

MARGRET BRACE and CRYSTAL MARTIN,) Case No.: 18-cv-249
Individually and on Behalf of All Others Similarly)
Situating,)
)
Plaintiffs,)
vs.)
)
PROGRESSIVE FINANCIAL SERVICES, INC.,)
)
Defendant.)

CLASS ACTION COMPLAINT

Jury Trial Demanded

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”) and the Wisconsin Consumer Act, chs. 421-427, Wis. Stats. (the “WCA”).

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, 1337, and 1367. Venue in this District is proper in that Defendant directed its collection efforts into the District.

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

6. Each Plaintiff is also a “customer” as defined in the WCA, Wis. Stat. § 421.301(17), in that the alleged debt allegedly arose from a consumer transaction that included agreements to defer payment.

7. Defendant Progressive Financial Services, Inc. (“Progressive”) is a foreign corporation with its principal offices located at 1919 W Fairmont Drive, Building 8, Tempe, Arizona 85282.

8. Progressive is engaged in the business of a collection agency, using the mails and telephone to collect consumer debts originally owed to others.

9. Progressive is licensed as a “Collection Agency” under Wis. Stat. § 218.04 and Wis. Admin. Code Ch. DFI-Bkg 74.

10. Progressive is engaged in the business of collecting debts owed to others and incurred for personal, family or household purposes. Progressive is a “debt collector” as defined in 15 U.S.C. § 1692a and Wis. Stat. § 427.103(3).

FACTS

Facts Relating to Plaintiff Brace

11. On or about March 5, 2017, Progressive mailed a debt collection letter to Plaintiff Brace regarding an alleged debt, allegedly owed to “Creditor: CAPITAL ONE N.A.” and originally owed to “Original Creditor: CAPITAL ONE N.A.” (“Capital One”). A copy of this letter is attached to this complaint as Exhibit A.

12. Upon information and belief, the alleged debt that Progressive was attempting to collect was a “Kohl’s” store credit account, owned and serviced by Capital One, and used only for personal, family, or household purposes including purchases of personal and home goods at Kohl’s Department Stores (“Kohl’s”).

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

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

15. Exhibit A states:

CREDITOR: CAPITAL ONE N.A.
ORIGINAL CREDITOR: CAPITAL ONE N.A.
RE: YOUR KOHL'S CREDIT CARD ACCOUNT *****0105
AMOUNT DUE: \$578.30
ACCOUNT NAME: MARGRET M BRACE
REFERENCE NUMBER: [REDACTED] 7861

Exhibit A.

16. Exhibit A also states:

THIS LETTER SERVES AS FORMAL NOTICE THAT KOHLS DEPARTMENT STORE HAS PLACED THE ABOVE-REFERENCED ACCOUNT WITH PROGRESSIVE FINANCIAL SERVICES, INC. FOR COLLECTION ACTIVITIES. YOUR RESPONSIBILITIES INCLUDE REPAYMENT OF THE ACCOUNT BALANCE, WHICH IS DUE IN FULL.

Exhibit A.

17. Exhibit A states that the creditor is Capital One.

18. Exhibit A also states that KOHLS DEPARTMENT STORE placed the debt with Progressive for collection.

19. “KOHLS DEPARTMENT STORE” and Capital One are two distinct business entities.

20. Upon information and belief, Capital One is the current creditor, not Kohl’s.

21. Upon information and belief, only the creditor, Capital One, has the authority to place the debt with a third-party debt collector.

22. Plaintiff Brace was confused by Exhibit A.

23. The unsophisticated consumer would be confused by Exhibit A.
24. Plaintiff Brace had to spend time and money investigating Exhibit A.
25. Plaintiff Brace had to take time to obtain and meet with counsel, including traveling to counsel's office by car and its related expenses, including but not limited to the cost of gasoline and mileage, to advise Plaintiff on the consequences of Exhibit A.

Facts Relating to Plaintiff Martin

26. On or about May 11, 2017, Progressive mailed a debt collection letter to Plaintiff Martin regarding an alleged debt, allegedly owed to "Creditor: CAPITAL ONE N.A." and originally owed to "Original Creditor: CAPITAL ONE N.A." ("Capital One"). A copy of this letter is attached to this complaint as Exhibit B.

