

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Andre Boggerty, individually and on behalf of all others
similarly situated,

Plaintiff,

Civil Action No:

**CLASS ACTION
COMPLAINT**

**DEMAND FOR
JURY TRIAL**

-v.-

Frontline Asset Strategies LLC,
JH Portfolio Debt Equities, LLC and
John Does 1-25,

Defendants.

Plaintiff Andre Boggerty (hereinafter, "Plaintiff" or Boggerty"), a Delaware resident, brings this Class Action Complaint by and through his attorneys, Garibian Law Offices, P.C., against Defendant Frontline Asset Strategies LLC (hereinafter "Defendant Frontline") and Defendant JH Portfolio Debt Equities, LLC (hereinafter "Defendant JH Portfolio"), 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.

INTRODUCTION

1. Congress enacted the Fair Debt Collection Practices Act (the "FDCPA" or the "Act") in 1977 in response to the "abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors." 15 U.S.C. §1692(a). At that time, Congress was concerned that "abusive debt collection practices contribute to the number of personal

bankruptcies, to material instability, to the loss of jobs, and to invasions of individual privacy." *Id.* Congress concluded that "existing laws...[we]re inadequate to protect consumers," and that "the effective collection of debts" does not require "misrepresentation or other abusive debt collection practices." 15 U.S.C. §§ 1692(b) & (c).

2. Congress explained that the purpose of the Act was not only to eliminate abusive debt collection practices, but also to "insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged." *Id.* § 1692(e). After determining that the existing consumer protection laws were inadequate. *Id.* § 1692(b), Congress gave consumers a private cause of action against debt collectors who fail to comply with the Act. *Id.* § 1692k.

JURISDICTION AND VENUE

3. The Court has jurisdiction over this class action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692 et. seq. The Court has pendent jurisdiction over any state law claims in this action pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) as this is where a substantial part of the events or omissions giving rise to the claim occurred.

NATURE OF THE ACTION

5. Plaintiff brings this class action on behalf of a class of Delaware consumers under § 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA"), and

6. Plaintiff is seeking damages and declaratory relief.

PARTIES

7. Plaintiff is a resident of the State of Delaware, County of Kent, residing at 306 Crickle Creek LN, Dover, DE 19904.

8. Defendant Frontline is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address at 2700 Snelling Ave. N., Roseville, MN 55113.

9. Defendant JH Portfolio is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address at 21800 Burbank Blvd., Woodland Hills, CA 91367-6470.

10. Upon information and belief, Defendant Frontline is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

11. Upon information and belief, Defendant JH Portfolio is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

12. John Does 1-25, are fictitious names of individuals and businesses alleged for the purpose of substituting names of Defendants whose identities will be disclosed in discovery and should be made parties to this action.

CLASS ALLEGATIONS

13. Plaintiff brings this claim on behalf of the following class, pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3).

14. The Class consists of:

- a. all individuals with addresses in the State of Delaware;

- b. to whom Defendant Frontline sent an initial collection letter attempting to collect a consumer debt;
- c. on behalf of Defendant JH Portfolio;
- d. that falsely and misleadingly advises the consumer that he must dispute the alleged debt in writing to be effective;
- e. which letter was sent on or after a date one (1) year prior to the filing of this action and on or before a date twenty-one (21) days after the filing of this action.

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

16. Excluded from the Plaintiff Class are the Defendants and all officer, members, partners, managers, directors and employees of the Defendants and their respective immediate families, and legal counsel for all parties to this action, and all members of their immediate families.

17. There are questions of law and fact common to the Plaintiff Class, which are common issues that predominate over any issues involving only individual class members. The principal issue is whether the Defendants' written communications to consumers, in the forms attached as Exhibits A, violate 15 U.S.C. §§ 1692e and 1692g.

18. The Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories. The Plaintiff will fairly and adequately protect the interests of the Plaintiff Class defined in this Complaint. The Plaintiff has retained counsel with experience in handling consumer lawsuits, complex legal issues, and class actions, and neither the Plaintiff nor his attorneys have any interests, which might cause them to not vigorously pursue this action.

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

- a. **Numerosity:** The Plaintiff is informed and believes, and on that basis alleges, that the Plaintiff Class defined above is so numerous that joinder of all members would be impractical.
- b. **Common Questions Predominate:** Common questions of law and fact exist as to all members of the Plaintiff Class and those questions predominate over any questions or issues involving only individual class members. The principal issue is whether the Defendants' written communications to consumers, in the forms attached as Exhibit A violate 15 § 1692e and §1692g.
- c. **Typicality:** The Plaintiff's claims are typical of the claims of the class members. The Plaintiff and all members of the Plaintiff Class have claims arising out of the Defendants' common uniform course of conduct complained of herein.
- d. **Adequacy:** The Plaintiff will fairly and adequately protect the interests of the class members insofar as Plaintiff has no interests that are adverse to the absent class members. The Plaintiff is committed to vigorously litigating this matter. Plaintiff has also retained counsel experienced in handling consumer lawsuits, complex legal issues, and class actions. Neither the Plaintiff nor his counsel have 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 the 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.

