to Plaintiff for judgment that
8 Defendant's conduct violated Section 1692g *et seq.* of the FDCPA, actual
9 damages, statutory damages, costs and attorneys' fees.

10 **COUNT III**

11 **(Violations Of The Rosenthal Fair Debt Collection Practices Act)**

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

15
16 60. Cal. Civ. Code §1788.17 mandates that every person or entity collecting or
17 attempting to collect a consumer debt shall comply with the provisions of
18 Sections 1692b to 1692j, inclusive, of, and shall be subject to the remedies
19 in Section 1692k of, Title 15 of the United States Code statutory
20 regulations contained within the FDCPA, 15 U.S.C. § 1692 *et seq.*

21
22 61. As set forth above, Defendant violated 15 U.S.C. § 1692e(10) by making a
23 false representation and using deceptive and misleading means to collect a
24 debt.

25 62. As set forth above, Defendant violated 15 U.S.C. § 1692g(a)(2) by failing
26 to clearly and concisely convey the name of the creditor to whom the
27 alleged debt is owed.

1 63.As such, Defendant violated the foregoing provisions of the FDCPA and
2 RFDCPA.

3 64.As a direct and proximate result of Defendant's violations of the RFDCPA
4 and FDCPA, Plaintiff was harmed, and may recover from Defendant one
5 thousand dollars (\$1,000.00) in statutory damages in addition to actual
6 damages and reasonable attorneys' fees and costs pursuant to Cal. Civ.
7 Code § 1788.30.
8

9
10 **DEMAND FOR TRIAL BY JURY**

11 65.Pursuant to Rule 38 of the Federal Rules of Civil Procedure,
12 Plaintiff hereby request a trial by jury on all issues so triable.
13

14 **PRAYER FOR RELIEF**

15
16 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

- 17 (a) Declaring that this action is properly maintainable as a Class
18 Action and certifying Plaintiff as Class representative and the undersigned as
19 Class Counsel;
20 (b) Awarding Plaintiff and the Class statutory damages;
21 (c) Awarding Plaintiff and the Class actual damages;
22 (d) Awarding Plaintiff costs of this Action, including reasonable
23 attorneys' fees and expenses;
24 (e) Awarding pre-judgment interest and post-judgment interest;
25 and
26 (f) Awarding Plaintiff and the Class such other and further relief
27 as this Court may deem just and proper.
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Dated: February 1, 2018

/s/ Jonathan A. Stieglitz
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(SBN 278028)
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Attorneys for the Plaintiff



USCB AMERICA
 P.O. BOX 74929
 LOS ANGELES, CA 90004-0929

03-15-2017



PERSONAL & CONFIDENTIAL
 ALICIA BLACK

ORIGINAL CREDITOR NAME	DCLA HEALTH SYSTEM	
ORIGINAL CREDITOR	DCLA	
ACCOUNT NUMBER	[REDACTED]	
STATEMENT BALANCE	\$1,100.90	
CUSTOMER SERVICE	(888) 863-9820	
ACCOUNT ID	0163	02/29/2016
INTEREST	\$1,012.16	\$88.74

Your delinquent account has been assigned to USCB America to collect the balance now due.

USCB America is not aware of any reason for your nonpayment. If you do not dispute the amount owing, please pay the balance due.

There are a variety of programs which may assist you in resolving this matter. For information, contact USCB America at (888) 863-9820.

USCB America is a debt collection agency. This is an attempt to collect a debt. Any information obtained will be used for this purpose.

Be advised that USCB America may record all calls. There may be a \$25.00 charge assessed for any check returned as unpaid by your bank.

Su cuenta morosa ha sido asignada a USCB America para cobrar el balance próximamente a vencer.

USCB America no está al tanto de razón alguna por su falta de pago. Si usted no disputa el monto moroso, favor de abonar el balance próximo a vencer.

Existen una variedad de programas los cuales le podrían ser de asistencia en concluir con este asunto. Para recibir información, comunicarse con USCB America al (888) 863-9820.

USCB America es una agencia de cobros relacionados con cuentas morosas. Este es un intento de cobranza y recupero de deuda. Cualquier información obtenida será utilizada con dicho fin.

Por favor tome en cuenta que USCB America podría grabar todas las llamadas. Puede haber un cargo de \$25.00 por cualquier cheque devuelto como no pagado por su banco.

PLEASE SEE IMPORTANT NOTICE ON BACK -- FAVOR DE LEER NOTICIA IMPORTANTE AL REVERSO

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

ORIGINAL CREDITOR NAME	DCLA HEALTH SYSTEM
ORIGINAL CREDITOR	DCLA
ACCOUNT NUMBER	ALICIA BLACK
STATEMENT BALANCE	[REDACTED]
PAYMENT DUE	\$1,100.90

<input type="checkbox"/> AMEX <input type="checkbox"/> DISCOVER <input type="checkbox"/> VISA <input type="checkbox"/> M/C	CARD NUMBER CARD EXPIRES CARDHOLDER NAME ACCOUNT NUMBER AMOUNT DEDUCTIBLE \$
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MAKE CHECK OR MONEY ORDER PAYABLE TO:

USCB AMERICA
 P.O. BOX 74929
 LOS ANGELES, CA 90004-0929



You may pay on-line using your credit card by visiting our online payment system at

<https://uscbinc.com/paynow>

or

You may use our convenient "SCAN TO PAY" option by scanning the QR code using your smart phone.

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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ALICIA BLACK, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

USCB, INC., d/b/a USCB AMERICA,

Defendant.

Civil Case No.:

**PLAINTIFF ALICIA BLACK'S LOCAL RULE 3-16 CERTIFICATION OF
INTERESTED ENTITIES OR PERSONS**

Pursuant to Civil L.R. 3-16, the undersigned certifies that of this date, other than the
named parties, there is no such interest to report.

Dated: February 1, 2018

/s/ Jonathan A. Stieglitz
Jonathan A. Stieglitz, Esq.
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CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ALICIA BLACK, individually and on behalf of all others similarly situated

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

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

The Law Offices of Jonathan A. Stieglitz, 11845 W. Olympic Blvd Ste 800 Los Angeles 90064 323.979.2063 jonathan.a.stieglitz@gmail.com

DEFENDANTS

USCB, INC., d/b/a USCB AMERICA

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)

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

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. 1692

Brief description of cause: Defendant violated the FDCPA

VII. REQUESTED IN COMPLAINT:

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

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

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 02/01/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jonathan A. Stieglitz

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate 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 Federal Rule of Civil Procedure 8(a), 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.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 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.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 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-CAND 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 clerk(s) 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 six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no 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 Federal Rule of Civil Procedure 23. 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-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Debt Collection Suit Claims USCB Failed to Clearly Identify Consumer's Creditor](#)
