

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **MAY 05 2017** ★

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
MICHAEL BRYAN; an individual; on behalf of  
himself and all others similarly situated,

Plaintiffs,

vs.

GLASS MOUNTAIN CAPITAL LLC,

Defendant.

CASE NO.:

LONG ISLAND OFFICE

**CV 17 2727**

**CLASS ACTION COMPLAINT FOR  
VIOLATIONS OF THE FAIR DEBT  
COLLECTION PRACTICES ACT**

**DEMAND FOR JURY TRIAL**

**AZRACK, J.**

**SHIELDS, M.J.**

**I. PRELIMINARY STATEMENT**

1. Plaintiff, MICHAEL BRYAN ("Plaintiff" or "Bryan"), on behalf of himself and all others similarly situated, and demanding a trial by jury, brings this action for the illegal practices of the Defendant Glass Mountain Capital LLC who, *inter alia*, used false, deceptive, misleading, unconscionable, and other illegal practices, in connection with their attempts to collect an alleged debt from the Plaintiff and others.

2. The Plaintiff alleges that the Defendant's collection practices violate the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 *et seq.* ("FDCPA").

3. The FDCPA regulates the behavior of collection agencies attempting to collect a debt on behalf of another. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to a number of personal bankruptcies, marital instability, loss of jobs, and invasions of individual privacy. Congress enacted the FDCPA to eliminate abusive debt collection practices by debt collectors, to ensure that those debt collectors who refrain from using abusive debt collection practices are not

competitively disadvantaged, and to promote uniform State action to protect consumers against debt collection abuses. 15 U.S.C. § 1692(a) - (e).

4. The FDCPA is a strict liability statute, which provides for actual or statutory damages upon the showing of one violation. The Second Circuit has held that whether a debt collector's conduct violates the FDCPA should be judged from the standpoint of the "least sophisticated consumer." *Clomon v. Jackson*, 988 F.2d 1314 (2d Cir. 1993).

5. To prohibit deceptive practices, the FDCPA, at 15 U.S.C. § 1692e, outlaws the use of false, deceptive, and misleading collection practices and names a non-exhaustive list of certain *per se* violations of false and deceptive collection conduct. 15 U.S.C. §§ 1692e(1)-(16). Among these *per se* violations prohibited by that section are: false representations concerning the character, amount, or legal status of any debt, 15 U.S.C. §1692e(2)(A); the threat to take any action that cannot legally be taken or that is not intended to be taken the failure by debt collectors, 15 U.S.C. § 1692e(5); and the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer, 15 U.S.C. § 1692e(10).

6. To eliminate abusive debt collection practices, the FDCPA, at 15 U.S.C. § 1692g(a) sets forth requirements for written notice to a consumer including the amount of the debt, 15 U.S.C. § 1692g(a)(1).

7. The Plaintiff, on behalf of himself and all others similarly situated, seeks statutory damages, attorney fees, costs, and all other relief, equitable or legal in nature, as deemed appropriate by this Court, pursuant to the FCDPA and all other common law or statutory regimes. The Plaintiff, on behalf of himself and all others similarly situated, requests that he and the class members be awarded statutory, common law, punitive, and/or actual damages payable by the Defendant.

## **II. PARTIES**

8. BRYAN is a natural person.

9. At all times relevant to this complaint, BRYAN resided in the Mount Sinai, New York, Suffolk County.

10. At all times relevant to this complaint, Glass Mountain Capital LLC is a Delaware Limited Liability Company. Its Registered Agent is the Corporation Service Company, 80 State Street, Albany, New York 12207-2543.

## **III. JURISDICTION & VENUE**

11. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331, 1337.

12. Declaratory relief is available pursuant to under 28 U.S.C. §§ 2201, 2202.

13. Venue is appropriate in this federal district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events giving rise to Plaintiff's claims occurred within this federal judicial district, and because the Defendant is subject to personal jurisdiction in the State of New York at the time this action is commenced.

## **IV. FACTS CONCERNING PLAINTIFF**

14. Sometime prior to April 13, 2017, Plaintiff allegedly incurred a financial obligation to Comenity Capital Bank. ("Comenity Obligation").

15. The Comenity Obligation arose out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes.

16. Defendant contends that the Comenity Obligation is in default.

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

18. Plaintiff is, at all times relevant to this lawsuit, a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

19. Plaintiff is informed and believes, and on that basis alleges, that sometime prior to April 13, 2017, the creditor of the Comenity Obligation either directly or through intermediate transactions transferred the debt to Glass Mountain Capital LLC for collection.

20. Glass Mountain Capital LLC collects, and attempts to collect, debts incurred, or alleged to have been incurred, for personal, family, or household purposes on behalf of creditors using the U.S. Mail, telephone, and Internet.