27. Upon information and belief, the alleged debt that Progressive was attempting to collect was a Kohl's store credit account, owned and serviced by Capital One, and used only for personal, family, or household purposes including purchases of personal and home goods at Kohl's department stores.

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

29. Upon information and belief, Exhibit B is a form debt collection letter used by Progressive to attempt to collect alleged debts.

30. Exhibit B states:

CREDITOR: CAPITAL ONE N.A.
ORIGINAL CREDITOR: CAPITAL ONE N.A.
RE: YOUR KOHL'S CREDIT CARD ACCOUNT *****2633
AMOUNT DUE: \$995.15
ACCOUNT NAME: CRYSTAL L MARTIN
REFERENCE NUMBER: [REDACTED] 0649

Exhibit B.

31. Exhibit B also states:

As you know from our previous letter, your above-referenced account has been placed with Progressive Financial Services, Inc. for collection activities.

KOHL'S DEPARTMENT STORE will currently accept \$597.09 (60% of the amount currently due on this account) **to settle your account.**

To take advantage of this offer contact our offices prior to 06/10/2017 to make arrangements or forward payment of \$597.09 with the coupon below so that it is received in our office on or before 06/10/2017. Note that after 06/10/2017 neither Progressive Financial Services, Inc. nor KOHL'S DEPARTMENT STORE is under any obligation to renew this offer. If payment of \$597.09 is not received in our office on or before 06/10/2017, we will continue to pursue collection of the full balance due.

Exhibit B.

32. Exhibit B states that the creditor is Capital One.

33. Exhibit B also states that "KOHL'S DEPARTMENT STORE will currently accept \$597.09 (60%) of the amount currently due on this account) to **settle your account.**" Exhibit B (emphasis in original).

34. Exhibit B also states that "after 06/10/2017 neither Progressive Financial Services, Inc. nor KOHL'S DEPARTMENT STORE is under any obligation to renew this offer."

Exhibit B.

35. "KOHL'S DEPARTMENT STORE" and Capital One are two distinct business entities.

36. Upon information and belief, Capital One is the current creditor, not Kohl's.

37. Upon information and belief, only the creditor, Capital One, has the authority to settle the account for less than the full balance owed.

38. The unsophisticated consumer would be confused as to whether the settlement offer Progressive is making in Exhibit B had been approved by Capital One or whether the settlement would require further approval from Capital One.

39. Plaintiff Martin was confused by Exhibit B.

40. The unsophisticated consumer would be confused by Exhibit B.

41. Plaintiff Martin had to spend time and money investigating Exhibit B.

42. Plaintiff Martin had to take time to obtain and meet with counsel, including traveling to counsel's office by car and its related expenses, including but not limited to the cost of gasoline and mileage, to advise Plaintiff on the consequences of Exhibit B.

VIOLATIONS OF THE FDCPA

43. Progressive's misrepresentations as to the identity of the original and current creditors of these accounts are material false, misleading, or confusing statements.

44. 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."); *Lorang v. Ditech Fin. LLC*, 2017 U.S. Dist. LEXIS 169286, at *6 (W.D. Wis. Oct. 13, 2017) ("the weight of authority in this circuit is that a misrepresentation about a debt is a sufficient injury for standing because a primary purpose of the FDCPA is to protect consumers from receiving false and misleading information."); *Qualls v. T-H Prof'l & Med. Collections, Ltd.*, 2017 U.S. Dist. LEXIS 113037, at *8 (C.D. Ill. July 20, 2017) ("Courts in this Circuit, both before and after *Spokeo*, have rejected similar challenges to standing in FDCPA cases.") (citing "*Hayes v. Convergent Healthcare Recoveries, Inc.*, 2016 U.S. Dist. LEXIS 139743 (C.D. Ill. 2016)); *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.”); *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).

45. 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”).

46. The FDCPA requires debt collectors to provide certain information and notices to consumers within five days of the initial contact with the consumer:

(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—

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

15 U.S.C. § 1692g(a)(2).

47. To satisfy § 1692g(a)(2), a debt collector may provide “the name under which [the creditor] usually transacts business, or a commonly-used acronym, or any name that it has used from the inception of the credit relation.” *Blarek v. Encore Receivable Mgmt.*, No. 06-cv-420-WEC, 2007 U.S. Dist. LEXIS 22549 at *22 (E.D. Wis. Mar. 27, 2007).