20. 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 Plaintiff Class predominate over any questions affecting an individual member. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

21. Depending on the outcome of further investigation and discovery, Plaintiff 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).

FACTUAL ALLEGATIONS

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

23. Some time prior to March 14, 2017, an obligation was allegedly incurred to Citibank N.A.

24. The obligation arose out of a transaction involving a debt incurred by Plaintiff with Citibank in which Plaintiff used the Citibank funds primarily for personal, family or household purposes.

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

26. Citibank is a "creditor" as defined by 15 U.S.C. § 1692a(4).

27. On a date better known to Defendants, Citibank sold or assigned Plaintiff's debt to Defendant JH Portfolio.

28. Citibank or Defendant JH Portfolio contracted the Defendant Frontline to collect the alleged debt.

29. Defendants collect and attempt to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, telephone and internet.

Violation – March 14, 2018 Collection Letter

30. On or about March 14, 2018, Defendant Frontline sent Plaintiff a collection letter (the “Letter”) regarding the alleged debt owed to Defendant JH Portfolio. The Letter is attached hereto as Exhibit A.

31. When a debt collector solicits payment from a consumer, it must, within five days of an initial communication, provide the consumer with a written validation notice, known as a “G notice,” which must include the following information:

(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 the 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. 15 U.S.C. § 1692g(a).

32. The Letter, which in this case was the “G Notice,” does not meet the required guidelines of the FDCPA because it falsely advises the consumer that to validly dispute the debt, the dispute must be in writing.

33. Pursuant to §1692g(a)(3), the consumer may dispute the alleged debt by any means possible to have an effective dispute.

34. This false and inaccurate portion of the Letter is deceptive and misleading because it fails to advise Plaintiff of the full range of his validation rights under the FDCPA.

35. Plaintiff sustained an informational injury as he was not fully apprised of his rights and responsibilities necessary to properly exercise his options under §1692g.

36. As a result of Defendant’s deceptive misleading and false debt collection practices, Plaintiff has been damaged.

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692e
et seq.

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

38. Defendant’s debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.

39. Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.

40. Defendant violated said section by:

a. Making a false and misleading representation in violation of §1692e(10).

41. Due to the fact that Defendant's conduct violated Section 1692e et seq. of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages, costs and attorneys' fees.

COUNT II
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C.
§1692g et seq.

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

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

44. Pursuant to 15 U.S.C. §1692g, when a debt collector solicits payment from a consumer, it must, within five days of an initial communication, provide the consumer with a written validation notice, known as the "G Notice," which must include the following information:

(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 the 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. 15 U.S.C. § 1692g(a).

45. Defendant violated this section by deceptively misrepresenting the requirement of §1692g(a)(3) and stating that the consumer must dispute a debt in writing when, in fact, there is no such requirement under the FDCPA.

46. Plaintiff sustained an informational injury as he was wrongfully misinformed that he could only dispute his debt in writing.

47. Plaintiff was harmed due to the fact that he was misled into believing that he could only dispute his debt in writing.

48. Due to the fact that Defendant's conduct violated Section 1692g et seq. of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages, costs and attorneys' fees.

DEMAND FOR TRIAL BY JURY

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Andre Boggerty, individually and on behalf of all others similarly situated, demands judgment from Defendant Frontline Asset Strategies and Defendant JH Portfolio Debt Equities LLC, as follows:

1. Declaring that this action is properly maintainable as a Class Action and certifying Plaintiff as Class representative, and Antranig Garibian, Esq. as Class Counsel;
2. Awarding Plaintiff and the Class statutory damages;

3. Awarding Plaintiff and the Class actual damages;
4. Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses;
5. Awarding pre-judgment interest and post-judgment interest; and
6. Awarding Plaintiff and the Class such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

GARIBIAN LAW OFFICES, P.C.