21. Glass Mountain Capital LLC is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

22. Plaintiff is informed and believes, and on that basis alleges, that sometime on or near April 13, 2017 Comenity Bank, either directly or through intermediate transactions assigned, placed, or transferred the Comenity Obligation to Glass Mountain Capital LLC for collection.

23. Glass Mountain Capital LLC collects, and attempts to collect, debts incurred, or alleged to have been incurred, for personal, family, or household purposes on behalf of creditors using the U.S. Mail, telephone, and Internet.

24. Glass Mountain Capital LLC is, at all times relevant to this complaint, a “debt collector” as defined by 15 U.S.C. § 1692a(6).

25. On or about April 13, 2017, Glass Mountain Capital LLC mailed an initial collection letter, which is dated April 13, 2017, and which Plaintiff received in the ordinary course of mail. (“4/13/2017 Letter”). A true and correct copy of the 4/13/2017 Letter is attached hereto as *Exhibit A*, except that the undersigned counsel has, in accordance with Fed. R. Civ. P. 5.2, partially redacted the financial account numbers in an effort to protect Plaintiff’s privacy.

26. The 4/13/2017 Letter was sent, or caused to be sent, by persons employed by Defendant as a “debt collector” as defined by 15 U.S.C. § 1692a(6).

27. The 4/13/2017 Letter was sent to Plaintiff in connection with the collection of a “debt” as defined by 15 U.S.C. § 1692a(5).

28. The 4/13/2017 Letter is a “communication” as defined by 15 U.S.C. § 1692a(2).

29. On information and belief, the 4/13/2017 Letter is a computer-generated form letter that is prepared by the Defendant and sent to consumers, such as Plaintiff, from whom they were attempting to collect a debt.

30. On Page One of the 4/13/2017 Letter, it states, *inter alia*, “... if you would like to make a payment, you may contact our office and speak to a representative, use the form at the bottom of this page, or visit our website at, [www.gmcpayments.com](http://www.gmcpayments.com)”

31. The Glass Mountain Capital payment portal illegally requires consumers who choose credit card payment to pay a minimum of \$25.00, when minimum credit card payments may not exceed \$10. **Exhibit B.**

32. On information and belief, the Defendant is not legally or contractually permitted to require minimum credit card payments of \$25.00 or greater. 15 U.S.C. §1693o-2.

33. Defendant’s requiring a \$25 minimum credit card payment is a materially false, deceptive, and misleading in that, minimum dollar amount for credit card purchases may not exceed \$10., in violation of 15 U.S.C. § 1692e.

34. Defendant’s requiring a \$25 minimum credit card payment constitutes a false representation and communication of credit information which is known or which should be known to be false in violation of 15 U.S.C. § 1692e(8).

35. Defendant’ requiring a \$25 minimum credit card payment constitutes a false representation and deceptive means to collect or attempt to collect any debt in violation of 15

U.S.C. § 1692e(10).

#### **V. POLICIES AND PRACTICES COMPLAINED OF**

36. It is Defendant's' policy and practice to require \$25 minimum credit card payments on its payment portal, in the form attached as *Exhibit B*, that violate the FDCPA by, *inter alia*:

- (a) Using false, deceptive, or misleading representations in connection with the collection of a debt;
- (b) Communicating to any person credit information which is known or which should be known to be false;
- (c) Using false representations and deceptive means to collect or attempt to collect any debt.

37. On information and belief, Defendant publishes its minimum \$25 credit card payment in the form attached as *Exhibit B*, to at least 50 natural persons in the State of New York.

#### **VI. CLASS ALLEGATIONS**

38. This action is brought as a class action. Plaintiff brings this action on behalf of himself and on behalf of all other persons similarly situated pursuant to Rule 23 of the Federal Rules of Civil Procedure.

39. With respect to the Plaintiff Class, this claim is brought on behalf of a class of (a) all natural persons in the State of New York (b) to whom Defendant published a \$25 minimum credit card payment in the form attached as *Exhibit B* (c) in connection with Defendant's attempt to collect a consumer debt (d) which communication violates the FDCPA (f) during a period beginning one year prior to the filing of this initial action and ending 21 days after the filing of

this Complaint.

40. The identities of all class members are readily ascertainable from the records of Defendant.

41. Excluded from the Plaintiff Class is the Defendant and all officers, members, partners, managers, directors, and employees of the Defendant and their respective immediate families, and legal counsel for all parties to this action and all members of their immediate families.

42. There are questions of law and fact common to the Plaintiff Class, which common issues predominate over any issues involving only individual class members. The principal issues are whether the Defendants' written communications, in the form attached as *Exhibit A*, violate 15 U.S.C. §§ 1692e, 1692e(8), and 1692e(10).

43. The Plaintiff's claims are typical of the class members, as all are based upon the same facts and legal theories.

44. 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 her attorneys have any interests, which might cause them not to vigorously pursue this action.