48. Failure to provide the required disclosures within five days of the initial communication with Plaintiff and the class is a *per se* violation of the FDCPA. *Janetos v. Fulton Friedman & Gullace, LLP*, 825 F.3d 317, 2016 U.S. App. LEXIS 6361 *15-16 (7th Cir. Apr. 7, 2016) (“we have not extended the implicit materiality requirement of § 1692e to reach claims under § 1692g(a).”).

49. For purposes of Plaintiff’s claim under 15 U.S.C. §§ 1692e, 1692e(2) and 1692e(10), Defendants’ omission is a material violation of the FDCPA.

50. Misrepresentation of the creditor’s identity is a misrepresentation of the character and legal status of the debt. 15 U.S.C. § 1692e(2)(A).

51. Misrepresentation of the debt as debts that have been sold, or otherwise assigned, by the original creditor is a misrepresentation of the character and legal status of the debt. 15 U.S.C. § 1692e(2)(A).

52. Progressive's misrepresentation is also a "false representation or deceptive means to collect or attempt to collect any debt," in violation of 15 U.S.C. § 1692e(10).

53. The statements in Exhibit A and Exhibit B implying Kohl's is a current creditor of the debt are material misrepresentations because the unsophisticated consumer could mistakenly believe that Kohl's was the current creditor and could make payments to the wrong business entity.

54. If a consumer sent a check to Kohl's, the payment may not satisfy the alleged debt owed to the correct creditor, who would be within its rights to continue collection efforts or even file a lawsuit to collect the debt.

55. In addition, the consumer may be barred from recovering a payment to the incorrect party by the voluntary payment doctrine. Even if the voluntary payment doctrine does not apply or would not be enforced, the logistical challenge of obtaining a refund would discourage consumers from attempting to recover their erroneous payment.

56. 15 U.S.C. § 1692e generally prohibits "any false, deceptive, or misleading representation or means in connection with the collection of any debt."

57. 15 U.S.C. § 1692e(2) specifically prohibits the "false representation of the character, amount, or legal status" of an alleged debt, or the "false representation of...compensation which may be lawfully received by any debt collector for the collection" of an alleged debt.

58. 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.”

VIOLATIONS OF THE WCA

59. The Wisconsin Consumer Act (“WCA”) was enacted to protect consumers against unfair, deceptive, and unconscionable business practices and to encourage development of fair and economically sound practices in consumer transactions. Wis. Stat. § 421.102(2).

60. The Wisconsin Supreme Court has favorably cited authority finding that the WCA “goes further to protect consumer interests than any other such legislation in the country,” and is “probably the most sweeping consumer credit legislation yet enacted in any state.” *Kett v. Community Credit Plan, Inc.*, 228 Wis. 2d 1, 18 n.15, 596 N.W.2d 786 (1999) (citations omitted).

61. To further these goals, the Act’s protections must be “liberally construed and applied.” Wis. Stat. § 421.102(1); *see also* § 425.301.

62. “The basic purpose of the remedies set forth in Chapter 425, Stats., is to induce compliance with the WCA and thereby promote its underlying objectives.” *First Wisconsin Nat’l Bank v. Nicolaou*, 113 Wis. 2d 524, 533, 335 N.W.2d 390 (1983). Thus, private actions under the WCA are designed to both benefit consumers whose rights have been violated and also competitors of the violators, whose competitive advantage should not be diminished because of their compliance with the law.

63. To carry out this intent, the WCA provides Wisconsin consumers with an array of protections and legal remedies. The Act contains significant and sweeping restrictions on the activities of those attempting to collect debts. *See* Wis. Stats. § 427.104.

64. The Act limits the amounts and types of additional fees that may be charged to consumers in conjunction with transactions. Wis. Stats. § 422.202(1). The Act also provides

injured consumers with causes of action for class-wide statutory and actual damages and injunctive remedies against defendants on behalf of all customers who suffer similar injuries. *See* Wis. Stats. §§ 426.110(1); § 426.110(4)(e). Finally, “a customer may not waive or agree to forego rights or benefits under [the Act].” Wis. Stat. § 421.106(1).

65. Consumers’ WCA claims under Wis. Stat. § 427.104(1) are analyzed using the same methods as claims under the FDCPA. Indeed, the WCA itself requires that the court analyze the WCA “in accordance with the policies underlying a federal consumer credit protection act,” including the FDCPA. Wis. Stat. § 421.102(1).