/s/ Antranig Garibian

Antranig Garibian, Esq. (Bar No. 4962)

1010 N. Bancroft Pkwy, Ste 22

Wilmington, DE 19805

Phone: (302) 722-6885

ag@garibianlaw.com

Attorneys For Plaintiff

EXHIBIT A

DEPT 473 4940326918039
PO BOX 4115
CONCORD CA 94524



2700 Snelling Ave N.
Ste 250

Roseville, MN 55113

Hours of Operation:

M-Th 7am-9pm CST, Fri 7am-8pm CST,

Sat 8am-12pm CST

Toll Free: 877-258-1590, Fax: 6516212879

Web: www.frontlineas.com, Payment Site:

www.payfrontline.com

RETURN SERVICE REQUESTED



ANDRE M BOGGERTY



FAST #	Current Creditor	Original Creditor	Merchant	Original Creditor #
██████████6835	JH Portfolio Debt Equities LLC	Citibank N.a.	Citi Simplicity Card	xxxxxxxxxxxx2651
Total Amount Due				
\$7415.08				

Date: 03/14/2018

Dear ANDRE M BOGGERTY:

Your account has been placed with our office for collection. You owe \$7415.08.

If we are unable to resolve this account with you during the time it remains in our office, the current creditor may forward the account to one of its attorneys for review of the creditor's rights under the account contract.

We are here to help. You may pay online at <https://payfrontline.com/>, use Live Chat from our website <https://frontlineas.com/> or call us at 877-258-1590.

Sincerely,
Troy Tratar
877-258-1590
Frontline Asset Strategies, LLC

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

Unless you notify this office in writing 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 of 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.

Please see the reverse side or next page for important consumer notices.

WHAT INFORMATION WE COLLECT AND HOW WE USE THAT INFORMATION

You may use the Site without disclosing to us any personally identifiable information. We do not collect any personally identifiable information from you (e.g., name, address, telephone number, email address) when you use the Site. If you contact us, we may keep a record of your contact information and correspondence, and we reserve the right to use your contact information, and any other information that you provide to us in your message, to respond thereto. If you wish to change any information submitted to us, please do so by contacting us at the address provided above.

We may use cookies to collect non-personally identifiable information in connection with the Site. Our web pages may incorporate "pixel tags," "web beacons," or similar tracking technologies (collectively, "pixel tags") that allow us or our agents to track the actions of users of the Site. Pixel tags are used to collect non-personally identifiable information, such as the name of your Internet service provider, the IP address of the computer you are using, the type of browser software and operating system that you use, the date and time you access the Site, the website address, if any, from which you linked directly to the Site, the website address, if any, to which you travel from the Site and other similar traffic-related information. We may also aggregate your information with similar data collected from other users to help us improve the Site and the services that we provide through the Site.

In the event of a sale or transfer of assets or of any portion of our business, we reserve the right to transfer any and all information that we collect from users, or that we otherwise collect in connection with the Site, to unaffiliated third parties or third parties.

Monitoring, Enforcement and Legal Requests

JH Capital Group has no obligation to monitor the Site or the use of the Site or to retain the content of any user session. However, JH Capital Group reserves the right, at all times, to monitor, review, retain and/or disclose any information, as necessary, to satisfy any applicable law, regulation, legal process or governmental request or to cooperate with law enforcement and other authorities in investigating a claim of illegal activity. We may use IP addresses to identify a user when we feel it is necessary to protect the Site, our service, clients, potential clients or others.

Other Sites

Except as otherwise expressly discussed in this Privacy Policy, this policy only addresses our use and disclosure of information we collect from you. Any email messages and associated information that you send to addresses published on the Site are not governed by this policy. To the extent that you disclose personal or non-personal information to other sites, you are subject to the privacy customs and policies of those sites. We encourage you to ask questions before you disclose any personal information.

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
Andre Boggerty, individually and on behalf of all others similarly situated
(b) County of Residence of First Listed Plaintiff Kent
(c) Attorneys (Firm Name, Address, and Telephone Number)
Antranig Garibian, Esq. Garibian Law Offices, PC
1010 N. Bancroft Pkwy, Ste 22, Wilmington, DE 19805
P:(302) 722-6885 E: ag@garibianlaw.com

DEFENDANTS
Frontline Asset Strategies, LLC, JH Portfolio Debt Equities, LLC and John Does 1-25
County of Residence of First Listed Defendant
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)
PTF DEF
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)
CONTRACT
PERSONAL INJURY
REAL PROPERTY
CIVIL RIGHTS
PRISONER PETITIONS
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):
Fair Debt Collection Practices Act - 15 USC Sect. 1692 et seq.
Brief description of cause:
Improper collection efforts regarding misleading and deceptive collection letter

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 06/15/2018 SIGNATURE OF ATTORNEY OF RECORD /s/Antranig Garibian

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Frontline Asset Strategies, JH Portfolio Sued Over Allegedly Unlawful Written Dispute Demand](#)