45. 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 Classes defined above are 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 Classes and those questions predominate over any questions or issues involving only individual class members. The principal issues are whether the Defendants' written communications, in the form attached as *Exhibit A*, violate 15 U.S.C. §§ 1692e, 1692e(8), and 1692e(10).

- (c) **Typicality**: The Plaintiff's claims are typical of the claims of the class members. 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 has any interests, which might cause them not to vigorously pursue the instant class action lawsuit.
- (e) **Superiority**: A class action is superior to the other available means for the fair and efficient adjudication of this controversy because individual joinder of all members would be impracticable. Class action treatment will permit a large number of similarly situated persons to prosecute their common claims in a single forum efficiently and without unnecessary duplication of effort and expense that individual actions would engender.

46. Certification of a class under Rule 23(b)(1)(A) of the Federal Rules of Civil Procedure is appropriate because adjudications with respect to individual members create a risk of inconsistent or varying adjudications which could establish incompatible standards of conduct for Defendant, which collect debts throughout the United States of America.



47. Certification of a class under Rule 23(b)(2) of the Federal Rules of Civil Procedure is also appropriate in that a determination that Defendant's payment portal, which is attached hereto as *Exhibit B*, violates 15 U.S.C. §§ 1692e, 1692e(8), and 1692e(10), is tantamount to declaratory relief and any monetary relief under the FDCPA would be merely incidental to that determination.

48. 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, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

49. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to modify the class definition and/or certify a class only as to particular issues pursuant to Fed. R. Civ. P. 23(c)(4).

**VII. FIRST CAUSE OF ACTION**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

50. Plaintiff realleges and incorporates by reference the allegations in the preceding paragraphs of this Complaint.

51. Defendant violated the FDCPA. Defendant's violations with respect to their communications, in the form attached as *Exhibit A*, include, but are not limited to, the following:

- (a) Using false, deceptive, and misleading representations or means in connection with the collection of any debt in violation of 15 U.S.C. § 1692e;
- (b) Communicating credit information which is known or which should be known to be false in violation of 15 U.S.C. § 1692e(8);
- (c) Using false representations and/or deceptive means to collect or attempt to collect

any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10);

**IX. PRAYER FOR RELIEF**

52. WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in her favor and in favor of the Plaintiff Class as follows:

**A. For the FIRST CAUSE OF ACTION:**

- (i) An order certifying that the First Cause of Action may be maintained as a class pursuant to Rule 23 of the Federal Rules of Civil Procedure and appointing BRYAN and the undersigned counsel to represent the Plaintiff Class as previously set forth and defined above.
- (ii) An award of the maximum statutory damages for BRYAN and the Plaintiff Class pursuant to 15 U.S.C. § 1692k(a)(2)(B);
- (iii) For declaratory relief pursuant to 28 U.S.C. §§ 2201, 2202 adjudging Defendant collection communications, in the form attached hereto as *Exhibit B*, violates the FDCPA;
- (iv) Attorney's fees, litigation expenses, and costs pursuant to 15 U.S.C. § 1692k(a)(3); and
- (v) For such other and further relief as may be just and proper.

**X. JURY DEMAND**

Plaintiff hereby demands that this case be tried before a Jury.

DATED: Uniondale, New York  
May 4, 2017



Abraham Kleinman, Esq. (AK-6300)  
KLEINMAN LLC  
626 RXR Plaza  
Uniondale, NY 11556-0626  
Telephone: (516) 522-2621  
Facsimile: (888) 522-1692  
E-Mail: akleinman@kleinmanllc.com

*Attorney for Plaintiff, Michael Bryan, and all  
others similarly situated*

# **EXHIBIT A**

001  
4/13/2017

**Glass Mountain Capital LLC**  
1930 Thoreau Drive, Ste. 100  
Schaumburg, IL 60173  
877-208-9952  
Hours: 8:00am-5:00pm CST/Mon-Fri

**RETURN SERVICE REQUESTED**

<b>Our Client:</b>	<b>PAYPAL CREDIT</b>
<b>Current Creditor:</b>	<b>Comenity Capital Bank</b>
<b>Original Creditor:</b>	<b>Comenity Capital Bank</b>
<b>Original Account #:</b>	<b>#####<del>7088</del></b>
<b>Glass Mountain Capital LLC Account #:</b>	<b>9181294</b>
<b>Total Balance Due:</b>	<b>\$2,271.63</b>
<b>Total Interest:</b>	<b>\$541.70</b>
<b>Total Fees:</b>	<b>\$0.00</b>
<b>Total Paid:</b>	<b>\$0.00</b>

**MICHAEL BRYAN**  
~~#####~~  
~~#####~~

Dear MICHAEL BRYAN:

Glass Mountain Capital LLC has been hired to collect on the above referenced PayPal Credit account.