66. Further, the Wisconsin Supreme Court has held that WCA claims relating to debt collection are to be analyzed under the “unsophisticated consumer” standard. *Brunton v. Nuvel Credit Corp.*, 785 N.W.2d 302, 314-15. In *Brunton*, the Wisconsin Supreme Court explicitly adopted and followed the “unsophisticated consumer” standard, citing and discussing *Gammon v. GC Servs. Ltd. P’ship*, 27 F.3d 1254, 1257 (7th Cir. 1994). *Id.*

67. Wis. Stat. § 427.104(1)(g) states that a debt collector may not: “Communicate with the customer or a person related to the customer with such frequency of at such unusual hours or in such a manner as can reasonably be expected to threaten or harass the customer.”

68. Wis. Stat. § 427.104(1)(h) states that a debt collector may not: “Engage in other conduct . . . in such a manner as can reasonably be expected to threaten or harass the customer.”

69. Wis. Stat. § 427.104(1)(m) states that a debt collector may not: “Engage in conduct in violation of a rule adopted by the administrator”

70. The Wisconsin Department of Financial Institutions, which is tasked with regulating licensed debt collectors, has found that “conduct which violates the Federal Fair Debt Collection Practices Act” can reasonably be expected to threaten or harass the customer. *See* Wis. Admin. Code DFI-Bkg 74.16(9) (“Oppressive and deceptive practices prohibited.”).

71. Wis. Admin. Code § DFI-Bkg 74.13(1) (“Fair Collection Practice Notice”) requires licensed collection agencies to “send the following [Fair Collection Practice] notice within 5 days after the initial communication with a debtor:

This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, www.wdfi.org.

COUNT I – FDCPA

72. Plaintiffs incorporate by reference as if fully set forth herein the allegations contained in the preceding paragraphs of this Complaint.

73. Count I is brought on behalf of both Plaintiffs.

74. Exhibit A and Exhibit B identify the creditor as Capital One, N.A.

75. Exhibit A and Exhibit B state that Kohl’s Department Store, rather than Capital One, placed the alleged debt with Progressive for collection.

76. Upon information and belief, Kohl’s is not the current creditor of these accounts and did not place the debts with Progressive for collection.

77. Exhibit B states that Kohl’s Department Store, rather than Capital One, has the authority to settle the account for less than the full balance owed.

78. Upon information and belief, Kohl’s is not the current creditor of these accounts and does not have the authority to settle the account for less than the full balance owed.

79. The language in Progressive’s letter is false, misleading and confusing to the unsophisticated consumer, in that the letter falsely represents the identity of the creditor.

80. Defendant violated 15 U.S.C. §§ 1692e, 1692e(2), 1692e(10), 1692g(a), and 1692g(a)(2).

COUNT IV – WCA

81. Plaintiffs incorporate by reference as if fully set forth herein the allegations in the preceding paragraphs of this Complaint.

82. Count IV is brought on behalf of both Plaintiffs.

83. Defendant is a licensed collection agency.

84. Exhibit A and Exhibit B violate the FDCPA.

85. Defendant violated Wis. Stat. §§ 427.104(1)(g) and 427.104(1)(h).

CLASS ALLEGATIONS

86. Plaintiffs bring this action on behalf of two Classes.

87. Class I consists of (a) all natural persons in the State of Wisconsin (b) who were sent a collection letter in the form represented by Exhibit A to the complaint in this action, (c) seeking to collect a debt for personal, family, or household purposes, (d) between February 19, 2017 and February 19, 2018, inclusive, (e) that was not returned by the postal service. Plaintiff Brace is the class representative for Class I.

88. Class II consists of (a) all natural persons in the State of Wisconsin (b) who were sent a collection letter in the form represented by Exhibit B to the complaint in this action, (c) seeking to collect a debt for personal, family, or household purposes, (d) between February 19, 2017 and February 19, 2018, inclusive, (e) that was not returned by the postal service. Plaintiff Martin is the class representative for Class II.

89. Each Class is so numerous that joinder is impracticable. Upon information and belief, there are more than 50 members of each Class.

90. 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 the Defendant complied with the FDCPA and the WCA.

91. Plaintiffs' claims are typical of the claims of the members of each Class. All are based on the same factual and legal theories.

92. Plaintiffs will fairly and adequately represent the interests of the members of each Class. Plaintiffs have retained counsel experienced in consumer credit and debt collection abuse cases.

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

JURY DEMAND

94. Plaintiffs hereby demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs requests that the Court enter judgment in favor of Plaintiffs and the Classes 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: February 19, 2018

ADEMI & O'REILLY, LLP

By: /s/ John D. Blythin
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
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bslatky@ademilaw.com

EXHIBIT A

PROGRESSIVE FINANCIAL SERVICES, INC.
P.O. BOX 22083
TEMPE, AZ 85285



CARD NUMBER	CVV2 CODE	AMOUNT
SIGNATURE		EXP. DATE
STATEMENT DATE 03/05/17		CURRENT AMOUNT DUE \$ 578.30
REFERENCE NUMBER [REDACTED] 7861		AMOUNT ENCLOSED



MARGRET M BRACE
8330 S NEWBURY DR APT 1402
OAK CREEK, WI 53154-3581

PROGRESSIVE FINANCIAL SERVICES, INC.
P.O. BOX 22083
TEMPE, AZ 85285



☐ Please check box if your address has changed
and indicate change(s) on reverse side.

DETACH UPPER PORTION AND RETURN WITH PAYMENT

03/05/17

KEEP THIS PORTION FOR YOUR RECORDS

PROGRESSIVE FINANCIAL SERVICES, INC.
1919 W FAIRMONT - SUITE 8
TEMPE, AZ 85282
800-761-6097

CREDITOR: CAPITAL ONE N.A.
ORIGINAL CREDITOR: CAPITAL ONE N.A.
RE: YOUR KOHL'S CREDIT CARD ACCOUNT *****0105
AMOUNT DUE: \$578.30
ACCOUNT NAME: MARGRET M BRACE
REFERENCE NUMBER: [REDACTED] 7861

DEAR MARGRET M BRACE,

THIS LETTER SERVES AS FORMAL NOTICE THAT KOHL'S DEPARTMENT STORE HAS PLACED THE ABOVE-REFERENCED ACCOUNT WITH PROGRESSIVE FINANCIAL SERVICES, INC. FOR COLLECTION ACTIVITIES. YOUR RESPONSIBILITIES INCLUDE REPAYMENT OF THE ACCOUNT BALANCE, WHICH IS DUE IN FULL.

WITHOUT LIMITING YOUR RIGHTS DESCRIBED BELOW, YOU MAY MAIL YOUR PAYMENT ALONG WITH THE TOP PORTION OF THIS LETTER TO THE ADDRESS LISTED ABOVE OR CONTACT PROGRESSIVE FINANCIAL SERVICES, INC. TO DISCUSS ALTERNATIVE 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.

SINCERELY,

CHRISTOPHER HALE
DEBT COLLECTOR
PROGRESSIVE FINANCIAL SERVICES, INC.
800-761-6097

HOURS OF OPERATION: MON-THURS 5AM-5PM ,FRI 5AM-2PM ,SAT 5AM-10AM PACIFIC TIME

WITHOUT WAIVING YOUR ABOVE-OUTLINED RIGHT TO DISPUTE THIS DEBT, IF YOU HAVE AN ATTORNEY TO REPRESENT YOU WITH RESPECT TO THIS DEBT OR IF THIS DEBT HAS BEEN INCLUDED IN A BANKRUPTCY, PLEASE FURNISH US WITH THE APPROPRIATE INFORMATION SO WE MAY MARK OUR FILES ACCORDINGLY.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT COLLECTOR. PFS/KOCH1

FIRST NAME																M.I.														
LAST NAME																														
ADDRESS																														
CITY																HOME PHONE			—			—								
STATE			ZIP				—			WORK PHONE			—			—														

When you provide a check as payment, you authorize us to use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution.

Required State Notices

California - The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov. Nonprofit credit counseling services may be available in the area. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

New York City - Progressive Financial Services, Inc., DBA PFS of Arizona is licensed by the City of New York, Department of Consumer Affairs; Arizona Branch, License #1250549; Pennsylvania Branch, License #1109138; South Dakota Branch, License #1250510.