Unless you notify this office within 30 days after receipt of this notice that you dispute the validity of the debt, or any portion thereof, this office will assume the debt is valid. If you notify this office in writing within 30 days after receipt of this notice that the debt, or any portion thereof, is disputed, this office will obtain verification of the debt or obtain a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this office. Upon your written request within 30 days after receipt of this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Please contact our office if you have any questions or would like to discuss this matter. Subject to your rights stated in the notices above, if you would like to make a payment, you may contact our office and speak to a representative, use the form at the bottom of this page, or visit our website at, [www.gmcpayments.com](http://www.gmcpayments.com). Please be sure to utilize your Glass Mountain Capital LLC Account Number when making a payment via the website.

Sincerely,

Edward Carfora (SVP of Operations), Glass Mountain Capital 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.  
**SEE REVERSE SIDE OR FOLLOWING PAGE(S) FOR IMPORTANT INFORMATION**  
**SEPARATE AND RETURN BOTTOM PORTION WITH YOUR PAYMENT**

Original Account Number	Glass Mountain Capital LLC Account Number	Total Balance Due	Date of Notice
<del>#####</del>	9181294	\$2,271.63	04/13/2017

Please note any change of address: \_\_\_\_\_ Please provide the following information: \_\_\_\_\_

GLASS MOUNTAIN CAPITAL LLC  
1930 Thoreau Drive, Ste. 100  
Schaumburg, IL 60173

Daytime Phone: \_\_\_\_\_  
Evening Phone: \_\_\_\_\_  
Amount Enclosed: \_\_\_\_\_

**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 <http://www.ftc.gov>.

**Colorado Residents**

FOR MORE INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.COAG.GOV/CAR](http://WWW.COAG.GOV/CAR) A Consumer has the right to request in writing that a debt collector or collection agency cease further communication with consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by the law to collect the debt.

**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.

**Minnesota Residents**

This collection agency is licensed by the Minnesota department of commerce.

**New York Residents**

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:

- (i) the use or threat of violence;
- (ii) the use of obscene or profane language; and
- (iii) 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.

**New York City Residents**

New York City Department of Consumer Affairs, License Number 1391115.

**North Carolina Residents**

North Carolina Department of Insurance Permit Number 103795.

**Tennessee Residents**

Glass Mountain Capital LLC is licensed by the Collection Service Board of the Department of Commerce and Insurance.

# **EXHIBIT B**



# GLASS MOUNTAIN CAPITAL LLC



Please make sure you provide an accurate Glass Mountain Capital LLC account number.

Credit Card    Check/Savings   

### Payment information

Amount (min. \$25.00): 15.00

Glass Mountain Capital LLC Account No.: [REDACTED]

### Credit card information

Credit Card Type: [REDACTED]

Name on the Credit Card: Michael Bryan

Credit Card Account No.: [REDACTED]

Expiration Date (MM/YY): [REDACTED]

Security Code: [REDACTED]

**3 Digits**  
Visa/Master Card

**4 Digits**  
American Express

### Billing Address

Address: [REDACTED]

City: [REDACTED]

State: [REDACTED]

ZIP: [REDACTED]

### Contact

Phone: [REDACTED]

E-mail: [REDACTED]





CIVIL COVER SHEET

IN CLERK'S OFFICE U.S. DISTRICT COURT E.D.N.Y. MAY 05 2017

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
MICHAEL BRYAN; an individual; on behalf of himself and all others similarly situated
(b) County of Residence of First Listed Plaintiff SUFFOLK
(c) Attorneys (Firm Name, Address, and Telephone Number)
KLEINMAN LLC
626 RXR PLAZA
UNIONDALE, NEW YORK 11556-0626 (516) 522-2621

DEFENDANTS
GLASS MOUNTAIN CAPITAL LLC LONG ISLAND OFFICE
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
CV 17 2727

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)
SUMMONS ISSUED

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation
PTF DEF
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Table with columns: CONTRACT, REAL PROPERTY, TORTS, 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
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 et seq.
Brief description of cause:
VIOLATION OF FEDERAL COLLECTION LAW

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 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # 22647 AMOUNT 400.00 APPLYING IFP JUDGE MAG. JUDGE

AZRACK, J. SHIELDS, M.J.

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, ABRAHAM KLEINMAN, counsel for MICHAEL BRYAN, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason **Matter Filed as a Putative Class Action.**

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Not applicable.

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? NO.
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? YES.
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES.

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? \_\_\_\_\_

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

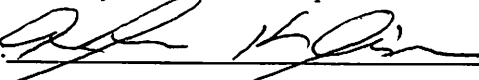
I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

- Yes
- No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

- Yes (If yes, please explain)
- No

I certify the accuracy of all information provided above.

Signature: 

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [NY Man Claims Glass Mountain Requires Illegal Minimum Payment](#)

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