Colorado - FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COAG.GOV/CAR. A CONSUMER HAS THE RIGHT TO REQUEST IN WRITING THAT A DEBT COLLECTOR OR COLLECTION AGENCY CEASE FURTHER COMMUNICATION WITH THE CONSUMER. A WRITTEN REQUEST TO CEASE COMMUNICATION WILL NOT PROHIBIT THE DEBT COLLECTOR OR COLLECTION AGENCY FROM TAKING ANY OTHER ACTION AUTHORIZED BY LAW TO COLLECT THE DEBT. LOCAL ADDRESS: PROGRESSIVE FINANCIAL SERVICES, INC., C/O COLORADO MANAGER, INC., BUILDING B, 80 GARDEN CENTER, SUITE 3, BROOMFIELD, CO 80020. LOCAL TELEPHONE: 303-920-4763.

North Carolina - Progressive Financial Services, Inc. is licensed by the State of North Carolina; Arizona Branch, Permit Number 101824; Pennsylvania Branch, Permit Number 4484; South Dakota Branch, Permit Number 4482.

You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector. If you wish to discuss this matter, please call us direct between the hours of Monday - Thursday 6am - 9pm, Friday 6am - 10am and Saturday 6am - 10am Mountain Time at the telephone number listed on this notice. Local address, 15 Union Street, Lawrence, Massachusetts, 01840.

Utah - As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Wisconsin - This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions.

Exhibit B

Progressive Financial Services, Inc.

05/11/17

1919 West Fairmont Drive, Building 8 • Tempe, AZ 85282
Phone: 800-761-6097 • www.progressivefinancial.com

CREDITOR: CAPITAL ONE N.A.
ORIGINAL CREDITOR: CAPITAL ONE N.A.
RE: YOUR KOHL'S CREDIT CARD ACCOUNT *****2633
AMOUNT DUE: \$995.15
ACCOUNT NAME: CRYSTAL L MARTIN
REFERENCE NUMBER: [REDACTED] 0649

Settlement Offer
60% of the amount
currently due
INSTANT SAVINGS OF
\$398.06
Subject to conditions described below.

SETTLEMENT OFFER: \$597.09

Dear CRYSTAL L MARTIN,

As you know from our previous letter, your above-referenced account has been placed with Progressive Financial Services, Inc. for collection activities.

KOHL'S DEPARTMENT STORE will currently accept \$597.09 (60% of the amount currently due on this account) to settle your account.

To take advantage of this offer contact our offices prior to 06/10/2017 to make arrangements or forward payment of \$597.09 with the coupon below so that it is received in our office on or before 06/10/2017. Note that after 06/10/2017 neither Progressive Financial Services, Inc. nor KOHL'S DEPARTMENT STORE is under any obligation to renew this offer. If payment of \$597.09 is not received in our office on or before 06/10/2017, we will continue to pursue collection of the full balance due.

Other payment arrangements may also be available on your account. Contact our office for details.

Sincerely,

Christopher Hale
Debt Collector
Progressive Financial Services, Inc.
800-761-6097
Hours of Operation: MON-THURS 5AM-5PM, FRI 5AM-2PM, SAT 5AM-10AM PACIFIC TIME

If you have an attorney to represent you with respect to this debt or if this debt has been included in a bankruptcy, please furnish us with the appropriate information so we may mark our files accordingly.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector. PFS/KCH40

Please detach the lower portion of this letter and return with your payment.

1652-KCH40

Y1DE4EAB83



PO Box 505

Linden MI 48451-0505

FORWARDING SERVICE REQUESTED

Not intended for correspondence or payments

ACCOUNT NAME: CRYSTAL L MARTIN
REFERENCE NUMBER: [REDACTED] 0649

AMOUNT DUE: \$995.15
SETTLEMENT AMOUNT: \$597.09

AMOUNT ENCLOSED: \$ _____



0028020024003157560853110280515---Y1DE4EAB83 1652

CRYSTAL L MARTIN
5615 S Disch Ave
Cudahy WI 53110-2605



Progressive Financial Services, Inc.
PO Box 22083
Tempe AZ 85285-2083

Required State Notices: We are required to provide the following information under state law. This is not a complete list of rights by state. If you do not reside in one of these states, you still may have the same or similar rights under state or federal law.

California Residents: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov. Nonprofit credit counseling services may be available in the area. As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Colorado Residents: FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE WWW.COAG.GOV/CAR. A CONSUMER HAS THE RIGHT TO REQUEST IN WRITING THAT A DEBT COLLECTOR OR COLLECTION AGENCY CEASE FURTHER COMMUNICATION WITH THE CONSUMER. A WRITTEN REQUEST TO CEASE COMMUNICATION WILL NOT PROHIBIT THE DEBT COLLECTOR OR COLLECTION AGENCY FROM TAKING ANY OTHER ACTION AUTHORIZED BY LAW TO COLLECT THE DEBT. LOCAL ADDRESS: PROGRESSIVE FINANCIAL SERVICES, INC., C/O COLORADO MANAGER, INC., BUILDING B, 80 GARDEN CENTER, SUITE 3, BROOMFIELD, CO 80020. LOCAL TELEPHONE: 303-920-4763.

Massachusetts Residents: NOTICE OF IMPORTANT RIGHTS

You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the debt collector. If you wish to discuss this matter, please call us direct between the hours of Monday- Thursday 6am- 9pm, Friday 6am -10am and Saturday 6am - 10am Mountain Time at the telephone number listed on this notice. Local address, 15 Union Street, Lawrence, Massachusetts, 01840.

Minnesota Residents: This collection agency is licensed by the Minnesota Department of Commerce as Progressive Financial Services, Inc. Arizona Branch, License Number CA-20332058; Pennsylvania Branch License Number CA-20542894.

New York City Residents: Progressive Financial Services, Inc., DBA PFS of Arizona is licensed by the City of New York, Department of Consumer Affairs; Arizona Branch, License #1250549; Pennsylvania Branch, License #1109138.

New York State: Debt collectors, in accordance with the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., are prohibited from engaging in abusive, deceptive, and unfair debt collection efforts, including but not limited to: a) the use or threat of violence; b) the use of obscene or profane language; and c) repeated phone calls made with the intent to annoy, abuse, or harass.

If a creditor or debt collector receives a money judgment against you in court, state and federal laws may prevent the following types of income from being taken to pay the debt: 1. Supplemental security income, (SSI); 2. Social security; 3. Public assistance (welfare); 4. Spousal support, maintenance (alimony) or child support; 5. Unemployment benefits; 6. Disability benefits; 7. Workers' compensation benefits; 8. Public or private pensions; 9. Veterans' benefits; 10. Federal student loans, federal student grants, and federal work study funds; and 11. Ninety percent of your wages or salary earned in the last sixty days.

North Carolina Residents: Progressive Financial Services, Inc. is licensed by the State of North Carolina; Arizona Branch, Permit Number 101824; Pennsylvania Branch, Permit Number 4484.

Tennessee Residents: This collection agency is licensed by the Collection Service Board, State Department of Commerce and Insurance, 500 James Robertson Parkway, Nashville, Tennessee 37243.

Utah Residents: As required by Utah law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Wisconsin Residents: This collection agency is licensed by the Division of Banking in the Wisconsin Department of Financial Institutions, www.wdfi.org.

Please let us know of any important changes in your information:

Name:

Address:

City/State/Zip:

Phone Number:

When you provide a check as payment, you authorize us either to use the information from your check to make a one-time electronic funds transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day you make your payment, and you will not receive your check back from your financial institution.

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**

MARGRET BRACE and CRYSTAL MARTIN

(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**

PROGRESSIVE FINANCIAL SERVICES, INC.

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	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	IMMIGRATION		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition			

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 ACTIONCite 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:

Violations of Fair Debt Collection Practices Act and Wisconsin Consumer 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

February 19, 2018

/s/ Mark A. Eldridge

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.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

MARGRET BRACE and CRYSTAL MARTIN

Plaintiff(s)

v.

PROGRESSIVE FINANCIAL SERVICES, INC.

Defendant(s)

Civil Action No. 18-cv-249

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* PROGRESSIVE FINANCIAL SERVICES, INC.
c/o CORPORATION SERVICE COMPANY
8040 EXCELSIOR DR STE 400
MADISON, WI 53717

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-249

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.:

Print

Save As...

Case 1:18-cv-00018 Filed 02/19/18 Page 2 of 2 Document 1-1

Reset

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Progressive Financial Services Facing Wisconsin Women's Debt Collection Suit](#)
